

**Resource Plan *for***  
**Plum Creek's Gateway Lands**  
*in the Moosehead Lake Region*



**Plum Creek**

Proposed Resource Plan *for*  
Plum Creek's Gateway Lands  
*in the* Moosehead Lake Region

**Instructions for viewing the PDF version:**

The Resource Plan contains six volumes, including seven parts and twelve appendices, over 500 pages and several high-resolution maps.

To easily navigate between the different parts, use the bookmarks tab in your PDF viewer. Make sure your bookmarks tab is open, and click on the various links to jump from part to part.

Of course, you can also use the scroll bar or “page-up” and “page-down” keys to manually scroll through the plan as well.

**Date: April 15, 2005**

*(This version supercedes any previous version.*

*Minor corrections have been made to the plan summary section.)*

# Resource Plan *for* Plum Creek's Gateway Lands *in the* Moosehead Lake Region

## **A Note About Concept Plans and the Resource Plan Protection Subdistrict**

This Plan seeks to rezone the Plan Area from its existing management and protection subdistricts to the Resource Plan Protection (P-RP) subdistrict. The purpose of the P-RP subdistrict is to provide for the more efficient and effective management of multiple protection and management subdistricts than can be realized through the use of other subdistricts and their related standards.

“Concept Plans,” as outlined in the Comprehensive Land Use Plan, are a type of resource plan, and are included under the purpose of the P-RP subdistrict. Concept Plans are landowner-created, long-range plans for the development and conservation of a large area. The plans are a clarification of long-term landowner intent that indicate, in a general way, the areas where development is to be focused, the relative density of proposed development, and the means by which significant natural and recreational resources are to be protected. The Maine Land Use Regulation Commission established the "concept plan" process as a flexible alternative to traditional subdivision and development regulation, designed to accomplish both public and private objectives. Concept plans are initiated by a landowner and must be approved by the Commission.

*This Plan is submitted to the Commission as a “Concept Plan” under the applicable provisions of the Commission’s Rules and Standards, and all references in this document to “Resource Plan” are intended to refer to the concept plan subset of resource plans. (The above clarification is in response to a request from LURC staff.)*

This application was submitted to the Maine Land Use Regulation Commission on April 5, 2005.

The complete application includes:

- Volume 1: Plan Summary
- Volume 2: Plan Inventory
- Volume 3: Plan Description
- Volume 4: Regulatory Compliance
- Volume 5: Plan Implementation
- Volume 6: Appendices

Date: April 15, 2005

Note: This version of the Plan Summary supercedes any previous version.



**Plum Creek**

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## Separate Volumes:

**I Plan Summary**

**II Inventory**

**III Plan Description**

**IV Regulatory Compliance**

**V Plan Implementation**

**VI Appendices**

Volume I  
Plan Summary



Resource Plan *for*  
Plum Creek's Gateway Lands  
*in the* Moosehead Lake Region



Plum Creek



View of Greenville from the south



## *Resource Plan Summary*

This Resource Plan covers all of Plum Creek's lands in the greater Moosehead Lake area. The 426,000 acres that make up the Resource Plan Area lie in one of the most dynamic and valuable parts of Maine's north woods. Adjacent to the population centers of Greenville and Jackman, with a viable workforce, services, lodging for tourists and recreational visitors, major transportation routes, and Maine's only east-west rail link, the region is vital to Maine's tourism, recreation, and forest products industries. The region is also beautiful and an important part of Maine's natural heritage; it is a place rich in history, culture, wildlife, botanical resources, and unique geologic features, with a wealth of pristine ponds and waterways.

In an area of this size – a landscape with varied natural and human values – comprehensive planning is an effective way to recognize and balance the multitude of potentially conflicting interests. All of the area's assets are important to the people of Maine and the economic vitality of the state; but without careful planning, inappropriate uses will inevitably result, and the value of the region as a whole could be compromised. That is why the Plum Creek Resource Plan presents such a unique opportunity to the local communities and the state of Maine: the Resource Plan lays out a careful, predictable approach to balancing and sustaining all of these values for posterity. The Plan guides recreation, development, and conservation to their appropriate locations, limits the amount of growth, and defines parameters for land uses.

### **Smart Planning Principles**

Plum Creek's Resource Plan was crafted based on sound, time-tested planning principles. Although no plan like it has ever before been proposed for such a large area in the Maine Woods, decades of planning wisdom and expertise has gone into its creation. Plum Creek's vision draws on the successes and lessons learned from resource, concept, and prospective zoning plans that have been approved in the past, and it is based on planning principles that LURC has championed.

Throughout the planning process, Plum Creek has been keenly aware that, as the owner of the vast majority of the land in the Moosehead Lake region, it has a unique opportunity to benefit not only its shareholders, but the local residents and the people of Maine in general. The Plum Creek Resource Plan is about predictability: for Plum Creek, for the greater Moosehead Lake region, for the Maine Land Use Regulation Commission, and for the people of Maine. It lays out a clear and reliable vision for the future of the region, defining a pattern of land use that provides the assurance that the unique natural and recreational character of the Moosehead region will be conserved. It offers Plum Creek control and foresight over where and how development will occur on the land it owns, while providing a stable regulatory framework that designates specific areas for forest management, conservation, nature-based tourism facilities, recreation, and certain economic development activities, including recreational/residential lot development.

Without a plan in place that considers all of the region's values and directs development accordingly, the development that would inevitably occur would probably follow the path of least regulatory resistance. Given the history of development in this and other areas of the

unorganized territory, this would mean a high rate of subdivision and residential growth that would spread along existing roads and available waterfront. Rather than creating “kingdom lots” and furthering the unplanned growth that occurs through the “2 in 5” rule (allowing lots to be split every five years), this Plan puts clear controls in place to ensure that limited, appropriate development occurs in appropriate areas.

### Economic Vitality

Plum Creek’s Resource Plan creates the foundation for thriving, sustainable communities in Greenville, Jackman, and Rockwood. Public officials like Greenville Town Manager John Simko have spelled out the challenges that face these communities today: an aging population; a decline in the workforce population discouraging potential

employers from locating here; empty hospital beds and declining school enrollments threatening to close or down-size the town’s most important institutions; declining infrastructure and a shrinking tax base.

The region was once widely known for its tourist facilities. People came by train from as far as Pennsylvania and New York to enjoy the natural beauty of the lakes and surrounding woodlands. Multiple hotels, resorts, boarding houses, and sporting camps dotted the shores of Moosehead Lake in the early 1900’s. There was entertainment and recreation to suit every taste and budget: the various facilities offered everything from formal dances to hunting, to sightseeing. Unfortunately, the Depression, World War II, and the decline of passenger rail led to the decline of the tourism industry.

To thrive in the years ahead, the region’s contiguous forests tracts and unspoiled lakes and rivers must be managed carefully to revitalize the local economy through nature-based tourism, recreation, and the forest products industry. The only effective way to accomplish this is to plan carefully and target specific uses to specific areas. To augment one public benefit at the expense of another will diminish the region’s vitality and ability to sustain its unique character. A comprehensive resource plan such as the one Plum Creek is proposing is the ideal planning mechanism.



Tourist guide map from early 1900's



Capen's Hotel, Sugar Island, Moosehead, Circa 1920

## Responding to the Governor's Maine Woods Legacy Initiative

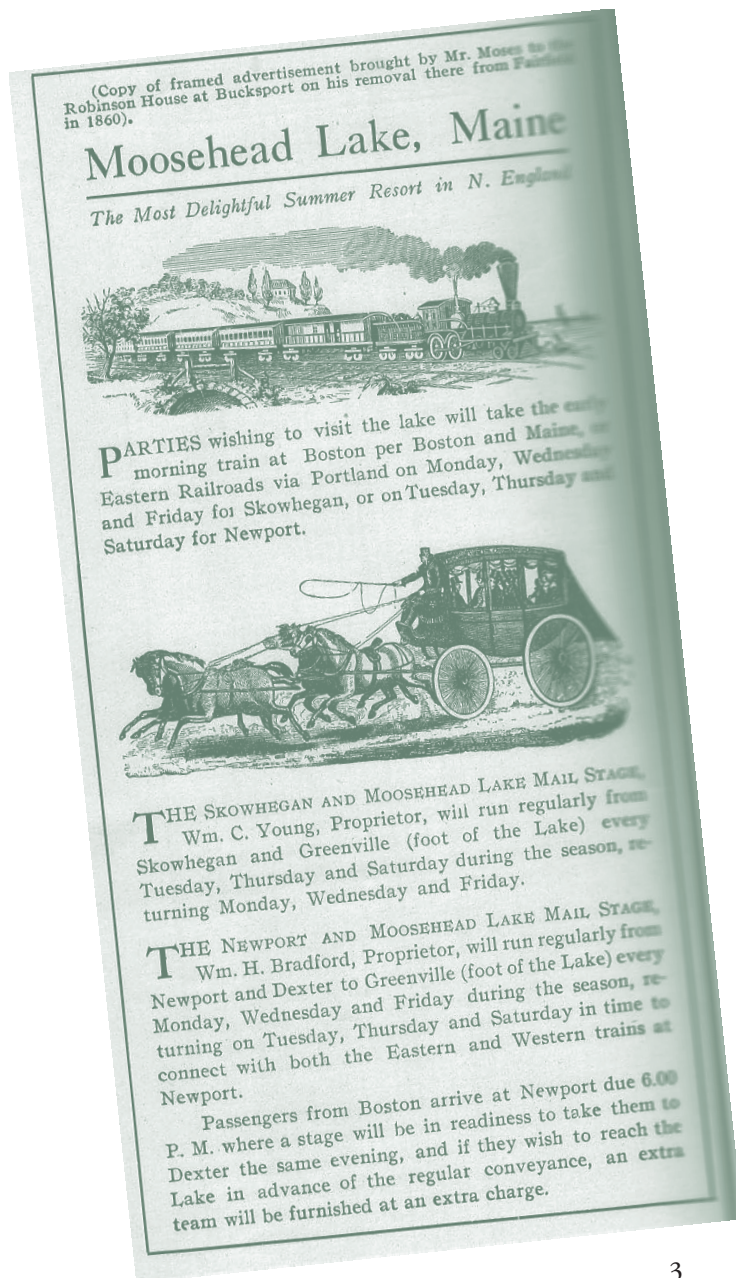
In his Maine Woods Legacy initiative, Governor Baldacci called for:

- Supporting diverse economic opportunities for Maine people and leaving an unparalleled legacy to the next generation.
- Strengthening the connection between economic health and conservation in the Maine Woods.
- Support for, and expansion of, the manufacturing base in the forest products industry.
- New efforts to ensure a continuous supply of wood fiber to the market.
- Promotion of, and access to, Maine's woods and waters as an unparalleled place for a full range of recreation opportunities, appropriately located.

Through the Resource Plan for Plum Creek's North Woods Gateway Lands, Plum Creek is responding to Governor Baldacci's call for action. Plum Creek's Resource Plan offers:

- A positive vision of the Moosehead Lake region's future.
- Permanent conservation of the valued resources.
- Predictable, limited development.
- Long-term preservation of 382,000 acres of working forest.
- Economic and housing opportunities on some of the only land available for such development.
- Permanent public access to existing and new trail corridors.
- A known, predictable future that benefits all.

This Resource Plan seeks to realize two complementary goals consistent with the Governor's Maine Woods Legacy: development to support the needs of the community and local economy; and conservation to preserve the unspoiled natural condition of this distinct region. Without a plan in place, neither of these two visions can be fully realized in the greater Moosehead Lake region. With no long-term or permanent protection for the most valued natural resources, the recreation, tourism, and forest products economies would eventually suffer. New development arising haphazardly in the wrong places will compromise conservation objectives and the working forest. Unplanned development runs the risk of limiting the region's potential to bring jobs and new sources of income through recreation, nature-based tourism and the timber industry. Plum Creek is confident that, through smart planning, the Moosehead region can have the best of both worlds.







View of First Roach Pond from Kokadjo



## Public Input

In preparing a Plan vision for this area, Plum Creek has conferred with 31 different entities to get a broad perspective of what people would like to see happen in the Moosehead region in the years ahead. These groups include State agencies, the Town of Greenville, economic development groups, local residents, stakeholder groups, and the conservation community. Plum Creek has also participated in many meetings with LURC staff and held informational meetings in Beaver Cove, the Town of Greenville, and with the Piscataquis and Somerset County Commissioners. The input from these meetings is reflected in numerous adjustments to the Plan. Plum Creek continues to solicit public input, and takes that input very seriously. While the land belongs to Plum Creek, it is a resource from which everyone in the region benefits.

## Plum Creek's History of Planning in Maine

Plum Creek first came to Maine with the purchase of 905,000 acres in 1998. The following year, Plum Creek sold 29 miles of shoreland on Moosehead Lake and another 36 miles along the Kennebec River and environs to the State.

In 2002, LURC approved Plum Creek's first plan – a lake concept plan for First Roach Pond. Late in 2004, Plum Creek purchased an additional 48,500 acres in the Moosehead Lake area to complement its working forest and the recreational benefits of this Plan. Plum Creek continues to collaborate with the State to protect the portions of its lands that are of the highest priority to the State.

The 426,000-acre Plan Area covers most of 29 townships and plantations. This area has long been identified by LURC, in successive Comprehensive Plans, as being appropriate for prospective zoning (as was the Rangeley Lakes region before such zoning was implemented there). Prospective zoning, like a resource plan, identifies areas appropriate for specific types of development. However, this Plan sets a “cap” on all development that, unlike traditional zoning schemes, cannot be exceeded for the 30-

year life of the Plan. Thus, this Resource Plan will establish comprehensive zoning for Plum Creek's land in the Moosehead Lake region, and it will have the additional benefit of capping development at explicit levels.

## Duration of the Plan

The Resource Plan applies to, and regulates, all land use within the 426,000-acre Plan Area for a period of 30 years, from the date of approval by LURC. At the end of the initial thirty-year term of the Plan, the Plan will *automatically* renew for successive twenty-year periods unless LURC and/or Plum Creek elect to request a public hearing on the Plan. Within 90 days after the close of the public hearing, the Commission shall decide, *in its sole discretion*, whether to renew the Plan as it is, renew the Plan with modifications, or terminate the Plan. Conservation and trail easements associated with the Plan apply in perpetuity; this includes conservation easements on the shoreland of 55 pristine ponds, and approximately 70% of the shoreland of any developed ponds, except Moosehead Lake. In total, 86% (180 miles) of all the shoreland in the Plan will be conserved forever through conservation easements. The Working Forest Area, comprising over 89% of the Plan Area, will be off-limits to residential development.

## Area of Resource Plan

The Plan Area is shown on page 5. This area stretches, on the west, from Long Pond east of Jackman, to Shawtown, east of Kokadjo and Greenville. Its northern extent is the north end of Moosehead Lake in Big W Township, and its southern extent is the Appalachian Trail near Elliotsville.

The major landmarks are the lakes, ponds, rivers, and mountains within the ownership. The land encompasses 69 lakes and ponds, the largest being Moosehead Lake, Brassua Lake, Long Pond, and Indian Pond. All four of these have existing camps on them, ranging in number from 34 on Indian Pond to hundreds on Moosehead Lake. There are 55 pristine ponds, four of which also have at least one existing leased camp on them. The highest

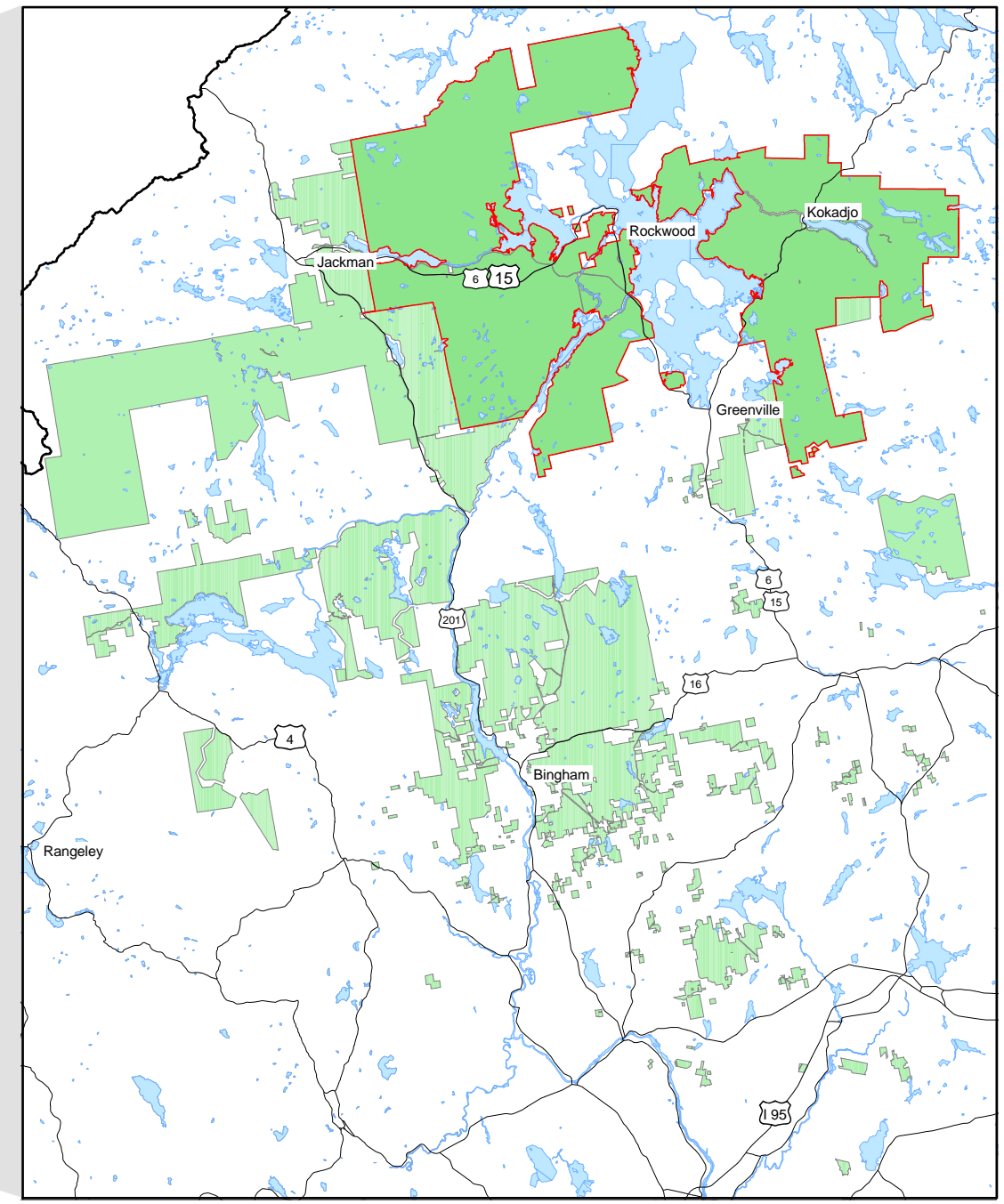
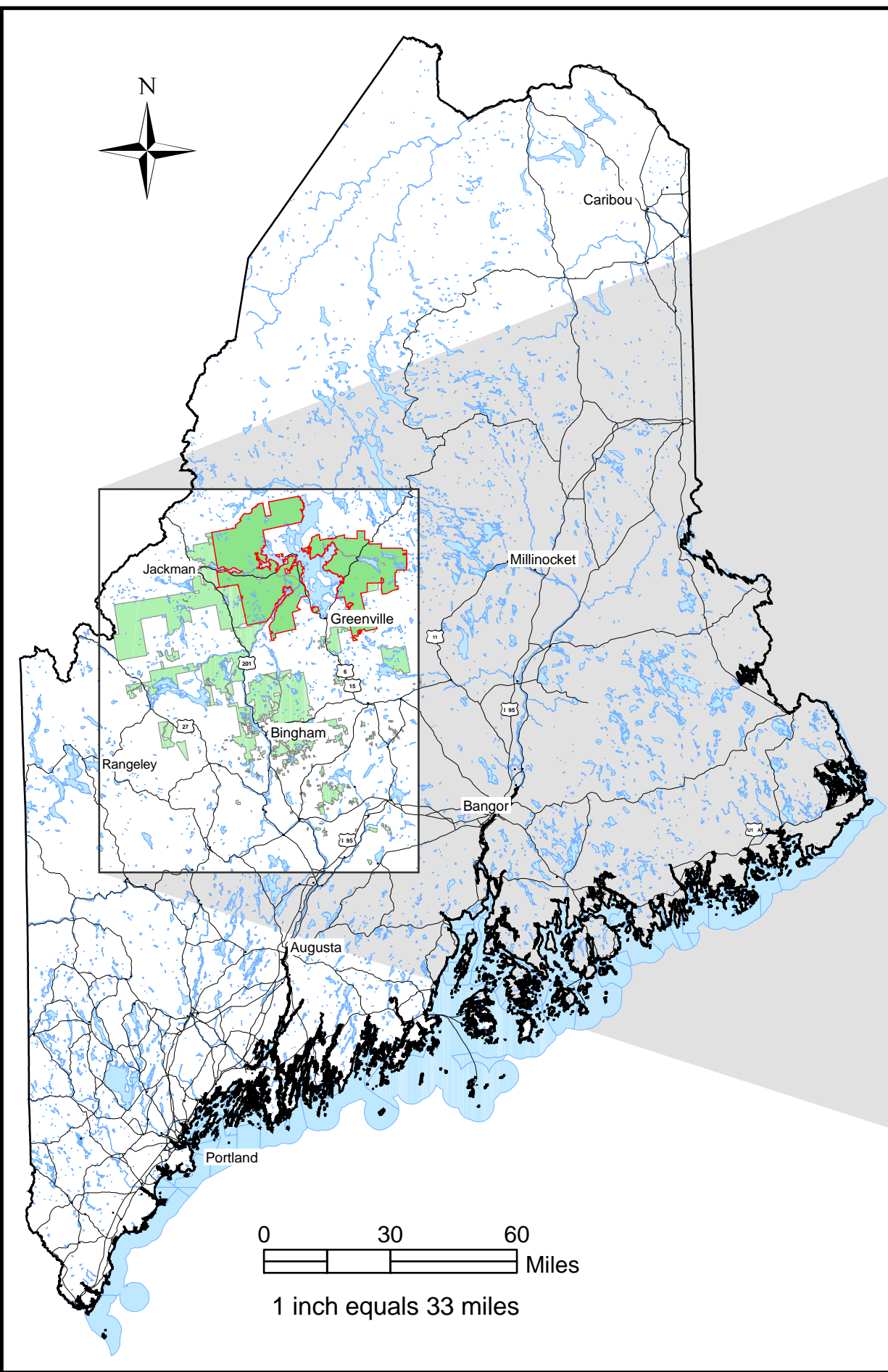
**Resource Plan Location**

**RESOURCE PLAN  
for  
PLUM CREEK'S  
GATEWAY LANDS  
in the  
MOOSEHEAD LAKE REGION**

**Consultants:**  
 Kent Associates  
 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
 S.W. Cole Engineering, Inc.  
 Perkins, Thompson, Hinckley & Keddy PA  
 Verrill Dana LLP

**Legend**

- Plum Creek Ownership Subject to Resource Plan
- Other Plum Creek Ownership
- Rivers - Lakes - Ponds
- Major Road



"Resource Plan" area, shown outlined in red, contains approximately 426,000 acres

mountain peaks are Baker, Number Four, Elephant, and Shaw Mountains. The predominant rivers are the Kennebec, Moose and Roach. The Kennebec flows from Moosehead Lake southwesterly, and the Moose River flows through Long Pond, easterly to Moosehead, by way of Rockwood. The Roach River runs from the Roach ponds northwest to Moosehead Lake, draining into Spencer Bay.

Jackman abuts the Plan Area on the northwest side, while Greenville is adjacent to its south-central border. Beaver Cove and Rockwood are two smaller settlements on the shore of Moosehead Lake that are also immediately adjacent to the Plan Area. The Resource Plan Area contains about 208 miles of shoreland and is traversed by two state roads: 28 miles of Route 6/15 and 14 miles of the Lily Bay Road. Route 201 comes within 3 miles of the Plan Area's southwest corner before it veers northwest toward Jackman. Railroad tracks also cross the Plan Area, running from Greenville to Jackman along the shores of Moosehead and Brassua Lakes, the Moose River, and Long Pond.

### Jurisdiction

The entire Resource Plan falls within LURC's jurisdiction. As such, it is subject to the agency's regulatory provisions adopted pursuant to 12 M.R.S.A. Section 681 et. seq.

### History of Development

The region has developed over the last 170 years. Initially, settlers and loggers built settlements on the rivers and lakes, principally at Jackman, Rockwood, and Greenville. With the advent of rail, these towns prospered and grew. For almost a century, from the 1850s to World War II, resorts around Moosehead drew visitors from far and wide. They came by rail, boat, and carriage to fish, hunt, canoe, and escape their urban lifestyles. Over the years, the area boasted dozens of tourist facilities in Greenville, Lily Bay, Rockwood, Kineo and elsewhere. The types of facilities ran the gamut from sporting camps to posh hotels with yacht clubs and formal dining rooms. However, once the major roads were built and cars became commonplace, the resorts lost their allure and the market for leased lots and shoreland lots and cabins began to grow, and has continued to this day.

Research conducted in 1993 by Maine Audubon Society, Audubon Society of New Hampshire, and the Appalachian Mountain Club shows that the Moosehead region has seen some of the highest amount of overall development and the highest amount of shoreland development in the northern forest lands of Vermont, New Hampshire and Maine. This research is summarized on the following maps.

Today's residential and camp lot development is, in part, the product of the numerous subdivisions that have occurred on the shores of the major lakes and ponds, close to the Lily Bay Road and Route 6/15, and north of Rockwood along the western and Northeast Carry shores of Moosehead Lake. Beaver Cove, Lily Bay, and First Roach Pond have also seen substantial shoreland development over the past 50 years. The Moosehead region has seen substantial "40-acre plus subdivisions," particularly in the Tomhegan/Rockwood area, and in Moxie Gore.

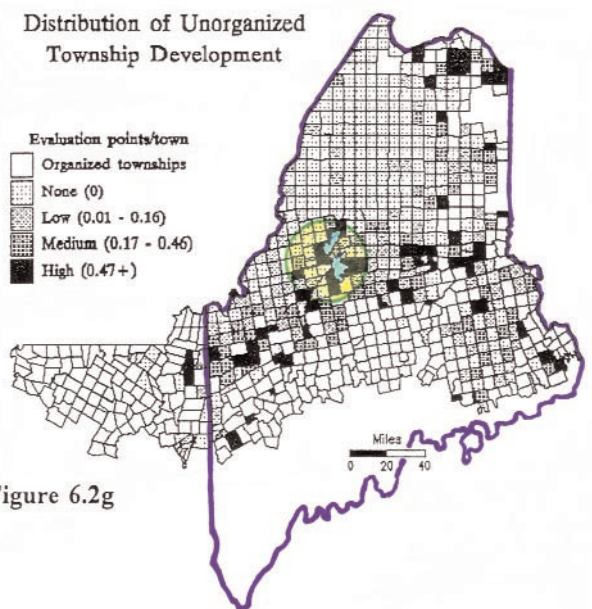


Figure 6.2g

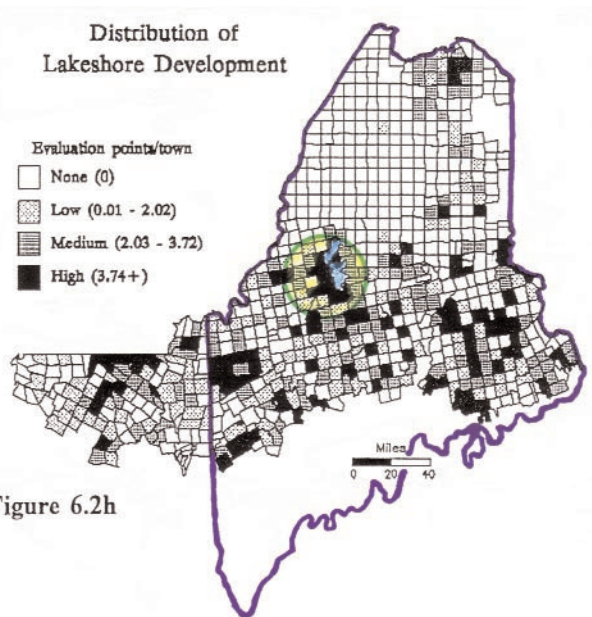
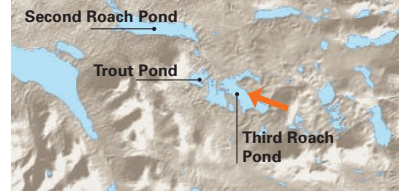


Figure 6.2h

Source: An Inventory and Ranking of the Key Resources of the Northern Forest Lands of Vermont, New Hampshire and Maine, Appalachian Mountain Club, Audubon Society of New Hampshire, and Maine Audubon Society, September 1993; p. 85.



View from Third Roach Pond



### Existing Development

The existing development in the area is listed below. The figures are taken from the Maine Tax Assessor’s Office records, and reflect all the structures that are assessed at \$1,000 or more in each of the 29 MCDs where the Plan Area is located.

In addition to the development within the Plan Area, the main concentrations of development are Jackman (population 1,057) and Greenville (population 1,419), with a combined total of 3,606 housing units. Both communities have year-round residences, schools, small medical facilities, motels, bed & breakfasts, and an array of

commercial establishments that support the local and seasonal populations. Outside of Greenville, in Big Moose Township, is the Squaw Mountain ski area. Moosehead Junction, Tomhegan, and Harford’s Point also have substantial development, with an additional 458 structures and some condominiums.

LURC recently rezoned about 300 acres of Plum Creek land off Route 6/15, to allow for a possible lumber mill site. Greenville is also home to a wood-powered energy facility and log home manufacturer. All together, there are 5,527 structures and 2 condominium developments within or immediately adjacent to the Plan Area.

Table 1: Existing Development

Township	Total Acres	Shorefront Dwellings	Water Body	Backland Dwellings	Total Dwellings
Big W Twp.	11,647	50	Moosehead Lake	0	50
Brassua Twp.	26,784	1	Brassua Lake	0	1
Bowdoin College East	28,370	0		3	3
Days Academy Grant	15,965	14	Moosehead Lake	0	14
Frenchtown Twp.	23,726	130	First Roach Pond	0	130
West Middlesex Canal Grant	24,203	0	0	0	
Long Pond Twp.	25,388	36	Long Pond	53	89
Rockwood Strip East	5,800	65	Moosehead Lake	209	361
		87	Moose River	0	
Rockwood Strip West	6,093	1	Demo Pond	0	1
Sandbar Tract	954	25	Moosehead Lake	0	25
Sandwich Academy Grant	16,379	1	Brassua Lake	0	1
Soldiertown Twp.	30,217	1	Center Pond	2	3
		35	Moosehead Lake	17	
Taunton & Raynham Academy Grant	15,748	56	Brassua Lake	0	120
		12	Kennebec River	0	
		1	Luther Pond	0	
Thorndike Twp.	23,046	1	Fish Pond	0	2

**Table 1: Existing Development** *(continued)*

Township	Total Acres	Shorefront Dwellings	Water Body	Backland Dwellings	Total Dwellings
Chase Stream Twp.	25,337	17	Indian Pond	6	26
		2	Ellis Pond	0	
		1	Horseshoe Pond	0	
Lily Bay Twp.	22,542	136	Moosehead Lake	0	136
Misery Township	24,628			0	0
Indian Stream Twp.	11,647	9	Indian Pond	2	11
Sapling Twp.	19,764	21	Moosehead Lake	8	30
		1	Indian Pond	0	
Squaretown Twp.	24,670	1	Knight Pond	2	3
Big Moose Twp.	21,481	17	Moosehead Lake	13	31
		1	Indian Pond	0	
Beaver Cove	20,100	106	Moosehead Lake	107	217
		3	Prong Pond	0	
		1	Mud Pond	0	
Bowdoin College West	28,199	16	Upper Wilson	7	23
Elliotsville	43,518	43	Lake Onawa	82	159
		24	Big Greenwood Pond	0	
		9	Wilson Stream	0	
		1	Little Greenwood	0	
Spencer Bay Twp.	28,171	6	Moosehead Lake	0	6
Smithtown Twp.	22,539	0	2	2	
		3	3rd Roach Pond	1	
Shawtown	26,807	1	1st West Branch Pond	0	9
		4	3rd West Branch Pond	0	
T1 R12 WELS	23,196	7	Penobscot Pond	2	10
		1	2nd Roach Pond	0	
<i>Totals</i>	<i>596,919</i>	<i>947</i>		<i>516</i>	<i>1,463</i>

Source: Maine Tax Assessor's Records for 2004.



View of Upper Wilson Pond and mountains beyond



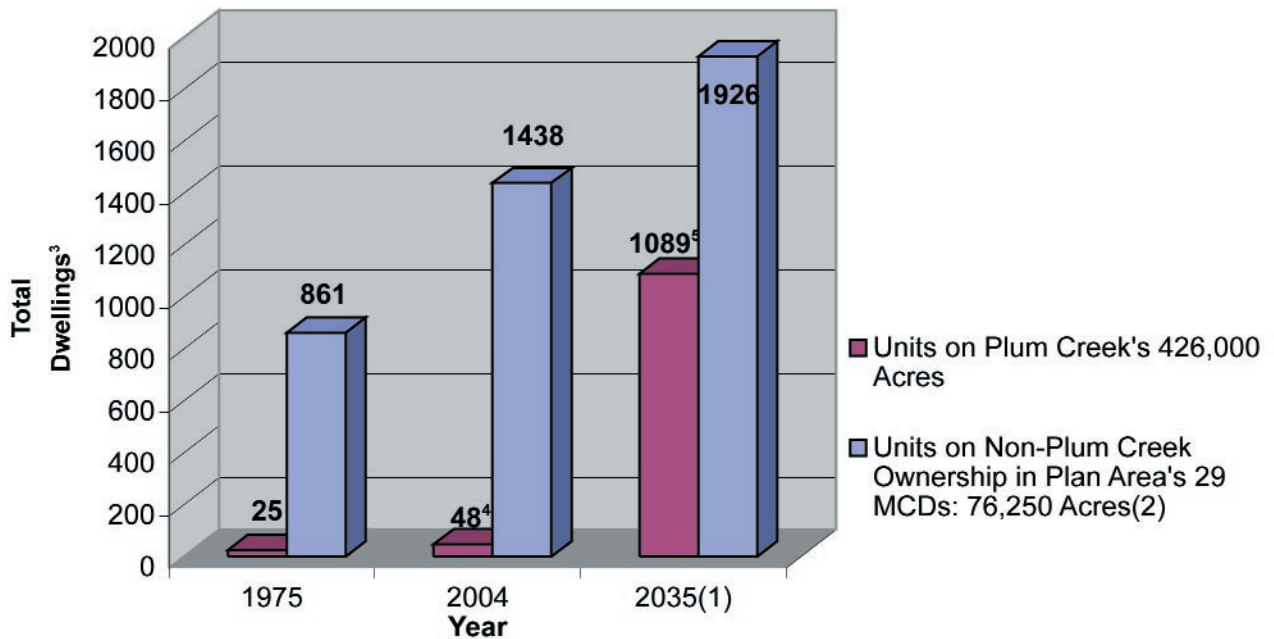
### Development Trends

An examination of building permits issued in the greater Moosehead region, as well as an analysis of the number of lots created in this same area, over 30- and 20-year periods respectively, shows how much growth has occurred (see the following two maps). LURC's records show that approximately 1,125 new dwelling permits were issued in the Moosehead region between 1975 and 2004. During the last 20 years in the same area, 1,553 new lots were created and recorded. This growth has occurred despite Plum Creek and the land's previous owners having

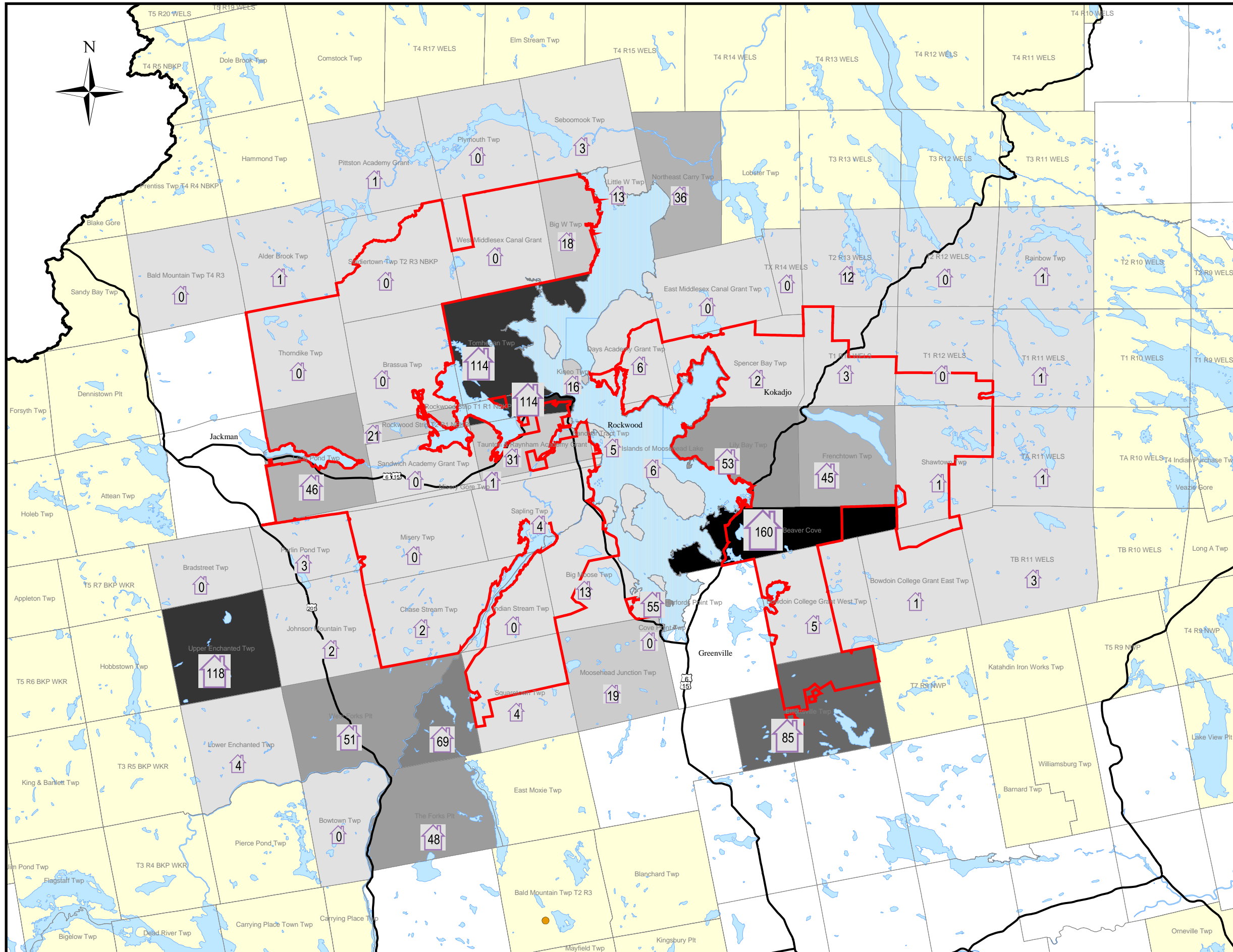
voluntarily kept this large land holding undeveloped (with the single exception of the recently-approved First Roach concept plan area).

Even when this Plan is fully implemented, the amount of development in the Plan Area will only be 57% of the development on others' land in the same 29 MCDs. This is assuming that the rate of development over the next 30 years outside the Plan Area will be the same as over the past 30 years (see graph below).

### Development Over Time: Plan Area vs. Other's Land



(1) 2035 figure for non-Plum Creek land assumes the same number of new dwellings will be approved in the next 30 years as have been approved in the last 30 years.  
 (2) Acreage excludes land owned by the State and conservation interests.  
 (3) "Dwellings" includes both existing and projected new dwellings.  
 (4) Includes 23 dwellings built on First Roach Plan lots.  
 (5) Includes all 89 First Roach Plan lots, assuming they are built on.



## Building Permits

**RESOURCE PLAN  
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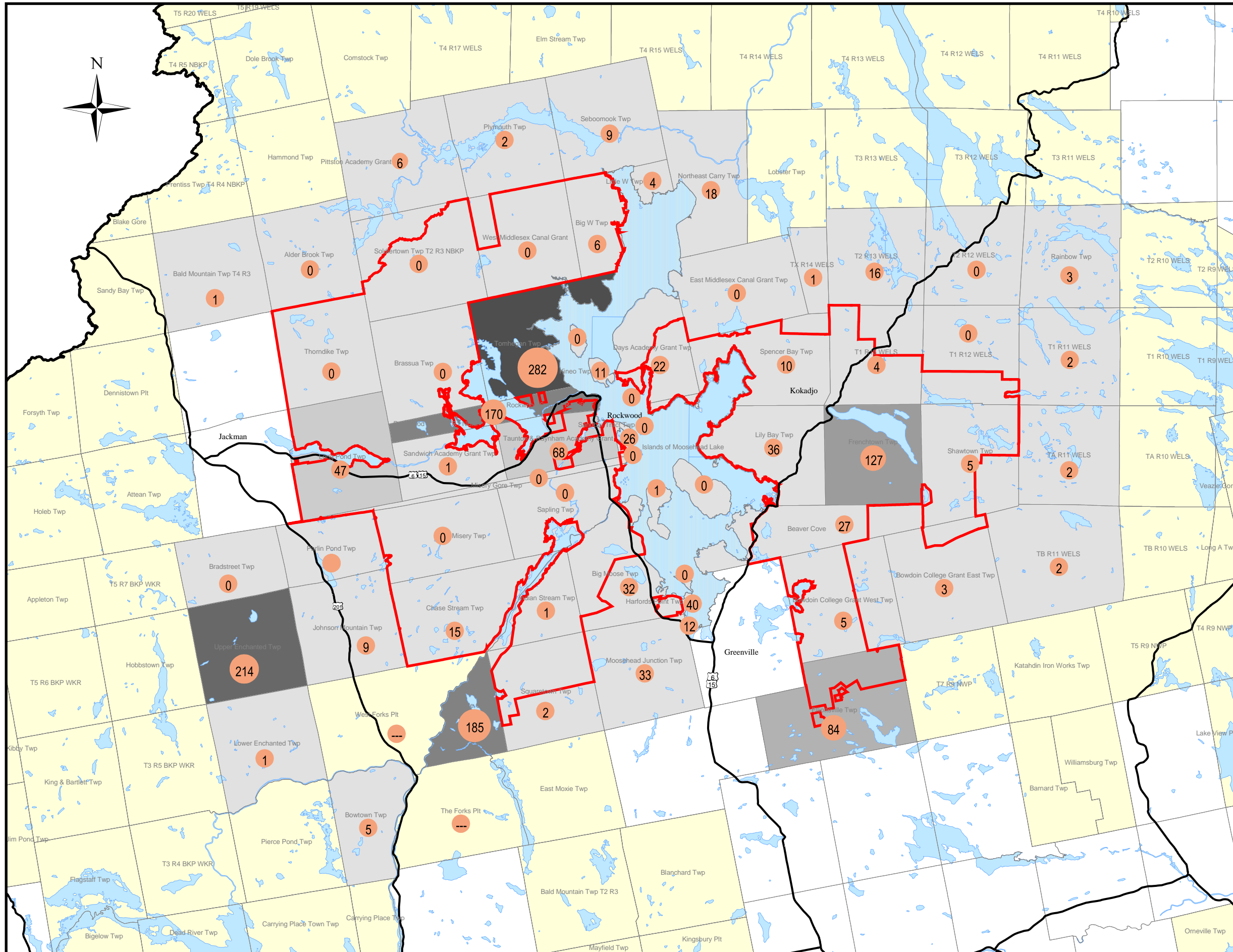
**Consultants:**  
 Kent Associates  
 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
 S.W. Cole Engineering, Inc.  
 Perkins, Thompson, Hinckley & Keddy PA  
 Verrill Dana LLP

**Legend**

- Plum Creek Land Subject to Resource Plan
- Other Land in LURC Jurisdiction
- Rivers - Lakes - Ponds
- Major Road
- 85 Total number of New Residences per Location between 1972 and Sept. 2004

0                      6                      12  
 Miles

1 inch equals 6 miles



**Lots Created**

**RESOURCE PLAN  
for  
PLUM CREEK'S  
GATEWAY LANDS  
in the  
MOOSEHEAD LAKE REGION**

**Consultants:**  
 Kent Associates  
 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
 S.W. Cole Engineering, Inc.  
 Perkins, Thompson, Hinckley & Keddy PA  
 Verrill Dana LLP

**Legend**

- Plum Creek Land Subject to Resource Plan
- Other Land in LURC Jurisdiction
- Rivers - Lakes - Ponds
- Major Road
- 85 Total number of New Lots per Location between 1985 and Sept. 2004

Note: No data is available for West Forks Plt nor The Forks Plt

0                      6                      12  
 Miles

1 inch equals 6 miles





View of Moosehead Lake from Big W



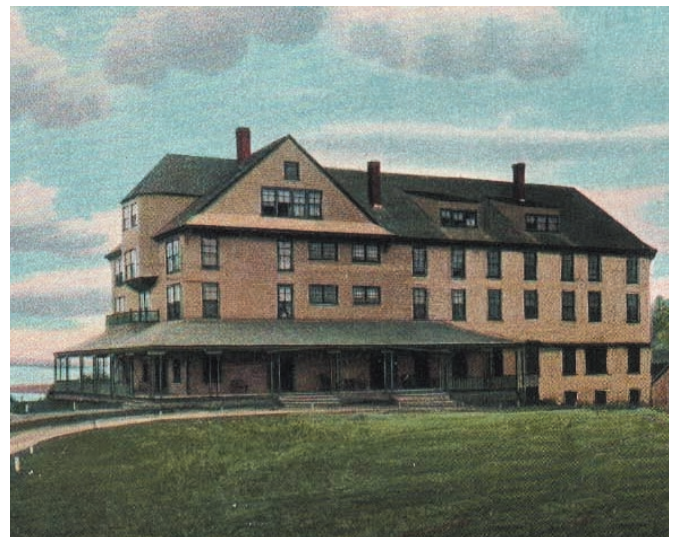
### **How the Plan Fits with LURC's Comprehensive Plan**

Moosehead Lake is the geographic center of a region which has attracted, and continues to attract, relatively high levels of development. Unlike areas north of the planning area that are essentially undeveloped, and areas beyond the southern fringe of LURC's jurisdiction that are experiencing increasing development, Plum Creek's Gateway lands contain large, unfragmented, managed forests, multiple lakes and ponds, and areas adjacent to development in or near Jackman, Rockwood, Greenville, Beaver Cove, and Kokadjo.

LURC's Comprehensive Land Use Plan (CLUP) refers to the growth pressure in areas with high resource values (such as the Moosehead Lake area) and suggests a need for planned growth.

**“The location of most development in fringe areas is a favorable trend from the standpoint of protecting the values of interior areas. But much of this development occurred in fringe areas with high natural resources values, and impacts on these values need to be considered as well. The Rangeley Lakes and Moosehead Lake regions received considerable development during the 1971-91 period, and will likely continue to be the principal growth areas in the jurisdiction. While well-planned growth is appropriate in these areas, a haphazard growth pattern has the potential to degrade the attractiveness of these areas as recreational centers, and ultimately their tourist-based economies.”<sup>1</sup>**

Because this Plan covers the Moosehead region, it responds positively to the need for planned growth in high growth/high resource value areas. Plum Creek's proposed Plan is, in fact, a proposal for responsible prospective zoning on its ownership in a Commission-identified priority area.



Moosehead Inn, Greenville Junction, *photo/illustration, Circa 1900*

[1] Department of Conservation, Maine Land Use Regulation Commission; Comprehensive Land Use Plan for Areas Within the Jurisdiction of the Maine Land Use Regulation Commission; 1997; p. 119.



**View of Brassua Lake with Moosehead Lake in the background**



***How Plum Creek’s Resource Plan Responds to Growth Factors cited in LURC’s Comprehensive Land Use Plan***

The CLUP states that it is one of LURC’s primary goals to guide new development to areas deemed appropriate for development. The proposed Plan is designed to help fulfill this goal. The CLUP identifies five factors to consider in determining locations appropriate for development. These five factors have guided the formulation of the Plan, as Table 2 demonstrates.

**Table 2: Plan Response to CLUP Growth Factors**

<i>CLUP Growth Factors</i>	<i>How the Proposed Plan Responds</i>
<b>1. Proximity to organized towns and centers of population</b>	81% of the proposed lots lie within an eight mile radius of Jackman, Rockwood, Greenville, and Kokdjo, some of the region's most developed centers.
<b>2. Natural resource compatibility</b>	Plum Creek has undertaken preliminary on-site field work, soils mapping, and viewed existing zoning maps and aerial photography to determine where best to locate new development and avoid conflicts with existing resources, especially wetlands and poor soils.
<b>3. Demonstrated demand for development</b>	The public’s demand for lots in the Moosehead area has been and remains high. There is an undersupply of land for sale according to local Realtors.
<b>4. Access to major routes</b>	Two major access routes serve Plum Creek’s land. About 74% of all proposed development is within a 3-mile corridor on each side of Route 6/15 and the Lily Bay Road. Development beyond these relatively narrow corridors is only proposed on already developed lakes, accessed by existing woods roads. All new roads will be privately owned and maintained.
<b>5. Availability to infrastructure</b>	About 74% of proposed development is within 3 miles of electrical power lines; the remainder will require either extension of lines or off-the-grid power. Solid waste disposal would be handled at five existing facilities at Caratunk, Lily Bay, Greenville, Rockwood, and Jackman.

## Consistency with the Wildlands Lakes Assessment

Beyond the above-mentioned growth factors, LURC rates lakes by management class, according to their suitability for development. LURC's Comprehensive Land Use Plan identifies six specific lake classifications based on its Wildlands Lakes Assessment (see table 3). Lakes not listed in one of these categories are considered to be Management Class 7. The Commission generally supports responsible development on Management Class 3 and 4 lakes, and evaluates development proposals on Class 5 and Class 7 lakes on a case-by-case basis. Remote lakes are classified Class 6, and LURC highly restricts development activities on these lakes and ponds.

No development is proposed on any Class 6 lake in the Plan Area. The Plan contemplates the conveyance of permanent conservation easements to a qualified organization on all eight<sup>2</sup> Class 6 lakes and ponds to ensure that they remain undeveloped and accessible to the public forever. This Plan proposes shorefront lot development on three Class 3 lakes (Long Pond, Brassua Lake, and Indian Pond), one Class 4 lake (Upper Wilson Pond), and eleven<sup>3</sup> Class 7 lakes. This is entirely consistent with LURC's Comprehensive Plan.

Moosehead Lake is a special case, however. As Maine's largest lake, Moosehead is listed as Management Class 7, but, according to the CLUP, could be designated as a Class 3 lake. A substantial amount of shoreline on Moosehead has already been conserved through Plum Creek's sale of much of its east shoreline to the State. The proposed Plan concentrates and clusters development on Moosehead's west shore, primarily south of Rockwood, with a few lots on the east shore. About 58% (about six miles) of Plum Creek's Moosehead shoreland, is to be placed in conservation.

Finally, on other Class 7 lakes with existing camp lot development, Plum Creek proposes limited additional development. Under this Plan, 47 out of 58 Class 7 lakes within the Plan Area will never be developed, and will be conserved through permanent easements.

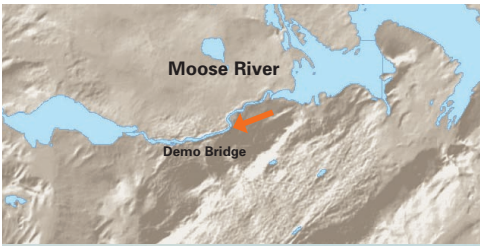
All together, Plum Creek proposes considerably less development on the lakes in this planning area than could be permitted under LURC's "buildout" criteria, which constrains new shorefront development to 1 lot per 400 feet of frontage or 10 acres of lake surface area, whichever is less. Based on those limits and other LURC guidelines, but not factoring in such things as site constraints, the shoreland "buildout" alone could be in excess of 1,000 lots.

### Table 3: LURC's Lake Classification System

Management Class	Suitability for Development
<b>Class 1</b>	High value, least accessible, undeveloped lakes; no development within $\frac{1}{2}$ mile of shore.
<b>Class 2</b>	High value, accessible, undeveloped lakes; development restricted to 1 unit per mile of shoreline. This restriction can be waived if development is proposed in a concept plan that protects the lake's special values.
<b>Class 3</b>	Those lakes considered by the Commission to be potentially suitable for development. Adjacency criterion waived for shoreland development if there are no existing or potential water quality problems and there are suitable soils.
<b>Class 4</b>	High value, developed lakes. Development only allowed if clustered.
<b>Class 5</b>	Heavily developed lakes and lakes approaching heavily developed status. Only clustered developed allowed.
<b>Class 6</b>	Remote ponds, inaccessible undeveloped lakes with cold water game fisheries. No development allowed within $\frac{1}{2}$ mile of shore.
<b>Class 7</b>	All lakes not otherwise classified. Managed for multiple uses, giving special consideration to identified resource values.

[2] Includes Fourth Roach Pond as class 6, although it is also listed as class 1.

[3] Moosehead Lake is counted as class 7 here, although it is listed as "potential class 3."



View of  
Moose River  
looking west



## **Proposed Permanent Conservation, Permanent Trail Easements, and No Development/Working Forest Zones**

The Plan proposes substantial conservation and trail easements (see the Resource Plan Summary Map that follows). Seven types of conservation measures are proposed, all of which will result in the protection of valued resources including hundreds of thousands of acres of timberland, which will be put off-limits to residential development for a minimum period of 30 years. Together, these measures conserve and protect over 417,020 acres, or 98% of the Plan Area. This includes permanent conservation easements on 180 miles of shoreland, including 55 ponds on which no development is proposed. Altogether, approximately 86% of Plum Creek's shoreland will be placed under permanent conservation easements to be held by an approved 501(c)(3) organization.

### ***1. Permanent Shoreland Conservation on 55 Ponds***

Permanent 500-foot deep easements will be put on all of Plum Creek's shoreland ownership on 55 pristine ponds for a total of 78.6 miles and 4,766 acres of protected shoreland.<sup>4</sup> (This total includes seven ponds in The Roaches area.)

### ***2. Permanent Shoreland Conservation on Partially Developed Lakes and Ponds***

Permanent 500-foot deep conservation easements will be created on 15 lakes and ponds on which limited development is planned. This is approximately 78% of the shoreland of these areas for a total of 101 miles and 6,124 acres of protected shoreland. (This total includes 3 ponds in The Roaches area and shoreline on the Moose River.)

### ***3. Permanent Trail Easements on a Peak-to-Peak Hiking Trail***

Permanent hiking trail easements, comprising approximately 55 miles, will be held by the state Bureau of Parks and Lands or an approved 501(c)(3) organization. These easements will establish a Peak-to-Peak trail around two-thirds of Moosehead Lake.

### ***4. Permanent Trail Easements on the Snowmobile System***

Permanent trail easements, comprising 71.3 miles of the ITS snowmobile trail, will be conveyed to the state Bureau of Parks and Lands or an approved 501(c)(3) organization.

[4] In the case of two pristine ponds, Plum Creek's ownership amounts to less than 3% of the total shoreline. Additionally, there are four ponds where Plum Creek owns the majority of the shoreland but not all of it, or there are leases on the pond that will be sold; in these cases, less than 100% of the shoreland will be conserved by easement. Otherwise, the entire shoreland of these ponds will be placed in permanent conservation.

### **5. Conservation of “Protection” Areas**

About 21,000 acres (5% of the ownership) are currently zoned as “P” (Protection) Subdistricts. This includes wetlands, unusual areas, deeryards, high mountain areas (over 2,700 feet), and the like. Under the Plan, these areas will continue to be designated for protection.

### **6. Open Space Conserved by Covenant**

Within each subdivision proposed in the Plan, some land will be set aside as open space, with no further subdivision or development allowed in perpetuity. This open space will be preserved through homeowner association covenants.

### **7. No Development/Working Forest (ND/WF) Land Under Long-Term Restrictions**

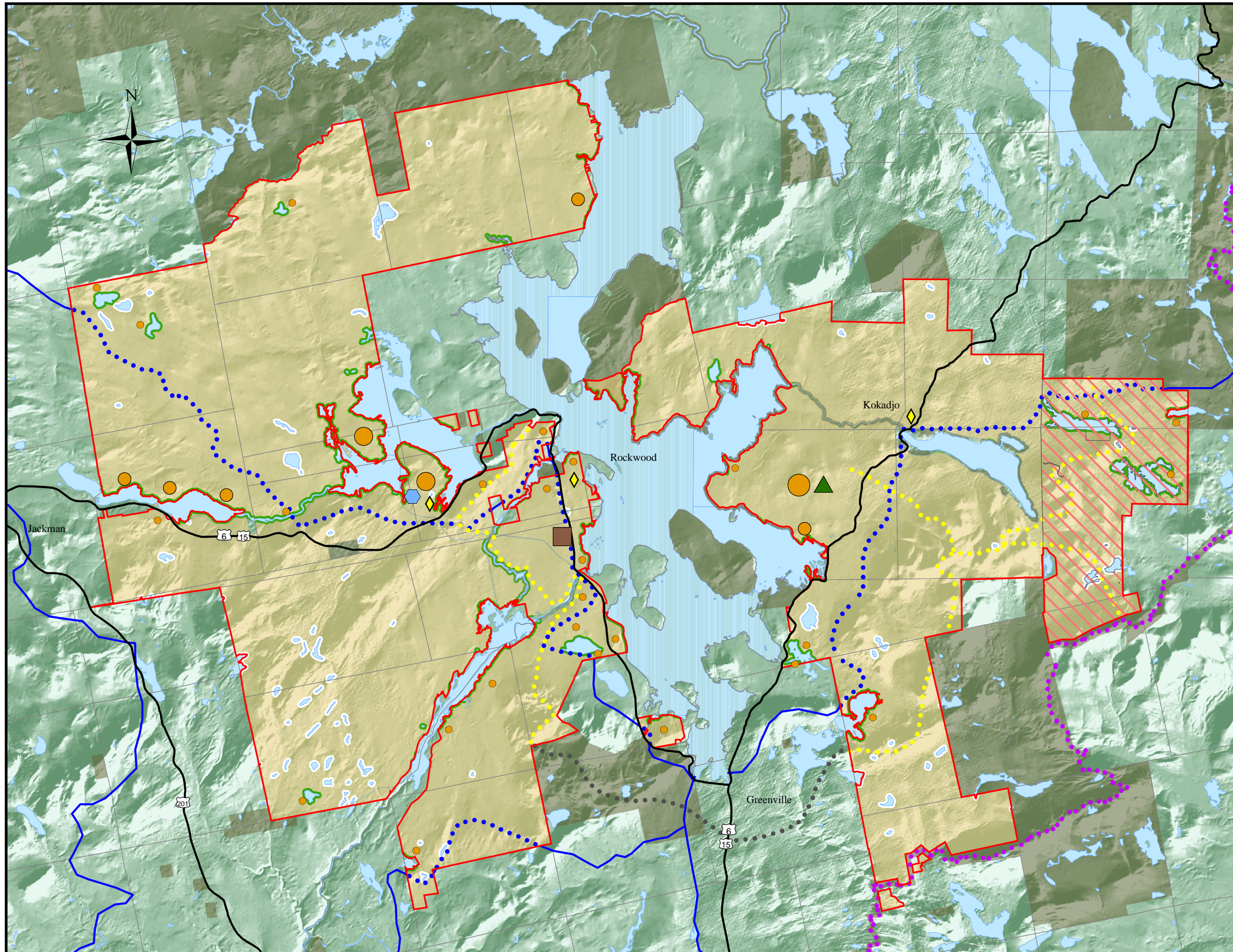
Over 382,000 acres of timberland will be zoned for forest management, eliminating the current permitted residential use with a “no residential development permitted” stipulation. Under the provisions of this proposal, this ND/WF zoning cannot be changed or amended by Plum Creek during the initial 30-year timeframe of the Plan. At the end of the 30-year period, the Plan will automatically renew for successive 20-year periods, unless either LURC or the landowner petition for a review. In the latter case, LURC will conduct public hearings to determine if the Plan should be renewed, amended, or terminated and replaced by zoning that conforms to the standards and Comprehensive Plan in effect at that time. This determination will be at LURC’s sole discretion.

### **The Roaches**

The State has advised Plum Creek that it has a strong interest in purchasing a 30,825-acre area that is currently included in the Plan as an integral part of the Moosehead Lake region. The area is adjacent to the “100-mile Wilderness” and includes frontage on all or part of ten ponds: Second, Third, and Fourth Roach Ponds, Trout Pond, First Second and Fourth West Branch Ponds, Long Bog, Beaver Pond, and Penobscot Pond. Plum Creek has responded that it is willing to sell this land to the State. Once the Resource Plan is approved, moreover, Plum Creek will defer filing any subdivision application for The Roaches for a period of up to seven years, in order to provide the State ample time to complete the purchase. If the State does not purchase The Roaches, Plum Creek proposes 28 shorefront lots on three of the ponds, with the remainder of the shoreland, as well as the shorefront on the other seven ponds, placed in conservation easement after the subdivisions are approved. The 28 proposed lots would be relinquished if and when the State purchases the property.



Railroad Depot, Greenville, Circa 1900



# Resource Plan Summary

## RESOURCE PLAN for PLUM CREEK'S GATEWAY LANDS in the MOOSEHEAD LAKE REGION

**Consultants:**  
 Kent Associates  
 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
 S.W. Cole Engineering, Inc.  
 Perkins, Thompson, Hinckley & Keddy PA  
 Verrill Dana LLP

### Legend

- Plum Creek Ownership Subject to Resource Plan
- The Roaches - Possible Conservation Sale to the State
- Private, State, Federal Land in Conservation
- Rivers - Lakes - Ponds
- Pristine Pond - permanent, 500' deep, conservation easement
- Limited Development - with  $\pm 58\%$  to  $\pm 80\%$  of shore, 500' deep, under a permanent conservation easement
- Major Road
- Appalachian Trail
- ITS Snowmobile Trail within Plan Area
- ITS Snowmobile Trail not within Plan Area
- Proposed Hiking Trail
- Proposed Hiking Trail outside Plan Area
- Proposed total lots (on shore or back lot) - Size of circle indicates relative number of lots
- Proposed tourist facility
- Proposed commercial / industrial location
- Proposed commercial campground location
- Proposed lodge

0                      4                      8  
 Miles  
 1 inch equals 4 miles

## Proposed Development

The principles that have guided the amount and location of proposed development in this Resource Plan are to:

- Preserve the working forest;
- Maintain the natural character of the region for generations to come,
- Foster the historical recreational character and culture of the region;
- Locate development in those areas deemed by LURC to be suitable for development; and
- Provide a predictable pattern of development and a cap on the number of house lots.

Plum Creek proposes to create up to 975 new residential lots (no more than 575 on the shorefront), over a 10-15 year period, within the 29-township area of the Plan. Averaged over the entire Plan Area, this is equal to 1.12 lots per township per year over 30 years, including both shoreland and backland lots. If The Roaches area is sold to the State, the total number of shoreland lots developed under the Plan will be reduced by 28. In addition, Plum Creek will donate up to 100 acres for affordable housing in the area of Greenville, and potentially Jackman and Rockwood, to be developed by a non-profit community housing group or groups.

Other proposed development includes:

- 3 commercial sites for campgrounds, storage facilities, and/or a small store (up to 600 acres in total);
- A 1,000-acre commercial/industrial zone suitable for a large lumber mill or similar facility;
- A 3,000-acre area for a larger nature-based tourist facility in Lily Bay Township;
- A 500-acre area for a lodge facility on the southern peninsula of Brassua Lake; and
- 80 acres within the proposed No Development/Working Forest Area for a limited number of new sporting-camps and/or remote recreational cabin sites.
- Plum Creek will work with the Maine Department of Inland Fisheries and Wildlife to identify potential locations for public boat launches within the Plan Area.

Table 4 lists the locations of all proposed shoreland and backland lots across the 426,000-acre Plan Area; they cover about 0.9% of the area, or 3,755 acres, not including homeowner association common open space.

Proposed site restrictions:

- All shoreland lots will be grouped in clusters, with commonly-held open space between. Lot owners will be required to join a homeowners association responsible for road maintenance, conservation of the

### Table 4: Proposed Development

Site	General Location	Number and Type of Lots	Acres
<i>Large Pond, Lake, and Backland Sites</i>			
A	Brassua Lake	Shorefront Lots*: 189	567
		Backlots : 80	400
B	Moosehead Lake	Shorefront Lots : 103	309
		Backlots : 75	375
C	Lily Bay Township	Backlots : 190	950
D	Long Pond	Shorefront Lots : 80	240
E	Indian Pond	Shorefront Lots : 35	105
F	Prong Pond	Shorefront Lots : 30	90
		Backlots : 25	125
G	Upper Wilson Pond	Shorefront Lots : 30	90
H	Moose River	Shorefront Lots : 30	90
I	Kennebec Interior	Backlots : 30	150
J	Burnham Pond	Shorefront Lots : 20	60
<i>Small Pond Sites</i>			
M	Fish Pond	Shorefront Lots : 6	18
K	Ellis Pond	Shorefront Lots : 8	24
L	Luther Pond	Shorefront Lots : 6	18
N	Center Pond	Shorefront Lots : 5	15
O	Knights Pond	Shorefront Lots : 5	15
<i>Sites in the Roaches Area</i> <i>(if not purchased on behalf of the State of Maine)</i>			
P	Second Roach Pond	Shorefront Lots : 10	30
Q	Third Roach Pond	Shorefront Lots : 10	30
R	Penobscot Pond	Shorefront Lots : 8	24

*\*Note: A shorefront lot is a lot where ownership extends to the water's edge.*

common land, and private, shared, boat launch areas where appropriate.

- Restrictive deed covenants will set building, buffer, screening, and outdoor lighting requirements on all shoreland and backlots.
- No further subdivision will be allowed on any lot.

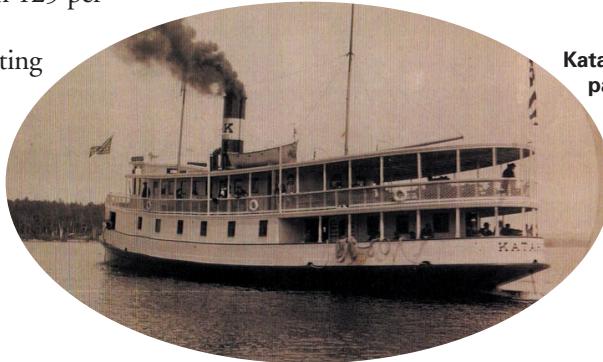
## Development Phasing and Location

Given the scope of the Plan, it is appropriate that recreational/residential lot development be approved and phased-in over a period of years. At the same time, Plum Creek will need flexibility to respond to fluctuating market conditions within the 29-township Plan Area.

Furthermore, because site conditions in some locations may place greater constraints on lot development than anticipated (while site conditions in other locations may be more suitable), flexibility to relocate lots, within broad agreed-upon parameters, is essential. Thus, some backland sites have been reserved for possible development should other sites prove to be undevelopable.

Upon approval of this Plan, Plum Creek is willing to:

- Make the design and permitting of individual subdivisions as efficient as possible by limiting the platting of lots to no more than 125 per calendar year, (unless LURC determines that additional platting is more efficient) with any lots not platted in any one year carried over to the next calendar year.
- Limit the development on Plum Creek's shoreland on Moosehead Lake to 42%;<sup>5</sup>



**Katahdin Steamboat used to ferry passengers on Moosehead Lake**

- Limit the development on Plum Creek's shoreland on the larger water bodies proposed for development (Long, Indian, Burnham, Upper Wilson, and Prong Ponds, Brassua Lake and the Moose River) to 30% of its ownership;
- Limit the development on small ponds where there is existing development (Ellis, Luther, Center, Fish, and Knight Ponds) to 20% of Plum Creek's shoreland;
- Limit the total number of shoreland lots in the Plan Area to 575 (or 547 lots, if the State purchases The Roaches area); and the total number of lots to 975;
- Defer any subdivision application for The Roaches for seven years from the date of Plan approval;
- Shoreland lots that prove to be unfeasible to develop due to site constraints will be transferred to designated backland sites.

The effect of these provisions is to cap the length of shoreland proposed for development.

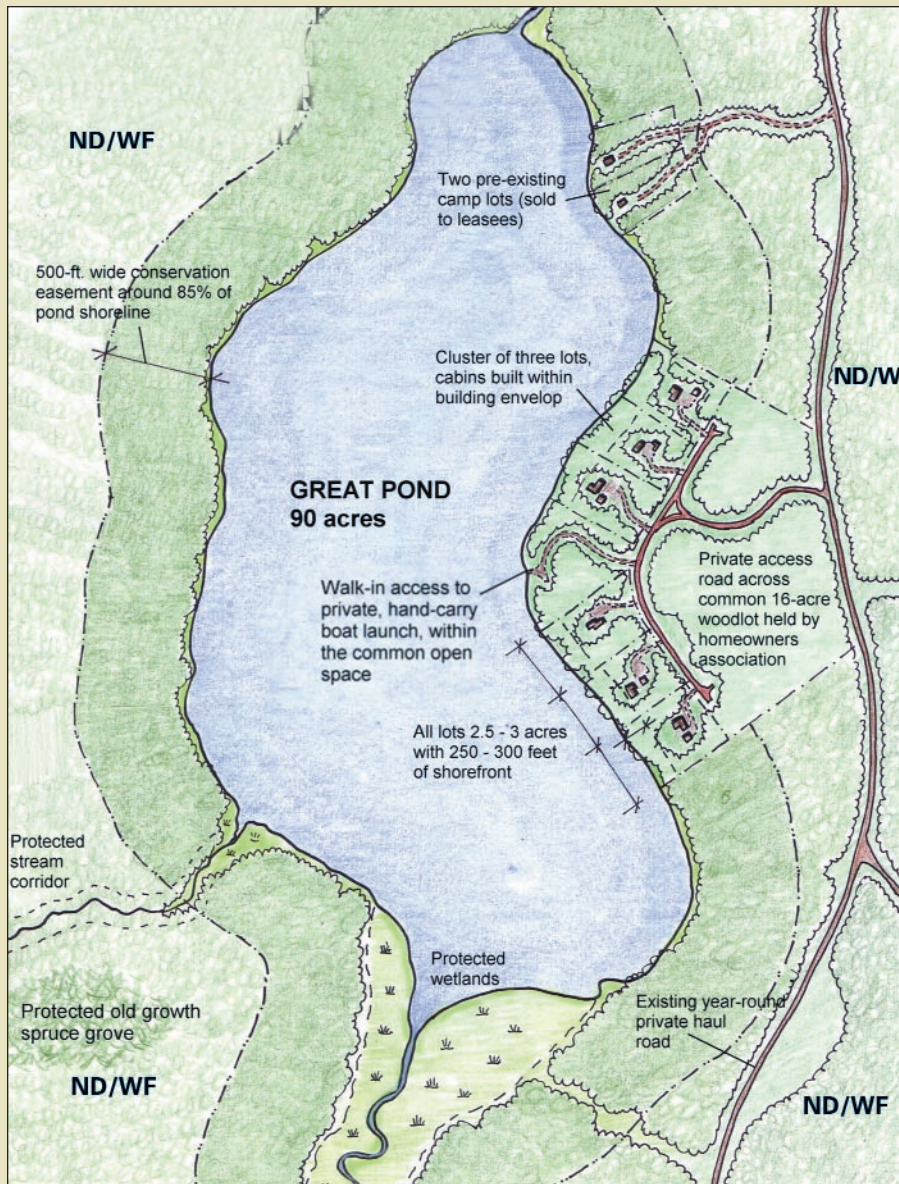
[5] Plum Creek owns relatively little shoreland on Moosehead Lake (75,680 linear feet), and Moosehead already has a substantial amount of shoreland in conservation – in part because of Plum Creek's sale of 29 miles of shoreland on the east side of the lake to the State.



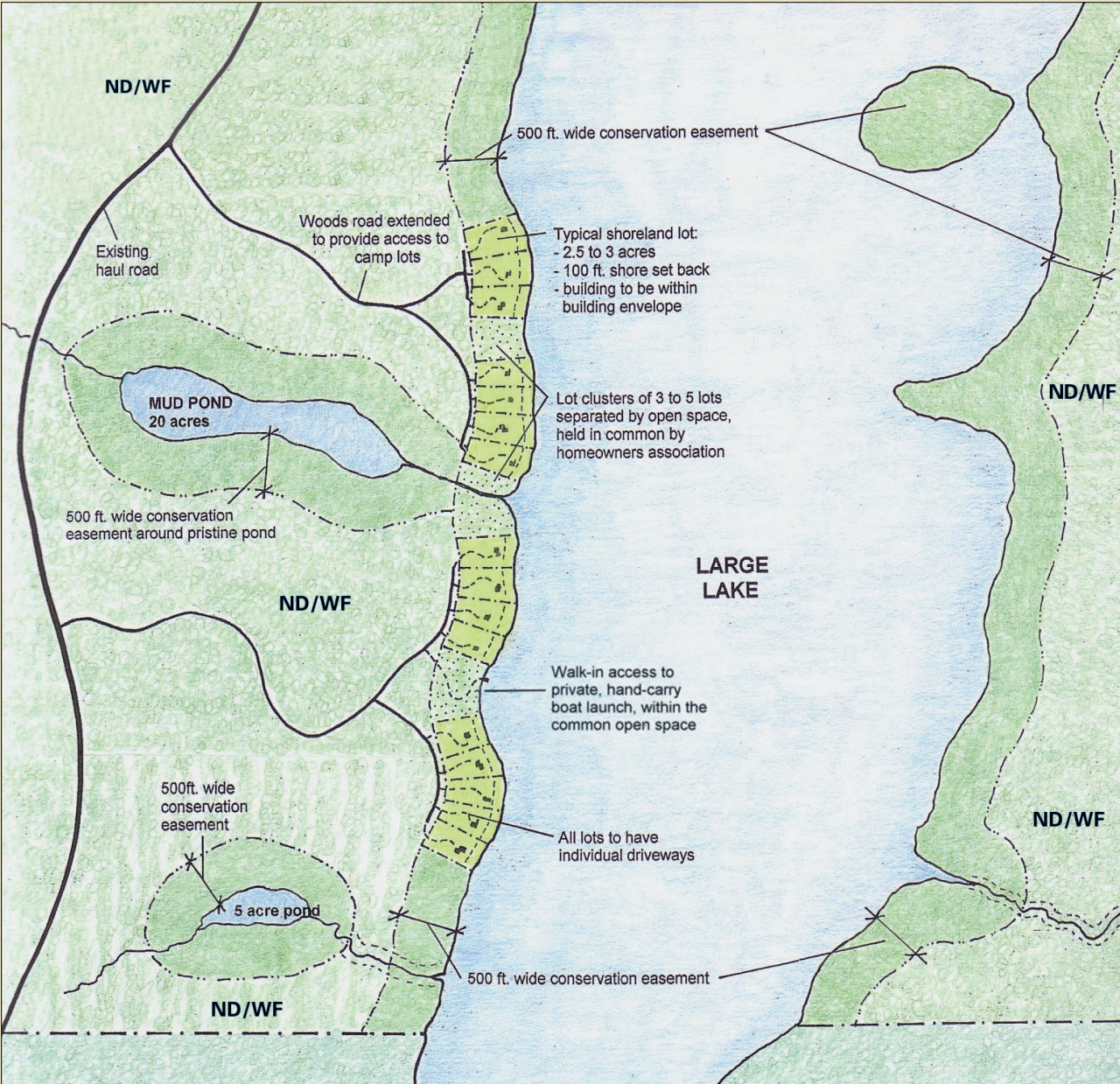
**Mount Kineo House and Point from top of Mt. Kineo Moosehead Lake, Circa 1900**



## Typical Development and Conservation on a Small Pond



# Typical Development and Conservation on a Large Lake



**Table 5: Characteristics of Lakes and Ponds on which Limited Development is Proposed**

Lake/Pond	Township	Acres	Management Lake Class	Existing Dwellings
Brassua Lake	(various)	8,979	3	58*
Moosehead Lake	(various)	74,890	N/A	±1,000
Indian Pond	Indian Stream	3,746	3	28
Long Pond	Long Pond	3,053	3	53
Prong Pond	Beaver Cove		7	11
Upper Wilson Pond	Bowdoin College			
	Grant West	940	7	16
Burnham Pond	Big Moose	426	7	0
Ellis Pond	Chase Stream	85	7	2
Luther Pond	Thorndike	154	7	1
Fish Pond	Thorndike	211	7	1
Center Pond	Soldiertown	51	7	1
Knights Pond	Squaretown	128	7	4
<i>Ponds in the Roaches Area</i>				
Second Roach Pond	T1 R12	970	7	1
Third Roach Pond	Shawtown	570	7	3
Penobscot Pond	T1 R12	279	7	7

*\*This does not include 55 lots approved under the Moosehead Wildlands Plan*

## Phosphorus

Phosphorus impact studies will be undertaken on a lake-by-lake basis in conjunction with the preparation and submission of any subdivision plan application for shoreland development on any one of the above lakes (or ponds). The intent is to design the lots and roads so that none of the proposed development will exceed the total phosphorous loading limits established by the Maine Department of Environmental Protection. No application will be approved unless it is demonstrated that phosphorus limits will not be exceeded. Phosphorus studies have already been completed for Brassua Lake, and Long, Prong, Burnham, Center, and Ellis Ponds.

## Phasing

The conservation measures described above will be phased in as development is approved by LURC. However, substantial commitments to conservation will be made “up front,” upon approval of this Plan by the Commission.

Five circumstances will trigger conservation measures:

***I. Upon Approval of the Resource Plan by LURC (including approval of the tourist facility, campground, commercial, and industrial zones):***

- Peak-to-Peak trail easements will be conveyed to the State, including portions of the trail within The Roaches area. If the trail alignment has not been determined by the time the Plan is approved, Plum Creek will make an equally binding commitment to convey the trail right-of-way at a future date.
- ITS (snowmobile) trail easements will be conveyed to the State.
- 382,015 acres will be rezoned ND/WF (No Development /Working Forest).
- Plum Creek will donate land for affordable housing as soon as suitable sites are identified and can be transferred to an appropriate entity.

## ***II. Upon Approval of Any Shoreland Subdivision on a Class 3 Pond or Lake or on Moosehead Lake:***

Because there may be more than one subdivision application on each of the largest waterbodies (Moosehead Lake, Brassua Lake, and Long Pond) permanent conservation easements will be phased-in in proportion to the amount of development approved on each. These permanent easements will be held by a 501(c)(3) organization qualified to hold such easements.

### ***III. Upon Approval of Any Shoreland Subdivision on any other Pond or Lake:***

Upon subdivision approval on one of the other bodies of water (not addressed in II, above), all the undeveloped shoreland (excluding common land associated with the subdivision) on that particular waterbody will be placed under a permanent conservation easement, held by a 501(c)(3) organization qualified to hold such easements.

### ***IV. Upon Approval of Any Backland Lots Within the Plan Area:***

The approval of each backland lot will trigger the conservation of 600 linear feet of shoreland on the pristine pond nearest to that lot (measured in a straight line); thus, the approval of a 20-lot subdivision, for example, would trigger 12,000 linear feet of permanent easements on the nearest pristine pond or ponds (the largest pristine pond has over 29,000 feet of shoreline). Plum Creek will “round-up” to the nearest whole pond to ensure that the entire shore is protected and transferred to the easement holder in one transaction upon the approval of backland subdivision lots.

Upon the approval of the 400<sup>th</sup> lot (or the last backlot proposed for development), all the remaining unprotected pristine pond shoreland will be transferred to the holder (the amount of shoreland in the final transfer will depend on which ponds will have already been put into easements, and whether The Roaches have been sold to the State; see below).

### ***V. Phasing-in of The Roaches***

Plum Creek will defer filing a subdivision application for any of the 28 lots in The Roaches area of the Plan for a period of up to seven years from the time of Plan approval to provide the State ample opportunity to obtain funding to purchase The Roaches area. If the State does not purchase The Roaches after seven years, Plum Creek will submit permit applications for subdivisions on Second and Third Roach Ponds, and Penobscot Pond. Conservation easements will be placed on the undeveloped shoreland of each pond as each subdivision is approved. The easements will be held by a qualified 501(c)(3) organization.

### **Benefit to Landowner**

As “Landowner,” Plum Creek, through this Plan, will receive approval for up to 975 recreational/residential lots, as well as zoning for tourism facilities, campgrounds, and commercial/industrial enterprises, assuming technical site requirements can be met. The benefits of approval to Plum Creek are as noted below:

1. Predictability of Long-Term Planning: Approval-in-concept minimizes the uncertainty normally associated with rezoning proposals. Through this Plan, the landowner may pursue development of up to 975 lots and other economic activities on the subject property over the next 30 years without having to petition to rezone each subdivision.
2. Enhanced Credibility: By taking a comprehensive approach (rather than undertaking piecemeal development), Plum Creek hopes to demonstrate its commitment to quality, limited development and significant conservation that fits with LURC’s goals for this region, as laid out in LURC’s Comprehensive Land Use Plan.
3. Maintenance of the Forest Resource: By designating 382,000 acres as a working forest, this “wood basket” can continue to provide wood and fiber. This commitment by Plum Creek should help stabilize markets, protect jobs, and provide customers the certainty they need to continue to make business investment decisions.



Resort House, Moosehead Lake



View of Third Roach Pond looking east



## Benefits to the Public

Through the Plan, Plum Creek proposes many public benefits, including predictability, recreational amenities, economic stimulus, conservation, and planning benefits.

### *Recreational Benefits:*

The creation of a major, permanent trail network, potentially connecting hundreds of thousands of acres of conservation land. This network includes

- Guaranteed access to 71.3 miles of the existing snowmobile trail systems;
- Creation of, and guaranteed public access to, approximately 55 miles of hiking trail;
- Support of the traditional character of the Moosehead area for nature-based recreation by precluding all development within a large block of forest land.

### *Economic Benefits:*

- A boost for the local economies, providing job opportunities in housing construction, tourism, recreational industries, etc.;
- Incentives to local businesses to invest and expand based on the predictability of public access and tourism potential afforded by the plan;
- Contribution to the stabilization and growth of the local workforce by making land available for affordable community housing;
- Facilitation of the development of a forest products manufacturing facility through the establishment of an industrial zone adjacent to Route 6/15, the railroad, and the forest resource;
- A rekindling of the Moosehead region's historic identity as a world-class destination for tourists.

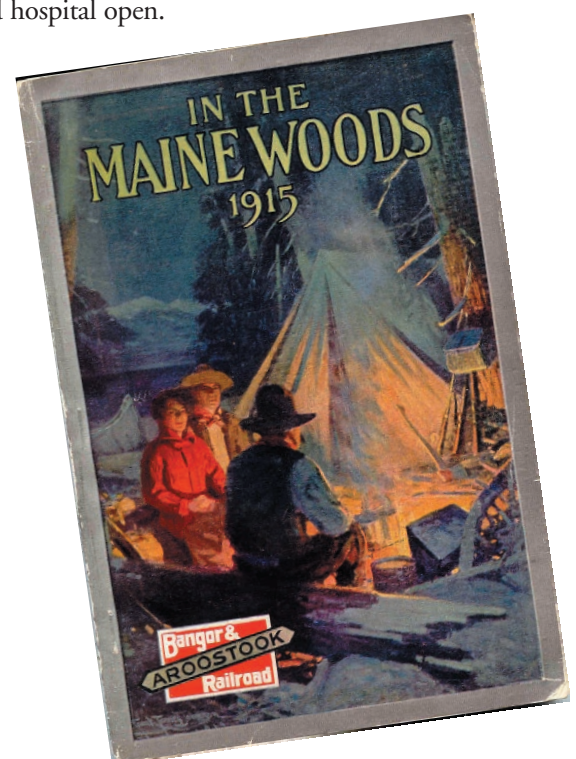
### *Conservation Benefits:*

- Protection of over 382,000 acres of commercial forest land adjacent to the North Maine Woods, creating a large block of land where virtually all new development is excluded.
- Protection of 55 undeveloped, pristine lakes and ponds forever;

- Protection of a minimum of 180 miles of shoreland through permanent conservation easements;
- Maintenance of the current "Protection" zones that conserve sensitive areas.

### *Planning Benefits:*

- Land use controls that are more beneficial to the landowner and the public than the standards that would otherwise apply, and that are established with the mutual consent of LURC and the landowner.
- With the No Development/Working Forest area established through this Resource Plan, LURC can protect land through a long-term zoning mechanism.
- Directs development to appropriate, accessible locations consistent with LURC's Comprehensive Land Use Plan and Lake Classification system.
- Provides predictability that enables local, county, and state officials to plan more comprehensively for future economic growth and conservation;
- Helps to replace lost population in the area which will help keep the local schools and hospital open.



## Public Involvement

LURC encourages landowners to solicit input from the public as part of the planning process prior to the formal submission of a Resource Plan.

Plum Creek has:

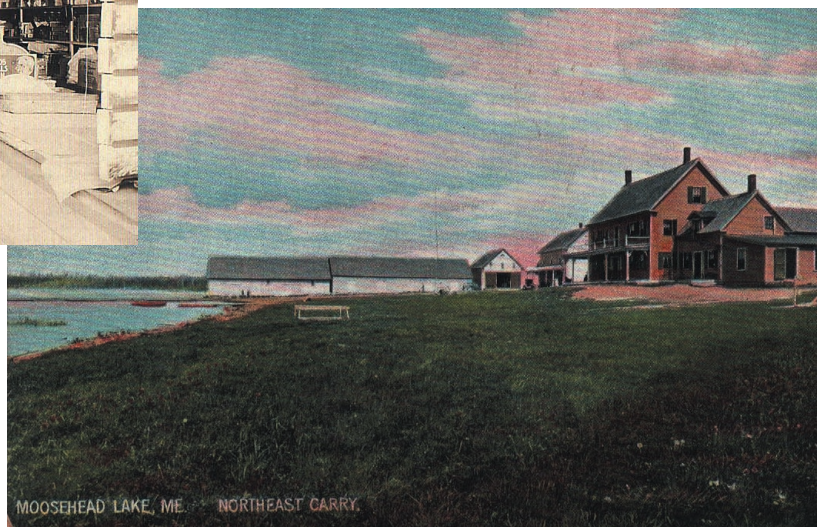
- Solicited input from as many interests as possible, including government agencies, conservation groups, sporting interests, area residents, recreationists, and other interested parties;
- Held informational meetings, open to the public in the region of the Plan Area, prior to formal submission of the Plan;
- Previewed the Plan with key groups in the sporting, recreation, economic development, and conservation communities, and
- Addressed, where possible, the concerns identified by interested parties.

The individuals and groups with which Plum Creek has met and thank for their input include:

- Governor Baldacci
- Leadership of the Maine Department of Conservation
- Staff members of the Land Use Regulation Commission, the Bureau of Parks and Lands, the Department of Economic and Community Development, and the Maine Department of Inland Fisheries and Wildlife
- United States Congressional staff
- Greenville Town Council
- Jackman Selectmen and business interests
- Beaver Cove Town Council

- Legislative Leadership of the Democratic and Republican parties
- Members of the State Legislature
- Piscataquis County Commissioners
- Somerset County Commissioners
- Appalachian Mountain Club
- Forest Society of Maine
- Friends of Moosehead
- Maine Appalachian Trail Land Trust
- Maine Audubon Society
- Maine Guides Association
- Maine Snowmobile Association
- Maine Woods Coalition
- Moosehead Lake Economic Development Council and local citizens
- Natural Resources Council of Maine
- New England Forestry Foundation
- Northern Forest Alliance
- Piscataquis County Economic Development Council
- RESTORE The North Woods
- Somerset County Economic Development Council
- Sportsman's Alliance of Maine
- The Nature Conservancy
- Trust for Public Land
- Western Mountain Foundation

In addition, Plum Creek has received formal letters of support from local groups and municipalities. Plum Creek commits to continue this process of meetings following submittal of the Plan.





View of Moosehead Lake shore



### LURC and Plum Creek Commitments

In approving the Plan, LURC also approves the following:

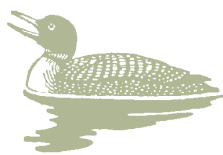
- The number and type of development units proposed, as described above.
- Upon approval of the Plan, any development proposed within the (P-RP) Resource Plan Protection Subdistrict will not require any further rezoning application. However, before proposed development may proceed, Plum Creek will need to submit the appropriate permit applications for LURC review and approval, in accordance with the Plan's applicable standards. The conservation measures and other public benefits described in the Plan are conditions of LURC's approval of the Plan and are made by Plum Creek in reliance on LURC's approving subdivisions and site plans in accordance with the amount of development described in the Plan, subject to compliance with applicable regulations. The rights created in, and obligations assumed by, Plum Creek in this Plan pass to and bind Plum Creek's successors and assigns.
- Plum Creek obtains approval of up to 575 shorefront lots (or up to 547 if the State purchases The Roaches), with the remaining in backlots.
- Plum Creek may relocate lots that are unsuitable or undesirable for development due to site constraints. These lots may be moved to a designated location in a backland area, provided the standards incorporated in this Plan are met.
- Relevant current LURC standards governing forest management activities are incorporated into the Resource Plan and will govern forest management activities in the Plan Area for the life of the Plan.
- At the end of the initial thirty-year term of the Plan, the Plan will automatically renew for successive twenty-year periods unless LURC and/or

Plum Creek elect to request a public hearing on the Plan. If the Plan is not automatically renewed, the plan will be extended for up to 18 months so that a hearing can be conducted to assist the Commission in determining whether to renew, modify, or terminate the Plan. Within 90 days after the close of the public hearing, the Commission shall decide, in its sole discretion, whether to renew the Plan as it is, renew the Plan with modifications, or terminate the Plan. If the Plan is modified or terminated, all transactions initiated as a component of or in connection with the Plan, including without limitation, the granting of conservation easements and restrictive covenants, and all subdivision, development, and other land use permits and approvals, shall continue to apply to the extent that they are covered by legal contract, deed, indenture, permit, or other legal instrument, or are otherwise vested in either party.

- So long as the Plan is in effect, Plum Creek (its affiliates, successors and/or assigns) may not initiate any application seeking to amend the Plan to allow any new residential development in any of the areas designated as No Development/Working Forest. Applications for boundary modifications will be permitted as long as there is no net loss of acreage in the No Development/Working Forest zone.

### The Applicants

The Applicants are Plum Creek Land Company and Plum Creek Maine Timberlands, LLCs, subsidiaries of Plum Creek Timber Company, Inc. All land subject to the Plan is currently owned by Plum Creek Maine Timberlands, LLC. Property to be sold, developed, or conveyed to homeowner associations as common areas will first be conveyed in fee to Plum Creek Land Company by Plum Creek Maine Timberlands, LLC, pursuant to existing agreements between the two subsidiaries.



# Fact Sheet

The following facts provide an overview of the proposed Plan. This analysis includes 30,825 acres in “The Roaches” that the State may purchase from Plum Creek. Should the purchase occur, the total number of 975 lots allowed in the Plan would be reduced by 28 lots.

## Plan Area

- The Plan Area includes 426,000 acres in the greater Moosehead Lake area.
- The adjacent service center towns are Greenville and Jackman; Rockwood is another population center with some services.
- The Plan Area covers some or all of 29 townships or plantations.
- The Plan Area measures roughly 46 miles east to west and 34 miles north to south.

**Table 6 : Statistical Summary**

	Acres	%	Miles
Total Plan Area	426,340	100.00	
1. Proposed Conservation and Working Forest (total)	417,020	97.80	
Permanent Shorefront Conservation Easements	10,891	2.60	179.7
Permanent Hiking Trail	N/A	N/A	55.5
Permanent ITS Snowmobile Trail	N/A	N/A	71.3
Protected Natural Resources (“P” districts)	21,320	5.00	
Homeowner Association Open Space	2,794*	0.65	
No Development/Working Forest	382,015	89.60	
2. Proposed Development (total)	9,320	2.20	
Large Scale Commercial	1,000**	0.23	
Commercial Campgrounds	600	0.10	
Small Tourist Center at Brassua Lake	500***	0.10	
Large Destination Resort Site (Lily Bay Township)	3,000***	0.70	
Affordable Housing	Up to 100	0.02	
Shorefront Lots	1,755	0.41	
Backlots	2,000	0.47	
Sporting Camps	80	0.02	
New Infrastructure	285	0.06	

Number of lots proposed: up to 975

Number of shorefront lots: up to 575

Number of backlots: up to 400 but can be increased if shore lots are decreased

Number of ponds and lakes where Plum Creek proposes no development: 55

\* This is an estimate

\*\*This includes 300 acres rezoned by LURC in 2004

\*\*\*The majority of this will be open space.





View of Moosehead Lake toward Harfords Point



## Plan Features

### *Long Term Natural Resource Protection*

- 382,000 acres zoned for timber management, prohibiting all new residential development. The land use standards for this zone cannot be amended by Plum Creek or future land owners in any way that will allow new residential development.
- 21,320 acres of wetlands, deer yards, high mountain areas, etc., will be designated for protection through zoning.
- All the provisions of the Plan automatically renew after the initial 30 year period, unless LURC decides to modify or terminate the Plan.

### *Recreation and Tourism*

- Plum Creek will grant permanent trail easements to the public on a non-motorized “Peak-to-Peak” trail on its lands around half of Moosehead Lake.
- Plum Creek will grant permanent trail easements to the public to keep the existing ITS snowmobile trails.
- Plum Creek will set aside areas for campgrounds and sporting camps.
- Plum Creek will work with the Department of Inland Fisheries and Wildlife to locate potential public boat launches.
- Plum Creek will work with the State to identify opportunities for one tourist facility and one lodge and will designate areas for 3 campgrounds and 4 sporting camps within the Plan Area.

### *Permanent Shoreland Conservation*

- Permanent, 500 foot deep conservation easements will be created on 55 pristine ponds, for a total of 79 miles of shoreland, or 4,766 acres.
- Permanent, 500 foot deep, conservation easements will be created on 15 lakes or ponds (and some riverfront), on which there will be limited development, for a total of 101 miles and 6,124 acres of protected shoreland.
- The conserved shoreland on all ponds or lakes proposed for development will consist of at least 70% of Plum Creek’s shoreland ownership.

### *Public Trail Easements*

- Permanent trail easements on 55.5 miles of hiking (non-motorized) trails, comprising the “Peak-to-Peak” trail, will be put in place.
- Permanent trail easements on 71.3 miles of existing snowmobile trails, known as the ITS system will be conveyed.

### *Forest Management*

- Over 382,000 acres (over 89%) will be set aside for timber operations.
- No residential development will be permitted in these areas.
- Statutory protections for forest management activities will continue to apply in the No Development/ Working Forest area.

### *Commercial Development*

- 1,000 acres zoned to allow for large scale commercial/industrial development (next to Highway 6/15, the railroad, and 3-phase power line).
- 3,000 acres set aside for a tourist facility in Lily Bay Township.
- 500 acres set aside for a lodge on the South Brassua Peninsula.
- 600 acres set aside for three commercial campgrounds.
- Up to 80 acres set aside for up to 4 sporting camps.

### *Residential Development*

- 2,000 acres to be developed, over 10- to 15-year period, for back lots that average 5 acres in size.
- 1,755 acres to be developed, over a 10- to 15-year period, as shoreland lots on 16 water bodies, 14 of which already have development on them.

### *Overall Development/ Conservation Percentages*

- Total estimated development limited to 9,320 acres or 2.2% of the Plan Area.
- Total permanent or long-term conservation: 417,020 acres or 97.8% of the Plan Area.
- Percent of total Plum Creek-owned shoreland proposed for shoreland lots: 13% or 28 miles out of 208 miles.

## **The Land Use Regulation Commission's Review Process**

The Land Use Regulation Commission anticipates the review process for this petition to take many months. The major steps of the Commission's review process are as follows:

1. Receipt of initial application. Upon receipt of the initial application, the application materials are made available for public inspection and review. The Commission then performs an initial application content review and identifies any deficiencies in the application. The applicant has an opportunity to submit any deficient information, as necessary. The application is also mailed to various state and federal review agencies for review and comment.

2. Informal public workshops held. The Commission plans on hosting a series of public workshops in the Moosehead Lake area to provide information about the proposal and the Commission's review criteria, and to give interested persons an opportunity to ask questions of the applicant and of the Commission. During this phase, the applicant will have a chance to make modifications to the proposal, as necessary, in response to any thoughts or concerns shared by the public and review agencies.

3. Public hearings scheduled. Once the application is deemed complete for processing, the Commission begins its formal public testimony gathering proceedings. The complete application is made available for public inspection and review. The public hearing proceedings include posting the proposal to public hearing, providing notice of public hearings in newspapers and to interested parties, deciding on petitions to intervene, holding pre-hearing conferences, and hosting one or more public hearings to gather official public testimony regarding the proposal.

4. Commission decision. After the public hearings, the hearing record remains open for at least 10 days to allow persons to submit written comments, and for an additional 7 days for filing rebuttal comments. After that time, the public hearing record may be reopened by the Commission, as necessary. Once the hearing record is closed, the Commission must make a decision on the proposal within 90 days.

## **Public Comments**

The Commission welcomes public comments on this proposal at any time until the public hearing record is closed. The deadline for comments will be established once a public hearing is scheduled. Send your written comments to the Commission's Augusta office (Maine Land Use Regulation Commission, 22 State House Station, Augusta, ME 04333-0022).

## **For More Information**

If you wish to receive postal or e-mail notices about upcoming workshops, hearings and important deadlines related to the Commission's review of this proposal, call Aga Pinette at 207-287-8786 or e-mail your name, mailing address and day-time phone number to [agnieszka.pinette@maine.gov](mailto:agnieszka.pinette@maine.gov).

## **How to Obtain Copies of the Application Materials**

Copies of this Plan Summary can be obtained from Plum Creek's Fairfield office. Please call 207-453-2527.

A fact sheet and map summarizing the proposal is posted on the web: [www.maine.gov/doc/lurc/reference/resourceplans/moosehead.html](http://www.maine.gov/doc/lurc/reference/resourceplans/moosehead.html). For a paper copy of the fact sheet and map, contact the Commission's Augusta office (call 207-287-2631).

You may obtain an electronic copy of the full application on CD or view the application by appointment at the Commission's Augusta office (call 207-287-2631). The full application is also available for inspection at the Greenville and Jackman Town Offices. You may purchase a paper copy of the full application from the following commercial print shop: Xpress Copy, 144 Fore Street, Portland, Maine 04101 (call toll free 1-888-775-2444).

Volume 2  
**Plan Background/Inventory**



*Resource Plan for*  
**Plum Creek's Gateway Lands**  
*in the Moosehead Lake Region*



**Plum Creek**

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## *Introduction*

One of the over-arching purposes of planning is to look to the future from the context of the past and present. This *Inventory of the Plan Area* is the context within which the conservation and development proposed by the Plan fit. The Inventory looks at the history of the area, its natural resources, economy, the existing developed and conserved areas, services and infrastructure, and the land use regulations that are in place today. All of these characteristics of the region have influenced the design of the Plan.

### **The Purpose of the Plan**

The purpose of the Plum Creek Resource Plan is to:

1. Establish a predictable and permanent pattern of land use that provides the public with the assurance that the unique natural and recreational character of the Moosehead region will be conserved.
2. Establish a regulatory framework, under LURC's Resource Plan provisions, that designates Plum Creek's land for forest management, conservation, recreation, tourism, certain economic redevelopment activities, and recreational residential lot development.
3. Create the foundation for thriving, sustainable communities in Greenville, Rockwood, and Jackman.
4. Respond to the State's objectives as expressed in the Governor's Maine Woods Legacy Initiative. This Initiative calls for:
  - support[ing] diverse economic opportunities for Maine people and leav[ing] an unparalleled legacy to the next generation.
  - strengthening the connection between economic health and conservation in the Maine Woods.
  - support for and expansion of the manufacturing base in the forest products industry.
  - new efforts to ensure a continuous supply of wood fiber to the market.
  - promotion of, and access to, Maine's woods and waters as an unparalleled place for a full range of recreational opportunities, appropriately located.
  - landscape-scale conservation of our woods, waters and wildlife.<sup>1</sup>

The Plum Creek Resource Plan is a means by which the company can plan for its lands over the long term. It specifies the amount, type, and location of development that is proposed over 30 years. It also specifies how, after the initial 30 years, the

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<sup>1</sup> <http://www.maine.gov/governor/baldacci/news/speeches/mainewoodslegacyhtml.htm>

plan can be renewed for successive 20-year periods, or how it can be modified or terminated at LURC's sole discretion. This, in turn, provides the people of Maine with the predictability that certain natural resources of the region will be protected over the long term. Finally, local and regional populations benefit from knowing the future of the region. Towns and local businesses will be able to plan and invest in the region knowing that the resources will be there to support their investments.

This Resource Plan offers:

- A positive vision of the region's future.
- Guaranteed, permanent protection of the highest resource values.
- Predictable, limited development.
- Long-term preservation of over 382,000 acres of working forest.
- Economic and housing opportunities for Jackman and Greenville on some of the only land available.
- A known future that benefits all.

## **The Planning Approach**

This document has been prepared in accordance with LURC's regulations, standards and guidelines. The Plan identifies locations within the 426,000-acre ownership deemed appropriate for development, and proposes substantial and varied conservation initiatives, many of which will result in the permanent conservation of highly valued natural resources.

This Plan presents a comprehensive and coordinated land use/resource management plan over a huge block of private property. It is presented as a resource plan in that Plum Creek is requesting a zone change to a P-RP subdistrict. The stated purpose of a P-RP subdistrict is "to provide for the more efficient and effective management of single or multiple Protection Subdistricts (and, in some cases, adjoining Management Subdistricts) than can be realized through the use of other protection subdistricts and their related standards." (Ch. 0.23,H,1.)

The area covered by this Plan is many times larger than the next largest plan previously submitted to LURC. Significantly, approval of the Plan will permanently protect many lakes and ponds from development and will establish (for the first time in LURC's history) rules, regulations, and restrictions that anticipate future land uses over at least 30 years, and covering a large block of privately owned land. The Plan will significantly restrict, and in most areas prevent, all new residential or commercial development in the Plan Area.

## **Plan Implementation**

The Plan will be implemented in phases. Specific development proposals for specific sites, lakes, or ponds will be submitted to LURC over time, linked to specific conservation measures. Any and all such plans will be reviewed subject to the Agency's usual requirements and procedures for subdivision review or site plan

review. However, additional rezoning will not be required because the Plan itself will establish the appropriate new zones. This procedure provides Plum Creek, LURC, and the public with a large degree of certainty as to the future of this area, and a guarantee of limits to development within Plum Creek's Gateway Lands.

### **Why a Plan for Plum Creek's North Woods Gateway Lands?**

Plum Creek has prepared this Comprehensive Resource Plan for a number of reasons, the most important of which are:

- Governor Baldacci's vision for partnering with the forest industry to promote economic, conservation, and recreational/ tourism values in Maine's North Woods.
- LURC's expressed interest in looking at this Gateway area comprehensively and making proactive zoning decisions.
- Local concerns about the need for economic development due to a weak local economy, the need for predictability, and the need for a balance between conservation and development.
- The State's continuing interest in conservation purchases in the Moosehead region, a number of which could involve Plum Creek land.
- The opportunity for Plum Creek to work with public and private groups interested in the future of the region.
- The economic value of identifying, and keeping out of development, a large, contiguous block of lands for timber production.
- Predictability, allowing Plum Creek to make long-term decisions with confidence.

### **Plum Creek Land Company**

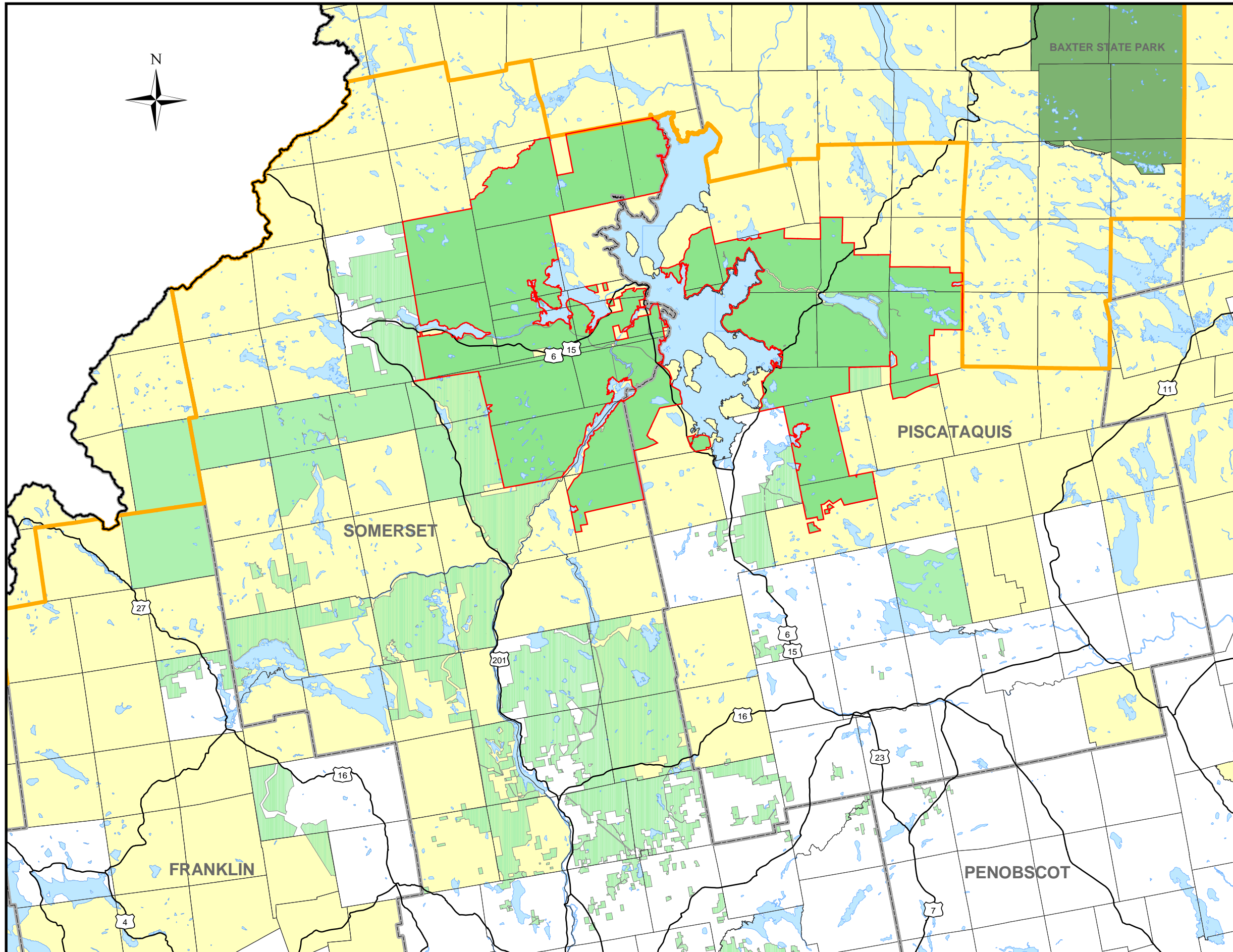
The Applicant, Plum Creek Land Company, is a subsidiary of Plum Creek Timber Company, Inc. Plum Creek Timber is a publicly-owned corporation and one of the largest landowners in the nation. The company owns more than 8 million acres in 21 states, including 953,000 acres in Maine. Plum Creek produces lumber, plywood, and medium-density fiberboard through subsidiaries. The company also has land management operations.

Plum Creek practices sustainable forestry and adheres to Best Management Practices on all its land across the country. The sustainability of their forest management practices is certified through the Sustainable Forestry Initiative Program.

Plum Creek manages its forestland with sensitivity to wildlife, including plant and animal species listed by federal and state governments as endangered or threatened. Additionally, the company employs a research group to provide leading edge silvicultural and environmental information for application on company-owned forestlands.

## **The Plan Area**

This Resource Plan is for approximately 426,000 acres of Plum Creek Timber Company's northern Gateway Lands located in Somerset and Piscataquis Counties. The Plan Area extends from Thorndike and Long Pond Townships on the west, Big W and West Middlesex Canal Grant to the north, Shawtown to the east, and Squaretown and Elliotsville townships to the south. Additional Plum Creek land adjoins these areas and either falls under the jurisdiction and control of organized municipalities, such as Jackman and Greenville, or falls within LURC's jurisdiction, but outside the Plan Area. The map on the next page shows all of Plum Creek's ownership in Maine, including the region subject to this Resource Plan. The following map highlights the Plan Area in relation to the entire state.



**Plan Jurisdiction**

**RESOURCE PLAN  
for  
PLUM CREEK'S  
GATEWAY LANDS  
in the  
MOOSEHEAD LAKE REGION**

**Consultants:**  
 Kent Associates  
 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
 S.W. Cole Engineering, Inc.  
 Perkins, Thompson, Hinckley & Keddy PA  
 Verrill Dana LLP

- Legend**
- Plum Creek Ownership Subject to Resource Plan
  - Other Plum Creek Ownership
  - Other Land in LURC Jurisdiction
  - LURC 'Fringe' Boundary\*
  - Rivers - Lakes - Ponds
  - Counties
  - Major Road

\*Note: Land to the west and north of this line is considered remote under LURC's Comprehensive Plan - for the purposes of lake planning only

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

1 inch equals 8 miles

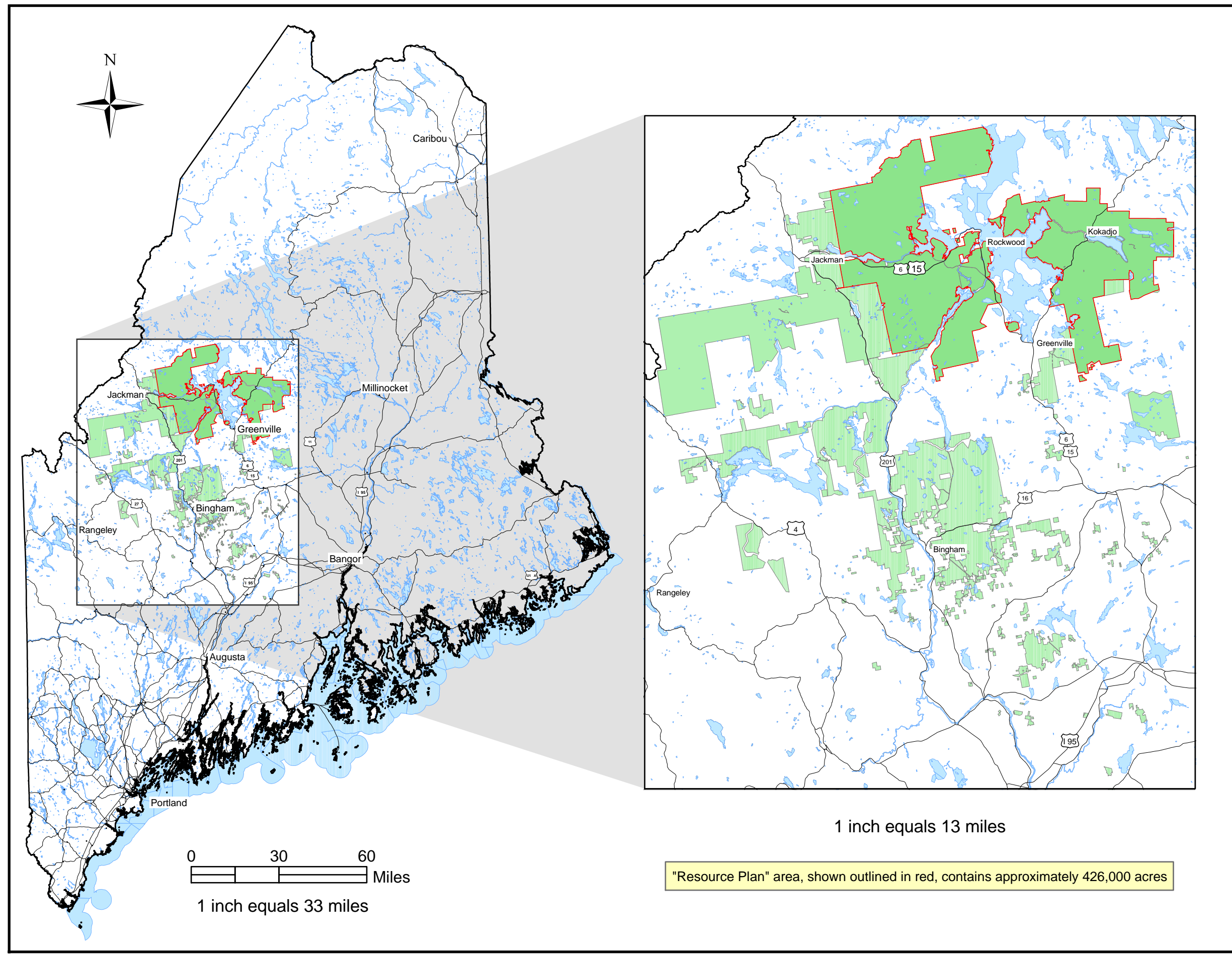
## Resource Plan Location

# RESOURCE PLAN for PLUM CREEK'S GATEWAY LANDS in the MOOSEHEAD LAKE REGION

**Consultants:**  
Kent Associates  
Barton & Gingold  
DeLuca-Hoffman Associates, Inc.  
S.W. Cole Engineering, Inc.  
Perkins, Thompson, Hinckley & Keddy PA  
Verrill Dana LLP

### Legend

-  Plum Creek Ownership Subject to Resource Plan
-  Other Plum Creek Ownership
-  Rivers - Lakes - Ponds
-  Major Road



"Resource Plan" area, shown outlined in red, contains approximately 426,000 acres

The Plan Area covers 29 Minor Civil Divisions, or MCDs: 17 in Somerset County, and 12 in Piscataquis (see the previous map). Four population centers border the Area: Jackman/Moose River on the northwest corner, Rockwood and Beaver Cove in the center of the Plan Area (on opposite sides of Moosehead Lake), and Greenville on its southern border. The Forks area (The Forks Plantation, West Forks, and Moxie Gore) is just to the southwest of the Plan Area. To the east, the closest community is Millinocket, approximately 24 miles away, as the crow flies. To the north is the vast, unpopulated interior of LURC jurisdiction: millions of acres stretching to the Canadian border, with Baxter State Park just to the northeast of the Plan Area.

LURC has designated the the Moosehead region as appropriate for landscape-scale planning due to its location on the fringe of LURC jurisdiction, the past and ongoing development pressures there, and the abundance of natural resources valued as recreational assets.

*The location of most development in fringe areas is a favorable trend from the standpoint of protecting the values of interior areas. But much of this development occurred in fringe areas with high natural resources values, and impacts on these values need to be considered as well. The Rangeley lakes and Moosehead lake regions received considerable development during the 1971-91 period, and will likely continue to be the principal growth areas in the jurisdiction. While well-planned growth is appropriate in these areas, a haphazard growth pattern has the potential to degrade the attractiveness of these areas as recreational centers, and ultimately their tourist-based economies. 2*

All 29 townships that encompass the Plan Area are on the fringe of the jurisdiction. It is the purpose of this Plan to respond positively to the need for planned growth in high growth/high resource value areas. Plum Creek's proposed Plan is, in fact, a landowner initiated proposal for responsible prospective zoning on its ownership in a Commission-identified priority area.

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<sup>2</sup> Maine Land Use Regulation Commission, Comprehensive Land Use Plan, 1997; p. 119.

**Table 1: Plan Area MCDs**

<b>Tract, Range</b>	<b>Name</b>	<b>County</b>	<b>Acres within Plan Area</b>
TA2 R13 & 14 WELS	Beaver Cove	Piscataquis	20,922
T2 R6 BKP EKR	Big Moose	Piscataquis	22,065
	Big W Twp., NBKP	Somerset	11,758
T3 R10 NWP	Bowdoin College Grant East	Piscataquis	28,277
T8 R10 NWP	Bowdoin College Grant West	Piscataquis	28,231
T2 R2 NBKP	Brassua Twp.	Somerset	25,682
T1 R6 BKP WKR	Chase Stream Twp.	Somerset	25,867
	Days Academy Grant	Piscataquis	16,259
	Elliottsville Twp.	Piscataquis	33,399
TA R13 WELS	Frenchtown Twp.	Piscataquis	23,774
T1 R6 BKP EKR	Indian Stream Twp.	Somerset	11,547
T1 R13 WELS	Kokadjo/Smithtown	Piscataquis	22,683
TA R14 WELS	Lily Bay Twp.	Piscataquis	22,522
T3 R1 NBKP	Long Pond Twp.	Somerset	27,524
	Misery Gore	Somerset	4,284
T2 R7 BKP WKR	Misery Twp.	Somerset	22,819
T1 R1 NBKP	Rockwood Strip East	Somerset	5,792
T2 R1 NBKP	Rockwood Strip West	Somerset	5,338
	Sandbar Tract	Somerset	735
T2 R1 NBKP	Sandwich Academy Grant	Somerset	15,053
T1 R7 BKP WKR	Sapling Twp.	Somerset	17,974
TA R12 WELS	Shawtown Twp.	Piscataquis	26,869
T2 R3 NBKP	Soldiertown Twp.	Somerset	30,090
T1 R14 WELS	Spencer Bay Twp.	Piscataquis	23,796
T2 R5 BKP EKR	Squaretown Twp.	Somerset	24,492
T1 R12 WELS	T1 R12 WELS	Piscataquis	23,446
T1 R1 NBKP	Taunton & Raynham Academy Grant	Somerset	14,763
T3 R2 NBKP	Thorndike Twp.	Somerset	23,175
T1 R3 NBKP	West Middlesex Canal Grant	Somerset	24,085

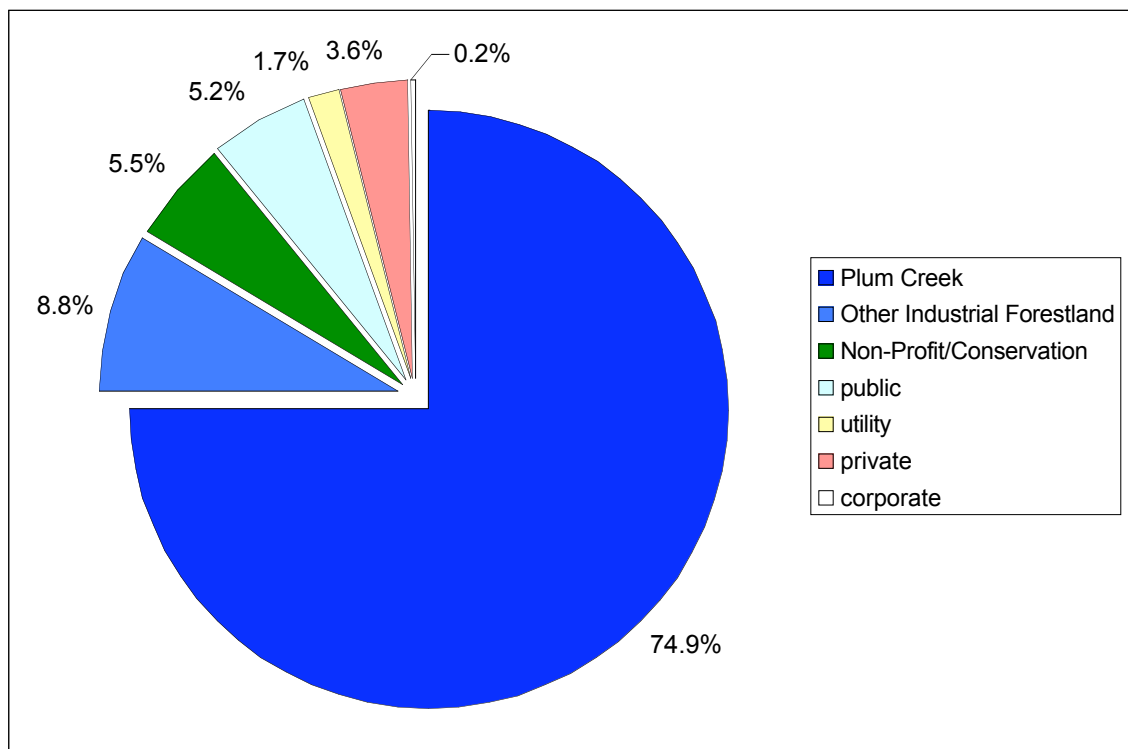
Plum Creek's recent land acquisitions of 29,500 acres in Squaretown Township, Indian Stream Township, and Beaver Cove were purchased with an eye toward enhancing this plan. Collectively, Plum Creek's ownership covers 71% of the MCDs in which it is located. This land has been primarily zoned M-GN (General Management) since LURC's inception, and residential development is allowed under the "2-in-5" exemption (see the Buildout Analysis section on page 86). The only development Plum Creek has undertaken has been through the First Roach Concept Plan, which created 89 lots.



## Current Ownership

A primary reason why a resource plan – and its consequent comprehensive planning approach – is appropriate for this area is that such a large percentage of the land in the region is owned by Plum Creek. Outside of Plum Creek ownership, there is little opportunity for a landowner-initiated plan that takes into consideration the multitude of economic, cultural, historic, and natural resource values of the region. Looking at the other owners of parcels over 50 acres within the 29 MCDs of the Plan Area, they fall into six categories: forest industries, non-profit/conservation groups, public entities, utilities, corporations, and private owners (see Figure 1). Lands owned by the public or non-profit/conservation groups will not be developed for the foreseeable future. The other industrial forestlands are divided among seven different companies and as many townships, some of them contiguous, some not. What is left – the corporate, utility, and private lands – represents only 5.5% of the land within these MCDs. Clearly, any planning for this region must engage Plum Creek as the major landowner. Indeed, Plum Creek is the *only* landowner that can initiate a truly comprehensive plan for this region.

**Figure 1: Land Ownership in Plan Area MCDs: Lots Over 50 Acres**



## *Area History*

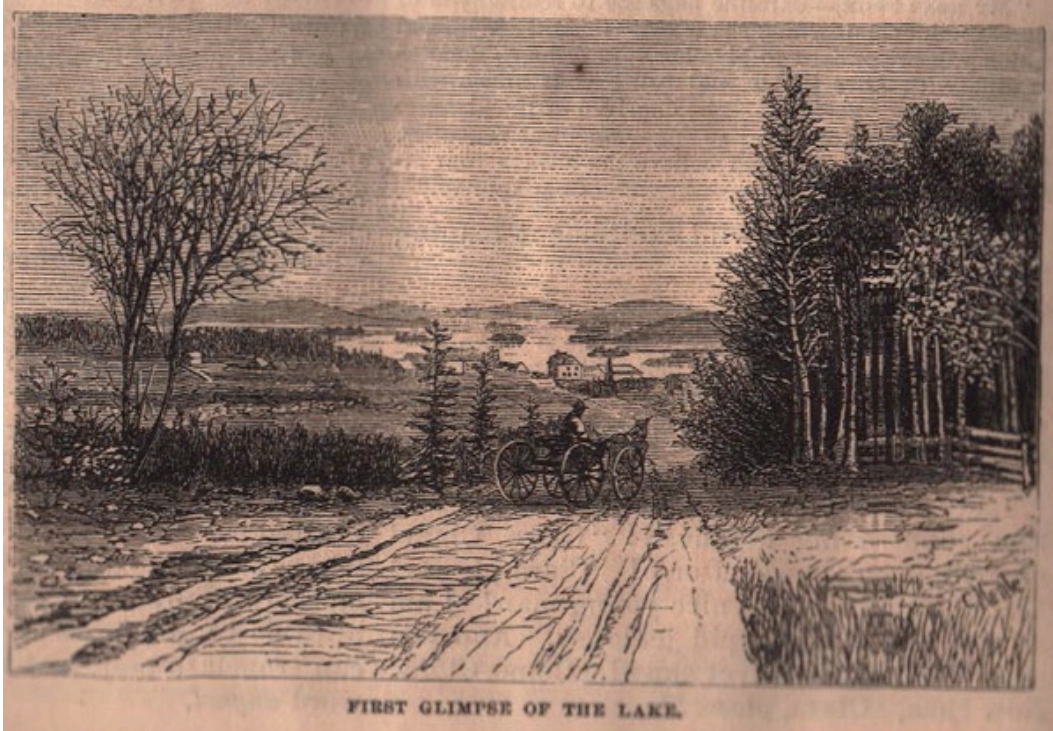
The history of the region of which the Plan Area is a part has a general theme: utilization of natural resources. Native Americans prized the area for fish and game, as well as for flint for their tools and weapons. The first white settlers in the early 1800s came to (briefly, but not productively) prospect for silver, farm, and cut timber. As logging roads became stage coach routes, the region began to be frequented by tourists who had heard of the area's natural beauty. Lodging houses that had been established to serve the loggers began to serve tourists – and the wood and tourism industries have developed side by side in the region ever since.

### **Moosehead Lake Area**

Surveying parties from Massachusetts first arrived in 1764, but the first road to the shore of Moosehead Lake was not cut until 1825. Farmers used this road to supply the logging operations that were underway. A second road from the foot of the lake was cut in 1830; this one running south to Monson. That same year, Eleazer Coburn and his sons began cutting their timberlands and sending logs down the Kennebec River. At one point, the Coburns owned 700 square miles of land, including the best timber on Brassua. As roads were cut, commerce increased, and in 1835, the area's first hotel was built: Seboomook House. Farms served as way stations for loggers and grew hay to feed the oxen and horses that pulled the logs out of the woods. Thus, the farms followed the cutting operations up the shores.

Rockwood, despite having no road access, was the primary settlement on Moosehead Lake in the early 1800s. The 1830 census lists 316 residents in Rockwood and 193 in Tomhegan. Transportation to Kineo or Greenville was by boat or by stage coach, traveling on a plowed road on the lake ice. The Town of Greenville was incorporated in 1836, but was comparatively sparsely populated: the 1840 census records 128 residents at that time.

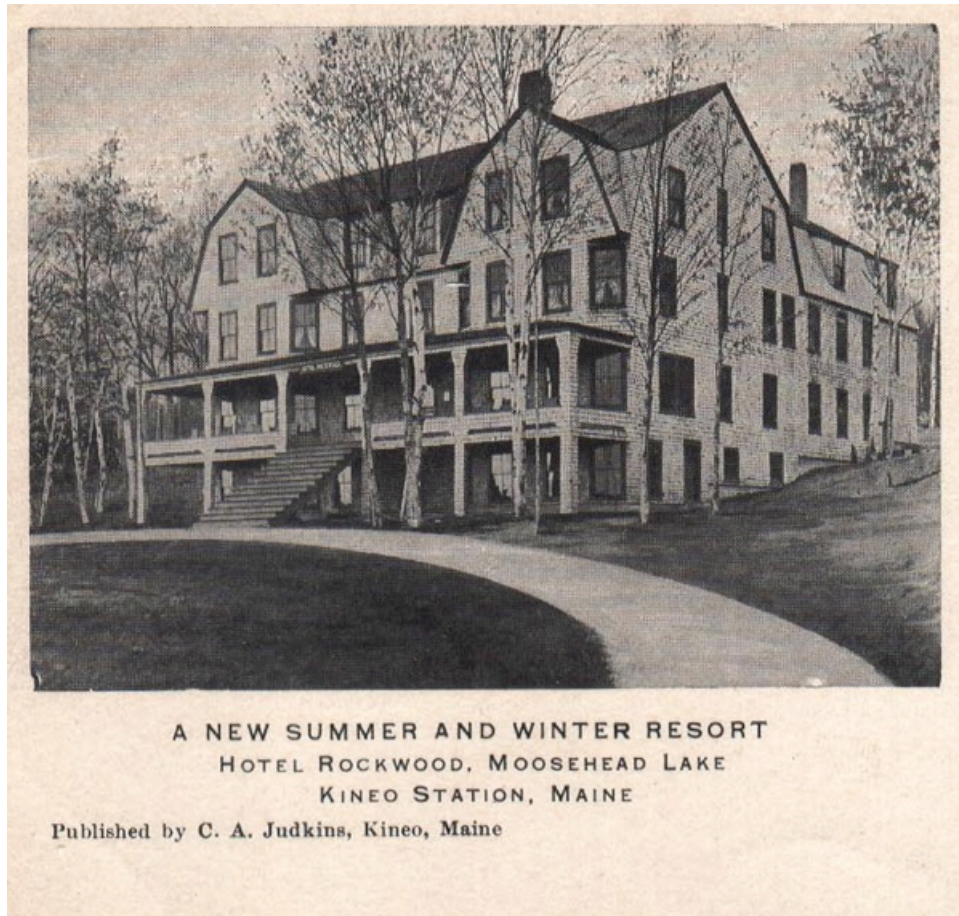
Steamboats first appeared on Moosehead in 1836, but the first boat to be used to tow boomed logs is not recorded until 1846. Three years later, the *Moosehead* was built to accommodate passenger traffic up and down the lake. Twice a week, the boat would transport people between Northeast Carry and Greenville, stopping at Kineo and other points along the way.



**Figure 2: This etching, printed in a 1874 *Harper's Magazine* article entitled "Moosehead Lake," depicts the journey to Moosehead Lake as it would have appeared when stagecoaches brought tourists and sportsmen from the cities to the south and west.**

Throughout the latter half of the 19<sup>th</sup> century, the Moosehead Lake region of Maine saw a steady increase in tourism, particularly in the Greenville and Mount Kineo areas, and at points around Moosehead Lake itself. Greenville's population grew steadily throughout the mid- to late-1800s, reaching 1,117 by 1900. Rockwood, on the other hand, lost its year-round residents. Its population dwindled to a low of 30 in 1890, but then started to rebound again thereafter. This is probably a consequence of the economy shifting from logging to tourism: Rockwood was becoming home to guides and employees of the Mt. Kineo resort.

Several factors contributed to the rise of the tourism and wood products industries between 1850 and World War II, not the least of which was the railroad. Greenville became a junction for the Bangor & Piscataquis and Canadian Pacific Railroads in the 1880s. The effect on both the tourism and wood products industries was to significantly broaden their respective marketing areas. Now tourists were traveling by rail to the Moosehead area from as far away as California, but particularly from New York and Boston, spending weeks – and sometimes months. Their stays were solicited through an abundance of advertisements, guidebooks, public relations materials and the like, funded by local guide services, nature writers, resorts, and the rail lines themselves.

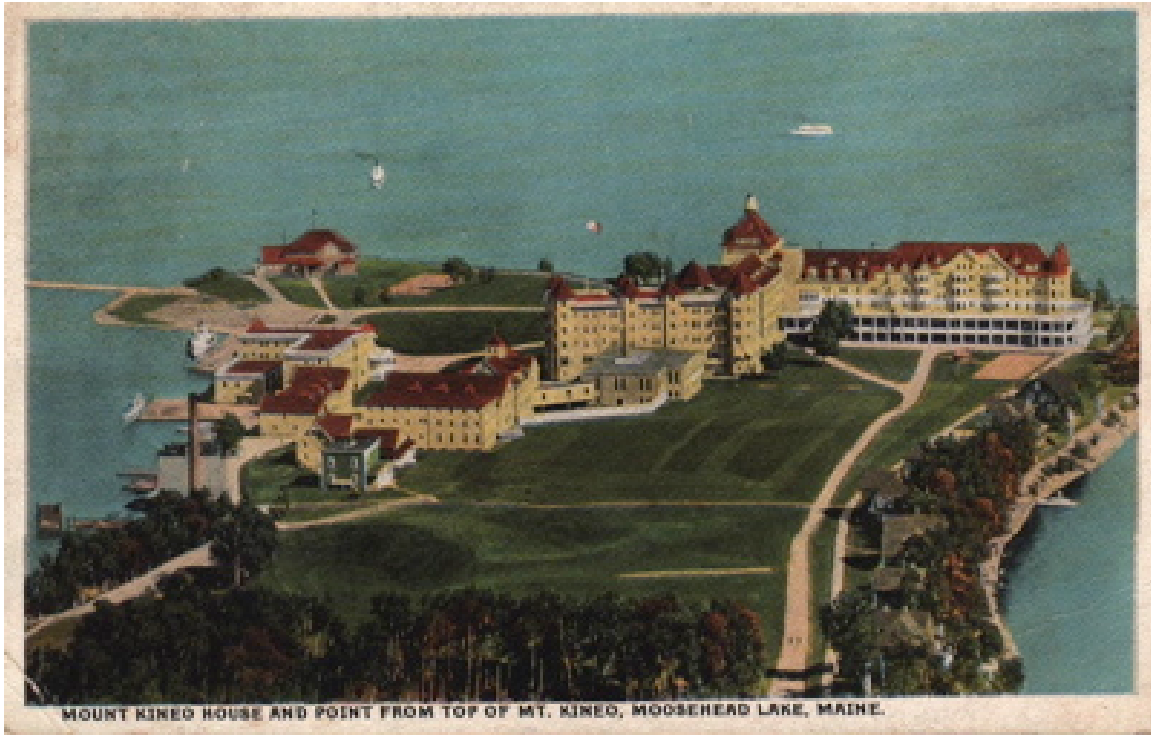


**Figure 3: Hotel Rockwood issued postcards and other materials in the late 19th century to draw visitors to Moosehead.**

Mt. Kineo House was perhaps the most famous resort in the region. It was first built in 1844, but burned to the ground in 1870, and its replacement burned in 1882. The resort that gained fame as a getaway for well-to-do Bostonians and New Yorkers was opened in 1884.

All types of entertainment were provided for guests of the Kineo House. There was a bowling alley, a library and a golf course. Ladies and gentlemen participated in horseback riding and canoeing, played tennis, and dressed at all times in the appropriate formal attire expected of aristocrats in that period.

Visitors also hired guides for sport hunting and fishing, and strayed from the resort for days at a time to recreate in the woods and waters of the region. Because many guests stayed for long periods of time, there are written accounts indicating that people would often frequent other hotels, camps, inns and campsites throughout the region over the course of their stay, using Kineo House as a "home base." There was also a yacht club at the Mt. Kineo House, where guests and regular yachtsmen could race sailboats in-season, with house rules for racing and all of the features of a yacht club of that era, including a cannon and a mast-and-yardarm style flagpole. Additionally, formal dances were offered several times a week.



**Figure 4: The Kineo House, as it appeared around 1905.**



**Figure 5: Mount Kineo House Yacht Club's fleet of powerboats, circa 1900. The club hosted sailing races, and also made every manner of vessel available for rental.**

The turn of the 20<sup>th</sup> Century heralded great things for the wood products industry as well as tourism. In 1891, the Veneer Products Company (later Stover Plywood) was established in Greenville. 1895 saw the first paper company established in the region: Hollingsworth & Whitney Company. H & W owned 161,000 acres along the shores of Moosehead, supplying wood to three mills on the Kennebec River. Great Northern Paper Company was established in 1900, east of Moosehead Lake. Northeast Carry became a major base for the company, transferring men and supplies that came up the lake from Greenville over land to the Penobscot River, where logs were floated down to the Millinocket mill.

The heyday of the region was during the first third of the 20<sup>th</sup> century, before declining somewhat abruptly. The census data show that the population of the area peaked between 1920 and 1940. The state's historic census data does not include figures for every MCD in the planning area, but the available data shows that the population in the area was 19% higher in 1940 than it is today (see Figure 8).

The majority of the townships and plantations in the region have never recovered their populations. Many townships that today have little or no year-round population had small but significant communities then. Bowdoin College Grant East had a population of 115 in 1920; the 2000 census lists 2 people for that township. Day's Academy Grant had 113 people then, and 4 now. Long Pond, once a plantation, had 216 residents in 1910, and 54 today.

*"The lumber industry in the Jackman area came into its own with the opening of the Kellogg Lumber Company Mill in 1906 or 1907 in Long Pond, employing about 275 men. This gave rise to the settlement of the Plantation of Long Pond; organized as a plantation on January 22, 1912, organization surrendered July 13, 1929. At its height, Long Pond boasted its own railroad station, post office, school, church, stores and movie house. This mill burned in 1909 and was rebuilt on a larger scale and for a number of years operated day and night. The boarding house burned in 1914 and it too was rebuilt on a larger scale. The mill. . . burned down for the last time in 1935."*<sup>3</sup>

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<sup>3</sup> *History of the Moose River Valley*, The Jackman Moose River Valley Historical Society, 1994, p. 97.



Figure 6: Long Pond, 1924.



Figure 7: Rockwood and Kineo, 1922.

The tourism industry and population of the region declined after the '40s due to several factors, including the Depression, World War II, and rise of the automobile, concurrent with the region's relative roadlessness compared with other tourist destinations. The road from Rockwood to Long Pond was built in 1932, the road from Rockwood to Greenville in 1934. But the decline in passenger rail service meant that, increasingly, individuals had to drive themselves to the region from Boston and New York, rather than enjoy the ride on the trains. The Depression and World War II took their toll on the economy, diminishing the amount of expendable time and money people had for "sport."

The woods products industry was better able to adjust to the changing economy than tourism. Railroads had already enabled lumber to be moved quickly from the mills to markets. Other innovations, such as skidders and chain saws (the latter in 1951) enabled more efficient woods operations (another reason for the decline in population, as fewer workers were needed in the woods). The industry produced a more diversified array of products, including new types of paper and composite materials. These products, in turn, utilized a wider variety of trees, enabling companies to take advantage of a broader range of forest types.

The late '50s witnessed the first example of forest industry diversification into real estate: the J.M. Huber Corporation subdivided its land in Beaver Cove, and marketed it for recreational homes. The development incorporated as a Town in 1978. The first condominiums in the region were designed as part of this development.

### **History of Forest Land Ownership in the Moosehead Region**

- 1830 – Eleazer Coburn begins acquiring land in Somerset County; Coburns eventually own 700 square miles of forest.
- 1895 – Hollingsworth & Whitney Company established: first paper company in the region, with 161,000 acres along the shores of Moosehead.
- 1900 – Great Northern Paper Company established.
- 1947 – Hollingsworth & Whitney buys 100,000 acres from Coburn Heirs.
- 1954 – Scott Paper Company acquires 400,000 acres of Hollingsworth & Whitney land.
- 1969 – Scott Paper acquires 100,000 acres from S.D. Warren, making Scott the biggest landowner in the area.
- 1994 – Scott Paper's S.D. Warren division bought by South African Pulp and Paper International (SAPPI).
- 1998 – Plum Creek Company purchases 905,000 acres from SAPPI, including the Moosehead Lake and Moose River Valley areas.

In 1976, the river drives were discontinued. The forest products industry responded by building logging roads to transport their logs to lumber and paper mills. Today, there are thousands of miles of logging roads throughout the unorganized territory. With the advent of these roads, the deep woods were made far more accessible – now anyone with a car or truck could, within minutes of leaving a public road, reach areas of the Maine forests that were practically unreachable before. But by now, the resorts and hotels were gone, and the tourism infrastructure has not returned.

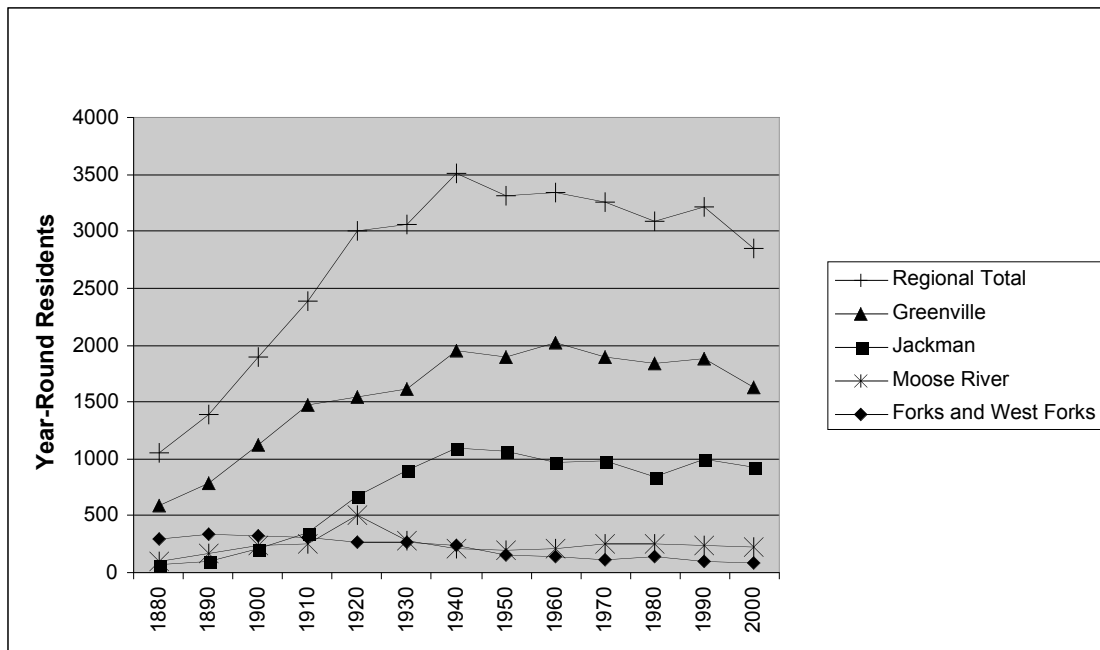
Scott Paper Company began buying land in the region in the 1950s, and by 1969, had become the largest landowner in the area. The 1990s saw the beginning of globalization in the woods products industry. Scott's S.D.



Warren division was bought in 1994 by South African Pulp and Paper, International (SAPPI). In 1998, Plum Creek Timber Company, Inc. (based in Seattle, Washington) bought 905,000 acres from SAPPI, including the Moosehead Lake and Moose River Valley areas. Plum Creek's current holdings in Maine total over 953,000 acres.

In terms of population, the region has never recovered from the loss of jobs in tourism and forestry. Looking at the towns where there is consistent census data from the late 1800s, the current population of the region is 19% lower than it was at its height in 1940. This represents 666 fewer residents in the towns of Greenville, Jackman, Moose River, and The Forks and West Forks Plantations. The current population for these towns stands roughly where it was in 1915.

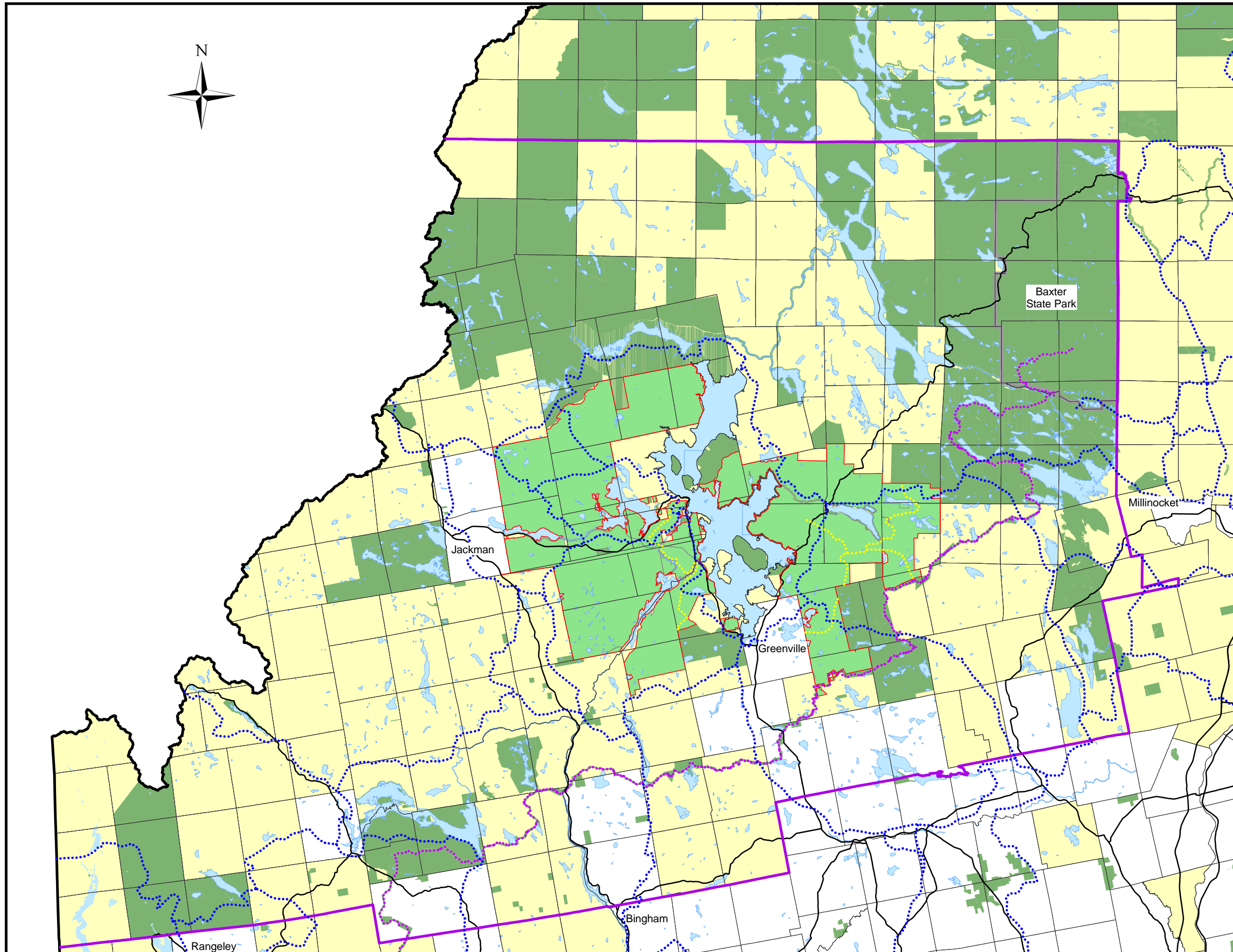
**Figure 8: Regional Population Trend**



Data Source: <http://www.library.umaine.edu/census/>

## *Regional Conservation*

Across the west-central region of Maine are large tracts of protected land. In the region stretching from the northern New Hampshire border to the east side of Baxter State Park, there are over 2 million acres (over 3,000 square miles) of forest that are protected to some degree, through easement or fee ownership by a conservation entity (see the following map and Table 2). With the exception of the West Branch easement, residential development is prohibited on all this conservation land, and other restrictions may apply as well. Generally, the public is allowed access to these lands for traditional recreation pursuits.



**Regional Conservation**

**RESOURCE PLAN  
for  
PLUM CREEK'S  
GATEWAY LANDS  
in the  
MOOSEHEAD LAKE REGION**

**Consultants:**  
 Kent Associates  
 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
 S.W. Cole Engineering, Inc.  
 Perkins, Thompson, Hinckley & Keddy PA  
 Verrill Dana LLP

**Legend**

- Plum Creek Ownership Subject to Resource Plan
- Private, State, Federal Land in Conservation
- Other Land in LURC Jurisdiction
- Rivers - Lakes - Ponds
- Major Road
- Appalachian Trail
- Existing ITS Snowmobile Trail
- Proposed Hiking Trail
- Boundary defining West / Central Maine

0      10      20  
 Miles  
 1 inch equals 10 miles

Several of the largest conservation tracts in this west/central area have only recently been protected. The Nature Conservancy's Katahdin project, the Pingree lands, the West Branch project, and the Appalachian Mountain Club's Katahdin Iron Works purchase total 600,000 acres. All this conservation has taken place in the space of three years, between 2001 and 2004, more than tripling the area protected by Baxter State Park.

**Table 2: Conservation in West/Central Maine**

Conservation Land Held in Fee			
Name	Location	Acreage	Fee/Easement Holder <sup>4</sup>
Allagash Wilderness Waterway	T6 & T7 R11 WELS	21,941	BPL
Appalachian Trail Corridor	from New Hampshire border to Baxter State Park	7,653	NPS/BPL
AT - Elliotsville	Elliotsville Twp.	1,275	BPL
Attean	Attean	960	BPL
Attean shoreline	Attean	713	BPL
Bald Mountain	Bald Mountain Twp.	1,792	BPL
Bald Mountain	Rangeley	1,934	BPL
Baxter State Park	T2 R9 WELS north to T6 R10 WELS and Trout Brook Twp.	202,539	BPL
Beaver Cove	Beaver Cove	778	BPL
Big Moose	Big Moose Twp. and Moosehead Twp.	14,947	BPL
Bigelow Preserve	Bigelow, Dead River, Wyman, and Flagstaff Twps.	40,952	BPL
Black Brook	Pierce Pond Twp.	456	BPL
Borestone	Elliotsville Twp.	1,600	NAS
Caratunk	Caratunk and The Forks	784	BPL
Caratunk	Caratunk	473	BPL
Caratunk	Caratunk	460	BPL
Chain of Ponds	Chain of Ponds Twp.	1,141	BPL
Chesuncook	Chesuncook Twp.	848	BPL
Coplin	Coplin Twp.	500	BPL
Coplin	Coplin and Lang Twps.	400	BPL
Days Academy Grant	Days Academy Grant	7,275	BPL
Dennistown	Dennistown Plt.	1,000	BPL
Farm Island	Farm Island, Moosehead Lake	980	BPL
First Roach	Frenchtown Twp.	124	BPL
Gero Island	Gero Island, Chesuncook Twp.	3,213	BPL
Greely Pond	Dallas Plt.	335	BPL
Highland	Highland Plt. and Carrabassett Valley	318	BPL
Highland	Highland Plt.	180	BPL
Highland	Highland Plt.	152	BPL
Highland	Highland Plt.	75	BPL
Holeb	Holeb Twp.	16,129	BPL
Katahdin	T2 R10 WELS, T2 R9 WELS and T1 R9 WELS	41,000	TNC

<sup>4</sup> AMC – Appalachian Mountain Club; BPL – Bureau of Parks and Lands; FSM – Forest Society of Maine; MIF&W – Maine Department of Inland Fish & Wildlife; NAS – National Audubon Society; NEFF – New England Forestry Foundation; NPS – National Park Service; TNC – The Nature Conservancy

<b>Conservation Land Held in Fee</b>			
<b>Name</b>	<b>Location</b>	<b>Acreage</b>	<b>Fee/Easement Holder<sup>4</sup></b>
Katahdin Iron Works	Bowdoin College Grant West, Bowdoin College Grant East, T7 R9 NWP	36,691	AMC
Lily Bay State Park	Beaver Cove	925	BPL
Lincoln	Lincoln Plt.	960	BPL
Lobster Lake	Lobster Twp.	2,300	BPL
Long Pond	Bowdoin College Grant East	960	BPL
Moore Pond	Bradstreet Twp.	200	BPL
Moose River	Bradstreet Twp.	430	BPL
Moose River	Moose River	280	BPL
Moose River	Taunton & Raynham Academy Grant	87	TNC
Moosehead Lake Public Reserve	Sugar and Farm Islands and most of the shore in Days Academy and Kineo Townships	11,176	BPL
Moxie Falls	Moxie Gore	217	BPL
Moxie Gore	The Forks Plt.	1,035	BPL
Namakanta	T1 R11 & R12 WELS and Rainbow Twp.	42,912	BPL
No. 5 Bog	Attean	808	FSM
Peaks/Kenney State Park	Guilford and Dover Foxcroft	813	BPL
Pierce Pond	Sandwich Academy Grant, Pierce Pond Twps., Dead and Kennebec River shoreline	1,960	Maine Wilderness Watershed Trust
Pleasant Ridge	Pleasant Ridge Plt.	207	BPL
Rangeley	Rangeley	748	BPL
Reddington	Reddington Twp.	1,000	BPL
Richardson	Adamstown Twp.	5,185	BPL
Roach River Corridor	Spencer Bay Twp.	690	MDIF&W
Rockwood	Rockwood Strip (East)	200	BPL
Sandwich Academy Grant	Sandwich Academy Grant	467	BPL
Sandy Bay	Sandy Bay Plt.	2,712	BPL
Seboeis Lake	T4 R9 NWP and Lakeview Plt.	10,192	BPL
Second Roach	Shawtown Twp.	240	BPL
Spectacle Pond	Monson	450	MDIF&W
Sugar Island	Sugar Island, Moosehead Lake	4,208	BPL
Taunton & Raynham Academy Grant	Taunton & Raynham Academy Grant	320	BPL
Upper Enchanted	Upper Enchanted Plt.	320	BPL
West Branch Penobscot River	various, north of Seboomook and west to the Canadian Border	47,000	BPL
West Forks	West Forks Plt.	1,726	BPL
<b>Total Fee Acres</b>		<b>550,346</b>	

Conservation Land Under Easements			
Name	Location	Acreage	Fee/Easement Holder <sup>5</sup>
Attean	Attean	15,500	FSM
Jack Pine	Attean	165	FSM
Katahdin	Long A Twp. north to T2 R9 WELS; T3 R11 WELS to T5 R11 WELS and T3 and T4 R12 WELS; Chesuncook Twp. and T6 R13 WELS	200,000	TNC
First Roach Pond	Frenchtown	1,180	BPL
Loon Lake	T5 & T6 R 15 WELS	11,471	NEFF
Penobscot River Corridor	Northeast Carry and Lobster Twps., T4 R14 WELS	8,000	BPL
Pierce Pond	Pierce Pond Twp. and Bowtown Twp.	10,138	BPL
Pierce Pond	Sandwich Academy Grant, Pierce Pond Twps., Dead and Kennebec River shorefront	2,216	Maine Wilderness Watershed Trust
Pingree lands	Davis, Lower Cupsuptic, Upper Cupsuptic, and Oxbox Twps.	81,177	NEFF
Spencers	TX R14 and T2 R13 WELS	4,598	BPL
West Branch Penobscot River	various, north of Seboomook and west to the Canadian Border	282,000	FSM
Wilson Pond Area		15	Friends of Wilson Pond Area, Inc.
<b>Total Easement Acres</b>		<b>616,460</b>	
<b>Total Currently Protected Acres (easement + fee)</b>		<b>1,166,806</b>	

Among other types of conservation, the Plum Creek Plan proposes to rezone over 382,000 contiguous acres out of the 426,000-acre Plan Area, and at the heart of the North Woods recreational area. This proposed No Development/Working Forest zone would prohibit *all* residential development and eliminate the current option of subdividing parcels every five years without regulatory oversight. This effectively precludes the creation of "kingdom lots" where large parcels are carved out of the working forest. Rather, the No Development/Working Forest area will allow forestry and agricultural uses, sporting camps, and traditional recreation (defined as fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, portaging, tent and shelter camping, cross country skiing, and snowshoeing). Snowmobilers and hikers would be granted access over two separate trail networks, but essentially, the area would remain as it is today: primarily a working forest, with no residential development.

As a result, this proposal would bring the number of acres preserved for forestry and conservation in west central Maine to over 1.5 million – a 36% increase over the area currently protected. More importantly, it would protect and enhance the Upper Kennebec and Moose River valleys as recreational centers, as an industrial "wood basket," and as gateways to the north Maine woods.

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<sup>5</sup> AMC – Appalachian Mountain Club; BPL – Bureau of Parks and Lands; FSM – Forest Society of Maine; MIF&W – Maine Inland Fish & Wildlife; NAS – National Audubon Society; NEFF – New England Forestry Foundation; NPS – National Park Service; TNC – The Nature Conservancy

## *Tourism*

### **Blaine House Conference on Natural Resource-Based Industries**

On November 17<sup>th</sup>, 2003, Governor Baldacci hosted a Blaine House Conference on Natural Resource-Based Industries. The five industries examined included tourism/recreation, and forestry. The final report on the Conference included a set of 75 recommendations for improving these natural resource-based industries. Several of these recommendations support Plum Creek's Resource Plan. They demonstrate the Baldacci administration's commitment to increasing tourism in Maine in a sustainable way that is coordinated with the forest industry, government, and academia.

*The recommendations address seven [sic] areas that the sectors have in common:*

1. *Access to the very natural resource-base on which the industries depend*
2. *Market development that takes advantage of the "Maine" brand*
2. *Small business support*
3. *Objective data, research, and science for policymaking*
4. *Clear and stable public policy*
5. *Tax policy and economic development incentives*
6. *Coordination/collaboration across industries and government agencies*<sup>6</sup>

David Vail, Adams-Catlin Professor of Economics at Bowdoin College, presented a paper at the Blaine House Conference that has particular import for this Resource Plan. Vail sees significant opportunities for economic development through sustainable eco-tourism in Maine's North Woods.

Maine's 44 million annual tourists and their ca. \$5.5 billion spending amply confirm that Maine has what it takes to lure paying customers to our backyard. . . (p. 5)

*In sum, interior and Downeast regions face an inescapable reality: they lack powerful "destination drivers" that generate widespread brand recognition and confer a marketing edge over well branded competitors . . . (p. 9)*<sup>7</sup>

*Turning the state's brand – "It Must be Maine!" – into a potent tool for promoting interior and Downeast regions is a two-part challenge. The first is to develop "packages" of activities, events, and facilities with the qualities sought by target consumer groups, particularly affluent middle-aged general tourists and younger outdoor adventure seekers. (pp. 14-15)*

*Our prime opportunity is to capture a growing share of growing markets, while retaining Maine's strong position in more traditional backcountry recreation. The indicators point*

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<sup>6</sup> Richard Barringer and Richard Davies, Co-chairs; Blaine House Conference on Maine's Natural Resource-based Industry: *Charting a New Course*, Conference Report With Recommendations to Governor John E. Baldacci; February 2004; p. 16.

<sup>7</sup> David Vail; "Sustaining Nature-Based Tourism in 'Vacationland'"; October 2003

*to general touring, frequently coupled with non-consumptive outdoor activities such as hiking, mountain biking, whitewater rafting, and fall foliage viewing, as the biggest growth prospects. (Longwoods 2001, TIA 2002b) With an effective multiple-use management strategy for our private, public, and trust lands, this should be compatible with the goals of sustaining Maine's traditional strong position in fishing, hunting, and trapping. (p. 14)*

*Core Challenges: Augment efforts to develop high quality tourism product packages - combining nature, culture, events, food, and lodging - that shape a powerful destination image in the major market growth segments: general touring and non-consumptive outdoor recreation. Continue to support lower profile development and marketing efforts focused on traditional forms of outdoor recreation and repeat visitors. Strengthen the "It must be Maine!" branding effort by harnessing it to top quality tourism products. (p. 9)*

*Based on a back-of-the-envelope assessment of social and environmental carrying capacities, I believe these [interior and Downeast] regions could host 300,000 to 600,000 more summer visitors (just 1.5 to 3.0 percent of the number who visit the coast each summer) in ways that enhance tourism employment and revenues while sustaining, perhaps even improving recreational opportunities for Maine residents. (p. 14)*

Finally, the Maine Department of Conservation presented a working paper at the Blaine House Conference that outlines the elements the Department believes will best support the forest industries.

#### *Specific Action Steps*

9. *Improve Forest Management and the Policies Which Support It:*
  - a. *Retain Maine's forest land base through the use of easements, a reliable Tree Growth Tax Law program, and growth management policies that promote sound land use decisions.*
10. *Enhance the connections between managed forests and outdoor recreation/tourism:*
  - a. *Promote eco-tourism combined with well managed forestlands to showcase singular Maine experience and cultural heritage.*
  - b. *Link outdoor recreation and tourism economies with Maine's "green" forests and forest products industry.*
  - c. *Develop partnerships with landowners for specialized recreational activities on their land to accommodate new tourism.<sup>8</sup>*

The Plum Creek Resource Plan supports the goals set out by the DOC and others by:

- protecting large tracts of the forest land base;
- providing predictable land use for decades into the future;
- attracting economic activity to the region that is sustainable, does not conflict with current uses, and supports existing communities; and
- coordinating the planning efforts of both private industry and government.

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<sup>8</sup> Maine Department of Conservation, "Recommendations for Action, Blaine House Conference on Maine's Natural Resource-Based Industry," November 17, 2003, pp. 5-6.



## **FERMATA Study**

The Department of Economic and Community Development (DECD) has undertaken several actions to address the needs outlined in Professor Vail's report. One of these steps has been to conduct a study to identify ways to develop the state's nature-based tourism infrastructure. This study is being conducted by FERMATA, a nationally-known tourism consulting firm.

FERMATA has been tasked with conducting an inventory of the natural-resource based tourism offerings, identifying "gaps" in, and recommending improvements to, tourism programs, training, and infrastructure. One of the regions FERMATA is focusing on is the Greenville-Millinocket area.

FERMATA's findings are due in April and July of 2005, but the potential for recreation and tourism development in the region is already known. Of the top 10 activities enjoyed by domestic travellers in the United States, outdoor recreation is second only to shopping.<sup>9</sup> Twenty-one percent of overnight travellers in Maine come to enjoy the outdoors and recreation.<sup>10</sup> DECD and Plum Creek have been working along parallel paths to help realize this potential.

Governor Baldacci has submitted a bill to the legislature to establish "Pine Tree Recreation Zones" that will qualify new hotels, resorts, and sporting camps for tax breaks. In addition, FERMATA will be working with local groups to develop interpretive visitor centers; trailheads, historic sites, and nature centers; and a uniform guide and map publication template.

## **Greenville**

The Town of Greenville offers a wide variety of recreational opportunities. These facilities and programs are made available to the public at little or no cost. The programs are geared for children under 14 years of age. They include: basketball, swimming lessons, T-ball, baseball, soccer camp, skating, downhill skiing lessons, little league softball, and ice hockey. Facilities include three beach and picnic areas; Thoreau Park, which also has picnic tables; Pine Grove Playground; and the gymnasium at the Greenville school complex which offers tennis courts, ice skating, outdoor basketball, track, ball fields, soccer, a playground, and nature trails. The school facilities are available to the public during off-school hours.

The *S/S Katahdin*, which is docked in Greenville, is a restored steamship that now serves as the Moosehead Marine Museum, providing tours of Moosehead Lake. The Moosehead Historical Society is housed in a Victorian mansion and carriage house that also serves as a museum, displaying artifacts from native Americans and the region's lumbering history.

## **Jackman**

The Town of Jackman's economy relies heavily on recreation. Tourism is considered one of the three "pillars" of the local economy (along with service center businesses and forestry),<sup>11</sup> with

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<sup>9</sup> Travel Industry Association of America.

<sup>10</sup> Maine Office of Tourism, 2002.

<sup>11</sup> 2004 *Municipal Comprehensive Plan*, December, 2004, p. 16.

more than a third of the jobs in the service industry. The Town is seeking to solidify its reputation as a four-season destination for tourists in order to stabilize employment.<sup>12</sup>

Jackman's primary tourist season is winter, because of the extensive use of snowmobile trails. The Interconnected Trail System (ITS) has two routes that intersect in Jackman (ITS 86 and 89). Including other trails, there are over 60 miles of snowmobile trails just within the borders of the Town.

Other facilities within the town are Armand Pomerleau Park, with basketball and tennis courts, picnicking and playground equipment, and access to a cobbled beach on Big Wood Pond; two ballfields; and an outdoor ice rink. Across Moose River, there is a nine-hole golf course. Jackman also has a public boat ramp on Big Wood Pond. Finally, there is a network of cross-country ski and hiking trails, primarily on private property.

### Current Use

The table below compares the popular recreational activities of Mainers 16 years or older to those in New England and the United States as a whole. Pleasure boating, canoeing, and freshwater fishing stand out as activities that Mainers enjoy more often than New Englanders or Americans in general. Conversely, Americans other than Mainers report spending significant time watching wildlife, whereas Mainers do not. The latter discrepancy may be due to the fact that wildlife is much more present and accessible in Maine, and thus not a cause for residents to dedicate precious recreational time to view.

**Table 3: Most Popular Activities among Maine Residents Compared with the Northeast and US\***

Maine 1991-92		Northeast US 1994-95		US 1994-95	
Activity	%	Activity	%	Activity	%
Driving/Sightseeing	80.7	Walking (all)	68.1	Walking (all)	66.7
Walking for Pleasure/Exercise	57.6	Visiting Beach/Waterslide	64.3	Visiting Beach/Waterslide	62.1
Visit Cultural/Historic Site	55.0	Family Gathering	60.5	Family Gathering	61.8
Swimming-Freshwater	54.8	Sightseeing	56.4	Sightseeing	56.6
Picnicking	52.5	Picnicking	49.4	Picnicking	49.1
Swimming-Saltwater	47.3	Swimming-pool	47.6	Attending Sporting Events	47.5
Pleasure Boating	38.4	Attending Sporting Events	47.6	Visiting a Nature Center/ Trail/ Zoo	46.4
Fishing-Lake/Ponds	38.3	Swimming/lake, river, ocean	44.9	Swimming-pool	44.2
Attending Outdoor Sport Events	35.0	Visiting a Historic Site	54.8	Visiting a Historic Site	44.1
Attending Indoor Sport Events	31.4	Visiting a Nature Center/ Trail/ Zoo	44.3	Swimming/lake, river, ocean	39.0
Canoeing-Flatwater	30.9	Wildlife Viewing	30.5	Wildlife Viewing	31.2
Swim-Home Friend's Pool	30.9				

\* 30% or higher participation by residents 16 years and older  
Source: Maine Department of Conservation, Bureau of Parks and Lands, *2003 Maine State Comprehensive Outdoor Recreation Plan; Draft for Review; Chapter III, Outdoor Recreation Demand, p. 11.*

<sup>12</sup> Ibid, p. 17.

The Travel and Tourism in Maine – 2001 Visitor Survey<sup>13</sup> provides information on the reasons people take pleasure trips in Maine. Of the 22.9 million pleasure trips taken in that year, 81% were day trips, split roughly equally among residents and non-residents. Outdoor activities were the second most common reason given for the day trips (22%), after shopping (27%). Touring was third, at 17%.

Of the 4.3 million marketable overnight pleasure trips to Maine, “*Ecotourism (21% vs. 11% US norm), the natural environment, and related outdoor recreation activities were key defining interests or components of Maine trips, at levels above US norms.*”<sup>14</sup> Eight-four percent of these overnight pleasure trips are by nonresidents. On average, overnight visitors are 48 years old, married with no children under 18 years old. They are employed full time in professional or managerial positions, with incomes of \$50,000 or more. Three quarters of all overnight visitors are 35 years old or older.

The Kennebec and Moose River Valleys and the Katahdin/Moosehead area are the destinations for 19% (817,000) of these overnight trips (Kennebec/Moose River Valley 8% or 344,000 trips, Katahdin/Moosehead 11% or 473,000 trips).<sup>15</sup> It is not known to what degree visitors to this region differ demographically from all overnight visitors to Maine. Considering the popularity of Baxter State Park, the Appalachian Trail, whitewater rafting and snowmobile trails in the area, it is reasonable to assume tourists using these facilities are somewhat younger than those visiting the rest of the state.

**Table 4: Activities and Experiences Pursued on Marketable Overnight Pleasure Trips to Maine 2001 (Percent of Trips)**

<b>Sightseeing</b>		<b>Sports &amp; Recreation</b>	
Small Towns/Villages	66%	Went to Ocean Beach	47%
Wilderness	38%	Hiking	19%
Lakes/Rivers	37%	Swam in a Pool	16%
Natural Environment	36%	Went to Lakeside Beach	11%
Historic Areas	29%	Bicycling	7%
National/State Park	27%	Freshwater Fishing	5%
Rural Areas	22%	Canoeing	5%
Viewing Wildlife	22%	Backpacking	5%
Landmarks/Historic Sites	21%	Sea Kayaking	3%
Beautiful Fall Colors	17%	Saltwater Fishing	3%
Unusual Wildlife	17%	Power Boating/Sailing	3%
Bird Watching	11%	Downhill Skiing	3%
Historical Museum	10%	Golf	2%
Day Cruise	9%	Tennis	1%
Interesting Architecture	8%	River Rafting	1%

<sup>13</sup> Longwoods International, Travel and Tourism in Maine 2001 Visitor Survey, prepared for the Maine Office of Tourism, September, 2002.

<sup>14</sup> Longwoods International, Travel and Tourism in Maine 2001 Visitor Survey, prepared for the Maine Office of Tourism, September, 2002; in the Maine Bureau of Parks and Lands’ State Comprehensive Outdoor Recreation Plan, Draft for Review, Chapter III: Outdoor Recreation Demand, p. 24.

<sup>15</sup> Maine Bureau of Parks and Lands’ State Comprehensive Outdoor Recreation Plan, Draft for Review, Chapter III: Outdoor Recreation Demand, p. 8.

<b>Sightseeing</b>		<b>Sports &amp; Recreation</b>	
Short Guided Tour	7%	Hunting	1%
<i>Source: Maine Bureau of Parks and Lands' State Comprehensive Outdoor Recreation Plan, Draft for Review, Chapter III: Outdoor Recreation Demand, p. 25</i>			

## Trends

Many of the activities available in the Kennebec/Moose River Valleys and the Moosehead/Katahdin area are experiencing double-digit growth nationally. Following is a table showing the activities with a growth rate of 29% or higher.

These figures are not directly comparable to the data in the previous table because they are drawn from different surveys that used differing terms. Kayaking and jet skiing, in particular, are not broken down into fresh- and saltwater activities. However, assuming a significant portion of the increase in kayaking and jet skiing is in freshwater, all of these recreational activities are available in the Kennebec/Moose River Valleys and Moosehead/Katahdin region. In fact, the region is particularly well endowed with exceptional resources supporting these activities.

Again, there are no comparable figures for Maine, but the SCORP lists several activities that are growing rapidly, based on a variety of data: walking, snowmobiling, ATV riding, boating (especially in cabin cruisers, jet skis, and pontoon boats), snowboarding, and camping at developed campsites. Many of these activities appeal to all age groups.

**Table 5: Fastest Growing Recreational Activities in the US, 1994-2001**

kayaking	173%
snowboarding	127%
jet skiing	107%
snowmobiling	63%
wildlife viewing	48%
backpacking	46%
hiking	44%
biking	43%
canoeing	43%
horseback riding	41%
coldwater fishing	34%
developed camping	31%
off-road driving	30%
floating/rafting	30%
walking	29%

*Source: National Survey on Recreation and the Environment: 2000-2001, The Interagency National Survey Consortium, Coordinated by the USDA Forest Service, Recreation, Wilderness, and Demographics Trends Research Group, Athens, GA and the Human Dimensions Research Laboratory, University of Tennessee, Knoxville, TN; in State Comprehensive Outdoor Recreation Plan, Draft for Review, Chapter III: Outdoor Recreation Demand, Maine Bureau of Parks and Lands, p. 26.*

## *Recreational Resources*

The Moosehead Lake region and Upper Kennebec and Moose River Valleys have long enjoyed the reputation of being Maine’s premier outdoor recreation centers. The region’s multiple lakes and ponds, three whitewater rivers, ample woods, mountains and trails provide the setting for nearly any type of outdoor recreation, including: whitewater rafting, float plane tours, snowmobiling, snowboarding, downhill and cross-country skiing, snowshoeing, motor boating, boat cruises, hiking, fishing, hunting, canoeing, kayaking, horseback riding, wildlife “safaris,” rock climbing, ropes courses, “leaf peeping,” and camping.

Moosehead Lake, Jackman, and The Forks area are the loci of the businesses that cater to outdoor enthusiasts. While most businesses’ offerings are strictly for recreationists, there are those that offer retreats for people with physical or psychological challenges, conference facilities, children’s camping, and educational services. Accommodations can range from campsites to motor inns, to cabins, to luxury inns. The appendices include listings of the region’s recreation businesses, their locations, and offerings.

### **Water-Based Recreation**

#### *Rafting*

North-central Maine has three rivers that have up to Class V rapids: the Kennebec, the Dead, and the Penobscot. All three rivers have dams that control the amount and timing of water releases so that rafting companies enjoy consistent and predictable whitewater conditions. From 1993 to 2001, the number of rafters in Maine rose from 60,000 to 91,000 per year; this represents a greater than 51% increase in the number of passengers. Sixty-five percent of all commercial passengers rafted the Kennebec River in 2001.<sup>16</sup>

**Table 6: River Rapids Classification System**

Class I	Easy, no obstacles, small ripples, slow current.
Class II	Moderate, occasional obstacles, medium current with waves.
Class III	Difficult, longer rapids with strong, irregular currents.
Class IV	Very Difficult, steeper, longer with numerous obstacles.
Class V	Extremely difficult, has large vertical drops, strong hydraulics, very swift, irregular currents in heavily obstructed channels.
Class VI	Nearly impossible and very dangerous. For teams of experts only, after close study and with all precautions taken.

The Kennebec is rated one of the five best rafting rivers in the country. Rapids on the Kennebec are rated class III – IV, although during four days in early summer and fall when there are large water releases at Harris Dam, some rapids are classified V, with 18-20 foot waves. The whitewater runs start just below Harris Dam at the outlet of Indian Pond, and extend 12 miles to The Forks, at the confluence of the Dead River.

<sup>16</sup> Maine Department of Conservation, Bureau of Parks and Lands, 2003 Maine State Comprehensive Outdoor Recreation Plan; Draft for Review; Chapter III, Outdoor Recreation Demand, p.23.

The Dead River has the longest rapid (one-mile-long Poplar Hill Falls) and more whitewater per mile than any other river in the northeast. The entire run is 16 miles long, starting at Grand Falls just north of Flagstaff Lake and ending at The Forks. This water has six rapids classified either IV or V.

The Penobscot offers the most challenging water of the three rivers. Starting at McKay Station and the Ripogenus Dam at the east end of Chesuncook Lake, the whitewater offers class III-V rapids over 13 miles. Ripogenus Gorge creates Class V rapids and offers spectacular views of Mount Katahdin. The run ends near Pockwockamus Falls after skirting the southern boundary of Baxter State Park.

### ***Canoeing and Kayaking***

There are innumerable opportunities for canoeing and kayaking in the Upper Kennebec and Moosehead Lake regions. Moosehead itself, being the largest lake within a single state east of the Mississippi, offers miles of shoreline to explore. There are 44 boat launches at 28 water bodies in the region, making access to rivers, ponds and lakes easy. Of course, the Kennebec, Dead and Penobscot rivers are passable by canoe and kayak, although only experienced paddlers will want to tackle the rapids. There are two well-known paddling routes in the region.

### **The Bow Trip**

The Bow Trip refers to the waters of Attean Pond, Holeb Pond, and the Moose River. The longest route crosses Attean Pond, includes a 1\_-mile portage to Holeb Pond, crosses Holeb, then follows the Moose River back to Attean again. Putting in at Attean Landing, the entire trip is 34 miles. Canoeists can also put in at Holeb Landing, saving themselves the portage and 7 miles of paddling. There are three rips on the Moose River that are passable by canoe and kayak, and two falls which paddlers portage around. There are campsites all along the route that are free and open to the public, as the Bow Trip goes through the Holeb Public Reserve.

### **Roach River**

The Roach River is a well-known canoeing route, beginning at Kokadjo, and ending at Moosehead Lake, 10 miles downriver. There are class II and III rapids, meaning that the level of difficulty of negotiating the rapids is easy to medium. Canoeists are advised to make the trip during high water in the spring.

### ***Fishing***

Fishing and hunting were the two sports which first drew tourists to the North Woods. “Sports” from Boston, New York, and Philadelphia took the train as far as Waterville or Greenville Junction in the 1800s. From there, they would travel either by car and/or buckboard to the lakes. Traditionally, fishers favored catching brook trout and landlocked salmon. In addition to brook trout and salmon, fishers now enjoy catching lake trout (togue), smelts, and perch, both in open water and by ice fishing. Today, the Department of Maine Inland Fisheries and Wildlife manages the fisheries in ponds and stocks the ponds.

### ***Boat Landings***

There are 36 existing boat launches within the Plan Area, some with trailer launches, some carry-in. Their locations are listed in the following table.

**Table 7: Boat Launches**

<b>Water Body</b>	<b>Municipality</b>	<b>Type*</b>
Prong Pond	Beaver Cove Plt.	CI
Moosehead Lake	Beaver Cove Plt. (Lily Bay State Park)	2 TR
Indian Pond	Big Moose Twp.	TR
Mountainview Pond	Big Moose Twp.	TR
Brown Pond	Bowdoin College Grant West	CI
Hedgehog Pond	Bowdoin College Grant West	CI
Indian Pond	Bowdoin College Grant West	CI
Rum Pond	Bowdoin College Grant West	2 CI
Trout Pond	Bowdoin College Grant West	CI
Moosehead Lake	Days Academy Grant (Cowan Cove)	TR
Big Greenwood Pond	Elliottsville Twp.	CI
Lake Onawa	Elliottsville Twp.	TR
First Roach Pond	Frenchtown	TR
Grenell Pond	Greenville	CI
Lower Wilson Pond	Greenville	TR
Moosehead Lake	Greenville	TR
Rum Pond	Greenville	CI
Salmon Pond	Greenville	CI
Sawyer Pond	Greenville	CI
Secret Pond	Greenville	CI
Moosehead Lake	Greenville (West Cove)	TR
Indian Pond	Indian Stream Twp.	CI
Indian Pond	Indian Stream Twp.	TR
Big Wood Pond	Jackman	TR
Moose River	Jackman	TR
Cold Stream Pond	Misery Twp.	2 CI
Moosehead Lake	Northeast Carry Twp. (Northeast Cove)	2 TR
Moosehead Lake	Rockwood	TR
Demo Pond	Rockwood Strip West	CI
Moosehead Lake	Spencer Bay Twp.	2 TR
Brassua Lake	Taunton & Raynham Academy Grant	TR
CI - Carry in only. Launching is intended for small watercraft only.		
TR - Trailered boats. Many trailerable sites can accommodate only small boats and trailers.		
<i>Source: Maine Bureau of Parks and Lands website and DeLorme Maine Atlas and Gazetteer.</i>		

***Water Bodies Where Personal Watercraft are Prohibited***

Maine law prohibits the use of personal watercraft (PWCs, also known as "jet skis") on water bodies identified in the Comprehensive Land Use Plan as:

- not accessible within 1/4 mile by 2-wheel drive vehicles, with less than one development unit per mile, and at least one outstanding resource value;
- accessible within 1/4 mile by 2-wheel drive vehicles, with less than one development unit per mile, with 2 or more outstanding resource values in fisheries, wildlife, scenic or shore character;
- not accessible within 1/2 mile by 2-wheel drive vehicles, with no more than one noncommercial remote camp and with a cold water game fishery; and
- Great ponds with less than all but more than    of their surface area in or partly in the jurisdiction of the commission that are identified as being of statewide significance in the "Maine Wildlands Lake Assessment" with 2 or more outstanding resource values in fisheries, wildlife, scenic or shore character and with more than    of their shoreline in public and private conservation ownership with guaranteed public access for low-impact public recreation.<sup>17</sup>

The Maine Department of Inland Fisheries and Wildlife lists the following ponds within the Plan Area as water bodies where PWCs are banned. Under this Plan, all of these ponds will be protected by conservation easement along all of Plum Creek's ownership.

**Table 8: Ponds Where Jet Skis are Prohibited**

<b>Pond</b>	<b>Township</b>
Mountain Pond	Beaver Cove
Cranberry Pond	Bowdoin College Grant West
Fogg Pond	Bowdoin College Grant West
Notch Pond	Bowdoin College Grant West
Secret Pond	Elliotsville Twp.
Bluff Pond	Frenchtown Twp.
Chase Stream Pond	Misery Twp.
Beaver Pond	Shawtown Twp.
Fourth Roach Pond	Shawtown Twp.
Spencer Pond	East Middlesex Canal Grant

## **Land-Based Recreation**

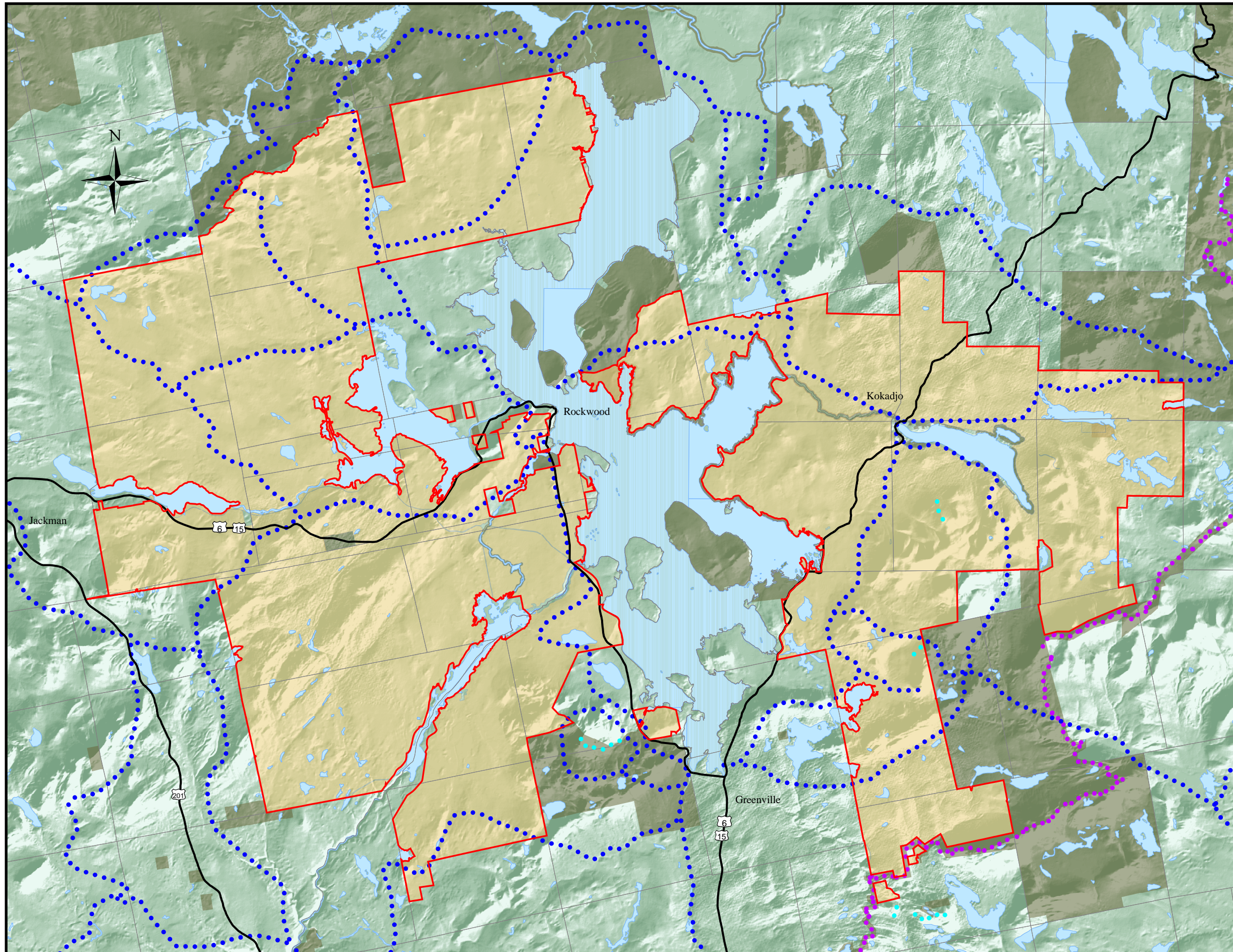
### ***Hiking***

While there are several short hiking trails within or near the Plan Area, the most extensive and well-known in the region are those at Baxter State Park and the Appalachian Trail (AT). A local group based in Greenville, Friends of Moosehead, has envisioned creating a hiking trail around Moosehead Lake as a way of augmenting the area's passive recreation resources. The hiking trail proposed in this Plan is a response to this vision. The existing trails within the Plan Area are shown on the following map.

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<sup>17</sup> Title 12 - §685-C. 10. A-D.





**Existing Trails**

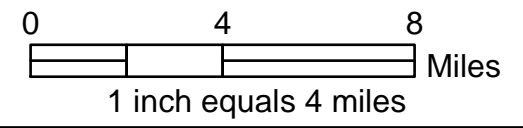
**RESOURCE PLAN  
for  
PLUM CREEK'S  
GATEWAY LANDS  
in the  
MOOSEHEAD LAKE REGION**

**Consultants:**  
 Kent Associates  
 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
 S.W. Cole Engineering, Inc.  
 Perkins, Thompson, Hinckley & Keddy PA  
 Verrill Dana LLP

- Legend**
- Plum Creek Ownership Subject to Resource Plan
  - Private, State, Federal Land in Conservation
  - Rivers - Lakes - Ponds
  - Major Road
  - Appalachian Trail
  - ITS and Club Snowmobile Trail (approximate)
  - Hiking Trail

Sources: Hiking Trail based on The Maine Atlas and Gazetteer by DeLorme Mapping Company

ITS and Club Snowmobile Trail based on Moosehead Area Snowmobile Trail Map 2004 by Moosehead Lake Region Chamber of Commerce



## Appalachian Trail

The Appalachian Trail runs from Georgia to Mount Katahdin, and borders the Plan Area on the south, in Bowdoin College Grant East and Elliottsville. Many hikers consider the ascent of Mount Katahdin to be the end point and crowning achievement of their trip. The last 91 miles of the trail (known as the “hundred mile wilderness trail”), from Elliottsville to the Knife Edge of Katahdin, have 12 lean-tos, five maintained campsites, six primitive campsites, and one campground. The trail passes through the Namakanta Public Reserve lands, follows along a portion of the West Branch of the Penobscot River, and passes by seven waterfalls, one fire tower, three scenic areas (besides the five magnificent views from Katahdin), and one nature preserve. This section of the trail is truly one of the most spectacular of all the trail sections.

The following table lists all the region's hiking trails.

**Table 9: Mapped Hiking Trails in the Jackman-to-Baxter State Park Region**

Name of Mountain/Trail	Location	Length of Trail	Elevation Gain	Special Features
Barren Mountain (part of Appalachian Trail)	Elliottsville	4 miles	2,170 ft.	fire tower at peak
Baxter State Park/Mount Katahdin (multiple trails)	Mt. Katahdin Twp. & 7 other Twps.	180 miles park-wide	4,200 ft. from Perimeter Rd. to Katahdin peak	highest peak in Maine
Big Moose Mountain	Big Moose Twp.	3 miles	2,000 ft.	first fire tower in US at peak
Big Spencer Mountain	T2 R13 WELS	2 miles	1,900 ft.	
Borestone Mountain	Elliottsville	2 miles	1,100 ft.	
Elephant Mountain	Bowdoin College Grant West	1 mile	600 ft.	site of B-52 crash
Gulf Hugas	Bowdoin College Grant East	10 miles	600 ft.	adjacent to AT; Gulf Hugas is called the Grand Canyon of the east
Mount Kineo (two trails)	Kineo Twp.	1 or 2 miles	800 ft.	was an important source of flint for native tribes; fire tower at top
Nahmakanta Public Reserve	T1 R12, T1 R11, Rainbow Twp.	unknown		views of Mt. Katahdin; 43,000 acres of public land
Number Four Mountain	Frenchtown Twp.	1_ miles	1,200 ft.	
Sally Mountain	Attean Twp.	1_ miles	1,000 ft.	
White Cap Mountain/White Brook Trail	Bowdoin College Grant East	1_ miles	1,600 ft.	adjacent to AT

## Camping

There are numerous campsites and campgrounds within the region. Most are on the shores of waterbodies, but not all. According to the DeLorme Atlas and Maine Gazetteer, there are 65 primitive and 24 maintained campsites in the 29 townships where the Plan Area is located. In

addition, there are four campgrounds and one state park with a total of 253 campsites. In the townships and on the islands immediately adjacent to the Plan Area MCDs, there are an additional 38 maintained sites, 45 primitive sites, and 226 campground sites. As expected, Moosehead Lake is the setting for many of these. Moosehead has 21 maintained campsites, 5 primitive, and 3 campgrounds (including Lily Bay State Park), totaling 290 campsites.

**Table 10: Camping Facilities Adjacent to the Plan Area**

Location	Waterbody	Maintained Campsite	Primitive Campsite	# Camp-ground Sites
Beaver Cove	Moosehead Lake			91
Big Moose	Kennebec River, West Outlet		1	
Big Moose	none	1		
Big W	Moosehead Lake		1	
Bowdoin College Grant East	Greenwood Brook	1	3	
Bowdoin College Grant East	Gulf Hugas Brook	1		
Bowdoin College Grant East	West Branch Pleasant River	2		
Bowdoin College Grant West	Brown Pond		1	
Bowdoin College Grant West	Indian Pond		1	
Bowdoin College Grant West	Long Pond	1		
Bowdoin College Grant West	North Brook		1	
Bowdoin College Grant West	Rum Pond		1	
Brassua	Brassua Lake		1	
Chase Stream	Chase Stream Pond		1	
Days Academy Grant	Moosehead Lake	4	1	
Elliotsville	Little Wilson Falls		1	
Elliotsville	Wilson Stream		1	
Frenchtown	First Roach Pond	1		
Frenchtown	First Roach Pond			20
Indian Stream	Indian Pond			27
Lily Bay	Moosehead Lake, Spencer Bay	3		65
Long Pond	Long Pond		3	
Misery Twp.	Cold Stream Pond		1	
Misery Twp.	Little Chase Stream		1	
Misery Twp.	Misery Pond		1	
Misery Twp.	North Branch Stream Pond		1	
Sandbar Tract	Moosehead Lake	1		
Sandwich Academy Grant	Brassua Lake		1	
Sandwich Academy Grant	Moose River		1	
Sapling	Kennebec River, West Outlet		2	
Shawtown	Long Bog		1	
Shawtown	Second Roach Pond		2	
Shawtown	Third Roach Pond		1	
Shawtown	Trout Pond		1	
Spencer Bay	Moosehead Lake	6	3	
Spencer Bay	Spencer Stream		1	

Location	Waterbody	Maintained Campsite	Primitive Campsite	# Camp-ground Sites
Squaretown	Little Indian Pond		2	
T1 R13	Bear Pond	1		
Tauton & Raynham	Moosehead Lake, West Outlet			50
Thorndike	Churchill Stream		1	
Thorndike	Fish Pond		2	
<b>Totals</b>		<b>24</b>	<b>65</b>	<b>253</b>

### **Baxter State Park**

No discussion of the recreational opportunities in the north Maine Woods would be complete without mentioning Baxter State Park. The park was created by former Maine governor Percival Baxter. In 1931, Governor Baxter donated almost 6,000 acres – including Maine highest peak, Mount Katahdin – to the state to be kept “forever wild.” Both Baxter and the state added lands to the park over the years, so that the total acreage today is 204,733.

The 150,564 acres at the core of the park is managed as a wildlife sanctuary. There are over 40 peaks and ridges besides Katahdin in the park and over 180 miles of trails. Baxter State Park operates 10 campgrounds and 27 single-site campsites. The Park attracts roughly 85,000 people in the summer months.

### ***Snowmobile Trails***

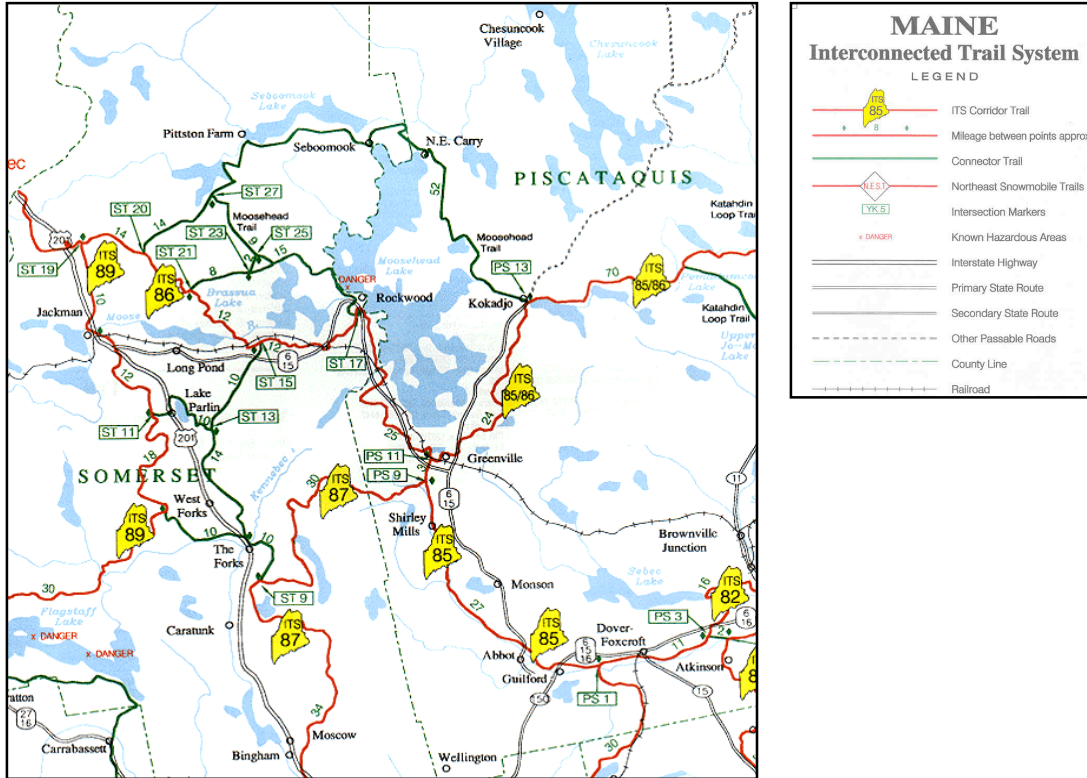
Snowmobiling is a major economic force in the region. The number of snowmobile registrations grew by over 50% to 98,000 between 1993 and 2001. Eighty-four percent of these registrations were for Maine residents. Statewide in 1997-98, snowmobilers’ total economic impact was estimated at \$261 million, with \$176.3 million spent just on snowmobile-related expenses. The Maine Snowmobile Association has 32,000 individual members and 282 clubs.<sup>18</sup>

The Interconnected Trail System (ITS) connects Canada with Maine and the rest of the northern U.S. Statewide, there are approximately 2500 miles of ITS trails, and an additional 10,000 miles of club trails. There are eleven clubs in the region.

Four ITS trails intersect at Greenville. ITS 85/86 runs north to Kokadjo, then east to the Millinocket area. ITS 85 runs south to Guilford. 86 runs west to Jackman where it intersects with ITS 89, the route to Quebec. ITS 87 runs south to Solon where it intersects with ITS 84. 84 goes west to the New Hampshire border and east to the Newport area.

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<sup>18</sup> *An Economic Evaluation of Snowmobiling in Maine: An Update for 1997-98*, (Reiling, University of Maine), prepared for the Maine Snowmobile Association, in Maine Department of Conservation, Bureau of Parks and Lands, *2003 Maine State Comprehensive Outdoor Recreation Plan; Draft for Review*; Chapter II, Supply of Outdoor Recreation Areas and Facilities, p.11.



***Skiing/Snowboarding***

There is one resort in the region that offers downhill skiing and snowboarding. Big Squaw Mountain in Greenville has 20 trails, two chair lifts, and two surface lifts. The total elevational drop from the top of the mountain’s trails to the base is 1,750 ft.

***Golf***

There are three 9-hole golf courses in the region: one at Squaw Mountain Village just outside Greenville, one on Kineo Island in Moosehead Lake, and one outside Jackman. The Squaw Mountain Village course is 2,563 yards and a par 34. The Mount Kineo golf course, at the foot of Mount Kineo, is 2,562 yards and a par 33. Finally, the Moose River Golf Course in Moose River has 9 holes, 1,976 yards, and is a par 31.

Just outside the region, there are two championship courses. The Sugarloaf Golf Club’s course in Carrabassett Valley is rated as one of the top 20 courses in America by *Golf* and *Golf Digest* magazines. The course is 6,922 yards, and a par 72. The Lakewood Golf Course in Madison is also a championship course, with 5,729 yards and a par 70.

***Unique Natural Areas***

*The Maine Atlas and Gazetteer* lists many unique natural areas in the region. **Mount Katahdin** is one of the most famous and visited of these sites. Its highest peak is 5,271 feet, thus earning the mountain its nickname “mile-high.” Katahdin also has spiritual significance to the Penobscot Indians, and traditionally tribesmen make an annual 100-mile run and canoe trek to the mountain.

Today, the mountain is the focal point of the region and especially Baxter State Park. It is also the endpoint of the Appalachian Trail. There are six trails leading to the top. From there, one can see several unique sites.

**The Table Land** is a boulder field below the peak of Katahdin. **Great Basin** is a horseshoe-shaped valley at the foot of the mountain, with steep walls of pink granite and two ponds. **The Knife Edge** refers to the mile-long narrow rim connecting the two peaks of Katahdin. At places, there is only a yard's width to walk on between the two glacial basins on either side, over 4,000 feet below. **The Chimney** is a vertical cleft in the north face of Chimney Peak that nearly closes in on itself.

**Mount Kineo**, while not nearly as high as Katahdin, is quite scenic. Kineo is a mountain-peninsula with a sheer east face. It juts into the center of Moosehead Lake, adjacent to the lake's deepest hole, which is 250 feet deep. It can only be accessed by water. The mountain largely consists of rhyolite, a flint-like mineral that Native Americans once traveled long distances to obtain for their stone tools. It is now owned by the state.

Other geologically interesting sites include the **Bingham Esker** and **Big Wilson Cliffs** in Ellitsville. The 30-yard-high esker stretches along the west bank of the Kennebec River. Big Wilson Cliffs are huge slate outcroppings overlooking the valley to the east.

There are four notable gorges in the region. **Little Wilson Falls Gorge**, in Ellitsville, is 300 yards long and up to 90 feet deep. **Gulf Hugas**, in Bowdoin College Grant East is known as the "Grand Canyon of the East." The gorge is three miles long, with five major waterfalls. The walls of the canyon reach 120 feet in height. Both Little Wilson Gorge and Gulf Hugas are accessed by the Appalachian Trail. Both the Kennebec and West Branch Penobscot rivers have deep gorges with plenty of whitewater. The **Kennebec River Gorge** is 10 miles long and up to 240 feet deep. It is only accessible by whitewater raft. The **Ripogenus Gorge** is just below the dam of the same name, at the outlet of Chesuncook Lake. The gorge is one mile long, and also up to 240 feet deep. Below the gorge are some of the most famous salmon fishing holes on the West Branch.

**The Hermitage**, in Bowdoin College Grant East, is a nature preserve owned by The Nature Conservancy. The 35 acres includes Pugwash Pond and a stand of old growth white pines on a bluff overlooking the West Branch of the Pleasant River.

### **Waterfalls**

There are no fewer than 10 waterfalls in the region, including Moxie Falls, the highest falls in the state. All have varying degrees of access.

**Table 11: Waterfalls in the Region**

<b>Name of Falls, Watercourse</b>	<b>Location</b>	<b>Total Elevational Drop</b>	<b>Comment</b>
Abol Falls, West Branch Penobscot River	T2 R10 WELS	gradual drop	road access; portage trail
Cold Stream Falls, Cold Stream	Johnson Mountain Twp.	small	gorge below, remains of bridge; road access
Hay Brook Falls Hay Brook	Bowdoin College Grant East	series of three shooting cascades	accessed from Katahdin Iron Works, AT, and jeep trails
Holeb Falls, Moose River	Attean Twp.	largest drop is 24 ft.	on Bow Trip; water access only
Little Wilson Falls, Little Wilson Stream	Elliottsville Township	39 feet	gorge below; access from AT
Moxie Falls, Moxie Stream	Moxie Gore	96 feet high	highest falls in Maine; trail access
Old Roll Dam, West Branch Penobscot River	Seboomook Twp.	series of 6-ft. drops	former log driving dam; portage; road access
Screw Auger Falls, Gulf Hugas Stream	Bowdoin College Grant East	series of 3-4 foot twisting drops	very clear water; access from AT
Slugundy Falls, Long Pond Stream	Elliottsville		gorge below; AT access
West Chairback Pond Falls, West Chairback Pond Stream	T7 R9 NWP	54-feet in two drops	easy access from AT

## *Geologic Resources*

The topographic and geologic characteristics of much of New England were substantially affected by the expansion and retreat of the Laurentian Ice Sheet, beginning 25,000 B.P. The massive glacier reached a maximum position around Long Island by at least 18,000 B.P., covering essentially all of New England in a thick layer of ice. The entire landscape was shaped by the enormous mass of ice and its subsequent retreat, and the area encompassed by Plum Creek's Resource Plan is no exception.

The ice sheet passed north of the St. Lawrence River in its retreat by around 12,500 B.P., but local ice masses remained in upland portions of northern New England including the Resource Plan Area until about 11,000 B.P. The movement of the ice sheet itself, along with the seasonal melting of the residual upland ice masses, left behind the many ponds, lakes, streams and other surfacial features that characterize the region today.

The Resource Plan Area is situated within the northernmost extension of the Appalachian Mountain system. As a result, the topography of the area varies widely, with Moosehead Lake situated about 1,000' above sea level, surrounded by mountains. The best-known mountains in the region, Kineo and Big Moose, are not within the Plan Area, but their proximity certainly add to its beauty and history. Kineo is part of a ridge of flint-like rhyolite that runs southwest to northeast. Cold Stream Mountain, Chase and Little Chase Stream Mountains, Misery Ridge and Blue Ridge are all part of this same band, and all are within the Plan Area, between Indian Pond and Brassua Lake. The other larger mountains in the Plan Area are all in a cluster on the southeast side of Moosehead, and include Number Four, Lily Bay, Prong Pond, Elephant, Baker, Bluff and Shaw Mountains. These range in height from 620 feet (Prong Pond Mountain) to 1,800 feet (Baker Mountain) and form the divide between the Kennebec and Pleasant River watersheds. Mt. Katahdin, the highest point in Maine at 5,271 feet, lies east northeast of the Resource Plan Area. In general, the area is a glaciated upland with a series of rolling hills, ridges and mountain peaks dissected by hydrologic features.

The Plan Area contains a good portion of the watersheds of the Kennebec and Moose Rivers. Two of the other major water bodies, Long Pond and Brassua Lake, lie along the Moose River as it runs east into Moosehead at Rockwood. A fourth major waterbody, Indian Pond, lies along the East Outlet of Moosehead. The outflow of Harris dam, at the foot of Indian Pond, is considered the starting point of the Kennebec River.

Another watershed is that of the Roach Ponds, in the eastern side of the Plan Area. First, Second, Third, and Fourth Roach Ponds all drain to Spencer Bay in Moosehead Lake via the Roach River.



## *Surface Waters*

Fourty-eight of the 55 pristine ponds within the Plan Area have been rated in LURC's Wildlands Lake Assessment (for a discussion of the resource rankings of the ponds proposed for development, see Consistency with the Wildlands Lakes Assessment on page 98). This assessment ranks certain characteristics of lakes and ponds within the unorganized territory, including fisheries, wildlife concentrations and diversity, scenic and shoreline character, cultural resources, and physical characteristics. These rankings are summed up in a rating for the water body. A rating of 3 is the lowest, meaning the water body is of local significance; a rating of 2 means the water body has regional significance, and 1 indicates statewide significance. In addition, there are alphabetic ratings for Class 1 water bodies when the lake or pond has one outstanding value (a ranking of B), or more than one outstanding value (a ranking of A).

Table 12 lists all the pristine ponds and their rankings. Spencer Pond in Spencer Bay Township and East Middlesex Canal Grant is the only pond within the Plan Area with a ranking of 1A. It has outstanding wildlife and scenic values. Ten ponds have a ranking of 1B, mostly due to outstanding fisheries. Half of the ponds that are ranked have a fishery that is rated of regional significance. Eight have a rating of "significant" or "outstanding" for their wildlife and/or scenic attributes, and five for their shoreline character and/or physical characteristics. There are no ponds with noteworthy cultural or botanical assets.

**Table 12: Pristine Pond Assessment Findings**

Lakes/ Ponds	Township	Lake Class	Size(Ac)	Fisheries	Wildlife	Scenic	Shore Chtr	Bot	Cultural	Physical	Resource Class	Land Use	
												Access	Dev
10,000 Acre Pond	Chase Stream	7	37	S							2	INAC	UNDEV
1 <sup>st</sup> West Branch Pond	Shawtown	7	119	O		+					1B	AC	DEV
2 <sup>nd</sup> and 3 <sup>rd</sup> West Branch Pond	Shawtown	7	214	O		S+					1B	AC	UNDEV
4 <sup>th</sup> Roach Pond	Shawtown	1,6	266	S		O	S				1B	INAC	UNDEV
4 <sup>th</sup> West Branch Pond	Shawtown	7									NR		
Bates Pond	Chase Stream	7									NR		
Beaver Pond	Shawtown	6	27	S							2	INAC	UNDEV
Bluff Pond	Frenchtown	6	10	S						S	2	INAC	UNDEV
Brown Pond	Bowdoin West	7	18	S							2	AC	UNDEV
Chase Stream Pond	Misery	6	31	S							2	INAC	UNDEV
Chase Stream Pond	Chase Stream	7	75			S					2	AC	DEV
Chub Pond	Chase Stream	7									NR		
Cold Stream Pond	Misery	7	205	O		S+					1B	AC	UNDEV
Cranberry Pond	Bowdoin West	6	7								3	INAC	UNDEV
Demo Pond	Rockwood Strip West	7	192	S	S						2	AC	UNDEV
Flat Iron Pond	Chase Stream	7									NR		
Fletcher Pond East	Brassua	7	12		S						2	AC	UNDEV
Fletcher Pond West	Brassua	7	20		S						2	AC	UNDEV
Fogg Pond	Long Pond	7	54			S	O				1B	AC	UNDEV
Fogg Pond	Bowdoin West	6	23	S							2	INAC	UNDEV
Hedgehog Pond	Bowdoin West	7	40	S							2	AC	UNDEV
Horseshoe Pond	Chase Stream	7	27	O							1B	AC	UNDEV
Horseshoe Pond	Bowdoin West	7	160	O		S+	S-			S-	1B	AC	DEV
Indian Pond	Bowdoin West	7	70	S							2	AC	UNDEV
Island Pond	Chase Stream	7	24	O							1B	AC	UNDEV
Jewett Pond	Spencer Bay	7	13	S							2	INAC	UNDEV
Knights Pond	Chase Stream	7									NR		
Lazy Tom Bog	T1 R13	7	17	S							2	INAC	UNDEV
Leith Pond	Brassua	7	18		S						2	INAC	UNDEV
Little Chase Stream Pond	Misery	7	17	S							2	AC	UNDEV
Little Indian Pond	Squaretown	7	25								3	AC	UNDEV
Little Otter Pond	Sandwich	7									NR		

Lakes/ Ponds	Township	Lake Class	Size(Ac)	Fisheries	Wildlife	Scenic	Shore Chtr	Bot	Cultural	Physical	Resource Class	Land Use	
												Access	Dev
	Academy												
Long Bog	Shawtown	7	15	S							2	AC	UNDEV
Long Pond	Elliotsville	7									NR		
Long Pond	Chase Stream	7									NR		
Lost Pond	Thorndike	7	10								3	INAC	UNDEV
Lucky Pond	Spencer Bay	7	93		S					S	2	AC	UNDEV
Misery Pond	Misery	7	36	S		S-	S+			+	2	AC	UNDEV
Mountain Pond	Beaver Cove	6	56	S						S	2	INAC	UNDEV
Mud Pond	Beaver Cove	7	249		S					S	2	INAC	UNDEV
Mud Pond	Chase Stream	7	20								3	INAC	UNDEV
Mud Pond	Thorndike	7	50								3	AC	UNDEV
Muskrat Pond	Thorndike	7	100								3	AC	UNDEV
Notch Pond	Bowdoin West	6	10	S							2	INAC	UNDEV
Otter Pond	Sandwich Acad.	7	12	S							2	INAC	UNDEV
Roderique Pond	Sandwich Acad.	7	44	S							2	AC	UNDEV
Round Pond	Chase Stream	7	30	O							1B	AC	UNDEV
Rum Pond	Bowdoin West	7	245	O							1B	AC	UNDEV
Scribner Bog	Squaretown	7	15		S						2	AC	UNDEV
Secret Pond	Elliotsville	7	12	S							2	INAC	UNDEV
Spencer Pond	Spencer Bay	7	980	S	O+	O	S				1A	AC	UNDEV
Squirtgun Flowage	Chase Stream	7	30								3	INAC	UNDEV
Tomhegan Pond	West Middlesex	7	356	S							2	AC	UNDEV
Trout Pond	Shawtown	7	145	S							2	AC	UNDEV
Upper Misery Pond	Misery	7	18	S							2	AC	UNDEV

**Legend**

*O = Outstanding*

*S = Significant*

*+, - = resource needing further field checking due to public comment (+ = positive comment; - = negative comment)*

*1A = lakes of statewide significance with two or more outstanding values*

*1B = lakes of statewide significance with one outstanding value*

*2 = lakes of regional significance (with no outstanding values but at least one significant resource value)*

*3 = lakes of local or unknown significance (either had no significant or outstanding natural value or information was inadequate to make a determination)*

*NR = not rated*

*INAC = Relatively inaccessible – has no road passable with a 2-wheel drive car within approximately 1/2 mile of the lake shore*

*AC = Relatively accessible*

*UNDEV = Relatively undeveloped – has less than one development unit per shore mile, averaged over entire water body*

*DEV = Relatively developed*

*Lake Class 6 = remote ponds*

*Lake Class 7 = All lakes which are not otherwise classified in one of the other six lake Management Classes*

## *Archeological Resources*

According to the Maine Historic Preservation Commission, the greater Moosehead Lake region presents a significant and varied potential for further archaeological research. MHPC Senior Archaeologist Dr. Arthur Spiess claims there are possibly at least 400 known archaeological sites between Moosehead and Brassua lakes alone. There is the possibility of unearthing new archaeological artifacts anywhere in the region. However, archaeological sites are most often discovered near waterways navigable by canoe. According to Dr. Spiess, some of the Plan Area's lakes are well documented archaeologically, while little to nothing is known about others.

While a full understanding of prehistoric uses throughout the region is lacking, there is significant evidence of prehistoric adaptation to the region spanning the entire range of aboriginal occupation of the northeast throughout the last 11,000 radiocarbon years.

### **The Region's Inhabitants**

The area's first occupants probably adapted to the region during the "Younger Dryas" climactic cooling event, which stalled the receding glaciers and prevented the growth of forests in northwestern Maine. Archaeologists speculate that the paleoindians flourished on large herds of caribou that presumably thrived in such a climate. Archaeological evidence of these first occupants has generally been excavated from well-drained, often sandy soils within 100 meters of water, but away from large drainages, possibly because melting ice sheets may have caused unpredictable water levels.

Paleoindian sites are characterized by distinctive styles of stone tools crafted from high-quality chert (flint) obtained from a limited number of bedrock outcrops. Distinctive spear points have been found in the region, called fluted points, characterized by the inclusion of a round channel on both faces of the point.

Evidence of human occupation during the late paleoindian and early archaic periods (10,000 — 8,000 B.P.) is scarce, suggesting a population decline as temperatures warmed and forests grew. By the middle archaic period, a new wave of inhabitants came to the region from the south. Middle Archaic excavations have unearthed heavy stone woodworking tools such as gouges, axes and adzes which are, quite simply, stone equivalents of hand woodworking tools used by wooden boat builders and carpenters today. Archaic people of the region probably traveled a great deal by dugout canoe along the larger waterways, and Archaic sites are generally located along the shores of large and medium sized lakes, larger streams and rivers.

About 3,800 B.P., the late archaic cultures in Maine were rapidly replaced by an immigrant culture and people from the south generally known across eastern North America as the Susquehanna tradition. The culture is characterized by large, triangular knives with square stems, and far fewer large woodworking tools, probably because of the obsolescence of the dugout canoe. Newer, lighter birch bark canoes could be carried on the back and could navigate narrow, shallow waterways, opening up smaller drainages for settlement and exploration. As a result, late archaic and ceramic period sites are commonly found along all types of waterbodies, particularly at the intersection of a lake and stream.

## **Site Types and Distribution**

There are four types of archaeological sites in the region: small habitation; large habitation; workshop and talus quarry sites. The majority of archaeological evidence is lithic, as bone tools and other organic materials generally have not withstood Maine's acidic soil. Small habitation sites are the most common, generally twice as common as large habitation sites. There are at least eleven known workshop sites in the area.

### ***Brassua Lake***

Cultural remains from Brassua Lake include a single fluted spear point of Kineo rhyolite and several Stark points and other Stark variants, representing the paleoindian and middle archaic periods. Late archaic materials are more numerous, with a large amount of ground stone and stemmed projectile points. Ceramic period remains include notched and stemmed bifaces with a variety of thin scrapers.

A large primary lithic source and an extensive workshop area are located on Brassua Lake. Many exceptionally large bifaces, ranging from 15 to 45 cm in length, have been discovered there, along with many primary and secondary reduction flakes. According to the Maine Historic Preservation Commission, these materials can potentially provide extensive information on reduction states and technology associated with Kineo rhyolite.

### ***Moosehead Lake***

Cultural remains are known from at least 20 locations on Moosehead Lake. Concentrations of activity areas are evident at river outlets and, most importantly, at Mt. Kineo. No Paleo-Indian artifacts have been recovered from Moosehead, and early and middle archaic materials are rare, aside from the discovery of a single Stark-like specimen and a side-notched ground slate point at the Wilson site (ME 118-3). Late archaic and ceramic period material is well known on the lake at a variety of localities.

Sites on the lake are frequently at outlets, crossings and islands. Upland sites include the Blue Ridge between Brassua Lake and Moosehead. Island sites include those in Tussle Lagoon and a group just above the East Outlet. Both the East and West Outlets are important, as well as the inlet from the Moose River. The crossings from what is now Lily Bay State Park to Sugar Island and Squaw Point to Deer Island are important, as well as the two points at the head of Spencer Bay. Archaeological sites also indicate camps on the Moosehead side of Northeast Carry and along the Penobscot River.

Mt. Kineo is the most important site on Moosehead. Throughout the prehistoric occupation period, various aboriginal cultures came from great distances to acquire Kineo rhyolite, a glassy, flint-like rock yielded from the mountain's cliffs. The material was manufactured on-site into spearheads or arrowheads or was transported elsewhere for manufacture or trade. The site of the former Mt. Kineo House resort, furthermore, was also the site of a prehistoric burial ground. Archaeological evidence of the prehistoric graves was excavated prior to the construction of the Mt. Kineo resort's tennis courts, and was displayed in the hotel lobby at one time.

## **Conclusion**

The present record has well documented the presence of aboriginal populations in the greater Moosehead Lake region. The Maine Historic Preservation Commission stresses that the entire roster of archaeological sites has not yet been completed, but documented sites indicate that usage of the region was varied, and suggest that resource concentrations attracted populations seasonally and probably multi-seasonally. Furthermore, evidence suggests widespread interaction between aboriginal populations within the area and populations significant distances away.

Proximity to travel arteries and notable lithic raw material sources influenced the spatial distribution of sites. New archaeological sites are more likely to be found near shorelines, and particularly at points along major waterbodies and intersections of lakes and ponds with streams and drainages.

## *Plants and Wildlife*

### **General/Habitat/Surroundings**

The Moosehead Lake region hosts a diverse combination of woodland areas, wetlands and water bodies that sustain a wide array of plant and animal species. Plants such as cedar, black spruce, oak, beech, balsam fir, striped maple, mountain maple, birch, dogwood, horsetails, pond lilies, raspberries and blueberries all provide habitat and food for the diverse mix of animals that live in the area. The habitats most critical to maintaining wildlife populations are wetlands and riparian areas (shorelands). Riparian areas are found as transitional zones between one upland habitat and another and often serve as travel corridors for wildlife. Wetlands provide important habitat for a number of wildlife species including waterfowl, reptiles and amphibians, aquatic furbearers and big game. All wetlands add diversity to the surrounding habitat and, consequently, to the wildlife population as a whole.

The hardwood and softwood forest stands that seem to dominate the region are also crucial to the survival of the region's wildlife, particularly for the habitat they provide larger mammals like deer, black bear and moose. These animals are essential to the broad ecosystem of the region, and also draw tourists and recreationists to the region in numbers, creating a source of economic vitality. The area's many lakes, ponds, streams and rivers serve a similar role, supporting a wide array of fisheries, including brook trout, lake trout, landlocked salmon and bass, all of which sustain recreation-based industries from which many in the region derive their livelihood.

Wildlife in northern Maine has become a major economic resource, attracting hunters and trappers as well as photographers and hikers. This industry generates \$444.5 million in retail sales, \$197.3 million in wages and salaries, a total of \$631.7 million in total economic output, and supports 10,310 full-time and part-time jobs each year (University of Maine study). A more specific look at these natural resources and their individual importance to the region is outlined below.

### **Mammals**

#### *White-tailed Deer*

White-tailed deer (*Odocoileus virginianus*) are significant for their recreational and economic importance in the State of Maine. The Greenville area has seen increasing deer numbers, but regional DIFW wildlife biologists are concerned that there may be too little habitat to support them. The amount of habitat for deeryards has been shrinking, and DIFW has been working with Plum Creek biologists and foresters to evaluate the situation. DIFW is hoping to increase the amount of wintering habitat over the next 30 years in northern, western and eastern Maine in order to increase the deer population density by 2-5 times to between 10 and 20 deer per square mile. Deer wintering areas consist of older to mature softwood stands (at least 35 feet in height with tree crown closure of at least 50%) that provide cover and protection from harsh weather.

### ***Black Bear***

The bear (*Ursus americanus*) population has fluctuated widely in Maine. In 1999, the population was estimated at 23,000. Bear hunting regulations are designed to maintain the population at the 1985 level of 21,000. Bear hunting supports a commercial guiding industry that provides hunts over bait and behind hounds. The industry is fueled largely by nonresidents, who are attracted to Maine by a longer hunting season and a wider variety of legal hunting methods than in other eastern states. In 1999, 2,446 (70 %) of the bear killed were taken by nonresidents, and 2,258 (65%) of successful bear hunters employed registered Maine Guides. One hundred of these hunted in the Moosehead Lake region.

### ***Moose***

Moose (*Alces alces*) are common in northwestern Maine. Moose hunting resumed in Maine in 1980. In 1999, 185 hunters were assigned to the south-central zone, of which Moosehead Lake is a part. Hunters in that zone enjoyed the highest success rate of any zone in the state: 96%. The moose population will continue to be managed depending on one of three primary objectives for each Wildlife Management District (WMD): Each district is categorized as either a Recreation Management Area, where moose for hunting and viewing are the protected values; a Road Safety Area, where reducing the number of moose-vehicle collisions is the primary goal; or a Compromise Management Area, where recreational and safety concerns are balanced. The south-central zone is categorized as a Recreation Area. The number of moose is maximized in accordance with the ability of the land to support a healthy population without damaging the forest. Recent management policies regarding moose will undoubtedly enhance hunting and wildlife viewing opportunities in the Moosehead Lake area.

### ***Furbearers***

Furbearers include all mammals harvested primarily for their pelts. These include: coyote (*Canis latrans*), red and gray fox (*Vulpes vulpes* and *Urocyon cinereoargenteus*), bobcat (*Felis rufus*), fisher (*Martes pennanti*), marten (*Martes americana*), raccoon (*Procyon lotor*), mink (*Mustela vison*), otter (*Lutra canadensis*), and beaver (*Castor canadensis*). It is difficult to determine species populations based on trapping harvest data, since the number of animals harvested depends to a significant degree on the current pelt prices and the number of trappers. However, DIFW biologists believe that populations of bobcat and fisher are high due to a corresponding increase in the snowshoe hare population. Marten populations tend to fluctuate primarily with the beechnut crop. Red fox numbers seem to be decreasing, perhaps because of the incidence of rabies. Area ponds and streams support a number of beaver lodges.

### **Birdlife**

#### **Ruffed Grouse and Woodcock**



Approximately half of all licensed hunters in Maine hunt for ruffed grouse (*Bonasa umbellus*) and woodcock (*Scolopax minor*), so upland birds constitute a significant draw for hunters. The ruffed grouse population is primarily a function of the availability of habitat, and the population is said to be increasing in general. The birds live in young forests, so forestry practices that favor sapling and pole stands of hardwoods, as well as mixed stands, will improve or sustain ruffed grouse habitat. Woodcock numbers, on the other hand, are in decline across their range. Despite shorter hunting season restrictions, the population remains low compared to levels in the 1960s. Maine biologists attribute this to loss of habitat, at the State level, to urban and industrial development and forest maturation. Industrial forestry in the Moosehead region should continue to improve the outlook for woodcock by creating areas of young forest.

### **Eagles and Falcons**

Endangered bald eagles (*Haliaeetus leucocephalus*) and peregrine falcons (*Falco peregrinus*) live on and around Moosehead Lake, and are viewed throughout the region, including at Indian Pond. Since peregrines are cliff nesters, potential future suitable sites include the cliffs on Kineo, Little Kineo and Eagle Mountain. Eagles, which nest in the tops of tall trees, are very sensitive to disturbance: general guidelines for bald eagle nest protection are available from DIFW. They include suggested buffers of a quarter mile radius around the nests, maintaining nearby perch trees and mature timber for nesting, and avoiding any disturbance during breeding.

### **Lake Birds**

Loons (*Gavia immer*) nest throughout the Moosehead Lake watershed, although only known nesting sites are mapped, and no count of the population is available from Maine Audubon. Local accounts indicate the population level is stable. Loons frequently nest on islands in the ponds and lakes of the region during a 28-day period within the season between mid-May and July. A 1996 CMP study measured relatively low productivity among Indian Pond loon mating pairs, and concluded that fluctuating water levels and disturbances by fisherman and bald eagles were the cause. In areas where water levels are controlled through scheduled lake drawdowns, the loon fledgling period can be considered as a factor in determining seasonal water level adjustments. Recreationists should take care to minimize their impact on local wildlife species, including loon populations.

Ospreys (*Pandion haliaetus*) are also common nesters in the watershed, with a minimum of 20 known nesting pairs. Herring gulls, ring billed gulls, and double crested cormorants are commonly found nesting on Moosehead islands. Three great blue heron rookeries are known in the Moosehead area and although green herons have been seen, there is no nesting information. Waterfowl include species of ducks and geese and wading birds include species such as bitterns, herons and egrets.

### **Fisheries**

Fishing is of economic and recreational importance to the Moosehead Lake Region. Moosehead Lake itself supports a large recreational fishery for landlocked Atlantic

salmon (*Salmo salar*), brook trout (*Salvelinus fontinalis*), and lake trout (*Salvelinus namaycush*.) The primary forage base of these species is rainbow smelt (*Osmerus mordax*) supplemented by yellow perch (*Perca flavescens*), slimy sculpins (*Cottus cognatus*), and several species of cyprinids. DIFW fishery biologists speculate that the present abundance of game fish in Moosehead Lake itself may be higher than at any time in recent history.

### ***Lake Trout***

The lake trout fishery of Moosehead Lake has been closely monitored by the DIFW for over 30 years. Annual monitoring and studies began in response to a steady decline in this fishery during the 1960s. At that time, two factors were suspected of being responsible for the drop in lake trout population: decreased natural reproduction due to mid-winter lake drawdowns, and the excessively high angler harvests during the 1950s and 1960s.

Spawning areas for lake trout in Moosehead Lake are typical of those found in other lakes in the region. Known sites, which, in Moosehead, include Sandy Bay, Sugar Island, Center Island and the mouth of Spencer Bay, are usually shallow shoal areas subject to intense wind and wave action. Substrate at these areas typically consists of broken rock and rubble approximately 6-12 inches in diameter. In lakes considerably smaller than Moosehead Lake, trout spawning is often concentrated on southeast shores that face prevailing northwesterly winds. Spawning may occur at variable depths, with some populations spawning at 60-100 ft., whereas others spawn only in shoal areas 6 inches to 10 feet deep.

More recent studies conducted by the DIFW suggest that the existing water level management plan for Moosehead Lake has benefited the trout fishery. Between 1925 and 1975, more than 1.3 million lake trout were stocked into Moosehead Lake. However, stocking was eliminated in 1975. Nevertheless, the trout population has remained relatively stable and healthy since that time. Several other factors may have also benefited the Moosehead Lake trout population. In 1972, the DIFW increased the legal size limit from 14 to 18 inches, and in 1977, they reduced the daily bag limit from 8 to 2 fish. Furthermore, an increase in smelt abundance in the 1980s may also have had a positive effect.

Lake trout and brook trout are not commonly found in every pond in the Resource Plan Area. For example, lake trout caught in Indian Pond are generally thought to be “drop downs” from Moosehead Lake, and not specimens from a self-sustaining, significant Indian Pond lake trout fishery.

### ***Landlocked Salmon***

The landlocked salmon population of Moosehead Lake is a high quality fishery. Natural reproduction of salmon in the lakes’ tributaries was investigated during the 1970s, and total parr production was estimated at greater than 36,000 fish per year. As a result of the fishery’s success, DIFW reduced the annual stocking rate from 50,000 to 25,000 salmon beginning in 1975, and further curtailed stocking to 15,000

in 1988, because of the abundance of sub-legal salmon and lake trout in the fishery competing for limited food resources.

### ***Smallmouth Bass***

In the mid 1970s, smallmouth bass (*Micropterus dolomieu*) were illegally released into Moosehead Lake, as well as other area lakes and ponds. For example, smallmouth bass were also illegally introduced to Indian Pond in the 1980s, and there, the population has increased significantly and has become an exceptional, self-sustaining fishery, providing among the best smallmouth bass fishing in Somerset county. White perch (*Morone americana*) were similarly introduced to Moosehead in 1984. DIFW is encouraging exploitation of the bass on Moosehead Lake, which are damaging to the existing fishery.

### ***Fishery Management***

The DIFW fishery biologists have established management objectives to maintain the quality of the fisheries in Moosehead Lake. They include:

- Protect water quality and aquatic habitat in Moosehead Lake, its tributaries and outlets to support the fishery resources.
- Increase the populations of wild salmon and brook trout.
- Protect the natural characteristics of the Lake and its environment that are so important to anglers' use and enjoyment of the resources.
- Maintain an average annual harvest of salmonids not to exceed 50,000 pounds.

Moosehead Lake's fishery is seen as "outstanding;" Brassua Lake and Indian and Long Ponds have "significant" fisheries. The value of these fisheries to the regional economy cannot be overstated. The region's healthy fisheries are among the greatest draws of tourists and recreational visitors to the area each year. Fishing, including open water and ice fishing, is one of the principal recreation attractions in the area, and supports businesses including outfitters, lodging, food and dining services and guide services.

## **Botanical Resources**

### ***Hardwood Forest***

The hardwood forest comprises a significant portion of the Plan Area. Red maple (*Acer rubrum*), white birch (*Betula papyrifera*), moose maple (*Acer pensylvanicum*), and quaking aspen (*Populus tremuloides*) are common tree species within this habitat. Predominant shrub species include beaked hazelnut (*Corylus cornuta*) and low bush blueberry (*Vaccinium angustifolium*). The ground cover typically consists of typical species associated with upland hardwood strains: wild sarsparilla (*Aralia nudicaulis*), bunchberry (*Cornus canadensis*), tree clubmoss (*Lycopodium obscurum*), Canada mayflower (*Maiianthemum canadense*), and starflower (*Trientalis borealis*) are all common.

### ***Softwood Forest***

The softwood forest habitat represents a significant portion of the Resource Plan Area. Two common types of softwood forest include monotypic stands of red pine (*Pinus resinosa*) and more diverse softwood stands in which white pine (*Pinus strobes*), balsam fir (*Abies balsama*), red spruce (*Picea rubens*), and hemlock (*Tsuga Canadensis*) are all common.

The percent cover for understory and ground vegetation is typically low in softwood areas, because the dense canopy of evergreens limits light penetration. Common shrub species include sheep laurel (*Kalmia angustifolia*), lowbush blueberry, and mountain holly (*Nemopanthus mucronata*). Typical ground species include bunchberry, wintergreen (*Gaultheria procumbens*), Canada mayflower, and clubmosses.

### ***Mixed Forest***

Mixed wood forest is the dominant habitat in the Plan Area. Balsam fir, red maple, moose maple, white birch, red spruce, white pine and northern white cedar (*Thuja occidentalis*) are all common species. Lowbush blueberry, sheep laurel and wild raisin (*Viburnum cassinoides*) are predominant shrub species. Dominant ground cover is a combination of the common species in the hardwood and softwood upland habitats.

### ***Upland Shore Habitat***

The upland shore is a habitat that consists of a narrow band, typically less than 10 feet wide, that extends along much of the shoreline of many lakes and ponds within the Plan Area. In some areas, the dominant species in this zone include the wetland species leatherleaf (*Chamaedaphne calyculata*) and sweet gale (*Myrica gale*). This habitat does not occur on shorelines with steeper slopes or on rock outcroppings. Species diversity is typically high along the shore of lakes and ponds, due to increased sun exposure.

### ***Hardwood Forested Wetland***

Dominant hardwood species in hardwood forested wetland areas include: red maple, grey birch, yellow birch (*Betula alleghaniensis*), and balsam fir. The ground layer is commonly lush with goldthread (*Coptis trifolia groenlandica*), cinnamon and interrupted ferns (*Osumunda cinnamomea* and *O. claytoniana*), and Canada mayflower. Sphagnum moss is also common.

### ***Softwood Forested Wetland***

Softwood species in softwood forested wetland areas include: Red and black spruce (*Picea mariana*), balsam fir, larch (*Larix laricina*), and northern white cedar. Ground cover is typically sparse, but includes goldthread, bunchberry and sphagnum moss. Softwood wetlands are typically associated with heaths or bogs at the landward edge, either in narrow bands or as a larger wetland unit.

### ***Mixed Wood Forested Wetland***

The mixed woods forested wetland habitat includes as dominant tree species: red maple, balsam fir and northern white cedar. Ground cover vegetation is similar to that in the hardwood wetland habitat. Sensitive, cinnamon and interrupted ferns; goldthread; starflower; bunchberry; and dewberry (*Rubus hispidus*). Mats of sphagnum moss and shallow pools are also common throughout this habitat, as well as small streams draining through the wetland.

### ***Deciduous Shrub/Scrub Wetland***

This habitat is generally found along streams and beaver flowages. The dominant species include speckled alder (*Alnus incana*). Other woody species include red maple, northern white cedar, sweet gale and meadowsweet. Common herbaceous species include bluejoint (*Calamagrostis Canadensis*), sedges and tall meadow rue (*Thalictrum pubescens*).

### ***Heath Shrub/Scrub Wetland***

The heath shrub/scrub wetland habitat often grades into softwood forested wetland, and is dominated by the ericaceae shrubs leatherleaf and sweet gale. Other ericaceous species found in this habitat include bog rosemary (*Andromeda porifolia* v. *glaucophylla*); sheep laurel; bog laurel; Labrador tea (*Rhododendron groenlandicum*); and cranberry (*Vaccinium oxycoccus*). Speckled alder and steeplebush (*Spiraea tomentosa*) are also found.

Herbaceous vegetation in these areas includes species in the sedge family (*Cyperaceae*) including woolly fruit sedge (*Carex lasiocarpa*), few seed sedge (*C. oligosperma*), few flowered sedge (*C. pauciflora*), three seed sedge (*C. trisperma*), and white beakrush (*Rhynchospora alba*). Sphagnum moss typically forms a carpet under the other vegetation. Cattail (*Typha latifolia*) is often found at the edges. Soil is organic.

### ***Wet Meadow***

Wet meadow habitat is common around the shoreline of ponds and waterways in the Plan Area, and in many places forms a narrow fringe too narrow to be mapped. Scattered shrubs are often found, but the habitat is generally dominated by herbaceous species. Common species include bluejoint, sedges, swamp milkweed (*Asclepias incana*), mannagrass (*Glyceria Canadensis*), reed canary grass (*Phalaris arundinacea*), Robbins' ragwort (*Senecio robbinsii*), and woolgrass (*Scirpus cyperinus*).

### ***Beaver Flowage***

Beaver Flowages are areas where beavers have built dams in tributary streams causing water to back up. Often there is a series of these pools along the stream course. The vegetation forms narrow bands around these pools, with emergent vegetation and sphagnum moss closest to the pool, and then bands of shrub/scrub and forested wetlands moving outward. Dead and dying trees are commonly found around the pools due to the raised water table.

### ***Submerged Aquatic Vegetation***

Submerged aquatic vegetation is often found in protected coves and near the mouths of streams. Common species in the Resource Plan Area include various species of pondweed (*Potamogeton* spp.), burreed (*Sparganium* spp.), floating mannagrass (*Glyceria borealis*), elodea, water shield (*Brasenia schreberi*) and spatterdock (*Nuphar lutea*). Bladderwort is also found, and is insectivorous. Most insectivorous plants are found in habitats with low nutrient availability. There are examples in two locations at the perimeter of Indian Pond. Both locations were wooded prior to the creation of the impoundment that formed Indian Pond at its current size, and are full of submerged tree stumps. The soils are organic muck. Nutrients may be tied up in organic matter and not readily available to aquatic vegetation. These conditions likely favor the lush growth of bladderwort, which is essentially found as a monoculture.

### ***Rare Plants***

Review of Plum Creek records of Maine Natural Area Program (MNAP) data shows there are six significant natural resource areas in the Plan Area. (MNAP maps areas that harbor rare or exemplary species.)

MNAP files also indicate the presence of several rare botanical features in the vicinity of Indian Pond. These include russet sedge (*Carex saxatilis*); mountain sweet cicely (*Osmorhiza berteroi*); auricled twayblade (*Listera auriculata*); water awlwort (*Subularia aquatica*); and occurrences of fen ecosystems. Field studies conducted in conjunction with the most recent application for the Indian Pond impoundment license renewal from FERC failed to identify any of these species in the vicinity of Indian Pond, but did uncover a species of starwort: *C. heterophylla*. The status of this species as a rare species, warranting an “E” listing in Maine, was in dispute at the time of the FERC relicensing application.

Four species of rare plant have been verified as extant on Mt. Kineo. Historic occurrences of rare plants also come from three other locations in the vicinity of Moosehead Lake: Greenville, Seboomook, and Big Moose Township. New field investigations will be needed to determine whether or not these plants still grow there.

More information on the ecological communities of “management concern” mapped by the MNAP is provided below. This same information is used to identify and protect these areas by Plum Creek’s foresters when wood harvesting operations are planned in the vicinity. In such situations Plum Creek notifies MNAP staff so as to verify the resource is adequately protected. Furthermore, each of these areas is protected by LURC’s Protection subdistrict as important stream protection areas, wetlands, or as high mountain areas, as the case may be.

<b>Listing of MNAP Areas of Management Concern within the Plan Area.</b>				
<b>Township/ Location</b>	<b>Description</b>	<b>Size</b>	<b>Protection Subdistrict</b>	<b>Rare Plant Species</b>
Long Pond	Churchill Stream Stream shore ecosystem	354 acres	P-WL 1/2/3	
Long Pond	12 Mile Bog – Pattern Fen ecosystem	100 acres	P-WL 1/3	Moor Rush Swamp Birch
Indian Stream	Indian Pond Cedar Swamp – Evergreen Seepage Forest	120 acres	P-WL3	Sheathed Sedge Swamp Fly Honeysuckle
Big Morse	Big Morse – Spruce/Fir/N. Hardwood ecosystem	1,508 acres	P-SG and P- SL2	Fragrant Woodfern
Elliotsville	Barren Mountain – N. Hardwoods Forest	669 acres	P-SL2 and P- FW	
Frenchtown and Beaver Cove	Baker and Lily Bay Mountains – Subalpine Fir Forest	1,575 acres	P-MA and P- SG	Boreal Bedstraw Little Shinleaf

#### ***Wetland Functions and Values***

The riparian wetland habitats are most valuable as wildlife habitat. Most of the riparian zone supports upland forested habitat, primarily mixed wood. The wetlands add a diversity of physiognomy including shrub/scrub and meadow, increasing the structural diversity of the riparian zone.

Wetlands also provide valuable edge habitats. Many species of wildlife, including moose and deer, are frequently observed in these wetland habitats. Certain types of wetland habitats support beaver populations, and wetland habitats also sustain a great diversity of frog and toad species in Maine. Broods of common mergansers and Canada geese have been observed in meadows tied to wetland formations, and cormorants and great blue herons are most commonly observed in back waters associated with wetland habitats. Floating scrub/shrub heath islands may be of particular value because of their isolation from terrestrial predators.

Aquatic habitats, both emergent wetlands and submerged aquatic vegetation, are valuable as fish and shellfish habitat. Large schools of juvenile fish are commonly observed in backwaters associated with this type of habitat. The plant-life common in these ecosystems provides cover and food, making them suitable as fish nursery areas. Freshwater mussels can also be observed in these areas.

In addition to the protection afforded to wetlands under the Federal Clean Water Act, all freshwater wetlands in Maine are protected under the Natural Resources Protection Act (NRPA). LURC recognizes three broad groups of wetlands that are separated based on functions and values. These groups are differentiated as general

wetland areas (P-WL2 and P-WL3 Protection Subdistricts) meeting the wetland definition criteria, and state designated Wetlands of Special Significance (P-WL1 Protection Subdistricts). The P-WL2 Protection Subdistrict includes scrub/shrub and other non-forested freshwater wetlands, excluding those covered under P-WL1. The P-WL3 Protection Subdistrict includes forested freshwater wetlands, excluding those covered under P-WL1 and P-WL2. Wetlands of Special Significance (P-WL1) possess one or more of the following characteristics:

- Significant wildlife habitat.
- Location within 250 feet of coastal wetland.
- Location within 250 feet of the normal high water line, and within the same watershed of any lake or pond classified as a GPA great pond.
- Under normal circumstances, the wetland area contains at least 20,000 square feet of aquatic vegetation, emergent marsh vegetation or open water.
- The wetland is inundated by floodwater during a 100-year flood event as based on FEMA flood insurance maps.
- The wetland meets the definition of peatland that has not been previously mined.
- Any wetland area located within 25 feet of a river, stream, or brook.
- The area is defined as a coastal wetland (hydrologic input is primarily salt or brackish water.)
- The area meets the definition of a great pond. Great ponds include natural inland water bodies with surface areas greater than 10 acres, and artificially formed inland water with surface areas greater than 30 acres.
- Areas enclosed by the normal high water mark of flowing waters, stream channels, and standing waters.

Wetlands of Special Significance are assumed to possess great numbers of, and/or higher quality functions and values than other freshwater wetlands found in Maine. Thus, Wetlands of Special Significance are generally provided greater protection under the NRPA.



## *The Working Forest*

The vast expanse of forest that surrounds and generally characterizes the Resource Plan Area is integral to the economic vitality and overall prosperity of the Moosehead Lake region. For this region in particular, on the fringe of the north woods, the economic value of the undeveloped forest is realized through the forest products, tourism and recreational industries. For over a century in the greater Moosehead Lake region, the forest products industry has garnered economic value from the unfragmented forest, while recreationists have enjoyed the woods and waters.

In the last decade, primarily in the northern part of the jurisdiction, conservation easements have preserved over 1 million acres as working forest. In contrast, areas closer to the fringe of the jurisdiction have witnessed a steady march of development, through the 2-in-5 rule or subdivision. There is broad consensus in the Moosehead region that the vast contiguous tracts of forest that sustain jobs, ecosystems and an emerging recreation industry must be maintained if the area is to survive. Maine's working forests have proven to be the most efficient and realistic way to sustain the value and security of the north woods as a largely undeveloped forest.

The Resource Plan Area is situated in one of the most dynamic regions of western Maine, and one of the most valuable areas of the northern forest: on the fringe of the LURC jurisdiction, adjacent to organized towns. With a major population center and the only east-west rail line in Maine, the Moosehead Lake region is an area where multiple economic and cultural interests meet. Those interests — the timber industry, tourism, recreation, conservation and others — can either collide, or, as local officials in Greenville envision, they can catalyze one another to benefit the overall prosperity of the region. The working forest will continue to protect the natural beauty of the area that draws tourists and recreational visitors, but only as long as careful planning prevents the degradation of the forest's value to the timber industry.

Between 1974 and 2004, 577 new dwellings were added to the 861 existing units within the 29 townships that comprise the Plum Creek Resource Plan Area, but none of those dwellings were built within the Plan Area itself, because the entire Plan Area has been managed as working forest. In fact, only 25 pre-LURC leases currently exist within the Plan Area, even though the Plan Area comprises 71% of the total acreage of those townships. In the greater Moosehead region, management of the working forest has prevented the type of piecemeal development that degrades the values of the forest by breaking up tracts and leading to habitat fragmentation.

The preservation of such vast tracts of working forest has maintained for communities like Greenville, at the base of Moosehead Lake, a valuable natural resource that draws tourists and recreationists, as well as providing an economic base for the timber industry. According to the Maine Pulp and Paper Association, that industry comprises about 4.5 percent (\$1.45 billion), of Maine's Gross State Product. The pulp and paper industry accounts for 24.2 percent of all manufacturing wages in the state, paying out \$685,619,228 in wages in 2001 and providing 13,200 jobs. The

impact of the pulp and paper industry in Maine appears even greater in light of the indirect wages and earnings paid to vendors and businesses that support pulp and paper companies. The combined total direct and indirect wages attributed to the industry totaled \$1,707,191,877 in 2001. Furthermore, industry workers are well paid, earning an average annual income of \$52,208, according to the Maine Pulp and Paper Association.

In 2004, the SMIS group, LLC, sought to rezone 90 acres in Sapling Township, Somerset County, from (M-GN) General Management Subdistrict to (D-CI) Commercial Industrial Development Subdistrict for the purpose of constructing a dimensional lumber sawmill facility. With regard to the SMIS group plan, Greenville Town Manager John Simko told the Waterville Morning Sentinel, “To have a state-of-the-art mill come to Maine right here, right now is going to not only jump start the economy, it is going to give courage to other companies to invest.”

The mill has not been constructed, and may not be constructed in the form that was initially discussed. However, the infrastructure that attracted SMIS – 3-phase power, rail and road access, combined with a major wood basket – is likely to eventually bring another similar economic use to that site. The positive impact that such a facility could have on the greater Greenville area cannot be underestimated. As planned, the \$60 million mill would bring 100 new jobs and much needed economic opportunity to the region. The impacts of sawmills on Maine’s rural communities is well understood: Maine Pulp and Paper Association estimates that each of their members spends approximately \$254,200,000 on goods and services within a 60-mile radius of each mill. In some cases, mills pay 60-80 percent of their town’s property tax base.

While there is no guarantee of future investments in a mill around Greenville, maintaining large tracts of forestland valuable to others in the timber industry and preserving the value of the natural resources surrounding the town will certainly increase the likelihood of such investment. The town’s proximity to major transportation routes, including rail, make it a strong candidate for a mill, but its value as a potential mill site would decrease if the value of the surrounding forest is compromised.

As Governor John Baldacci pointed out at the Blaine House Conference on Maine’s Natural Resource-Based Industry on November 17, 2003, Maine’s forest resources are in jeopardy all across Maine, and particularly in the Resource Plan Area. According to Baldacci:

*Challenges to the economic viability of the forest products manufacturing sector have resulted in unprecedented changes in patterns of ownership in the Maine woods. In the past 6 years, we have seen more than 5.5 million acres of forestland change hands. In some cases, new investment patterns have led to new harvesting practices and fragmentation of what were once large tracts of woodlands.*

Without careful planning, the very same market forces that sustain such a wide range of activities in the north woods are leading to fragmentation of the forest itself. The Plum Creek Resource Plan fills that planning need for over 425,000 acres of forest, in an area where competing, and potentially exclusive market forces are at their strongest.

On November 17, 2003, the Blaine House Conference on Maine's Natural Resource Based Industry drafted recommendations for action that helped define the importance of the north woods to Maine and set goals for their protection. The recommendations addressed the need for preserving large forestland tracts.

*The state is committed to maintaining large forestland tracts that are sustainably managed and the development of creative partnerships for recreation management of forest land to complement sustainable production of timber and other forest products.*

At the same conference, University of Southern Maine economist Charles Colgan stated that every potential solution for preserving the strength and economic vitality of Maine's natural resource based industries, including timber, recreation, and tourism, rely on improving competitiveness and resource management. Careful management of forestland parcels and the preservation of large tracts are strategies integral to both goals.

According to USFS data, there were 78,000 forest owners in 1953, and by 1993, there were 256,000, with 89.5 percent owning 100 acres or less. Consultant Lloyd Irland claims small parcels of 100 acres or less are highly inefficient from the standpoint of the timber industry, posing unique access and management challenges coupled with reduced financial incentives and more limited management options.

Irland suggests that clustering development together and leaving larger contiguous undeveloped tracts is much more conducive to the joint goals of conservation, promoting recreational opportunities and preserving the value of the forest to the timber industry. Pushing development toward specific areas leaves large parcels of the forest undeveloped, preserving its values for the timber industry, as well as tourism and recreation.

The Resource Plan preserves the working forest by planning for and directing inevitable development and ensuring predictability with regard to where and when it occurs. Placing a cap on development in the Plan Area ensures the wood basket will remain unfragmented, dedicated to forestry, recreation and tourism, the economic drivers of successful northern Maine communities.

John Simko, Greenville Town Manager, stresses that the key to a prosperous future for the town of Greenville is economic diversity. He believes jointly fostering tourism, recreation industries and natural resource-based industries can sustain the region in the decades ahead. Preventing forest fragmentation and preserving the

regional forest as a whole is imperative to each element of Simko's economic vision. Recreation opportunities, timberland values, and tourism are degraded by poorly sited, unplanned development.

A component of Governor Baldacci's Maine Woods Legacy vision is the concept of landscape-scale conservation of Maine woods, waters, and wildlife. At the Blaine House Conference, he explained this part of his vision:

*There are models for land conservation that have worked elsewhere in the United States. But I believe that Maine can craft a better solution — economic development and conservation strategies that are tailored to Maine's landscape, Maine's traditions and Maine's economic needs and abilities. We will retain our large, undeveloped tracts of forestland in an undeveloped condition, and in a manner that will guarantee continued availability of the forest products resource for sustainability and continued public access.*

The Resource Plan for Plum Creek held lands in the Moosehead Lake Region is a first-of-its-kind voluntary, land-owner initiated approach to landscape-scale planning, in line with Governor Baldacci's vision. The plan spells out where and how development in the region should occur for the next 30 years, and guarantees that construction of new dwellings will remain consistent with preserving the unique values of the greater Moosehead Lake area. Rather than breaking up the working forest with a random pattern of residential lots, Plum Creek's plan promotes the clustering of those new lots in suitable areas, and provides an assurance — for Plum Creek, the public, state regulatory agencies and the towns and townships of the region — that future development will occur only in specific places, and that the intrinsic and economic value of the forest will remain intact.

## *Service Centers*

In 2000, the Maine Legislature established The Task Force on Regional Service Center Communities to recommend ways to reverse the decline of Maine's principal service center communities, and ways of strengthening them as centers of job creation and for the delivery of critical services to surrounding regions. Their recommendations were based on a report that was published in 1998 by the Maine State Planning Office. Service center cities and towns were defined as hubs that support surrounding areas in terms of goods, services, and jobs. By supporting these centers, the state government hopes to revitalize those towns that, proportionately, provide the most jobs, housing, retail trade, schools, medical care, cultural attractions and social services. Currently, there are 63 such service centers in Maine as defined by legislative rule. Greenville and Jackman are the service centers adjacent to the Plan Area.

Both Jackman and Greenville have indices above the state average for job-to-worker ratios (1.770 and 1.127<sup>19</sup> respectively), and per capita sales adjusted for income (2.051 for Jackman, 1.849 for Greenville). In other words, these towns are job and trade centers, attracting workers and consumers from a large surrounding area. Considering the remoteness of these two towns and their size relative to the surrounding MCDs, this is understandable. Both towns also attract tourists. Greenville's location at the southern tip of Moosehead Lake makes it a natural center for tourist-related businesses and services serving hunters, fishers and outdoor recreationists. Jackman's location on the Interconnect Trail System makes it a popular stopover for snowmobilers.

The Task Force's report identifies some of the problems that service centers share, namely: stagnant or declining populations, a high proportion of low income and dependent populations, and a need for affordable housing. These problems have also been identified in the comprehensive plans for both communities. The Task Force also reports that Jackman and Greenville are below the state average in terms of the percentage of service jobs in the municipality (0.763 for Jackman, 0.849 for Greenville).

While the service center report shows that most of these towns are declining, the study also points out that not all communities share these problems equally. Those with the healthiest conditions across most or all of the composite measures used in this study, compared with statewide averages, are:

1. *Small coastal centers with outstanding scenic beauty and preserved New England landscapes (built and natural) that attract professionals, entrepreneurs, retirees, and tourists. . . .*
2. *Manufacturing centers whose major industries have been able to maintain their markets and job bases and have other economic activity to supplement the major activity. . . .*

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<sup>19</sup> The state average is the index benchmark. An index of 1.770 means that the job-to-worker ratio in Jackman is 1.77 times that of the state average.

The Task Force considered a wide range of factors that contribute to vibrant, healthy service center communities. An important factor, not only in Maine communities, but in urban places across the nation, are recreational amenities, including parks, trails and other open spaces. The availability of such resources and facilities are not only important parts of day-to-day community life, but they can also be important ingredients in local and regional plans for tourism promotion and economic development.<sup>20</sup>

This suggests that Jackman and Greenville both have the potential to improve economic conditions by capitalizing on their scenic and cultural resources, by attracting service jobs, and by providing affordable housing to promote a growing population.

Plum Creek's proposal for long-term, sustained residential construction, affordable housing, and extensive trail networks can have economic benefits for Jackman and Greenville in this regard. New residents will bring increased retail sales, construction and service jobs, and more stable populations.

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<sup>20</sup> Ibid.

## *Existing Services and Infrastructure*

Part of the review of this Resource Plan will be an assessment of the impacts the proposed development will have on existing infrastructure and services: roads, utilities; solid waste disposal; police, fire and rescue services; and schools. The proposed development has been located in such a way as to minimize negative impacts on roads and services. It is not clear what impact the Plan will have on schools, but in Greenville, at least, a larger school-age population would be welcomed.

In any case, education and services for people with residences in the Unorganized Territory are wholly funded through property taxes levied solely on this jurisdiction (not only on these lots) (see the letter from the Fiscal Administrator of the Unorganized Territory in the Appendix). Currently, because the population of the region is small and dispersed, the per capita cost of delivering these services is relatively high and borne by relatively few people. To the extent the implementation of this Plan increases the number of seasonal or year-round residents, the mil rate for the Unorganized Territory in Somerset and Piscataquis Counties is likely to go down (see Charles Colgan's economic analysis in the Appendix).

### **Roads**

There are five public roads that will serve the Plan Area. On the west side of Moosehead Lake, Route 201, although not within the Plan Area, comes within four miles of its southwest corner and is the major route connecting the Jackman area with towns to the south. Route 201 also extends to the border with Canada, and to Quebec City. Proposed lots in Chase Stream, and Thorndike will likely be accessed from Route 201, and then over both public and private roads. Route 201 is a state road and is in good condition, having been upgraded in the last 2-4 years, and there are no problems with its traffic capacity.

Route 6/15 is also a state road, and runs from Jackman east through Long Pond, to Rockwood, then turns south to Greenville. This road has seen a 35% increase in the amount of traffic between 1994 and 1999. The Jackman Comprehensive Plan reports that recent increases in traffic are associated with winter sports activities. The condition of the road varies between poor and good, but reconstruction of an 8-mile section along Long Pond is slated for 2005. Sections of the road between Rockwood and Greenville are slated for upgrades depending on funding. Proposed lots on Long Pond can be accessed by 201, Route 6/15 east, then private roads, or by Route 6/15 west from Rockwood. The lots on Brassua, Big W, Moose River, and the west shore of Moosehead Lake lots will be accessed by 6/15 and private roads.

The unpaved road from Rockwood to Seboomook is a Somerset County road as far as the Tomhegan/Soldiertown Township line. Lots at Big W would be accessed over this road, then by privately owned roads on Plum Creek.

East of Moosehead, the only public roads are the Lily Bay Road and the County Road, both of which are the responsibility of Piscataquis County. Starting in Greenville, the Lily Bay Road runs through Beaver Cove along the shore of Moosehead, then continues northeast away from the lake to Kokadjo and First Roach Pond. Beyond First Roach, the road is owned by Plum Creek and is unpaved. It is called Sias Hill at this point, and continues on to the Ripogenus Dam. The County Road runs six miles southeast from Kokadjo along the south shore of First Roach Pond. Proposed lots in Beaver Cove, Lily Bay Township, Bowdoin College Grant West, and The Roaches will be accessed from the Lily Bay Road and private forest management roads.

Any new roads contemplated by this Plan will be extended from existing forest management roads, and will be privately owned and maintained by homeowner associations. The Plan Description details the access to individual development areas. Generally, however, the number of miles of new roads necessary to develop these areas will be quite small, and because they will be privately owned, there will be no fiscal impact on the counties for road construction. The only impacts will be increased use of the existing public roads. It is not possible at this time to assess what this impact will be.

### **Air Service**

There are two airfields abutting the Plan Area, in Jackman and Greenville. Newton Field in Jackman has a single lighted runway of 2,900 feet and a fuel facility. The airport is used by lifeflight helicopters, private planes, and the border patrol. Over 7,000 takeoffs and landings were recorded in 2002.



Greenville Municipal Airport

The Greenville Municipal Airport is located a mile and a half east of town. This facility has two runways, one 3,000 feet, the other 4,000. Folsom's Air Service operates out of the airport and provides a fuel facility and repair service. Hanger lots are available for lease from the town. There are also seaplane bases in Greenville on Moosehead Lake, and in Jackman on Big Wood Pond.

### **Railroad**

The railroad has played an important role in the history of the region. Built in the late 1800s, the railroads were instrumental in bringing large numbers of tourists to the region up until the 1930s and '40s. The track runs through Greenville along the west shore of Moosehead Lake, between the water and Route 6/15. After the bridge over the East Outlet, it crosses the road and veers northwest. At the southernmost tip of Brassua Lake it crosses Route 6/15 again and heads west, hugging the shores of



Brassua Lake, Moose River, and Long Pond. It continues westerly to Jackman and heads toward Lac Mégantic in Canada.

The Montreal, Maine & Atlantic Railway owns the track today. Passenger service on the line was discontinued in 2004, and the trains now only carry freight for the pulp and paper industry, as well as potatoes, petroleum, mill products, and chemicals.

## Electricity

Currently in Somerset County, electric power service extends from Jackman along Route 6/15 to just beyond the Narrows of Long Pond. On the west side of Moosehead, power runs from Greenville to Rockwood along Route 6/15, then west along the south side of the Moose River, to a point about three miles beyond Brassua Dam.

In Piscataquis County, electric power extends along the Lily Bay Road to Kokadjo, then one mile east along the northern side of First Roach Pond. Power is available for two miles along the south side First Roach Pond on the Frenchtown Road.

Of the lots proposed in this Plan, 74% are within three miles of existing power lines. Thirty are designated as "remote" recreational/residential lots. The land use standards in the Plan specify that these lots will have no electric service, but may have generators, as long as they meet the decibel limits.

## Solid Waste

Solid wastes for the townships within the Plan Area are handled by five different facilities. The following table shows the number of lots proposed for each township, and the total number of proposed lots that would send trash to each facility.

**Table 13: Proposed Lots and Servicing Waste Facilities**

# Proposed Units	County	MCD	Landfill/Transfer Station
8	Somerset	Chase Stream Township	Caratunk/Forks Waste Facility
35	Somerset	Indian Stream Township	Caratunk/Forks Waste Facility
5	Somerset	Squaretown Township	Caratunk/Forks Waste Facility
<b>48</b>		<b>Total Caratunk/Forks Waste Facility</b>	
80	Somerset	Long Pond Township	Jackman Transfer Station
12	Somerset	Thorndike Township	Jackman Transfer Station
<b>92</b>		<b>Total Jackman Transfer Station</b>	
33	Somerset	Big W Twp., NBKP	Rockwood Transfer Station
40	Somerset	Brassua Township	Rockwood Transfer Station
60	Somerset	Rockwood Strip East	Rockwood Transfer Station
80	Somerset	Rockwood Strip West	Rockwood Transfer Station
2	Somerset	Sandbar Tract	Rockwood Transfer Station
40	Somerset	Sandwich Academy Grant	Rockwood Transfer Station
19	Somerset	Sapling Township	Rockwood Transfer Station

<b># Proposed Units</b>	<b>County</b>	<b>MCD</b>	<b>Landfill/Transfer Station</b>
5	Somerset	Soldiertown Township	Rockwood Transfer Station
109	Somerset	Taunton & Raynham Academy Grant	Rockwood Transfer Station
<b>388</b>		<b>Total Rockwood Transfer Station</b>	
55	Piscataquis	Beaver Cove	Greenville Landfill
128	Piscataquis	Big Moose Township	Greenville Landfill
30	Piscataquis	Bowdoin College Grant West	Greenville Landfill
<b>213</b>		<b>Total Greenville Landfill</b>	
0	Piscataquis	Days Academy Grant	Piscataquis County Recycling and Transfer Station
206	Piscataquis	Lily Bay Township	Piscataquis County Recycling and Transfer Station
15	Piscataquis	Shawtown Township	Piscataquis County Recycling and Transfer Station
0	Piscataquis	Spencer Bay Township	Piscataquis County Recycling and Transfer Station
13	Piscataquis	T1 R12 WELS	Piscataquis County Recycling and Transfer Station
<b>234</b>		<b>Total Piscataquis County Recycling and Transfer Station</b>	

The Caratunk/Forks Waste Facility is a landfill. At the existing level of use, it is estimated that the landfill has 11 years of capacity left.

The Jackman Transfer Station hosts a recycling facility and accepts tires, brush, and furniture for a fee. The Jackman Comprehensive Plan states that no expansion or improvements are anticipated for the Transfer Station. The Town also has a septage disposal site. This has operated since 1993, and has years of capacity remaining.

The Greenville Landfill serves roughly 3,000 people now. At the current level of use, the landfill is estimated to have 33 years of capacity left. Greenville also has a recycling center that accepts cardboard, mixed paper, newsprint, glass, tin and aluminum, as well as #1 and #2 plastics. The Recycling Center is part of the Maine Resource Recovery Association in Bangor, which acts as broker. The Association finds buyers for the collected material and arranges transportation. Finally, Greenville has a septage disposal site, located in Moosehead Junction, on State-owned land. Beaver Cove is the only area within the Plan Area that sends septage to this facility. Otherwise, septage from the Unorganized Territory has to be trucked to Plymouth.

The Piscataquis County Recycling and Transfer Station is located off the Lily Bay Road. This facility serves Lily Bay Township, Frenchtown Township, Days Academy Grant, Shawtown Township, Spencer Bay Township, and T1 R12 in the Plan Area. Wastes collected here are sent to the waste facility in Norridgewock.

## Schools

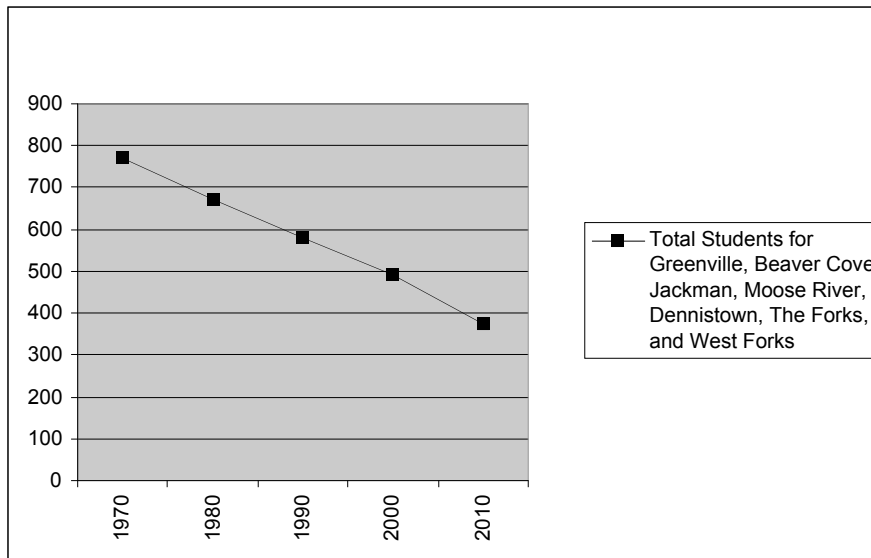
Public schools in the region lie outside, but immediately adjacent to, the Plan Area, in Greenville and Jackman. Jackman and Greenville have schools for grades K through 12. Rockwood also has its own elementary school and sends older children to the school in Greenville. Any school-aged children that were residents of the unorganized territory would be sent to one of these schools. The Superintendent of Schools decides which school each child should attend.

The public school census figures for the region have been declining over the past 30 years. Compared with 1970, the 2000 school census was 38% lower in Greenville and Jackman. The region as a whole has seen a 35% decline in student enrollments over this period (see Table 14 and Figure 9).

**Table 14: Public School Census**

TOWN	1970	1980	1990	2000	2010*
Greenville	478	378	316	297	201
Beaver Cove	0	9	0	6	2
Jackman	219	194	158	135	140
Moose River	44	56	56	50	24
Dennistown Plt.	11	6	14	5	3
The Forks Plt.	3	12	7	3	1
West Forks Plt.	17	15	8	3	3
<b>Total Students</b>	<b>772</b>	<b>670</b>	<b>559</b>	<b>499</b>	<b>374</b>
*Projected					

**Figure 9: Regional School Population, Actual and Projected**



Source: Maine State Planning Office, December, 2003

For towns like Greenville, this decline threatens to close the local school. Town Manager John Simko has written in a 2002 report:

*The Greenville Schools are under-capacity, and as a result, have a disproportionately high per-pupil cost for education our students (roughly \$6,000 per pupil, versus SAD #4's ~\$3,500 per pupil, as an example). As enrollment declines, overhead costs hold relatively constant, even while state subsidies shrink with the student population. More and more funds need to be raised locally to compensate for this loss. In other communities in Piscataquis County, this dynamic has resulted in the closure of schools. It is not out of the question for that to happen in Greenville, as well, if this trend continues unchecked.<sup>21</sup>*

It is unclear what impact the development proposed in this Resource Plan will have on the school-age population of the region. On the one hand, the demographic cohort most likely to buy the residential lots that will be created will be aging baby-boomers and retirees who would not have school-aged children. In addition, few of this group are likely to live in the unorganized territory year-round, due to the severity of the winters, the isolation, and the lack of public roads. On the other hand, Plum Creek has committed to the donation of land for affordable housing near or in existing population centers. One could reasonably assume such housing would be occupied by year-round residents with local jobs, and these people are more likely to have school-aged children. Thus, to the extent that the impact of the Plan is predictable at all, it is most likely to have a positive impact by helping to stabilize or replace lost populations that keep costs down and the schools open.

## **Law Enforcement and Fire Dispatch**

Emergency 911 calls for fire, police, or rescue service from anywhere within Somerset and Piscataquis Counties go to the County Sheriffs' Offices. Dispatchers there determine which service facility to call. Because the warden service is responsible for search and rescue statewide, they are often the people who coordinate rescues in inaccessible locations. The warden service provides snowsleds or all-terrain-vehicles to get emergency personnel to the scene. There are four or five for the Piscataquis County area.

Fire control in the Plan Area is covered either by the Maine Forest Service (for forest fires) or the closest fire department (for structural fires). Jackman, Greenville and Rockwood all have fire departments.

### ***Fire***

#### **Rockwood**

Rockwood's Fire Department is staffed by volunteers, and is funded by Somerset County. It is located on Route 15 in Rockwood Strip East, just south of Rockwood Village.

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<sup>21</sup> John Simko, Greenville at the Crossroads: The Dire Need to Grow our Population to Enrich our Community, p. 3.

Rockwood has a four-year-old pumper truck, and a 2\_-ton army truck fitted with a pump for brush fires. They have a used ambulance that serves as a utility support vehicle. The Department's building and vehicles are owned by Somerset County, and the 6 volunteers firefighters belong to an association that runs the Department.

### **Greenville**

The Moosehead Lake Fire Department contracts to cover Beaver Cove, Frenchtown Township, Lily Bay Township, and Big Moose Township within the Plan Area. The Department will also respond to fires on the east side of Moosehead Lake north of Kokadjo and east to Katahdin Iron Works and bills Piscataquis County for the service.

The Department has two pumper trucks, one ladder truck, one water tender, a support vehicle, and an ATV rescue vehicle with 90-gallon tank for brush fires. It is staffed by 24 volunteers, including two Assistant Chiefs and two Captains.

### **Jackman**

The Jackman Fire Department is jointly owned by Jackman and Moose River. The Department contracts to cover five unorganized townships, including Long Pond within the Plan Area. All other emergency responses are billed to Somerset County. The Fire Department building is 20 years old and houses one pumper truck, one pumper/tanker truck, a utility van, a Jeep fitted with a small pump and tank, and a snowmobile trailer with rescue sleds. The Jackman Comprehensive Plan reports 15 volunteer firefighters.

### ***Law Enforcement***

The Piscataquis and Somerset County Sheriffs and State Police share law enforcement duties in the region. The Sherriffs' and State Police's headquarters are based in Skowhegan and Dover-Foxcroft. There is also a resident Deputy Sheriff in Jackman. The US Border Patrol has a headquarters in Jackman, and they are empowered to back up police and emergency personnel, if needed.

Game wardens are empowered by the legislature to handle law enforcement. The Greenville office of the Warden Service employs 18 wardens and three sergeants who cover the area from Millinocket to Bingham. The part of the Plan Area east of Moosehead Lake includes three warden districts, with two sergeants. The Plan Area west of Moosehead Lake includes parts of four warden districts, with one sergeant. The Service maintains an aircraft and airboat (used during poor ice conditions) at Greenville. They also have a dive team that responds to drownings.

The Greenville Police Department has one chief, one corporal, and seven reserve officers. The Greenville Department contracts with Beaver Cove to respond to calls there.

## **Health Services Facilities, Rescue**

Jackman Region Health Center provides ambulance service, urgent care, wellness programs, and a residential nursing facility. Urgent care stabilizes patients until they can be transferred to the nearest emergency treatment center, which is in Skowhegan. The facility includes an 18-bed nursing home, doctor's office, lab and x-ray, a pharmacy, and teleconferencing capability. The Health Center employs about 40 people and is affiliated with Maine General Hospital in Waterville.

The ambulance service in Jackman is operated by volunteers, including seven Emergency Medical Technicians and five certified First Responders. They use two ambulances that are maintained by the Jackman Region Health Center.

Charles A. Dean Memorial Hospital in Greenville is a 14-bed acute care facility, operates a 36-bed nursing home, and is affiliated with the the Norumbega Medical Center. The Hospital offers a full range of services, including limited surgical services. They will soon have a CAT scanner, expanding their diagnostic capabilities. With approximately 150 full-time employees, the hospital is Greenville's largest employer. CA Dean Hospital has three ambulances with volunteers that respond to calls from as far away as Long Pond and Rockwood, from as far north as Kokadjo, and the eastern townships of the Plan Area. The Norumbega Medical Center employs three doctors and one physician's assistant.

## *Existing Zoning*

LURC's regulatory authority and responsibility is defined by Maine law. Policy direction is set by the Comprehensive Plan, which is revised periodically. Land uses are controlled by regulations shaped by zoning. The zoning districts themselves are primarily natural resource based. The three principal zoning districts – Development, Management, and Protection districts – currently regulate land uses in the Plan Area and beyond.

Development, management, and conservation decisions in the Moosehead region are controlled by these zoning districts, or subdistricts, since each of the three zones is broken into appropriate subzones or subdistricts. All of the relevant Development (D), Management (M), and Resource Protection (P) subdistricts are listed below.

The extent of each of these three principal districts within the Plan Area is not known, but it's estimated that 5% is in a Protection District (excluding the Great Pond and Resource Plan, Protection subdistricts).

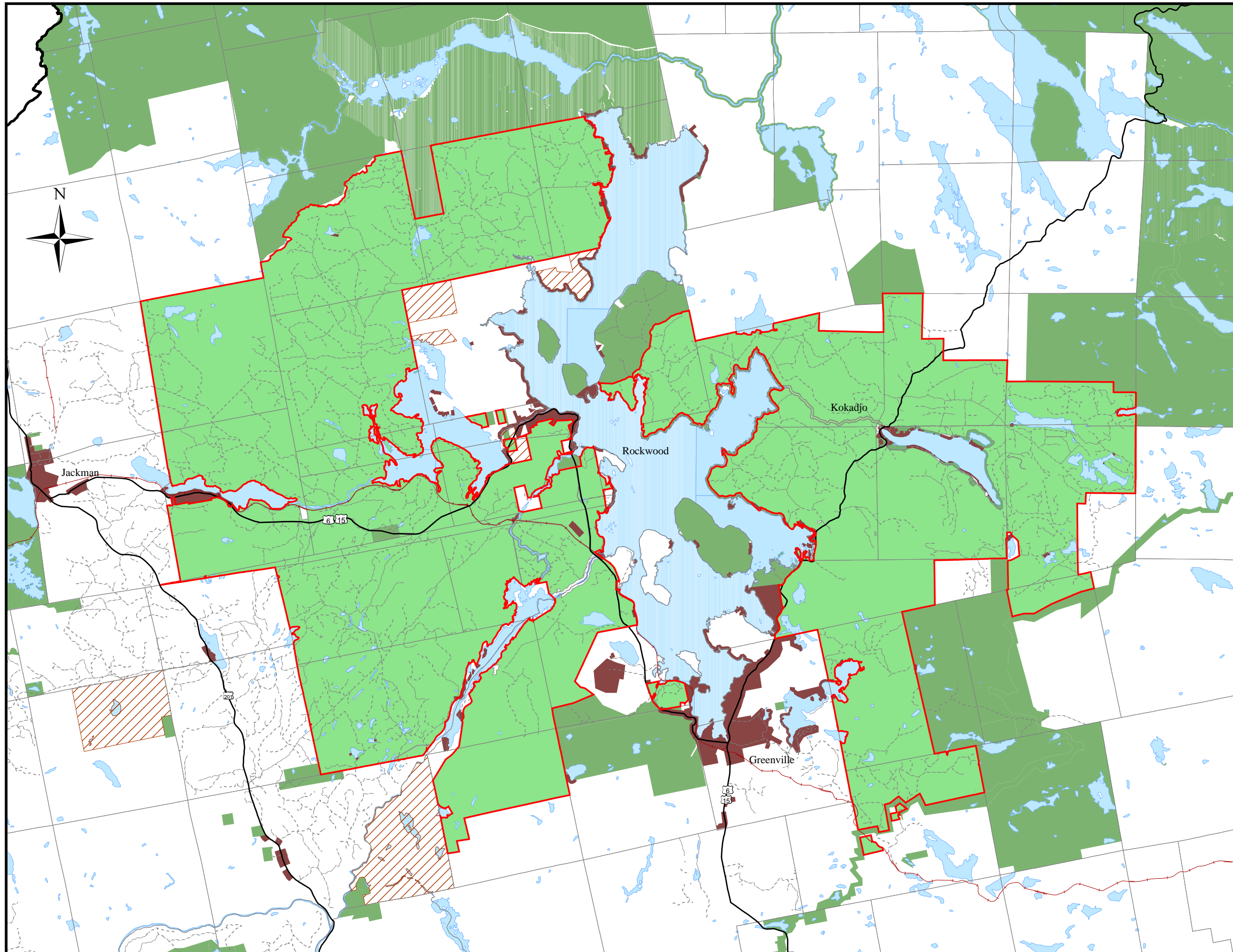
**Table 15: LURC’s Protection, Development, and Management Zones**

<b>Protection Zones</b>	<b>Notes</b>
Wetland Zone (P-WL)	Encompasses all submerged lands and other areas meeting wetland criteria.
Great Pond Zone (P-GP)	Applies to a 250 foot wide strip around all lakes and ponds greater than 10 acres in size. There are about 67 such lakes and ponds in the Plan Area.
Wildlife Habitat Zone (P-FW)	Covers important deer winter shelter areas and other significant fisheries and wildlife habitat.
High Mountain Area Zone (P-MA)	Covers all mountainous areas above 2,700 feet elevation.
Recreation Zone (P-RR)	Covers areas along existing hiking trails (such as the Appalachian Trail) as well as around unspoiled, remote fishing ponds and other areas of recreational significance.
Soils and Geology Zone (P-SG)	Covers areas of steep slopes and unstable soils.
Flood Prone Zone (P-FP)	Covers areas within the 100 year frequency flood.
Aquifer Zone (P-AR)	Covers important ground water resources.
Unusual Area Zone (P-UA)	Applies to unusually significant scenic, historic, scientific, recreational and natural areas not adequately protected by other zoning.
Resource Plan Zone (P-RP)	Permits landowners to develop their own resource management plan for an area. There are two approved P-RP plans in the Moosehead region: Plum Creek’s First Roach Pond plan and the Moosehead Wildlands plan on Brassua Lake.
Shoreland Zone (P-SL)	Protects shorelands of rivers and streams, ocean, and small ponds.
<b>Development Zones</b>	
Residential Development Zone (D-RS)	Covers areas around existing patterns of residential development. The primary locations are Rockwood, Harfords Point, and Beaver Cove as well as the shoreland of the more developed lakes such as Moosehead, Long Pond, Brassua, Upper Wilson, and Prong Pond.
General Development Zone (D-GN)	Covers areas around existing patterns of mixed, residential and small scale,

<b>Protection Zones</b>	<b>Notes</b>
	commercial development, such as at Rockwood, Beaver Cove, and Kokadjo.
Commercial and Industrial Development Zone (D-CI)	Covers areas proposed for major commercial or industrial development, such as the recently zoned site near the rail-line west of Route 15.
Planned Development Zone (D-PD)	Provides for special planned developments.
<b>Management Zones</b>	
General Management (M-GN)	Covers the rest of the Plan Area, where forest (and agricultural) activities are allowed and encouraged without significant restriction.

The existing development zones are shown on the next page.





**Existing Development**

**RESOURCE PLAN**  
**for**  
**PLUM CREEK'S**  
**GATEWAY LANDS**  
**in the**  
**MOOSEHEAD LAKE REGION**

**Consultants:**  
 Kent Associates  
 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
 S.W. Cole Engineering, Inc.  
 Perkins, Thompson, Hinckley & Keddy PA  
 Verrill Dana LLP

**Legend**

- Plum Creek Land Subject to Resource Plan
- Private, State, Federal Land in Conservation
- Rivers - Lakes - Ponds
- Existing development or LURC Development District
- Existing 40 Acre subdivision
- Major Road
- Forest Management Road
- Railroad

0                      5                      10  
 ───────────────────┬──────────────────┬────────────────── Miles  
 1 inch equals 4.5 miles

## *Development in the Region Today*

Growth and development throughout the greater Moosehead region has responded to changing conditions in the economy, wood harvesting, ease of access, and markets for seasonal homes. First, woodsmen followed the waterways to fell lumber and settle in places like Jackman, Rockwood, and Greenville; isolated farms were then established to feed both horses and men working the woods. Railroads were the next to penetrate these parts to serve the lumber industry and bring tourists to resorts and sporting camps. Then, as the road network expanded to cater to changing conditions in the working forest and access by car expanded, the region witnessed increasing leased lot creation (by the large timberland owners) and subdivision.

Since the creation of LURC in the 1970s, development has been regulated through the issuance of building permits, through subdivision review, and through the lake concept planning process. During the last 30 years LURC's planning has been "reactive" (in the absence of prospective zoning), and a number of large "40-acre-lot" subdivisions, that did not require regulatory review, have been created.

Geographically, growth in the region has tended to follow the major roads and shorelines.

*The most significant changes in development patterns around the Lake in the last 50 years are the results of decisions by the large landowners, principally the paper companies. Leased camp lots on the shore of company lands at Northeast Carry, Seboomook and Tomhegan Township were established in the early fifties and resulted in the significant change in the development patterns of the time. To the south, in the Greenville area, large subdivisions at Cove Point and Harford's Point occurred in the late 1950s and early 60s. And in 1942, two large subdivisions of company land were approved: Scott Paper developed Rum Ridge on Lower Wilson Pond and the Huber Corporation created the Beaver Cove subdivision containing over 286 lots. Both of these projects altered the form of development at the time by dividing land, considered distant from Greenville and traditionally used for forest management, into small development parcels.<sup>22</sup>*

More recently, the region has seen large subdivisions and/or concept plans at Toe-of-the-Boot (48 lots), Lily Bay/Tussle Lagoon (25 lots), Mountain View Acres/Rockwood (19 lots), Attean (80 lots), First Roach Pond (89 lots), Moosehead Wildlands (56 lots), and condo development in and around the Big Squaw Mountain Ski area.

The net result of this development activity, including incremental lot creation (as well as development in the service center communities of Jackman and Greenville) is illustrated on the Existing Development Map. The map shows LURC's existing "Development" subdistricts, and the so-called 40-acre subdivisions. Not shown are

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<sup>22</sup> A Comprehensive Land Use Plan for the Moosehead Lake Region, December 1988, p. I-67.

numerous, scattered, lake shore cabins that are not zoned as Development subdistricts. The resulting pattern of development, however, is clear; on Moosehead:

- numerous leased lots and seasonal cabins are located in Northeast Carry, Seboomook, and Big W at the north end of the lake;
- the entire west shore, particularly north and south of Rockwood, and north and west of Greenville, is liberally developed; and
- much of the east shore between Greenville and Lily Bay has also seen both shoreline and backlot (view lot) development.

West of Moosehead are Brassua Lake and Long Pond. On Brassua, the east shore, from Poplar Hill south along Route 6/15 to the southern tip of the lake, has seen considerable subdivision. On Long Pond, development is concentrated along the south central shoreline, along the rail-line and around the historic settlement that grew up at the Long Pond rail station. East of Moosehead and outside of the village of Greenville are two concentrations of development, on Upper and Lower Wilson Ponds and on First Roach. There is heavy shoreline development on the southern half of Lower Wilson and on the north shore. Upper Wilson has camp lots along its north shore. First Roach, the subject of Plum Creek's earlier Lake Concept Plan, will eventually have about 180 lots along its shore, created over a span of about 50 years.

## *Residential Development Trends and Potential*

### **Benchmarks to Evaluate the Plan**

A critical part of assessing the Resource Plan will be to put the development proposed in the Plan into the context of 1) development within the region as a whole, and 2) the current regulations. LURC staff use two benchmarks to evaluate the amount of development proposed in plans. The historical rate of development gauges the degree to which proposed development exceeds the past rate of development. The other benchmark that the staff uses is a hypothetical "buildout" of the property under current subdivision regulations. This is the greatest amount of development that could occur, given the current regulations.

In order to understand this context fully, existing development and past development rates need to be examined.

### **Defining the Region**

In defining the region to analyze the residential development trends, several factors deserve consideration. The overall goal is to compare the amount of proposed development with what has occurred historically, but also to see where development has occurred, and to what degree. MCDs outside of Plum Creek's ownership are included in the analysis, since the vast majority of Plum Creek land has been managed exclusively for forestry, and neither Plum Creek, nor its predecessors, have taken advantage of the "40-acre" or "2-in-5" exemptions that allow (or did allow) unregulated subdivision. MCDs outside LURC jurisdiction, however, are not

included, since these are not subject to the same zoning regulations as unorganized townships and would include areas where one would expect concentrated development (as in the Greenville and Jackman service centers).

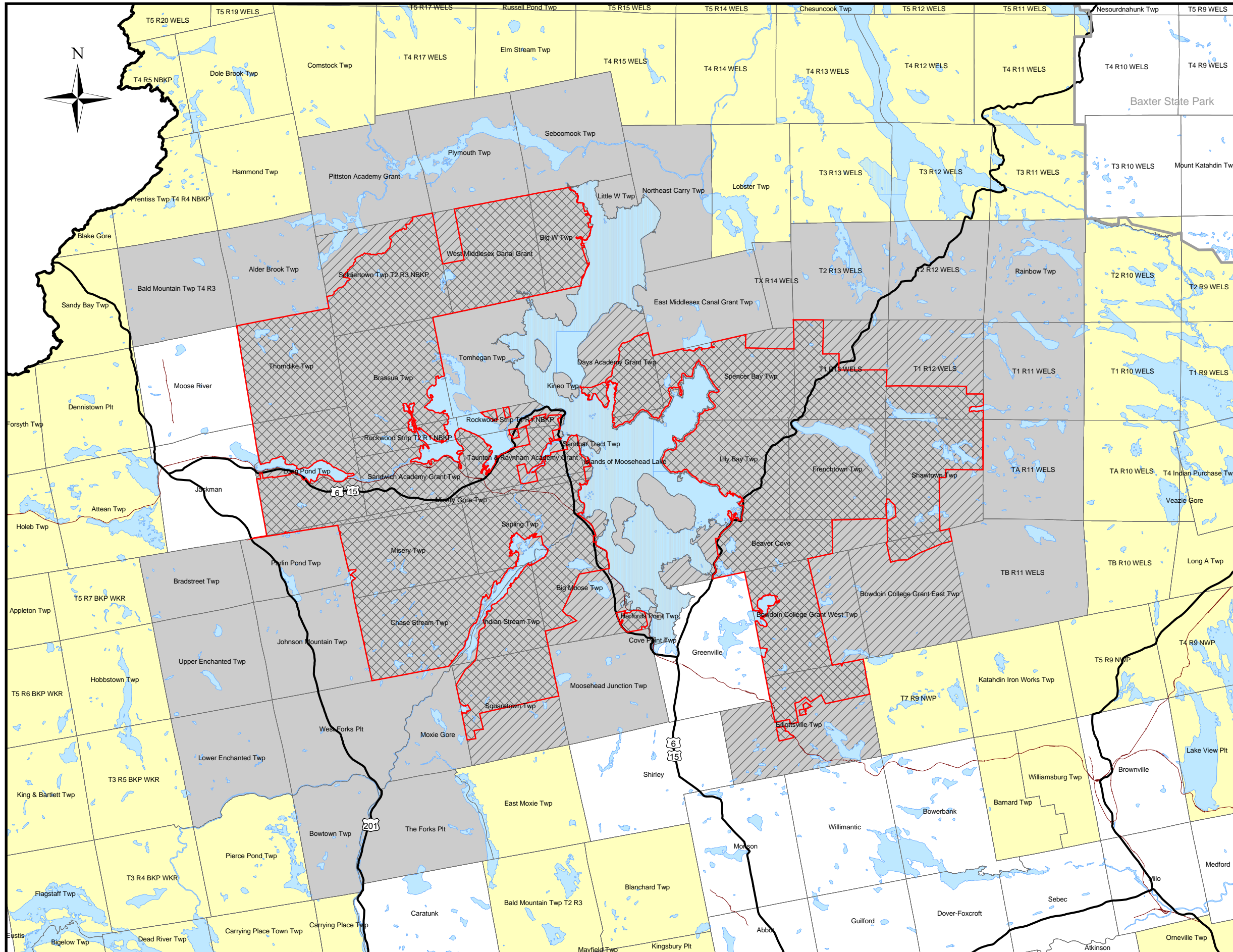
On the other hand, the planning region lies on the edge of the LURC jurisdiction and along major roads (Routes 201, 6/15, and the Lily Bay Road), and thus one might expect a greater level of development here (it is the stated policy of LURC in its Comprehensive Land Use Plan to direct development to the “fringe”<sup>23</sup>), compared to areas more to the interior of the jurisdiction. Consequently, the region has been defined as:

1. The MCDs within LURC jurisdiction and which encompass the Plan Area of this Resource Plan;
  - these include the MCDs to the west of Moosehead Lake to Route 201 and north of the Kennebec River, as far as (but not including) Jackman and Moose River;
  - north of Long Pond and Brassua as far as Plum Creek ownership extends; and
  - east of Moosehead Lake to Bowdoin College Grant East, Shawtown, and T1 R12 WELS.
2. One MCD within LURC jurisdiction beyond the Plan Area;
  - including the islands of Moosehead Lake;
  - not including large Plum Creek ownerships outside the Plan Area.
3. MCDs just to the west of Route 201.

Following is a list of the MCDs included in the analysis of LURC permit data. This region is depicted on the Historical Development Analysis Areas Map on the next page.

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<sup>23</sup> See page 133 of the Comprehensive Land Use Plan.



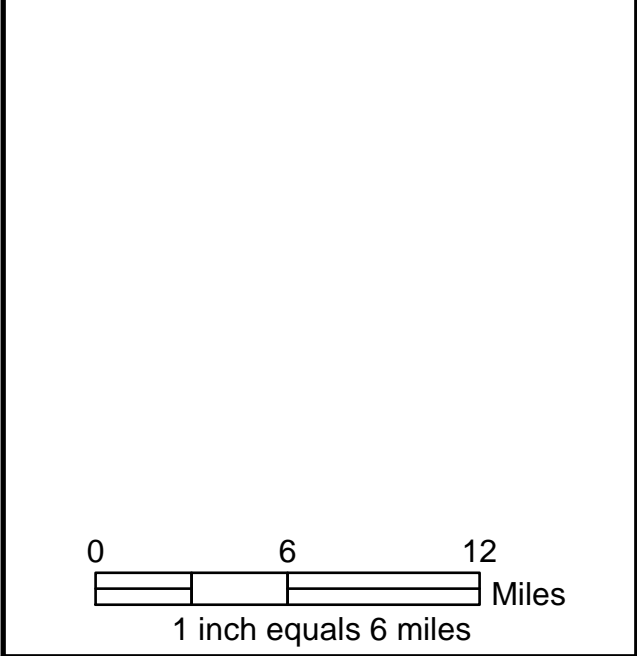
## Historical Development Analysis Areas

### RESOURCE PLAN for PLUM CREEK'S GATEWAY LANDS in the MOOSEHEAD LAKE REGION

**Consultants:**  
 Kent Associates  
 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
 S.W. Cole Engineering, Inc.  
 Perkins, Thompson, Hinckley & Keddy PA  
 Verrill Dana LLP

### Legend

- Plum Creek Ownership Subject to Resource Plan
- Plan Area MCDs
- Analysis Region
- Other land in LURC Jurisdiction



**Table 16: MCDs within the Analysis Plan Area and Region**

<b>PLAN AREA</b>		
<b>Tract, Range</b>	<b>Name</b>	<b>County</b>
TA2 R13 & 14 WELS	Beaver Cove	Piscataquis
T2 R6 BKP EKR	Big Moose Twp.	Piscataquis
	Big W Twp., NBKP	Somerset
T3 R10 NWP	Bowdoin College Grant East	Piscataquis
T8 R10 NWP	Bowdoin College Grant West	Piscataquis
T2 R2 NBKP	Brassua Twp.	Somerset
T1 R6 BKP WKR	Chase Stream Twp.	Somerset
	Days Academy Grant	Piscataquis
	Elliotsville Twp.	Piscataquis
TA R13 WELS	Frenchtown Twp.	Piscataquis
T1 R6 BKP EKR	Indian Stream Twp.	Somerset
T1 R13 WELS	Kokadjo/Smithtown Twp.	Piscataquis
TA R14 WELS	Lily Bay Twp.	Piscataquis
T3 R1 NBKP	Long Pond Twp.	Somerset
	Misery Gore	Somerset
T2 R7 BKP WKR	Misery Twp.	Somerset
T1 R1 NBKP	Rockwood Strip East	Somerset
T2 R1 NBKP	Rockwood Strip West	Somerset
	Sandbar Tract	Somerset
T2 R1 NBKP	Sandwich Academy Grant	Somerset
T1 R7 BKP WKR	Sapling Twp.	Somerset
TA R12 WELS	Shawtown Twp.	Piscataquis
T2 R3 NBKP	Soldiertown Twp.	Somerset
T1 R14 WELS	Spencer Bay Twp.	Piscataquis
T2 R5 BKP EKR	Squaretown Twp.	Somerset
T1 R1 NBKP	Taunton & Raynham Academy Grant	Somerset
T3 R2 NBKP	Thorndike Twp.	Somerset
T1 R3 NBKP	West Middlesex Canal Grant	Somerset
T1 R12 WELS	T1 R12 WELS	Piscataquis

<b>ADDITIONAL MCDs IN ANALYSIS REGION</b>		
<b>Tract, Range</b>	<b>Name</b>	<b>County</b>
T3 R3 NBKP	Alder Brook Twp.	Somerset
T4 R3 NBKP	Bald Mountain Twp.	Somerset
T1 R4 BKP WKR	Bowtown Twp.	Somerset
T4 R7 BKP WKR	Bradstreet Twp.	Somerset
	Cove Point Twp.	Piscataquis
	Deer Island	
	East Middlesex Canal Grant	Piscataquis
	East Moody Island	

<b>ADDITIONAL MCDs IN ANALYSIS REGION</b>		
<b>Tract, Range</b>	<b>Name</b>	<b>County</b>
	Farm Island	
	Harfords Point Twp.	Piscataquis
T2 R6 BKP WKR	Johnson Mtn.	Somerset
	Kineo Twp.	Piscataquis
T3 R5 BKP EKP	Moosehead Jct. Twp.	Piscataquis
	Little W Twp.	Somerset
T2 R5 BKP WKR	Lower Enchanted Twp.	Somerset
	Masterman Island	
	Moose Island	
T1 R5 BKP EKR	Moxie Gore	Somerset
	Northeast Carry Twp.	Piscataquis
T3 R7 BKP WKR	Parlin Pond Twp.	Somerset
T2 R4 NBKP	Pittston Academy Grant	Somerset
T1 R4 NBKP	Plymouth Twp.	Somerset
T2 R11 WELS	Rainbow Twp.	Piscataquis
	Sand Bar Island	Somerset
	Seboomook Twp.	Somerset
T2 R5 BKP EKR	Squaretown Twp.	Somerset
	Sugar Island	
	The Forks Plt.	Somerset
T1 R2 NBKP	Tomhegan Twp.	Somerset
T3 R6 BKP WKR	Upper Enchanted Twp.	Somerset
	West Forks Plt.	Somerset
T1 R11 WELS		Piscataquis
T2 R12 WELS		Piscataquis
T2 R13 WELS		Piscataquis
TA R11 WELS		Piscataquis
TB R11 WELS		Piscataquis
TX R14		Piscataquis

### **New Dwellings in the Region Since 1975**

One way of assessing the amount of development that has occurred in the MCDs of the Plan Area and in the region is to look at the number of *building permits* that LURC has issued for the area over the same timeframe as that of the Plan. While Plum Creek does not propose to build houses through this plan, it is prudent to assume that, eventually, all of the lots that are created through this plan will have dwellings built on them, and it is residential growth and its impacts that LURC is most concerned with.

The following analysis is based on an examination of LURC building permit data from 1975 to 2004, i.e., a 30-year period that equals the timeframe of this Plan. Building permits are issued for purposes other than just building new dwellings. This analysis is based on approved permits and amendments where the description of the activity permitted indicates a new dwelling. This includes seasonal as well as year-round homes, trailers, and bunkhouses. Excluded from the analysis are all permits that were approved for additions, changes in dimensions, relocations, new septic systems, reconstructions, non-residential buildings, time extensions, and changes in ownership.

The analysis has also interpreted permit amendments conservatively. Sometimes amendments in the database include a description of the approved activity that describes a permanent residence, but do not note whether the permit is for new construction under the “New Construction” heading. There are also amendments that give no description of the permitted activity and no indication of whether new construction was approved. In these cases, it was assumed that there was no new dwelling approved. Finally, there are a few cases where a camper was approved in the original permit, and a permanent dwelling was approved in an amendment. In these cases, it was assumed that the permanent dwelling replaced the camper as a residence, and the residence was not counted as a new dwelling. Thus, this analysis is probably conservative in counting the number of new residences in the region.

The following table indicates that new dwelling development has varied widely throughout the region. Nearly one quarter of all the new dwellings have occurred in only two townships: Beaver Cove and Upper Enchanted. Including Tomhegan, Rockwood Strip East, and Elliottsville accounts for half of the new dwellings in the region. Adding another six townships (Moxie Gore, Lily Bay, West Forks Plt., Long Pond Twp., The Forks Plt., and Frenchtown Twp.) accounts for three quarters of the new dwellings. Ninety-five percent of the region’s new residences are located in 21 MCDs.

**Table 17: Number of Approved New Dwellings in the Region, 1975-September, 2004**

Minor Civil Division	Total # New Residences per MCD	% of All New Residences	Running Total % of All Residences	Minor Civil Division	Total # New Residences per MCD	% of All New Residences	Running Total % of All Residences
Beaver Cove	140	12%	12%	Seboomook	3	0%	98%
Upper Enchanted	117	10%	23%	TB R11 WELS	3	0%	98%
Tomhegan	113	10%	33%	Chase Stream	2	0%	98%
Rockwood Strip East	107	9%	42%	Johnson Mountain	2	0%	99%
Elliottsville	84	7%	50%	Spencer Bay	2	0%	99%
Moxie Gore	68	6%	56%	Alder Brook	1	0%	99%
Lily Bay	50	4%	60%	Bowdoin College Grant East	1	0%	99%
West Forks	47	4%	64%	Misery Gore	1	0%	100%



Minor Civil Division	Total # New Residences per MCD	% of All New Residences	Running Total % of All Residences	Minor Civil Division	Total # New Residences per MCD	% of All New Residences	Running Total % of All Residences
Long Pond	43	4%	68%	Pittston Academy Grant	1	0%	100%
The Forks	43	4%	72%	Rainbow	1	0%	100%
Frenchtown	41	4%	76%	Shawtown	1	0%	100%
Harfords Point	42	4%	80%	T1 R11 WELS	1	0%	100%
Northeast Carry	36	3%	83%	TA R11 WELS	1	0%	100%
Taunton & Raynham	30	3%	86%	Bald Mountain	0	0%	100%
Rockwood Strip West	20	2%	87%	Bowtown Twp.	0	0%	100%
Moosehead Junction	18	2%	89%	Bradstreet	0	0%	100%
Big W	16	1%	90%	Brassua Twp.	0	0%	100%
Kineo	16	1%	92%	Cove Point Twp.	0	0%	100%
Big Moose	13	1%	93%	East Middlesex Canal Grant	0	0%	100%
Little W	13	1%	94%	Indian Stream Twp.	0	0%	100%
T2 R13 WELS	11	1%	95%	Misery Twp.	0	0%	100%
Days Academy Grant	6	1%	95%	Plymouth Twp.	0	0%	100%
Bowdoin College Grant West	5	0%	95%	Sandwich Academy Grant	0	0%	100%
Sandbar Tract Twp.	5	0%	96%	Soldiertown	0	0%	100%
Islands of Moosehead Lake	4	0%	96%	T1 R12 WELS	0	0%	100%
Lower Enchanted Twp.	4	0%	97%	T2 R12 WELS	0	0%	100%
Squaretown Twp.	4	0%	97%	Thorndike	0	0%	100%
Smithtown (T1 R13 WELS)	3	0%	97%	TX R14 WELS	0	0%	100%
Parlin Pond	3	0%	97%	West Middlesex Canal Grant	0	0%	100%
Sapling	3	0%	98%	<b>Total over 30 years</b>	<b>1,125</b>	<b>100%</b>	<b>100%</b>

Looking at the areas where new dwellings have been developed since 1975, a fairly predictable pattern emerges, but with some notable exceptions. Ninety-six percent of the new dwellings have occurred in the MCDs that border Moosehead Lake. A moderate to high rate of development has stretched west from Rockwood Strip East, through Rockwood Strip West, to Long Pond. Since Long Pond borders on the town of Jackman, has a large lake and easy access via Route 6/15, this is not surprising.

The other area of significant growth in residences is the Forks area, including West Forks Plantation, Moxie Gore, and The Forks Plantation. This area has grown to be a center for rafting companies who have taken advantage of the easy access to two raftable rivers, the Kennebec and the Dead. Seasonal and year-round homes that are rented or used to house staff associated with rafting businesses could explain much of this development.

Beaver Cove, Rockwood Strip East, and Tomhegan have had the greatest level of development on Moosehead Lake. The settlement of Rockwood is older than Greenville, and has always been a locus of development. Rockwood Strip East is where the Moose River connects Brassua and Moosehead Lakes, where Route 6/15 turns west to connect Greenville and Jackman, and is the primary route to Mt. Kineo. Tomhegan borders on both Brassua and Moosehead Lakes. The development in Beaver Cove was set in motion in the early 1950s when the J.M. Huber Corporation subdivided its shorefront to sell for recreational homes. Building rates, however, peaked in the late 80s. Beaver Cove has several features that make it a desirable place to build, including frontage on Moosehead Lake and its location near Greenville.

Elliotsville and Frenchtown townships have experienced relatively moderate growth. These townships have Greenville and Beaver Cove between them (areas of high growth or dense development), and have a significant amount of waterfrontage. In Frenchtown, many of the new dwellings have been located on First Roach Pond, some (possibly 23) as a result of Plum Creek's 2002 concept plan for that lake. In Elliotsville, Lake Onawa and Big Wilson Pond have attracted significant numbers of new dwellings.

Upper Enchanted Township and T2 R13 WELS are the two anomalies. Neither MCD is located adjacent to an organized town or Moosehead Lake. Upper Enchanted has no paved roads within its borders and its closest border is at least 3 miles from Route 201. There have been a few major subdivisions there, however.

From the south, T2 R13 WELS has access only in its southeast corner by the secondary road from Kokadjo, but Ragged Lake has attracted a fair amount of development activity.

## **History of Residential Development**

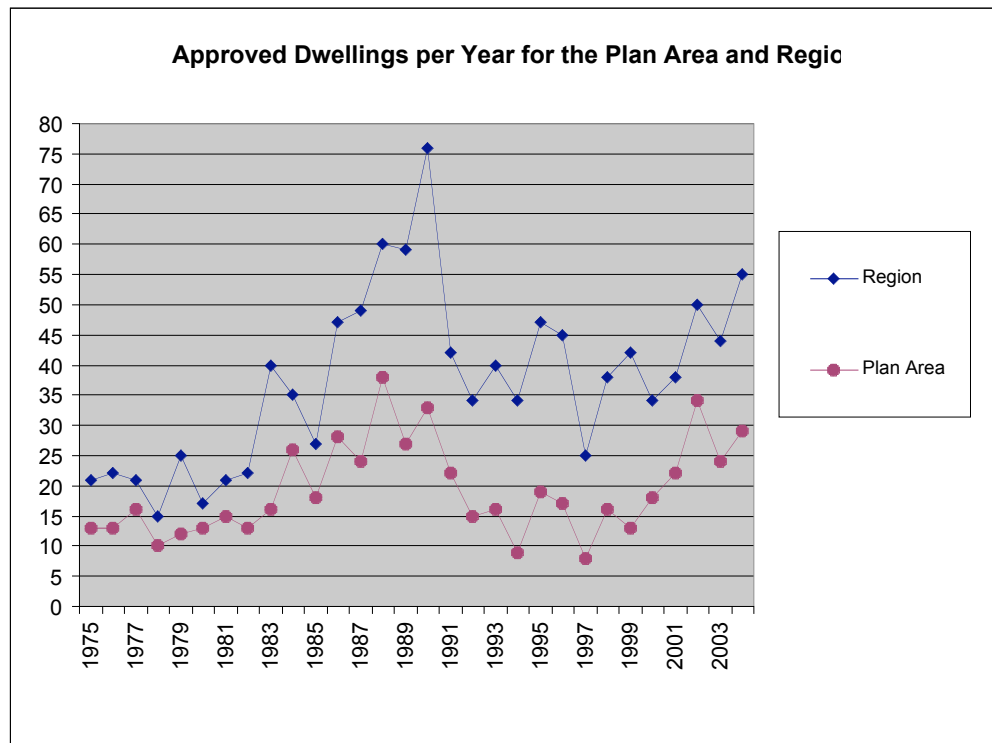
The relative number of new dwellings that have been approved by LURC within the region seems to follow different patterns, depending on the time period. The decade of the 70s (1975-1979) saw relatively stable and low-level growth, averaging 21 new dwellings per year (although LURC's record-keeping at this time was not as complete as it is today). The '80s saw rapid growth in the number of new dwellings, growing from a near record low in 1980, to near record highs in 1988 and '89. The average for the decade was 38 new residences per year: an 81% increase over the previous decade.

Since 1990, the rate of growth has fluctuated greatly, falling from the high point in 1990 and reaching a low at the 1970's levels, but averaging 42 residences annually from 1990 to 2000. This represents another 12% increase over the decade of the '80's. Thus, the rate of growth in the region, averaged over the decades, has grown steadily, if unevenly. The number of approved building permits thus far in the current decade indicates that this growth will continue. Accounting for the approved

dwellings in the region between 2001 and September of 2004, the average number per year in the current decade is over 44.

The 29 MCDs that encompass the Plan Area make up the heart of the region described above and account for fully half the region's development so, logically, the development trend in the Plan Area MCDs follows roughly the same pattern of development in the region. The following graph shows the growth in development since 1972 for both the region and the Plan Area MCDs.

**Figure 10: Development Trends for the MCDs of the Plan Area and for the Region**



**Table 18: Number of New Approved Dwellings in Plan Area and Region, 1975-September, 2004**

Year	Region	Plan Area	Year	Region	Plan Area
1975	21	13	1991	42	22
1976	22	13	1992	34	15
1977	21	16	1993	40	16
1978	15	10	1994	34	9
1979	25	12	1995	47	19
1980	17	13	1996	45	17
1981	21	15	1997	25	8
1982	22	13	1998	38	16
1983	40	16	1999	42	13
1984	35	26	2000	34	18
1985	27	18	2001	38	22
1986	47	28	2002	50	34
1987	49	24	2003	44	24
1988	60	38	2004	55	29
1989	59	27			
1990	76	33	<b>Total</b>	<b>1,125</b>	<b>577</b>

It is important to remember, however, that the development that has occurred within the 29 MCDs that contain the Plan Area has occurred almost exclusively *outside* Plum Creek's ownership, on just 29% of the land within the 29 MCDs.<sup>24</sup> Plum Creek's land represents 71% of the acreage of these MCDs, so the development over the past 32 years in this area has taken place on relatively little acreage and represents a higher density of development than in the region as a whole.

### **History of Lot Development in the Region**

Another way to look at historical development is to determine the number of lots that have been created in the region over time. This analysis is pertinent in that this Resource Plan proposes to create lots rather than build residences. Lot creation differs significantly from new dwellings as a measure of development because there have been two ways to create lots that were or are outside the regulatory purview of LURC. The "large lot" exemption and the "2-in-5" rule have enabled the creation of new lots without going through LURC's (otherwise) required subdivision review process. Thus, it is not sufficient to look at the number of lots created through approved subdivision permits. Moreover, while it is true that the creation of a lot, in itself, does not constitute "development," approved small-lot subdivisions and unregulated subdivisions alike pose a risk of development that large, unfragmented blocks do not.

<sup>24</sup> The exceptions are new dwellings on seven leased lots (the permit data does not indicate whether the property is leased or not, but for the purposes of this analysis, it is assumed the leased lots obtained permits for dwellings there), and the First Roach Concept Plan development, which represented 23 new dwellings since 2002.

The actual number of new lots that have been created over time is based on an examination of state and local property tax valuation books for townships in the MCDs of the Plan Area, and in the region. The following chart shows the number of lots created in these areas since 1985.

**Table 19: Lots Created Between 1985 and 2004 in the MCDs of the Plan Area and Region**

Name	Total Lots: 1985	Total Lots: 2004	Total Lots Created
<b>PLAN AREA MCDs:</b>			
Rockwood Strip East & West	433	603	170
Frenchtown Twp.	148	275	127
Elliottsville Twp.	219	303	84
Taunton & Raynham Academy Grant	174	242	68
Long Pond Twp.	142	189	47
Lily Bay Twp.	151	187	36
Big Moose Twp.	35	67	32
Beaver Cove	338	365	27
Sandbar Tract	32	58	26
Days Academy Grant	13	35	22
Chase Stream Twp.	11	26	15
Spencer Bay Twp.	11	21	10
Big W Twp., NBKP	48	54	6
Bowdoin College Grant West	29	34	5
Shawtown Twp.	9	14	5
Kokadjo/Smithtown Twp.	7	11	4
Bowdoin College Grant East	5	8	3
Squaretown Twp.	8	10	2
Indian Stream Twp.	9	10	1
Sandwich Academy Grant	10	11	1
Brassua Twp.	7	7	0
Misery Gore	29	29	0
Misery Twp.	2	2	0
Sapling Twp.	21	21	0
Soldiertown Twp.	11	11	0
Thorndike Twp.	4	4	0
West Middlesex Canal Grant	4	4	0
T1 R12 WELS	12	11	-1
<b>Totals:</b>	<b>1,922</b>	<b>2,612</b>	<b>690</b>
<b>ADDITIONAL MCDs IN REGION</b>			
Tomhegan Twp.	75	357	282
Upper Enchanted Twp.	6	220	214
Moxie Gore	31	216	185
Harfords Point Twp.	300	340	40
Moosehead Jct. Twp.	75	108	33
Northeast Carry Twp.	103	121	18
T2 R13 WELS	28	44	16
Cove Point Twp.	3	15	12
Kineo Twp.	57	68	11
Johnson Mtn.	26	35	9
Seboomook Twp.	17	26	9
Pittston Academy Grant	2	8	6

Name	Total Lots: 1985	Total Lots: 2004	Total Lots Created
Bowtown Twp.	4	9	5
Little W Twp.	5	9	4
Parlin Pond Twp.	37	41	4
Rainbow Twp.	8	11	3
Plymouth Twp.	5	7	2
T1 R11 WELS	1	3	2
TA R11 WELS	1	3	2
TB R11 WELS	6	8	2
Bald Mountain Twp.	3	4	1
Deer Island	6	7	1
Lower Enchanted Twp.	3	4	1
TX R14	1	2	1
Alder Brook Twp.	3	3	0
Bradstreet Twp.	3	3	0
East Middlesex Canal Grant	3	3	0
East Moody Island	1	1	0
Farm Island	1	1	0
Masterman Island	1	1	0
Moose Island	1	1	0
Sand Bar Island	1	1	0
Sugar Island	14	14	0
T2 R12 WELS	5	5	0
	<b>836</b>	<b>1,699</b>	<b>863</b>
<b>Total Number of New Lots Created in Additional MCDs in Region, 1985-2004:</b>			<b>863</b>
<b>Total Number of New Lots Created in the Analysis Region, 1985-2004:</b>			<b>1,553</b>

### ***Buildout Analysis***

A buildout analysis for the Plan Area must take into consideration all the regulations that apply to subdivisions – those that are within LURC's purview, and those that are not. LURC subdivision regulations have several criteria that determine whether proposed new lots will be approved. The regulations apply to any subdivision that proposes to create 3 or more lots from a single lot. They consider the following factors:

- the Management Class of any water body the subdivision abuts;
- whether there is any compatible development within one road mile of the proposed subdivision (the "adjacency" rule);
- the size of the water body in acres (the "1/10" acres rule);
- the length of shoreline (the "1/400-foot" rule);
- the percentage of shoreline owned by the subdivision permit applicant;
- and
- the number of lots already owned by the applicant on the water body.

Beyond these criteria, all residential subdivisions must meet site criteria for soils, slopes, and undue impacts, and the applicant must demonstrate a need for the development (see Volume V for a fuller description of all subdivision approval

criteria). LURC staff has analyzed the Plan Area based on the criteria in the bulleted list above. The LURC analysis states that it does not consider the criteria of compatibility, "demonstrated need," soil and slope limitation, or undue adverse impacts (see the footnotes in Table 20). Furthermore, they only determined the buildout for shorefront subdivisions. The results of this analysis are in the Table that follows.<sup>25</sup>

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<sup>25</sup> The table has been abridged so that it will fit on the page; some columns have been eliminated, but no substantive information has been left out or changed.

**Table 20: Development Baseline Evaluation Prepared by LURC Staff for Plum Creek's Proposed Concept Plan in Moosehead Lake Area, February 18, 2005**

TOWNSHIP	LAKE/POND	AREA	MC	ADJ?	TOTAL PC SHORE FRONT	TOTAL LAKE SHORE FRONT	% PC	1/400 FT	1/10 AC	PC CAMPS	EXISTING CAMPS	BO LAKE	LAKE SUBDIV	PC SHORE FRONT PROPOSED LOTS
<b>BRASSUA - LONG POND - BIG W AREA</b>														
Big W Twp.	Moosehead Lake	74890	7	yes	33,000	1,295,661	3%	83	191		47	83	83	30
Brassua	Brassua Lake	8979	3		200,400	335,173	60%	501	537	2	1	499	499	189
Brassua	Fletcher Pond East	12	7	no	8,800	8,800	100%	22	1		0	1	0	
Brassua	Fletcher Pond West	20	7	no	8,000	8,000	100%	20	2		0	2	0	
Brassua	Leith Pond	18	7	no	7,000	7,000	100%	18	2		0	2	0	
Long Pond	Fogg Pond	54	7	no	9,700	9,700	100%	24	5		0	5	0	
Long Pond	Long Pond	3053	3		70,000	115,759	60%	175	185		49	175	175	80
Rockwood Strip West	Demo Pond	192	7	no	11,200	11,200	100%	28	19		1	19	0	
Sandbar Tract	Moosehead Lake	74890	7	yes	500	1,295,661	0%	1	3		24	1	1	2
Sandwich Academy	Little Otter Pond	9	7	no	2,800	2,800	100%	7	1		0	1	0	
Sandwich Academy	Otter Pond	12	7	no	3,800	3,800	100%	10	1		0	1	0	
Sandwich Academy	Roderique Pond	44	7	no	7,400	7,400	100%	19	4		0	4	0	
Soldiertown	Center Pond	51	7	no	8,300	8,300	100%	21	5		2	5	0	5
Taunton and Raynham	Moosehead Lake	74890	7	yes	4,200	1,295,661	0%	11	24			11	11	6
Thorndike	Fish Pond	211	7	no	15,500	15,500	100%	39	21	1	1	20	0	6
Thorndike	Lost Pond	10	7	no	2,700	2,700	100%	7	1		0	1	0	
Thorndike	Luther Pond	154	7	no	13,700	13,700	100%	34	15	1	1	14	0	6
Thorndike	Mud Pond	50	7	no	8,750	8,750	100%	22	5		0	5	0	
Thorndike	Muskrat Pond	100	7	no	10,000	10,000	100%	25	10		0	10	0	
West Middlesex	Tomhegan Pond	356	7	no	14,500	14,500	100%	36	36		0	36	0	
Sandwich Academy	Moose River			no	44,600									30
<b>TOTALS</b>					<b>484,850</b>					<b>4</b>	<b>126</b>	<b>895</b>	<b>769</b>	<b>354</b>
<b>KENNEBEC WEST AREA</b>														
Big Moose	Burnham Pond	426	7	no	20,500	20,500	100%	51	43		0	43	0	20
Big Moose	Moosehead	74890	7	yes	8,000	1,295,661	1%	20	46		16	20	20	33
Chase Stream	10000 Acre Pond	37	7	no	5,810	5,810	100%	15	4		0	4	0	
Chase Stream	Chase Stream Pond	75	7	no	3,900	3,900	100%	10	8	1	1	7	0	
Chase Stream	Chub Pond	7	7	no	2,400	2,400	100%	6	1		0	1	0	
Chase Stream	Ellis Pond	85	7	no	11,100	11,100	100%	28	9	1	1	8	0	8
Chase Stream	Flat Iron Pond	284	7	no	2,400	2,400	100%	6	28		0	6	0	
Chase Stream	Horseshoe	27	7	no	5,700	5,700	100%	14	3	1	1	2	0	
Chase Stream	Island Pond	24	7	no	5,700	5,700	100%	14	2		0	2	0	
Chase Stream	Knights Pond	128	7	no	2,000	2,000	100%	5	13		0	5	0	5
Chase Stream	Long Pond	17	7	no	5,800	5,800	100%	15	2		0	2	0	
Chase Stream	Mud Pond	17	7	no	3,700	3,700	100%	9	2		0	9	0	
Chase Stream	Round Pond	30	7	no	4,850	4,850	100%	12	3		0	3	0	
Chase Stream	Squirtgun Flowage	30	7	no	7,100	7,100	100%	18	3		0	3	0	
Chase Stream	Bates Pond	3	7	no	1,300	1,300	100%	3	0		0	1	0	
Indian Stream	Indian Pond	3746	3		27,300	207,300	13%	68	49		0	49	49	35
Misery	Chase Str Pond	31	6		4,140	4,140	100%				0	0	0	
Misery	Cold Stream Pond	205	7	no	26,300	26,300	100%	66	21		0	21	0	
Misery	Little Chase Stream Pond	17	7	no	4,840	4,800	101%	12	2		0	2	0	
Misery	Misery Pond	36	7	no	11,500	11,500	100%	29	4		0	4	0	



TOWNSHIP	LAKE/POND	AREA	MC	ADJ?	TOTAL PC SHORE FRONT	TOTAL LAKE SHORE FRONT	% PC	1/400 FT	1/10 AC	PC CAMPS	EXISTING CAMPS	BO LAKE	LAKE SUBDIV	PC SHORE FRONT PROPOSED LOTS
Misery	Unnamed Pond	10	7	no	1,300	1,300	100%	3	1		0	1	0	
Misery	Upper Misery Pond	18	7	no	3,830	3,830	100%	10	2		0	2	0	
Sapling	Moosehead Lake	74890	7	yes	16,900	1,295,661	1%	42	98		21	42	42	16
Sapling	Unnamed Pond		7	no	6,300	6,300	100%	16	0		0	0	0	
Squaretown	Little Indian Pond	25	7	no	5,200	5,200	100%	13	3		0	3	0	
Squaretown	Knights Pond	128	7	no	5,200	7,600	68%	13	9		1	9	0	
Squaretown	Unnamed Pond	5		no	1,770	1,770	100%	4	1			1	0	
Squaretown	Scribner Bog	15	7	no	6,300	6,300	100%	16	2			2	0	
<b>TOTALS</b>					<b>211,140</b>					<b>3</b>	<b>41</b>	<b>252</b>	<b>111</b>	<b>117</b>
<b>MOOSEHEAD EAST AREA</b>														
Beaver Cove	Prong Pond	427	7	yes	30,850	43,528	71%	77	30	3	3	27	27	30
Beaver Cove	Mud Pond	249	7	no	15,600	15,600	100%	39	25	1	1	24	0	
Beaver Cove	Mountain Pond	56	6		6,600	6,600	100%				0	0	0	
Elliotsville	Secret Pond	12	6		3,700	3,700	100%				0	0	0	
Elliotsville	Long Pond	643	7	no	2,500	49,873	5%	6	3	0	5	3	0	
Frenchtown	Bluff Pond	10	6		2,500	2,500	100%				0	0	0	
Lily Bay	Moosehead	74890	7	yes	7,980	1,295,661	1%	20	46		128	1	20	16
Spencer Bay	Jewett Pond	13	7	no	3,100	3,100	100%	8	1		0	1	0	
Spencer Bay	Lucky Pond	93	7	no	29,600	29,600	100%	74	9		0	9	0	
Spencer Bay	Spencer Pond	980	7	no	21,120	21,120	100%	53	98		0	53	0	
Spencer Bay	Unnamed Pond	20	7	no	4,380	4,380	100%	11	2		0	2	0	
T1 R13	Lazy Tom Bog	13	7	no	3,400	3,400	100%	9	1		0	1	0	
West Bowdoin	Brown Pond	18	7	no	4,000	4,000	100%	10	2		0	2	0	
West Bowdoin	Cranberry Pond	7	6		2,600	2,600	100%				0	0	0	
West Bowdoin	Fogg Pond	23	6		5,600	5,600	100%				0	0	0	
West Bowdoin	Hedgehog Pond	40	7	no	7,400	7,400	100%	19	4		0	4	0	
West Bowdoin	Horseshoe Pond	160	7	no	300	17,800	2%	1	0		3	0	0	
West Bowdoin	Indian Pond	70	7	no	10,400	10,400	100%	26	7		0	7	0	
West Bowdoin	Mountain Pond	56	6		2,400	2,400	100%				0	0	0	
West Bowdoin	Notch Pond	10	6		2,000	2,000	100%				0	0	0	
West Bowdoin	Rum Pond	245	7	no	7,300	7,300	100%	18	25		0	18	0	
West Bowdoin	Upper Wilson Pond	940	4	yes	41,700	44,700	93%	104	88	4	15	83	83	30
<b>TOTALS</b>					<b>215,030</b>					<b>8</b>	<b>150</b>	<b>232</b>	<b>130</b>	<b>76</b>
<b>THE ROACHES</b>														
Shawtown	1st West Branch Pond	119	7	no	16,300	16,300	100%	41	12		1	11	0	
Shawtown	2nd West Branch Pond	214	7	no	13,000	23,700	55%	33	12	1	0	12	0	
Shawtown	3rd Roach Pond	570	7	no	46,400	47,000	99%	116	56		3	53	0	15
Shawtown	4th Roach Pond	266	1,6		22,300	22,300	100%				0	0	0	
Shawtown	4th West Branch Pond	3	7	no	1,600	1,600	100%	4	0		0	4	0	
Shawtown	Beaver Pond	27	6		5,200	5,200	100%				0	0	0	
Shawtown	Long Bog	15	7	no	4,665	4,665	100%	12	2		0	2	0	
Shawtown	2nd Roach Pond	970	7	no	61,600	61,600	100%	154	97		0	97	0	3
Shawtown	Trout Pond	145	7	no	14,900	14,900	100%	37	15		0	15	0	
T1 R12	Penobscot Pond	279	7	no?	11,500	12,600	91%	29	25	7	7	18	0	10
<b>TOTALS</b>					<b>197,465</b>					<b>8</b>	<b>11</b>	<b>212</b>	<b>0</b>	<b>28</b>
<b>PLAN TOTALS</b>					<b>1,108,485</b>					<b>23</b>	<b>328</b>	<b>1591*</b>	<b>1010**</b>	<b>575</b>

- \* Buildout by lake (BO Lake): The total potential buildout of 1591 is based solely on application of ONLY the 1/10 acre and 1/400 foot maximum development guideline of the Commission's Comprehensive Plan. It does NOT consider the many other criteria that must of necessity be factored into determining the appropriate level of development such as adjacency, need, and undue adverse impact.
- \*\* Lake Subdivision: Buildout by lake factoring in certain of the adjacency considerations. This demonstrates the reduction in development potential by applying the adjacency criterion where there is a nearby pattern of development. Adjacency is presumed on Mgnt Class 3 lakes. This evaluation does NOT factor in the compatibility of the nearby development nor need and undue adverse impact, which, when applied, would reduce this potential to an unknown extent. See Commission's guidance on "Clarifying the Rezoning Criterion of Demonstrated Need", April 1, 2004.
- This evaluation is most useful on a lake-by-lake basis rather than on an area basis since most of the development guidelines of the Commission's Comprehensive Plan only apply on a lake-by-lake basis. The potential on the larger lakes tends to over-shadow the potential on the smaller lakes.
- This evaluation does not attempt to apply the 2-in-5 development potential. While if applied in an extreme fashion it would greatly increase the development potential of any area, we know of no instance where it has been applied in an extreme fashion and thus do not consider it a realistic potential to introduce into this evaluation.
- Color coding: brown = remote ponds; blue = Mgnt Class 3 lakes; red = proposals where adjacency is not met; yellow = potential problem.

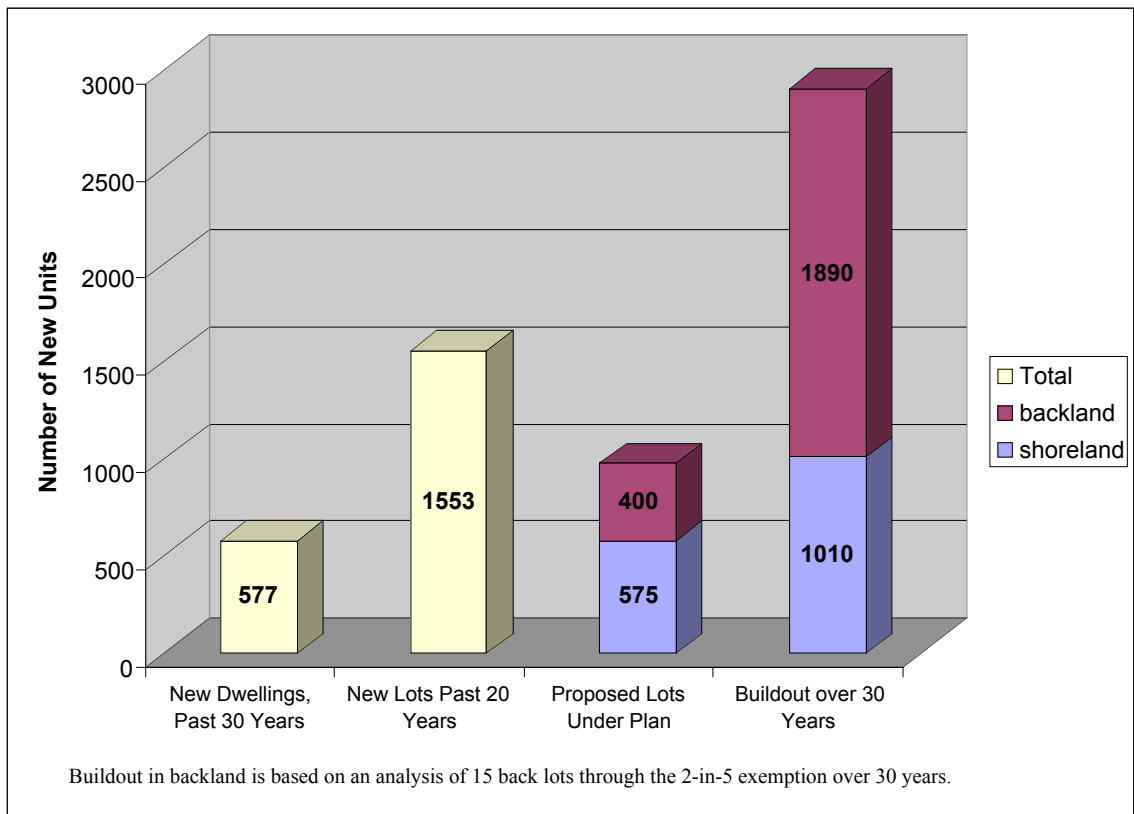
Although this buildout analysis is not exhaustive, it shows that a preliminary estimate of the number of lots that could be approved within the Plan Area is 1,010; 76% more than the 575 shorefront lots proposed under this Plan.

The buildout analysis for the backland (non-shorefront areas) is calculated with reference

The following graphs compare the proposed development with:

- the historic rate of home development over the last 30 years,
- the rate of lot development over the past 20 years, and
- with a theoretical buildout of the property.

**Figure 11: Comparison of Past, Proposed, and Potential Development**



The shorefront buildout figure is from LURC staff; the backland buildout is from Plum Creek's analysis of the potential number of new lots that could be created from 15 existing backlots over 30 years, using the "2-in-5" exemption which allows the creation of 2 new lots every 5 years without subdivision review by LURC.<sup>26</sup> This is a conservative estimate of the backland buildout, since Plum Creek actually owns more parcels that could be subdivided through the "2-in-5" exemption.

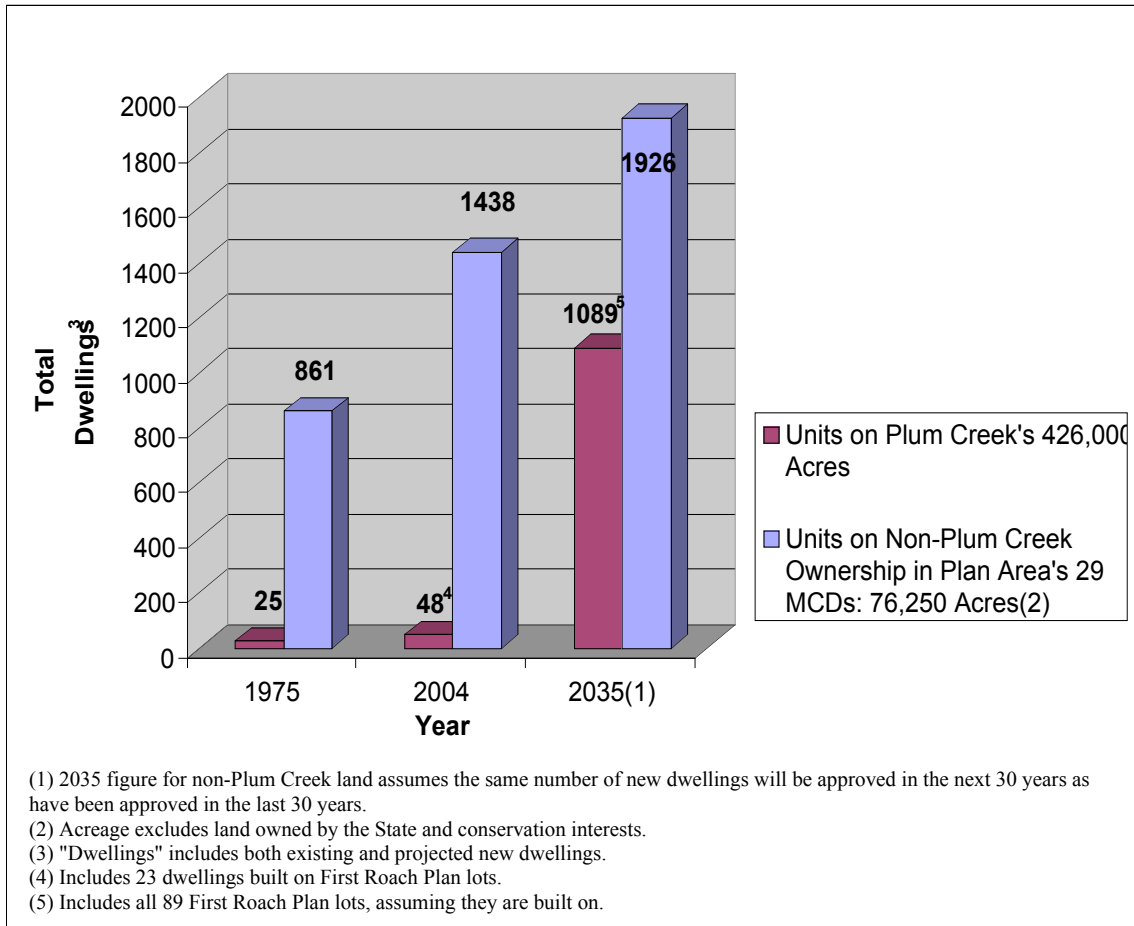
<sup>26</sup> The "2-in-5" exemption allows the creation of 126 lots for every original lot divided six times.

This analysis demonstrates that the proposed level of development is in line with past rates of development, and much more conservative than what is possible through the subdivision exemption. In fact, the 975 total lots proposed in the Plan are fewer than the shoreland buildout alone.

***Evaluating the Proposed Development***

As has been mentioned above, most of the development that has occurred since 1975 has taken place within the 29% of the MCDs of the Plan Area that is owned by people other than Plum Creek. There are only 25 dwellings on Plum Creek land today, on leased properties that were created before LURC was established. Counting the 89 lots created through Plum Creek's First Roach Concept Plan as if it were part of the Plan Area, the amount of development proposed in the Plan relative to the amount that has and will occur around the perimeter of the Plan Area is shown in the following graph.

**Figure 12: Development Over Time – Plan Area vs. Others' Land**



The data for non-Plum Creek ownership in 2004 is based on a count of buildings assessed at more than \$1,000 value in the Maine Tax Assessor's Office, but excluding dwellings built in the First Roach plan area (1438). The number of units for 1975

was derived by subtracting the number of new dwelling units over the past 30 years (577) from the 2004 figure. The numbers of units for 2035 assumes the same number of new dwellings will be approved in the next 30 years on non-Plum Creek ownership as has been approved in the last 30 years. It also assumes all the First Roach Plan lots have been built on, but counts those dwellings as if they were in the Plan Area. This is a rough estimate, but any error in the estimate would not change the overall conclusion that:

1. the amount of development that has occurred on Plum Creek land in the past is negligible; and
2. if past is prologue, Plum Creek land will less developed compared to the land immediately surrounding the Plan Area, even after the Plan is fully implemented.

## *Guiding Growth*

The LURC Comprehensive Plan recognizes the ongoing demand for residential development in the jurisdiction but calls for new development to be located in areas identified as being appropriate for new development.

At the regional level the Plan directs growth to existing developed areas on the fringe of the jurisdiction. Within these fringe areas, the Plan provides further, more specific guidance; these are addressed later in this section.

The main regional growth-guiding principles can be summed up as follows:

- Favor fringe areas that are suitable for development and don't have high natural resource values that would be compromised by intensive development.
- Emphasize areas near or adjacent to existing development that have seen historically high levels of development.
- Recognize that LURC views the Moosehead Lakes Region as a high priority areas in need of "prospective zoning."
- Focus on fringe areas near population centers where infrastructure support is generally available.
- Recognize that a high percentage of development in the Commission's jurisdiction (up to 80%) has occurred in the Western and Central portions, which include the Rangeley Lakes and Moosehead Lake regions.
- Guide development growth to areas where there is demand for development and there is access to major routes and infrastructure.
- Work with landowners to designate large undeveloped tracts for limited or no development.
- "Allow well planned development in areas appropriate as new development centers . . ." provided there is a need, that natural and recreational resources are not unduly harmed and provided needed services can be provided, reasonably.

Plum Creek selected the greater Moosehead region for this Resource Plan proposal in large part because the region is well suited for further development; indeed LURC's policies suggest that this region is well located and should, and can, accommodate growth.

The maps that follow were produced for a 1993 report<sup>27</sup> on the resources of the northern forest lands of Vermont, New Hampshire, and Maine. They show that the greater Moosehead region, shown in a circle (including Jackman and Greenville) has

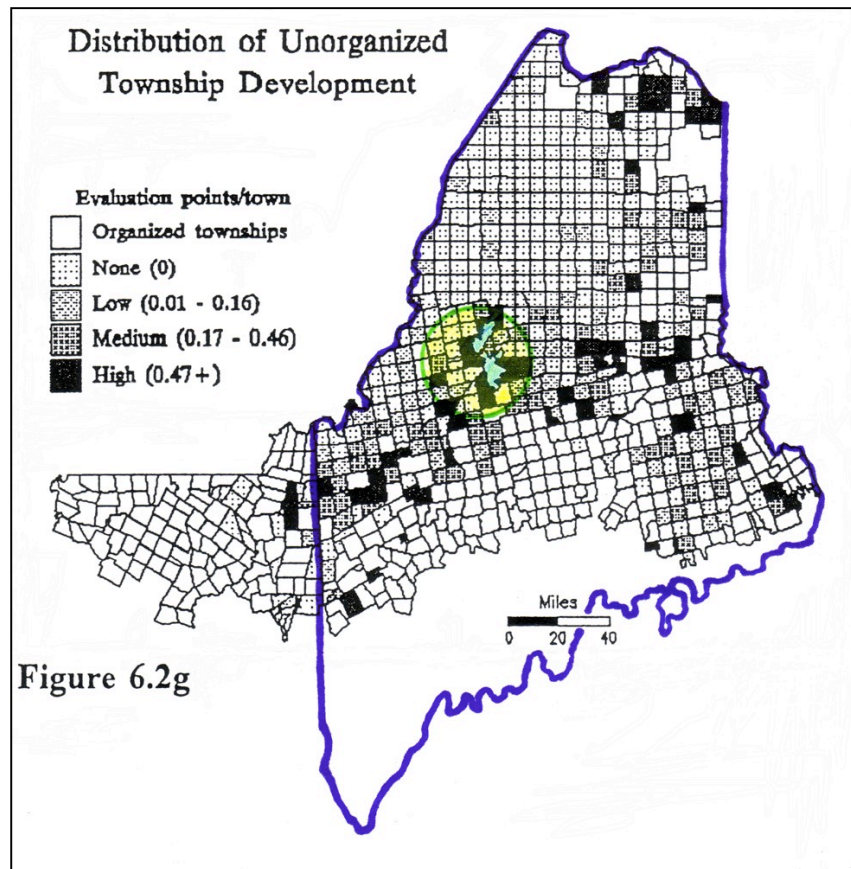
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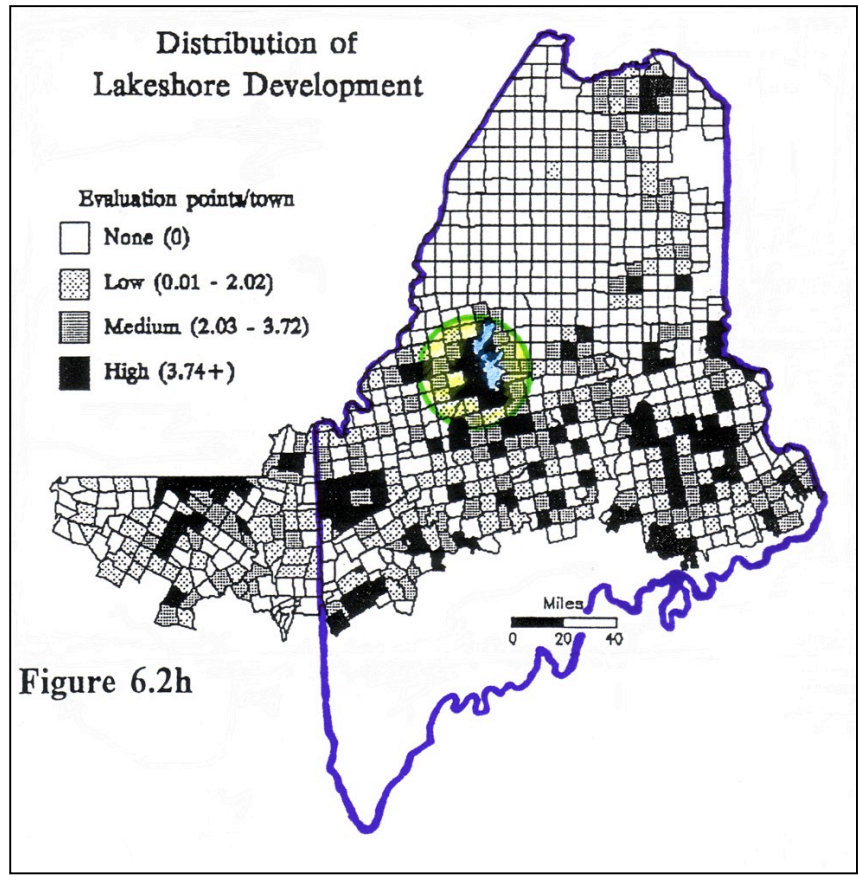
<sup>27</sup> *An Inventory and Ranking of the Key Resources of the Northern Forest Lands of Vermont, New Hampshire, and Maine*; Appalachian Mountain Club, Audubon Society of New Hampshire and the Maine Audubon Society; September 1993.

been, and presumably will continue to be, an appropriate location for growth and development because:

- It is a high growth center (see Figure 6.2g); and
- It is a focal point for lakeshore development (see Figure 6.2h).

At the local level, in this case, the Moosehead Region, LURC's policies provide more specific guidance on where and how growth should occur.





The local growth guidance policies most relevant to this Plan are:

- locate development proximate to organized towns and other centers of population (such as Greenville, Jackman, Rockwood, and Beaver Cove);
- locate development near to good access roads and infrastructure;
- locate development adjacent to existing, like, development.

As is described later, these LURC growth policies, at both the regional and local levels, have guided the development proposed under this Plan. The pattern of existing development (generally “D” districts under LURC zoning) is described in the section on “Existing Zoning.” In very general terms, past development has followed settlement patterns along lake and river shores, in and near historic villages and along the major roads, principally the Lily Bay Road and State Route 6/15. The existence of electrical power lines along these same roads – from Greenville to Kokadjo and from Greenville north to Rockwood and thence, westerly to the south shore of Brassua Lake, as well as along Route 6/15 easterly, out of Jackman to a central point along the south shore of Long Pond – has supported growth as well.



## *How the Plan Fits with LURC's Comprehensive Plan*

Unlike areas north of the planning area that are essentially undeveloped, and areas south (and beyond the southern fringe of LURC's jurisdiction) that are experiencing increasing development, Plum Creek's Gateway lands contain a mixture of both large, unfragmented forested landscapes and areas adjacent to shoreland development. Plum Creek's Gateway ownership surrounds ongoing development in or near Jackman, Rockwood, Greenville, Beaver Cove, and Kokadjo. Moosehead Lake, which also continues to attract relatively high levels of development, is in the geographic center of this region.

LURC's Comprehensive Land Use Plan (CLUP) refers to the growth pressure in areas with high resource values (such as the Moosehead Lake area) and suggests a need for planned growth.

*The location of most development in fringe areas is a favorable trend from the standpoint of protecting the values of interior areas. But much of this development occurred in fringe areas with high natural resources values, and impacts on these values need to be considered as well. The Rangeley lakes and Moosehead lake regions received considerable development during the 1971-91 period, and will likely continue to be the principal growth areas in the jurisdiction. While well-planned growth is appropriate in these areas, a haphazard growth pattern has the potential to degrade the attractiveness of these areas as recreational centers, and ultimately their tourist-based economies.<sup>28</sup>*

To the extent that this Plan covers the Moosehead region, it responds positively to the need for planned growth in high growth/high resource value areas. Plum Creek's proposed Plan is, in fact, a proposal for responsible prospective zoning on its ownership in a Commission-identified priority area.

### **How Plum Creek's Gateway Plan Responds to Growth Factors cited in LURC's Comprehensive Land Use Plan**

The CLUP states that it is one of LURC's primary goals to guide new development to areas deemed appropriate for development. The proposed Plan is designed to help fulfill this goal. The CLUP identifies five factors to consider in determining locations appropriate for development. These five factors have guided the formulation of the Plan, as Table 21 demonstrates.

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<sup>28</sup> p. 119.

**Table 21: Plan Response to CLUP Growth Factors**

<b>CLUP Growth Factors</b>	<b>How the Proposed Plan Responds</b>
<b>1. Proximity to organized towns and centers of population</b>	75% of the all the proposed lots (94% of the proposed backlots and 63% of the proposed shoreland lots) lie within an eight-mile radius of Jackman, Rockwood, Greenville, and Kokadjo, some of the region's more developed centers.
<b>2. Natural resource compatibility</b>	Plum Creek has undertaken preliminary on-site field work, soils mapping, and viewed existing zoning maps and aerial photography to determine where best to locate new development and avoid conflicts with existing resources, especially wetlands and poor soils.
<b>3. Demonstrated demand for development</b>	Projecting demand over the 30-year timeframe proposed is difficult. Plum Creek has seen solid demand for lots (on and off the water) at First Roach Pond. Further, the public's demand for lots in the Moosehead area remains high. There is an undersupply of land for sale according to local Realtors.
<b>4. Access to major routes</b>	Two major access routes serve Plum Creek's land: Route 6/15 through Guilford, Greenville, Rockwood, and Jackman; and the Lily Bay Road, east of Moosehead to Kokadjo. About 74% of all proposed development is within a 3-mile corridor on each side of these roads. Development beyond these relatively narrow corridors is only proposed on already developed lakes, accessed by existing woods roads.
<b>5. Availability to infrastructure</b>	About 74% of proposed development is within 3 miles of electrical power lines; the remainder will require either extension of lines or off-the-grid electrical service. Solid waste disposal would be handled at existing facilities at Lily Bay, and Jackman. Septage pump-out services are available through local contractors.

**Consistency with the Wildlands Lakes Assessment**

Beyond the above-mentioned growth factors, LURC rates lakes, by management class, according to their suitability for development. LURC's Comprehensive Land Use Plan identifies six specific lake classifications based on its Wildlands Lakes Assessment (see Table 22: LURC's Lake Classification System). Lakes not listed in one of these categories are considered to be Management Class 7. The Commission generally supports responsible development on Management Class 3 and 4 lakes, and evaluates development proposals on Class 5 and Class 7 lakes on a case-by-case basis. Remote lakes are classified Class 6, and LURC highly restricts development activities on these lakes and ponds.

**Table 22: LURC’s Lake Classification System**

<b>Management Class</b>	<b>Suitability for Development</b>
Class 1	High value, least accessible, undeveloped lakes; no development within _ mile of shore.
Class 2	High value, accessible, undeveloped lakes; development restricted to 1 unit per mile of shoreline. This restriction can be waived if development is proposed in a concept plan that protects the lake's special values.
Class 3	Those lakes considered by the Commission to be potentially suitable for development. Adjacency criterion waived for shoreland development if there are no existing or potential water quality problems and there are suitable soils.
Class 4	High value, developed lakes. Development only allowed if clustered.
Class 5	Heavily developed lakes and lakes approaching heavily developed status. Only clustered developed allowed.
Class 6	Remote ponds, inaccessible undeveloped lakes with cold water game fisheries. No development allowed within _ mile of shore.
Class 7	All lakes not otherwise classified. Managed for multiple uses, giving special consideration to identified resource values.

No development is proposed on any Class 6 lake in the Plan Area. The Plan contemplates the conveyance of permanent conservation easements, to the state or other entity, on all eight<sup>29</sup> Class 6 lakes and ponds to ensure that they remain undeveloped and accessible to the public forever. This Plan proposes shorefront camp lot development on three Class 3 lakes (Long Pond, Brassua Lake, and Indian Pond), one Class 4 lake (Upper Wilson Pond), and eleven<sup>30</sup> Class 7 lakes. This is entirely consistent with LURC's Comprehensive Plan.

Moosehead Lake is a special case, however. As Maine’s largest lake, Moosehead is listed as Management Class 7, but, according to the CLUP, could be designated as a Class 3 lake. A substantial amount of shoreline on Moosehead has already been conserved through Plum Creek’s sale of much of its east shoreline to the State. The proposed Plan concentrates and clusters development on Moosehead’s west shore, primarily south of Rockwood, with a few lots on the east shore. About 42% (8.3 miles) of Plum Creek’s Moosehead shoreland, is to be placed in conservation.

Finally, on other Class 7 lakes with existing camp lot development, Plum Creek proposes limited additional development. Under this Plan, 47 out of 58 Class 7 lakes within the Plan Area will never be developed, and conserved through permanent easement. All together, Plum Creek

<sup>29</sup> Includes Fourth Roach Pond as class 6, although it is also listed as class 1.

<sup>30</sup> Moosehead Lake is counted as class 7 here, although it is listed as "potential class 3."

proposes less development on the lakes in this planning area than could be permitted under LURC’s “buildout” criteria. The following table lists all the water bodies within the Plan Area, and the proposed disposition of each under the Plan.

**Table 23: Proposed Conservation on Lakes and Ponds**

<b>LAKE/POND</b>	<b>TOWNSHIP</b>	<b>LAKE CLASS</b>	<b>PLAN PROPOSAL</b>
<b>Bluff Pond</b>	Frenchtown	6	no dev., cons. eas.
<b>Chase Str Pond</b>	Misery	6	no dev., cons. eas.
<b>Cranberry Pond</b>	Bowdoin College Grant West	6	no dev., cons. eas.
<b>Fogg Pond</b>	Bowdoin College Grant West	6	no dev., cons. eas.
<b>Mountain Pond</b>	West Bowdoin and Beaver Cove	6	no dev., cons. eas.
<b>Notch Pond</b>	Bowdoin College Grant West	6	no dev., cons. eas.
<b>10,000 Acre Pond</b>	Chase Stream	7	no dev., cons. eas.
<b>Bates Pond</b>	Chase Stream	7	no dev., cons. eas.
<b>Brown Pond</b>	Bowdoin College Grant West	7	no dev., cons. eas.
<b>Chase Stream Pond</b>	Chase Stream	7	no dev., cons. eas.
<b>Chub Pond</b>	Chase Stream	7	no dev., cons. eas.
<b>Cold Stream Pond</b>	Misery	7	no dev., cons. eas.
<b>Demo Pond</b>	Rockwood Strip West	7	no dev., cons. eas.
<b>Flat Iron Pond</b>	Chase Stream	7	no dev., cons. eas.
<b>Fletcher Pond East</b>	Brassua	7	no dev., cons. eas.
<b>Fletcher Pond West</b>	Brassua	7	no dev., cons. eas.
<b>Fogg Pond</b>	Long Pond	7	no dev., cons. eas.
<b>Hedgehog Pond</b>	Bowdoin College Grant West	7	no dev., cons. eas.
<b>Horseshoe</b>	Chase Stream	7	no dev., cons. eas.
<b>Horseshoe Pond</b>	Bowdoin College Grant West	7	no dev., cons. eas.
<b>Indian Pond</b>	Bowdoin College Grant West	7	no dev., cons. eas.
<b>Island Pond</b>	Chase Stream	7	no dev., cons. eas.
<b>Jewett Pond</b>	Spencer Bay	7	no dev., cons. eas.
<b>Knights Pond</b>	Chase Stream	7	no dev., cons. eas.
<b>Lazy Tom Bog</b>	T1 R13	7	no dev., cons. eas.
<b>Leith Pond</b>	Brassua	7	no dev., cons. eas.
<b>Little Chase Stream Pond</b>	Misery	7	no dev., cons. eas.
<b>Little Indian Pond</b>	Squaretown	7	no dev., cons. eas.
<b>Little Otter Pond</b>	Sandwich Academy	7	no dev., cons. eas.
<b>Long Bog</b>	Shawtown	7	no dev., cons. eas.
<b>Long Pond</b>	Elliotsville	7	no dev., cons. eas.
<b>Long Pond</b>	Chase Stream	7	no dev., cons. eas.
<b>Lost Pond</b>	Thorndike	7	no dev., cons. eas.
<b>Lucky Pond</b>	Spencer Bay	7	no dev., cons. eas.
<b>Misery Pond</b>	Misery	7	no dev., cons. eas.
<b>Mud Pond</b>	Thorndike	7	no dev., cons. eas.
<b>Mud Pond</b>	Chase Stream	7	no dev., cons. eas.
<b>Mud Pond</b>	Beaver Cove	7	no dev., cons. eas.

<b>LAKE/POND</b>	<b>TOWNSHIP</b>	<b>LAKE CLASS</b>	<b>PLAN PROPOSAL</b>
<b>Muskrat Pond</b>	Thorndike	7	no dev., cons. eas.
<b>Otter Pond</b>	Sandwich Academy	7	no dev., cons. eas.
<b>Roderique Pond</b>	Sandwich Academy	7	no dev., cons. eas.
<b>Round Pond</b>	Chase Stream	7	no dev., cons. eas.
<b>Rum Pond</b>	Bowdoin College Grant West	7	no dev., cons. eas.
<b>Scribner Bog</b>	Squaretown	7	no dev., cons. eas.
<b>Secret Pond</b>	Elliotsville	7	no dev., cons. eas.
<b>Spencer Pond</b>	Spencer Bay	7	no dev., cons. eas.
<b>Squirtgun Flowage</b>	Chase Stream	7	no dev., cons. eas.
<b>Tomhegan Pond</b>	West Middlesex	7	no dev., cons. eas.
<b>Upper Misery Pond</b>	Misery	7	no dev., cons. eas.
<b>4th Roach Pond</b>	Shawtown	1,6	no dev., cons. eas.
<b>1st West Branch Pond</b>	Shawtown	7	no dev., cons. eas.
<b>2nd West Branch Pond</b>	Shawtown	7	no dev., cons. eas.
<b>4th West Branch Pond</b>	Shawtown	7	no dev., cons. eas.
<b>Trout Pond</b>	Shawtown	7	no dev., cons. eas.
<b>Beaver Pond</b>	Shawtown	6	no dev., cons. eas.

**Table 24: Proposed Development on Lakes and Ponds**

<b>LAKE/POND</b>	<b>TOWNSHIP</b>	<b>LAKE CLASS</b>	<b>PLAN PROPOSAL</b>
<b>Brassua Lake</b>	various	3	limited dev., cons. eas.
<b>Indian Pond</b>	Indian Stream	3	limited dev., cons. eas.
<b>Long Pond</b>	Long Pond	3	limited dev., cons. eas.
<b>Upper Wilson Pond</b>	Bowdoin College Grant West	4	limited dev., cons. eas.
<b>Burnham Pond</b>	Big Moose	7	limited dev., cons. eas.
<b>Ellis Pond</b>	Chase Stream	7	limited dev., cons. eas.
<b>Fish Pond</b>	Thorndike	7	limited dev., cons. eas.
<b>Knights Pond</b>	Squaretown	7	limited dev., cons. eas.
<b>Luther Pond</b>	Thorndike	7	limited dev., cons. eas.
<b>Prong Pond</b>	Beaver Cove	7	limited dev., cons. eas.
<b>Center Pond</b>	Soldiertown	7	limited dev., cons. eas.
<b>Moosehead Lake</b>	various	7,3	limited dev., cons. eas.
<b>Moose River</b>	Sandwich Academy	n/a	limited dev., cons. eas.
<b>2nd Roach Pond</b>	T1 R12	7	limited dev., cons. eas.
<b>3rd Roach Pond</b>	Shawtown	7	limited dev., cons. eas.
<b>Penobscot Pond</b>	T1 R12	7	limited dev., cons. eas.

## *Recreation Plan*

Historically, outdoor recreational pursuits have been a major draw for visitors to the Moosehead Lake region. For more than a century, businesses, professional guides, lodging places, craftsmen and merchants have thrived in the Moosehead region chiefly due to the revenue brought to the area by outsiders seeking nature-based recreation. Today, as the Moosehead Lake area enters the 21<sup>st</sup> century, this type of tourism will be more important than ever.

Plum Creek recognizes how integral nature-based tourism is to the economy of the area and believes there is vast potential for increasing outdoor recreational visitors to the region. Tourists carrying backpacks, cameras and non-motorized equipment usually have a minimal impact on the ecosystem, and yet have a positive impact on the economy of the region. Visitors pursuing more modern activities, like snowmobiling or kayaking, can also be beneficial to the region. All of these outdoor pursuits must be planned for prudently to prevent conflicting uses that could degrade the overall resource.

An important element of Plum Creek's Resource Plan will be the development of a Recreation Plan for the area. A major cornerstone of that plan will be the granting of easements over new and existing trail networks to accommodate an array of outdoor recreational activities.

### **Trail Networks and the Moosehead Lake Region**

Trail networks are intimately tied to the economic vitality of the Moosehead Lake region. This has been true in the past, is certainly true today and will be increasingly important in the future. For centuries the waters of the Moosehead Lake region have provided native Americans, loggers and recreationists travel ways into Maine's great north woods.

According to a poll conducted by the Appalachian Mountain Club (AMC) residents and businesses in Piscataquis County view nature-based tourism as a critical part of the region's economic growth. The poll also indicates expanding infrastructure for non-motorized recreation is a top priority. LURC's current Comprehensive Land Use Plan (CLUP) promotes "primitive recreational activities and diversified, non-intensive, non-exclusive use of recreational resources." Maine's Statewide Comprehensive Outdoor Recreation Plan (SCORP) also identifies a strategy of increasing opportunities for backcountry, non-motorized recreation as a top priority for recreation planning in the state.

The more active forms of nature-based tourism and recreation include activities such as hiking, backpacking, snowshoeing, mushing, XC skiing, and paddling. All are dependent on accessibility to backcountry areas, and water resources, in the case of paddling. These activities require high quality natural settings that provide a sense of remoteness. Trails are the most clearly identifiable component of such infrastructure.

The opportunity for visitors and community members alike to experience nature around Moosehead Lake is integral to the goals of conservation and vital to the growth of a local economy. The Resource Plan, and the Recreation Plan that will be developed in conjunction with it, will promote the maintenance and continued growth of trails surrounding the many recreational attributes this area has to offer.

## **Peak-to-Peak and ITS: Two Components of Recreation in the Moosehead Region**

Plum Creek has already committed to two conceptual elements that will be part of its Recreation Plan, identified in materials released to the public on December 14, 2004. The first is a permanent, 55-mile Peak-to-Peak trail around part of Moosehead Lake for hiking, cross-country skiing, and other non-motorized pursuits, that was first proposed by hiking enthusiasts in the region several years ago. The second is a permanent, 71-mile trail corridor for snowmobiling. The Plum Creek trail easement will essentially complete that portion of the existing ITS trail that currently passes over Plum Creek land.

The granting of a trail easement, both for non-motorized and motorized access, will allow for greater access to remote areas. Plum Creek is committed to enhancing recreational access, and will work with local and state agencies and organizations to determine the best ways to accomplish this goal.

## **Working with Others to Create a Recreation Plan**

Plum Creek has discussed with a number of interested parties its recreation plans for the area. To realize these plans, Plum Creek will need to work with organizations that have experience and expertise in trail planning and management. For example, the Appalachian Mountain Club, a landowner and abutter of Plum Creek, has provided Plum Creek with an overview of what such a recreation planning process would entail, including the following five steps:

1. **Inventory and Data Collection:** examining infrastructure, applicable management plans, known ecological constraints, sensitive ecological areas natural features, and establishing dialogue with local property owners and interested organizations. Such an inventory would not be limited to Plum Creek lands, but would look beyond to view the recreational needs and opportunities throughout the Moosehead Lake region as a whole, in order to examine how best to incorporate Plum Creek lands to fill those needs.
2. **Identify New or Enhanced Recreation Opportunities:** the identification of possibilities for protecting existing opportunities, creating new recreation opportunities, developing linkages with the communities of the area and supporting and growing the region's recreational/nature-based tourism economy. The identification of such opportunities should be based in part on interviews with key user groups and recreation managers, and with consideration for a few fundamental questions, such as: Who are the intended users of the trail system; What fundamental needs does the trail system fill within the broad region; Who will build the trail system; Who will be in charge of maintenance and management of the trail system? Consideration should also be given to how to best design such a trail system to maximize its functionality for all reasonable uses, including: adding side trails to accommodate different lengths of hikes; adding links to existing campsites and communities; incorporating areas of exceptional scenic or recreational value within reach of the trail system; abutting landowner needs; many other considerations.



3. **Identify Major Control Points/Areas and Set Conceptual Location:** identifying natural areas, such as peaks; overlooks; drinking water sources; water crossings; ecologically sensitive areas; wetlands; steep slopes; as well as manmade features, like trailheads; road crossings; connections to existing trails; potential campsites; boat put-ins; planned timber management areas. General guidelines should be followed when designing the overall trail layout, including: incorporating side hill trail locations when possible to minimize erosion control issues later on; keeping the overall trail gradient at or below 15 percent where possible, except in the case of mountain bike trails, which should be kept at below 10 percent; avoiding sudden changes in trail direction; avoiding long straight sections which can lack interest unless along a scenic ridge or other interesting feature; and many other considerations.
  
4. **Explore Questionable/Problem Areas:** check potentially problematic locations and consider trail layout revisions or amenities to correct for deficiencies. Specifically:
  - Mountain peaks – Avoid obstacles like cliffs, slides or extremely thick vegetation; look for opportunities to make views available.
  - Potential wet ground – Wet areas can be quickly damaged by foot traffic and often require bog bridging or boardwalks.
  - Drinking water sources – All overnight sites require a source of drinking water that is adequate to use level planned without adverse affects to the source.
  - Water crossings – Explore potentially wide, deep or swift crossings to understand what kind of infrastructure might be necessary. If significant infrastructure is necessary, consider relocating to an easier crossing.
  - Trailheads – Determine desired amount and type of parking at each location – short and long term. Be sure space for these needs can be accommodated at each site.
  
5. **Consider Trail Management Questions:** Develop a plan for the development, maintenance and protection of trails. Consider the following types of questions:
  - What is the appropriate group to hold the proposed easement(s)?
  - How will the terms of the easement be monitored and enforced?
  - Will this require financial support?
  - When should the easement take effect; e.g., at the point of agreement on the conceptual design or when construction is about to begin?
  - Should phasing of the easement be considered; i.e., as increments of the system are ready?
  - How can the construction and maintenance of the trail system be funded? Without a source of funding what is the real value of the easement?
  - Who will be responsible for trail management?
  - Overnight sites are essential to realize the vision of the “peak to peak” trail. What is the right mix of accommodations?
  - Will the group that manages the trail also manage the overnight sites?
  - Should the components of the trail system be fixed or incorporate some degree of flexibility to accommodate unplanned for situations or opportunities?

In the event Plum Creek's application is approved and permitted, Plum Creek would commit to engaging in a process similar to that outlined above, and would seek to involve entities such as AMC and other local and regional recreational interests in this recreational planning process.

### **Recreation Plan Implementation**

Developing a Recreation Plan that does justice to this area cannot be accomplished overnight. To do it right, a wide variety of interests must participate. These include economic and community interests as well as the full array of recreational user groups. Plum Creek intends to help fund a planning process that will result in a Recreation Plan for the greater Moosehead Lake region. Such a Recreation Plan should ultimately include the following components:

- an assessment of existing conditions within the region;
- a statement of the region's recreation needs;
- an analysis of the gaps between existing conditions and needs;
- a conceptual analysis of the implementation of trail networks;
- a map of recommended trails, including a depiction of uses, trailheads and new connections;
- a timeframe for implementation

Plum Creek will seek leadership and guidance from the AMC, Piscataquis and Somerset County Economic Development Council, the towns of Greenville and Jackman, as well as recreation and sporting interests. Neighboring landowners will also be included, if they are willing to participate.

Volume 3  
**Plan Description**



*Resource Plan for*  
**Plum Creek's Gateway Lands**  
*in the Moosehead Lake Region*



**Plum Creek**

### ***PART III : PLAN DESCRIPTION***

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## *Part III : Plan Description*

### **Plan Goals**

This Resource Plan for Plum Creek’s Gateway Lands ownership is designed to accomplish six goals.

1. Ensure that the Resource Plan is successful in providing future predictability to all stakeholders.
2. Protect and maintain the commercial forest land base.
3. Maintain and enhance outdoor recreation and a recreation/nature-based tourism economy.
4. Conserve and protect valued land and water resources.
5. Provide land and opportunity for other appropriate economic enterprises.
6. Make provision for the development of residential recreational building lots on selected lakes, ponds, and backland areas.

### **Goals and Actions**

**Table : Summary of Plan Goals and Actions**

<b>Goals</b>	<b>Primary Actions</b>
1. Protect and Maintain the Forest Base	<ul style="list-style-type: none"> <li>• Establish a 382,000 ND/WF (No Development/Working Forest) zone to support only timber management, timber harvesting operations and other related activities</li> </ul>
2. Maintain and Enhance Recreation and Tourism	<ul style="list-style-type: none"> <li>• Grant easements for new permanent trails to the State.</li> <li>• Cooperate with the State on trails access.</li> <li>• Make land available for tourism facilities.</li> <li>• Provide land for a resort, lodge, three campgrounds and up to four new sporting camps.</li> </ul>
3. Conserve and Protect Valued Land and Water Resources	<ul style="list-style-type: none"> <li>• Grant 78.6 miles of conservation easements around 55 pristine ponds and lakes (4,766 acres).</li> <li>• Establish 101.1 miles of conservation easements around partially developed ponds and lakes (6,124 acres).</li> <li>• Agree to sell selected conservation lands identified by the State.</li> <li>• Continue to protect resources within existing Protection Subdistricts (approximately 21,320 acres).</li> <li>• Prohibit all residential development in working forest area (597 square miles).</li> </ul>
4. Provide Land for Economic Enterprises	<ul style="list-style-type: none"> <li>• Make provision for commercial campground development in appropriate locations.</li> <li>• Provide for a large CI (Commercial/Industrial area next to State Highway 6/15) and rail facilities.</li> <li>• Provide sites for two future resorts: a large facility and a smaller, family facility.</li> </ul>

Goals	Primary Actions
5. Provide for Lot Development	<ul style="list-style-type: none"> <li>• Concentrate new lots on lakes identified as suitable for development and in areas near existing public roads and other existing development.</li> <li>• Locate residential lots so as to minimize impacts on infrastructure and services.</li> <li>• Limit the pace of development and tie the number of lots created to historic growth trends.</li> <li>• Provide approximately 575 shorefront lots over a 10- to 15-year timeframe.</li> <li>• Provide approximately 400 backlots in suitable locations over a 10- to 15-year timeframe.</li> </ul>
6. Ensure the Success of the Plan	<ul style="list-style-type: none"> <li>• Design the Plan so that the above elements support each other and: <ul style="list-style-type: none"> <li>– Create the conditions that will draw new residents to the area so as to enhance the economies of Greenville and Jackman for the long-term.</li> <li>– Provide conservation and create design standards complementing scenic and natural resources.</li> <li>– Anticipate all potential development needed over the next 30 years so as to support and enhance the local economies.</li> <li>– Tie trail networks to proposed recreation/tourism sites.</li> <li>– Landowner predictability in long term business planning.</li> </ul> </li> </ul>

## The Planning Approach

Plum Creek is filing its application under LURC’s Resource Plan (P-RP) planning approach. While not a prospective zoning plan initiated by LURC, this approach offers enhanced benefits. This Plum Creek Resource Plan:

- can be streamlined because it is all on lands owned by a single landowner;
- establishes zoning within the Moosehead region based on CLUP goals and research which has been conducted and presented for analysis by the landowner;
- includes extensive permanent conservation and recreation measures voluntarily offered by the landowner in return for prospective zoning;
- institutes a new and extensive No Development/Working Forest zone with renewal provisions; and
- creates fewer lots on a per acreage area than comparable plans.

This document has been prepared in accordance with LURC’s statutory and regulatory framework for Resource Plans and its Comprehensive Land Use Plan. The Plan identifies locations within the 426,000-acre ownership deemed appropriate for development and provides substantial and varied conservation initiatives, many of which will result in the permanent conservation of highly valued natural resources.

Most significantly, approval of the Plan will result in the permanent protection from development of many lakes and ponds and in the establishment, for the first time in

LURC's history, of rules, regulations, and restrictions covering many thousands of privately owned acres. The Plan will significantly restrict, and in most cases prevent, all new residential development in 97.8% of the Plan Area for the long term while providing, through the grant of trail easements, public access for recreational activities.

This Plan differs from the "typical" Resource Plan submitted to the Commission. Because of its scope, it presents a comprehensive and coordinated land use/resource management plan over an unusually large block of private property. The Plan identifies, through appropriate zoning, where and what amount and type of development is proposed and requests Commission approval of that development, in tandem with a number of significant conservation measures. The Plan effectively creates a new zoning scheme for most of the greater Moosehead area that, in combination with the other conservation measures proposed, will result in far better management of the uses and activities permissible in the area and will provide far better protection of the natural environment than the current regulations. Indeed, it is not unlike the Transfer of Development Rights (TDR) plan that LURC proposed for this area in 1990, except that this Plan includes significant conservation and recreation add-ons that a TDR proposal could not require.

### **Plan Implementation**

The Plan will be implemented in phases over the next 10 to 15 years. Specific subdivision and site plan development proposals for specific sites, lakes, or ponds will be submitted to LURC over time, as circumstances dictate. Any and all such plans will be reviewed subject to the LURC's usual requirements and procedures for subdivision review. However, additional rezoning will not be required because the Plan itself will establish the appropriate new zones and land use standards. This procedure provides Plum Creek, LURC, and the public with certainty and a guarantee of limits to development in Plum Creek's Gateway Lands.

### **Plan Duration**

This document is considered a Resource Plan under LURC's administrative procedures. As such, the Plan is required to be reviewed, and the land use standards revisited, by both LURC and the owner, after an appropriately long period of time. LURC staff has recommended to Plum Creek that this Plan have a 30-year timeframe. The Plan's provisions may be reviewed in 30 years. The conservation and access easements proposed under this Plan are permanent. In the undeveloped working forest of 382,000 acres in Plum Creek's ownership area, no residential development will be allowed. The area will be managed for timber production.

### **Planning Principles**

The following planning principles underpin Plum Creek's approach to developing this Resource Plan:

- Ensure consistency with LURC's Comprehensive Land Use Plan by:

- prospectively zoning Plum Creek’s Gateway Lands ownership, using the “Resource Plan” approach;
  - providing highly valued public access to Great Ponds and woodlands;
  - conserving land with high resource or remoteness values;
  - protecting and managing the forest for wood and fiber production;
  - following the Commission’s Lake Management Class criteria;
  - guiding new development to areas appropriate for such development; and
  - concentrating most development in areas proximate to population centers and close to major roads and utility services.
- Ensure that the proposed new development fits with existing conditions, the extent of existing development, the demand for new development, the need for new jobs, and the capacity of resources to accept new development.
  - Plan for expanded traditional recreation and the need for interconnecting, expanded trail systems.
  - Minimize new development on any ponds or lakes that are undeveloped.
  - Recognize the need to retain large areas of undeveloped land that help conserve habitat for multiple species.
  - Utilize LURC’s location of development policies when siting new development on lakes and ponds not classified as Class 3 (potentially suitable for development).
  - Enhance the level of protection afforded areas that are least appropriate for development.
  - Establish, through the Resource Plan process, better protection of the natural resources of the area and a reasonable balance between conservation and development.
  - Plan for conservation and protection of the commercial forest land in a way that complements State and private conservation initiatives on surrounding forest lands.
  - Plan for the increased need for house lots, tourism facilities, and job creation in the region.



## **Resource Plan Components**

The following paragraphs describe how each of these goals will be achieved within an overall Resource Plan Protection subdistrict. More details follow in Part IV.

### **1. Protect and Maintain the Commercial Forest Land Base.**

The maintenance of the commercial forest land base, for wood or fiber production, is a major objective of the Plan. Of the 426,000 acres in the Gateway Plan Area, about 98% is designated for commercial forest production.<sup>1</sup>

To ensure the continued viability of the working forest area as productive timberland, the statutory protections for forest management activities guaranteed by 12 M.R.S.A. § 685-A(5) and currently in effect in the M-GN subdistrict will continue to apply in the ND/WF areas following adoption of the Plan. Even though the entire planning area will be rezoned to the umbrella P-RP subdistrict, the ND/WF planning areas will continue to be treated as a management subdistricts for purposes of forest management operations. Under existing law, land use standards in management areas may not limit the following activities; without limitation, the right, method, or manner of cutting or removing timber or crops, the construction and maintenance of hauling roads, the operation of machinery or the erection of buildings, including buildings to store equipment and materials for maintaining roads, and other structures used primarily for forest product purposes, including tree farms. These statutory provisions will continue to apply to the working forest areas of the Plan. The ND/WF zone may be renewed by the Commission, at its discretion or it may be amended after the Plan's initial 30 year term.

### **2. Maintain and Enhance the Outdoor Recreation and Tourist-Based Economy**

While the forest products industry continues to be the major employer in the planning area, recreational and nature-based tourism is an increasingly vital part of the region's economy. Hunting, fishing, boating, skiing, hiking, snowmobiling and camping, as well as the goods and services that support these activities, contribute to the local economy and employ local people. Given these circumstances, Plum Creek plans to improve public access and accommodate increased recreation and tourism.

**A. Public Access and Trails.** Because there is a limited amount of public land in the area, a significant amount of public recreation occurs on private land, subject to the permission of various private landowners. Future changes in land ownership could jeopardize traditional public access to private lands and, in turn, negatively impact local communities, such as Jackman and Greenville, that rely on tourism and tourism-related businesses for

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<sup>1</sup> This includes 21,320 acres in Protection Areas where harvest restrictions may apply; it also includes areas where forestry operations can occur, subject to permanent easement conditions.

employment and their tax base. Public access to Plum Creek's ownership, including access to the Interconnected (Snowmobile) Trail Systems (ITS) that cross it, is essential to maintaining and expanding the recreational element of the local and regional economy. To help achieve this Plum Creek will grant the State of Maine permanent easements to maintain the existing 71.3 miles of ITS recreational trails on Plum Creek lands, so as to ensure that this system is preserved for use by the public forever. Plum Creek will also continue to cooperate with local snowmobile clubs in maintaining and expanding trail systems.

Plum Creek also supports creation of a "Peak-to-Peak" trail around the southern half of Moosehead Lake, as shown on the Plan maps. To this end Plum Creek will grant a permanent trail easement to the State on over 55.5 miles of new trails, to be planned in collaboration with the State, local groups and the Town of Greenville. This trail has the potential to interconnect with the Appalachian Trail and Greenville's future Natural Resource Education Center area.

- B. Recreation and Tourism.** In conjunction with the aforementioned trail systems, Plum Creek will cooperate with the State to help realize the Governor's Maine Woods Legacy plan by making land available for recreational, nature-based tourism facilities. This Plan provides for a 3,000 acre recreational/tourist resort zone in Lily Bay Township and a smaller 500 acre zone for a family lodge facility on the South Brassua Peninsula. These zones would allow, subject to LURC site plan approval, and to the zone's review criteria, a variety of commercial tourist facilities. The goal is to attract tourist-based businesses and services that can take full advantage of the expanse of woods, ponds and trails in the surrounding area, knowing that these resources will be protected through easements and the ND/WF zone.

The Maine Office of Tourism proposes to lead part of this effort to help determine the destination recreational tourism facilities needed within the Plan Area through planning meetings and economic analysis. Plum Creek supports such leadership by the State and will collaborate with such an effort. Any such proposed commercial tourist facilities would be subject to LURC review and approval in accordance with applicable environmental laws and regulations and the review criteria set forth in the Plan.

Further, Plum Creek proposes to encourage establishment of new commercial campgrounds, sporting camps, and remote cabins for overnight hiking trail uses. (The campgrounds are addressed in paragraph 4 of this section.) A limited number of sporting camps and/or trailside cabins would be permitted in the ND/WF zone, subject to strict locational criteria.

*(For more information about the region's economy, recreation, and tourism, please refer to Appendices A and B.)*

### 3. Conserve and Protect Valued Land and Water Resources.

In conjunction with the protection of the commercial forest resources in the Plan Area, the conservation of important land and water resources will help maintain the character of the land forever. This Plan is based, in part, on LURC's existing Protection subdistricts and lake classification system and uses the systems, values, and conservation measures referenced in the Commission's Comprehensive Land Use Plan to shape the Plan's conservation and development components.

High value land and water resources on Plum Creek's Gateway Lands are to be protected through three different conservation measures:

- A. **Conservation easements around 55 pristine<sup>2</sup> lakes and ponds.** Plum Creek will grant to a qualified easement holder conservation easements prohibiting any form of development that is unrelated to timber operations and/or nature observation. These easements on Plum Creek's ownership apply to the 51 undeveloped lakes and ponds within the Plan Area and four other ponds with existing camps on them where no further development is proposed. (If the Roaches are purchased by the State the easements will apply to 48 ponds.) The proposed easements will be permanent and similar to the easements accepted by the State in connection with Plum Creek's First Roach Pond Lake Concept Plan. The total easement area around these lakes and ponds is approximately 4,766 acres; this represents about 78.6 miles of conserved shorefront. The easements will be conveyed to the easement holder according to a phasing schedule. However, following approval of the Resource Plan zones development would be permitted in the shoreland zone of these ponds.
  
- B. **Conservation easements around lakes and ponds proposed for limited and larger-scale development.** As described in Paragraph 5 below, the Plan allows for limited residential lot development around eight outlying, lakes and ponds (five, if the Roach area ponds are excluded), and larger-scale development around seven large water bodies. Conservation easements (or other permanent deed restrictions in the case of open space buffers around clusters of lots) will be placed around the undeveloped portions of these lakes and ponds in a phased manner upon LURC approval of each proposed subdivision plan on that body of water. The total acreage in dedicated, permanent, conservation easements on these waterbodies is 6,124 acres; this represents 101 miles of conserved shorefront.

**Sale of selected conservation lands identified by the State.** Subject to any existing legal restraints, Plum Creek will negotiate in good faith to sell to the State of Maine certain lands identified by the State and Plum Creek as being highly important for outdoor recreation and/or conservation such as the area

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<sup>2</sup> "Pristine" refers to undeveloped lake and ponds categorized as "Great Ponds" under State law as well as smaller ponds mapped in the DeLorme Maine "Atlas and Gazetteer."

known as “The Roaches”. Any such lands identified by the State and Plum Creek would remain as part of this Plan until sold and transferred to the State.

In addition to the above provisions, Plum Creek will continue to recognize existing Protection Subdistricts as incorporated and improved under the Resource Plan.

#### **4. Provide a Land Base to Attract Other Economic Enterprises.**

The Plan seeks to help attract new businesses that will support and add to the resident population base; and it envisions opportunities to work with industries related to the forest products economy or some other, yet-to-be defined economic activities that provide jobs and employment. Two types of commercial development in addition to that described in paragraph 2 above, are envisioned.

- A. Commercial campground development.** Three areas, appropriate for commercial uses associated with a campground have been identified within the overall Resource Plan. These sites are at Kokadjo and on two locations along Route 6/15, one at the southern end of Brassua Lake near and another near the West Outlet of Moosehead Lake. Six hundred acres is reserved for these three sites.

Examples of permitted uses could include an office/store, storage facilities, rentals and tent and R.V. sites.

- B. Large scale commercial/industrial development.** The Plan will specify the uses permitted in this area designated for large scale, new businesses and industries. The Commercial/Industrial (CI) zone, totaling up to 1,000 acres, including 300 acres already zoned for these types of uses is along Route 6/15 where it is proximate to rail service. Proposed commercial and industrial activities within this zone would be subject to LURC review and approval based on applicable environmental laws and regulations. Once designated, this area should receive fast-track approval of a variety of uses and activities appropriate to a CI zone.

- C. Affordable Housing.** Given the need for affordable housing in the region, Plum Creek will make up to 100 acres of land within the Plan Area available to eligible non-profit organizations willing to provide affordable housing on up to three possible sites. The number of units to be built over time will be determined by a housing assessment undertaken by Greenville. Plum Creek also intends to make land available for affordable housing in Greenville and possibly in the Jackman and Rockwood areas, if requested.

*(For more information about the region’s economy, please refer to the Appendix.)*

*Note: Plum Creek has retained economist Dr. Charles S. Colgan, Professor at the Edmund S. Muskie School of Public Service, to evaluate the economic impacts of the proposed developmet. Dr. Colgan’s Report will be published in May, 2005.*

## **5. Provide Opportunity for Seasonal Home and Year-round Lot Development.**

The final element of the Plan provides for a modest level of residential lot development on waterfront and on backland properties, all to be phased in over approximately a 10- to 15-year time period. The scale of this proposed residential lot development recognizes existing conditions (such as the number of existing camps and the size and location of the adjacent lake or pond), historic development trends, and LURC's location of development criteria.

A maximum of 975 lots are proposed; if The Roaches is excluded, this number would be reduced to 947 lots. Some 575 waterfront lots (547 if The Roaches is excluded) and 400 backlots are proposed, distributed in subdivisions located on 14 developed lakes and ponds; Burnham Pond and on the Moose River. Plum Creek reserves the right to transfer shorefront lots to backlots; thus the total backlots could increase but the overall 975 (947) cap would not. The overall average ratio of conservation to development on the shorefront lots will be about 86% to 14%, if all waterbodies are considered. On the five smaller, developed ponds the ratio is about 80% to 20 %; and on the large lakes (except Moosehead) the ratio is 70% to 30%.

As noted above, the remaining undeveloped land (excluding common open space associated with each subdivision and held in perpetuity by a homeowners association) around all these lakes and ponds with limited development will be placed in permanent conservation easements which will prohibit all future development. The easements are 500 feet deep and total 6,124 acres. The process followed by Plum Creek and approved by LURC, for the First Roach Pond Concept Plan serves as a model for these future subdivision plans; thus, the maximum number of lots permitted to be developed under this Plan on each waterbody will be predetermined and preauthorized by the Commission, upon the Plan's approval.

The following table provides a summary of the proposed lot development.

**Table : Development Areas**

SITE	LAKE/POND	TOWNSHIP(S)	DEVELOPMENT TYPE	LURC LAKE CLASS.	EXISTING WATERFRONT CAMPS	PROPOSED LOTS	PROPOSED MAXIMUM LOT ACRES	TOTAL WATERFRONTAGE OWNED BY PC	PROPOSED WATERFRONTAGE IN LOTS	PROPOSED WATERFRONTAGE IN CONSERVATION	PROPOSED ACREAGE IN CONSERVATION	PERCENTAGE OF WATERFRONTAGE IN LOTS	PERCENTAGE OF WATERFRONTAGE IN CONSERVATION
<b>Large Pond, Lake and Backland Sites</b>													
A	Brassua Lake		Shorefront Lots	3	71	189	567	204,600	47,250	157,350	1,806	23%	77%
		Rockwood East	Back Lots	N/A	N/A	80	400	N/A	N/A	N/A	N/A	N/A	N/A
B	Moosehead Lake		Shorefront Lots	7,3	N/A	103	309	75,680	31,730	43,950	504	42%	58%
			Back Lots	N/A	N/A	75	375	N/A	N/A	N/A	N/A	N/A	N/A
C	Lily Bay Township	Lily Bay	Back Lots	N/A	N/A	190	950	N/A	N/A	N/A	N/A	N/A	N/A
D	Long Pond	Long Pond	Shorefront Lots	3	49	80	240	68,000	20,000	48,000	551	29%	71%
E	Indian Pond	Indian Stream & Squaretown	Shorefront Lots	3	9	35	105	27,300	8,190	19,110	219	30%	70%
F	Prong Pond	Beaver Cove	Shorefront Lots	7	3	30	90	30,850	7,500	23,350	268	24%	76%
			Back Lots	N/A	N/A	25	125	N/A	N/A	N/A	N/A	N/A	N/A
G	Upper Wilson Pond	West Bowdoin	Shorefront Lots	7	15	30	90	41,700	7,500	34,200	393	18%	82%
H	Moose River	Sandwich Academy	Shorefront Lots	N/A	0	30	90	44,600	7,500	37,100	426	17%	83%
I	Kennebec Interior	Big Moose	Back Lots	N/A	N/A	30	150	N/A	N/A	N/A	N/A	N/A	N/A
J	Burnham Pond	Big Moose	Shorefront Lots	7	0	20	60	20,500	5,000	15,500	178	24%	76%
<b>Small Pond Sites</b>													
M	Fish Pond	Thorndike	Shorefront Lots	7	1	6	18	15,500	1,500	14,000	161	10%	90%
K	Ellis Pond	Chase Stream	Shorefront Lots	7*	1	8	24	11,100	2,000	9,100	104	18%	82%
L	Luther Pond	Thorndike	Shorefront Lots	7	1	6	18	13,700	1,500	12,200	140	11%	89%
N	Center Pond	Soldiertown	Shorefront Lots	7*	2	5	15	8,300	1,250	7,050	81	15%	85%
O	Knights Pond	Squaretown	Shorefront Lots	7	2	5	15	5,200	1,040	4,160	48	20%	80%
<b>Sites in the Roaches Area</b>													
P	2nd Roach Pond	T1 R12	Shorefront Lots	7	1	10	30	57,800	2,500	55,300	635	4%	96%
Q	3rd Roach Pond	Shawtown	Shorefront Lots	7	3	10	30	46,400	2,500	43,900	504	5%	95%
R	Penobscot Pond	T1 R12	Shorefront Lots	7	7	8	24	11,500	2,000	9,500	109	17%	83%
<b>Development Areas</b>						<b>975</b>	<b>3,725</b>	<b>682,730</b>	<b>148,960</b>	<b>533,770</b>	<b>6,127</b>	<b>22%</b>	<b>78%</b>
<b>Total Waterfront</b>						<b>975</b>	<b>3,725</b>	<b>1,097,965</b>	<b>148,960</b>	<b>949,005</b>	<b>10,893</b>	<b>14%</b>	<b>86%</b>

## **Plan Summation**

This Plan for 426,000 acres of lakes, mountains, and forest is intended to create a predictable pattern of conservation and development that serves the public's and the owner's best interests. It will ensure that the unique natural and recreational character of the region is maintained for generations to come, and it will guarantee a "wood basket" that is sustainably managed over the long term.

The Plan achieves these goals by re-zoning the area under LURC's Resource Plan procedure, creating permanent conservation easements on all ponds in the ownership, and establishing a 382,000 acre "No Development/Working Forest" zone for timber production, resource protection, habitat conservation, and outdoor recreation. The Plan is consistent with LURC's policies, the Governor's Maine Woods Legacy Initiative and the goals of the Governor's Task Force on Traditional Uses and Public Access to lands in Maine.

Of the 2.2% of the ownership that is zoned for development, half is land reserved for potential economic enterprises, such as tourism facilities, a mill or commercial campgrounds. These zones are intended as "placeholders" in anticipation of future development opportunities.

The proposed house lots make up approximately 1% of the ownership; 575 shorefront lots and 400 backlots will be created in cluster subdivisions located in 18 of the 29 Minor Civil Divisions (MCDs) in the Plan Area.

With the exception of 30 lots located on 5 outlying ponds, 35 lots on Indian Pond, and 30 lots on Big W; the predominant pattern of proposed development is confined to clusters or nodes of subdivision development within a band of land along the Lily Bay Road and Route 6/15. This corridor of development stretches from Kokadjo to Jackman by way of Beaver Cove, Greenville, and Rockwood. This is an area entirely appropriate for such development because it is within the "fringe" of the jurisdiction, it is within a historically high growth area, and it is in "areas near existing towns or communities . . . identified as appropriate development centers." (This language is quoted from the CLUP policies on location of development.)

The amount of lot development is capped at 975 lots. This number is based, in part, on past development trends and reasonable growth projections for the region. Furthermore, all shorefront development on each lake or pond is capped as to the number of lots and the percentage of shoreline that can be developed.

In Plum Creek's view the Plan is consistent with the Commission's Comprehensive Plan and the Chapter 10 Rules and Regulations. Furthermore, the Plan fulfills key provisions of LURC's "purpose and scope" as identified in Title 12 of the Maine Statutes, specifically:

"The Legislature finds that it is desirable to extend principles of sound planning, zoning and subdivision control to the unorganized and deorganized townships of

the State. To preserve public health, safety and general welfare . . . to provide for appropriate residential, recreational, commercial and industrial uses . . . and to preserve ecological and natural values.

In addition, the Legislature declares it to be in the public interest, for the public benefit and for the good order of the people of this State, to encourage the well planned and well managed multiple use of land and resources and to encourage the appropriate use of these lands by the residents of Maine and visitors, in pursuit of outdoor recreation activities, including, but not limited to, hunting, fishing, boating, hiking and camping.”

## **The Resource Plan Summary Map**

The map that follows serves to summarize the Plan and show the geographic locations of the proposed development, along with the conservation measures proposed.

The map legend highlights the Plan’s key features while the map itself presents them in context. Thus, for example, the location of the Appalachian Trail and the location and extent of existing publicly-owned lands is easy to discern.

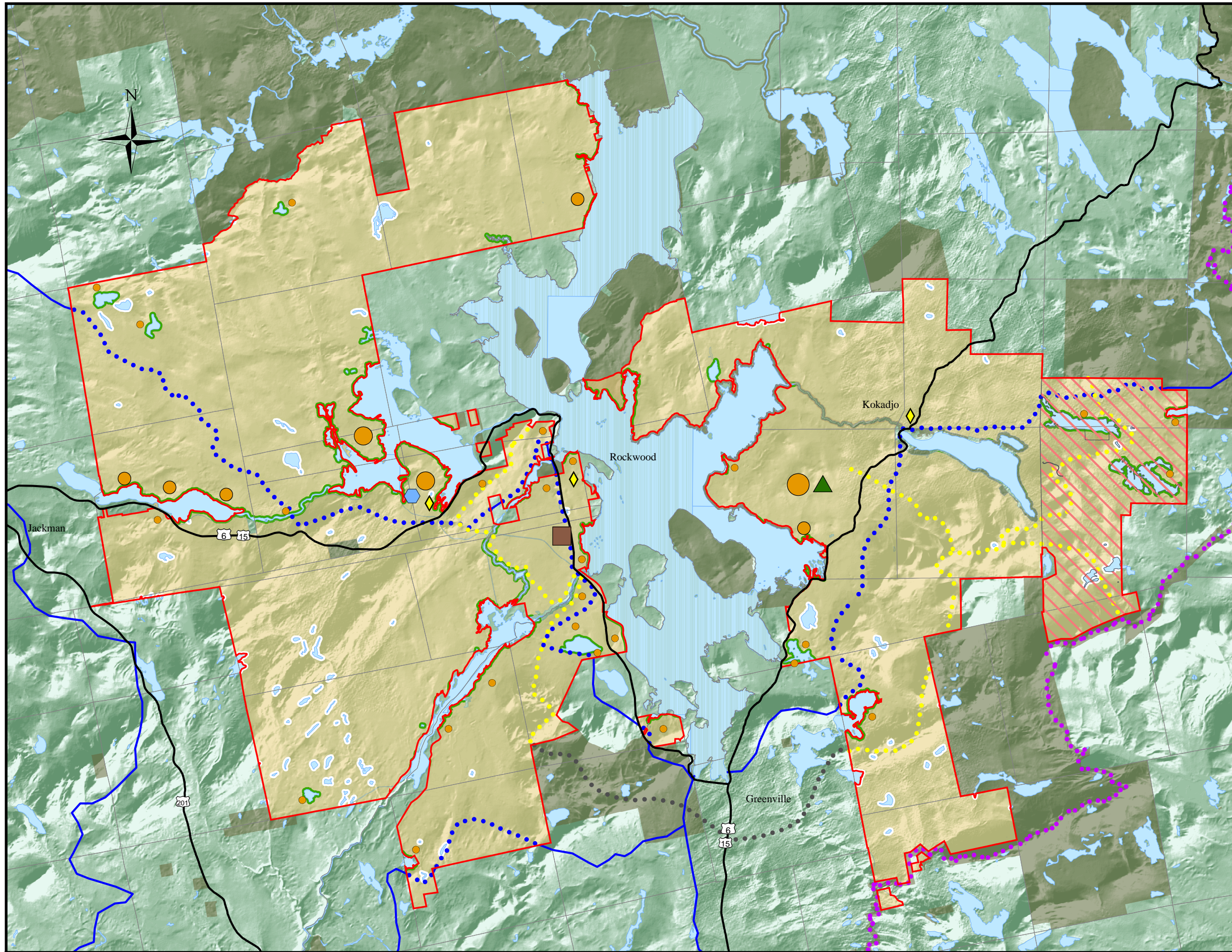
At this landscape scale the importance of The Roaches – the area Plum Creek is willing to sell to the State – is clear. Located on the eastern side of Plum Creek’s ownership, The Roaches’ proximity to public lands in Nahmakanta, the Appalachian Trail, the newly acquired AMC lands, and the 100 Mile Wilderness Area make them important to the States effort to expand the 100 mile Wilderness Area. The distribution and size of the 55 pristine ponds on which 500-foot wide permanent conservation easements are proposed, is evident on the map – a white ring around each serves to highlight them.

Also very important are the green bands of color along the shores of all the other lakes and ponds under Plum Creek ownership. These denote shoreland easements on the waterbody, about 70% of which will also be placed in permanent conservation easements.

The map also shows the approximate location of the ITS snowmobile trail easement as well as the Peak-to-Peak trail that will come under a permanent easement. Ultimately, this trail will encircle the lower part of Moosehead and also link to the Appalachian Trail, over different ownerships. Plum Creek’s earlier sale of 29 miles of shoreland on the eastern shore of Moosehead Lake – from Kineo to Lily Bay is also discernable.

The development proposed is shown using three symbols representing residential lot development (as orange dots), commercial campgrounds (as small yellow diamonds), and a large commercial site (as a brown rectangle). A green triangle, representing the proposed tourist facility is in Lily Bay Township and a lodge (shown as a blue hexagon) is on the South Brassua Peninsula,





# Resource Plan Summary

## RESOURCE PLAN for PLUM CREEK'S GATEWAY LANDS in the MOOSEHEAD LAKE REGION

**Consultants:**  
 Kent Associates  
 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
 S.W. Cole Engineering, Inc.  
 Perkins, Thompson, Hinckley & Keddy PA  
 Verrill Dana LLP

### Legend

- Plum Creek Ownership Subject to Resource Plan
- The Roaches - Possible Conservation Sale to the State
- Private, State, Federal Land in Conservation
- Rivers - Lakes - Ponds
- Pristine Pond - permanent, 500' deep, conservation easement
- Limited Development - with  $\pm 58\%$  to  $\pm 80\%$  of shore, 500' deep, under a permanent conservation easement
- Major Road
- Appalachian Trail
- ITS Snowmobile Trail within Plan Area
- ITS Snowmobile Trail not within Plan Area
- Proposed Hiking Trail
- Proposed Hiking Trail outside Plan Area
- Proposed total lots (on shore or back lot) - Size of circle indicates relative number of lots
- Proposed tourist facility
- Proposed commercial / industrial location
- Proposed commercial campground location
- Proposed lodge

0                      4                      8  
 Miles  
 1 inch equals 4 miles

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## *Part IV: Plan Details*

### **Introduction**

This part of the Plan describes all of the planned development and conservation in greater detail. The purpose is to describe each development by type and geographic area. Thus, for example, there are several pages and detailed maps explaining all of the development and conservation proposed around Long Pond or Upper Wilson Pond. Altogether, about 15 residential areas and 48 development clusters are described and mapped. By reviewing this material, the reader will also gain a better understanding of the size of the planning area (which is larger than many Maine counties) and the distances separating different development proposals and the small amount of land devoted to development (just 2.2%).

This part also provides more in-depth information about the quality controls, standards, planned land uses, and easement language proposed under this Plan. Larger scale maps that show the general locations of all proposed subdivisions are also included here – along with diagrams that illustrate proto-typical lot layouts. All of this material will be expanded upon once the Plan is approved and separate subdivision or development applications are submitted to LURC, in accordance with the requirements of Chapter 10.

### **Summary Tables of Proposed Conservation and Development**

The tables that follow summarize key statistical information about the Plan. The first table includes information about the 55 pristine ponds where the entire shoreland of each pond will be permanently protected. The second table provides information about the 15 lakes and ponds (and one river) where most of the shoreland will be protected, while a smaller portion is developed over time. The second table also provides information about the total number of existing buildings on each waterbody and on backland, along with information on shorefront ownership, acreage, and percentage of shoreland conserved and developed. Later maps in this section show the location of various subdivisions (on the shore or in back areas) on each lake or pond.

**Table 1 : Lakes and Ponds with No Development (Pristine Ponds)**

LAKE/POND	TOWNSHIP	LURC LAKE CLASS.	EXISTING WATERFRONT CAMPS	PROPOSED LOTS	PROPOSED MAXIMUM LOT ACRES	TOTAL WATERFRONTAGE OWNED BY PC	PROPOSED WATERFRONTAGE IN LOTS	PROPOSED WATERFRONTAGE IN CONSERVATION	PROPOSED ACREAGE IN CONSERVATION	PERCENTAGE OF WATERFRONTAGE IN LOTS	PERCENTAGE OF WATERFRONTAGE IN CONSERVATION
10000 Acre Pond	Chase Stream	7	0	0	0	5,810	0	5,810	67	0%	100%
1st West Branch Pond	Shawtown	7	1	0	0	16,300	0	16,300	187	0%	100%
2nd West Branch Pond	Shawtown	7	0	0	0	13,000	0	13,000	149	0%	100%
4th Roach Pond	Shawtown	1,6	0	0	0	22,300	0	22,300	256	0%	100%
4th West Branch Pond	Shawtown	7	0	0	0	1,600	0	1,600	18	0%	100%
Bates Pond	Chase Stream	7	0	0	0	1,400	0	1,400	16	0%	100%
Beaver Pond	Shawtown	6	0	0	0	5,200	0	5,200	60	0%	100%
Bluff Pond	Frenchtown	6	0	0	0	2,500	0	2,500	29	0%	100%
Brown Pond	West Bowdoin	7	0	0	0	4,000	0	4,000	46	0%	100%
Chase Str Pond	Misery	6	0	0	0	4,140	0	4,140	48	0%	100%
Chase Stream Pond	Chase Stream	7	1	0	0	3,900	0	3,900	45	0%	100%
Chub Pond	Chase Stream	7	0	0	0	2,400	0	2,400	28	0%	100%
Cold Stream Pond	Misery	7	0	0	0	26,300	0	26,300	302	0%	100%
Cranberry Pond	West Bowdoin	6	0	0	0	2,600	0	2,600	30	0%	100%
Demo Pond	Rockwood Strip West	7	0	0	0	11,200	0	11,200	129	0%	100%
Flat Iron Pond	Chase Stream	7	0	0	0	2,400	0	2,400	28	0%	100%
Fletcher Pond East	Brassua	7	0	0	0	8,800	0	8,800	101	0%	100%
Fletcher Pond West	Brassua	7	0	0	0	8,000	0	8,000	92	0%	100%
Fogg Pond	Long Pond	7	0	0	0	9,700	0	9,700	111	0%	100%
Fogg Pond	West Bowdoin	6	0	0	0	5,600	0	5,600	64	0%	100%
Hedgehog Pond	West Bowdoin	7	0	0	0	7,400	0	7,400	85	0%	100%
Horseshoe	Chase Stream	7	1	0	0	5,700	0	5,700	65	0%	100%
Horseshoe Pond	West Bowdoin	7	3	0	0	300	0	300	3	0%	100%
Indian Pond	West Bowdoin	7	0	0	0	10,400	0	10,400	119	0%	100%
Island Pond	Chase Stream	7	0	0	0	5,700	0	5,700	65	0%	100%
Jewett Pond	Spencer Bay	7	0	0	0	3,100	0	3,100	36	0%	100%
Knights Pond	Chase Stream	7	0	0	0	2,000	0	2,000	23	0%	100%
Lazy Tom Bog	T1 R13	7	0	0	0	3,400	0	3,400	39	0%	100%
Leith Pond	Brassua	7	0	0	0	7,000	0	7,000	80	0%	100%
Little Chase Stream Pond	Misery	7	0	0	0	4,840	0	4,840	56	0%	100%
Little Indian Pond	Squaretown	7	0	0	0	5,200	0	5,200	60	0%	100%
Little Otter Pond	Sandwich Academy	7	0	0	0	2,800	0	2,800	32	0%	100%
Long Bog	Shawtown	7	0	0	0	4,665	0	4,665	54	0%	100%
Long Pond	Elliotsville	7	0	0	0	2,500	0	2,500	29	0%	100%
Long Pond	Chase Stream	7	0	0	0	5,800	0	5,800	67	0%	100%
Lost Pond	Thorndike	7	0	0	0	2,700	0	2,700	31	0%	100%
Lucky Pond	Spencer Bay	7	0	0	0	29,600	0	29,600	340	0%	100%
Misery Pond	Misery	7	0	0	0	11,500	0	11,500	132	0%	100%
Mountain Pond	West Bowdoin and Beaver Cove	6	0	0	0	9,000	0	9,000	103	0%	100%
Mud Pond	Thorndike	7	0	0	0	8,750	0	8,750	100	0%	100%
Mud Pond	Chase Stream	7	0	0	0	3,700	0	3,700	42	0%	100%
Mud Pond	Beaver Cove	7	0	0	0	15,600	0	15,600	179	0%	100%

<b>Muskrat Pond</b>	Thorndike	7	0	0	0	10,000	0	10,000	115	0%	100%
<b>Notch Pond</b>	West Bowdoin	6	0	0	0	2,000	0	2,000	23	0%	100%
<b>Otter Pond</b>	Sandwich Academy	7	0	0	0	3,800	0	3,800	44	0%	100%
<b>Roderique Pond</b>	Sandwich Academy	7	0	0	0	7,400	0	7,400	85	0%	100%
<b>Round Pond</b>	Chase Stream	7	0	0	0	4,850	0	4,850	56	0%	100%
<b>Rum Pond</b>	West Bowdoin	7	0	0	0	7,300	0	7,300	84	0%	100%
<b>Scribner Bog</b>	Squartwon	7		0	0	6,300	0	6,300	72	0%	100%
<b>Secret Pond</b>	Elliotville	7	0	0	0	3,330	0	3,330	38	0%	100%
<b>Spencer Pond</b>	Spencer Bay	7	0	0	0	21,120	0	21,120	242	0%	100%
<b>Squirtgun Flowage</b>	Chase Stream	7	0	0	0	7,100	0	7,100	81	0%	100%
<b>Tomhegan Pond</b>	West Middlesex	7	0	0	0	14,500	0	14,500	166	0%	100%
<b>Trout Pond</b>	Shawtown	7	0	0	0	14,900	0	14,900	171	0%	100%
<b>Upper Misery Pond</b>	Misery	7	0	0	0	3,830	0	3,830	44	0%	100%
		n/a	0	0	0	415,235	0	415,235	4766	0%	100%

**Table 2 : Development Areas**

SITE	LAKE/POND	TOWNSHIP(S)	DEVELOPMENT TYPE	LURC LAKE CLASS.	EXISTING WATERFRONT CAMPS	PROPOSED LOTS	PROPOSED MAXIMUM LOT ACRES	TOTAL WATERFRONTAGE OWNED BY PC	PROPOSED WATERFRONTAGE IN LOTS	PROPOSED WATERFRONTAGE IN CONSERVATION	PROPOSED ACREAGE IN CONSERVATION	PERCENTAGE OF WATERFRONTAGE IN LOTS	PERCENTAGE OF WATERFRONTAGE IN CONSERVATION
<b>Large Pond, Lake and Backland Sites</b>													
A	Brassua Lake		Shorefront Lots	3	71	189	567	204,600	47,250	157,350	1,806	23%	77%
		Rockwood East	Back Lots	N/A	N/A	80	400	N/A	N/A	N/A	N/A	N/A	N/A
B	Moosehead Lake		Shorefront Lots	7,3	N/A	103	309	75,680	31,730	43,950	504	42%	58%
			Back Lots	N/A	N/A	75	375	N/A	N/A	N/A	N/A	N/A	N/A
C	Lily Bay Township	Lily Bay	Back Lots	N/A	N/A	190	950	N/A	N/A	N/A	N/A	N/A	N/A
D	Long Pond	Long Pond	Shorefront Lots	3	49	80	240	68,000	20,000	48,000	551	29%	71%
E	Indian Pond	Indian Stream & Squaretown	Shorefront Lots	3	9	35	105	27,300	8,190	19,110	219	30%	70%
F	Prong Pond	Beaver Cove	Shorefront Lots	7	3	30	90	30,850	7,500	23,350	268	24%	76%
			Back Lots	N/A	N/A	25	125	N/A	N/A	N/A	N/A	N/A	N/A
G	Upper Wilson Pond	West Bowdoin	Shorefront Lots	7	15	30	90	41,700	7,500	34,200	393	18%	82%
H	Moose River	Sandwich Academy	Shorefront Lots	N/A	0	30	90	44,600	7,500	37,100	426	17%	83%
I	Kennebec Interior	Big Moose	Back Lots	N/A	N/A	30	150	N/A	N/A	N/A	N/A	N/A	N/A
J	Burnham Pond	Big Moose	Shorefront Lots	7	0	20	60	20,500	5,000	15,500	178	24%	76%
<b>Small Pond Sites</b>													
M	Fish Pond	Thorndike	Shorefront Lots	7	1	6	18	15,500	1,500	14,000	161	10%	90%
K	Ellis Pond	Chase Stream	Shorefront Lots	7*	1	8	24	11,100	2,000	9,100	104	18%	82%
L	Luther Pond	Thorndike	Shorefront Lots	7	1	6	18	13,700	1,500	12,200	140	11%	89%
N	Center Pond	Soldiertown	Shorefront Lots	7*	2	5	15	8,300	1,250	7,050	81	15%	85%
O	Knights Pond	Squaretown	Shorefront Lots	7	2	5	15	5,200	1,040	4,160	48	20%	80%
<b>Sites in the Roaches Area</b>													
P	2nd Roach Pond	T1 R12	Shorefront Lots	7	1	10	30	57,800	2,500	55,300	635	4%	96%
Q	3rd Roach Pond	Shawtown	Shorefront Lots	7	3	10	30	46,400	2,500	43,900	504	5%	95%
R	Penobscot Pond	T1 R12	Shorefront Lots	7	7	8	24	11,500	2,000	9,500	109	17%	83%
<b>Development Areas</b>						<b>975</b>	<b>3,725</b>	<b>682,730</b>	<b>148,960</b>	<b>533,770</b>	<b>6,127</b>	<b>22%</b>	<b>78%</b>
<b>Total Waterfront</b>						<b>975</b>	<b>3,725</b>	<b>1,097,965</b>	<b>148,960</b>	<b>949,005</b>	<b>10,893</b>	<b>14%</b>	<b>86%</b>

**Table 3 : Breakdown of Shore Development on Brassua and Moosehead by MCD**

LAKE/POND	TOWNSHIP(S)	LURC LAKE CLASS.	EXISTING WATERFRONT CAMPS	PROPOSED LOTS	PROPOSED MAXIMUM LOT ACRES	TOTAL WATERFRONTAGE OWNED BY PC	PROPOSED WATERFRONTAGE IN LOTS	PROPOSED WATERFRONTAGE IN CONSERVATION	PROPOSED ACREAGE IN CONSERVATION	PERCENTAGE OF WATERFRONTAGE IN LOTS	PERCENTAGE OF WATERFRONTAGE IN CONSERVATION
<b>Brassua Lake (North)</b>	Brassua	3	1	40	120	50,500	10,000	40,500	465	20%	80%
<b>Brassua Lake (North)</b>	Rockwood Strip West	3	0	40	120	51,200	10,000	41,200	473	20%	80%
<b>Brassua Lake (South)</b>	Taunton and Raynham	3	69	59	177	40,000	14,750	25,250	290	37%	70%
<b>Brassua Lake (South)</b>	Rockwood East	3	0	25	75	13,700	6,250	7,450	86	46%	54%
<b>Brassua Lake (South)</b>	Rockwood Strip West	3	0	15	45	4,200	3,750	450	5	89%	11%
<b>Brassua Lake (South)</b>	Sandwich Academy	3	1	10	30	45,000	2,500	42,500	488	6%	94%
<b>Totals for Brassua</b>			<b>71</b>	<b>189</b>	<b>567</b>	<b>204,600</b>	<b>47,250</b>	<b>157,350</b>	<b>1,806</b>	<b>23%</b>	<b>77%</b>

LAKE/POND	TOWNSHIP(S)	LURC LAKE CLASS.	EXISTING WATERFRONT CAMPS	PROPOSED LOTS	PROPOSED MAXIMUM LOT ACRES	TOTAL WATERFRONTAGE OWNED BY PC	PROPOSED WATERFRONTAGE IN LOTS	PROPOSED WATERFRONTAGE IN CONSERVATION	PROPOSED ACREAGE IN CONSERVATION	PERCENTAGE OF WATERFRONTAGE IN LOTS	PERCENTAGE OF WATERFRONTAGE IN CONSERVATION
<b>Moosehead (Carleton Point)</b>	Lily Bay	7	see above	10	30	5,000	5,000	0	0	100%	0%
<b>Moosehead (Deep Cove)</b>	Big Moose	7	16	25	75	8,000	6,250	1,750	20	78%	22%
<b>Moosehead (Squaw Bay)</b>	Big Moose	7	0	8	24	5,100	3,000	2,100	24	59%	41%
<b>Moosehead (Stevens Point)</b>	Lily Bay	7	128	6	18	2,980	2,980	0	0	100%	0%
<b>Moosehead Lake</b>	Big W Twp.	7	47	31	93	33,000	7,750	25,250	290	23%	77%
<b>Moosehead Lake</b>	Sandbar Tract	7	24	2	6	500	500	0	0	100%	0%
<b>Moosehead Lake</b>	Taunton and Raynham	7		2	6	4,200	1,500	2,700	31	36%	64%
<b>Moosehead Lake</b>	Sapling	7	21	19	57	16,900	4,750	12,150	139	28%	72%
<b>Totals for Moosehead</b>				<b>103</b>	<b>309</b>	<b>75,680</b>	<b>31,730</b>	<b>43,950</b>	<b>504</b>	<b>42%</b>	<b>58%</b>

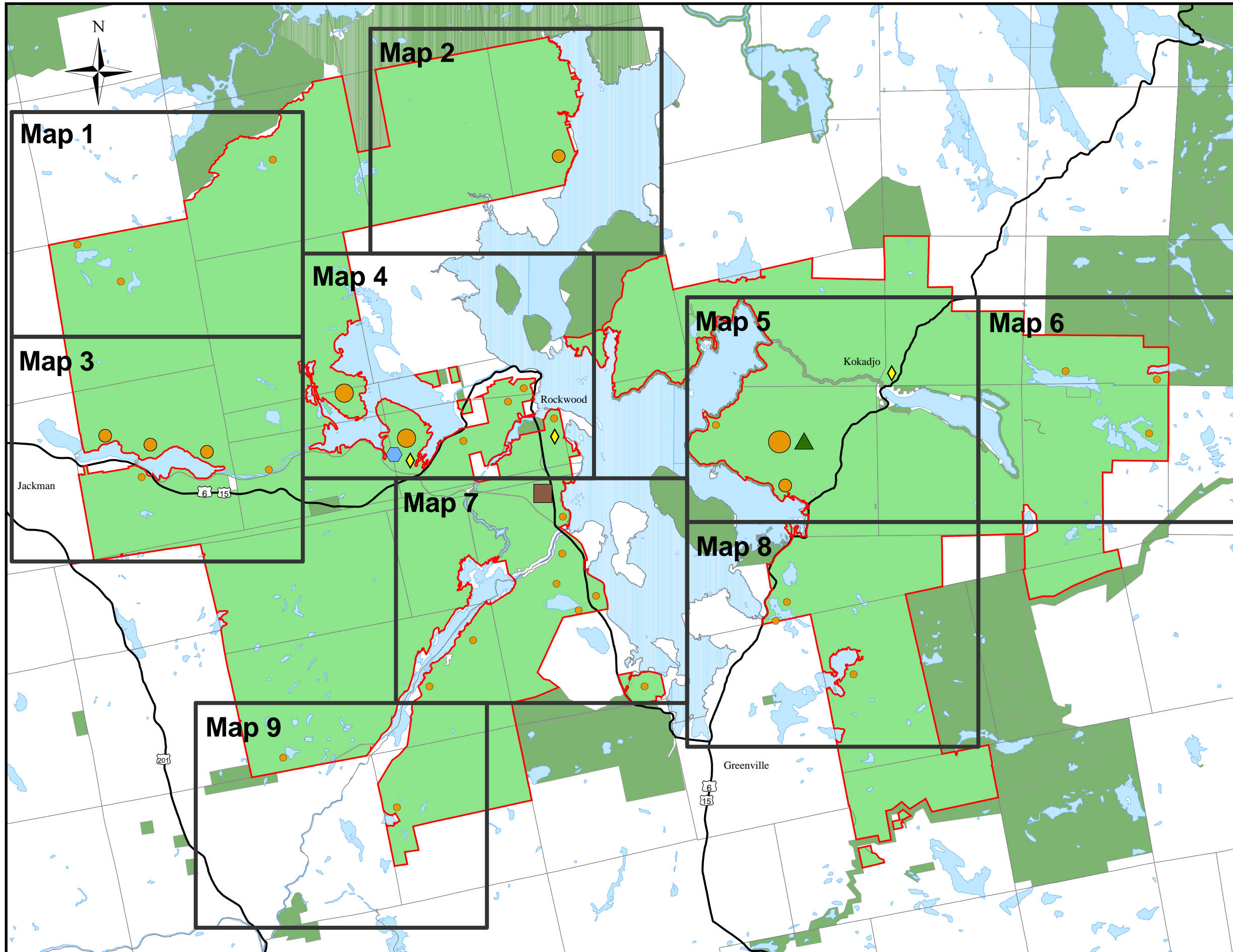


## **Proposed Development**

Given the size of the Plan Area and the diverse locations and types of development proposed, the following sections describe the development and illustrate it on a series of 9 Detail Maps. In so doing, residential areas, designated A through R, are identified and described in the text. Another six Plan components are designated as Areas S through X; these describe the tourist facilities, the campgrounds, and other proposed facilities. Reviewers of this Plan should refer to these Area plans (A through X) to learn more about Plan details.

Part VII provides land use information about the zones in which the proposed development is located.

The Index map that follows shows the Plan Area and nine Detail Maps within it. These maps, numbered 1 through 9 are used, and referenced, throughout the following sections. The maps depict those general geographic areas where development is proposed and serve to show where the general areas of subdivisions and other development zones are located. All subdivisions are recorded on one or more of the Detail Maps; the reference code has five letters and/or numbers (e.g., BWS-B2, in this case indicating that the subdivision is located on Brassua's West Side and is the second of two Backlot proposals).

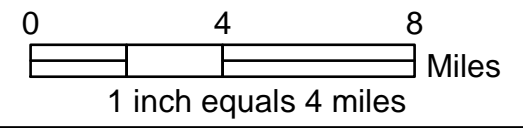


**Map Index**

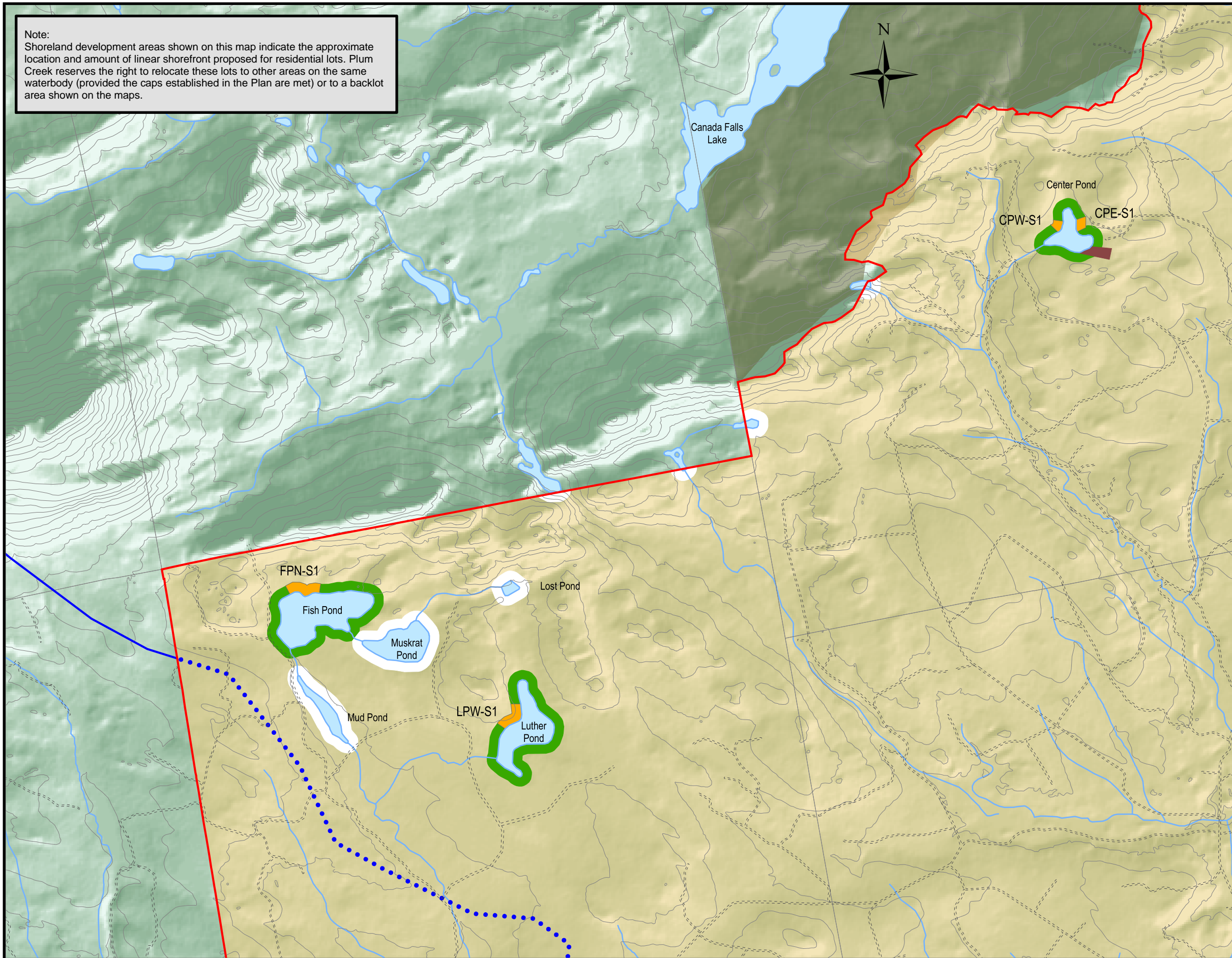
**RESOURCE PLAN**  
**for**  
**PLUM CREEK'S**  
**GATEWAY LANDS**  
**in the**  
**MOOSEHEAD LAKE REGION**

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- Legend**
- Plum Creek Ownership Subject to Resource Plan
  - Private, State, Federal Land in Conservation
  - Rivers - Lakes - Ponds
  - Major Road
  - Proposed lots (on shore or back lot) - Size of circle indicates relative number of lots
  - Proposed tourist facility
  - Proposed commercial / industrial location
  - Proposed commercial campground location
  - Proposed lodge



Note:  
 Shoreland development areas shown on this map indicate the approximate location and amount of linear shorefront proposed for residential lots. Plum Creek reserves the right to relocate these lots to other areas on the same waterbody (provided the caps established in the Plan are met) or to a backlot area shown on the maps.










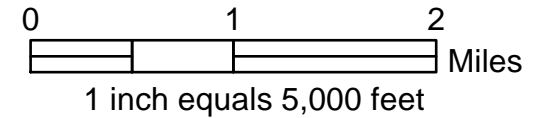
# Map 1

## RESOURCE PLAN for PLUM CREEK'S GATEWAY LANDS in the MOOSEHEAD LAKE REGION

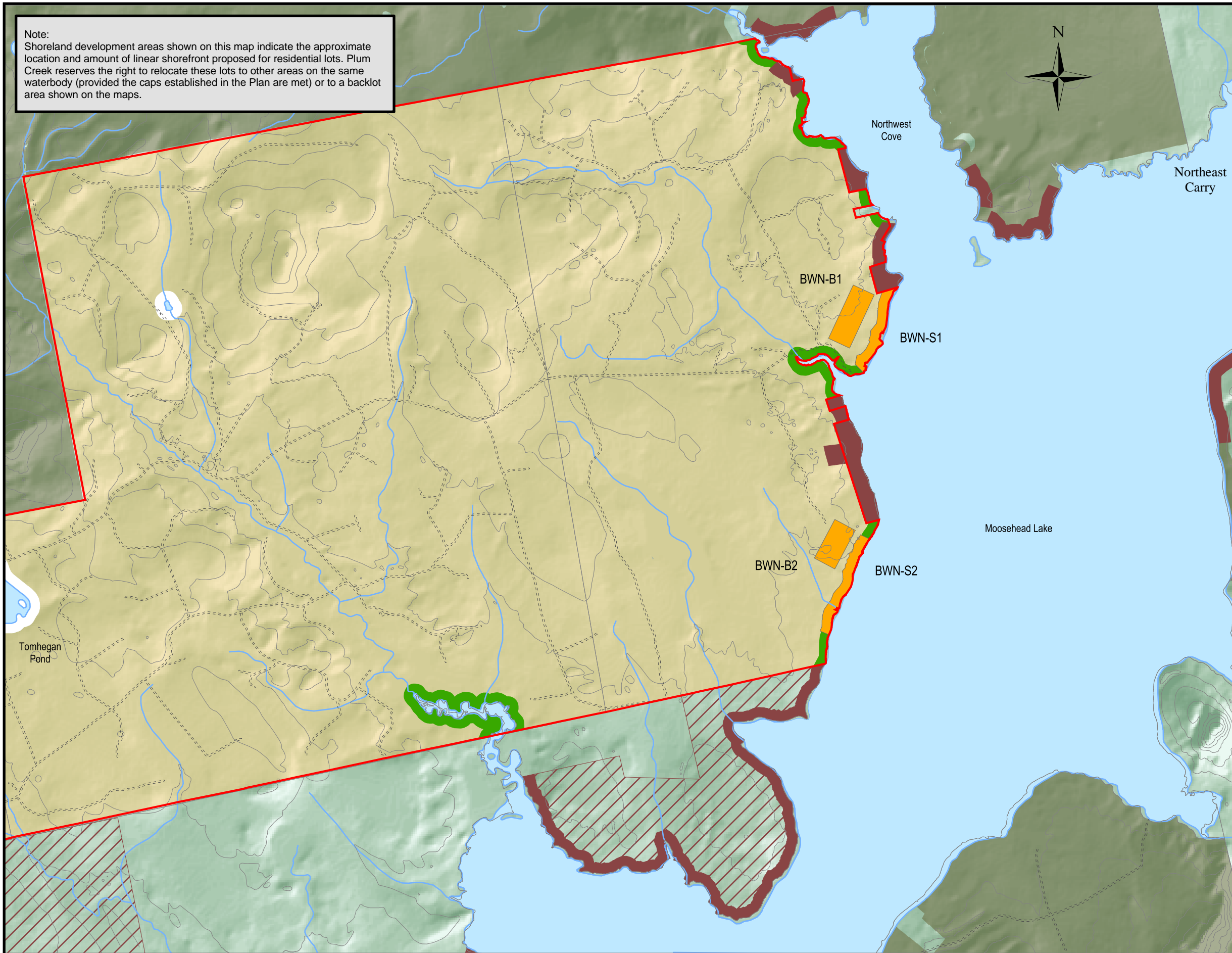
**Consultants:**  
 Kent Associates  
 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
 S.W. Cole Engineering, Inc.  
 Perkins, Thompson, Hinckley & Keddy PA  
 Verrill Dana LLP

### Legend

-  Plum Creek Ownership Subject to Resource Plan
-  Private, State, Federal Land in Conservation
-  Rivers - Lakes - Ponds
-  Pristine Pond - with permanent, 500' deep, conservation easement
-  Limited Development - with ±80% 500' deep, under a permanent conservation easement
-  Major Road
-  Forest Management Road
-  Railroad
-  Appalachian Trail
-  ITS Snowmobile Trail within Plan Area
-  ITS Snowmobile Trail not within Plan Area
-  Proposed Hiking Trail
-  Proposed Hiking Trail outside Plan Area
-  Proposed lots (on shore or back lot)
-  Proposed tourist facility
-  Proposed commercial / industrial location
-  Proposed commercial campground location
-  Proposed lodge
-  Existing development or LURC Development District
-  Existing 40 Acre subdivision



Note:  
 Shoreland development areas shown on this map indicate the approximate location and amount of linear shorefront proposed for residential lots. Plum Creek reserves the right to relocate these lots to other areas on the same waterbody (provided the caps established in the Plan are met) or to a backlot area shown on the maps.



# Map 2

## RESOURCE PLAN for PLUM CREEK'S GATEWAY LANDS in the MOOSEHEAD LAKE REGION

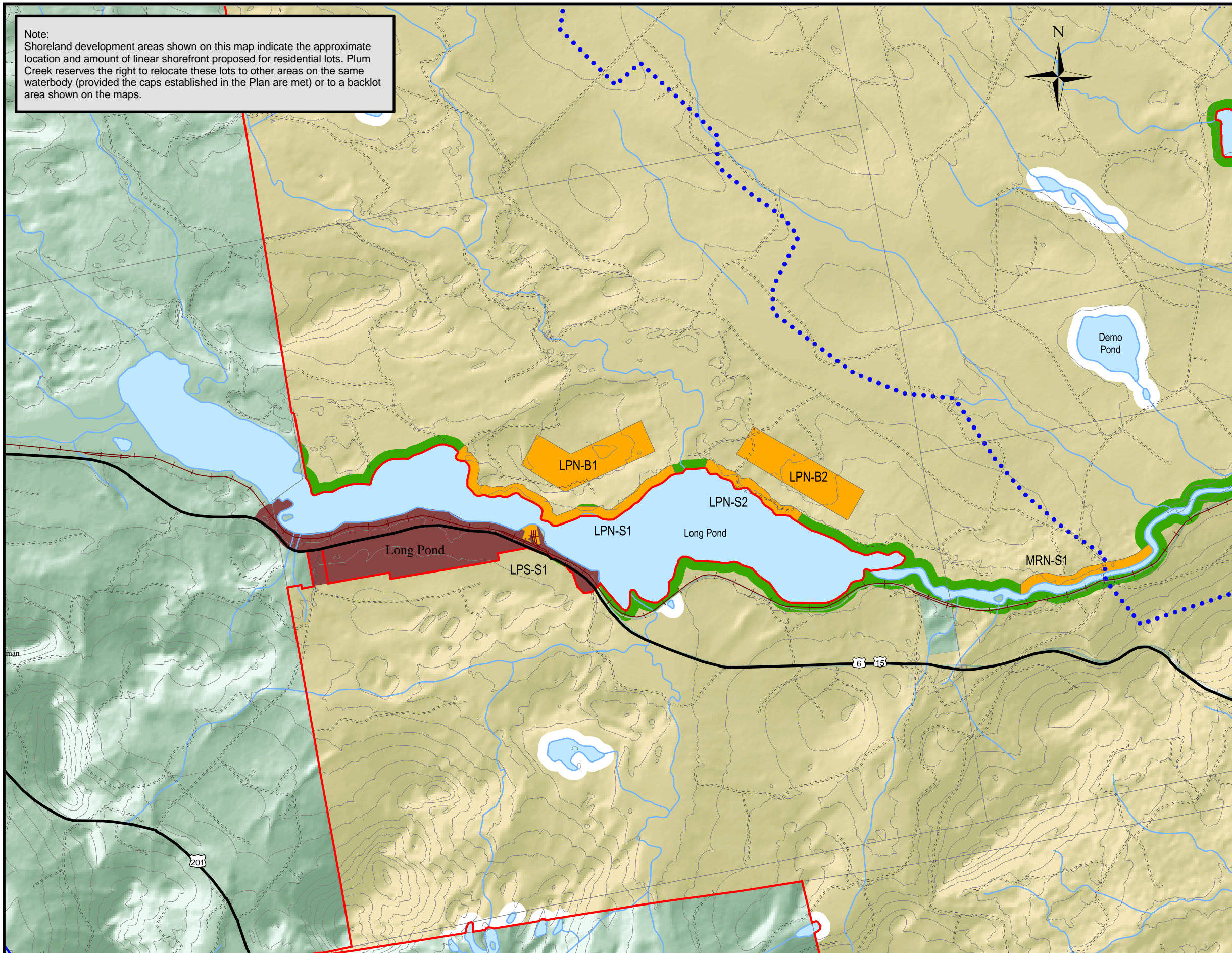
**Consultants:**  
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 Verrill Dana LLP

**Legend**

- Plum Creek Ownership Subject to Resource Plan
- Private, State, Federal Land in Conservation
- Rivers - Lakes - Ponds
- Pristine Pond - with permanent, 500' deep, conservation easement
- Limited Development - with ±58% 500' deep, under a permanent conservation easement
- Major Road
- Forest Management Road
- Railroad
- Appalachian Trail
- ITS Snowmobile Trail within Plan Area
- ITS Snowmobile Trail not within Plan Area
- Proposed Hiking Trail
- Proposed Hiking Trail outside Plan Area
- Proposed lots (on shore or back lot)
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- Proposed commercial / industrial location
- Proposed commercial campground location
- Proposed lodge
- Existing development or LURC Development District
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0 1 2 Miles  
 1 inch equals 5,000 feet

Note:  
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# Map 3

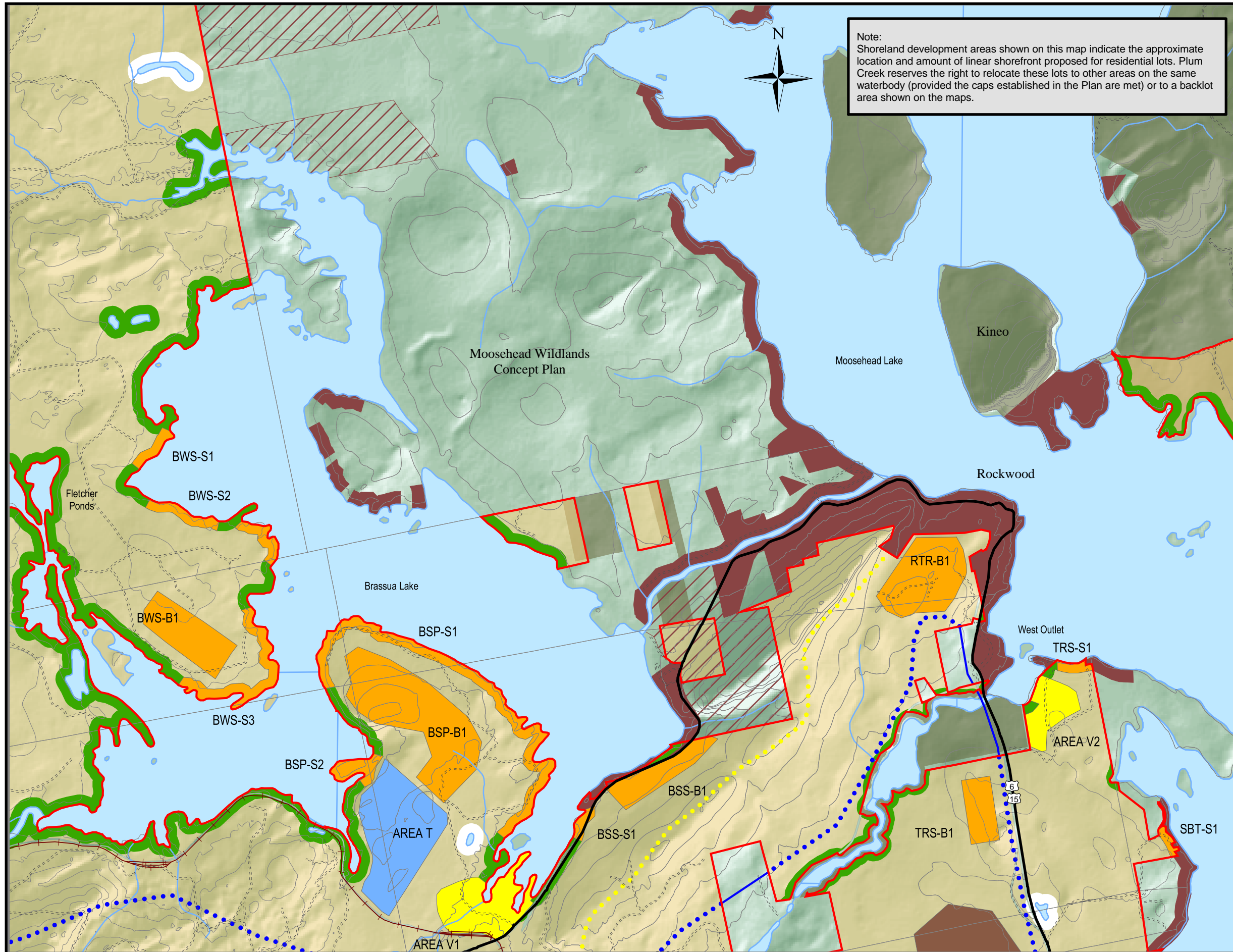
## RESOURCE PLAN for PLUM CREEK'S GATEWAY LANDS in the MOOSEHEAD LAKE REGION

**Consultants:**  
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 Verrill Dana LLP

**Legend**

- Plum Creek Ownership Subject to Resource Plan
- Private, State, Federal Land in Conservation
- Rivers - Lakes - Ponds
- Pristine Pond - with permanent, 500' deep, conservation easement
- Limited Development - with ±70% 500' deep, under a permanent conservation easement
- Major Road
- Forest Management Road
- Railroad
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- Proposed Hiking Trail
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- Proposed lots (on shore or back lot)
- Proposed tourist facility
- Proposed commercial / industrial location
- Proposed commercial campground location
- Proposed lodge
- Existing development or LURC Development District
- Existing 40 Acre subdivision

0 1 2 Miles  
 1 inch equals 5,000 feet



**Map 4**

**RESOURCE PLAN  
for  
PLUM CREEK'S  
GATEWAY LANDS  
in the  
MOOSEHEAD LAKE REGION**

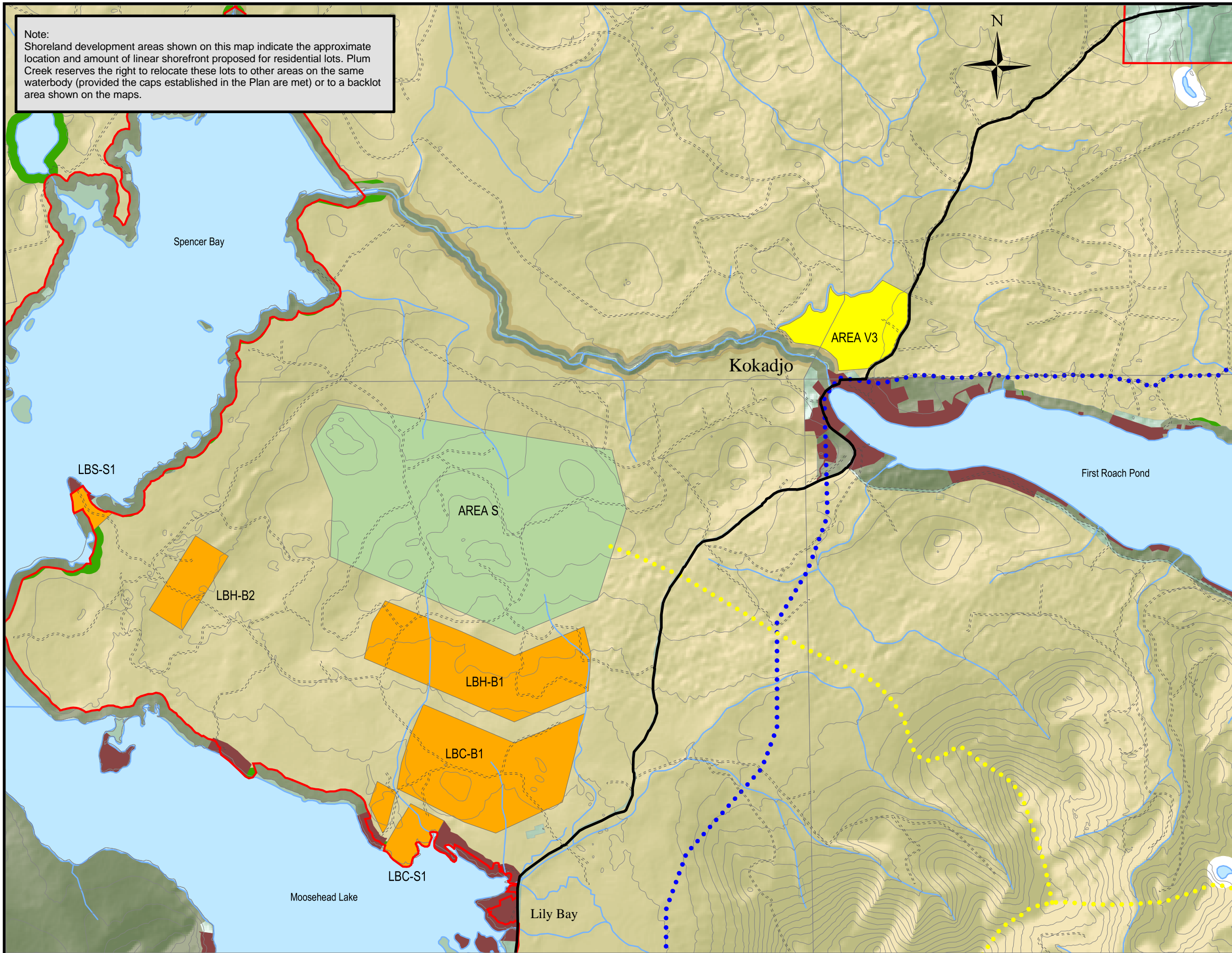
**Consultants:**  
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DeLuca-Hoffman Associates, Inc.  
S.W. Cole Engineering, Inc.  
Perkins, Thompson, Hinckley & Keddy PA  
Verrill Dana LLP

**Legend**

- Plum Creek Ownership Subject to Resource Plan
- Private, State, Federal Land in Conservation
- Rivers - Lakes - Ponds
- Pristine Pond - with permanent, 500' deep, conservation easement
- Limited Development - with ±58% Moosehead Lake, and ±70% Brassua Lake of shore, 500' deep, under a permanent conservation easement
- Major Road
- Forest Management Road
- Railroad
- Appalachian Trail
- ITS Snowmobile Trail within Plan Area
- ITS Snowmobile Trail not within Plan Area
- Proposed Hiking Trail
- Proposed Hiking Trail outside Plan Area
- Proposed lots (on shore or back lot)
- Proposed tourist facility
- Proposed commercial / industrial location
- Proposed commercial campground location
- Proposed lodge
- Existing development or LURC Development District
- Existing 40 Acre subdivision

0 1 2 Miles  
1 inch equals 5,000 feet

Note:  
 Shoreland development areas shown on this map indicate the approximate location and amount of linear shorefront proposed for residential lots. Plum Creek reserves the right to relocate these lots to other areas on the same waterbody (provided the caps established in the Plan are met) or to a backlot area shown on the maps.



# Map 5

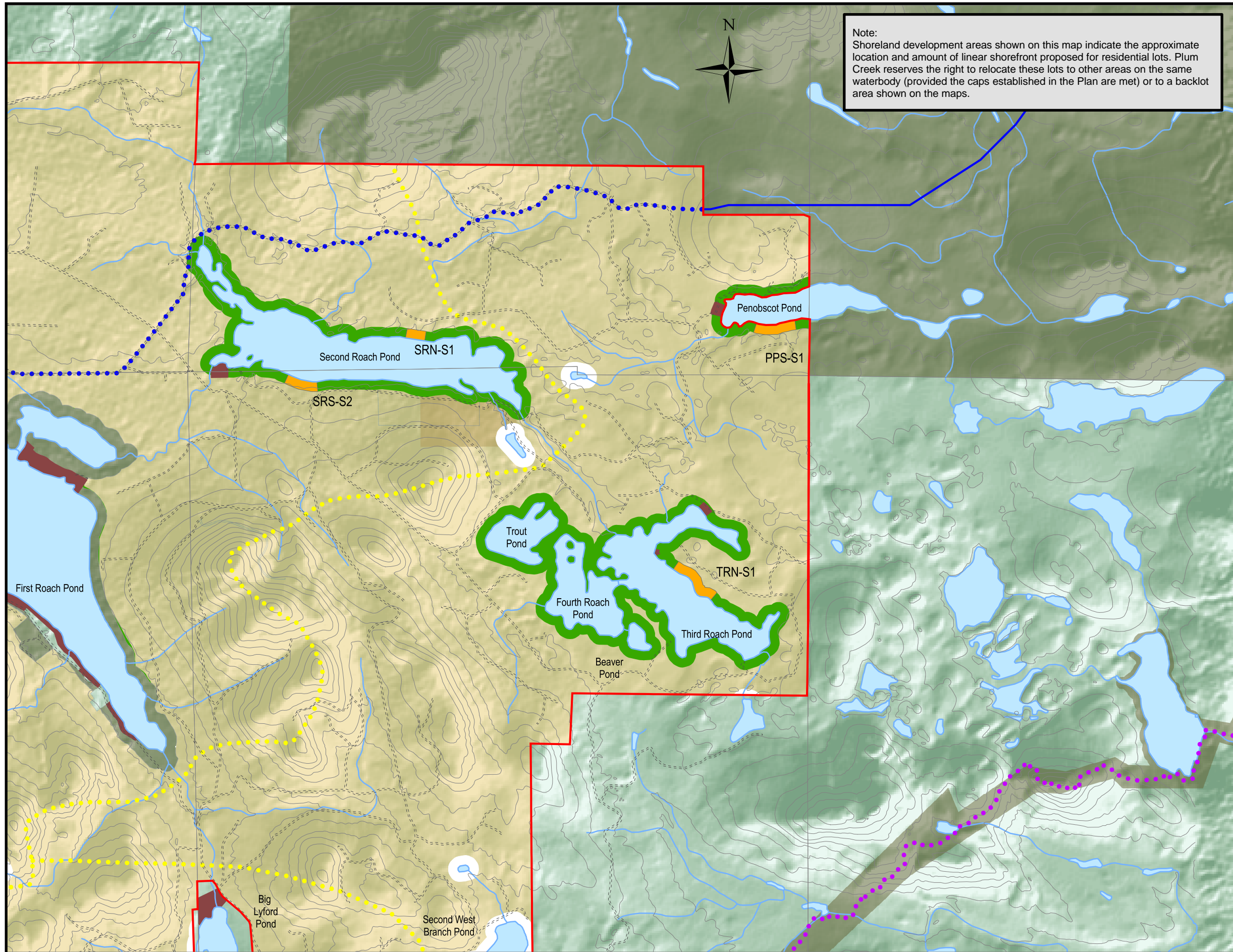
## RESOURCE PLAN for PLUM CREEK'S GATEWAY LANDS in the MOOSEHEAD LAKE REGION

**Consultants:**  
 Kent Associates  
 Barton & Gingold  
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 Verrill Dana LLP

### Legend

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- Private, State, Federal Land in Conservation
- Rivers - Lakes - Ponds
- Pristine Pond - with permanent, 500' deep, conservation easement
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- Existing development or LURC Development District
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 1 inch equals 5,000 feet



Note:  
 Shoreland development areas shown on this map indicate the approximate location and amount of linear shorefront proposed for residential lots. Plum Creek reserves the right to relocate these lots to other areas on the same waterbody (provided the caps established in the Plan are met) or to a backlot area shown on the maps.

# Map 6

## RESOURCE PLAN for PLUM CREEK'S GATEWAY LANDS in the MOOSEHEAD LAKE REGION

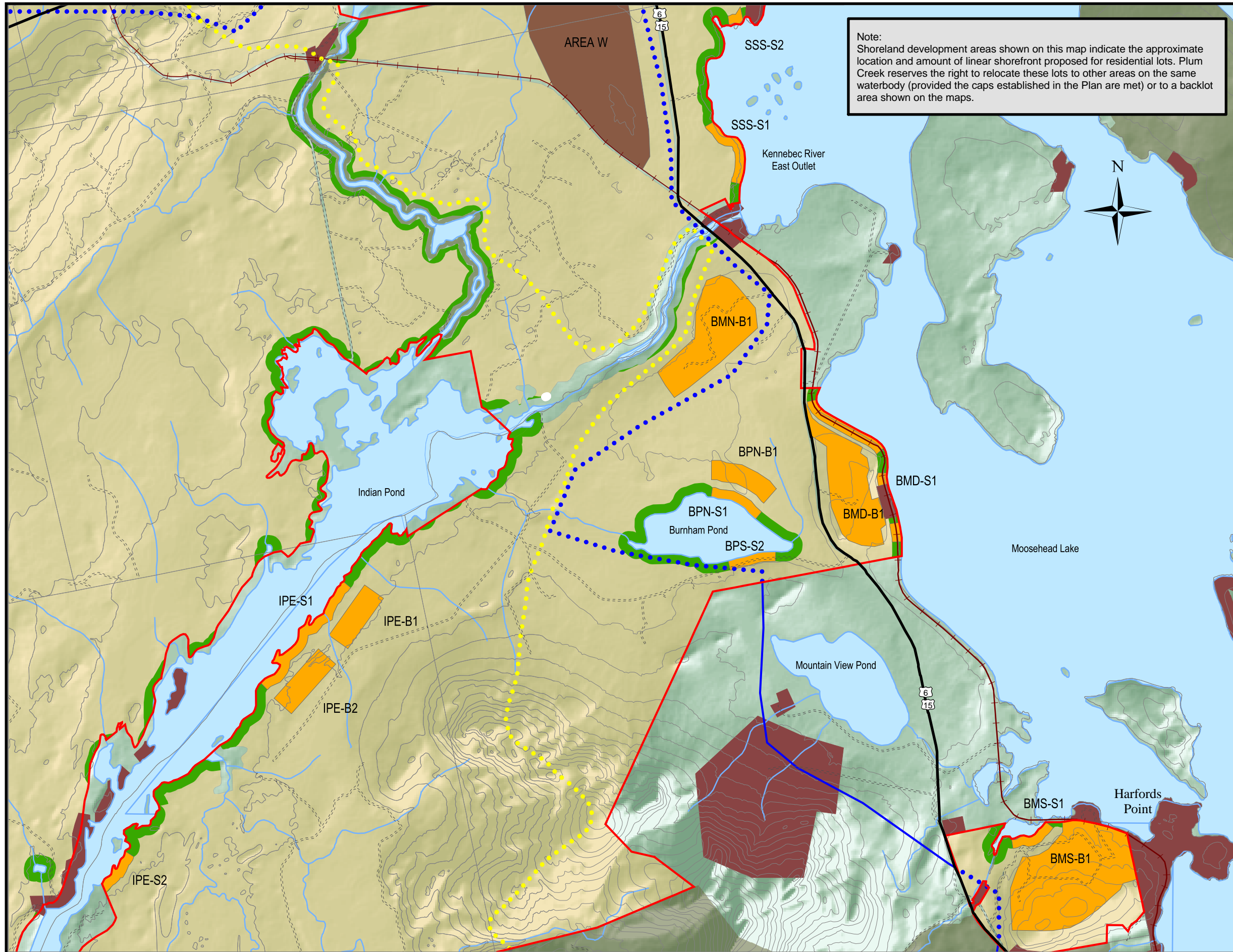
**Consultants:**  
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 Verrill Dana LLP

### Legend

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- Rivers - Lakes - Ponds
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- Proposed commercial / industrial location
- Proposed commercial campground location
- Proposed lodge
- Existing development or LURC Development District
- Existing 40 Acre subdivision

0 1 2 Miles  
 1 inch equals 5,000 feet





**Map 7**

**RESOURCE PLAN  
for  
PLUM CREEK'S  
GATEWAY LANDS  
in the  
MOOSEHEAD LAKE REGION**

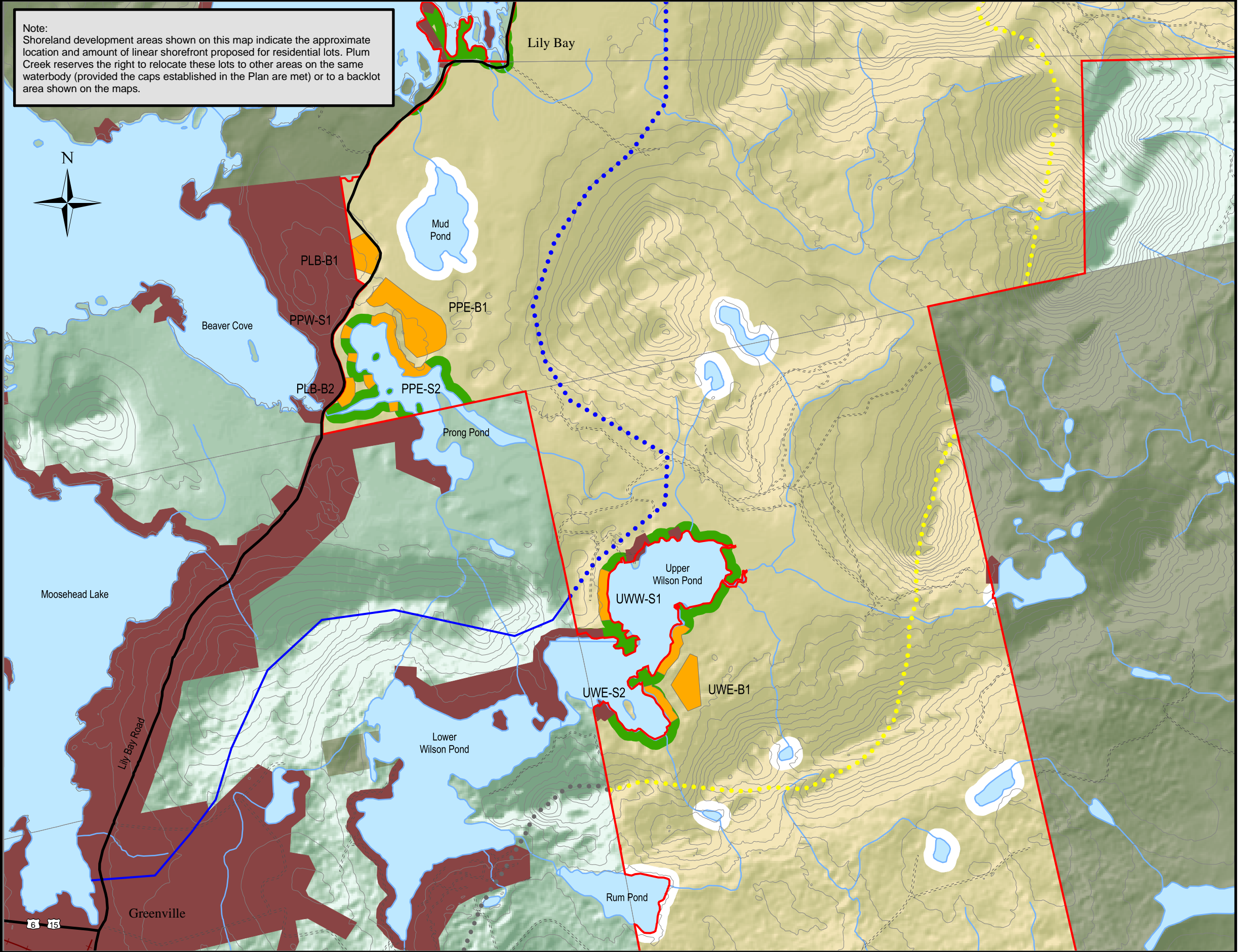
**Consultants:**  
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 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
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**Legend**

- Plum Creek Ownership Subject to Resource Plan
- Private, State, Federal Land in Conservation
- Rivers - Lakes - Ponds
- Pristine Pond - with permanent, 500' deep, conservation easement
- Limited Development - with ±58% Moosehead Lake, ±70% Indian Pond and ±80% Burnham Pond of shore, 500' deep, under a permanent conservation easement
- Major Road
- Forest Management Road
- Railroad
- Appalachian Trail
- ITS Snowmobile Trail within Plan Area
- ITS Snowmobile Trail not within Plan Area
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- Proposed lots (on shore or back lot)
- Proposed tourist facility
- Proposed commercial / industrial location
- Proposed commercial campground location
- Proposed lodge
- Existing development or LURC Development District
- Existing 40 Acre subdivision

0 1 2 Miles  
1 inch equals 5,000 feet

Note:  
Shoreland development areas shown on this map indicate the approximate location and amount of linear shorefront proposed for residential lots. Plum Creek reserves the right to relocate these lots to other areas on the same waterbody (provided the caps established in the Plan are met) or to a backlot area shown on the maps.



# Map 8

## RESOURCE PLAN for PLUM CREEK'S GATEWAY LANDS in the MOOSEHEAD LAKE REGION

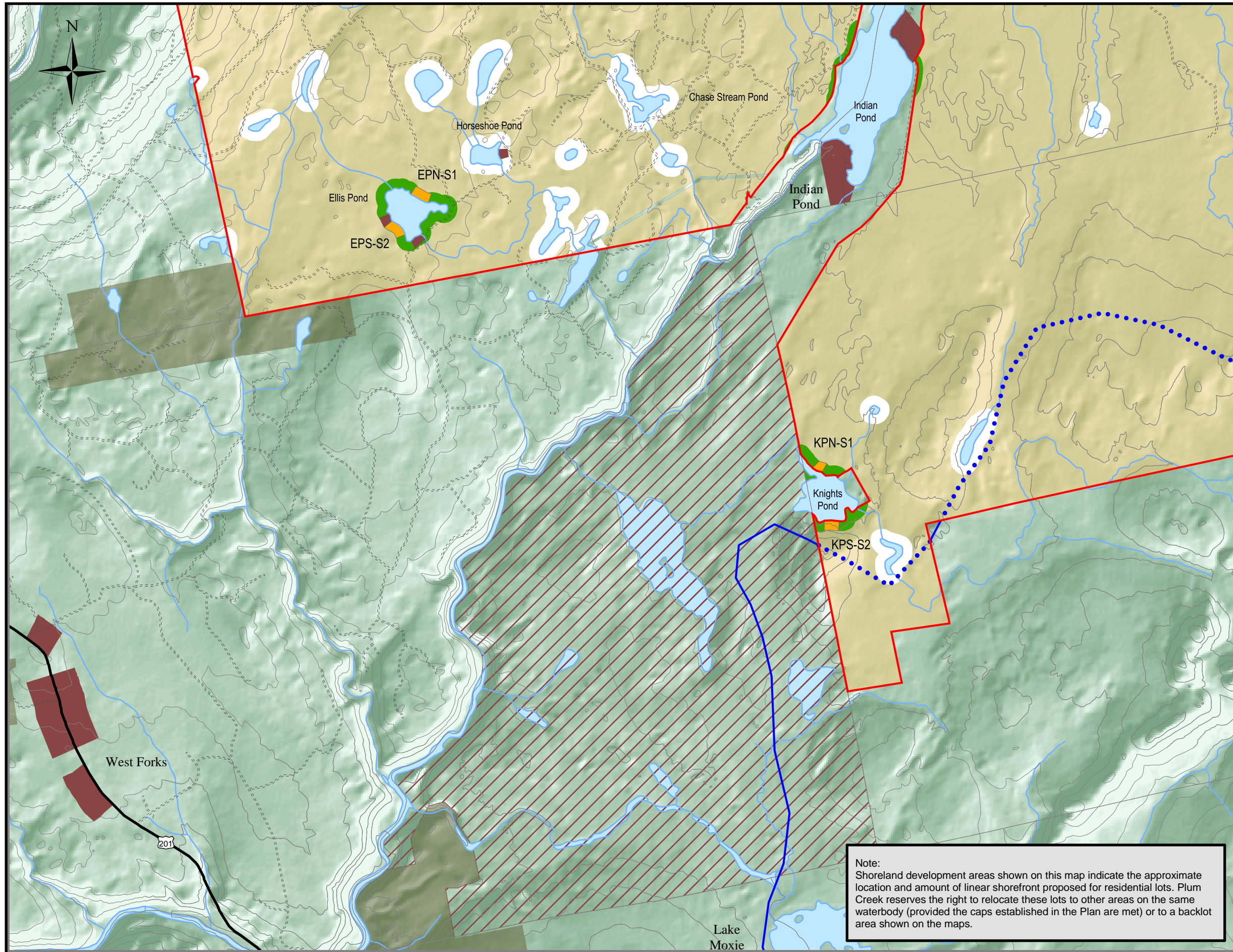
**Consultants:**  
Kent Associates  
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### Legend

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0 1 2 Miles

1 inch equals 5,000 feet



Note:  
 Shoreland development areas shown on this map indicate the approximate location and amount of linear shorefront proposed for residential lots. Plum Creek reserves the right to relocate these lots to other areas on the same waterbody (provided the caps established in the Plan are met) or to a backlot area shown on the maps.

# Map 9

## RESOURCE PLAN for PLUM CREEK'S GATEWAY LANDS in the MOOSEHEAD LAKE REGION

**Consultants:**  
 Kent Associates  
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### Legend

- Plum Creek Ownership Subject to Resource Plan
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0 1 2 Miles  
 1 inch equals 5,000 feet

## *Notes on the Area Descriptions*

- What's Included

The area descriptions that follow (A through X) include information that:

- provides **general statistical information** about proposed development and conservation in the subject area;
- describes the general **location and type of development**;
- provides specific information about **each lake or pond** on which development is proposed;
- describes: existing and proposed **access**; how **utilities** (specifically power) will be dealt with; and **existing development** within the vicinity;
- discusses **proposed conservation** associated with the area; and
- summarizes the **restrictive covenants** applicable to the subject area.

- Sources of Information

The following sources of information were used in compiling the Area Descriptions:

- original research by Plum Creek using USGS maps, aerial photography, and field work;
- LURC's Comprehensive Land Use Plan, specifically the Wildlands Lake Assessment;
- information from the State Assessor's Office and County Deed's offices;
- DeLorme's "Atlas" and LURC Land Use District maps (for 29 MCDs).

- Lake Phosphorous Impacts

On the advice of the LURC staff, Plum Creek has undertaken two phosphorous studies. These were for Brassua Lake and Long Pond because of the level of development proposed and the particular characteristics of these two water bodies. Additional studies, as appropriate, will be conducted on the other lakes and ponds where development is proposed at the time a subdivision application on that body of water is submitted to LURC, if not before.

- Proposed Conservation and No Development/Working Forest Zone

As has been described in Part III, a variety of conservation measures are to be made part of the Plan. Only those measures directly associated with the lake or pond Area Description are detailed here. Thus the benefits of the ND/WF zone, the conservation easements on the pristine ponds, and the trail easements are *not specifically mentioned* in each Area Description. They are integral to the entire Plan and are detailed later in this section.

- Resource Plan Detail

Although great care has been taken to provide accurate and reliable data, the details associated with lots and subdivisions within each Area may change if better information becomes available.

The reader should also be aware that the zones or areas proposed for commercial development (for large industry, campgrounds, and the Lily Bay tourist facility and the Brassua lodge) are “place-keeper” areas. They will most likely be developed by others and not Plum Creek. This Plan puts parameters on such development but does not attempt to predetermine the specific character of the resorts.

Shoreland development areas shown on the Detail Maps indicate the approximate location and amount of linear shoreline proposed for lots. Plum Creek reserves the right to relocate lots to other areas on the same waterbody or to backlot areas.

The total of number of shorelots listed on each waterbody is a cap for that waterbody. The total number of shorelots proposed is 575 (or 547 if The Roaches is sold to the State) however some of these may be transferred to backlots provided the total of 975 (or 947) is not exceeded.

The detailed Area descriptions that follow, along with the nine Detail Maps describe and show backlot areas or zones, appropriate for such lots. These areas (like the shoreland areas) are identified with a reference code (e.g. PLB-B2) and are the primary receiving areas for backlots and or transferred shoreland lots.

A second set of backland zones, also identified in the Area descriptions, and mapped on the Detail Maps provides additional areas to which lots may be transferred, should circumstances require. These reserve areas are close to, but set back from, shoreland lots on: Upper Wilson Pond, Long Pond, Big W, Burnham Pond, Indian Pond, East Outlet, and the southwest corner of Lily Bay Township. All mapped backlot areas cover substantially more land area than will be developed. The actual area developed will be determined when a subdivision application is made.

- **Common Open Space**  
Common open space associated with each subdivision will be held and managed by Homeowners Associations. The “developed” shorefrontage numbers that follow do not incorporate common land on the shore; “backlot” common open space acreage numbers are also not included. Individual subdivisions will (in most cases) have additional common open space associated with the lots. The “numbers” in the descriptions that follow do not provide information on the total amount of open space in each subdivision.

*Area A (Brassua Lake)*  
*see Detail Map 4*

**Statistical Information**

***Summary of Proposed Development***

- Total number of lots: 269  
Shorefront lots: 189  
Backlots: 80
- Total acres in lots: 967  
Acres in shorefront lots: 567  
Acres in backlots: 400
- Total shoreline developed on Lake: 47,250 feet (8.95miles)
- Percentage of shoreline developed on Lake: 23%

***Summary of Proposed Conservation***

- Total length of shore conserved: 157,350 feet (29.8 miles)
- Total shore acreage in conservation, on Lake: 1,806 acres
- Percentage of shoreline conserved: 77%

*Note: this conservation includes some homeowner association open space conserved by the association through its covenants.*

**Description of Proposed Development**

Development on Brassua is proposed on shoreland and backland lots on the west side, centered on Black Brook Hill, on the southeast, on the South Peninsula, and on land along the southernmost shore and Route 6/15. An area for a family lodge on a 500 acre site is also proposed for the Peninsula (See Area T) along with a campground with a small store located at the far southern end of the lake near Route 6/15 and near a public boat launch (see Area V description).

The 9 subdivisions that will accommodate up to 269 lots are identified below. They are also shown on Map 4.

Brassua West Side, Shorefront Subdivisions:

- BWS-S1 : north of the Black Brook peninsula
- BWS-S2 : north shore of the Black Brook peninsula
- BWS-S3 : southern shore of the Black Brook peninsula

Brassua West Side, Backlot Subdivisions

- BWS-B1 : southwest slopes of the Black Brook peninsula.

South Peninsula, Shorefront and Backlot Subdivisions:

- BSP-S1 : north shore of peninsula
- BSP-S2 : west shore of peninsula
- BSP-B1 : north-facing slopes of peninsula

South Shore, Shorefront and Backlot Subdivisions:

- BSS-S1 : east shore across from peninsula
- BSS-B1 : northwest facing slopes along south side of Route 15

### Lake Description

- Brassua Lake covers 8,979 acres and is about 8 miles long and 6 miles wide
- Water levels are controlled by a dam at the outlet, west of Rockwood, on the Moose River
- Lake Management Class: 3, potentially suitable for development
- Land Use Class: Relatively developed
- Personal watercraft permitted
- Resource Class: 1B (under the Commission's Lake Management Classification system this means it is a lake of statewide significance with one "outstanding" value)
- Resource Ratings: The LURC Lake Assessment Program rates Brassua as "outstanding" for its cultural resources and "significant" for its fisheries.
- Existing shorefront camps (total): about 58, excluding 55 lots approved in 2004
- Existing shorefront camps on Plum Creek ownership: 0
- Phosphorus Findings: see Appendix

### Area Description

**Access:** Brassua Lake lies to the west of Rockwood village; State Route 6/15 (and the railroad) follows the southern shore. The east side is served by the county maintained Pittston Farm Road; private woods roads serve the west side of Brassua, by way of the Demo Bridge Road across the Moose River. Access to the proposed development on the west side will be by the Demo Road and thence by a major logging road to Black Brook Hill. New roads will serve the shore development on this western peninsula. Access to South Peninsula is off Route 6/15 on an existing haul road that heads north, inland, before running along the north shore of the peninsula, where lots are to be located. Some new roads will be built to serve backlots and shorelots on the east side of the peninsula. The shore and back lots on the southeast shore (on the lower slopes of Blue Ridge) will have access onto Route 6/15.

**Existing Development:** Rockwood village is well developed and is home to convenience stores, sporting camps, small marinas, residences, and an elementary school. To the north, along the Moosehead shore in Tomhegan, there is dense residential development. Well over 200 units lie on the Moosehead shore just north of Rockwood. To the southwest of the village, on Brassua Lake itself, are more shorefront cottages and/or camps. An estimated 71 camps exist on the shore of Brassua Lake. Another 55 new lots have been approved under the Moosehead Wildlands concept plan.

### Proposed Conservation

Conservation on Brassua is achieved by placing:

- 77% of the shoreland (29.8 miles) under permanent conservation easements, for a depth of 500 feet; this amounts to 1,806 acres, about 47,250 feet.

- open space held by homeowners associations, tied to each development subdivision, will add to overall conservation

### **Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowner Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet
- Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space other than allowing for trails
- No clearcutting on backlots

### ***Area B (Moosehead Lake)*** ***see Detail Map 2, 4, 5, 7 and 8***

*Note: The Moosehead Lake area comprises all shorefront and backlot development proposed on the west side of the Lake east of Route 6/15. Other development close to, or on, the Lake on the east side is described under Areas C (Lily Bay) and F (Prong Pond).*

### **Statistical Information**

#### ***Summary of Proposed Development***

- Total number of lots: 178  
Shorefront lots: 103  
Backlots: 75
- Total acres in lots: 684 (excluding roads and common open space)  
Acres in shorefront lots: 309  
Acres in backlots: 375
- Total shoreline developed on Lake: 31,730 feet (6 miles) (excluding common open space)



- Percentage of shoreline developed on Lake: 42% (excluding common open space)

***Summary of Proposed Conservation***

- Total length of shore conserved: 43,950 feet (8.32 miles)
- Total shore acreage in conservation easements, on Lake: 504 acres
- Percentage of shoreline conserved: 58%

*Note: this conservation land includes some homeowner association open space.*

**Description of Proposed Development**

Because of Plum Creek’s scattered pattern of ownership along the west shore of the Lake, and because of the size of the ownership and the overall length of Moosehead Lake itself (±29 miles), the ten subdivisions described here are widely dispersed and fall into six Minor Civil Divisions (MCDs): Big W, Rockwood, Taunton & Raynham, Sand Bar Tract, Sapling, and Big Moose.

The descriptions that follow are broken down by MCD and subdivision for ease of reference.

Big W Shorefront Subdivisions (see Map 2)\*

BWN-S1 : south of Northwest Cove and north of Williams Brook

BWS-S2 : south of Ogontz and north of the town line

Rockwood/Taunton & Raynham Backlot Subdivision (see Map 4)

RTR-B1 : south of Rockwood between the Blue Ridge and Route 6/15

Taunton & Raynham Shorefront Subdivision (see Map 4)

TRS-S1 : almost on the Sand Bar township line

Sand Bar Tract Shorefront Subdivision (see Map 4):

SBT-S1 : small “out lot” south of Lambs Cove

Sapling Shorefront Subdivision (see Map 7)

SSS-S1 : just north of the East Outlet

Big Moose Shorefront and Backlot Subdivisions (see Map 7)

BMD-S1 : shoreline along railroad tracks south of Deep Cove

BMD-B1 : behind BMD-S1 between Route 6/15 and shore

BMS-S1 : on inlet southwest of railroad tracks at Squaw Bay

BMS-B1 : between Route 6/15, the railroad tracks, and Squaw Bay

Lily Bay Shorefront Subdivisions at Stevens and Carleton Points (see Map 5)

LBS-S1 : on Stevens Point on Spencer Bay

LBC-S1 : near Carleton Point

*\*Note: The areas for backlots are reserved and mapped near these shore subdivisions. They are referred to as: BWN-B1 and BWN-B2.*

**Lake Description**

- Moosehead Lake covers 74,890 acres
- Lake Management Class: no official designation

- Land Use Classes: all 8 segments of the Lake are considered accessible and all segments but Spencer Bay are categorized as “developed”
- Personal watercraft are permitted
- Resource Class: 1A, of statewide significance; overall the Lake is rated as “outstanding” in all seven resource categories
- Resource Ratings: Four Lake segments are associated with the areas where development is proposed (see table above). Most have a very high incidence of “outstanding” resource values:
  - Sand Bar Tract Segment: 5 outstanding values\*; scenic and shore values are rated “significant”
  - Tomhegan Segment: 6 outstanding values; no rating on shore character
  - Days Academy Segment: 6 outstanding values; shore value is significant
  - Northeast Carry Segment: 7 outstanding values

*\*Note: the “outstanding” ratings were for the fishery, wildlife, botany, culture, and the physical character of the area.*
- Dwellings : The exact number of dwellings on the Moosehead shore in LURC’s jurisdiction is unknown but is estimated to be well over 1,000; about 80% of these are on the west shore.

### **Area Description**

**Access:** From either Jackman to the west, or Greenville to the south, all the Moosehead subdivisions described here are accessible by way of Route 6/15. The descriptions below, for each MCD, begin with a road leading off Route 6/15 or, in the case of Lily Bay, off the Lily Bay Road.

- Big W: Access to both subdivisions is off the Pittston Farm Road; about 10 miles north of Rockwood, a major east-west haul road branches off the Pittston Road to serve most of Big W, including existing and proposed development to the north and south of the Williams Brook inlet. Some new road construction will be required to serve new lots.
- Rockwood/Taunton & Raynham: Located within a mile of Route 6/15, this backlot subdivision is well served by existing haul roads; nonetheless, some new road construction will be associated with the development.
- Sand Bar Tract: Likewise, existing camp roads serve this lot.
- Sapling: A new, short, access road will be constructed off Route 6/15 to reach these shorelots.
- Big Moose/Deep Cove: Lying next to, and east of, Route 6/15, access to these lots will utilize new and existing roads. Two entrance/exits are proposed: one close by Deep Cove and the other across from the road into Burnham Pond.
- Big Moose/Squaw Bay: Development in this area will tie into the existing road serving the Squaw Bay subdivision; this road connects to Route 6/15 near Plum Creek’s regional office.
- Lily Bay Township: Stevens Point is reached on the Casey’s Camp Road which travels west-east across the Township from the Lily Bay Road. Carleton Point and associated development is accessed via an

existing road off the Casey's Camp Road; some new road construction will be necessary to service the backlots.

***Existing Development:*** Clearly, development in the region has concentrated on the west shore of Moosehead, along Route 6/15, the rail line, and the community centers of Greenville and Rockwood. The main concentrations of shore dwellings are at Harfords Point, the East and West outlets, Sand Bar Tract, Tomhegan, and Big W. Big Squaw Ski resort is another focus of development, and it has spawned some auxiliary facilities along Route 6/15. All of the proposed subdivisions on this western side of Moosehead are adjacent to existing development, with the exception of that in the Deep Cove area. Here 40 lots are proposed between the highway and railroad, across from Burnham Pond and near a "Development" subdistrict under LURC's current zoning scheme. Together with development on Burnham Pond this subdivision will create a new, low density, development node, eight miles south of Rockwood and eight miles north of Greenville, that is close to the ski resort, good access, and power.

### **Proposed Conservation**

The Moosehead area subdivisions are tied to two forms of conservation:

- Permanent conservation easements will be placed on 43,950 feet (8.32 miles) of Moosehead shore; the easement is 500 feet deep and comprises 504 acres of shore woodland. The conserved frontage on the West side of Moosehead amounts to 58% of Plum Creek's ownership on the Lake; and
- open space held by homeowners associations, tied to each development subdivision, will add to overall conservation.

### **Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowners Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet
- Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced

- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space
- No clearcutting on backlots

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***Area C (Lily Bay Township)***  
***see Detail Map 5***

*Note: about 90% of the shoreland in Lily Bay Township, to a depth of 500 feet, was purchased by the State from Plum Creek in 1999. Development proposed for Lily Bay Township comprises two subdivisions, mostly of backlots with panoramic views; one is associated with, and is adjacent to, existing development along the southeast shore; the other compliments and will share infrastructure (utilities, roads, etc.) with a proposed tourist facility site located on high land in the center of the Township (see the Area S Tourist Facility description). A small subdivision is also proposed near Stevens Point. A site for a possible marina is reserved at Carleton Point. The shorefront lots in Lily Bay Township are described under Area B (Moosehead Lake).*

**Statistical Information**

***Summary of Proposed Development***

- Total number of lots: 190  
Backland lots: 190
- Total backland acres developed: 950 (excludes roads and common open space)
- The shorefrontage not used in lots may be used in conjunction with the tourist facility, e.g., marina, access for the back lots, etc.

**Description of Proposed Development**

Two backlot subdivisions are proposed within Lily Bay Township:

Carleton Point Backlot Subdivision:

LBC-B1 : behind LBC-S1 and existing development

Lily Bay Heights, Backlot Subdivision:

LBH-B1 : north of LBC-B1 and about 1\_ miles west of the Lily Bay Road

A reserve backlot area to which backlot and/or shorefront lots can be transferred, is located in the south-west part of the Township. It is referred to as LBH-B2.

**Lake Description**

Lily Bay Township lies east of Spencer Bay and north of Lily Bay, two of Moosehead's major bays; they are evaluated and rated in the Wildlands Lake Assessment report as:

- Bay Sizes: Spencer, 4710 acres; Lily Bay, 6,072 acres

- Lake Management Class: no official designation
- Land Use Class: Both bays are considered “accessible;” Spencer Bay is rated “undeveloped;” Lily Bay is viewed as “developed”
- Personal watercraft are permitted
- Resource Class: 1A, of statewide significance
- Resource Ratings: Both bays exhibit “outstanding” features in six out of seven categories; just the shoreline rated “significant”
- Dwellings: there are an estimated existing dwellings in Lily Bay

### **Area Description**

**Access:** Most visitors and owners reach Lily Bay Township by way of Greenville and the public Lily Bay Road, a paved year-round road maintained by the State. The three subdivisions are then reached on existing haul roads owned by Plum Creek:

- Stevens Point is reached on the Casey’s Camp Road which travels west-east across the Township from the Lily Bay Road.
- Carleton Point and associated development is accessed via an existing road off the Casey’s Camp Road; some new road construction will be necessary to service the backlots.
- The backlot development set on the height of land, near the reserved tourist facility site, will be accessible by way of an existing haul road, although some new, gravel, access roads will also have to be built.

**Existing Development:** There are four other developed areas of shoreline; fairly extensive shore development occurs at the head of Lily Bay, itself, where the Lily Bay Road hugs the shore and where cabins are found on small islands along the shore. The four other developed areas are:

- Casey’s sporting camp at Steven’s Point on Spencer Bay;
- Hyde Island, near the mouth of Lily Bay on the north shore;
- a series of camps on the north shore of Lily Bay, between Hyde Island and Carleton Point; and
- a group of cabins just west of Carleton Point.

The Piscataquis County solid waste dump is located in Lily Bay, just off the Lily Bay Road. Kokadjo and First Roach, and development associated with both, lies just 5 miles to the north.

### **Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowner Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted

- Building height restricted to 30 feet or less than height of screening vegetation
  - Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
  - Generator noise use restricted to National Park Service limits
  - Shared drives when practical
  - No permanent docks (on shorelots)
  - No trailered ramps (on shorelots)
  - No storage of unusable equipment or machines
  - No commercial use or business use
  - No signs or advertisements
  - Limited rights-of-way across Plum Creek private roads
  - Shoreline, side yard, and front yard setbacks, as applicable
  - Property lines shall not be fenced
  - Wells and septic must be in compliance with Maine Plumbing Codes
  - Shorefront placed in common green space shall be kept as open space by the homeowners association
  - No clearcutting on backlots
- 

***Area D (Long Pond in Long Pond Township)***  
*see Detail Map 3*

**Statistical Information**

***Summary of Proposed Development***

- Total number of lots: 80  
Shorefront lots: 80  
Backlots: (see below)
- Total acres in lots: 240 (excludes roads and common open space)  
Acres in shorefront lots: 240  
Acres in backlots: (see below)
- Total shoreline developed on Pond: 20,000 feet (3.79 miles)
- Percentage of Plum Creek-owned shoreline developed on Pond: 29%

***Summary of Proposed Conservation***

- Total length of shore conserved: 48,000 feet (9.09 miles)
- Total shore acreage in conservation easements, on Pond: 551 acres
- Percentage of shoreline conserved: 71%

*Note: this includes some conservation provided as homeowner association open space.*

**Description of Proposed Development**

The development proposed for Long Pond includes a small area on the south shore north of the railway tracks and Route 6/15. It is close to the Lower Narrows and the historic village. The other areas lie on the north shore; two shoreland subdivisions are located on either side of Churchill Stream. Two backlot subdivisions are located on the slopes behind the shorefront subdivisions; these are reserve backlot areas to which backlot and/or shorefront lots could be transferred.

The three subdivisions are identified below and on Map 3.

Long Pond South Side, Shore and Backlot Subdivision:

LPS-SB : between rail-line and shore at Lower Narrows

Long Pond North Side, Shorefront Subdivisions:

LPN-S1 : west of Churchill Stream, past the Lower Narrows

LPN-S2 : east of Churchill Stream, toward Long Pond outlet

Long Pond North Side, Backlot Subdivisions (reserve areas):

LPN-B1 : on back slopes east and west of Lower Narrows

LPN-B2 : on back slopes north of LPN-S2

### **Pond Description**

- Long Pond covers 3,053 acres and is about 8 miles long; about 1/3 is in the Town of Jackman; it is a naturally formed pond
- Lake Management Class: 3, potentially suitable for development
- Land Use Class: Relatively developed
- Personal watercraft are permitted
- Resource Class: 1A, of statewide significance with two or more “outstanding” values; (the Assessment only lists one “outstanding” value on the Pond)
- Resource Ratings:
  - outstanding scenic value;
  - significant fisheries, wildlife, shore, and cultural values
- Existing shorefront dwellings: 53
- Phosphorus Findings: See Appendix

### **Area Description**

**Access:** The new lots on the south side will have easy access off Route 6/15; one rail crossing (existing) will be required to access the lots. The north side lots will gain access off a major Plum Creek-owned haul road that ties into the Demo Road before crossing the Moose River and linking to Route 6/15. Secondary haul roads connect the proposed lots to this haul road. Some new road construction to serve individual lots will be required.

**Existing Development:** Development, to date, has followed the south shore, the road (Route 6/15) and the rail-line. An estimated 49 camps, residences, and small sporting camps (including those in the Town of Jackman) line this southern shore and extend east some three-quarters of a mile beyond the Narrows.

### **Proposed Conservation**

Conservation on Long Pond comprises:

- 71% of the Plum Creek-owned shoreline (9.09 miles) will be placed under permanent conservation easements, for a depth of 500 feet; amounting to 551 acres;
- open space held by homeowners associations, tied to each development subdivision.

### **Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowner Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet
- Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space except for trails
- No clear-cutting on backlots

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### ***Area E (Prong Pond in Beaver Cove Township) see Detail Map 8***

#### **Statistical Information**

##### ***Summary of Proposed Development***

- Total number of lots: 55  
Shorefront lots: 30  
Backlots: 25
- Total acres in lots: 215 (excludes roads and common open space)  
Acres in shorefront lots: 90  
Acres in backlots: 125
- Total shoreline developed on Pond: 7,500 feet (1.42 miles)
- Percentage of shoreline developed on Pond: 24%

##### ***Summary of Proposed Conservation***

- Total length of shore conserved: 23,350 feet (4.42 miles)
- Total shore acreage in conservation, on Pond: 268 acres
- Percentage of shoreline conserved: 76%

*Note: this includes some conservation provided as homeowner association open space.*



### **Description of Proposed Development**

Both shorefront and backlot development is proposed on Prong Pond as well as the west side of the Lily Bay Road in Beaver Cove. Most of this development is planned for the northern end of the Pond, on both the west and east sides.

Five subdivisions are proposed and identified on Detail Map 8.

Prong Pond/Lily Bay Road (North) Subdivision:

PLB-B1 : on west side of Lily Bay Road, north of Prong Pond

Prong Pond Shorefront and Backlot Subdivisions:

PPW-S1 : west shore of Prong Pond

PPE-S2 : east shore of Prong Pond

PPE-B1 : behind northeast shore of Prong Pond

Prong Pond/Lily Bay Road (South) Backlot Subdivision:

PLB-B2 : linear development between Pond and Lily Bay Road

### **Pond Description**

- Prong Pond covers 427 acres and is just under 2 miles long; it is located in Beaver Cove and the Town of Greenville and feeds into Beaver Cove in Moosehead Lake
- Lake Management Class: 7
- Land Use Class: Undeveloped, but accessible
- Personal watercraft are permitted
- Resource Class: 1A, of statewide significance with two or more outstanding values
- Resource Ratings: The LURC Lake Assessment Program rates Prong Pond as “outstanding” for its wildlife and scenic values, and its fishery and shoreline are rated “significant”
- Existing shorefront camps (total on Pond): 10
- Existing shorefront camps on Plum Creek ownership: 3

### **Area Description**

**Access:** Prong Pond is seven miles north of Greenville village by way of the public, Lily Bay Road. The Pond comes to within a fifth of a mile of the road. A new, short, road would be constructed to serve the west side lots. An existing Plum Creek-owned, private, haul road provides access to the northeast shore and backlots – although some new road construction will be required. The subdivision close to the Lily Bay Road would have limited access, so as to avoid individual driveways onto the public road.

**Existing Development:** Beaver Cove is an organized town that is subject to LURC imposed zoning. Development (seasonal and year-round homes) is strung-out along the northeast shore of the Cove, from Black Point to the marina near Beaver Creek and the Lily Bay Road. There are an estimated 200 residences in Beaver Cove; about 10 are on Prong Pond..

All proposed development is within a mile and a half of the Lily Bay Road and most is within a mile of existing development. Beaver Cove is a town in which Level 2 subdivisions are permitted.

### **Proposed Conservation**

Conservation on Prong Pond is achieved by:

- 76 % of the P.C. shoreline (4.42 miles) will be placed under permanent easements on practically all of the undeveloped shore.
- ensuring that open space, held by homeowners associations, is tied to each development subdivision, will add to overall conservation.

### **Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowner Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet
- Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space
- No clearcutting on backlots to open up lake views

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***Area F (Indian Pond in Indian Stream Township)  
see Detail Map 9***

### **Statistical Information**

#### ***Summary of Proposed Development***

- Total number of shorefront lots: 35
- Total acres in shorefront lots: 105 (excludes roads and common open space)
- Total shoreline developed on Pond: 8,190 feet (1.55 miles)

- Percentage of Plum Creek-owned shoreline developed on Pond: 30%

***Summary of Proposed Conservation***

- Total length of shore conserved: 19,110 feet (3.6 miles)
- Total shore acreage in conservation, on Pond: 219 acres
- Percentage of Plum Creek-owned shoreline conserved: 70%

*Note: this includes some conservation provided as homeowner association open space.*

**Description of Proposed Development**

Two subdivisions are proposed on Indian Pond, a Class 3 pond. The first is located on the east shore about half way down the Pond; the second, a small subdivision, is located toward the south end of the Pond, also on the east shore.

The two subdivisions are described below and shown on Detail Map 7.

Indian Pond East Side Shorefront Subdivisions:

IPE-S1 : on the central, east side about 1 mile south of the County line

IPE-S2 : on the southernmost part of Plum Creek’s ownership on Indian Pond

Two reserve backlot areas, to which backlot and/or shorefront lots could be transferred, are located behind the IPE-S1 subdivision. They are referred to as: IPE-B1 and IPE-B2.

**Pond Description**

- Indian Pond covers 3,746 acres, is relatively narrow, and is about 8 miles long. Water level is controlled at the Florida Power & Light dam at the south end. The Pond is an impoundment on the Kennebec River. It is fed, from the north, by the East and West Outlets, on Moosehead Lake
- Lake Management Class: 3, potentially suitable for development
- Land Use Class: “developed” and “accessible”
- Personal watercraft are permitted
- Resource Class: 1B
- Resource Ratings: “outstanding” wildlife and “significant” fishing and cultural values
- Existing shorefront camps (total on Pond): 32
- Existing shorefront camps on Plum Creek ownership: 0

**Area Description**

***Access:*** Access to the central, east side (IPE-S1) subdivision is from the north, on a Plum Creek-owned haul road that begins on Route 6/15 at Burnham Pond and heads west and then south, parallel to the Indian Pond shore. New roads will be constructed to serve the lots on the shore. The southern, east side (IPE-S2) subdivision is accessed from the south off the road that serves the dam; this road begins at The Forks and follows the shore at a distance. New road construction will be needed to serve the shore lots.

***Existing Development:*** Most of the existing lot development lies on the western shore of Indian Pond. There are six “Development” subdistricts on the Pond; two are D-GN districts, including the hydro-dam site and an island on the western shore. The other four D” subdistricts are all within a one-mile radius of the proposed southern subdivision

**Proposed Conservation**

Conservation on Indian Pond is achieved by placing:

- 70% of the shoreline (3.6 miles) under permanent conservation easements, for a depth of 500 feet; this amounts to 219 acres and about 19,110 Feet.
- open space held by homeowners associations, tied to each development subdivision, will add to overall conservation

**Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Lot Owners Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet
- Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space except for trails

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***Area G (Upper Wilson Pond in Bowdoin College Grant West Township)  
see Detail Map 8***

**Statistical Information**

***Summary of Proposed Development***

- Total number of shorefront lots: 30
- Total acres in shorefront lots: 90 (excludes common open space)

- Total developed shoreline on Pond: 7,500 feet (1.42miles)
- Percentage of developed shoreline: 18% (as a percentage of Plum Creek’s ownership on Pond)

***Summary of Proposed Conservation***

- Total length of shoreline conserved: 34,200 feet (6.48 miles)
- Total acreage in conservation: 393
- Percentage of Plum Creek shoreline conserved: 82%

*Note: this includes some conservation provided as homeowner association open space.*

**Description of Proposed Development**

The shorefront lots on Upper Wilson are to be grouped in two subdivisions, one on the west side, south of existing camps, and a second on the east side. These are identified below. Refer to Detail Map 8 to see their location.

Upper Wilson Pond Shoreland Subdivisions:

UWW-S1 : west side of Pond

UWE-S2 : east side of Pond

A reserve backlot area, to which backlot and/or shorefront lots can be transferred, is located on the east side of the Pond. It is referred to as: UWE-B1.

**Pond Description**

- Upper Wilson Pond covers 940 acres; the Pond is irregularly shaped and about 2\_ miles long and 1 mile wide
- It is located north and east of Lower Wilson Pond, to which it is connected
- Lake Management Class: 4
- Land Use Class: developed and accessible
- Personal watercraft are permitted
- Resource Class: 1A, of statewide significance with two or more “outstanding” features
- Lake Assessment Findings: “outstanding” fishery and scenic features; “significant” wildlife, shoreline, and physical features (*note: the CLUP rates the fishery as “significant” not “outstanding”*)
- Existing shorefront dwellings: 15; there are 2 primitive camp sites just north and east of Upper Wilson Pond
- Shorefront owned by Plum Creek: 41,700 feet (7.9 miles)

**Area Description**

**Access:** Access to Upper Wilson is from Beaver Cove via the Prong Pond Road; the road skirts the north shore of Prong Pond and lies inland from Upper Wilson’s north shore. A spur camp road serves the existing west side camps. The east side of the Pond is accessed on a haul road that extends off the Scammon Road and encircles the north end of the Pond. New roads will need to be constructed to serve the new subdivisions.

**Existing Development:** Upper Wilson is about 7 miles by road from downtown Greenville. The fifteen existing camps are on the northwest shore and on the southern bowl of the Pond. A large number of dwellings are on the more heavily developed Lower Wilson Pond; there are many camps on the north, west, and southeastern shore – the latter being the well-known Rum Ridge subdivision comprising ±93 lots. Furthermore, there is a commercial sporting camp on Lower Wilson Pond.

The proposed west side lots are within a mile by road of sets of existing camps. The east side lots are further away by road but about a mile away across the water.

### **Proposed Conservation**

Conservation on Upper Wilson Pond is achieved by placing:

- 82% of the shoreline (6.47 miles) under permanent conservation easements, for a depth of 500 feet; this amounts to 393 acres and about 34,200 Feet.
- open space held by homeowners associations, tied to each development subdivision, will add to overall conservation

### **Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Lot Owners Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet
- Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space except for trails

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***Area H (Moose River in Sandwich Academy Grant)***  
***see Detail Map 4***

## **Statistical Information**

### ***Summary of Proposed Development***

- Total number of shoreland lots: 30
- Total acres in shorefront lots: 90
- Total developed shoreline along river: 7,500 feet (1.42 miles)
- Percentage of shoreline developed: 17%

### ***Summary of Proposed Conservation***

- Total length of shoreline conserved: 37,100 feet (7 miles)
- Total acreage along shore conserved: 426
- Percentage of river shoreline conserved: 83%

*Note: this includes some conservation provided as homeowner association open space*

## **Description of Proposed Development**

Thirty lots are proposed on the north shore of the Moose River, on both sides of the private, Plum Creek-owned Demo Road bridge (i.e., east and west of the bridge). The subdivision is designated: MRN-S1 and is shown on Detail Map 3.

## **Area Description**

***Access:*** Access to these shorefront lots is off Route 6/15, by way of the private Demo Road; the turn-off is midway between Jackman and Rockwood, about 13 miles distant from both. It is about 1\_ miles from Route 6/15 to the bridge across the Moose River. Access to the lots themselves will be off the Demo Road on newly constructed roads paralleling the river to the east and west.

***Existing Development:*** The nearest residential development to the east is in Rockwood and on the southeastern shore of Brassua. To the west, the nearest development is on the south shore of Long Pond and along Route 6/15, a distance of about 6 miles. The Canadian/American Railroad tracks follow the south shore of the Moose River, across from the proposed development.

## **Proposed Conservation**

Conservation on the Moose River is achieved by placing:

- 6.55 miles of the shoreline will be under permanent conservation easements, for a depth of 500 feet; this amounts to 426 acres and about 34,600 Feet.
- open space held by homeowners associations, tied to each development subdivision, will add to overall conservation

## **Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowner Association membership required to provide for road and common area upkeep

- Building size, material type, color restricted
- Building height restricted to 30 feet
- Exterior lighting on the river side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space except for trails

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***Area I (Kennebec Interior in Big Moose Township)***  
***See Detail Map 7***

**Statistical Information**

***Summary of Proposed Development***

- Total number of backlots proposed: 30
- Total acres in backlots: 150

***Summary of Proposed Conservation***

- This development will be “balanced” by the permanent conservation and other long term measures provided for as part of this Plan.

**Description of Proposed Development**

These lots are located on high land set back about 1,000 feet from the East Outlet, on the southeast side of the Kennebec River flowage. The intent is to provide lots favored by fishers who will appreciate the lots proximity to this stretch of river – which is known for its quality fishing experience. Common land will be interspersed amongst clusters of lots. Service roads will interconnect the lots and intersect with Route 6/15, to the northeast.

The subdivision is to be referred to as KIB-B1.

**Area Description**

***Access:*** Access will be from Route 6/15 between Greenville and Rockwood

***Existing Development:*** The area around the East Outlet dam on Moosehead, where both Route 6/15 and the rail line bridge the Kennebec River, is zoned for



development. The USGS map of the area shows 27 structures there. Entry into the proposed development area is to be between 2,000 and 4,000 feet from the bridge.

#### **Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowner Association membership required to provide for road, common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet or less than height of screening vegetation
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- No clear-cutting on lots to open up unfiltered views

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***Area J (Burnham Pond in Big Moose Township)***  
***see Detail Map 7***

#### **Statistical Information**

##### ***Summary of Proposed Development***

- Total number of shoreland lots: 20
- Total acres in shorefront lots: 60
- Total developed shoreline on Pond: 5,000 feet (0.95 miles)
- Percentage of shoreline developed: 24%

##### ***Summary of Proposed Conservation***

Conservation on Burnham Pond is achieved by placing:

- Total length of shoreline conserved: 15,500 feet (2.93 miles)
- Total shorefront acres in conservation: 178
- Percentage of shoreline conserved: 76%

*Note: this includes some conservation provided as homeowner association open space.*

#### **Description of Proposed Development**

Two subdivisions are proposed on Burnham Pond: one of the south shore and the other on the north shore. The first will have lots between the shore and an existing haul road; a new road would be built to the north shore lots.

These two subdivisions are identified below and located on Detail Map 7.

Burnham Pond Shoreland Subdivisions:

BPN-S1 : north side of Pond

BPS-S2 : south side of Pond

A reserve backlot area, to which backlots and/or shorefront lots can be transferred, is located on the north side of the Pond. It is referred to as: BPN-B1.

#### **Pond Description**

- Burnham Pond covers 426 acres; it is about 1\_ miles long and over a half mile wide; the outlet on the west flows into Indian Pond and the Kennebec
- It is located about 2,000 feet west of Route 6/15, one mile west of Moosehead Lake and less than a mile north of Mountain View Pond
- Lake Management Class: 7
- Land Use Class: undeveloped but accessible
- Personal watercraft are permitted (see Restrictive Covenants)
- Resource Class: 2 (i.e., lake of regional significance)
- Lake Assessment Findings: no “outstanding” features; “significant” for its fishery and wildlife features
- Existing shorefront camps: 0
- Total length of shoreline: 20,500 feet (3.9 miles)

#### **Area Description**

**Access:** Access to the south shore lots is on the main, private (Plum Creek), haul road that runs from Route 6/15 west to Indian Pond. This subdivision is about a half mile west of Route 6/15, by road. Access to the north shore lots will either be from the north, on existing haul roads, or on a new road off Route 6/15 that would be about a mile long. The location would be determined before a subdivision application is submitted to LURC.

**Existing Development:** Burnham Pond is five miles, by road, to Big Squaw Mountain ski resort. The access road to the Pond is 8 miles north of Greenville center on Route 6/15 and 10 miles south of Rockwood. There are 16 existing cabins a mile to the east, on Moosehead Lake between the shore and the rail line. The Pond itself has no development on it.

Although not adjacent to any existing development, Burnham Pond is an appropriate location for new development; it is the only undeveloped pond within the entire Plan Area suitable for new development for the following reasons:

- The Burnham Pond subdivisions together with development on Moosehead, in the Deep Cove area (all within a mile radius of each other) have a combined total 60 new lots; these form a low density node of new development, appropriate for needed seasonal home development.
- The lots in this new development area are sited to take advantage of the pond (and lake) views, are convenient to the ski resort, and are not in a remote area;

- No lots will be visible from Route 6/15, yet they lie within its corridor (i.e., within one mile), close to electrical service;
- Like Beaver Cove development, lots (and homes) in this area are a short distance (8 miles from Greenville);
- Given its proximity to the ski resort, it is appropriate to prospectively zone Burnham Pond (and the Deep Cove area), while limiting further development so as to protect the resources of the area.

**Proposed Conservation**

Conservation on Burnham Pond is achieved by placing:

- 76% of the shoreline (7.02 miles) under permanent conservation easements, for a depth of 500 feet; this amounts to 426 acres and about 37,100 Feet.
- open space held by homeowners associations, tied to each development subdivision, will add to overall conservation

**Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowner Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet
- Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space
- No personal watercraft permitted

***Small Pond Development Areas***

**Introduction**

A very limited amount of development is proposed on just five small ponds ranging in size from 211 acres to 51 acres. Another 55 small ponds (or 48 if The Roaches

area is excluded upon sale to State) will be kept pristine. A total of 30 lots are planned for these five ponds, each one of which has one or two existing, waterfront, camps on it.

The Plan will limit development on each lot through restrictive covenants to the deed to avoid inappropriately large dwellings that are not in-character with their neighboring dwellings or the small ponds on which they are located. In addition to the standard restrictions the lots will be subject to the following restrictive covenants:

- a. no power lines are to be extended to these lots;
- b. alternative power generators will have to meet noise standards;
- c. no personal watercraft will be allowed (i.e., jet skis);
- d. total house size is to be limited to 1,500 square feet;
- e. no full or walk-out basements will be allowed; and
- f. if two or more lots are purchased by one owner, the total house size on the consolidated lot shall not exceed 2,500 square feet and no full or walk-out basements will be permitted.

Descriptions of the five ponds and the proposed development follows:

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***Area K (Ellis Pond in Chase Stream Township)***  
**see Detail Map 9**

**Statistical Information**

***Summary of Proposed Development***

- Total number of shorefront lots: 8
- Total acres in shorefront lots: 24 (excludes common open space)
- Total developed shoreline on Pond: 2,000 feet
- Percentage of developed shoreline: 18%

***Summary of Proposed Conservation***

- Total length of shoreline conserved: 9,100 feet (1.72 miles)
- Total acreage in conservation easements: 104
- Percentage of shoreline conserved: 82%

*Note: this includes some conservation provided as homeowner association open space.*

**Description of Proposed Development**

Two subdivisions, or clusters of four lots, are proposed for Ellis Pond; one cluster is on the north shore, the other on the southwest shore, west of an existing lease and cabin. They are identified as the:

Ellis Pond Shoreland Subdivisions:

EPN-S1 : on north side of Pond

EPS-S2 : on southwest side of Pond

### **Pond Description**

- Ellis Pond covers 85 acres; it is approximately 1,500 feet wide and 2,200 feet long.
- It is located in the southwest part of Chase Stream Township amongst a series of small ponds; it is about 7 miles by road to Route 201
- Lake Management Class: 7
- Land Use Class: developed and accessible
- Personal watercraft are permitted (by LURC)
- Resource Class: 1B, of statewide significance with one “outstanding” feature
- Lake Assessment Findings: “outstanding” fishery (no “significant” features)
- Existing shorefront dwellings: 2
- Total shorefront: 11,100 feet (2.1 miles)

### **Area Description**

**Access:** Existing haul roads on Plum Creek land provide access to the Pond from two directions: from West Forks (to the southeast on Route 201) over Wilson Hill, or by way of the Capitol Road (also off Route 201) past Round Pond on the north. It is seven or eight miles from Route 201 to Ellis Pond on all gravel roads. New roads off the haul roads would have to be built to serve the lots.

**Utilities:** No electric power lines will be brought in.

**Existing Development:** As mentioned, the Pond is relatively remote, and there is one existing camp on it.

### **Proposed Conservation**

Conservation on Ellis Pond is achieved by placing:

- 82% of the shoreline under permanent conservation easements, for a depth of 500 feet; for a total of 104 acres and about 9,100 feet.
- open space held by homeowners associations, tied to each development subdivision, will add to overall conservation

### **Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowner Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet
- No full basements allowed
- Total house size limited to 1,500 square feet;

- If two or more lots purchased by one owner, total house size on the consolidated lot is not to exceed 2,500 square feet and no basements will be permitted.
- No power lines extended to these lots
- Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No personal watercraft allowed (i.e., jet skis)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space except for trails

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***Area L (Luther Pond in Thorndike Township)  
see Detail Map 1***

**Statistical Information**

***Summary of Proposed Development***

- Total number of shorefront lots: 6
- Total acres in shorefront lots: 18 (excludes any common open space)
- Total developed shoreline on Pond: 1,500 feet
- Percentage of developed shoreline: 11%

***Summary of Proposed Conservation***

- Total length of shoreline conserved: 12,200 feet (2.31 miles)
- Total acreage in conservation easements: 140
- Percentage of Plum Creek shoreline conserved: 89%

*Note: this includes some conservation provided as homeowner association open space.*

**Description of Proposed Development**

The 6 lot subdivision is to be situated on the west shore of Luther Pond, towards the north end, adjacent to an existing cabin on a leased lot. The subdivision is to be referred to as the:

Luther Pond Shoreland Subdivision:  
LPW-S1: on the west shore

### **Pond Description**

- Luther Pond covers 154 acres; it is about  $\frac{1}{2}$  of a mile long and some 2,000 feet across at its widest point
- It is located centrally in Thorndike Township some 14 miles from Jackman village via haul roads; adjacent ponds include: Fish, Mud, Muskrat, and Lost.
- Lake Management Class: 7
- Land Use Class: undeveloped and accessible
- Personal watercraft are permitted
- Resource Class: 2 (regionally significant)
- Lake Assessment Findings: “significant” for its fishery (no “outstanding” features)
- Existing shorefront dwellings: 1
- Total shorefront: 13,700 feet (2.6 miles)

### **Area Description**

***Access:*** Luther Pond is reached by haul roads indirectly, from the west (i.e., Route 201) via the Scott (Moose River) Road and other haul roads north of Churchill Stream, or from the east by way of the Demo Road bridge and the Scott Road. The existing camp access road would be extended to service all lots.

***Utilities:*** No power lines are in the vicinity and none are planned.

***Existing Development:*** There is one lease camp on Luther Pond and another on nearby Fish Pond.

### **Proposed Conservation**

Conservation on Luther Pond is achieved by placing:

- 89% of the shoreline under permanent conservation easements, for a depth of 500 feet; for a total of 140 acres and about 12,200 feet.
- open space held by homeowners associations, tied to each development subdivision, will add to overall conservation

### **Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowner Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet
- No full basements allowed
- Total house size limited to 1,500 square feet;

- If two or more lots are purchased by one owner, total house size on the consolidated lot is not to exceed 2,500 square feet and no basements shall be permitted.
- No power lines extended to these lots
- Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No personal watercraft allowed (i.e., jet skis)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space

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***Area M (Fish Pond in Thorndike Township)***  
***see Detail Map 1***

**Statistical Information**

***Summary of Proposed Development***

- Total number of shorefront lots: 6
- Total acres in shorefront lots: 18 (excludes any common open space)
- Total developed shoreline on Pond: 1,500 feet
- Percentage of developed shoreline: 10%

***Summary of Proposed Conservation***

- Total length of shoreline conserved: 14,000 feet (2.65 miles)
- Total acreage in conservation easements: 161
- Percentage of Plum Creek shoreline conserved: 90%

*Note: this includes some conservation provided as homeowner association open space.*

**Description of Proposed Development**

The 6 lot subdivision is to be located on the north shore of Fish Pond, across from the existing lease lot and cabin. The subdivision is to be referred to as the:

Fish Pond Shorefront Subdivision:  
 FPN-S1: on the north shore

**Pond Description**



- Fish Pond covers 211 acres; it is a mile long and a half mile wide
- Located in the northwest of Thorndike Township, it is the largest of four ponds at the head of Churchill Stream’s watershed; the other three ponds are Lost, Muskrat (to the east) and Mud Pond (to the south)
- Lake Management Class: 7
- Land Use Class: undeveloped yet accessible
- Personal watercraft are permitted
- Resource Class: 2 (of regional significance)
- Lake Assessment Findings: no “outstanding” features; the fishery is “significant”
- Existing shoreline dwellings: 1 leased lot with cabin; these are two primitive camping sites on the west shore of Fish Pond
- Total shoreline: 15,500 feet (2.94 miles)

**Area Description**

*Access:* Fish Pond, like Luther Pond to the east, is reached by haul roads indirectly, from the west (i.e., Route 201) via the Scott (Moose River) Road and other haul roads north of Churchill Stream, or from the east by way of the Demo Road bridge and the Scott Road. The existing camp access road would be extended to service all lots. Lot access would be off an existing haul road.

*Utilities:* No power lines are in the vicinity and none are planned.

*Existing Development:* There is one leased lot, with cabin, on the south side of Fish Pond; there is another about a mile away on Luther Pond. The DeLorme Atlas shows two primitive camp sites on the west side of the Pond, near the inlet.

**Proposed Conservation**

Conservation on Fish Pond is achieved by placing:

- 90% of the shoreline under permanent conservation easements, for a depth of 500 feet; this amounts to 161 acres and about 14,000 Feet.
- open space held by homeowners associations, tied to each development subdivision, will add to overall conservation

**Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowner Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet
- No full basements allowed
- Total house size limited to 1,500 square feet;

- If two or more lots are purchased by one owner, total house size on the consolidated lot is not to exceed 2,500 square feet and no basements shall be permitted.
- No power lines extended to these lots
- Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No personal watercraft allowed (i.e., jet skis)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space except for trails

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***Area N (Center Pond in Soldiertown Township)  
see Detail Map 1***

**Statistical Information**

***Summary of Proposed Development***

- Total number of shorefront lots: 5
- Total acres in shorefront lots: 15 (excludes any common open space)
- Total developed shoreline on Pond: 1,250 feet
- Percentage of developed shoreline: 15%

***Summary of Proposed Conservation***

- Total length of shoreline conserved: 7,050 feet (1.34 miles)
- Total acreage in conservation easements: 81
- Percentage of Plum Creek shoreline conserved: 85%

*Note: this includes some conservation provided as homeowner association open space.*

**Description of Proposed Development**

Five lots are proposed on Center Pond; the lots will likely be sited on the northwest and northeast shore, pending more research. This subdivision is to be referred to as the:

Center Pond Shorefront Subdivision:  
CPS-S1: this designates all 5 lots

### **Pond Description**

- Center Pond covers 51 acres; it is a small pond about 2,000 feet at its widest
- It is located centrally in Soldiertown with no other ponds nearby
- Lake Management Class: 7
- Land Use Class: undeveloped but accessible
- Personal watercraft are permitted
- Resource Class: 2 (regionally significant)
- Lake Assessment Findings: “significant” for its fishery and cultural features
- Existing shoreline dwellings: 1
- Total shoreline: 8,300 feet (1.6 miles)

### **Area Description**

*Access:* Center Pond is distant from public roads but can be reached on Plum Creek’s road network from either the Demo Road or the Pittston Farm Road. The lots would be reached on newly constructed roads, off the road to the existing lease. Center Pond is about 15 miles from Rockwood, by road.

*Utilities:* No power lines are in the vicinity and none are planned.

*Existing Development:* There are two cabins on an existing leased lot on Center Pond. There are no other cabins in the vicinity.

### **Proposed Conservation**

Conservation on Center Pond is achieved by placing:

- 85% of the shoreline under permanent conservation easements, for a depth of 500 feet; for a total of 81 acres and about 7,050 feet.
- open space held by homeowners associations, tied to each development subdivision, will add to overall conservation

### **Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowner Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet
- No full basements allowed
- Total house size limited to 1,500 square feet;
- If two or more lots are purchased by one owner, total house size on the consolidated lot is not to exceed 2,500 square feet and no basements shall be permitted.
- No power lines extended to these lots
- Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits

- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No personal watercraft allowed (i.e., jet skis)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space except for trails

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***Area O (Knights Pond in Squarctown Township)***  
***see Detail Map 9***

**Statistical Information**

***Summary of Proposed Development***

- Total number of shorefront lots: 5
- Total acres in shorefront lots: 15 (excludes any common open space)
- Total developed shoreline on Pond: 1,250 feet
- Percentage of developed shoreline: 24%

***Summary of Proposed Conservation***

- Total length of shoreline conserved: 3,950 feet (.75 miles)
- Total acreage in conservation easements: 45
- Percentage of Plum Creek shoreline conserved: 76% (of Plum Creek's shore ownership)

*Note: this includes some conservation provided as homeowner association open space.*

**Description of Proposed Development**

Five lots are proposed on Knights Pond; these lots will likely be located on both the northeast shore and south shore. Plum Creek does not own part of the east shore or west shore. This subdivision is to be referred to as the:

Knights Pond Shorefront Subdivision:  
 KPS-S1: this designates all 5 lots

**Pond Description**

- Knight Pond covers 128 acres; it is about 2,500 feet wide and 3,000 feet long

- The Pond is located on the west border of the Township; part lies in Moxie Gore.
- Lake Management Class: 7
- Land Use Class: undeveloped and accessible (*this information seems wrong – see access discussion below*)
- Personal watercraft are permitted
- Resource Class: 2 (regionally significant)
- Lake Assessment Findings: “significant” for its botanical features
- Existing shoreline dwellings: 2
- Total shoreline in Plum Creek ownership: 5,200 feet (about 1 mile)

### **Area Description**

**Access:** Access to Knights Pond and the new lots is from two directions: off the Indian Pond Road to the Harris Dam or via the Dyer Road from the Greenville area. The Indian Pond Road begins on Route 201, near The Forks and lies    mile west of the Pond; from there the Dyer Road extends east. Minor camp roads will serve new lots on the north shore and new lots on the south shore (as well as the existing camps on the east shore).

**Utilities:** No power lines are in the vicinity and none are planned.

**Existing Development:** Knights Pond lies on the edge of a large (±185 lot, +40 acre) subdivision in Moxie Gore. There are two existing cabins, on non-Plum Creek land on the Pond and about 70 cabins on the Moxie Gore lots.

### **Proposed Conservation**

Conservation on Knights Pond is achieved by placing:

- 76% of the shoreline under permanent conservation easements, for a depth of 500 feet; for a total of 45 acres and about 3,950 feet.
- open space held by homeowners associations, tied to each development subdivision, will add to overall conservation

### **Summary of Restrictive Covenants**

- Single family residential dwellings only
- No mobile homes
- Lots cannot be further subdivided
- Homeowner Association membership required to provide for road and common area upkeep
- Building size, material type, color restricted
- Building height restricted to 30 feet
- No full basements allowed
- Total house size limited to 1,500 square feet;
- If two or more lots are purchased by one owner, total house size on the consolidated lot is not to exceed 2,500 square feet and no basements shall be permitted.
- No power lines extended to these lots

- Exterior lighting on lake side of structure not permitted; other exterior lights limited to avoid glare
- Generator noise use restricted to National Park Service limits
- Shared drives when practical
- No permanent docks (on shorelots)
- No trailered ramps (on shorelots)
- No personal watercraft allowed (i.e., jet skis)
- No storage of unusable equipment or machines
- No commercial use or business use
- No signs or advertisements
- Limited rights-of-way across Plum Creek private roads
- Shoreline, side yard, and front yard setbacks, as applicable
- Property lines shall not be fenced
- Wells and septic must be in compliance with Maine Plumbing Codes
- Shorefront placed in common green space shall be kept as open space except for trails

***The Roaches***

***Area P, Q, and R (The Roaches, i.e., Shawtown Township, Bowdoin College Grant East, and T01 R12 WELS)  
see Detail Map 6***

*Note: Limited development is proposed on three ponds in this area: Second and Third Roach Ponds and Penobscot Pond. However, this development would only be initiated if, after 7 years, there is no agreement on the sale of the entire (+38,000 acre) area to the State of Maine. Given this circumstance, it is unlikely that development will proceed; the descriptions of the ponds and the proposed development are therefore kept to a minimum.*

**Description of Proposed Development**

Second Roach Pond: Two small 5-lot subdivisions are proposed; one on the north shore on the eastern third of the Pond (SRN-S1) and one on the south shore, toward the west end. (SRS-S2)

Third Roach Pond: One 10-lot subdivision is proposed for the northeast shore of the main body of water. (TRN-S1)

Penobscot Pond: One 8-lot subdivision is proposed for the south shore of the Pond, between the west end of the Pond and the Township line through the center of the Pond. (PPS-S1)

**Pond Description**

<b>Features</b>	<b>Second Roach</b>	<b>Third Roach</b>	<b>Penobscot</b>
Pond Size	970	570	279
Location	on Shawtown/T01 R12 border	center east side of Shawtown	southeast corner of T01 R12
Management Class	7	7	7

Resource Class	1B	1B	1B
Accessibility	“accessible”	“accessible”	“accessible”
Status	“undeveloped”	“undeveloped”	“undeveloped”
Outstanding Features	none	scenic	botanical
Significant Features	fishery, scenic, cultural, and physical	fishery and shoreline	fishery and scenic
Existing Cabins	1	3	7

**Area Description**

*Access:* All these ponds are accessible on a Plum Creek haul road that begins near Kokadjo and runs easterly, north of First Roach Pond, following the north line of Frenchtown Township. Just west of Second Roach Pond this haul road crosses an alternative access road that connects to the main woods road to Chesuncook. At this intersection one road heads north and then east to provide access to the north shore of Second Roach Pond (by way of a new ±1 mile access road) and, further to the east, to the south shore of Penobscot Pond. A second haul road at the intersection heads eastward to provide access to the sporting camp on the south shore of Second Roach and, extended, to new lots to the east. Access to Third Roach’s north shore is off the haul road that serves the south shore of Penobscot Pond.

***Special Areas***

***Area S (Tourist Facility Zone in Lily Bay Township)***  
*see Detail Map 5*

**Statistical Information**

- Total area within tourist facility zone: 3,000 acres
- Total area (within tourist facility zone) for building construction, roads, parking, recreation facilities.: to be determined with input from State (DECD) studies
- Total area (within tourist facility zone) dedicated to open space: to be determined

**Summary Explanation/Description**

The proposed nature-based tourist facility site is located centrally, on a height of land with views, within Lily Bay Township. The physical geography of the site is the primary reason for locating this facility here. At the same time it is also a “new development” node, although the Lily Bay House resort hotel existed in this general region 10 miles from Greenville until it burned in 1958. Further, this location is ideal for a tourist facility; it is close to a good public road, power supply and Greenville, but set apart enough to establish its own identity.

The proposed facility, along with adjacent, but separate lot development (see Area C Lily Bay “Description of Proposed Development”) is to be capable of providing certain services to its guests. Any specific proposal for this zone will be reviewed under LURC’s Site Plan Standards. Part VII describes permitted uses and standards.

A small marina may also be associated with the tourist facility, but it would be a separate facility on a shorefront site on Lily Bay at Carleton Point.

### **Background Information**

The Moosehead Lake region has drawn visitors and tourists for over a hundred years. (See Part II for more on the history of resorts in the area.) The creation of a large destination tourist facility within a few miles of the eastern shore of Moosehead Lake and Lily Bay State Park, allows for the development of a world-class, nature-based tourist facility which draws upon the rich history of the region.

Over the course of the last two years, the State has promoted the vision of destination tourist facilities in the Maine Woods, including the Moosehead Lake area, as indicated in the quotes (see italicized section that follows) from Governor Baldacci, the Maine Office of Tourism, and the State’s nature-based tourism consultants. The Maine Office of Tourism has recommended that Plum Creek provide for a world-class destination tourist facility in the Plan Area. The “model” for such a facility, outlined below, is based on suggestions from the State and its nature-based tourism consultants and is posited only as hypothetical.

In setting forth this model, Plum Creek is not proposing that all its elements be implemented. Before any facility can be built, the vision must be refined and a “planned development” application for LURC’s review and approval would be submitted. Nevertheless, Plum Creek has included this new zone in this Resource Plan application, for the predictability and assurance the creation of such a zone will provide; namely, that the substantial investment in time and resources required to attract, consider and develop a tourist facility site plan, including an extensive public participatory process, would lead to LURC’s expedited review and approval.

### **A Model for a Destination Tourist Facility**

The description below of the “Grand Moosehead Lodge Resort” is a working model based on advice and input from the Maine Office of Tourism of the Department of Economic and Community Development, studies by the State’s tourism consultants, such as David Vail, and the Town of Greenville. It is subject to revision in response to further public and State input.

The Grand Moosehead Lodge Resort is seen as a world class tourist facility located in Lily Bay Township, a 48 square mile area, on the fringe of the North Woods, on a hillside, within a few miles of Moosehead Lake and the Lily Bay State Park, and within 12 miles of the Town of Greenville. Visitors would have access to up to 3,000 acres of tourist facility owned land, criss-crossed with trails, as well as the recreational features of the Moosehead region. Some of the cabins may be located away from the lodge on the grounds, for those visitors seeking a more isolated wilderness experience.



The tourist facility model combines quality accommodations and amenities with extensive offerings of nature-based tourism opportunities. It would partner with the Town of Greenville, local sporting camps, and others, in developing and providing such opportunities within the greater Moosehead Lake area.

**Accommodations:** The Grand Moosehead Lodge Resort model includes a variety of accommodations, ranging from single rooms at a main lodge to four bedroom cabins, with a range of overnight, extended-stay and year-round residential options. Ownership interests could vary, from hotel, condominium and other fee interests, to leased units.

- Main Lodge (a "green" facility, with a foyer of native wood)
- 2, 3, and 4-bedroom cabins

The tourist facility would be self-contained and self-sufficient in terms of providing its own sewage disposal system, back-up power system, and security.

The tourist facility would be adjacent to, but not part of, about 190 lots (which are included in the overall development of 975 lots) designed for residential/recreational use. These lots and the tourist facility may share similar infrastructure (e.g. utilities and roads).

**Amenities:** Tourist amenities could include the following:

- Fine dining (in partnership with local food producers)
- Spa and fitness center
- Horse stables
- Educational component (for example: Maine Sea Kayak Guides and Instructors (“leave no trace”)) and Maine Island Trail Association (campsite capacity management)
- Tennis courts
- Equipment storage/rentals (mountain bikes, skis, sleds, snowshoes, binoculars, snowmobiles, canoes, kayaks, etc.) potentially in partnership with local businesses
- Ecologically sensitive golf course
- Indoor pool
- Common hall or meeting area (with possible “club membership” opportunities for local residents)
- Marina (see below)

**Outdoor Offerings:** Four-season nature-based programs will be available to visitors. On-site trails will connect with the much larger, public trails system, for hikers, moose and bird watchers, snowmobilers, snowshoers, and cross-country skiers. The tourist facility will work with local guides, naturalists, educators, and entrepreneurs in Greenville, and the surrounding areas, of Rockwood and Jackman to provide a range of services.

In the event the Town of Greenville develops a Natural Resources Education and Visitors Center, the tourist facility could collaborate with the Center to provide “packages” of educational and tourism opportunities. The tourist facility could also work with the Town of Greenville to develop a plan to create physical and economic connections between the tourist facility and the Town (including boating and biking services, and a range of public services).

**Marina (at Carleton Point)**

- Short distance from main lodge
- Canoe and kayak rentals
- Guided lake trips
- Guided fishing trips
- Lake tours and tourist facility access on the steamship "Katahdin" or other vessels

**Low-Impact Outdoor Sports and Activities**

- Outdoor outfitters
- Hiking
- Cross-country skiing
- Snowmobiling
- Snowshoeing
- Mountain biking
- Road biking to Greenville
- Horseback riding
- Hunting
- Dog-sledding
- Downhill ski packages
- "Orienteering", and "geo-caching"
- Adventure sports (such as white-water rafting)
- Nature appreciation experiences

**Maine Woods Tours**

- Led by trained guides and naturalists
- Bird and moose watching,
- Nature and cultural/historical appreciation
- Overnight courses emphasizing survival skills
- Tours with Rafting on the Kennebec and Penobscot Rivers
- Partnering with sporting camps (including trail-base hiker/skier accommodations) and other hut and trail systems

**Access**

- Airport within 12 miles in Greenville
- Float planes
- Public road
- Railroad (potentially) in Greenville

***The State’s Vision for Destination Nature-Based Tourism Facilities In The North Woods and The Moosehead Lake Area***

On November 26, 2003, Governor Baldacci gave a “Maine Woods Legacy” speech that spoke of the tourism potential of the Maine Woods, stating in relevant part:

*“Here are the components of a Maine Woods Legacy that is our brightest hope for the future and that is uniquely our own....*

*creative thinking of Maine Woods 'gateway' communities to enhance forest products business opportunities, economic expansion, outdoor recreation and cultural and heritage tourism potential... promotion of, and access to, Maine's woods and waters as an unparalleled place for a full range of recreational opportunities, appropriately located."*

*At the Governor's November 2003 Blaine House Conference on Natural Resource Based Industries, a Conference paper by State consultant David Vail was presented, entitled "Sustaining Nature-based Tourism in Vacationland". The Conference paper states in part:*

*"Maine enjoys untapped opportunities to strengthen and grow the tourism economy – sustainably. Four opportunities are sketched here. The most important, in my view, is our chance to improve the Northern Forest and Downeast Regions' position as destinations of choice for first time visitors from across the USA and from other nations."*

*"With an effective multiple-use management strategy for our private, public and trust lands, this should be compatible with the goals of sustaining Maine's traditional strong position in fishing, hunting, and trapping."*

*"[W]ith the 'boomers' generation entering retirement, the 55-and-over age group will grow by more than 60% between 2000 and 2020. The 35-to-54 age group will grow just 3%. Older travelers have a high propensity to take overnight (i.e. longer distance) trips, travel year-round, and participate in general touring; the challenge is to raise interior Maine's profile as a destination. Second, the 19-to-34 age group will grow 20% by 2020. Many in this cohort are strongly attracted to outdoor adventures, such as biking, hiking, technical climbing, camping, skiing, paddling and nature photography. Some North American destinations will capture these growing cohorts."*

*"[We need a] powerful brand image or destination drivers for the economically distressed Northern Forest... We have exciting opportunities to develop tourism sustainably ... branding the Northern Forest ... by building and effectively promoting world-class destinations."*

*"There is and should be a sense of urgency. Time is of the essence, not least because Maine's competitors for tourists, including every northeastern state and Canadian province are pursuing their own strategies to capture market share in tourism is a very big and special kind of 'export' industry. Instead of taking in revenue from the 'rest of the world' by shipping out lumber or potatoes, revenue is earned by inducing the rest of the world to visit us."*

*"In general, tourism continues to be a compatible secondary land use in the Northern Forest region... for most of Maine, the principal tourism weakness is not too much demand on natural and community resources, but too little."*

*"Core Challenges: Augment efforts to develop high quality tourism product packages combining nature, culture, events, food, and lodging – that shape a powerful destination image in the major market growth segments: general tourism and non-consumptive outdoor recreation."*

*In a Memorandum to Plum Creek dated February 22, 2004, the Maine Office of Tourism stated the following as to tourist facilities in the Plum Creek Plan Area:*

*“Maine should be looking to encourage the development of a four season, 150-200 room four star facility with several gourmet dining options as well as condominium and or timeshare offerings (100). In addition the development should seriously consider including an 18 hole golf course, and spa. Such a development should be carefully designed to fit into the natural landscape and practice environmentally high standards of operation. ...*

*In a Power-point presentation made in February 2005, by the State’s nature-based tourism consultant, FERMATA, Inc., Chief Operating Officer Mary Jeanne Packer, stated the following:*

*Maine Nature Tourism Initiative Background: Nature-based tourism dovetails with the Governor’s Creative Economy initiative, and the project has been identified by the Governor’s Office as a gubernatorial initiative;*

*Maine Nature Tourism Initiative Goals: Like the Pine Tree Zone program, this initiative will be one of the administration’s key strategies for rural economic development through job creation and tax revenue generation. Three pilot projects [one of them being the Moosehead Lake region] will demonstrate how nature-based tourism development can be planned and implemented across the entire State.*

*In addition, the Town Manager for the Town of Greenville stated, upon review of Plum Creek’s proposal for a Lily Bay destination tourist facility in December, 2004, as follows:*

*“The development of such a resort would be very good for our region as it would provide job creation and could become a major driver for additional visitation and promotion of the region.”*

*Finally, the LURC Comprehensive Land Use Plan also recognizes the “increased demand for destination resorts” stating:*

*“As the more affluent of this group move toward retirement age, there is likely to be an increased demand for destination resorts and for new and upgraded dwellings for primary or vacation residence. (p. 64) ... The demand for back country recreational uses in the Northeast is estimated to be growing at a rate that is more than double the population growth rate.” (p. 100)*

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***Area T (Lodge Facility Zone on Brassua Peninsula)***  
***see Detail Map 4***

**Statistical Information**

- Total area within lodge zone: 500 acres
- Area dedicated to buildings, parking, roads and recreation facilities: to be determined by the faculty developer and with input from State (DECD) studies
- Area dedicated to open space, within zone: to be determined

### **Summary Explanation/Description**

This proposed small scale, family, lodge and recreation facility is located on a quietly spectacular height of land on the western side of the southern peninsula of Brassua Lake. The probable lodge site has extensive all round views and is adjacent to backlot development to the north and east: Further:

- the facility should respond to Rockwood residents interest in a community hall and/or large meeting space (and jobs created by a lodge facility);
- research into similar facilities in Northern Maine has indicated that there may be a market for lodge-type overnight accommodations with about 60 rooms; and
- the facility will be part of a mix of land uses grouped on the South Peninsula, including shorefront and backland lots (133) and a proposed commercial campground; together, these facilities form a node of development 4.5 miles west of Rockwood and just off Route 6/15.

As is explained under the description of the tourist facility in Lily Bay (Area S) Plum Creek views this proposal as a part of the State's vision to promote destination facilities in the Maine Woods. Part VII of this application addresses possible uses, standards, and review criteria that would apply to a site plan application for such a facility.

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### ***Area U (Sporting Camps and Remote Recreational Cabins in the ND/WF Subdistrict)***

*Note: These facilities are not tied to specific areas and are not mapped; they would be allowed uses in the M-ND/WF zone, subject to restrictions noted below.*

### **Background**

In order to support traditional recreation practices in the North Maine Woods, four locations within the ND/WF subdistrict have been identified as potentially appropriate for sporting camps and other, similar, small huts or cabins located in remote areas that offer transient accommodations. Allowing such uses will encourage hiking, hunting, fishing and nature appreciation in relatively remote, unfragmented parts of the Plan Area, and will make provision for simple, overnight accommodations in these same areas. A description of a typical Maine sporting camp is given below.

There is a grand tradition that has become an integral part of Maine's heritage. Unique to the state, and over 150 years old, it is called the Maine sporting camp. Some people think of these camps as "hunting and fishing lodges." In the spring and fall they generally are, but they are also much more: summer destinations for families, food and lodging for snowmobilers and skiers, prime spots for nature lovers, and solace for the world-weary.

Nearly all sporting camps are on a lake or river, generally in a remote area of forested land. Most have buildings made of peeled and chinked logs with porches overlooking the water. The guest sleeping cabins are clustered near the shore around a central dining lodge. Plumbing was (and may still be) “out back.” Primitive, and in harmony with their surroundings, sporting camps have the appearance of having grown out of the ground. New Hampshire and Vermont have private hunting and fishing clubs and game preserves. New York, in the Adirondacks, has private camps and rustic estates. But, Maine sporting camps are open to paying customers and are a cultural and entrepreneurial resource distinctive to the state. (source: *Maine Sporting Camps* by Alice Arlen (3<sup>rd</sup> edition) 2003)

**Sporting Camps**

Under this provision of the Plan, a sporting camp is defined as a building or series of small buildings having no more than 20,000 square feet of floor area in total. The “camp” could be owned or leased by anyone willing to manage it as a traditional Maine sporting camp that offers meals, overnight accommodation and hunting, fishing, guiding and other nature-based experiences. Any such camp would be “primitive” to the extent that no utility power lines would be allowed, although generators meeting strict noise tolerances may be permitted. Access could be by woods roads, floatplane, and/or trail.

*(Note: with the exception of the size limitation, this definition is essentially the same as LURC’s definition of a “commercial sporting camp.”)*

Up to 4 (four) sporting camps would be permitted within the Plan ND/WF areas, provided:

- no more than one camp would be allowed in any one ±30,000-acre area;
- at least 6 road miles separates any two camps (proposed or existing);
- all applicable permits are obtained from LURC;
- no more than 20 acres of land is associated with the camp;

The provisional location for each sporting camp, pending more in-depth study, is as follows:

1. One west of Moosehead Lake and north of the Moose River
2. One west of Moosehead Lake and south of the Moose River
3. One east of Moosehead Lake and west of the Lily Bay Road
4. One in the West Bowdoin/Elliotsville area.

A sporting camp may be located on one or more of the 48 identified pristine ponds (excluding ponds in The Roaches area) and provision for this shall be made part of the conservation easement language covering areas within 500 feet of a pristine pond.

A listing of some of the existing sporting camps in the Moosehead region is provided below.

<b>Moosehead Area Sporting Camp Features*</b>					
<b>Name</b>	<b>Location</b>	<b>Cabins</b>	<b>Season</b>	<b>Indoor Plumbing</b>	<b>Other</b>

Beaver Cove Camps	Beaver Cove	6	year-round	√	–
The Birches Resort	Tomhegan	18	year-round	√	12 cabin tents
Brassua Lake Camps	Brassua Lake	4	year-round	√	–
Little Lyford Pond Camps	W. Bowdoin Grant	10	year-round	–	AMC-owned
Maynards-in Maine	Rockwood	12	May-Dec.	√	–
Medawisla	Second Roach Pond	7	year-round	√	–
Moosehead Hills Cabins	Moosehead east side	4	year-round	√	–
Packard's Camps	Sebec lake	15	May-Nov.	√	Campsite
Spencer Pond Camps	Spencer Pond	6	May-Nov.	–	–
Tomhegan	9 miles north of Rockwood	9	Year-round	√	4 lodge rooms
West Branch Pond Camps	10 miles east of First Roach	8	May-Sept.	√	–
Wilson Pond Camps	Wilson Pond	7	Year-round	√	1 remote cabin
Wilson's on Moosehead	South of Rockwood	15	Year-round	√	–
<b>Total cabins</b>		<b>121</b>			

*\*source: Maine Sporting Camps by Alice Arlen (3<sup>rd</sup> edition) 2003*

### **Remote Recreational Cabins**

Remote recreational cabins or huts under this Plan are defined as they are in Chapter 10 of LURC's Land Use Districts and Standards, except that the 1,000-foot buffer (referred to in the quote below) will be extended to one mile.

#### **“Remote rental cabin:**

A building used only as a commercial lodging facility on a transient basis by persons primarily in pursuit of primitive recreation or snowmobiling in an isolated and remote setting. A remote rental cabin cannot be larger than 750 square feet in gross floor area; cannot be served by any public utilities providing electricity, water, sewer, or telephone services; cannot have pressurized water; and cannot have a permanent foundation. Placement of these buildings does not create a lot for subsequent lease or sale.

A remote rental cabin cannot be located within 1000 feet of any public road or within 1000 feet of any other type of residential or commercial development.

See Section 10.25,Q “Subdivision and Lot Creation” to determine how such buildings are counted for purposes of subdivision.”

Remote cabins may only be accessed by motorized vehicles (other than snowmobiles) for the purposes of essential servicing, maintenance, and construction. Further, they

are not to be clustered in groups and no more than four (4) such units may be located in any one township. All cabins are to be carefully sited and screened so that they fit harmoniously into the natural environment and do not intrude on important viewsheds. No remote cabin may be located within 500 feet of a lake or pond.

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***Area V1, V2, and V3 (Commercial Campground Zones in Taunton & Raynham (2) and T1 R13 WELS)***  
***see Detail Maps 4 and 5***

**Background**

Zoning for three campgrounds is proposed. The purpose is to provide affordable accommodations for vacationers at tent sites, RV sites, and in modest cabins.

**Description**

Given the need for affordably priced campgrounds for tenting and travel (RV) trailers, three sites have been reserved for camping and related facilities. These provide clear public benefit. The sites are geographically dispersed yet tied to existing development and easy, direct, access to Route 6/15 and the Lily Bay Road. The site locations are:

1. Brassua Lake – on the southern tip of the Lake, close to, and north of, Route 6/15 (175-acre site reservation);
2. West Outlet – off Route 6/15 on the east side of Outlet Bay (175-acre site reservation);
3. Kokadjo – north of the store at Kokadjo, off the Lily Bay Road (250-acre site reservation).

Permitted uses are to include: tenting sites, RV trailer sites, cabins (up to 15, no larger than 500 sq. ft.) pump-out facilities, showers, rest room and laundry facilities, a small store/administrative office, equipment rental (e.g., canoes and kayaks), storage lockers, and snowmobile storage facilities. Gas pumps to serve guests, campers and snowmobilers will be permitted.



### **Access**

All three sites or zones are easily accessible by road, boat, and snowmobile. There are boat launches near to the sites, and the ITS snowmobile trail passes within a few hundred yards of all of the sites.

### **Site Criteria**

These zones for development would have conditions governing safety, lighting, noise and buffering, so as to minimize their impact on their immediate surroundings. These would include:

- a vegetated buffer that screens facilities from view from adjacent roads and properties, be provided;
  - LURC's outdoor lighting requirements; and
  - Signage requirements at least as restrictive as LURC's existing standards.
- 

### ***Area W (A Commercial/Industrial Zone in Sapling Township)***

#### **Background**

In 2004 LURC approved the rezoning of 300 acres of Plum Creek land in Sapling Township from M-GN to D-CI (Development-Commercial/Industrial Subdistrict). The area is along the railroad tracks, just west of Route 5/16. Three-phase electrical power, critical to a large industrial enterprise, is available near to the site.

The rezoning was proposed because of the availability of these essential services but also because it is large and suitable for a major new industry, such as a sawmill. A site of this size and amenities is simply unavailable in Greenville; further it offers enormous potential for any investor looking to locate in this part of the State, close to a reliable wood supply.

Under this proposal, as part of this Resource Plan application, Plum Creek proposes to expand this site designation to cover about 1,000 acres, all in close proximity to the railway, the road, and power.

#### **Description**

Given Plum Creek's goal of making land available for future economic enterprises tied to the resources of the region, this location is ideal. In addition to its good accessibility by road and rail, it is:

- within reasonable commuting distance of Rockwood (5 miles), Greenville (12 miles), and Jackman (22 miles);
- set far enough away from residences so that possible industrial noise is buffered;
- located on relatively flat land suitable for the layout and construction of large commercial and/or industrial structures, storage yards, and parking areas; and

- located so that wood can be trucked in on private haul roads (from the west, via a new bridge) without using public roads.

Under this Resource Plan the land would be rezoned to accommodate appropriate, industrial (e.g., wood-related) operations that may be proposed by others. It is not Plum Creek’s intention to develop the site; rather, the “zone” is seen as a “place-holder” in anticipation of future job-generating development that will benefit the region.

This is the only site within the 426,000-acre Plan Area that offers all the advantages cited above. The size, 1,000 acres, is deemed appropriate because it recognizes that any future development will have to avoid on-site wetlands and provide adequate buffers; hence, the actual acreage covered by impervious surfaces (i.e., development) would be less.

Any proposed development would, of course, have to be approved by LURC and would have to meet all applicable State and LURC regulatory requirements, including all environmental regulations.

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### *Area X (Affordable Housing)*

#### **Background**

Plum Creek’s land in the Plan Area surrounds a number of existing communities. In preparing this Plan, Plum Creek has conferred with these communities to determine how the Plan can contribute to the communities’ own land use needs and goals.

Plum Creek has paid particular attention to the Town of Greenville because, despite being a service center community for approximately 1,600 year-round residents, the Town has suffered an economic decline in recent decades. It now seeks a better business climate, more residents, more students in its schools, and more residential housing suitable for all income levels.

Plum Creek has met with Greenville residents and officials to determine what they would like included in the Plan that could help them address their concerns. It has also reviewed Greenville’s Comprehensive Plan and various planning papers. As a result, this Plan includes provisions intended to contribute to the fulfillment of several of Greenville’s goals.

One such provision provides for the creation of affordable housing areas in the Plan Area near Greenville and possibly near Jackman and Rockwood. Plum Creek intends to donate the land to the Town, or to a housing authority or other non-profit entity. This provision is described below. Given the current lack of “starter houses” and the job creation likely to occur as a result of Plum Creek’s initiatives in the region, this provision of land for affordable housing will meet an existing and projected need in these towns.

**The Town of Greenville has identified a need for affordable housing in the greater Greenville area:**

In 1999, Greenville adopted a Comprehensive Plan at its Town Meeting. It states that "[s]low year-round population growth coupled with slow economic growth have created a situation with a small population base and tax base to support municipal services. As a result, taxes in Greenville are high. Additionally, the small population base has limited the size of the work force that might attract larger businesses, and job opportunities, particularly for young people who grew up in the area."

Greenville's Comprehensive Plan sets forth the following Housing Goals:

1. Encourage and promote affordable housing opportunities for all residents. (State goal)
2. Promote a diversity of adequate, good quality housing that will provide for the housing needs of the community, that will improve the overall quality of life and that will strengthen the Town's tax base
3. Support the development of a diversity of housing opportunities for seasonal residents."

In 2002, Greenville's Town Manager, John Simko, prepared an analysis and proposal entitled "Greenville at the Crossroads: The Dire Need to Grow Our Population and To Enrich Our Community", which the Town, the Moosehead Development Council, and the Greenville schools, adopted as their action plan, This 2002 Action Plan notes that:

- "the worker-age population - age 18-44 ... has declined over ten years from 585 to 448: a loss of 137 workers."
- "The Greenville Schools are under-capacity, and as a result, have a disproportionately high per-pupil cost for educating our students ... It is not out of the question for [the schools to close in Greenville], if this trend continues unchecked."
- "our diminutive population limits the number of total workers. As a result, the better workers are already employed, making a business start-up even more difficult."
- "Our housing study - completed in January 2001 - indicates a need for renovation to low-income housing stock, and also a need for more middle-income, single family housing. Many professionals ... have experienced extreme difficulty securing suitable single-family rental housing upon arriving in Greenville."

The goal of the Action Plan, therefore, is to "[i]ncrease available single-family housing, both rental and for purchase, by at least 30 units each (60 units total) by 2010.", and to do this by developing a "partnership with Maine State Housing Authority, Community Development Block Grant Program, Rural Development, and local developers and contractors to devise a program to increase middle-income, single-family housing"

On July 25, 2004, Town Manager Simko prepared recommendations for implementing parts of the 2002 "Crossroads" study, entitled "Choosing a Path: Objectives and Strategies to Strengthen the Greater Greenville Community and Economy". Objective No. 6 of the report states: "Strengthen School Union # 60 through an increase in young families with children who will bolster student enrollment and grow the Greenville schools to a desired capacity."

"More young families living in the Moosehead Lake Region will result in more students in the Greenville schools. More students will improve the level, of school funding received by Greenville from the State of Maine, reducing local taxes spent on education. A larger, more diverse student body will also strengthen the school and the community by making possible more courses and activities which could not be sustained with a smaller student body. Predictably, this should result in even greater pride in the local school system and decrease the focus on containing school costs, even by closure of the schools,"

An additional study prepared by Town Manager Simko, entitled "The Town of Greenville: Economic Development Strategy & History — 1997-2007" refers to the 2002 Action Plan, noting that it "shows our rapidly declining student enrollment, due mostly to a declining population in certain demographic sectors. The goal is to increase the current student

population by at least 100 students from today's total over a ten year period. Single family housing for purchase or for rent is also set for increases, as are new jobs. Many of the suggestions I generated in the study are now being considered by others in our community."

Finally, in December 2003, the Maine Legislature's Affordable Housing Subcommittee of the Community Preservation Advisory Committee, issued a Study entitled "Affordable Housing: Barriers and Solutions for Maine". Appendix C to the Study notes that Greenville has an "unmet need for affordable housing units in 2002" of 32 units for the under 65 population.

Thus, Greenville and the State, have clearly identified a need for single family housing for purchase or for rent for year-round residents in the greater Greenville area.

In response to Greenville's request the Plum Creek Plan establishes zones for such housing.

### **Description**

The Plan proposes affordable housing zones near the Town of Greenville and possibly Jackman and Rockwood. Plum Creek will donate up to 100 acres of land for this housing, most likely in several locations.

Because Plum Creek will donate the land, a housing developer will not have to invest in purchasing land. Such savings, combined with a possible State Housing Authority grant, and any local or State tax exemption incentives, should make such housing development a worthwhile investment to a developer.

The number of housing units needed to be built would be determined by a housing needs assessment conducted under the guidance of the Maine State Housing Authority. Greenville is presently applying for a \$10,000 Community Development Block Grant to complete such an assessment. In March, it is holding a public hearing on its grant application, and hopes to receive the grant funds by June. (Plum Creek has agreed to provide Greenville with the required 10% match to the grant, which is \$1,000.) Although at present, the State and Greenville have identified a need for 60 housing units, to accommodate another 200 residents, this number may be revised once the housing needs assessment is completed.

The type of housing units needed will also be determined by the housing needs assessment. Greenville has currently identified a need primarily for workforce housing, for those between the ages of 18 and 44, as well as the need for quality rental housing.

Finally, the location of the housing developments will also be determined by the housing needs assessment.

Thus, the precise number, density, type, and location of units, has yet to be determined. The remaining issues of number, density and type will be presented to LURC for its consideration, when the housing developer submits its subdivision and site plan applications.

As Plum Creek will donate the land in these areas for the public's benefit, and the number and type of housing units will be determined solely by the public and its

agencies, Plum Creek does not include housing units that may be constructed on these sites in its count of 975 lots for which it is seeking LURC approval.

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### ***Quality Development***

The following sections address measures Plum Creek will take to insure environmentally responsible, quality development. Four issues are addressed:

1. Quality House Lot Development describes measures to be incorporated in deed covenants that address lot development limitations.
2. Shorefront Subdivision Guidelines highlight how Plum Creek will lay out and cluster shorefront lots.
3. Backlot Subdivision Guidelines describe criteria that will be followed in preparing subdivision plans for areas away from the shore.
4. Road Construction addresses road construction standards and maintenance issues.

#### **1. Quality House Lot Development**

Plum Creek wishes to ensure that all future lot development is of high quality and is environmentally responsible. Where clusters of house lots are proposed, homeowners will be required to join a homeowners association that will be responsible for road maintenance, common land conservation, and private boat launch area supervision, as appropriate. In addition, it is Plum Creek's intent to require homeowners to follow restrictive covenant provisions. Please refer to the sample Homeowners Association language in the Appendix. Examples of such provisions include:

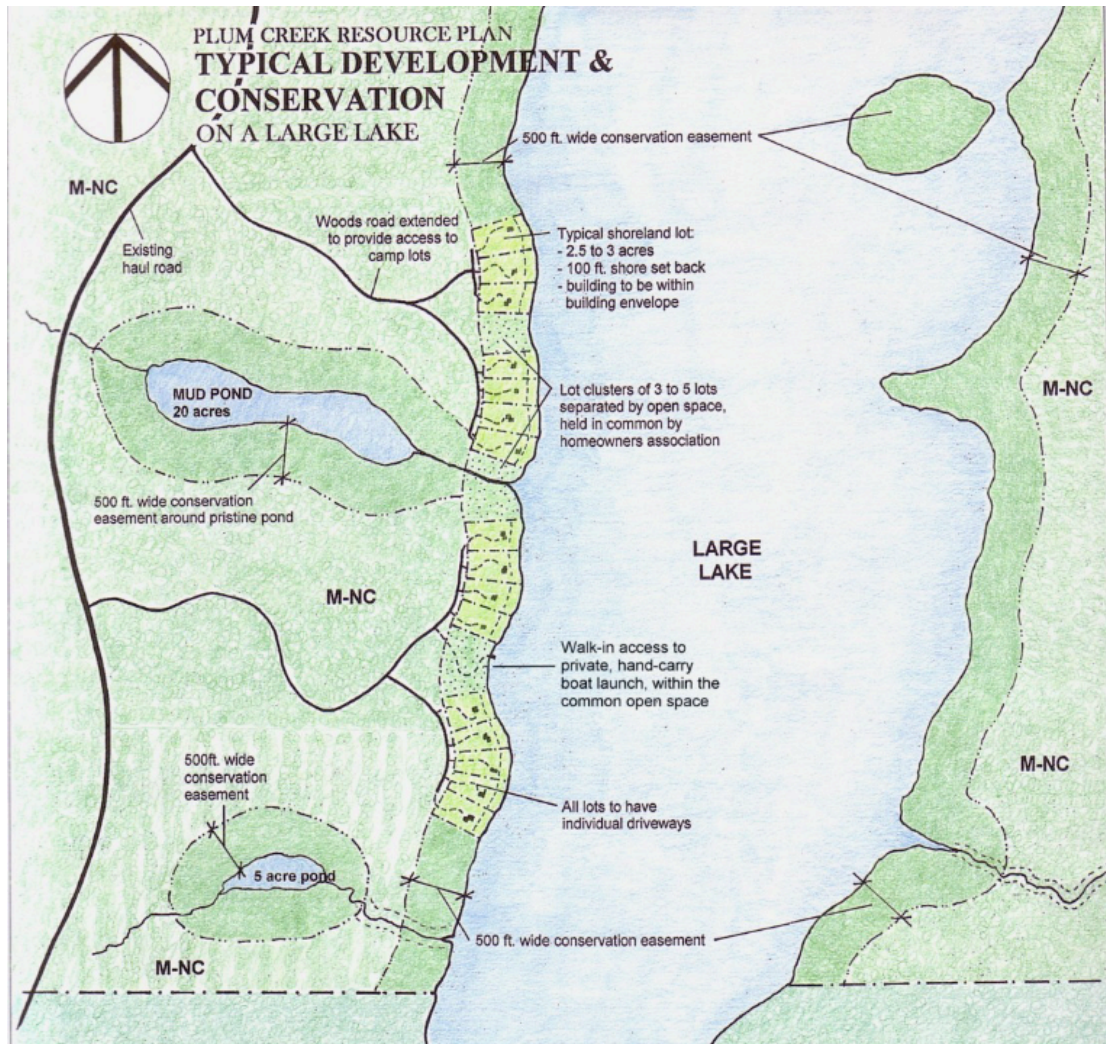
- No lot may be further subdivided.
- Lots to be used for single family housing or camping only.
- Temporary structures may not be used as residences.
- Siding and roofing materials must not be reflective, and must be an unobtrusive natural-looking color.
- Exterior lights facing the shore are not allowed.
- No structure may exceed 30 feet from ground level.
- Clearing must minimize phosphorus export.
- Walking trails within 100 feet of the shore are allowed, provided they do not include a sustained grade of 10% or more and do not disturb the topsoil.
- Only seasonal docks are permitted.
- Common areas are to be left in their natural state except that they may be maintained to promote safety and public health.

#### **2. Shorefront Subdivision Guidelines**

Section 10.25 Q3 of LURC's Land Use Districts and Standards sets out standards for the layout and design of subdivisions and Section 10.25 R addresses LURC cluster provisions. Plum Creek will follow these standards and will cluster or group lots so that open space is provided between lots.

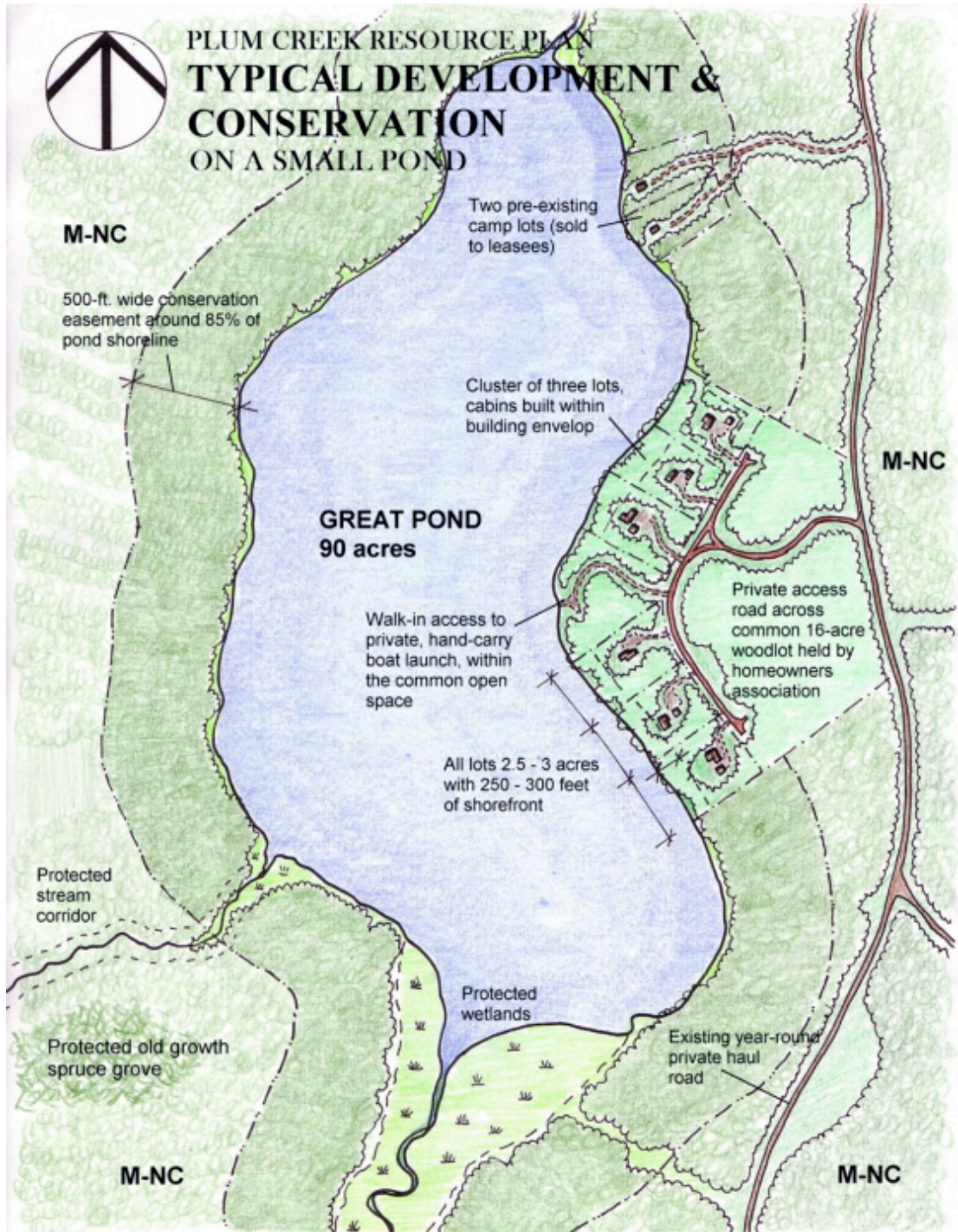
A “typical” shorefront subdivision for a large lake following the above model, is shown on the next page. Here, lots fit landforms and natural features, are grouped together and share some facilities; some areas between clusters are less than 500 feet so as to create more conserved land north and south of the subdivision.

Another “typical” shorefront subdivision, for a small pond, is also illustrated on the following page. Here, generous open space is provided on the pond and as a common woodlot. Options such as these will be explored and incorporated in the subdivision plans, as appropriate.



***Diagram 1 : Typical House Lot Development on a Hypothetical Large Lake***

Sixteen lots, in four clusters separated by common land, are shown in this example. Access is by way of existing woods roads extended to the lake shore lots. The development is balanced by conserved land on the larger lake shore. The ratio of developed land to conserved shorefront land is typically 20% to 25% developed and 75% to 80% conserved, in perpetuity.



**Diagram 2 : Typical House Lot Development on a Hypothetical Small Pond**

In this example six new lots are proposed on an outlying pond that has two pre-existing dwellings on it on leased land. Note the extensive, 500-foot deep, conservation easement, as well as the common land to be held and shared by a homeowners association. Approximately 85% of the shoreline would be conserved through easements, forever.



### **3. Backlot Subdivision Guidelines**

The following general guidelines will be taken into consideration when laying out backlots:

- Follow the requirements of Section 10.25.Q.3 (layout and design of all subdivisions).
- Refer to LURC's "A Guide to Creative Site Planning in the Unorganized Areas of Maine."
- Incorporate trails in the lot layout, for hiking and/or snowmobiling.
- Vary lot sizes to fit with the terrain.
- Select the preferred sites first; draw in lot lines only after building locations and access roads are roughed-in, on paper.
- Set development well back from public roads and major haul roads.
- Avoid lots close to stream drainages and wildlife corridors.
- Cluster lots together with generous open space between clusters.
- Ensure common open space associated with the lots (and held by the owners association) conserves special features, is available for limited firewood harvesting, protects wetlands, and incorporates nature trails where appropriate.
- Disallow clearcuts.
- Create model covenants that encourage:
  - natural landscaping using native plants
  - shared driveways
  - native groundcover materials, not lawns
- Keep subdivision roads unpaved, so as to discourage speed, reduce dust, and ensure safety.
- Lay out and build roads according to Best Management Practices for forestry roads, so as to minimize erosion and limit phosphorus runoff.

### **4. Road Construction**

New subdivision roads will be designed to meet LURC's subdivision specifications, as appropriate, depending on the size of the subdivision (i.e., number of lots served) and whether the development has power lines to it or not. Thus, for example, narrower roadway widths will be applied in subdivisions with few lots, in more outlying areas.

Roads and water crossings within development zones, where lots are proposed, will likewise be designed to conform with LURC's standards.

New roads and water crossings built to access subdivision development areas but located in a timber management area will follow the Maine Forest Services "Best Management Practices" for haul roads. Ditches will be kept to a minimum, wetlands will be avoided to the greatest, practical, extent possible, and where wetlands have to be crossed, bouldery fill that avoids the damming of natural hydrologic flows, will be used together with fill over filter fabric.

Road plans by professional engineers will be made part of each subdivision application, and these plans will include specifications to guide the construction and

installation of culverts, bridges (if needed), and other appropriate erosion control devices and/or measures.

The maintenance and upkeep (and snow plowing) of subdivision roads will be the responsibility of the local homeowners association and not Plum Creek, although there will be a stipulated transition period. (These maintenance responsibilities are spelled out in the Homeowners Association Covenant material in the Appendix.)

Further, the lot conveyance deeds will include language that addresses homeowners' right-of-way limitations regarding the use of Plum Creek's woods roads.

## **Proposed Conservation**

As outlined in Part III and the Plan Summary, this Resource Plan conserves valued natural resources and promotes sustainable forest management activities. The broad conservation objectives are to:

- place permanent conservation easements on shoreland;
- establish new trails and insure that the existing ITS trail are permanently protected through easements;
- retain existing "Protection" districts;
- create permanently conserved open space between and around clustered development; and
- keep large, unfragmented, forested tracts available as working, sustainably managed, forestland that supports traditional recreation and wildlife for the long-term.

These objectives are discussed below.

### ***Permanent Shoreland Conservation***

#### **Statistical Information**

<b>Proposed Conservation</b>	<b>Feet</b>	<b>Miles</b>	<b>Acres</b>
Proposed permanent conservation on pristine (zero development) ponds (including The Roaches).	415,235	78.6	4,766
Proposed permanent conservation on pristine (zero development) ponds(excluding The Roaches).	337,270	63.8	3,871
Proposed permanent conservation on partly developed waterbodies (including The Roaches).	536,480	101.6	6,158
Proposed permanent conservation on partly developed waterbodies (excluding The Roaches).	427,780	81.0	4,910
<b>Totals (including The Roaches).</b>	<b>951,715</b>	<b>180.2</b>	<b>10,924</b>
<b>Totals (excluding The Roaches).</b>	<b>765,050</b>	<b>144.9</b>	<b>8,781</b>

*Note: The acreages for pristine ponds cited above are conservative and are less than that actually committed to conservation because they are based on a "shoreline X 500 feet" formula that does not account for all actual acreage within the encircling easement area. The conservation around the partly developed waterbodies will, in some cases, be slightly less than that indicated; the reasons for this are explained below.*

---

## ***Permanent Conservation Easements on Pristine Ponds***

### **Purpose**

To forever protect the shoreland of undeveloped ponds, including four ponds with existing leased lots on them.

### **Extent**

Fifty-five ponds (or 48 if The Roaches are excluded) will be protected through this procedure; the easement will be 500 feet deep and will surround the entire pond (excluding a total of 6 small leased lots). This amounts to the protection of 78.6 miles (or 63.8 miles, excluding The Roaches) of shoreland and 4,766 acres (or 3,871 acres) covered by the easement. [Both the Resource Plan Summary map and the Detail Maps provide more information.]

### **Phasing**

The shoreland easements will be transferred to the easement holder upon LURC approval of backland lots contained within a subdivision application; the extent and rate of transfer would be governed by the extent and rate of lot approvals. Plum Creek proposes that:

1. The approval of each backland lot will trigger the conservation of 600 linear feet of shoreland on the pristine pond nearest to that lot (measured in a straight line); thus the approval of a 20 lot subdivision, for example, would trigger 12,000 linear feet of permanent easements on the nearest, adjacent, pristine pond or ponds. (The largest pristine pond has over 29,000 feet of shoreline.) Plum Creek will “round-up” linear feet so as to ensure that the entire shore on an adjacent pond is protected and transferred to the easement holder upon the approval of subdivision lots. The purpose will be to avoid transferring segments of shoreland to the easement holder.
2. Upon the approval of the 400<sup>th</sup> lot (or the last backlot proposed for development) all unprotected pristine pond shoreland will be transferred to the holder whether the total of 415,000 feet of shoreland on pristine ponds is reached or not. (This circumstance would occur if The Roaches are not sold to the State.)

### **Provisions**

The overriding purpose of this shoreland conservation easement is to forever prohibit further development within the designated easement area and to keep the land a working forest. The full easement language is in the Appendix to this Application. Key provisions include:

1. No filling, drilling, excavation or alteration of the earth may occur, except in connection with permitted forest management activities.
2. Public access on and across the easement area for traditional recreation uses, provided the owner has the right to establish rules to control and/or prohibit certain publicly undesirable uses and/or activities.
3. The easement holder will have the right to enforce the provisions of the conservation easement, require restoration of any area or feature that is damaged, and enter the property at any time.

**Holder**

The easement holder is to be, subject to a satisfactory agreement being worked out and subject to authorization by its Board of Directors, a 501(c)(3) organization fully qualified to hold conservation easements pursuant to Title 33, M.R.S.A, as amended.

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***Permanent Conservation Easements on Partly Developed Ponds and Lakes***

**Purpose**

To ensure that the majority of shoreland on lakes, ponds, and rivers on which lots are proposed, remains undeveloped and will be conserved in perpetuity.

**Scope**

Limited development is proposed on 15 lakes or ponds and on the Moose River. (If “The Roaches” is sold to the State, 12 lakes and ponds and the Moose River will have limited development on them.) The conservation easements described here extend 500 feet inland from the shore and will cover at least 70% of the shoreland of the above-mentioned water bodies, with the exception being Moosehead Lake, where the easement frontage will amount to about 58% of Plum Creek’s ownership on the Lake.

This 70% figure translates into about 90 miles of shoreline of conservation easements. The difference is because development on these water bodies may cover from between 20% and 30 % of the shorefront, depending on the water-body, soils and other factors that will only be identified when subdivision applications are being prepared. Plum Creek has set a cap of 30% shorefront development on all the “limited development” lakes and ponds, except Moosehead, where the cap is 42%. (One reason for this higher number is that 29 miles of shorefront on the east side of Moosehead Lake has already been protected through Plum Creek’s earlier sale to the State.)

As a general rule, proportionately more protection (in the form of permanent conservation easements) will be afforded the smaller ponds and/or lakes (At least 80% will be protected on these ponds). As proposed, the easements on the five

outlying ponds (Fish, Ellis, Luther, Center & Knights) cover from 80% to 90% of the shoreland. The shoreland easements on the Class 3 Lakes, cover from 70%, to 77% of the shore on Brassua, about 70% on Long Pond and 70% on Indian Pond. (Both the Resource Plan Summary map and the Detail Maps provide more information.)

### **Phasing**

Permanent conservation easements will be conveyed *pro rata* to the easement holder upon LURC approval of shoreland subdivisions. This follows the First Roach concept plan model that LURC and Plum Creek agreed to in 2002. The conveyances would occur in two ways:

1. On Brassua Lake, Moosehead Lake and Long Pond the amount of shorefront placed into conservation will be directly proportional to the number of shorefront lots approved in subdivision applications. Thus, if a 30 lot subdivision on Moosehead Lake, where 103 shoreland lots are proposed, were approved, 29% ( $103/30=29\%$ ) of the shoreline would be transferred to the easement holder.
2. On water bodies where 35 or fewer lots are proposed, the entire undeveloped portion of the water body would be transferred to the easement holder upon approval of the first (and, as is most likely, only) subdivision application for that water body.

### **Provisions**

The overriding purpose of this shoreland conservation easement is to forever prohibit further development within the designated easement area and to keep the land a working forest. The full easement language is in the Appendix to this Application. Key provisions include:

1. No filling, drilling, excavation or alteration of the earth occur except in connection with permitted forest management activities.
2. Public access on and across the easement area for traditional recreation uses, provided the owner has the right to establish rules to control and/or prohibit certain publicly undesirable uses and/or activities.
3. The easement holder will have the right to enforce the provisions of the conservation easement, require restoration of any area or feature that is damaged, and enter the property at any time.

**Holder**

The easement holder is to be, subject to a satisfactory agreement being worked out, and subject to authorization by its Board of Directors, a 501(c)(3) organization fully qualified to hold conservation easements..

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***Permanent Trail Easements***

**Statistical Information**

Total length of hiking trail to be placed in an easement (including trail through The Roaches)	42.75 miles
Estimated length of spur trails to:	
– the Tourist Facility at Lily Bay	6.75 miles
– The Appalachian Trail	6.0 miles
<b>Total hiking trail easement within Plan Area</b>	<b>55.5 miles</b>

**Purpose**

To create a permanent, world-class, Peak-to-Peak trail system around much of Moosehead Lake, with connections to:

- The Appalachian Trail (to form loop trails)
- The Tourist Facility in Lily Bay Township
- The Proposed Western Mountain trail (to Rangeley)

**Scope**

The Peak-to-Peak trail route on Plum Creek land follows the height of land wherever appropriate. There are trailheads along the route to make the trail accessible and spur trails to link it to key features, again for ease of access. A brief description of the route, beginning at Rockwood, follows: (Please note that the exact route needs to be determined later; this description is approximate.)

- From Rt. 6/15 in Rockwood the trail heads south and west, along the Blue Ridge.\*
- It then turns southeast to cross the West Outlet at the railroad crossing at Somerset Junction.
- From West Outlet it follows the river to Round Pond, before tracking east to cross the East Outlet at Rt. 6/15.
- It then parallels the Kennebec East Outlet River before turning due south, west of Burnham Pond, to travel to the summit of Big Squaw Mountain.
- From the summit, the trail descends on Plum Creek land before crossing onto Public Reserve Land held by the State.
- The next segment of the trail is 9 miles long through Greenville, partly on Plum Creek land, but not in the Plan Area; the trail crosses Rt.6/15 at Greenville’s planned Natural Resource Center – an important trail head

with parking, provisions and information center – and then heads north and east to West Bowdoin College Grant.

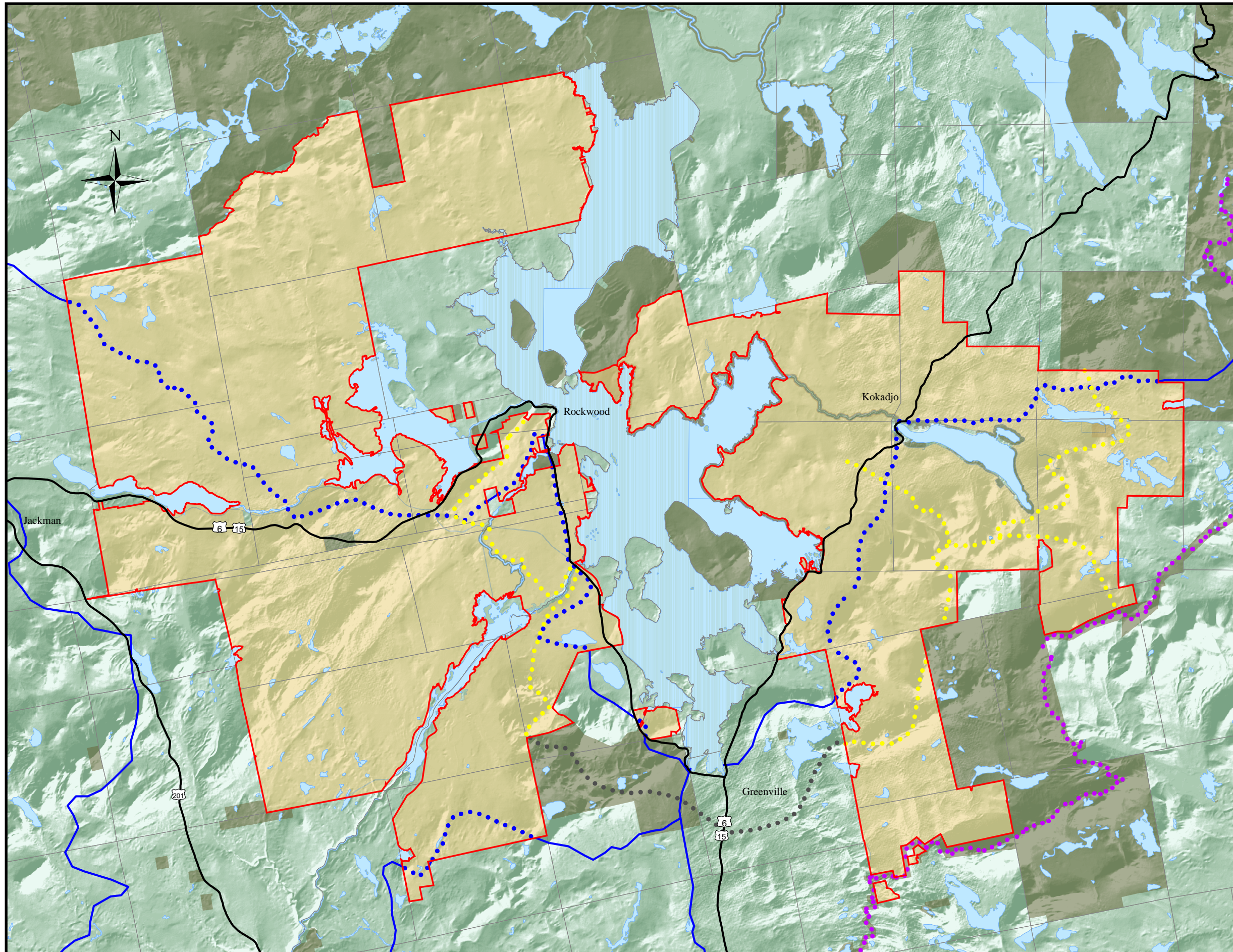
- North of Rum Pond and south of Upper Wilson Pond the trail climbs the Blue Ridge, descends to South Brook and then climbs abruptly to the top of Elephant Mountain.
- It then crosses a short segment of AMC land, near Baker Pond, and heads northeast to skirt the Lily Bay and Number Four Mountain summits, before continuing northeast to Bluff Mountain, and then down to the County Road on the south side of First Roach Pond; a trailhead is located there; (note: The Roaches segment of the Peak-to-Peak trail on Plum Creek land is 9.75 miles; the three spur trails, described later, connect to the summits of Lily Bay Mountain, Number Four Mountain., and Bluff Mountain).
- From the east arm of First Roach Pond the trail climbs Shaw Mountain, Long Ridge and Trout Mountain.
- After crossing the Roach River between Second and Third Roach Ponds the trail heads north, off Plum Creek land to publicly-owned land in the Nahmakanta region, where it could connect up with the Appalachian Trail.

*\*Note: there are two Blue Ridges, one in Taunton & Raynham and one in West Bowdoin Township.*

The two spur trails are:

- the trail from the proposed tourist facility to the top of Number Four Mountain is 6.75 miles; and
- the Bluff Mountain to White Cap trail which links the Peak-to-Peak to the Appalachian Trail is 6 miles.

*(These trail locations are shown on the Resource Plan Summary map and on Detail Maps in this document.)*

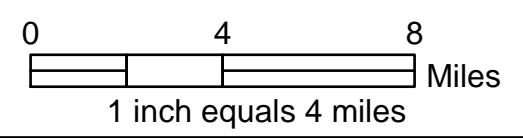


**Proposed Trail Easements**

**RESOURCE PLAN  
for  
PLUM CREEK'S  
GATEWAY LANDS  
in the  
MOOSEHEAD LAKE REGION**

**Consultants:**  
 Kent Associates  
 Barton & Gingold  
 DeLuca-Hoffman Associates, Inc.  
 S.W. Cole Engineering, Inc.  
 Perkins, Thompson, Hinckley & Keddy PA  
 Verrill Dana LLP

- Legend**
- Plum Creek Ownership Subject to Resource Plan
  - Private, State, Federal Land in Conservation
  - Rivers - Lakes - Ponds
  - Major Road
  - Appalachian Trail
  - Proposed ITS Snowmobile Trail Easement
  - ITS Snowmobile Trail not within Plan Area
  - Proposed Hiking Trail Easement
  - Proposed Hiking Trail outside Plan Area





## **Phasing**

Plum Creek proposes to donate the Peak-to-Peak trail easement to the State upon approval of the Plan. The intent is to donate the entire trail (including all of the trail in The Roaches area, whether the sale of the area goes through or not) and the Appalachian Trail connecting spur trail. The trail between the tourist facility and Number Four Mountain would be dedicated on approval of the facility.

## **Provisions**

The planning, building and management of the trail will be undertaken by others. Plum Creek, however, will work with various interest groups to help ensure the trail is well planned. The full “Hiking Trail Easement” language is in the Appendix to this Plan document. Key provisions of the easement are summarized below:

- Specific portions of the trail may be relocated, at the expense of the holder, from time to time, if it would appear to interfere with the conduct of forest management activities.
- The trail easement width is to be 6 ft, no buffers shall be required and the trail itself is to be left in an essentially “primitive” state.
- The grantor (Plum Creek) retains the right to establish, reasonable rules, regulations and restrictions.
- Fees for trail usage cannot be charged without the consent of the owner.
- The easement shall not interfere with forest management activities.

## **Holder**

The State of Maine, Department of Conservation, Bureau of Parks and Recreation has provisionally agreed to be the holder of the easement, subject to a final agreement,

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## ***Snowmobile Trail Easements***

### **Purpose**

To provide snowmobilers (and snowmobile clubs) with absolute assurance that the major, existing, ITS (Interconnected Trail System) trails across Plum Creek’s lands will be available for use in perpetuity. This will, in turn, have significant, positive economic impact on the towns of Jackman and Greenville where catering to snowmobiles is an important part of the winter season economy.

### **Scope**

The easement applies to the core ITS route which covers about 71.3 miles, within the Plan Area. Additional ITS and club snowmobile trails criss-cross the region

(see map of Existing Trails) and interconnect with this central ITS trail easement. These other trails continue to be subject to agreements between the clubs and multiple landowners. The ITS trail easement across Plum Creek's land, however, is permanent. Plum Creek reserves the right to alter the snowmobile route when logging operations so require.

The route of the main ITS trail easement (which is 63.7 miles long) can generally be described as follows:

- beginning in the northwest corner of Thorndike Township, the trail heads southeast to cross the Demo Bridge on the Moose River;
- it then proceeds eastward to Rockwood (near Kineo) before tracking due south, following the west side of Route 6/15;
- after crossing the East Outlet Bridge it swings west around Burnham Pond before running through Big Moose Township and Greenville, outside the Plan Area;
- after crossing Greenville it reconnects with Plum Creek land in the Plan Area north of Wilson Pond and heads north on mountainous terrain to Kokadjo; and
- from Kokadjo it heads directly east (and north of the Roach ponds) into State land in the Nahmakanta area.

A secondary segment of the proposed ITS trail easement crosses through Plum Creek's ownership in Squaretown, from east to west. This segment is 7.6 miles long.

### **Provisions**

The "Snowmobile Trail Easement" language is in the Appendix to this document. Key provisions include:

- the easement shall not interfere with forest management activities, the primary use of the land; the trail is a secondary use;
- the public shall have a perpetual right to use the trail for snowmobiling, maintenance, and trail grooming;
- the width of the trail easement is to be 10 feet and the maintenance thereof, including costs, shall be the responsibility of the holder or its designated agents;
- bridges, stream crossings, and culverts must be approved by the grantor in advance of installation;
- the grantor reserves the right to establish reasonable rules, regulations, and restrictions on use;
- buffer strips shall not be required;
- with 30 day's notice, the grantor shall be permitted to relocate trail segments, temporarily or permanently, at the holders expense; and
- the holder shall not impose a user fee for the use of the trails.

**Holder**

Subject to a final agreement, the State of Maine, Department of Conservation, Bureau of Parks and Lands, has provisionally agreed to be the holder of this trail easement.

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***Protection of Natural Resources***

LURC, through its zoning mechanism, has established various “Protection” subdistricts, such as Fish and Wildlife (P-FW), Great Pond (P-GP), Mountain Area (P-MA), Recreation (P-RR), and Shoreland (P-SL) subdistricts, that set out appropriate restrictions on land use within these mapped areas. The regulations are intended to protect the resource from irresponsible development and inappropriate use. The regulations are contained within Chapter 10 (the Commission’s Land Use Districts and Standards).

This Plan, through its implementation mechanisms (that are spelled out in Part VII) has adopted LURC’s same protection measures for all but the P-GP subdistrict (which does allow limited residential development). In other words, Part VII of this Plan uses the same exact language as LURC’s Chapter 10 to characterize, and set regulatory provisions for, all of LURC protection subdistrict areas within the Plan Area.

The exception is in the Great Pond (P-GP) shoreland protection areas. Here, under this Plan, shoreland areas on lakes and ponds will be regulated in the following ways:

- some shoreland will have development on it (i.e., on “limited development” lakes and ponds) as described under the preceding “Proposed Development” section;
- the remaining shoreland on these same “limited development” ponds and lakes will be placed under permanent conservation easements, to a depth of 500 feet, as described in the section above, and will also be subject to the same rules and regulations that apply under the P-GP subdistrict in Chapter 10; these latter restrictions apply within 250 feet of the shoreline (See Part VII).
- on all 55 undeveloped, pristine, ponds there are also two levels of shoreland protection, the aforementioned 500 feet deep, conservation easements and the equivalent of the P-GP subdistrict standards, as built into Part VII of this Plan document.

In sum, the Plan is at least as protective of LURC’s identified Protection subdistricts, in that they’re replicated in Part VII. Furthermore, this Plan adds the protection offered by the shoreland conservation easements and the protections inherent in the ±382,000-acre, No Development/ Working Forest “zone” (which is very similar to LURC’s M-NC (Management-Natural Character subdistrict)) that is described below.

---

## ***Permanent Open Space Associated with Development***

### **Background**

Under this Plan all common open space will be permanent and will be held, managed, and protected by homeowners associations, established upon the creation and approval of each shorefront or backlot subdivision.

Open space associated with the tourist facility and the lodge will be protected under the regulatory provisions of the site plan review process, established under the implementation section of this Plan – as described in Part VII.

### **Scope**

Until all subdivisions are designed, the amount of open space associated with each cannot be determined with any precision. Some provisions, however, are clear:

- in shorefront subdivisions lots will be grouped or clustered and separated by shorefront open space;
- common, private, boat launches will be located on shorefront open space, when and where appropriate; hand-carry launches will be the preferred option;
- some subdivisions may have common woodlots and/or nature trails, all located on common open space; and
- in most cases lots and/or common open space will be adjacent to the proposed ND/WF (No Development/Working Forest) zone.

For the purpose of providing a general guideline, Plum Creek estimates that about 75% of the total residential development area will be matched in open space controlled by homeowners associations. Thus, with 3,755 acres proposed for residential development, about 2,800 acres (75% of 3,755 acres) will be in open space.

### **Provisions**

More specific information about the responsibilities of the homeowners associations and the open space provisions they must adhere to are to be found in the Appendix. Two sections therein address: Homeowners Association Covenants and Homeowners Association Bylaws.

## ***The No Development/Working Forest (ND/WF) Zone***

### **Purpose**

The purpose of the ND/WF zone to establish a forest management zone where sustainable forest practices can occur, in unfragmented areas, unimpeded by development – over a very long time period. Such a zone offers predictability, a guaranteed “wood basket,” recreational opportunity and resource (natural character) protection.

### **Scope**

This new zone covers all of Plum Creek’s land in the Plan Area except that designated for development or protection. This amounts to about 80% of the Plan Area or about 382,000 acres (or 597 square miles). Another 9% of the Plan Area is under conservation protections.

### **Concept**

The zone, in effect and in reality, mirrors LURC’s Resource Plan Protection subdistrict model, while also mimicking the concept behind an M-NC subdistrict, a LURC district in which all development is prohibited. All residential development in the ND/WF zone is prohibited. The M-NC designation, like this proposal, can only be achieved voluntarily, at the owner’s behest.

### **Description:**

The ND/WF zone will be put in place upon approval of this Resource Plan. It is intended to be in effect for 30 years. There are renewal provisions for successive 20 year periods.

So as to provide for public input at the end of the 30 year period, provision is made for either Plum Creek (or future owners) or LURC to call for a public hearing (or hearings) to discuss if the Plan’s ND/WF provisions should be renewed, modified or terminated. Any such decision to renew, modify or terminate, however, will be in the hands of the Commission. Furthermore, as long as this Plan is in effect Plum Creek (or future owners) may not amend the Plan to allow for any residential development in the ND/WF zone. In sum, the above described provisions:

- allow the zone to be extended beyond 30 years;
- provide for public input (if LURC or Plum Creek so request, at the 30 year mark);
- place decisions in the Commission hands; and
- achieve long term protection of the working forest.

### **Benefits**

This proposal has huge benefits to the State, the public and the landowner:

- it achieves long-term conservation through traditional zoning at no cost to the State;
- it extends and enhances the “no development” area in central western Maine, from about 1.1 million acres to 1.48 million acres;
- it assures a long-term, sustainable wood supply (which, in turn, keeps the wood products industry healthy); and
- it is entirely consistent with, and supportive of LURC goals and policies regarding: the containment of sprawl; limiting the profusion of “2 and 5” legal “subdivisions;” maintaining a wood basket; retaining the remote, natural character of the Maine woods; and offering traditional recreational opportunity for future generations.

The legal construct, proposed by Plum Creek, that underpins and validates this approach is set forth in Part V.

Volume 4  
**Regulatory Compliance**



*Resource Plan for*  
**Plum Creek's Gateway Lands**  
*in the Moosehead Lake Region*



**Plum Creek**

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## *Part V: Legal Criteria*

*Introduction: The Plan is submitted as a "Concept Plan" under CH. 10.23,H of LURC's rules and standards pertaining to Resource Protection Plans.*

Plum Creek's Application is submitted as a Concept Plan - a subset of Resource Protection Plans under Ch. 10.23,H of LURC's Rules and Standards. Covering more than 426,000 acres in the Moosehead Lake region, the Resource Plan for Plum Creek's Gateway Lands in the Moosehead Lake Region is unprecedented in its size and scope, but the same purpose and planning principles apply as with other resource and concept plans. The plan proposes an overall rezoning strategy to better manage the uses and activities of the area, and to better protect its natural features. The goal of a concept plan is not to promote new development, but to ensure that future development and conservation occur in positive and publicly beneficial ways in the years ahead.

The development proposed under the Plan could be achieved through other means \_ such as individual subdivision applications, planned development applications, a series of smaller lake concept plan applications for individual lakes, and unregulated lot divisions, for example \_ but few, if any, of the conservation measures incorporated in the Plan would be required or accomplished through these more traditional methods. It is also unlikely that such a piecemeal, lot-by-lot approach to development would reflect the principles of sound planning – particularly on a regional basis. That is why, for both the public and Plum Creek, this comprehensive approach to planning, similar to LURC's regional "prospective zoning," in the form of a large-scale Concept Plan, makes far more sense. Through region-wide planning, the landowner achieves greater predictability and siting flexibility, while ensuring, for the public, certainty as to future development, a high level of conservation, and greater regulatory control over future growth.

### **The plan in the context of LURC guidelines**

*This Part V of the Plan Application addresses the review criteria applicable to Concept Plan applications and describes how the various components of the Plan satisfy those review criteria.*

Under LURC regulations, there is a subset of resource plans called lake concept plans. Concept plans have recently been approved in conjunction with more intensive

lakefront development/conservation projects, and there are some differences in the review criteria applicable to such projects. Due to the high proportion of interior woodlands to waterfront acreage in the Plan (97% of the Plan Area is more than 500 feet from a waterbody) and due to the extensive land area (more than 664 square miles) and range of uses and activities included in the plan area, this Plan is appropriately presented in the broader Resource Plan context. However, because of the development aspects of the Plan, it is also appropriate to consider the review criteria unique to concept plans. To that end, this Plan is submitted as a concept plan, and the concept plan review criteria are included and addressed in this Part V.

### **Conforming to two overlapping sets of review criteria**

*The review criteria for rezoning any district generally is found in the Maine statutes (12 M.R.S.A. § 685-A(8-A)). The review criteria for resource plan rezoning (P-RP) specifically is found in LURC's Rules and Standards (Section 10.23,H,6).*

There is a substantial overlap between these two review criteria sources. For example, the first criterion set forth in Chapter 10.23,H,6 is that the Plan must conform with LURC's redistricting criteria, which includes the statutory criteria of 12 M.R.S.A. § 685-A(8-A). Where this type of overlap occurs, the applicable discussion will not be repeated, but will only be cross-referenced. Additionally, there are several instances in which the same attributes of the Plan relate to several different review criteria, so repetition of these attributes in this Part V is common.

The discussion below is organized according to each of the seven concept plan review criteria set forth in Ch. 10.23,H,6. Within these seven review criteria sections, the relevant Section 685-A (8-A) statutory standards are addressed.

Because Resource Plans and concept plans are, by their nature, holistic in their approach to management of a large land mass, the Plan attributes are considered as a whole when addressing the review criteria.

### **Resource plans and strategic planning**

*LURC encourages broad view strategic planning and rezoning*

LURC has adopted policies and related regulations to encourage landowners to initiate alternatives to the standard traditional zoning framework.<sup>1</sup> The goal, as stated in the Comprehensive Land Use Plan ["CLUP"] is to "[e]ncourage landowner initiatives and cooperative efforts which further LURC's objectives of protecting natural resources and guiding growth through nonregulatory or voluntary actions." To help fulfill this goal, the CLUP sets forth three policies:

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<sup>1</sup> CLUP at p. 143, Policy IV.2.

1. Recognize the value of cooperative approaches to the protection of important resources and values, and provide opportunities for such approaches.
2. Provide creative alternatives to traditional regulatory approaches, such as resource and concept plans, and encourage landowners to take advantage of these opportunities.(emphasis supplied)
3. Promote cooperative efforts to substantially limit development on large tracts of land to ensure that these lands will remain available to sustain the state's rural, forest-based economies that depend upon forest products and recreation.<sup>2</sup> (emphasis supplied)

Pursuant to these three goals, LURC has adopted regulations for both resource plans and concept plans in Chapter 10 of the Commission's Rules and Standards. Specifically, LURC has established a type of protection subdistrict called the Resource Plan Protection Subdistrict (P-RP), also referred to in the CLUP as the "Resource Plan Zone",<sup>3</sup> that defines criteria for both resource plans and concept plans.

As noted in the CLUP:

*"Over the years, numerous landowners have utilized the Resource Plan Protection Subdistrict (a landowner-initiated zone) as a more flexible alternative to LURC's traditional zoning framework."*<sup>4</sup>

## **Resource Plan Protection Subdistrict Criteria for Review**

Chapter 10.23,H,6 of LURC's Rules and Standards establishes the "Criteria for Review" for all proposals to rezone areas to the Resource Plan Protection subdistrict. Those criteria are as follows:

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<sup>2</sup> CLUP at p. 143.

<sup>3</sup> CLUP at p. 5.

<sup>4</sup> CLUP at p. 8. Resource Plans have been approved for Dix Island (1977), Hewett Island (1978), Penobscot River (1981), St. John River (1982, renewed 1992), White Mountain National Forest (1982, renewed 1992), and Metinic Island (1992, 1994). See CLUP at p. 12.

*The Commission may approve a Resource Plan and any associated redistricting only if it finds that all of the following criteria are satisfied:*

- 1. The plan conforms with redistricting criteria;*
- 2. The plan conforms, where applicable, with the Commission's Land Use Districts and Standards;*
- 3. The plan conforms with the Commission's Comprehensive Land Use Plan;*
- 4. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces. In the case of concept plans, this means that any development gained through any waiver of the adjacency criteria is matched by comparable conservation measure;*
- 5. The plan has as its primary purpose the protection of those resources in need of protection, or, in the case of concept plans, includes in its purpose the protection of those resources in need of protection;*
- 6. In the case of concept plans, the plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources; and*
- 7. In the case of concept plans, conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long-term protection or conservation.<sup>5</sup>*

The Plan is designed to meet all of these LURC statutory and regulatory redistricting criteria, and to exceed the minimum standards in many respects, particularly as to the Plan's conservation measures and benefits to the public.

The discussion set forth below includes seven sections, numbered 1-7 for the seven criteria listed above and required by LURC for concept plan approval.

## *Section 1: Conformance with Redistricting Criteria*

### *Ch. 10.23,H,6's First Resource Plan Criterion: "The plan conforms with redistricting criteria."*

#### **LURC's redistricting criteria**

Chapter 10's first resource plan criterion is that "[t]he plan conforms with redistricting criteria." LURC's redistricting criteria are specified by State statute. Under Section 685-A (8-A) of Title 12 of the Maine Revised Statutes, a landowner's petition to rezone or "redistrict" must meet the following statutory redistricting criteria:

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<sup>5</sup> Ch. 10.23,H,6.

*“8-A. Criteria for adoption or amendment of land use district boundaries. 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 [chapter 206-A, the Maine Land Use Regulation Law]; and*

*B. The proposed land use district satisfies a demonstrated need in the community or area and 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.”*

Parts A and B above together provide a total of six distinct requirements for adoption or amendment of a land use district boundary. They include consistency with: i) standards for district boundaries in effect at the time; ii) the CLUP; and iii) the purpose, intent and provisions of the Maine Land Use Regulation Law. They also include: i) satisfying a demonstrated need in the community; ii) no undue adverse impact on existing uses or resources; or iii) demonstrating that a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area. The discussion set forth below will address each of those six points separately, through sections A.i,ii,iii and B.i,ii,iii, respectively.

The discussion below on conformity with redistricting criteria will reference discussion sections throughout this Part V where such discussion is applicable to both redistricting criteria conformity and the overall criteria for resource plan review.

**The Plum Creek Resource Plan is designed to meet each of the section 685-A (8-A) rezoning criteria:**

- A. *Section 685-A (8-A)(A) of Title 12, M.R.S.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”*

**Consistent with standards for district boundaries in effect**

- i. *“The proposed land use district is consistent with the standards for district boundaries in effect at the time...”:*

Please see the discussion in Section 2, below, for a description of how the Plan meets this review criteria.

## **Consistent with the comprehensive plan**

- ii. Section 685-A (8-A)(A) of Title 12, M.R.S.A : "The proposed land use district is consistent with...the comprehensive land use plan...":

Please see the discussion in Section 3, below, for a description of how the Plan meets this review criteria.

## **Consistent with purpose, intent and provisions of the chapter**

- iii. Section 685-A(8-A)(A) of Title 12, M.R.S.A: "The proposed land use district is consistent with...the purpose, intent and provisions of this chapter".

The “purpose, intent and provisions” of the LURC statutory framework are set forth in Section 681 of Title 12 of the Maine Statutes, as follows:

*"The Legislature finds that it is desirable to extend principles of sound planning, zoning and subdivision control to the unorganized and deorganized townships of the State: To preserve public health, safety and general welfare; to prevent inappropriate residential, recreational, commercial and industrial uses detrimental to the proper use or value of these areas; to prevent the intermixing of incompatible industrial, commercial, residential and recreational activities; to provide for appropriate residential, recreational, commercial and industrial uses; to prevent the development in these areas of substandard structure or structures located unduly proximate to waters or roads; to prevent the despoliation, pollution and inappropriate use of the water in these areas; and to preserve ecological and natural values.*

*In addition, the Legislature declares it to be in the public interest, for the public benefit and for the good order of the people of this State, to encourage the well planned and well managed multiple use of land and resources and to encourage the appropriate use of these lands by the residents of Maine and visitors, in pursuit of outdoor recreation activities, including, but not limited to, hunting, fishing, boating, hiking and camping."*

As described in greater detail above in this Part V and in Part III, and as demonstrated throughout the Plan, these statutory purposes are fully addressed by the Plan. “Sound planning” is the cornerstone of the Plan. As a regional plan, it represents “well planned and well managed multiple uses of land and resources.” It encourages “appropriate use” of the land by Maine residents and visitors in pursuit of outdoor recreation activities. It represents “smart growth,” preventing random sprawl and uncoordinated development. It also provides for a range of appropriately placed “residential, recreational, commercial and industrial uses.”<sup>6</sup>

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<sup>6</sup> See Part VI, Benefits to the Landowner and the Public.



The following sound planning principles underpin Plum Creek’s approach to developing the Plan:

- Ensure consistency with LURC’s CLUP by:
  - creating new zones in Plum Creek’s Gateway Lands ownership, using the “Resource Plan” approach;
  - maintaining historic public access to Great Ponds;
  - conserving land with high resource or remoteness values;
  - protecting and managing the forest for wood and fiber production;
  - following LURC’s Lake Management Class criteria;
  - guiding new development to areas appropriate for such development; and
  - concentrating most development in areas proximate to population centers and close to major roads and utility services; and
- Ensure that the proposed new development fits with existing conditions, the extent of existing development, the demand for new development, the need for new jobs, and the capacity of resources to accept new development.
- Plan for expanded traditional recreation, continued public access, and the need for interconnecting, expanded trail systems.
- Avoid new development on any ponds or lakes that are undeveloped.
- Recognize the need to retain large, un-fragmented areas of undeveloped land that help conserve habitat for multiple species.
- Follow LURC’s “location of development” guidelines when siting new development.
- Enhance the level of protection afforded areas that are least appropriate for development.
- Establish, through the Resource Plan process, conservation of 86% of the Plan Area shoreland.
- Protect for the long-term, commercial forest land by prohibiting residential development over 382,000 contiguous acres, to complement State and private conservation initiatives on surrounding forest lands.
- Plan for the increased need for seasonal lots, tourism facilities, and job creation in the region.

These planning principles address and respond to each of the purposes of the Maine Land Use Regulation Law (Chapter 206-A of Title 12 of the Maine Statutes).

**Satisfying a need and avoiding adverse impacts, or more appropriate for the protection and management of existing resources**

- B. Section 685-A (8-A)(A) of Title 12, M.R.S.A.: "The proposed land use district satisfies a demonstrated need in the community or area and 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."*

This redistricting criteria requires that the land use district proposed by the Plan either (a) satisfies a demonstrated need and has no adverse impact on existing uses or resources, or (b) is more appropriate for the protection and management of existing uses and resources within the area. Although, typically, concept plans are required to meet only the latter alternative criterion, this Plan is designed to satisfy all of the redistricting criteria of 12 M.R.S.A. § 685-A(8-A). Thus, regardless of under what standard the Plan is measured, the Plan fully addresses the applicable review criteria.

**Satisfies a demonstrated need**

- i. Section 685-A (8-A)(B) of Title 12, M.R.S.A.: "The proposed land use district satisfies a demonstrated need in the community or area."*

The proposed development components of the Plan satisfy a demonstrated need in the community, and address each of the evaluation criteria in the LURC guidance document entitled "Clarifying the Rezoning Criterion of 'Demonstrated Need.'" Part VI of the Plan, "Benefits to the Landowner and the Public," also addresses many of the evaluation factors listed below:

Evaluation factors common to both residential and non-residential projects are:

1. presence of existing compatibly zoned area(s);
2. community support;
3. compatibility with community character;
4. economic benefit;
5. special community or public benefit;

For residential projects, the following supplemental evaluation factors apply (in addition to factors 1-5, above):

6. population growth rate;
7. availability of vacant lots/units;
8. affordability of housing to local residents; and
9. impact on community services.

For non-residential projects, the following supplemental evaluation factors apply (in addition to factors 1-5, above):

6. need for goods and services;
7. projected customer base;
8. support for the forestry, agricultural, or fishing industry;
9. support for the natural resource based outdoor recreation industry; and
10. dependence on site-specific natural resources.<sup>7</sup>

## **Demonstrated need**

### *Evaluation factors common to both residential and non-residential projects*

#### *1. Presence of existing compatibly zoned areas*

The Plan is unusual in that it is regional in scope. The Plan Area is as large as a Maine county, covering over 664 square miles. The Plan is therefore appropriately designed to address many public and private needs and goals. It encompasses a range of uses, including conserved natural areas, commercial uses, hiking and snowmobile trails, affordable community housing, shoreland and backland residential lots, tourist facilities, campgrounds and sporting camps. The Plan Area is also located at the southern "fringe" of LURC's jurisdiction and serves as a "gateway" to the North Woods. It both encompasses and is near existing compatibly zoned areas (and organized townships). There exist conserved natural areas, commercial uses, hiking and snowmobile trails, affordable community housing, shoreland and backland residential lots, tourist facilities, campgrounds and sporting camps, all within, next to, or near the Plan Area.

#### *2. Community support*

The Plan is supported by the service center communities of Greenville and Jackman and by local public officials. Individuals with a vested interest in the future of the Moosehead Lake region, including the Town Managers of Greenville and Jackman and the Piscataquis County Commission and Economic Development Council have issued statements, resolutions, and letters of support for the Plan. The following statements serve as a representative example of the kinds of support statements Plum Creek continues to receive:

*"We're very pleased with what Plum Creek put forward and believe it has great economic community promise for this entire region, especially Greenville."  
(John Simko, Greenville Town Manager, Kennebec Journal, 12/15/05)*

<sup>7</sup> The full text of this guidance document is set forth in Part VI, Benefits to the Landowner and the Public.

*"It is hereby resolved on February 2, 2005 by the Piscataquis County Economic Development Council Executive Committee to:*

- 1. Support Plum Creek's Resource Plan proposal for the greater Moosehead Lake Region;*
- 2. Encourage Plum Creek to continue to work with local leaders county-wide to craft this proposal to meet both Plum Creek's objectives and those of the region;*
- 3. Request that the State of Maine work to maximize the economic and community benefit of these opportunities by developing suitable infrastructure to support new industrial and tourism-based business growth."*

*(Piscataquis Economic Development Council Executive Committee statement of support for Plum Creek Plan, resolved on February 2, 2005)*

For a complete listing of the letters, legislative resolutions, speeches, and statements of support Plum Creek has received to date please refer to the Plan Appendix.

### **3. *Compatibility with Community Character***

For centuries, the Moosehead Lake region has enjoyed a unique sense of character as an authentic outdoor recreational experience and a destination site for hunters, fishers, and wilderness enthusiasts. Beginning in 1844 with the construction of the Mount Kineo House, a grand summer resort, Moosehead Lake became a destination for tourists primarily from Maine and New England.

*"The variety of life that is offered those seeking vacation joys is perhaps the greatest attraction of this wonderful spot. From here radiate a thousand paths that lead to camping grounds about the bays of the shore, fishing holes that are unsurpassed, streams where dart the wily trout, trails that pass, through dense woods, or lead to the top of Mt. Kineo, Spencer or Squaw Mountains, drives and bridal paths along the lake's shore and through dell and glen -- and always there is the exhilarating scent of fir and balsam."*

*(The Hill-Top Magazine, July 5, 1914)*

The Plan utilizes and contributes to this historic character by building upon local and regional tourism opportunities and giving residents, tourists, and the general public access to this profound outdoor recreational experience. The Plan proposes residential and non-residential uses that are compatible and similar to the types of land uses already and traditionally in existence in the Moosehead Lake region. The Plan will not significantly alter the community's existing character, but will instead build upon that character and the existing housing, tourism, and commercial opportunities.

### **4. *Economic benefit***

The Plan will contribute considerably to the economic well-being of communities local to the Plan Area and the State of Maine. Professor and former State Economist Charles Colgan has estimated that the Plan will generate many hundreds of permanent jobs in Kennebec, Somerset, Penobscot, and Piscataquis Counties, creating

substantial growth in personal income.<sup>8</sup> Commercial and industrial developments could attract ancillary small businesses, all of which would substantially increase local and state revenue. For a complete assessment of the economic benefits afforded by the Plan, please refer to Dr. Colgan's economic impact study in the Plan Appendix.

**5. *Special community or public benefit***

For a complete description of the public benefits afforded by this Plan, and a discussion of how the Plan provides special community and public benefit, please refer to Part VI of the Plan.

**Additional evaluation factors for residential projects**

**6. *Population growth rate***

The Plan will benefit local communities by attracting new populations to areas badly in need of growth, to help replace the area's declining population over the past few decades.

As the Greenville Town Manager, John Simko, has noted:

*"The declining population in certain areas will change, possibly eliminate certain institutions in our community, have a negative impact on our municipal and school finances, and continue to erode the quality and content of our workforce."*

For a complete discussion of the need for restoration of lost population and jobs to area service-center communities and the economic development provided by the Plan please refer to Part VI, "Benefits to the Landowner and the Public."

**7. *Availability of vacant lots/units***

There is a lack of vacant developable lots in the Plan Area. Unlike other land owners in LURC's jurisdiction, Plum Creek and its predecessors have not engaged in excessive "2-in-5" or "kingdom lot" development. Approximately 80% of the Moosehead Lake area land is owned by Plum Creek, and neither Plum Creek nor its predecessors have historically created many new residential lots for sale. As a result, there is disproportionately high demand in the area for residential lots. Indeed, as of March, 2005, there are only 10 shorelots and 37 backlots in the area listed for sale.

Greenville and Jackman have both identified a community need for affordable community housing. The lack of such housing has undermined their ability to

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<sup>8</sup> "Estimated Economic Impacts of the proposed Plum Creek Resource Plan in the Moosehead Lake Region", Dr. Charles Colgan. Dr. Colgan's Report will be published in May, 2005.

enhance their workforce and recapture population which would support dwindling local school enrollments and hospital use. For a complete discussion on the need for new lots and affordable housing units in area service-center communities please refer to Part VI, “Benefits to the Landowner and the Public.”

#### **8. *Housing affordable to local residents***

According to a 2003 study issued by the Affordable Housing Subcommittee of Greenville's Community Preservation Advisory Committee, the Town of Greenville had an unmet need of 32 units of affordable housing for families and senior citizens.<sup>9</sup> The Town of Jackman's 2004 Comprehensive Plan has also identified a significant community need for affordable housing units.<sup>10</sup> Plum Creek proposes to donate up to 100 acres of land for affordable community housing to an approved non-profit organization in or near Greenville, and potentially Jackman and Rockwood. This donation will help meet the current need for affordable housing and prepare these communities for the future. Affordable community housing may help attract young professionals, like teachers, nurses, and medical technicians, to the area, and help replace diminished use of its infrastructure, including its local schools and hospitals. For a complete discussion on the need for affordable community housing, please refer to Part VI, “Benefits to the Landowner and the Public.”

Based on past experience, Plum Creek expects that a significant number of the proposed 975 house lots will be sold to Maine residents. The lots created by this Plan will be very similar to the lots that were created as part of the First Roach Pond Concept Plan, as the lots will be limited in size to a range of 1-7 acres, and will be clustered. Approximately 50% of the lots sold as part of the First Roach Pond Concept Plan were sold to Maine residents.

#### **9. *Impact on community services***

Most of the proposed subdivisions will be serviced by existing roads. The creation of new road infrastructure will be kept to a minimum. The homeowners associations for each subdivision will be responsible for the maintenance and upkeep of their access roads and Plum Creek will continue to maintain its land management roads. With the exception of the affordable housing units, it is anticipated that the majority of the residential lots will be seasonal. In every case possible, Plum Creek will attempt to utilize existing infrastructure. About 75.5% of all proposed development areas are within a 3-mile corridor on each side of two major access routes: State Route 6/15 and the Lily Bay Road. About 74% of all proposed development areas are within 3 miles of existing electrical power lines; the remainder will require either extension of lines or off-the-grid electrical service. Solid waste disposal is expected to be handled at five existing facilities in the region. Septage pump-out services are available

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<sup>9</sup> *Affordable Housing: Barriers and Solutions for Maine*, A Report from the Affordable Housing Subcommittee of the Community Preservation Advisory Committee, p. 3 (December 2003).

<sup>10</sup> Jackman 2004 Municipal Comprehensive Plan.

through local contractors. For a complete discussion of existing infrastructure and proposed extensions please refer to Part II of the Plan.

On February 2, 2005, the Piscataquis County Economic Development Council Executive Committee adopted a Resolution entitled "Support for Plum Creek's Resource Plan Proposed for Lands Surrounding Greenville and the Moosehead Lake Region." The Resolution states that the Plum Creek Resource Plan "has been devised with great care and consideration for the economic needs of the Piscataquis County region" and cites the Plan's attributes to the Count, calling on the State of Maine to "work to maximize the economic and community benefit of these opportunities by developing suitable infrastructure to support new industrial and tourism-based business growth."

### **Additional evaluation factors for non-residential projects**

#### **6. *Need for goods and services***

The Plan proposes a wide variety of services, including commercial/industrial zoning along Route 6/15, new hiking and snowmobile trails, campgrounds, sporting camps, and two tourist facilities. The "need" for these services is apparent. The Governor and Maine Office of Tourism have identified a need in the State for nature-based tourism opportunities and the Governor has created a Steering Committee to implement policy goals.<sup>11</sup> The Governor has continually stressed the importance of supporting the forest-products industry in Maine.

Plum Creek has proposed a comprehensive Plan that will simultaneously address the need for new tourism facilities and tourism opportunities, and protect and support the forest-products industry in the State of Maine. The Plan will help bring economic revitalization and increased population to service center communities desperately in need of growth through the tourism and forestry opportunities afforded by the Plan.

For a discussion by public officials on the need for goods and services afforded by the Plan, please refer to Part VI, "Benefits to the Landowner and the Public."

#### **7. *Projected customer base***

Plum Creek's proposed non-residential development (new hiking and snowmobile trails, campgrounds, sporting camps, and two tourist facilities) will cater to local and regional residents, visitors from the entire State of Maine, and visitors from New England, the United States, and abroad. Local residents will benefit from the new jobs that will be created by these development components. The Public will benefit from the increased opportunities for nature-based tourism that the Plan offers.

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<sup>11</sup>Governor's Steering Committee on Natural Resource-Based Industries.

For available market study information on the fiscal impacts to local residents, please see the economic impact study prepared by Dr. Charles Colgan included in the Plan Appendix.

**8. *Support for forestry, agriculture, or fishing industry***

The forest-products industry is one of the largest business sectors in Maine. The Plan will protect 382,000 acres of “working forest” from any new residential development for a minimum of 30 years. The predictability offered by the Plan will allow Plum Creek to invest in the future of the Maine forest-products industry with confidence. For further discussion of this topic, please refer to Part VI, “Benefits to the Landowner and the Public.”

**9. *Support for the natural resource based outdoor recreation industry***

The Plan is designed to enhance and support existing regional outdoor recreation, while creating new opportunities for nature-based tourism. Upon approval of the Plan, Plum Creek will convey over 125 miles of hiking and snowmobiling trail easements to the public, providing unparalleled connectivity and access to the North Woods. Permanent shoreland conservation on 55 pristine ponds and lakes will ensure the remote forest experience is maintained for Maine residents and tourists in perpetuity.

Campgrounds, sporting camps, and tourist destination facilities, and the grant of public trail easements will result in an increase in tourism to the Moosehead Lake region, strengthening existing sporting camps and adventure schools.

As the State's tourism consultant David Vail notes in his 2003 report entitled "Sustaining Nature-Based Tourism in Vacationland," presented at Governor Baldacci's Blaine House Conference on Natural Resources, the two fastest-growing American populations have radically different interests as tourists:

*"With the "boomer" generation entering retirement, the 55-and-over age group will grow by more than 60% between 2000 and 2020....Older travelers have a high propensity to take overnight (i.e. longer distance) trips, travel year-round, and participate in general tourism: multi-day trips with extensive driving (or riding) and multiple attractions. ... the 19-to-34 age group will grow 20% by 2020. Many in this cohort are strongly attracted to outdoor adventures, such as biking, hiking, technical climbing, camping, skiing, paddling and nature photography."<sup>12</sup>*

The Plan proposes the development of two new tourism facilities. The tourist facility zones in the Plan allow for such uses as Maine Woods tours, outdoor leadership schools, marinas, horse stables, and other facilities related to outdoor recreation. For

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<sup>12</sup> Vail, David. "Sustaining Nature-based Tourism in 'Vacationland.'" presented at the Blaine House Conference on Natural Resource Based Tourism, 17 Nov., 2003.



a more complete outline of the possible tourist facilities and their benefits to the public, please refer to Parts IV and VI of the Plan.

On March 31, 2005, Governor Baldacci unveiled a new economic initiative aimed at developing and expanding a range of tourism opportunities in Maine's rural communities. The Governor stated:

*"[The Maine Nature Tourism Initiative] will enable us to make the critical connection between our resources, tourism and economic development; to maximize our resources and by doing so to propel Maine as the premier tourist destination. With appropriate targeted investments, we can use the unique beauty of our landscape to bring new dollars into the state and help Maine's rural communities as they work to diversify their local economies."*

The Governor is proposing legislation entitled, "The Pine Tree Recreation Zone Act", L.D. 192, under which new hotel or resort proposals, as well as existing sporting camps, may qualify for a number of tax incentives that would help create new jobs and new revenue.

The Governor also announced nature-based tourism projects for interpretative visitor centers, thematic tourist itineraries, and maps and guides in three "pilot-project" areas of Maine, one of which is the Moosehead Lake region.<sup>13</sup>

#### **10. Dependence on site-specific natural resources**

According to the Maine Forest Service, "[t]he key to Maine's past, present, and future quality of life and economic prosperity for its citizens is permanently linked to the condition of the State's forest resources."<sup>14</sup> The Plan can help bring needed economic development to a struggling economy while protecting and conserving some of the region's highest valued resources. The forest and lakes are a clear attraction. Large blocks of unfragmented forest help ensure the viability of the forest-products industry. The Plan is dependent entirely upon the natural resources of the Gateway lands. The Plan Plum Creek has prepared is carefully designed to protect high value natural resources for the future of Maine's people and forest products industry while utilizing the unique character of the Moosehead Lake Region to bring new people and new jobs.

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<sup>13</sup> Press Release March 31, 2005, "Governor Unveils Rural Economic Development Plan".

<sup>14</sup> <http://www.state.me.us/doc/mfs/mfshome.htm>, accessed March 30, 2005.

**No adverse impacts on existing uses or resources**

- ii. **Section 685-A (8-A)(B) of Title 12, M.R.S.A.: "The proposed land use district...has no undue adverse impact on existing uses or resource."**

The Plan is designed to ensure that there will be no "undue adverse impact on existing uses or resources". The residential lot development proposed in the Plan is substantially less than what could be created under the guidelines of LURC's Lake Management Program, as shown in the comparative build-out analysis prepared by LURC staff on February 18, 2005 (see Part II for the complete LURC analysis).

Set forth below is a Table comparing the Plan's proposed number of lots per lake, and the currently allowed number of lots using the CLUP's "1 lot per 10 acres of lake surface area" and "1 lot every 400 ft. of shore frontage" planning guidelines, as calculated by LURC staff:

***TABLE: COMPARISON OF THE PLAN'S PROPOSED LAKE SHORELAND LOTS TO LURC'S BUILD-OUT ANALYSIS FOR THESE LAKES<sup>15</sup>***

Lakes and Ponds	The Plan's Proposed Number of Shoreland Lots	Build-Out Potential Applying Lake Management Program Guidelines <sup>16</sup>
1. Brassua Lake	189	499
2. Moosehead Lake	103	178
3. Long Pond	80	175
4. Indian Pond	35	58
5. Prong Pond	30	27
6. Upper Wilson Pond	30	83
7. Moose River	30	N/A
8. Burnham Pond	20	43
9. Fish Pond	6	20
10. Ellis Pond	8	8
11. Luther Pond	6	14
12. Center Pond	5	5
13. Knights Pond	5	14
14. 2d Roach Pond	10	97
15. 3d Roach Pond	10	53
16. Penobscot Pond	8	18
Total	575	1290

<sup>15</sup> See Part II of the Plan Application for LURC's Build-Out Analysis, entitled "Development Baseline Evaluation Prepared by LURC Staff for Plum Creek's Proposed Concept Plan in Moosehead Lake Area, February 18, 2005".

<sup>16</sup> CLUP, App. C. IV, A at p. C-4.

Thus, under these two CLUP guidelines, the number of shoreland lots the Plan proposes is less than half the number of lots currently allowed according to LURC's February, 2005 comparative build-out analysis.<sup>17</sup> Moreover, the Plan proposes to keep pristine forever 55 lakes and ponds on which hundreds of other shoreland lots could potentially be created under LURC's build-out analysis.

The Plan lots are clustered and placed on ponds and lakes that already have development (with the exception of Burnham Pond, which is proximate to existing developed areas), following smart-growth, anti-sprawl principles.

The Plan's commercial/industrial zone is located along the region's major public road away from existing residential development, encompassing an existing LURC commercial/industrial subdistrict. The public trails, and 55 conserved ponds and lakes, will enhance the public's use and enjoyment of the natural attributes of the region. The proposed tourist facilities and campground zones will allow for the enhancement of the outdoor recreational use of the area, and enhance job creation and the economic health of the region. The Plan will enhance existing uses and resources, as the best and most responsible alternative to unplanned and sprawling development, or "kingdom lot" development that might tend to close off, instead of open up, the region to the public.

**LURC has adopted seven specific "impact" standards, for rezoning "areas adjacent to lakes."**<sup>18</sup> The Plan's development components meet each of these standards, as outlined below:

1. **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.

There is no lot development proposed on any of the 55 pristine lakes or ponds in the Plan Area and these pristine shorelands will be placed in permanent conservation. The development proposed on 15 lakes and ponds (14 of which already have development on them) and one river will be clustered and subject to design and clearing restrictions. Plum Creek's remaining shoreland on these lakes and ponds and on the river will be forever conserved.

2. **Water quality:** The proposal will not, alone or in conjunction with other development, have an undue adverse impact on water quality.

New shoreland development proposed under the Plan can only be approved through subdivision permit applications to LURC. In connection with these applications, detailed phosphorous studies will be conducted to ensure that the proposed

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<sup>17</sup> As LURC's Comparative Build-out analysis notes in its footnotes, its shoreland build-out analysis is calculated only with reference to these CLUP guidelines, and does not consider site conditions, location of development limitations, or subdivision review criteria.

<sup>18</sup> Ch. 10.08,2.

development will not have an undue adverse impact on water quality. Best Management Practices will continue to be followed on any road construction.

**3. 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.

The proposed Plan will enhance traditional uses. It will bring back a “grand” tourist facility such as had existed at Moosehead Lake in the early 20<sup>th</sup> century and a smaller lodge facility. It will enhance public hiking and snowmobiling opportunities. It will create opportunities for new and existing sporting camps, and will prevent residential development in timber harvesting areas on 382,000 acres for a minimum 30-year period.

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

The Plan will support, rather than alter, the existing diversity of lake-related uses, securing permanent conservation on 55 of the lakes and ponds in the Plan Area, and allowing public access to all lakes and ponds.

**5. Natural character:** Adequate provision has been made to maintain the natural character of shoreland.

By conserving forever 86 percent or more of the shoreland in the Plan Area, by clustering all lot development, by keeping shoreland lot sizes small (about 3 acres), by placing open space restrictions on all subdivision homeowner association common areas, by implementing strict design standards and setback requirements for all subdivisions, and by adhering to LURC’s shoreland clearing regulations, the Plan makes ample provision for maintaining the natural character of the shoreland.

**6. Lake management goals:** The proposal is consistent with the management intent of each affected lake’s classification.

In keeping with LURC’s Lake Management Program, no development is proposed on any pristine lake or any lake classified as Management Class 1 (high value, least accessible, undeveloped lake); Class 2 (high value accessible, undeveloped); Class 4 (high value, developed lakes); Class 5 (heavily developed lakes) or Class 6 (remote ponds). Development is proposed on three Class 3 lakes (potentially suitable for development) and eleven Class 7 lakes (unclassified) on which there is already some development, with the exception of Burnham Pond, noted above.

**7. Landowner equity:** Whereas future development on a lake may be limited for water quality or other reasons, proposed development on each will not exceed its proportionate share of the total allowable development.

Plum Creek owns a high percentage of the shoreland of the lakes on which it proposes lot development - owning close to 100% of most of the 13 lakes and ponds on which lot development is proposed, and a portion of the shoreland on Moosehead Lake and Brassua Lake. The Plan proposes 103 shorefront lots on Moosehead Lake, on 25,750 feet of shoreland, comprising a minor percentage of the entire lake shoreland; and it proposes 189 shorefront lots on Brassua Lake, on 47,250 feet of shoreland, which is 23 percent of Plum Creek's shoreland ownership on Brassua Lake. Because Plum Creek either owns virtually all of the developable shoreland on a lake, or does not propose a level of development that would preclude other owners on Moosehead and Brassua from appropriately developing their ownerships, the Plan's proposed shoreland development does not exceed Plum Creek's proportionate share of total allowable development. The Plan's proposed conserved shoreland will supplement 29 miles of Moosehead Lake shoreland Plum Creek has already sold to the State.

**More appropriate for the protection and management of existing resources within the affected area**

*iii. Section 685-A (8-A)(B) of Title 12, M.R.S.A.: "[A] new district designation is more appropriate for the protection and management of existing uses and resources with the affected area."*

Please see the discussion in Section 4, below, for a description of how the Plan meets this alternate review criteria.

## *Section 2: Conformance with Land Use Districts and Standards*

### *Ch. 10.23,H,6's Second Resource Plan Criterion: "The plan conforms, where applicable, with the Commission's Land Use Districts and Standards"*

In addressing the regulatory requirement of Ch. 10.23,H,6,b that the Plan "conforms, where applicable, with the Commission's Land Use Districts and Standards," the Plan also addresses the statutory requirement of Section 685-A (8-A)(A) that proposed land use districts be "consistent with the standards for district boundaries in effect at the time..." (see Part V, Section 1.A.i., above). The discussion that follows is therefore applicable to both of these statutory and regulatory review criteria.

## **Plan purpose appropriate for planning area**

To “conform with” or be “consistent with” existing district standards, the purpose of the Resource Plan Protection (P-RP) subdistrict must be appropriate for the affected area. The stated purpose of the P-RP subdistrict is “to provide for the more efficient and effective management of single or multiple protection subdistricts (and in some cases adjoining management subdistricts) than can be realized through the use of other protection subdistricts and their related standards.” (Ch. 0.23,H,1.) The Plan accomplishes that precise purpose.

## **Future development without a plan**

Currently, a substantial majority of shoreland in the Plan Area is zoned in the Great Pond Protection (P-GP) subdistrict, while virtually all of the interior is designated in the General Management (M-GN) subdistrict. These current zoning designations do not adequately, efficiently, or effectively manage the uses of the land contained in the 664-square mile Plan Area. Under the status quo of the existing regulatory framework, random, haphazard development of the shoreland and interior areas can occur through a variety of mechanisms. In similar areas of the jurisdiction, unrelated rezoning petitions are approved for areas adjacent to existing, compatible development – which often results in uncoordinated, unplanned growth, that can spread to inappropriate areas through “leapfrogging”, as is discussed below. In addition, significant development of dispersed areas can and does occur, with minimal regulation, through the use of the so-called “2-in-5” exemption from subdivision review.<sup>19</sup> Such exempt development can later form the basis for approval of a rezoning petition. This pattern is highlighted in the CLUP as a major problem facing the jurisdiction, and the strain on existing resources, both natural and civic, is compounded when this type of random development occurs.

The existing P-GP and M-GN subdistricts covering almost all of the Plan Area allow the construction of new houses, but prohibit subdivisions. As a result, these existing regulations discourage well-planned development by making it difficult to adhere to the location of development guidelines outlined in the CLUP or to concentrate development in the most appropriate areas. Absent an approach such as is proposed in this Plan, all new development in the region must necessarily occur through exemptions in LURC's subdivision laws (such as the 2-in-5 exemption) and through rezoning petitions associated with subdivision applications. Because the 2-in-5 exemption is tied to existing lots (defined as a contiguous parcel under common ownership in one township), highly dispersed development that does not take into account any sound planning principles may be created over time. There is no guarantee that this new development will take place in appropriate areas, or be concentrated or clustered.

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<sup>19</sup> Under 12 M.R.S.A. §682, two new lots may be created from an existing parcel in each township every five years without triggering subdivision review by LURC.

## **The drawbacks of a project-by-project planning approach**

The CLUP explains how the use of successive, unrelated zoning petitions in connection with subdivision applications also may result in sprawling, inappropriate development. “Once an area is rezoned and developed, it can, in turn, serve as the basis for rezoning other areas...[which] has the potential to sanction a leapfrogging effect in which each new development potentially becomes the existing, compatible developed area from which adjacency for the next development can be measured.”<sup>20</sup> Therefore, development may spread to inappropriate areas, and may also ignore currently undeveloped areas that are appropriate for designation as new development centers under the guidelines of the CLUP.

As an example of this problem with the existing zoning regulations, the CLUP notes that “a rezoning proposal in Soper Mt. Township might succeed if it were located near five otherwise isolated seasonal camps, while a similar proposal in Argyle, a few miles away from Interstate 95, may fail because there are no dwellings in the vicinity.”<sup>21</sup> In either case, the goals of the CLUP are not met because new development is not located in the most appropriate areas, and there is no region-wide approach to planning.

Further, the existing zoning designations do not include provisions for economic development, outdoor recreation, and other public benefit activities and uses promoted and encouraged in the CLUP and provided by this Plan. For any of these uses to occur in the region, appropriate areas must be rezoned, despite the State’s need for such uses.

## **Planning development in appropriate places**

In contrast, this Plan creates explicit boundaries around areas where new development is appropriate, and strictly limits or prohibits development outside of those areas. These boundaries are based upon sound planning principles such as those outlined in the CLUP and as applied in prospective zoning, and consider the unique characteristics of the affected areas and the region as a whole, rather than applying arbitrary subdivision principles, standards, and exceptions on a jurisdiction-wide basis.

As noted throughout the Plan, and as is more specifically addressed below, the Plan seeks to manage the existing uses (forestry, residential lot development, recreation) and resources (unfragmented forestland, pristine ponds, shoreland areas, and other natural features) more efficiently and effectively by guiding development to appropriate areas, capping development at appropriate levels, protecting valuable shoreland and inland resources from further development, conserving special and unique areas, and creating important recreational and economic development

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<sup>20</sup> CLUP at p. 124.

<sup>21</sup> CLUP at p. 124.

opportunities, including granting public trail easements and preserving the working forest, all while reducing the need for repetitious and duplicative rezoning applications to LURC. As a result, the State, the affected communities, and the landowners can each invest in the coordinated character of a long-term plan, while enhancing the area's vitality and resources.

Although the land use standards proposed for the Plan Area include some uses and activities not included in the existing M-GN and P-GP subdistricts, LURC has made provisions for these uses and activities in various other sections of its regulations.<sup>22</sup> The land use standards established under the Plan are based upon those existing regulations.

The new land use standards proposed for the Plan's new zones are contained in Part VII of the Plan Application. As to areas proposed for future development, there is no downward deviation from the current dimensional and siting requirements. Further,

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<sup>22</sup> There are four development zones proposed in the Plan.

1. *Zones for nature-based tourism facilities at Lily Bay and the South Brassua peninsula;*
2. *Zones for 3 commercial campgrounds at South Brassua, West Outlet, and Kokadjo;*
3. *Various zones for residential lots, including affordable housing near Greenville, and potentially, Rockwood and Jackman;*
4. *Zone for industrial and commercial uses along Route 6/15.*

All of these four development components and their related land use standards are allowed in at least one or more of the 27 subdistricts currently in effect, subject to applicable requirements.

By way of example:

1. Tourist facilities are allowed in the General Development Subdistricts (D-GN and D-GN2), subject to applicable requirements, including, public or private recreation facilities (D-GN2 expressly includes hotels), golf courses, single-family dwellings, two-family dwellings, multi-family dwellings, and residential subdivisions, stores, commercial recreational uses, campgrounds, and entertainment or eating establishments. Chapter 10.21,C.

Tourist facilities are also contemplated in the Planned Development Subdistrict (D-PD), subject to applicable requirements, for "large scale, well planned developments for residential, recreational, commercial or industrial use or some combination of those uses". Chapter 10.21,G.

2. Various commercial, manufacturing, storage, and industrial uses are allowed, subject to applicable requirements, in the Commercial/Industrial Development Subdistrict (D-CI). Chapter 10.21, A.
3. Residential uses are allowed in almost all subdistricts, and residential subdivisions are allowed in the Residential Development Subdistrict (D-RS) (and D-RS2, D-RS3, etc.), subject to applicable requirements, including single and two-family dwellings, multi-family dwellings and subdivisions. Chapter 10.21, H.
4. Commercial and industrial uses are allowed in the Commercial/Industrial Development Subdistrict (D-CI), subject to applicable requirements. Chapter 10.21, A.



all currently applicable review criteria for subdivisions and structures adjacent to lakes have been incorporated into the Plan, with additional requirements imposed by the Plan. Covenants associated with homeowners associations also provide for stricter dimensional requirements and use restrictions than are currently applicable under existing regulations. Model covenants detailing these requirements and restrictions are contained in the Appendix.

### *Section 3: Conformance with the CLUP*

#### *Ch. 10.23,H,6's Third Resource Plan Criterion; "The plan conforms with the Commission's Comprehensive Land Use Plan"*

In addressing the regulatory requirement of Ch. 10.23,H,6,c that the Plan "conforms with the [CLUP]," the Plan also addresses the statutory requirement of Section 685-A (8-A)(A) that proposed land use districts be "consistent with the comprehensive land use plan" (see Part V, Section 1.A.ii., above). The discussion that follows is therefore applicable to both of these statutory and regulatory review criteria.

#### **The CLUP's three "broad" goals**

The Plan is designed to be fully consistent with the CLUP, including each of the CLUP's three "broad" goals, and a variety of the CLUP's "specific" goals and policies.

The CLUP's three broad goals are as follows:

*"The Commission's policies shall be directed toward the achievement of three broad goals:*

- 1. Support and promote the management of all the resources, based on the principles of sound planning and multiple use, to enhance the living and working conditions of the people of Maine, to ensure the separation of incompatible uses, and to ensure the continued availability of outstanding quality water, air, forest, wildlife and other natural resource values of the jurisdiction.*
- 2. Conserve, protect and enhance the natural resources of the jurisdiction primarily for fiber and food production, nonintensive outdoor recreation and fisheries and wildlife habitat.*
- 3. Maintain the natural character of certain areas within the jurisdiction having significant natural values and primitive recreation opportunities."<sup>23</sup>*

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<sup>23</sup> CLUP at p. 134.

*The Plan is consistent with each of the CLUP's three "broad goals".*

***CLUP GOAL 1***

The Plan is "based on the principle of sound planning," allowing for multiple uses, promoting the management of the working forest through the establishment of the "No Development/Working Forest" zone, and promoting the management of traditional recreation and tourism resources through trails and conservation of pristine lakes and ponds.

The Plan's proposed commercial/industrial zone and affordable housing initiative, as well as the zones for proposed residential lots, and tourism facilities, campgrounds and sporting camps, will provide jobs and related economic benefits (including tourism expenditures, jobs and increased property tax revenue for the State), and help replace lost population in the region, so as to "enhance the living and working conditions of the people of Maine".

The Plan's coordinated land uses are in accord with "smart-growth" principles, including the clustering of lots and prohibition of their further subdivision, and prohibition of any new residential development in the No Development/Working Forest zone, which comprises 89% of the 426,000-acre Plan Area. The Plan is thus designed "to ensure the separation of incompatible uses and to ensure the continued availability of outstanding quality water, air, forest, wildlife and other natural resource values of the jurisdiction."

***CLUP GOAL 2***

The Plan will dedicate approximately 89 % of the Plan Area to a No Development/Working Forest zone; conserve, forever, 86% of the lake and pond shoreland in the Plan Area; create grants for public hiking and snowmobile trail easements; and allow for the creation of a variety of nature-based tourism opportunities. The Plan integrates these proposed new conservation measures with past conservation in the area at Moosehead Lake and the Kennebec River. These features address LURC's goal to "conserve, protect and enhance the natural resources of the jurisdiction primarily for fiber and food production, non-intensive outdoor recreation and fisheries and wildlife habitat."

***CLUP GOAL 3***

The Plan will maintain the natural character of over 55 pristine ponds and lakes, forever; provide for campgrounds and sporting camp zones; and rekindle the historical recreation and tourist facility tradition in the area, all of which address LURC's goal to "maintain the natural character of certain areas within the jurisdiction having significant natural values and primitive recreation opportunities."

**The Plan is consistent with the CLUP's specific goals and policies**

*The Plan is consistent with, and helps fulfill, many of the CLUP's specific goals and policies.*

***CLUP GOAL No. I.F. (Forest Resources)***

The Plan is designed to protect as a working forest, 382,000 acres (89 %), of the Plan Area. As such, it is consistent with the CLUP goal No. I.F. regarding Forest Resources, to "conserve, protect and enhance the forest resources which are essential to the economy of the state as well as to the jurisdiction". It is also consistent with the Forest Resources goal's related policies, such as its Policy No. 1, to "discourage development that will interfere unreasonably with continued timber and wood fiber production", and its Policy No. 6, to "discourage land uses that are not essential to forest management or timber production on highly productive forestlands".

***CLUP GOAL No. I. H. (Recreational Resources)***

The Plan is designed to protect forever Plum Creek-owned shoreland on 55 pristine ponds and 86% of Plum Creek's total shoreland on 15 other lakes and ponds, to grant over 126 miles of public hiking and snowmobile trail easements, and to allow for a range of nature-based tourism facilities. As such, it is consistent with the CLUP goal regarding Recreational Resources, No. I, H, to "conserve and protect the natural beauty and unspoiled qualities of the waters, shorelands, mountains, plant and animal habitats, forests, scenic vistas, trails and other natural and recreational features in order to protect and enhance their values for a range of public recreational uses."

The same Plan features are consistent with the Recreational Resources goal's policy No. 1, to "protect remote, undeveloped and other significant recreational areas, including such areas around rivers and streams, trails, ponds and lakes, to protect their natural character for primitive recreational activities such as canoeing, hiking, fishing and nature study."

The same Plan features are consistent with the Recreational Resources goal's policy No. 2, to "encourage diversified, nonintensive, nonexclusive uses of recreational resources."

The Plan's proposal to provide zones for a range of nature-based tourist facilities, campgrounds and sporting camps, and to convey hiking and snowmobile trails, is consistent with the Recreational Resources goal's policy No. 3, to "promote a range of recreational opportunities, including (a) major, intensive recreational facilities near organized areas or in new development centers determined to be appropriate, (b) less-intensive, nonexclusive recreational facilities in other areas; and (c) opportunities for primitive recreation without intrusion from more intensive forms of recreation."

***CLUP GOAL No. I.J. (Water Resources)***

The Plan's proposal to conserve forever the shoreland of 55 pristine ponds, to conserve the substantial majority of the shoreland on lakes and ponds on which limited development is proposed, and to conduct phosphorus studies to verify that the proposed development will not negatively impact water quality, are all consistent with the Water Resources policy No. 2, to "protect the recreational and aesthetic values associated with water resources"; and with the Water Resources policy No. 4, to "conserve and protect lakes, ponds and rivers and their shorelands which provide significant public recreational opportunities". The same Plan features, as well as provision for campgrounds, sporting camps and nature-based tourist facilities are consistent with the Water Resources policy No. 5, to "permit a reasonable range of development and land uses on lakeshores in order to accommodate a range of recreational opportunities important to Maine people."

***CLUP GOAL No. I.L. (Wildlife and Fisheries Resources)***

The Plan's proposal to conserve forever the shoreland of 55 pristine ponds is consistent with the CLUP's Location of Development goal in I.L. to "conserve and protect the aesthetic, ecological, recreation, scientific, cultural, and economic values of wildlife and fisheries resources."

This landowner-initiated Plan is consistent with the policy in I.L (Wildlife and Fisheries Resources) No.5, to "encourage cooperative agreements between landowners and public agencies which further the Commission's policies and goals and, when appropriate, modify the Commission's zoning to facilitate the execution of such agreements."

***CLUP GOAL No. I.M. (Scenic Resources)***

The Plan's features to cluster and cap lot development, to impose design requirements on the lot structures, to conserve the substantial majority of shoreland on which such limited development is proposed, to confine the commercial zone along the major public road, and to convey hiking and snowmobile trail easements that will connect with a wider network of such trails, are all consistent with the CLUP goal, I.M. (Scenic Resources) to "protect scenic character and natural values by fitting proposed land use activities harmoniously into the natural environment and by minimizing adverse aesthetic effects on existing uses, scenic beauty, and natural and cultural resources."

Further, the Plan's conservation features will complement Plum Creek's past conservation sales to the State of significant shoreland on Moosehead Lake and the Kennebec River. The Plan's features are consistent with the related policy I.M., No. 1 to "encourage concentrated patterns of growth to minimize impacts on natural values and scenic character."

***CLUP GOAL No. II.A. (Location of Development)<sup>24</sup>***

The development proposed in the Plan is located so as to be consistent with the CLUP's Location of Development goal, in II.A. to:

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<sup>24</sup> The CLUP states that “the principal development issue is not the amount of development taking place in the jurisdiction, but rather where it is located.” CLUP at p. 125. In revising its 1983 CLUP, LURC stated in its 1997 CLUP that: “Two central principles of the Comprehensive Land Use Plan (1983) are ‘discouraging growth which results in sprawling development patterns’ and encouraging ‘orderly growth within and proximate to existing compatible developed areas, particularly towns and communities.’” CLUP at p. 114.

The CLUP refers to this latter principle, also stated as the principle that “new development should be located near existing development,” as the “adjacency principle.” CLUP at p. 122. Until the 1983 CLUP was revised in 1997, the adjacency principle was “generally interpreted to mean that most rezoning for development should be no more than a mile by road from existing compatible development.” CLUP at p. 122. However, the 1997 CLUP found this application of the adjacency principle to be “especially” deficient, having allowed for the “leapfrogging” sprawl of development, stating:

“Under the Commission’s rules, relatively few existing residential or commercial structures are needed to make areas eligible for development subdistricts, and this has resulted in a proliferation of small development districts throughout the jurisdiction. Application of the adjacency principle to all of these districts renders large areas of the jurisdiction potentially appropriate for intensive development. Once an area is rezoned and developed, it can, in turn, serve as the basis for rezoning other areas within a mile. The adjacency principle, then, has the potential to sanction a leapfrogging effect in which each new development potentially becomes the existing, compatible developed area from which adjacency for the next development can be measured.”

“The adjacency principle also lacks guidance on what types or intensities of use constitute ‘compatibly developed areas’ and on situations where it may have limited application. As the adjacency principle is now applied, the focus is on whether there is existing development in the vicinity, not on the general appropriateness of the area for intensive development.”(emphasis supplied) CLUP at p. 124.

Thus, in revising the CLUP’s goals and policies in 1997, LURC adopted a set of 10 “location of development” policies, and deleted the “one mile by road” application from those policies. In doing so, it explained as follows:

“The adjacency principle will remain a central consideration in rezoning, but its application will be further refined to promote consistency and good planning...Several of the policies of this plan provide more direction on how the adjacency principle would be best applied in different situations.” CLUP at p. 127.

“Although some of the trends evident in the period from 1971 to 1991 are consistent with the future vision for the jurisdiction, the continued creation and development of scattered lots in the interior, or other areas deemed inappropriate for intensive development, are not. Many aspects of the Commission’s policies and regulations are supportive of the future vision of the jurisdiction, but the lack of control over the location of new lots in the interior or other areas deemed inappropriate for intensive development will remain a major obstacle in attaining this vision and ensuring the long-term protection of the jurisdiction’s principal values. So will the Commission’s largely reactive approach to rezonings and the limitations of the adjacency criterion as it is now applied.

By making several refinements in its approach, the Commission can more effectively guide growth and protect the jurisdiction’s principal values while providing greater opportunities for reasonable economic development. The policies and implementation strategies that follow are aimed at meeting this vision.” CLUP at p. 134. (Emphasis supplied.)

*"Guide the location of new development in order to protect and conserve forest, recreational, plant or animal habitat and other natural resources, to ensure the compatibility of land uses with one another and to allow for a reasonable range of development opportunities important to the people of Maine."*

The Plan meets this "Location of Development" goal, as it conserves the working forest; conserves, and enhances, recreational resources; and provides a regional plan of coordinated, interdependent uses that "ensures the compatibility of land uses with one another and allows for a reasonable range of development opportunities important to the people of Maine."<sup>25</sup>

There are 10 "location of development" policies related to the CLUP Location of Development goal:

1. *"Provide for a sustainable pattern of development consistent with historical patterns which directs development to suitable areas and safeguards the principal values of the jurisdiction, including a working forest, integrity of natural resources, and remoteness."*
2. *"Discourage growth which results in scattered and sprawling development patterns."*
3. *"Guide development to areas near existing towns or communities and in other areas identified as appropriate development centers..."*
4. *Guide proposals for major new waste disposal facilities to the jurisdiction's "fringe".*
5. *Encourage conservation of valued remote areas.*
6. *"Undertake prospective zoning for development, particularly within areas of the jurisdiction where there is a need to achieve balance between expected development pressures and high resource values."*
7. *"In communities or areas without prospective development zoning, encourage orderly growth within and proximate to existing, compatibly developed areas -- i.e. existing development of similar type, use, occupancy, scale and intensity to that being proposed, or a community center with a range of uses for which the proposed development will provide complementary services, goods, jobs and/or housing."*
8. *"Allow well planned development in areas appropriate as new development centers where: (a) there is a demonstrated public demand for and benefit from the proposed development in that area;(b) there is a demonstrated need for locating the development not proximate to established developed areas;(c) the productivity of existing forest and agricultural resources in the jurisdiction is not unduly harmed; (d) recreational resources and uses are not unduly harmed; (e) remote, natural and plant or animal habitat values are not unreasonably degraded; and (f) needed services are available or can be provided without unreasonable financial, social or environmental costs to the public."*

<sup>25</sup> See Part VI, Benefits to the Landowner and the Public.

9. *"In areas which are not appropriate as new development centers, allow for (a) planned developments which depend on a particular natural feature, subject to site plan review, and (b) other development, subject to concept plan review."*

10. *"Permit subdivision for the purpose of development only in areas zoned for development."<sup>26</sup>*

***How the Plan addresses each of the CLUP's 10 Location of Development Policies.***

***The CLUP's Location of Development Policy 1: Directs development to a suitable area of the jurisdiction.***

*"Provide for a sustainable pattern of development consistent with historical patterns which directs development to suitable areas and safeguards the principal values of the jurisdiction, including a working forest, integrity of natural resources and remoteness."*

As a regional, comprehensive plan, the Plan is consistent with the CLUP's policy II.A. No. 1, regarding the location of development on a jurisdiction-wide level. The Plan Area is located on the fringe of LURC's jurisdiction in the Moosehead Lake region, near Greenville, Rockwood, Jackman, and Beaver Cove, an area long identified as a growth center with high levels of shoreland development. The Plan's proposed tourist facilities are consistent with Moosehead Lake's grand tourist facility tradition of the early 1900's. The level of proposed residential lot development is capped and is less than the historical pattern of residential lot creation in the region, and is substantially less than the potential lot build-out under current regulations.<sup>27</sup> Thus, the Plan directs development to suitable areas, safeguards the principal values of the jurisdiction, and provides for "a sustainable pattern of development consistent with the historical patterns".

***The CLUP's Location of Development Policy 2: Discourages sprawl.***

*"Discourage growth which results in scattered and sprawling development patterns."*

The Plan concentrates new development in appropriate areas, implements caps on the numbers of new lots, and prohibits residential development uses (currently allowed under existing regulations) in 97 % of the Plan Area, thereby eliminating the prospect

<sup>26</sup> CLUP, Ch. 5 II, A. 1-10, pp. 140-141.

<sup>27</sup> LURC's February, 2005 Development Baseline Evaluation Prepared by LURC Staff for Plum Creek's Proposed Concept Plan in Moosehead Lake Area, February 18, 2005.

of random, "leapfrogging," scattered, and sprawling development patterns allowed under existing regulations.

***The CLUP's Location of Development Policy 3: Guides development to areas near existing towns or communities and in other areas identified as appropriate development centers.***

***Sub policy 3(a): Identify a Group of Towns, Plantations, and Townships Which are the Most Appropriate for Growth***

*"Identify a group of towns, plantations, and townships which are the most appropriate for growth when considering: (1) proximity to organized towns and population centers; (2) compatibility of natural resources with development; (3) demonstrated demand for development; (4) accessibility by major routes; and (5) availability of infrastructure which is, when compared to conditions in other towns, the best prepared to accommodate growth."*

As the Plan Area is "proximate to organized towns and population centers," including Greenville, Beaver Cove, Rockwood and Jackman, the mix of capped and diverse development that the Plan proposes is "compatible" with existing development, is in demand<sup>28</sup>, is accessible by major routes<sup>29</sup>, and, being on the southern fringe of LURC's jurisdiction and close to population centers, has infrastructure available (hospitals, schools, electricity) that is "the best prepared to accommodate growth."

***Sub policy 3 (b): Outside of Towns, Plantations, and Townships, identify appropriate Development Centers***

*"Outside of towns, plantations and townships identified as the most appropriate for growth, identify areas that are appropriate as development centers and encourage compact patterns of development around these areas."*

The Plan encourages "compact patterns of development" by clustering the proposed backlots, as well as concentrating the shoreland lots on just 15 out of 69 ponds and lakes (and on one river) in the Plan Area.

***Sub policy 3 (c)(1): Encourage year-round residential development near existing towns and communities.***

*"Encourage year-round residential development near existing towns and communities, particularly in the towns, plantations and townships identified in 3.a above, where it can be efficiently served by existing services, facilities and utilities."*

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<sup>28</sup> See Part VI, Benefits to the Landowner and the Public.

<sup>29</sup> See Part IV, Plan Inventory.



The Plan proposes affordable housing zoning on up to 100 acres of Plum Creek donated land to the Town of Greenville (or a non-profit housing authority designated by Greenville and potentially Rockwood and Jackman). It is anticipated that a fair number of lot purchasers will become year-round residents – especially those who purchase lots close to Greenville, Rockland and Jackman. The trails and conservation established by the Plan promote nature-based tourism employment. The tourist facilities and residential lot development will provide area employment, which will help support a year round residential population. Such Plan features will encourage "year-round residential development near existing towns and communities." On the other hand, the proposed lot development on the five outlying ponds is not as likely to become year-round development due to the Plan's restrictions on the extension of utility lines and the prohibitive cost of plowing.

***Sub policy 3 (c)(2): Encourage second home development near existing towns and communities and appropriate development centers***

*"Encourage second home development near existing towns and communities, particularly in the towns, plantations, and townships identified in 3.a above, and near development centers near 3.b above."*

With residential lot zoning on or near a minor portion of backland, and shoreland on 15 lakes and ponds and one river located on the fringe of LURC's jurisdiction, near service and population centers with infrastructure capacity, and near compatible development, with a prohibition on residential development anywhere else in 97.8% of the Plan Area, the Plan encourages such second-home development.

***Sub policy 3 (c)(3): Allow remote camps at low densities throughout the jurisdiction.***

*"Allow remote camps at low densities throughout the jurisdiction."*

The Plan proposes 30 lots at low densities, on 5 outlying ponds. The number of lots at these locations is capped (so no more lots may be created on these ponds). The Plan also prohibits the extension of utilities, and sets building size limitations, thereby providing individuals with the opportunity to have small camps on ponds.

***The CLUP's Location of Development Policy 4: Proposals for major new waste disposal and similar facilities.***

*“Guide proposals for major new waste disposal and similar facilities to locations on the fringe of the jurisdiction that have good existing road access, low natural resource values, and are separate from incompatible land uses.”*

The Plan does not propose any major new waste disposal or similar facility, so this policy is not applicable.

***The CLUP's Location of Development Policy 5: Encourage conservation of select areas.***

*“Encourage conservation of select areas of the jurisdiction that are particularly representative of the jurisdiction’s principal values and, overall, are especially valued for their remote and relatively undeveloped condition.”*

In conserving forever the entire shoreland of 55 pristine ponds (and the substantial majority of the shoreland of the ponds or lakes where some limited residential lot development is proposed), clustering the backlots, and creating a No Development/Working Forest zone, the Plan “encourages conservation of select areas that are particularly representative of the jurisdiction’s principal values and, overall, are especially valued for their remote and relatively undeveloped condition.”

***Sub policy 5(a): LURC and large landowner co-operation***

*“Work cooperatively with landowners to encourage the designation of large tracts of land with these values for limited or no development.”*

The Plan itself, as a comprehensive planning approach, is a model of LURC and landowner cooperation. The Plan’s proposed protection of the working forest and all protection areas encompassing 98% of the Plan Area (which also prohibits all new residential development in the No Development/Working Forest zone) is an example of cooperation specifically “to encourage the designation of large tracts of land with these [relatively undeveloped conditions] for limited or no development.”

***The CLUP's Location of Development Policy 6: LURC prospective zoning.***

*“Undertake prospective zoning for development, particularly within areas of the jurisdiction where there is a need to achieve a balance between expected development pressures and high resource values.”*

LURC favors the comprehensive planning approach to prospective zoning given “the limitations of the case-by-case approach” (i.e., adjacency and separate subdivision applications not tied to an overall plan). Indeed the CLUP states that “the case-by-case review of rezoning proposals is becoming ineffective as the principal tool for guiding growth.”<sup>30</sup> Further, the CLUP notes that “the success of any effort to better guide development at this regional level will depend on support among diverse interests and strong participation by large landowners.” Because the Plan applies on a regional basis, and has been created after consultation with numerous and diverse stakeholder groups, it is reasonable and appropriate to view the Plan as a landowner initiated comprehensive plan, implemented through rezoning, with the additional benefits of significant conservation measures not available in the prospective zoning process.

***The CLUP's Location of Development Policy 7: Encourage orderly growth proximate to existing compatibly developed areas.***

*“In communities or areas without prospective development zoning, encourage orderly growth within and proximate to existing, compatibly developed areas – i.e. existing development of similar type, use, occupancy, scale and intensity to that being proposed, or a community center with a range of uses for which the proposed development will provide complementary services, goods, jobs and/or housing.”*

The Plan’s development components are consistent with Policy 7, to “encourage orderly growth within and proximate to existing, compatibly developed areas.” This is a regional Plan, located on the fringe of the North Woods, where regional development is appropriately concentrated.

Indeed, nearly all the proposed lots in the Plan are within 3 miles of a public road<sup>31</sup> or on a Class 3 Lake, and are close to the population centers of Greenville, Beaver Cove, Jackman, or Rockwood, including the affordable housing, and proposed lots on

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<sup>30</sup> CLUP at p. 124.

<sup>31</sup> Prong Pond is adjacent to Beaver Cove; Burnham Pond is less than ½ mile from Route 6/15, midway between Greenville and Rockwood; Brassua Lake is less than 5 miles from Rockwood; Long Pond is less than 5 miles from Jackman; Upper Wilson Pond is less than 5 miles from Greenville; and Indian Pond is less than 8 miles from Rockwood (See the Plan Summary Map).

Moosehead Lake, Burnham Pond, Brassua Lake, Upper Wilson, and Long Pond. Over 70 % of the lots are within 3 miles of electrical service.<sup>32</sup>

***The CLUP's Location of Development Policy 8: Allow well planned development in areas appropriate as new development centers.***

The proposed zone for a nature-based tourist facility at Lily Bay, and for a smaller lodge at Brassua Lake, as well as the residential lot zones and the commercial/industrial zone on Route 6/15 are all appropriate as “new development centers” based on Policy 8’s factors (a)-(f):

- (a) there is a demonstrated public demand for and benefit from the proposed development in that area<sup>33</sup>;
- (b) there is a demonstrated need for locating the development not proximate to established developed areas<sup>34</sup>;
- (c) the productivity of existing forest and agricultural resources in the jurisdiction is not unduly harmed<sup>35</sup>;
- (d) recreational resources and uses are not unduly harmed<sup>36</sup>;
- (e) remote, natural and plant or animal habitat values are not unreasonably degraded<sup>37</sup>;
- (f) needed services are available or can be provided without unreasonable financial, social or environment costs to the public.<sup>38</sup>

The Plan’s proposed tourist facility at Lily Bay<sup>39</sup> is approximately 8 miles from Beaver Cove and approximately 13 miles from Greenville. The smaller proposed lodge facility at Brassua Lake, is approximately 5 miles from Rockwood.

The proposed lot development is generally sited only a few miles from established population centers, with the furthestmost development of a few lots located within 15 miles of Greenville, Jackman, or Rockwood.

As shown from the discussion in this Part V, the existing forest will be protected by the regional rezoning, recreational resources will be enhanced rather than harmed, and there will be no unreasonable degradation of “remote natural and plant or animal habitat. As described in the "Demonstrated Need" discussion above, there is a high

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<sup>32</sup> See Part IV of the Plan.

<sup>33</sup> See Part VI, Benefits to the Landowner and the Public.

<sup>34</sup> See Part VI, Benefits to the Landowner and the Public.

<sup>35</sup> See Part VI, Benefits to the Landowner and the Public (Working Forest) (Nature-Based Destination Tourist Facility).

<sup>36</sup> See Part VI, Benefits to the Landowner and the Public (Recreational Resources and Uses) (Nature-Based Destination Tourist Facilities).

<sup>37</sup> See Part VI, Benefits to the Landowner and the Public (Preservation the Working Forest) (Nature-Based Destination Tourist Facilities).

<sup>38</sup> See Part VI, Benefits to the Landowner and the Public (Infrastructure).

<sup>39</sup> Although consistent with all of the CLUP policies for the creation of new development centers, none of the development approved under the Plan can be used to justify subsequent rezonings upon expiration of the Plan. LURC’s Rules and Standards, §10.23,H,8.

public demand for and benefit from the proposed development, and needed services are available, or can be provided, without unreasonable cost to the public.

***The CLUP's Location of Development Policy 9: In areas not appropriate as new development centers, allow for (a) planned developments which depend on a particular natural feature, subject to site plan review, and (b) other development subject to concept plan review.***

Although the proposed locations for the tourist facility zoning is appropriate as a “new development center” consistent with the CLUP location of Development Policy 8, they also meet this alternate Policy 9 for planned developments which depend on a particular natural feature. The Lily Bay tourist facility location, for example, provides 360° panoramic views not available at locations closer to Greenville. The Brassua Lake lodge facility location also depends on the lake shorefront views and, given its elevated location, tremendous short and long distance mountain and water views. The review criteria for these tourist facilities are described in Part VII and are based upon the standards of LURC's Planned Development subdistrict. As a result, any development proposal for this area will undergo a thorough and proposal-specific review process before LURC and the public, at the time an application is made. Further, because Policy 9 specifically contemplates development in areas that may be considered “not appropriate as new development centers” under the concept plan review process, this Plan is inherently consistent with Location of Development Policy 9.

### **The CLUP'S Lake Management Program**

The CLUP includes a Lake Management Program (Appendix C) with which the shoreland development proposed in the Plan must be consistent. The Lake Management Program sets forth a "general planning guideline," wherein LURC "will seek to ensure that development on lakes will remain below an average of:

- one dwelling unit per 400 feet of shoreland,
- one dwelling unit per ten acres of lake surface area.”<sup>40</sup>

The number of lots on each lake or pond, as proposed in the Plan, fall well within these guidelines.

**The CLUP's Lake Management Program prohibits development on Management Class 1 and Management Class 6 lakes, and the Plan proposes none.**

The Plan proposes no development on Management Class 1 or 6 lakes.

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<sup>40</sup> CLUP App. C, IV, A at C-4.

**The CLUP's Lake Management Program requires cluster development on Class 4 lakes, and the Plan proposes none.**<sup>41</sup>

There are no Management Class 4 lakes in the Plan Area.

**The CLUP's Lake Management Program directs that LURC will waive the adjacency criterion for development proposals on the shoreland of Class 3 lakes, "provided it can be demonstrated...that the lake has no existing or potential water quality problems and that soils are suitable for development."**<sup>42</sup>

The Plan proposes development on the shoreland of three Class 3 lakes: Brassua, Indian, and Long. These Class 3 lakes have no known "existing or potential water quality problems." Plum Creek has undertaken phosphorus studies of Brassua and Long Pond, based on the proposed development, and has determined that there will be no detrimental impact. A similar study will be conducted on Indian Pond. There is also no known lack of soils "suitable for development" on any of these waterbodies. Accordingly, LURC may properly waive the adjacency guideline for the proposed development. In case LURC does not waive the adjacency guideline, however, the Plan proposes a surfeit of conservation measures in conjunction with the proposed development, to nevertheless satisfy the concept plan review criteria.

Set forth below is a Table summarizing the Plan's consistency with the CLUP:

***TABLE: HOW THE PLAN SUPPORTS AND MIRRORS THE CLUP'S GOALS AND POLICIES***

<b>Issues</b>	<b>CLUP Goals and Policies</b>	<b>Resource Plan Response to CLUP</b>
Purpose	<ul style="list-style-type: none"> <li>“... it is desirable to extend principles of sound planning, zoning, and subdivision control to ...”</li> </ul>	This Resource Plan responds positively to LURC's statutory "purpose" statement. The Plan's goals mirror these statements exactly.
	<ul style="list-style-type: none"> <li>“... to provide for appropriate residential, recreational, commercial and industrial uses;”</li> </ul>	The Resource Plan is based on sound planning. It places development in appropriate locations, based on LURC's criteria and only uses 2% of Plum Creek's ownership in the Plan Area for such uses
	<ul style="list-style-type: none"> <li>“... to preserve ecological and natural values.”</li> <li>“to encourage the well planned and well managed ...and camping.”</li> </ul>	Vast areas (±97%) are to be kept out of development so as to preserve ecological values, grow wood, support traditional recreation and keep remote areas, remote.

<sup>41</sup> CLUP, App. C at C-7 and C-8.

<sup>42</sup> Ch. 10.02, 76-82; CLUP, Appendix C, IV.D at C-7 and C-8.

Issues	CLUP Goals and Policies	Resource Plan Response to CLUP
Principal Values	<ul style="list-style-type: none"> <li>• Protect:               <ol style="list-style-type: none"> <li>“1. The economic value of the jurisdiction for fiber and food production, particularly the tradition of a working forest, largely on private lands. <b>This value is based primarily on maintenance of the forest resource and the economic health of the forest products industry . . .</b></li> <li>2. Diverse and abundant recreational opportunities, particularly for primitive pursuits.</li> <li>3. Diverse, abundant and unique high value natural resources and features, including lakes, rivers and other water resources, fish and wildlife resources, ecological values, scenic and cultural resources, coastal islands, and mountain areas and other geologic resources.</li> <li>4. Natural character values, which include the uniqueness of a vast forested area that is largely undeveloped and remote from population centers.”</li> </ol> </li> </ul>	<p>Plum Creek's Resource Plan is specifically designed to protect the Plan Area as a working forest. The proposed ND/WF zone covers 97.8% of the Plan Area and prohibits all residential development for at least the life of the Plan, and longer, if LURC deems it appropriate to renew the Plan. This provision precludes the creation of, potentially, hundreds – or even thousands – of lots over 30 years through existing regulations.</p> <p>The Plan not only protects, but enhances, recreational resources by creating a hiking trail, granting trail easements for snowmobile trails, and establishing conservation easements on all the water bodies within the Plan Area.</p> <p>The Plan reiterates all the existing protection zones and their standards.</p>
Guiding Growth	<ul style="list-style-type: none"> <li>• “The best candidates for future prospective zoning are probably high-growth, high-value regions identified in the section of the plan on areas with special planning needs. In these regions, prospective zoning could be effectively used to balance growth and economic development needs with protection of their special resource values.”</li> </ul>	<p>One of these “high-growth” regions identified in CLUP is the Moosehead Lakes region. As the owner of about 80% of the land in 29 MCDs around Moosehead, Plum Creek presents a Plan that is a responsible, owner-initiated, prospective zoning plan for their 426,000 ownership.</p>

Issues	CLUP Goals and Policies	Resource Plan Response to CLUP
Guiding Growth (continued)	<ul style="list-style-type: none"> <li>• “The Commission will evaluate the suitability of different towns, plantations and townships for future growth based on their location relative to population and job centers, availability of roads and infrastructure, demand for development, and the type and extent of principal values that they possess. The Commission will then consider incentives for promoting growth in the areas determined to be most suitable. . . .”</li> </ul>	LURC has already determined that the Moosehead region is suitable for growth (see above). Plum Creek’s Plan responds appropriately.
	<ul style="list-style-type: none"> <li>• “The Commission believes that the success of any effort to better guide development at this level will depend on support among diverse interests and strong participation by large landowners.”</li> </ul>	Clearly the Plan indicates “strong participation” by a “large landowner” to better guide development. Furthermore, the Plan has strong “support among diverse interests;” this indicates that the Plan itself “better guide(s) development.”
Tourist Facilities and Commercial Area	<ul style="list-style-type: none"> <li>• “Fringe areas near population or employment centers with available infrastructure and low resource values are generally the most suitable locations . . . <b>the Commission will facilitate development by making it easier for projects proposed for these areas to meet the Commission's rezoning criteria.</b>” (emphasis added)</li> <li>• “Promote a range of recreational opportunities, including (a) major, intensive recreational facilities near organized areas or in new development centers determined to be appropriate.”</li> <li>• “Allow well planned development in areas appropriate as new development center.” (Policy 8)</li> <li>• “. . . allow for planned developments which depend on a natural feature or location . . .” (Policy 9)</li> </ul>	The proposed Lily Bay and Brassua Lake tourist facilities, the 1,000-acre commercial/industrial area off Route 6/15, and the commercial campgrounds are in suitable “fringe” areas where, by approval of the Plan, LURC can help facilitate economic development, and meet CLUP objectives.



Issues	CLUP Goals and Policies	Resource Plan Response to CLUP
Forest Resources	“Discourage development that will interfere unreasonably with continued timber and wood fiber production, as well as primitive outdoor recreation, biodiversity, and remoteness, and support uses that are compatible with these values.”	The Plan achieves this by creating a “no development” zone over 382,000 acres that are currently zoned M-GN, where “2 in 5” development is allowed.

*Section 4: At least as protective as the subdistricts the plan replaces*

*Ch. 10.23,H,6's Fourth Resource Plan Criterion: "The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces."*

In addressing the regulatory requirement of Ch. 10.23,H,6,d that the Plan, “taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces,” the Plan also addresses the statutory requirement of Section 685-A (8-A)(B) that “a new district designation is more appropriate for the protection and management of existing uses and resources...” (see Part V, Section 1.B.iii., above). The discussion that follows is therefore applicable to both of these statutory and regulatory review criteria.

**Plan attributes more appropriate and protective than current zoning**

Even though Section 685-A (8-A) (B) allows for compliance with alternative standards (that is, “demonstrated need” and “no undue adverse impact” on the one hand, or “more appropriate” new district designation, on the other), Plum Creek's Plan meets all of these standards. When compared to the level of protection and management afforded by the land use standards of the existing subdistricts, the following attributes of the Plan make clear that the Plan’s proposed zoning is “more appropriate for the protection and management” of the resources of the Plan Area than the current zoning:

- The Plan proposes to restrict development on approximately 382,000 acres, representing approximately 89% of the Plan Area, by rezoning it to a "No-Development/Working Forest" zone for a minimum of 30 years, and

prohibiting all new residential development (including through the otherwise applicable 2-in-5 exemption).

- The Plan proposes to conserve forever, by conservation easement, 100% of the shoreland Plum Creek owns on all 55 pristine ponds in the 426,000 acre Plan Area.
- The Plan proposes to conserve forever, by conservation easement, at least 86% of the total shoreland of the ponds and lakes in the Plan Area.
- The number of lots proposed for the 15 lakes and ponds is less than half the number of shoreland lots that could be created according to LURC's February, 2005 benchmark build-out analysis based on CLUP guidelines.
- The number of backland lots proposed in the Plan is a minor percentage of the number of lots that could be created without the Plan using a "2 in 5" approach.
- The proposed shoreland lot development for each lake and pond is equal to or less than could be created without the Plan according to LURC's February, 2005 benchmark build-out analysis, based on CLUP guidelines.
- The Plan proposes to cluster the lots, avoiding sprawling, random lot development.
- The Plan proposes to limit the size of the lots to an average of 3 acres for shoreland lots and 5 acres for backland lots, consistent with good planning and smart-growth principles.
- The Plan proposes to prohibit any further subdivision of the 975 house lots, further protecting the natural environment beyond the limitations of the current zones.

*Working forest and protection zones covering 97.8% of the Plan Area*

The acreage for the tourist facilities, campgrounds, sporting camps and commercial development components in the Plan Area, combined with all the lot development, is limited to only 2.2% of the total acreage in the Plan Area. This is consistent with the overall percentage of land in LURC's jurisdiction currently in development subdistricts. The No Development/Working Forest and various protection zones cover the remaining 97.8% of the Plan. For the working forest, the Plan is "more appropriate" than the current M-GN zone because the current M-GN district allows for residential development in the working forest while the Plan's proposed No Development/Working Forest zone prohibits all new residential development in the working forest, supporting preservation of the existing uses in approximately 97.8% of the Plan Area. The Plan's conservation components tie in with past conservation

sales by Plum Creek to the State on Moosehead Lake and the Kennebec River and with proposed conservation sales to the State in the Roaches and Moose River areas.

### **Existing zoning inadequate**

Reviewing the Plan as a whole against the backdrop of the existing subdistricts, it is clear that the Plan is far more protective of the natural environment than the current regulatory framework. The Plan Area is currently zoned under the General Management (M-GN) subdistrict and various Protection subdistricts. These existing land use standards are the only mechanism through which LURC is able to protect the natural environment - and due to statutory restrictions and regulatory constraints, certain levels of development cannot be controlled or limited to any effective degree without landowner cooperation. Further, because of the nature of LURC's regulations, the provisions of the M-GN zone do not adequately protect these resources.

Under the Resource/Concept Plan process, the land use districts applicable to the Plan Area are replaced with the standards adopted pursuant to the Plan under the umbrella P-RP designation. Under the Plan, all of the areas currently in protection subdistricts (other than the shoreland areas of the 15 lakes and ponds on which limited development is proposed) will retain the zoning protections currently in place (and in some instances more restrictive standards will supplement the current regulations). In addition, the shorelands of 55 pristine ponds will be placed in conservation easement prohibiting all residential development, which is currently allowed under existing zoning.

### **Better protection for shoreland zones**

The overwhelming majority of shoreland within the Plan Area is currently designated as a P-GP subdistrict - which, as discussed earlier, allows unplanned residential development. As a result, unregulated residential development (through the "2-in-5" exemption, for example) could almost completely encircle most of the 55 pristine ponds, and nearly all of the lakes on which limited development is proposed - all under current regulations and in a relatively short time period. History also shows that "kingdom lots" could be created without regulatory oversight.

#### *Development possibilities under existing zoning*

For example, over the course of 15 years, up to thirty new lots could be created around a single pond without any review by LURC, and with no limit on the size of these lots or the type of residential structures that could be built on them. By way of illustration, assume that one landowner owns all of the shoreland around Burnham Pond in Big Moose Township. Today, this landowner could create two new lots (lots A and B), both sixty-four acres in size, and retain the remaining land for timber harvesting, without triggering LURC subdivision review. Five years from tomorrow, the landowner could create two new 64-acre lots (lots C and D) while retaining the

remaining land for timber harvesting, and the original purchasers of lots A and B could each divide their lots in half, creating new lots E and F, for a total of six lots on the pond. Five years and one day later (ten years from the day after tomorrow), the original landowner could create two more 64-acre lots (lots G and H), and the owners of lots A, B, C, D, E and F could each divide their lots in half, creating new lots I, J, K, L, M, and N, for a total of fourteen lots. Five years and one day later (fifteen years and three days from today), the original landowner could create two more 64-acre lots (lots O and P), and the owners of lots A, B, C, D, E, F, G, H, I, J, K, L, M and N could divide their lots in half, creating new lots Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, and DD, for a total of thirty new lots in a fifteen year and three day period, beginning today. If the original parcel was as only 256 acres in size, of the thirty new lots created, two would be 64 acres, four would be 32 acres, eight would be 16 acres, and sixteen would be 8 acres in size.

Applying this analysis to the entire Plan Area, in just over fifteen years (half of the initial term of the Plan) significant development could be achieved on every lake and pond without sound planning or regulatory oversight. This includes situations where multiple lakes are contained within one township. Further, in addition to this development, several of the pristine ponds (on which no development will ever occur under the Plan) could become increasingly developed. Even discounting the potential development through this method by half to account for site conditions and other factors could result in hundreds of new shoreland lots.

In addition, because Brassua, Long and Indian ponds are designated as Management Class 3 Lakes, adjacency is presumed. Thus, subdivision development could occur through incremental rezoning applications – all without conservation or sound planning.

### *Preventing development*

Returning to the example of Burnham Pond, under the Plan no more than twenty lots could be developed on its shores – not in five years, fifteen years, or one hundred years. Further, the combined land area encompassed by those lots could never exceed thirty percent of the shoreland of Burnham Pond. This is because, in addition to the caps on total new lots allowed on each pond, the Plan also mandates that no more than 30% of the shoreland be available for development (no more than 20% on many other ponds). Because all undeveloped land will be placed in permanent conservation easement, even a future rezoning application by a subsequent landowner could not allow any additional development on the pond. Still further, recognizing the special characteristics and remote nature of the 55 pristine ponds, the Plan ensures that none of these water bodies will ever have a single new house lot created on its shores. By contrast, under current regulations unplanned growth, perhaps exceeding the amount proposed under the Plan, could be achieved without any regulatory review and the 55 pristine ponds, on which all development will be prohibited under the Plan, could see new development and/or the creation of so-called “kingdom lots”.

*Permanent conservation easements*

In addition to these lot caps, which severely limit the amount of new lots otherwise possible under existing zoning, the entire remaining shoreland of each water body will be placed in permanent conservation easement - further reducing the development potential of each waterbody below what could currently be achieved. By using a combination of zoning (which limits the number of lots allowed on a given water body), conservation easements (which limits the amount of land area that can be developed), and deed restrictions (which limit the size and style of structure that can be built on any lot), the Plan achieves a much higher level of protection on these waterbodies than the current regulations.

*Any waiver of adjacency is matched by comparable conservation measure*

Even though this Plan limits the potential level of development *below* what could otherwise occur under existing regulations, residential subdivisions are proposed as a permitted use on these shorefronts as a means to accomplish proper planning and siting of the proposed camp lots. As a result, it may be possible for the applicant to obtain approval for all of the lots on a lake at one time rather than incrementally through the 2-in-5 process. On Fish Pond, for example, this means that it is possible that the proposed six lots will be developed in a shorter time period than the five years and one day it would otherwise take without regulatory oversight. This, however, results in a significant benefit to LURC and the public. By allowing development (even of a single residential lot) only through the subdivision process, LURC is able to thoroughly review site specific factors such as lot layout and siting and the potential adverse impact of the new lots. Due to the current zoning designations, LURC does not now have that ability.

Nevertheless, because ponds such as Fish, which are distant from other, similar development, may not technically meet the CLUP's adjacency criteria for new subdivision zoning, a minor waiver of this criteria may be required. The Resource Plan regulations anticipate this, and allow for such a waiver if comparable conservation measures are given in exchange. To offset the relaxation of adjacency (notwithstanding the public benefit associated with requiring subdivision review for all lots), this Plan provides significant and varied conservation measures. In addition to the previously discussed lot caps which severely limit the amount of new lots otherwise possible under existing zoning, the entire remaining shoreland of each water body will be placed in permanent conservation easement - further reducing the development potential of each waterbody below what could currently be achieved.

This holds true for all of the ponds that may not meet the adjacency criteria on which development is proposed. Without this Plan, these lakes could see far more development in a shorter time period than is proposed and limited under the Plan. In exchange for the waiver of adjacency, the entire remaining shorelands of these ponds will be placed in conservation easement (no less than 70% of each lake on which development is proposed, except Moosehead as discussed above), the maximum

number of lots that can be created on each lake will be capped forever, and design standards will be implemented through deed restrictions. Additionally, public utilities will not be permitted to extend to the five ponds furthest from existing services (Fish, Luther, Ellis, Center, and Knight).

On larger lakes where heavier development is proposed, such as Brassua Lake, Long Pond, Indian Pond and certain areas of Moosehead Lake, adjacency is either met or assumed (due to the Management Class 3 status of the lake). Therefore, no waiver is required. However, residential development (currently allowed on almost the entire shoreland) will be limited to no more than 30% of the shoreland (or in some cases 20%), with all undeveloped land being placed in conservation easement. Lot caps and design standards will also be implemented to further protect the natural environment beyond the existing regulations.

### **Better protection for interior lands**

The Plan protects the interior areas in a similar manner. The proposed No Development/Working Forest zoning, which would replace the existing M-GN in most areas, will prohibit the residential development currently allowed under the existing regulations.

Under the proposed No Development/Working Forest zoning, the potential of thousands of new backlots is reduced to approximately 400 lots (some lots may be moved from the shoreland to backland, reducing the number of shoreland lots from 575, and proportionately increasing the number of backlots over 400), which are located in the most appropriate areas. The result is that large, contiguous expanses of the working forest are protected from encroaching residential development. Further, and most significantly, no applications for rezoning will be allowed that could result in new residential development subdistricts anywhere outside of the areas designated for growth under the Plan. Thus, the Plan addresses the problems of residential development through the 2-in-5 exemption, and leapfrogging development zones.

Additionally, by locating development in discreet areas of the interior lands, large, undeveloped tracts of forestland will be conserved – a significant departure from the fragmentation that would necessarily occur as a result of development under current regulations. Finally, just as with the shoreland areas, subdivision review will be required for the creation of every lot, further ensuring, through the LURC review procedure, that impact on natural resources will be limited.

## *Section 5: Protecting those resources in need of protection*

*Ch. 10.23,H,6's Fifth Resource Plan Criterion: "The plan has as its primary purpose the protection of those resources in need of protection, or, in the case of Concept Plans, includes in its purpose the protection of those resources in need of protection."*

By limiting development to 2.2% of the Plan Area and prohibiting residential development in the remaining 97.8% of the Plan Area, by further rezoning the remaining 89% as a "No Development/Working Forest" zone, by conserving forever 55 pristine lakes and ponds in the Plan Area, tied in with Plum Creek's earlier conservation sales to the State on Moosehead Lake and Kennebec River, and by conveying over 125 miles of trails to the public, the Plan has an overriding purpose of supporting the working forest resource.

As set forth in Part III, the purpose of the Plum Creek Resource Plan is to:

1. Establish a predictable and permanent pattern of land use that provides the public with the assurance that the unique natural and recreational character of the Moosehead region will be conserved.
2. Establish a regulatory framework, under LURC's Resource Plan provisions, that designates Plum Creek's land for forest management, conservation, nature-based tourism, certain economic redevelopment activities, and residential lot development.
3. Respond to the State's objectives as expressed in the Governor's Maine Woods Legacy Initiative. This Initiative calls for:
  - supporting diverse economic opportunities for Maine people and leaving an unparalleled legacy to the next generation.
  - strengthening the connection between economic health and conservation in the Maine Woods.
  - support for and expansion of the manufacturing base in the forest products industry.
  - new efforts to ensure a continuous supply of wood fiber to the market.

- promotion of, and access to, Maine's woods and waters as an unparalleled place for a full range of recreational opportunities, appropriately located.
- landscape-scale conservation of our woods, waters and wildlife.<sup>43</sup>

## *Section 6: A reasonable and publicly beneficial balance*

*Ch. 10.23,H,6's Sixth Resource Plan Criterion: "In the case of concept plans, the plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources. "*

Under the Plan, the scale weighing appropriate development, on the one side, and long-term conservation of lake resources, on the other, is tilted in favor of conservation. The conservation measures to be established under the Plan are more fully described in Part IV, and include conservation easements around all of Plum Creek's shoreland of 55 pristine ponds, conservation easements around at least 70% of the shoreland of 9 large partially developed lakes and ponds, conservation easements around at least 80% of the shoreland of 5 smaller partially developed lakes and ponds - for a total conservation of 86% of all shoreland in the Plan Area, deed restrictions prohibiting development around additional shoreland on partially developed lakes and ponds, public easements for 55.5 miles of hiking trails and 71.3 miles of snowmobile trails, continued protection of sensitive areas such as wetlands, deeryards, high mountain areas, and unusual areas, and restrictive zoning limiting the total number of new lots that can be created on each lake and in total, and, finally, the prohibition of all new residential development on 382,000 acres, comprising 89% of the Plan Area.

In contrast, the level of shorelot development proposed under the Plan (described in detail in Part IV) is below what might otherwise be achieved under current regulations over the initial 30-year term of the Plan. Through the variety of conservation measures proposed, the Plan seeks to protect the natural environment by guiding the development to the most appropriate areas, and away from sensitive resources and features, such as pristine ponds and unfragmented forestlands.

### ***The Pace of Development***

Because of the constraints on development implemented through the Plan's various conservation measures, the Plan will have an overall pace of growth of about 1.12

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<sup>43</sup> <http://www.maine.gov/governor/baldacci/news/speeches/mainewoodslegacyhtml.htm>



new lots per township per year (975 new lots among 29 townships in 30 years), or about one third of the pace of growth approved by LURC in connection with other recent projects, such as the First Roach Pond Concept Plan (approximately 2.96 lots per year per township), the Brassua Lake (Moosehead Wildlands) Concept Plan (3 lots per year per township) and the Prospective Zoning Plan for the Rangeley Lakes Region (about 3.25 lots per year per township). However, just as with these other plans, it is anticipated that the majority of the development will occur in the first half of the initial term of the Plan. As such, the actual rate of growth for the Plan may be closer to 2.24 new lots per year per township (975 new lots among 29 townships in 15 years) - still well below the rate of growth LURC approved for the other plans discussed above without any discount for the probable time-period of development for those plans.

The following Table highlights the different growth rates under the various projects recently approved by LURC as compared with that proposed under the Plan:

**TABLE: COMPARISON OF GROWTH RATES BETWEEN THIS PLAN AND OTHER LURC APPROVED PLANS**

	Brassua (Wildlands)	First Roach	Rangeley	This Plan
Rate of Growth (over initial term of plan)	3 lots per year per township	2.96 lots per year per township	3.25 lots per year per township	1.12 lots per year per township
Rate of Growth (assuming all development will occur in first half of initial term)	6 lots per year per township	5.93 lots per year per township	6.5 lots per year per township	2.24 lots per year per township

In light of the previous decisions by LURC, the rate of growth that may result under the Plan is an appropriate level of development for the Plan Area. The discussions in other portions of this Part V, and elsewhere in the Plan, further depict how the development proposed under the Plan is “appropriate.” That being so, the applicable concept plan review criterion requires that this appropriate development be balanced by the long-term conservation of lake resources.

## ***Benchmarks***

LURC's regulations do not provide a numerical measure of what constitutes a “reasonable and publicly beneficial balance between appropriate development and conservation of lake resources.” Various sections of the CLUP contain indicators as to what may be reasonable and publicly beneficial, and a discussion of how the Plan is consistent with the CLUP is contained above. The primary source of guidance, however, is the precedent set by prior LURC decisions, which offer benchmarks by which to analyze other proposals.

Since adoption of the most recent CLUP in 1997, there have been two Lake Concept Plans approved by LURC. In 2002 LURC approved the First Roach Pond Concept Plan, and in 2004 LURC approved the Brassua Lake (Moosehead Wildlands) Concept Plan. Additionally, LURC approved the Prospective Zoning Plan for the Rangeley Lakes Region in 2000, which became effective in 2001.

The major differences between the prospective zoning approach and this Plan are that (i) the prospective zoning approach is initiated by LURC, and applies to numerous landowners (some of which may not be entering into the process voluntarily), whereas this Plan is landowner-initiated, involves only one landowner, and is voluntary; and (ii) the prospective zoning approach does not include any ability to obtain significant long-term conservation measures, while this Plan offers an opportunity for a wide variety of conservation measures given by the landowner. The Rangeley Plan nevertheless provides insight into what LURC considers reasonable and publicly beneficial with respect to protection of lake resources.

### *Percentage of conserved shoreland*

The first benchmark by which the Plan can be compared to prior decisions by LURC is the percentage of the applicant's shoreland that is being conserved. The Brassua (Wildlands) Plan encompassed 87,094 linear feet of shoreland on Brassua Lake and Baker Pond (about 23 percent of the total shoreland of Brassua, and all of the shoreland of Baker). Of this, 60,630 linear feet (or 69.61%) were, or are anticipated to be, placed in a conservation easement, with the remaining land being developed. Between the two lakes in the plan, Brassua Lake is the more heavily developed, with 62.8% of the applicant's shoreland (about 15.6% percent of the total shoreland) being conserved, compared with 97.6% of the shoreland of Baker Pond. The First Roach Pond Plan included only one waterbody - First Roach Pond - on which the applicant owned 82,411 linear feet of shoreland (about 80% of the total shoreland, and virtually 100% of the remaining undeveloped shoreland). Of this ownership, 61,808 linear feet (or 75%) were placed in conservation easement, with the remaining land being developed. This amounted to new conservation being placed on about 60% of the total shoreland. The Rangeley Plan does not contain any conservation measures other than zoning, which aims to protect no less than 50% of the shoreland of most of the lakes in the Rangeley area (with a goal of 95% on the least developed lakes).

In comparison, this Plan exceeds the levels of conserved shoreland previously approved by LURC in Rangeley and the Wildlands and First Roach projects. The Plan includes about 1,097,965 linear feet of shoreland on 70 lakes and ponds. On all but 11 of these lakes and ponds, Plum Creek owns the *entire shoreland*. The Plan proposes to place approximately 949,005 linear feet (about 86%) in conservation easement, with the remaining shoreland (14%) available for development. Factoring out the 55 lakes and ponds on which no development is proposed (i.e. on which the conservation percentage will be 100%), roughly 78% of the shoreland of the 15 lakes and ponds on which limited development is proposed will be conserved. On the 5 waterbodies furthest from existing development, no less than 80% of Plum Creek’s ownership will be placed in conservation easement. On the remaining lakes and ponds, no less than 70% of Plum Creek’s ownership will be placed in conservation easement. The exception is Moosehead Lake, where Plum Creek’s ownership is a very small percentage of the total shoreland (about 5%), and where the proposed development is near existing areas of heavy growth. However, in 1999 Plum Creek sold 29 miles of the eastern shoreland to the State to be conserved, and this Plan will complement that measure by placing approximately 58% of Plum Creek’s remaining Moosehead shoreland in conservation easement.

The following Table highlights the differences in percentages of conserved shoreland among these projects approved by LURC, in comparison to the percentages proposed under the Plan:

**TABLE: COMPARISON OF CONSERVED SHORELAND BETWEEN THIS PLAN AND OTHER LURC APPROVED PLANS**

	Brassua (Wildlands)	First Roach	Rangeley	This Resource Plan
Percent of Total Shoreland in Conservation	69.61%	80%	0% (zoning will allow up to 50% on most lakes)	86%
Percent of Developed Lakes in Conservation	69.61%	80%	0% (zoning will allow up to 50% on most lakes)	78%
Percent of Undeveloped Lakes in Conservation	n/a (no undeveloped lakes)	n/a (no undeveloped lakes)	0% (95% is the goal of the plan)	100%

*Impact of conservation*

While the percentage of an applicant’s ownership being placed in conservation is a good indicator of the balance between appropriate development and conservation of lake resources, this figure cannot be viewed in a vacuum. When evaluating the

impact of the amount of conservation proposed, the shoreland outside of the applicant's ownership is also important to consider. For example, although the Brassua (Wildlands) Plan conserved 62.8% of the applicant's shoreland on Brassua Lake, that protection only amounted to about 15.6% of the total shoreland of Brassua Lake - with the balance being either already developed, or suitable for development. On First Roach Pond, on the other hand, because the applicant owned the remaining, undeveloped shoreland, the impact of the conservation percentage was greater. Eighty percent of the applicant's shoreland on First Roach was conserved, resulting in conservation of about 60% of the total lake shoreland. In addition, the conservation measures under the First Roach Pond Plan also provided certainty as to the waterbody, because no additional land remained available for development.

Plum Creek owns the entire shoreland of all but 11 of the 70 lakes and ponds in the Plan Area, including all but 2 of the 55 pristine ponds. As such, the impact of the conservation measures, particularly on the pristine ponds, is extraordinary. Unlike with any proposal submitted to LURC prior to this Plan, there is a guarantee that 100% of the shoreland on these waterbodies will be conserved forever.

With respect to the lakes and ponds on which limited development is proposed, Plum Creek owns the entire shorelands of 9 of the 15 waterbodies. Of the remaining 6, Plum Creek owns substantially all of the remaining developable shoreland, thus enhancing the impact of the conservation easements beyond the percentages approved by LURC with previous projects. For example, whereas the Brassua (Wildlands) Plan ultimately resulted in only 15.6% of the total shoreland on Brassua Lake being conserved, Plum Creek owns 60% of the entire shoreland, and virtually all of the remaining developable land on Brassua. By adding the conservation proposed under the Plan to that already in place under the Brassua (Wildlands) Plan, roughly 60.6% of the entire shoreland of Brassua Lake will be in some form of permanent conservation protection. Thus, although the percentage of applicant-owned shoreland conserved under the Plan exceeds that of the Brassua Plan by more than 16 percentage points, and that of the First Roach Plan by about 6 percentage points, the actual impact of the conservation balance is far greater – especially when considering that Plum Creek owns 100% of the shoreland of 59 of the lakes and ponds in the Plan Area, the majority of which will be entirely conserved. It is difficult to imagine how a similar impact could be achieved through any other means.

#### *Ratio of conservation to development*

Another useful benchmark in the “balance” analysis is the ratio of conserved acres to developable acres. In the Brassua (Wildlands) Plan, there are a total of 5,673 acres, of which 1,150 acres are to be placed in permanent conservation easement and 3,962 acres are to be placed in a 20-year term easement (with no renewal provisions). The remaining 561 acres are to be developed. The overall acreage to be conserved amounts to 90.11% of the total acreage, or about 9.11 acres conserved for every 1 acre developed. The First Roach Pond Plan covered 1,463 total acres, with 1,179 placed in permanent conservation measure and the remaining 284 acres being

developed. The overall acreage to be conserved amounts to 80% of the total First Roach project area, or about 4.15 acres conserved for every 1 acre developed. This Plan exceeds substantially both of these approved ratios. The Plan covers 426,000 acres of land, of which about 35,005 acres will be protected by permanent conservation measures, about 382,000 acres will be protected through the restrictive No Development/Working Forest zoning, with the remaining 9,320 available for development (some of which will become conserved through open space restrictions in connection with development permit applications).

The overall acreage to be conserved is nearly 98% of the total Plan Area, or at least 44.7 acres conserved for every acre developed (about five times as many acres of conservation for each acre of development as the ratio approved by LURC in connection with the Brassua (Wildlands) Plan, and nearly 11 times the ratio approved in connection with the First Roach Plan).

Factoring out all conservation measures that have a definite expiration date reveals an even greater disparity between the ratio of conserved acres to developed acres in the previously-approved projects and the much higher ratio proposed under the Plan. The Brassua (Wildlands) Plan contains 3,962 acres of land that is to be conserved by a 20-year easement. At the end of the 20-year term, the easement expires and the underlying zoning - which allows residential development - controls land uses. Factoring out this area from the conservation-to-development ratio results in about 2.95 acres of permanent conservation for every 1 acre of development in the Brassua (Wildlands) Plan. In the First Roach Pond Plan, all conservation is intended to be permanent, thus the ratio remains at 4.15 acres of conservation for every 1 acre of development. Likewise, because this Plan has renewal provisions, the protections of the No Development/Working Forest zoning have no predetermined expiration date. The ration of conservation to development therefore remains at 44.7 acres conserved for each acre available for development.

***TABLE: COMPARISON OF CONSERVATION TO LOT DEVELOPMENT BETWEEN THIS PLAN AND OTHER LURC APPROVED PLANS.***

	Brassua (Wildlands)	First Roach	Rangeley	This Plan
Percent of Total Conservation Acreage	90.11%	80%	0% (residential development allowed in almost all zones)	98%
No. of Acres Conserved for each Acre Developed	9.11	4.15	0 (residential development allowed in almost all zones)	44.7
No. of Acres Conserved (with no set expiration date) for each Acre Developed	2.95	4.15	0 (residential development allowed in almost all zones)	44.7

Although the temporary easement established under the Brassua (Wildlands) Plan has a lifetime of only 20 years, with no automatic renewal provisions, LURC deemed this to be sufficient “long-term” conservation and approved the Brassua (Wildlands) Plan on the staff’s recommendation. In comparison, the No Development/Working Forest zoning mechanism of the Plan is for a minimum of 30 years - fifty percent longer than the term of the applicable conservation measure of the Brassua (Wildlands) Plan - with renewal provisions.

In addition to the balance discussed above, which exceeds by every measure the balance approved by LURC in connection with all major rezoning projects since the adoption of the 1997 CLUP, the Plan provides significant, additional conservation measures that offer significant, additional public benefits of state-wide importance. As discussed in Part IV, the Plan proposes the conveyance of 55.5 miles of hiking trails, and 71.3 miles of snowmobile trails, to which the public will have guaranteed use and access by way of deeded conservation easements. These easements will ensure that these new and existing trail systems remain open to the public, forever.

## *Section 7: Permanent and long-term protection*

*Ch. 10.23,H,6's Seventh Resource Plan Criterion: "In the case of concept plans, conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long-term protection or conservation. "*

A range of conservation initiatives is proposed in connection with the Plan, each specifically tailored to the land area and natural resource features involved. The entire shoreland, to 500 feet of the normal high water mark, of each of the 55 pristine ponds is to be placed in permanent conservation easement, to be held by a qualified §501(c)(3) conservation land trust. These conservation easements are appropriate for these specific areas in that a single resource - undeveloped shoreland - is permanently protected. The 501 (c)(3) organization will act as the easement holder, and steward, of these areas, while the State, if it so chooses, will have third-party enforcement rights. These easements are intended to be permanent, will run with the land, and will ensure that the unique characteristics of these lakes remain unchanged and are available to the public.

On lakes and ponds where limited development is proposed, the remaining shoreland in Plum Creek ownership, to 500 feet of the normal high water mark, will be placed in conservation easements similar to those for the pristine ponds. These, too, will be held by a qualified conservation land trust, and the State (at its discretion) will have third-party enforcement rights. Like the easements on the pristine ponds, these easements will call for public access and are intended to be permanent. These

easements will ensure that the amount of development on each of the affected water bodies is limited to a designated amount, and that the shoreland is otherwise permanently protected.

Two sets of trail easements are proposed that will guarantee public access to important hiking and snowmobile trail systems. The trail easement rights will be permanent, with the location of the trails subject to minor adjustments to account for site conditions, public safety, and forest management.

The vast majority of the Plan Area is reserved as a "working forest", and will be placed in the restrictive zoning of the No Development/Working Forest zone. All new residential and non-forestry-related commercial development will be prohibited in this area. The size of this working forest area is approximately 382,000 acres, or just over 598 square miles. By implementing this restrictive zoning mechanism, the public will have had input into the continued zoning of this area, ensuring that the area is zoned to further LURC's goals and policies in the manner most beneficial. The Plan, and associated zoning, has an initial term of thirty years (fifty percent longer than the term conservation easement – which has no renewal provisions - approved by LURC in connection with the Brassua (Wildlands) Concept Plan in 2004), with renewal provisions that will ensure that these measures fully provide for the long-term protection of the Plan area. (See the Appendix for the specific text of the renewal provisions.)

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## *Benefits to the Landowner and the Public*

### **Benefits to Landowner**

As “Landowner,” Plum Creek, through the Resource Plan, will receive approval of a comprehensive land use plan and zoning to implement the plan. The benefit of approval to Plum Creek is as noted below:

#### ***Predictability of Land Potential***

Approval of the Plan minimizes the uncertainty normally associated with rezoning and development proposals. It allows Plum Creek to make long-term decisions with confidence and derive value from its land assets in a shorter time than would be allowed with unplanned “2-in-5” growth, or growth under a consecutive series of rezoning applications. Approval of the Plan will allow Plum Creek to seek subdivision approval for 975 lots and which will allow for tourist and other commercial facilities in the Plan Area over the next 30 years, without having to petition for rezoning each time.

In filing this single application, Plum Creek anticipates that the Plan will institute a streamlined, well established, regulatory review and approval process, ultimately saving both the State and Plum Creek time and money. Once the rezoning Plan is put into place, since the statutory and rezoning standards have already been met, they will not have to be considered for each new subdivision or site plan application.

Plum Creek will also be better able to manage its capital investments knowing the limit and scope of what is allowed and what is not in each land use area; the risk associated with owning land of unknown potential is eliminated; and the land development potential will complement its working forest.

#### ***Enhanced Credibility***

The Plan offers Plum Creek the opportunity to continue to work with public and private groups interested in the future of the region and to demonstrate Plum Creek’s long term commitment to the region. Plum Creek hopes that this comprehensive planning approach (rather than a piecemeal or “2-in-5” randomized development approach) will help demonstrate its commitment to quality, limited development, and that the significant conservation measures in the Plan will demonstrate Plum Creek’s commitment to help fulfill the State’s, the Commission’s, and the public’s broad goals for the jurisdiction, as laid out in LURC’s CLUP. If the Plan proves successful, it could serve as a model for future landowner-initiated comprehensive rezoning plans which will benefit both landowners and the public.

### ***Creates Public Goodwill***

It is hoped that Plan approval will create goodwill for Plum Creek in the State of Maine. The Plum Creek Plan could serve as a model for other large land owners with important benefits to the public (such as guaranteed public access to permanent hiking and snowmobiling trails, and conservation of the shoreland of 55 pristine lands and ponds). Although the Plan caps residential growth at a point substantially below what could be created through random “2-in-5” development over the life of the Plan, the clustering and capping of lot creation will create future protection for future lot owners, as well as the public. Importantly, it is hoped that Plan approval will further create goodwill in the region by providing substantial economic development opportunities for area communities, and will assure zero random sprawl lot creation.

### ***Supports the Working Forest***

The Plan establishes a predictable and permanent pattern of land use that will support continuation of the “working forest.” The rezoning of 382,000 contiguous acres as a working forest where no residential development can occur, will assure contractors and customers that this "wood basket" can continue to provide wood and fiber. Such rezoning may help stabilize markets, protect jobs, and provide customers the assurance they seek in deciding whether to invest in their businesses.

Plan approval then, could in turn produce a workforce base for the forest products industry (i.e., managers, administrators, truckers, loggers, saw mill operators). Plan approval will foster the possibility of related development vital to the economic well-being of the local communities and could enhance the possibility of attracting a new saw mill operation to the region. A protected working forest facilitates long term investment around working forest "customers".

### ***Predictability of Forest Management Standards***

Plum Creek lands are managed under Sustainable Forestry Practices. Plum Creek benefits from consistent forest management practices, with respect to long term silviculture investment and planning.

## **Benefits to the Public**

### ***Long Term Protection of the Working Forest***

The forest-products industry is one of the largest business sectors in Maine. The Resource Plan is designed to support long term protection of 382,000 contiguous acres of working forest. Plum Creek intends to continue to manage the forest for timber production, which will contribute to the economic health of the region and its residents.

Governor Baldacci has recognized the importance of maintaining the working forest, stating:

*“Here are the components of a Maine Woods Legacy that is our brightest hope for the future and that is uniquely our own: ...Support for and expansion of the manufacturing base in the forest products industry. A healthy forest products industry is critical to the Maine economy. This is inextricably linked to a viable manufacturing sector...New efforts to ensure a continuous supply of wood fiber to the market. At the recent Blaine House Conference on Natural Resource Based Industries, I heard of the need to support the logging infrastructure here in Maine.”<sup>1</sup>*

*“These [natural resource based] industries not only make significant economic contributions,” Governor Baldacci said in a written release, “they are vitally important to preserving Maine’s rural communities, Maine’s cultural heritage, and the Maine landscape that we love. We have laid the groundwork for many key policy and program initiatives that will help sustain these industries in the 21st Century.”<sup>2</sup>*

The Plum Creek Plan responds to goals articulated in Governor Baldacci’s Maine North Woods Legacy and Blaine House Conference on Natural Resource-Based Industries:

*“...we must develop an integrated statewide effort, working in concert with the communities, business owners and landowners” to achieve “‘sustainable forestry’, public access, land conservation, and diverse outdoor recreation” crafting “economic development and conservation strategies tailored to Maine’s landscape.”<sup>3</sup>*

*“The challenge facing Maine’s natural resource-based industries today are great and, in many cases, acute. They will not be addressed effectively except through strong, collaborative efforts among Maine’s private, public and non-profit sectors. Only these partnerships-combined with imagination and boldness- will be sufficient to brighten the prospects of these industries.”<sup>4</sup>*

*“Recommendation Number 22: Empower an inter-industry team to develop a long-term plan for developing productive, multi-use forests.”<sup>5</sup>*

*“Recommendation Number 61: Develop partnerships between managed forests and tourism and outdoor recreation.”<sup>6</sup>*

### ***Public Access and the Importance of Public Trails***

Outdoor recreation is a way of life in the State of Maine. The vast Maine North Woods draws tourists, seasonal visitors and year-round homeowners, but public access has been reduced in recent years by privatization, sprawl and kingdom lots.

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<sup>1</sup> Governor Baldacci, “Maine Woods Legacy Speech”, Nov. 26. 2003.

<sup>2</sup> Quote reprinted in *Bangor Daily News* on December 2, 2003, “Forestry Future,” p. A-8.

<sup>3</sup> Governor Baldacci, “Maine Woods Legacy Speech”, Nov. 26. 2003.

<sup>4</sup> “Summary of Recommendations for Action,” coming from the Blaine House Conference on Maine’s Natural Resource-Based Industries, November 17, 2003.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

The public will now have access with a right, by permanent deeded easement, to certain trails for hiking, cross-country skiing and snowmobiling. This will help meet an extraordinary demand placed on the State for increased public access to the Maine Woods. A variety of sources, from the Maine State Government to independent analysts, have recognized the importance of Maine trails and a demand for increased access to the North Woods. The Plan's public access components will help to address that demand.

In his "Maine Woods Legacy" speech, Governor Baldacci recognized the necessity of providing public access to Maine's woods:

"Here are the components of a Maine Woods Legacy that is our brightest hope for the future and that is uniquely our own....

--promotion of, and access to, Maine's woods and waters as an unparalleled place for a full range of recreational opportunities, appropriately located."<sup>7</sup>

The Town of Jackman has also recognized, in its 2004 Comprehensive Plan, the importance of public access to the tourist economy:

"The forest resource centered in Jackman is largely responsible for the third economic pillar: tourism. Traditional recreational pursuits of hunting, fishing, hiking, and snowmobiling are heavily dependent on the large expanse of forest and open space. Access to 'nature' is responsible for virtually all of Jackman's tourist economy."<sup>8</sup>

The New England Environmental Finance Center noted in a 2003 report that kingdom lots and privatization puts traditional public access in danger:

"Opportunities for public access to private land are diminishing... The vast turnover and subdivision of properties throughout Maine threaten the traditional access enjoyed by the public for recreational activities, at a time when the demand for outdoor recreational opportunities is on the rise."<sup>9</sup>

Maine's conservation community has stressed the economic importance of maintaining public access to the Maine Woods. Maine Audubon noted in a 1997 article entitled "Valuing the Nature of Maine:"

"In addition to revenues, Maine's natural resources provide other benefits that one economist calls a 'second paycheck' (Whitelaw 1989). This paycheck provides a quality of life above and beyond what is earned and spent: access to beautiful natural areas, stable and safe communities, outdoor recreation opportunities and proximity to wildlife. At the end of a day, during lunch hour, or on the weekend, Maine residents can collect one of the most sought after employee benefits an economy could deliver, the opportunity to claim Maine's woods, waters, and wildlife as a backyard bonus. This bonus

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<sup>7</sup> Governor John Baldacci; "Maine Woods Legacy Speech," Nov. 26, 2003.

<sup>8</sup> Town of Jackman Comprehensive Plan, 2004.

<sup>9</sup> The New England Environmental Finance Center, "The Land for Maine's Future Program: Increasing the Return on a Sound Public Investment", January. 2004.

retains qualified labor essential for business growth and it attracts talented workers every day. A major reason people move to Maine (and why Mainers return) is the opportunity to enjoy our natural resources. These "second paycheck" values, though difficult to measure, are essential to our economic well being."<sup>10</sup>

### ***Hiking and Snowmobiling***

The Outdoor Industry Association releases reports examining State participation in outdoor "human-powered" sports. The 2002 report concludes, in relevant part:

"Hiking is the most popular outdoor activity in the continental United States. Nationally, 70.7 million or 33% of Americans 16 and older participate in hiking each year."<sup>11</sup>

The Report states that Maine is home to 336,421 hikers, comprising over 33% of the State's population. Hiking is also vitally important to the economies of service center communities which serve hundreds of hikers as they pass through the North Woods. Plum Creek's Plan will enable the development of new trails near Greenville that may help boost the area economy. As John Simko, the Town Manager for the Town of Greenville has advised Plum Creek:

"The offer by Plum Creek to develop a hiking trail around its ownership around Moosehead Lake is a great opportunity and is greatly appreciated."

Snowmobiling is vital to the North Woods region's economy during the winter months. Plum Creek proposes to grant a permanent trail easement across its land for 71 miles of snowmobile trails. Town Manager Simko has advised Plum Creek of the importance of snowmobiling to the economy of the region:

"Snowmobiling in our region is the current key to our wintertime economy. It is a tremendous benefit to our region to have our ITS trails made permanent through an easement."

### ***Trail Connectivity***

The public trail easements proposed in the Plum Creek Plan provide for connectivity of trails extending well beyond the Plan Area, and open up a trail network possibility for over a million acres of contiguous conserved land. The new trail easements and associated trail spurs provide the possibility for connection to the Appalachian Mountain Club trails in East and West Bowdoin Grant townships, The Appalachian Trail, and, potentially, a single trail system encircling the lower half of Moosehead Lake. These trails will serve as a permanent hub for the trail network. With snowmobile trails

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<sup>10</sup> Maine Audubon, "Valuing the Nature of Maine," 1997.

<sup>11</sup> The Outdoor Industry Association, "Outdoor Recreation Participation and Spending, A-State-By-State Perspective" 2002.

extending through Jackman and many other areas, winter tourism opportunities will be enhanced at a regional level.

This system of trails will be particularly beneficial to the Greenville area, as was noted by Susan Crippen of North Country Health Communities and Greenville Trails Community:

“The design and development of enduring trail systems in the community through the work of the Greenville Trails Committee will create multiple benefits, . . . well-designed and well-maintained trail systems add to the general infrastructure of the community.”<sup>12</sup>

### ***Connectivity of Conservation***

The Plum Creek Plan will connect to hundreds of square miles of contiguous conserved land in the North Woods, extending northwest of Moosehead Lake, and northeast of the Lake to Baxter State Park.<sup>13</sup> Most significantly, the ND/WF zone is adjacent to the 100 Mile Wilderness area, State-owned and conserved land in the Nahmankanta Seboomook areas, and Little Moose Mountain.

The Plan's conservation components complement the past conservation sales from Plum Creek to the State, of 29 miles of Moosehead Lake shoreland, and substantial shoreland along the Kennebec River.

### ***Conservation***

The Plum Creek Plan includes a variety of conservation measures. The Plan proposes to conserve forever the shoreland of 55 pristine lakes and ponds, and to conserve approximately 86% of the shoreland where there will be no development (with a total of about 180 miles of conserved shoreland). The Plan will also grant easements for over 55.5 miles of public hiking trails and 71.3 miles of public snowmobiling trails. As a significant Plan element to the conservation measures noted above, over 382,000 acres of land will be protected as a continuous block of working forest, prohibiting the currently allowed use of residential development) for the 30 year life of the Plan, which protection can be extended unilaterally by LURC.

The State of Maine's vision for future conservation is made clear by Governor Baldacci:

“In the past five years, 25% of forestlands have changed hands. Public access and recreation opportunities are threatened. To promote tourism, attract young people, and support our traditional industries, we need more – not less – conservation.”<sup>14</sup>

### ***Diversity of Tourist Attractions***

In the coming years, Maine will need a variety of tourist attractions to accommodate a diverse range of visitors. As the State's tourism consultant

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<sup>12</sup> Bowley, Diana, “Greenville Mulls Trail Construction.” *Bangor Daily News*, Oct 8, 2003, p. 2.

<sup>13</sup> See the Plan Application's Regional Conservation Map.

<sup>14</sup> Governor John Baldacci, “State of the State Address”, Jan. 20, 2004.

David Vail notes in his 2003 report entitled "Sustaining Nature-Based Tourism in Vacationland," presented at Governor Baldacci's Blaine House Conference on Natural Resources, the two fastest-growing American populations have radically different interests as tourists:

"With the "boomer" generation entering retirement, the 55-and-over age group will grow by more than 60% between 2000 and 2020... Older travelers have a high propensity to take overnight (i.e. longer distance) trips, travel year-round, and participate in general tourism: multi-day trips with extensive driving (or riding) and multiple attractions. ... the 19-to-34 age group will grow 20% by 2020. Many in this cohort are strongly attracted to outdoor adventures, such as biking, hiking, technical climbing, camping, skiing, paddling and nature photography."<sup>15</sup>

The tourist facility, campground and sporting camp zones proposed in the Plan will provide a range of nature-based tourism opportunities for all incomes and ages.

Mr. Vail's Conference paper states further:

"Maine enjoys untapped opportunities to strengthen and grow the tourism economy – sustainably. Four opportunities are sketched here. The most important, in my view, is our chance to improve the Northern Forest and Downeast Regions' position as destinations of choice for first time visitors from across the USA and from other nations."

"With an effective multiple-use management strategy for our private, public and trust lands, this should be compatible with the goals of sustaining Maine's traditional strong position in fishing, hunting, and trapping."

"[We need a] powerful brand image or destination drivers for the economically distressed Northern Forest... We have exciting opportunities to develop tourism sustainably ... branding the Northern Forest ... by building and effectively promoting world-class destinations."

"Core Challenges: Augment efforts to develop high quality tourism product packages combining nature, culture, events, food, and lodging – that shape a powerful destination image in the major market growth segments: general tourism and non-consumptive outdoor recreation."

In a Memorandum to Plum Creek dated February 22, 2004, the Maine Office of Tourism stated the following as to tourist facilities in the Plum Creek Plan area:

"Maine should be looking to encourage the development of a four season, 150-200 room four star facility with several gourmet dining options as well as condominium and or timeshare offerings.... Such a development should be carefully designed to fit into the natural landscape and practice environmentally high standards of operation."

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<sup>15</sup> Vail, David, "Sustaining Nature-based Tourism in 'Vacationland,'" presented at The Blaine House Conference on Natural Resource Based Tourism, 17 Nov. 2003.

In addition, the Town Manager for the Town of Greenville, Mr. John Simko, has advised Plum Creek as to its proposal for a Lily Bay destination tourist facility as follows:

“The development of such a resort would be very good for our region as it would provide job creation and could become a major driver for additional visitation and promotion of the region.”

On March 31, 2005, Governor Baldacci unveiled a new economic Maine Nature Tourism Initiative aimed at developing and expanding a range of tourism opportunities in Maine's rural communities. The Governor stated:

"[The Maine Nature Tourism Initiative] will enable us to make the critical connection between our resources, tourism and economic development; to maximize our resources and by doing so to propel Maine as the premier tourist destination. With appropriate targeted investments, we can use the unique beauty of our landscape to bring new dollars into the state and help Maine's rural communities as they work to diversify their local economies."

As part of this Initiative, the Governor is proposing the adoption of legislation entitled, "The Pine Tree Recreation Zone Act", L.D. 192, under which both new hotel or resort proposals, as well as existing sporting camps, may qualify for a number of tax incentives that would help create new jobs and new revenue. The Governor further proposes nature-based tourism projects for the Moosehead Lake region, as one of three pilot project areas in Maine, for interpretive visitor centers, thematic tourist itineraries, and maps and guides.<sup>16</sup>

Finally, the LURC Comprehensive Land Use Plan itself recognizes the “increased demand for destination resorts” stating:

“As the more affluent of this group move toward retirement age, there is likely to be an increased demand for destination resorts and for new and upgraded dwellings for primary or vacation residence.... The demand for back country recreational uses in the Northeast is estimated to be growing at a rate that is more than double the population growth rate.”<sup>17</sup>

### ***Diversity of Uses***

The Plum Creek Plan proposes a diversity of land uses to address the needs of the regional community, as a model of comprehensive planning. The 426,000 acre Plan Area will provide for a mix of coordinated and well-placed residential, industrial, and commercial development. Such use diversification will maximize benefits to the region's residents. As the State Legislature noted in establishing the Land Use Regulation Commission:

“In addition, the Legislature declares it to be in the public interest, for the public benefit and for the good order of the people of this State, to encourage

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<sup>16</sup> Press Release March 31, 2005, "Governor Unveils Rural Economic Development Plan".

<sup>17</sup> CLUP at pp. 64, 100.



the well planned and well managed **multiple use of land and resources** and to encourage the appropriate use of these lands by the residents of Maine and visitors, in pursuit of outdoor recreation activities, including, but not limited to, hunting, fishing, boating, hiking and camping.”<sup>18</sup>

### ***Diversity of Housing Options***

The Plum Creek Plan proposes zoning that will allow for a range of residential options, from affordable and rental housing to residential lots for year-round and seasonal homes. Such housing diversity will provide for residents and visitors of various ages, interests and incomes, helping to meet a need that has been identified by the Town of Greenville’s Housing Goals:

“2. Promote a diversity of adequate, good quality housing that will provide for the housing needs of the community, that will improve the overall quality of life and that will strengthen the Town's tax base.

3. Support the development of a diversity of housing opportunities for seasonal residents.”<sup>19</sup>

As part of its vision for the future, LURC's CLUP recognizes the need for a diversity of housing:

“Seasonal housing development is most likely to occur in areas with high recreational values. Future demand for seasonal homes in these areas is expected to grow as the baby boomer generation moves toward retirement age.”<sup>20</sup>

Housing needs - for year-round residents, retirees, seasonal residents, and recreational users - should be accommodated.”<sup>21</sup>

### ***Affordable Housing***

The Plum Creek Plan proposes affordable housing zones near the Towns of Greenville, and potentially near Rockwood and Jackman. Plum Creek will donate this land, helping to meet a clear need for increased affordable and rental housing in the area. In its Comprehensive Plan, Greenville set forth the following Housing Goal:

"1. Encourage and promote affordable housing opportunities for all residents. (State goal)"<sup>22</sup>

In 2002, Greenville Town Manager Simko, prepared an analysis and proposal entitled “Greenville at the Crossroads: The Dire Need to Grow Our Population and To Enrich Our Community”, which the Town, the Moosehead Development Council, and the Greenville schools, adopted as their action plan. This 2002 Action Plan notes that:

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<sup>18</sup> 12 M.R.S.A. §681.

<sup>19</sup> Greenville Comprehensive Plan, 1999.

<sup>20</sup> CLUP, p. 68.

<sup>21</sup> CLUP, p. 133.

<sup>22</sup> Greenville Comprehensive Plan, 1999.

"[T]he worker-age population - age 18-44...has declined over ten years from 585 to 448: a loss of 137 workers. ... Our housing study -completed in January 2001-indicates a need for renovation to low-income housing stock, and also a need for more middle-income, single family housing. Many professionals...have experienced extreme difficulty securing suitable single-family rental housing upon arriving in Greenville."

The Piscataquis County Commission and Economic Development Council issued a 2005 statement in support of the Plum Creek Plan, stating in relevant part:

“Plum Creek has committed to working to develop affordable housing opportunities within the region which will encourage in-migration of families and increase workforce capacity.”<sup>23</sup>

In December 2003, the Maine Legislature's Affordable Housing Subcommittee of the Community Preservation Advisory Committee issued a Study entitled "Affordable Housing: Barriers and Solutions for Maine". Appendix C to the Study notes that Greenville has an "unmet need for affordable housing units in 2002" of 32 units for the under 65 population.

Thus, Greenville and the State have clearly identified a need for year-round single family housing for purchase or for rent in the greater Greenville area.

The Town of Jackman has also set forth affordable housing goals:

“The town should seek the creation of at least some additional multi-family housing units in the ‘affordable’ price range over the next 15 years (50% of projected new housing).”<sup>24</sup>

Finally, in conversations with LURC staff, Plum Creek has been advised that there is a need for affordable opportunities in the LURC jurisdiction.

### ***Residential Lots***

The Plum Creek Plan proposes 975 lots, (575 lots on shoreland, and 400 lots on backland). The lots will range in size from 1 to 7 acres, and will be clustered. These lots will help meet public demand for seasonal residences, second homes, and year round homes and will benefit the population and service centers of Greenville, and Jackman.

John Simko, Town Manager of Greenville, has advised Plum Creek, regarding the proposed 975 lots:

“The number of camp lots proposed by Plum Creek, in the manner proposed, does not seem to be detrimental to Greenville. Indeed, I believe it will benefit our local economy through added work for loggers, building suppliers, and service providers. Having a larger level of seasonal residents within the region will increase the baseline quotient of commercial activity in Greenville across all four seasons. The added property valuation to the

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<sup>23</sup> Piscataquis Economic Development Council Executive Committee Resolution, Statement of Support for Plum Creek Plan, February 2, 2005.

<sup>24</sup> Town of Jackman Comprehensive Plan.

unorganized territories will ultimately displace the county tax toward the Unorganized Territories and away from organized territories such as Greenville.

The impact on the community of having these added camp lots is not likely to be any different than the trends we have been seeing for a hundred years, and more intensely for the past ten years.

I see benefit to our community by having more people call this place home, even if they live seasonally outside our municipal boundaries."

### ***Comprehensive Planning: A Predictable Future***

Predictability is an important element of the Plum Creek Plan. The Plan offers something not typically offered by private landowners: a coherent long-term and future vision for the region. Governor Baldacci has identified a need for regional planning and the Legislature has called for municipalities to present their citizens with a comprehensive plan or vision for the future of their respective communities. The Plum Creek Plan offers that same type of vision or regional plan, providing a degree of predictability that would not otherwise have been available.

LURC supports regional planning efforts, noting:

"...[F]ormulating a coherent future vision for these areas is best done as part of a regional planning process that identifies areas most appropriate for development and conservation."<sup>25</sup>

The Piscataquis County Commission and Economic Development Council issued a 2005 statement in support of the Plum Creek Plan, stating in relevant part:

"This resource plan threads together development opportunities for Plum Creek and also conservation lands for the general public while adding great security and predictability for both forest products and outdoor recreational activities."<sup>26</sup>

### ***The Plan is a "Smart-Growth", "Anti-Sprawl" Plan***

Plum Creek's Plan is a "smart-growth", "anti-sprawl" Plan. The Plan area is located on the fringe of the jurisdiction where the CLUP advocates. It coordinates land uses, and clusters residential housing. It leaves intact and provides long-term protection for 382,000 acres of working forest. These features are all consistent with, and help fulfill, smart-growth principles, as are set forth by the "Smart Growth Network" and the U.S. Environmental Protection Agency publication, "Getting to Smart Growth III: 100 More Policies for Implementation":

"create a range of housing opportunities and choices";<sup>27</sup>

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<sup>25</sup> CLUP, p. 134.

<sup>26</sup> Piscataquis Economic Development Council Executive Committee Resolution, Statement of Support for Plum Creek Plan, February 2, 2005

<sup>27</sup> *Id.* at p. 58.

“invest in the rural economy to preserve working lands”,<sup>28</sup>

“allow for ‘sector-based permitting’ and ‘regional planning’”,<sup>29</sup>

“to the benefit of developers and investors, multi-planning outlines where the designated growth areas are for an entire region and where growth boundaries begin”.<sup>30</sup>

The Plan helps reduce and eliminate the potential for sprawling patterns of development as defined by Evan Richert, former Director of the Maine State Planning Office:

“Webster’s dictionary defines [sprawl] as ‘spreading out in an awkward or uneven way, especially so as to take up more space than is necessary.’ As a pattern of growth, it is leapfrogging of development that goes beyond the reach of existing municipal services, consuming large amounts of land and, in the process, prematurely converting rural lands to urban or suburban use.”<sup>31</sup>

LURC, in its capacity to review development proposals, has found that “[w]hen subject to Commission review... ‘scattered’ and ‘sprawling’ patterns of development are discouraged.”<sup>32</sup>

### ***Economic Development and Increased Tax Revenue***

Creating zones to allow for tourist facilities, commercial campgrounds, and sporting camps will advance the prospect of revitalization of the region's traditional and historical tourism industry. For example, an owner of a nearby tourist facility has already indicated that he is considering reinvesting, given the prospects afforded by the Plum Creek Plan. As was reported in a local newspaper in February, 2005:

“Russell Walters, president of the Northern Outdoors recreational resort in The Forks, said Plum Creek has given him the confidence to reinvest in his company's infrastructure.”<sup>33</sup>

In its Comprehensive Land Use Plan (“CLUP”), LURC recognizes that such tourist facilities act as a magnet for ancillary businesses. For example:

“Ski areas attract lodging facilities, restaurants, sports outfitters, and other retail and service establishments, and seasonal housing -- both single-family and multi-family dwellings.”<sup>34</sup>

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<sup>28</sup> *Id.* at p. 58.

<sup>29</sup> *Id.* at p. 59.

<sup>30</sup> *Id.* at p. 86.

<sup>31</sup> “Confronting the Issue of Sprawl in Maine,” by Evan Richert, Director of the Maine State Planning Office, “Introduction.”

<sup>32</sup> “A Report to the Maine Land Use Regulation Commission: A Summary of Current Policies and their Net Effect After 20 Years of Development,” prepared for the Subcommittee on Review of the Comprehensive Land Use Plan, June 1994.

<sup>33</sup> Grard, Larry, article on the Plum Creek Plan, Morning Sentinel, Feb. 26, 2005.

<sup>34</sup> CLUP, p. 75.

New tourist facilities and campgrounds in the Moosehead area could attract more visitors to local sporting camps, which recently have suffered a decline, as noted in the CLUP:

“The number of traditional sporting camps has declined throughout this century, but there has been renewed interest in them and improved coordination and promotion by camp owners. Many of these facilities are marginal, labor-intensive operations. Their future success may be tied to increasing their clientele while maintaining the remote character of the camps and their surroundings.”<sup>35</sup>

The development and improvement of sporting camps, campgrounds, individual campsites and boat ramps during the 1971-1991 period have enhanced primitive recreational opportunities, as has the expansion of the private road and trail network. Ski area expansion and the growth of the commercial whitewater rafting industry have supported more intensive recreational uses in particular areas. Tourism is a mainstay of Maine's economy, and recreational development in the jurisdiction has contributed to this sector.”<sup>36</sup>

By providing for tourist facilities and for commercial/ industrial, and residential development, the Plum Creek Plan will help create tax revenue without creating a strain on local services:

“Some forms of development, particularly commercial and industrial uses, have generated substantial tax revenues while requiring a minimum of services and facilities.”<sup>37</sup>

### ***Enhanced Use of Area Sporting Camps***

Public access, preservation of the working forest, new campgrounds, tourist facilities, and the conveyance of hiking and snowmobiling trail easements will all help attract new business to the existing sporting camps in the Plum Creek Plan area. In addition to sporting camp visitors, the Plum Creek Plan area will attract a new type of tourist, seeking accommodations that will allow them to participate in non-consumptive activities such as hiking and nature watching. Sporting camps could benefit from this new market, too. State consultant David Vail wrote:

“We can draw confidence from numerous success stories about innovative guides, outfitters and sporting camp operators who have adapted their services and marketing strategies to increase revenues by combining old clients with the ‘new tourists’.”<sup>38</sup>

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<sup>35</sup> CLUP, p. 105.

<sup>36</sup> CLUP, p. 118.

<sup>37</sup> CLUP, p. 118.

<sup>38</sup> Blaine House Conference Paper: “Sustaining Nature-Based Tourism in Vacationland,” by State natural resources consultant David Vail, Nov. 2003.

### ***Helps to Restore Lost Population and Jobs***

The development components of the Plan will enhance prospects for the revitalization of local businesses, the creation of new jobs, and the replacement of the area's declining population. John Simko, Greenville's Town Manager, describes the population crisis in his 2002 report "Greenville at the Crossroads" as follows:

"The declining population in certain areas will change, possibly eliminate certain institutions in our community, have a negative impact on our municipal and school finances, and continue to erode the quality and content of our workforce.<sup>39</sup> Two of our most vital institutions – the schools and the hospital – have a symbiotic relationship with population and workforce. In order to have more students, more families must come to the area, and therefore more jobs must be available."<sup>40</sup>

Eugene Conlogue, the Town Manager for Millinocket, expressed similar concerns to LURC, at its March 2, 2005 regular meeting:

"Millinocket is in a period of transition. We have suffered a huge loss in jobs. In 1986 Millinocket had 4,000 paper products jobs. Today we only have around 500. We are now essentially trying to rebuild from bankruptcy. We would like to see expanded tourism opportunities and the retail growth associated with it. We would also like to maintain a base in the forest products industry.

We would also like to see resorts. A good example, I think, of that is the proposed Plum Creek Plan in the Greenville area, which is about to come before the Commission. They are going to rezone for camps, lodging, and a resort. I see this kind of development as good for towns. We don't think the unorganized territory should be locked up from development. If it brings more people, it is good for us."

### ***Preservation of the Remote Experience***

The Maine Woods has been valued for centuries by people who enjoy more remote forms of nature-based recreation. The need for this type of "remote" experience was captured by Henry David Thoreau, perhaps the most famous Maine outdoor enthusiast: "Our lives...need the relief of where the pine flourishes and the jay still screams." This powerful human need translates into an economic incentive to preserve the "remote" quality of the Maine Woods. LURC has recognized this, and has made it integral to its CLUP, which states:

"Some recreation-based businesses are dependent on the maintenance of the remote and undeveloped character of many parts of the jurisdiction. Sporting camps and remote campgrounds are two examples of businesses that depend on these values. Guide services, nature tours, and outdoor leadership schools

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<sup>39</sup> Greenville Town Manager John Simko, "Greenville at the Crossroads: The Dire Need to Grow Our Population and to Enrich Our Community," Mar. 17, 2002, p. 2.

<sup>40</sup> *Id.* at p. 3.

are others. The demand for such "nature-based tourism" is on the rise nationally, and opportunities within the jurisdiction appear considerable."<sup>41</sup>

"Looking ahead to 2007, the LURC jurisdiction should retain its extensive forests, undeveloped shorelines, remote woodland character, rural communities and unique collection of natural and cultural resources."<sup>42</sup>

The Plum Creek Plan helps to preserve "remoteness" by concentrating most development near public roads, capping residential growth, and creating a No Development/Working Forest zone.

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<sup>41</sup> CLUP at p. 75.

<sup>42</sup> CLUP at p. 133.

Volume 5  
**Plan Implementation**



*Resource Plan for*  
**Plum Creek's Gateway Lands**  
*in the Moosehead Lake Region*



**Plum Creek**



## *Part VII : Plan Implementation*

This part of the Plan sets forth in detail the land use standards applicable within the Plan Area. These standards replace entirely the land use districts and standards contained in Chapter 10 of the Commission's Rules and Standards. Following approval of the Resource Plan, these standards will control uses and activities in the Plan Area, including subdivision and lot creation.



MAINE LAND USE REGULATION COMMISSION  
Maine Department of Conservation



# PLANNING ZONES AND LAND USE STANDARDS

FOR AREAS WITHIN THE RESOURCE PLAN FOR  
PLUM CREEK'S  
GATEWAY LANDS IN THE MOOSEHEAD LAKE REGION

BASED UPON

**CHAPTER 10**  
OF THE COMMISSION'S RULES AND STANDARDS

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## **PREFACE**

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This document contains the Land Use Standards applicable within the Plan Area of the Resource Plan for Plum Creek’s Gateway Lands in the Moosehead Lake Region (the “Resource Plan”). Although the entire Plan Area is redesignated as a Resource Plan Protection (P-RP) subdistrict, various planning zones unique to this Resource Plan are contained within P-RP subdistrict. Each of these zones has distinct land use standards applicable within its boundaries. This document sets forth the land use standards applicable to each of these planning zones, and to the P-RP subdistrict as a whole. The planning zones and related standards set forth herein are based upon the subdistricts and standards contained in Chapter 10 of the Commission’s Rules and Regulations, with appropriate modifications to conform to the Resource Plan. For ease of use, and to facilitate review by the Commission and its staff, this document adopts the numbering system of Chapter 10. It is important to note, however, that these regulations entirely replace and supercede Chapter 10 for the Plan Area while the Resource Plan is in effect, and numerous modifications have been made to the standards of Chapter 10 as appropriate to accomplish the goals of the Resource Plan.

These regulations are intended to interpret, apply, and enforce the guidelines set forth in the Resource Plan, and are subject to the general approvals, authorizations, and limitations set forth therein and in the zoning permit associated with the Resource Plan.

## **Sub-Chapter I GENERAL PROVISIONS**

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### **10.01 PURPOSE**

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The purpose of these Land Use Standards shall be to further the goals of the Resource Plan as set forth in Part III of the Resource Plan. Those goals are:

1. Protect and maintain the commercial forest land base.
2. Maintain and enhance outdoor recreation and a recreation/nature-based tourism economy.
3. Conserve and protect valued land and water resources.
4. Provide land and opportunity for other appropriate economic enterprises.
5. Make provision for the development of residential recreational building lots on selected lakes, ponds, and backland areas.
6. Ensure that the Resource Plan is successful in providing future predictability.

In addition to the purposes set forth above, these land use standards shall:

- A. Encourage the most desirable and appropriate use of air, land, and water resources consistent with the Resource Plan;
- B. Protect public health by reduction of noise, air pollution, water pollution, and other environmental intrusions;
- C. Protect and preserve significant natural, scenic, and historic features where appropriate, beneficial, and consistent with the Resource Plan;
- D. Advise and assist the Department of Transportation and other concerned agencies in transportation planning and operation;
- D-1. Provide for safe and appropriate loading, parking, and circulation of land, air and water traffic;
- E. Encourage minimal adverse impact of one use upon the use of surrounding areas by setting standards of performance describing desirable and acceptable levels of operations in connection with any use and its relation to surrounding areas, including provisions for the eventual amelioration of existing adverse impact, if any;
- F. Reflect a consideration of the availability and capability of the natural resources base, including timber stands, soils, topography, and sufficient healthful water supplies; and
- G. Regulate, as necessary, motor vehicles as defined in Maine Revised Statutes title 29-A, section 101, subsection 42, on icebound inland lakes in the Plan Area.

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## 10.02 DEFINITIONS

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The following definitions apply to the following terms as they appear in these standards:

1.     **Accessory Use or Accessory Structure:**  
"A use or structure subordinate to a permitted or conditional use or structure and customarily incidental to the permitted or conditional use of the structure." 12 M.R.S.A. §682.
  
2.     **Agricultural Management Activities:**  
Land clearing if the land topography is not altered, tilling, fertilizing, including spreading and disposal of manure, liming, planting, pesticide application, harvesting or cultivating crops, pasturing of livestock, minor drainage and maintenance of drainage, and other similar or related activities, but not the construction, creation or maintenance of land management roads, nor the land application of septage, sludge and other residuals and related storage and composting activities.
  
3.     **Alteration:**  
Dredging; bulldozing; removing or displacing soil, sand, vegetation or other materials; draining or dewatering; filling; or any construction, repair or alteration of any permanent structure. On a case-by-case basis and as determined by the Commission, the term "alteration" may not include:
  - a.     An activity disturbing very little soil such as installing a fence post or planting shrubs by hand;
  - b.     The addition of a minor feature to an existing structure such as a bench or hand rail; and
  - c.     The construction, repair or alteration of a small structure with minimal impact such as a nesting box, pasture fence, or staff gauge.
  
4.     **Aquatic Vegetation:**  
Plants that usually grow on or below the surface of the water for most of the growing season in most years.
  
5.     **Bed and Breakfast:**  
An owner-occupied, single-family dwelling comprising a single residential building and its accessory structures, in which up to six sleeping rooms are rented for a fee for transient occupancy by guests. Breakfast is the only meal to be served to overnight guests. There must be no kitchen facilities in rented rooms and no separate ownership of rooms.
  
6.     **Boathouse:**  
A structure that extends over or beyond the normal high water mark into which boats are directly maneuvered without leaving the water body. Boathouses are distinct from boat storage buildings, which require the boat to be removed from the water for entry.
  
7.     **Boat ramp:**  
See commercial trailered ramp, private trailered ramp, or trailered ramp.
  
8.     **Body of Standing Water:**  
A body of surface water that has no perceptible flow and is substantially permanent in nature. Such water bodies are commonly referred to as man-made or natural lakes or ponds.

- 9. Building:**  
“Any structure having a roof or partial roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or objects regardless of the materials of which it is constructed.” 12 M.R.S.A. §682. The Commission finds that a temporary camping tent constructed of fabric or similar materials is not considered a building.
- 10. Bulk:**  
The size, volume, and shape of buildings and structures, and the physical relationship of their exterior walls or their location to lot lines, other buildings, structures, and surrounding open space. Bulk does not suggest any architectural style or design. This term is used, for example, to ensure that new adjacent development is compatibly arranged and does not dwarf or overshadow existing development.
- 11. Bulk Sampling of Mineral Deposits:**  
The removal of samples of mineral deposits for the purpose of testing to determine the feasibility, method or manner of extraction and/or processing of minerals. Such testing may include metallurgical analyses, milling or grinding tests and/or pilot plant and processing tests. Methods of bulk sampling may include, but not be limited to drilling and boring, the digging of shafts and tunnels, or the digging of pits and trenches.
- 12. Campground:**  
Any area, other than a camp site, designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, recreational vehicles, or similar facility designed for temporary shelter.
- 13. Campsite:**  
“A camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. “Campsite” does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner’s recreational policy filed with the commission. The commission may require a campsite permit if it determines that the recreational policy is inconsistent with the commission’s comprehensive land use plan.” 12 M.R.S.A §682(15).
- 14. Capacity Expansions of Utility Facilities:**  
The addition of new telephone or electric wires or similar equipment to existing electric or telephone transmission and distribution poles for the purpose of increasing the capacity thereof.
- 15. Checkpoint Building:**  
A structure on land under forest management which is used primarily for control of access to private roads or trails, provided it does not include more than one residence.
- 16. Children’s Day Care Facility:**  
A building, or portion of a building, not the residence of the operator, in which a person carries out a regular program, for consideration, for any part of a day providing care for three or more children under 19 years of age.

- 17. Cluster Development:**  
A compact form of development that results in buildings being located in a group such that a significant amount of open space is preserved.
- 18. Coastal Nesting Island:**  
An island used for nesting by sea birds during their breeding period.
- 19. Coastal Wetlands:**  
Tidal and subtidal lands, including all areas below any identifiable debris line left by tidal action; all areas with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous lowland which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.
- 20. Combined Floor Area:**  
The total floor area of all principal and accessory structures on a lot.
- 21. Combined Septic System:**  
A disposal system designed to dispose of gray and black waste water on or under the surface of the earth that includes but is not limited to: septic tanks; disposal fields; or any other fixture, mechanism, or apparatus used for this purpose.
- 22. Commercial Fishing Activities:**  
Activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing, such as the manufacture or sale of ice, bait and nets and the sale, manufacture, installation or repair of boats, engines and other equipment commonly used on boats.
- 23. Commercial Mineral Extraction:**  
Mineral extraction other than Mineral Extraction for Road Purposes.
- 24. Commercial Sporting Camp:**  
A “building or group of buildings devoted primarily to the offering of lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling.” 12 M.R.S.A. §682(14). In addition, for the purposes of the application of the Commission’s rules, the term “commercial sporting camp” shall be construed according to the following: A facility which functions primarily as a destination for the above activities rather than a transient lodging facility or a base of operations for activities in another location, such as whitewater rafting. A sporting camp is usually located in a remote location and may typically consist of, but not necessarily include, all of the following: a number of cabins for the housing of guests including housekeeping cabins; a main lodge for serving of meals and socializing for the guests; outbuildings for housing of the owners, guides, and other workers; workshop, woodsheds, laundry, equipment storage, and other utility buildings as needed. Outpost cabins are considered a part of the commercial sporting camp. A resident, on-site attendant must be available on a full-time basis to meet the needs of guests. Such a facility shall have a total floor area no greater than 20,000 square feet for all principal buildings associated with the facility.
- 25. Commercial trailered ramp, hand-carry launch, or dock:**  
A trailered ramp, hand-carry launch, or dock, including an associated parking area and access road, that is privately owned and operated, and open to all members of the public, with or without a fee, but not meeting the definition of a public trailered ramp, hand-carry launch, or dock.



- 26. Commercial Use:**  
The use of lands, buildings or structures the intent or result of which is the production of income from the buying or selling of goods and/or services. Commercial use does not include a home occupation or the rental of a single dwelling unit on a single lot or forest management activities where such activities are otherwise exempt from review.
- 27. Commission:**  
The Maine Land Use Regulation Commission.
- 28. Community Living Facility:**  
A housing facility for eight or fewer persons with disabilities that is approved, authorized, or certified by the State. A community living facility may include a group home, foster home, or intermediate care facility. Disability has the same meaning as the term “handicap” in the Federal Fair Housing Act, 42 USC, Section 3602 [30 MRSA Section 4357-A].
- Residents of a community living facility cannot be using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 USC, Section 802(6), or living in the facility as a result of a criminal offense.
- 29. Compatible Use:**  
A land use which is capable of existing in harmony with other uses or resources situated in its immediate vicinity because that use does not adversely affect such other uses or resources.
- 30. Compensation:**  
Replacement of a lost or degraded wetland function with a function of equal or greater value.
- 31. Creation:**  
An activity bringing a wetland into existence at a site where it did not formerly occur.
- 32. Critically Imperiled Natural Community (S1):**  
An assemblage of plants, animals and their common environment that is extremely rare in Maine or vulnerable to extirpation from the state due to some aspect of its biology. An example of an S1 community that occurs in freshwater wetlands is the Outwash Plain Pondshore community.
- 33. Cross-Sectional Area:**  
The cross-sectional area of a stream channel shall be determined by multiplying the stream channel width by the average stream channel depth. The stream channel width is the straight line distance from the normal high water mark of one side of the channel to such mark on the opposite side of the channel. The average stream channel depth shall be the average of the vertical distances from a straight line between the normal high water marks of the stream channel to the bottom of the channel.
- 34. Deer Wintering Areas:**  
Areas used by deer during winter for protection from deep snows, cold winds, and low temperatures.
- 35. Development:**  
Any land use activity or activities directed toward using, reusing or rehabilitating air space, land, water or other natural resources, excluding, however, such specific uses or classes and categories of uses which by the terms of this chapter do not require a permit.
- 36. Development Unit:**  
A single family dwelling unit or non-residential use containing a total of no more than 8,000 square feet of gross floor space for all principal buildings concerned. Multiple family dwelling

units and larger non-residential uses shall be counted as an equivalent multiple number of development units.

**37. Direct Watershed:**

That portion of the land area which drains surface water directly to a body of standing water without such water first passing through an upstream body of standing water.

**38. Disturbed Area:**

The area of a parcel that is stripped, graded, grubbed or otherwise results in soil exposure at any time during the site preparation for, or construction of, a project. "Disturbed area" does not include maintenance of an existing impervious area, but does include a new impervious area or expansion of an existing impervious area.

**39. Docking Structure:**

A structure placed in or near water primarily for the purpose of securing and/or loading or unloading boats and float planes, including but not limited to docks, wharfs, piers, and associated anchoring devices, but excluding boat houses and float plane hangars. When associated with this phrase, the term "permanent" shall mean a structure in place for longer than 7 months in any calendar year or which is so large or otherwise designed as to make it impracticable to be removed on an annual basis without alteration of the shoreline.

**40. Driveways**

A vehicular access-way, other than a land management road, less than 1000 feet in length serving two or fewer lots.

**41. Dwelling Unit:**

A structure or any part thereof that is intended for use or is used for human habitation, consisting of a room or group of rooms designed and equipped for use primarily as living quarters, including any minor home occupations, for one family. Accessory structures intended for human habitation that have plumbing are considered separate dwelling units. Dwelling units do not include buildings or parts of buildings used as a hotel, motel, commercial sporting camp or other similar facility which is rented or leased on a relatively short term basis; provided, however, the term shall include a tourist home that qualifies as a home occupation.

**42. Emergent Marsh Vegetation:**

Plants that are erect, rooted and herbaceous; grow in saturated to permanently flooded areas; and do not tolerate prolonged inundation of the entire plant (e.g., cattails, burreed, tussock sedge, rice cut grass, phragmites, pickerel weed, arrowhead and bulrush).

**43. Enhancement:**

An activity increasing the net value of a wetland.

**44. Excursion Service:**

A water-borne transport service established to ferry tourists and other persons non-resident to the place of destination. This term shall also include sight-seeing and other recreational cruises such as "whale-watchers" where there may be no specific point of destination.

**45. Expansion of a Structure:**

The increase in the floor area of a structure, including attached decks and porches, or the increase in the height of a structure.

**46. Family:**

One or more persons occupying a premises as a single housekeeping unit.

- 47. Fishery Management Practice:**  
Activities engaged in for the exclusive purpose of management of freshwater and anadromous fish populations by manipulation of their environment for the benefit of one or more species. Such practices may include but not be limited to the construction of traps and weirs, barrier dams, stream improvement devices, fishways, and pond or stream reclamation, provided that any such activities are specifically controlled and designed for the purpose of managing such species and are conducted or authorized by appropriate state or federal fishery management agencies in compliance with the water quality standards contained in 38 M.R.S.A. §465.
- 48. Floodplain Wetland:**  
Wetlands that are inundated with flood water during a 100-year event based on site specific information including, but not limited to, flooding history, landform, and presence of hydric, alluvial soils, and that under normal circumstances support a prevalence of wetland vegetation typically adapted for life in saturated soils.
- 49. Floor Area:**  
The sum of the horizontal areas of the floor(s) of a structure, excluding basements, measured by their exterior dimensions. Floor area shall include, but not be limited to, all stories and lofts, decks, garages, porches and greenhouses.
- 50. Flowing Water:**  
A surface water within a stream channel that has a perceptible flow and is substantially permanent in nature. Such waters are commonly referred to as rivers, streams, and brooks.
- 51. Footprint:**  
The measure of the area in square feet within the exterior limits of the perimeter of a structure.
- 52. Forest:**  
A plant community predominantly of trees and other woody vegetation growing more or less closely together.
- 53. Forest Management Activities:**  
Forest management activities include timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar or associated activities, but not the construction, creation, or maintenance of land management roads, nor the land application of septage, sludge and other residuals and related storage and composting activities.
- 54. Forest Product:**  
Any raw material yielded by a forest.
- 55. Forested Wetland:**  
Freshwater wetlands dominated by woody vegetation that is 6 meters tall, or taller.
- 56. Freshwater Wetland:**  
Freshwater swamps, marshes, bogs and similar areas that are inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils and not part of a great pond, coastal wetland, river, stream or brook.

- 57. Gatehouse:**  
See checkpoint building.
- 58. Hand-carry Launch:**  
A shoreland alteration, including, but not limited to, a landing area (that portion of the launch at or below the normal high water mark), a launch area (that portion of the launch immediately adjacent to and above the normal high water mark) any associated parking area, access pathway and/or road, and other similar related facilities to allow an item, including but not limited to a boat, personal watercraft, or dock float, to be moved by hand, to or from the surface of a water body. Unless otherwise specified by permit condition, boat trailers or dollies designed to be moved by hand may be used at such facilities provided no special site design is required to accommodate such devices.
- 59. Home Adult Day Services Program:**  
A group program of care, therapeutic activities and supervision maintained or carried out on a regular basis by a person or persons in a private dwelling, for consideration, for at least two hours a day, for three to 12 adults 19 years of age or older, who are not related to, or under the guardianship of the provider.
- 60. Home Child Day Care Provider:**  
A person who receives consideration to provide child care in his or her residence on a regular basis, for three to 12 children under 13 years old, who are not related to, or under the guardianship of the provider.
- 61. Home Occupation:**  
A business, profession, occupation, or trade undertaken for gain or profit which:  
a) is clearly incidental and secondary to the use of the dwelling unit for residential purposes; b) is wholly carried on within a dwelling unit or other structure accessory to a dwelling unit; c) is carried on by a resident of the dwelling unit; and d) utilizes no more than 50 percent of all floor area of the dwelling unit or of the total combined floor area of the dwelling unit and accessory structure(s) in which the occupation is carried out. The term is further defined as minor and major home occupation as follows:
- Minor home occupation:** A home occupation not noticeable from the exterior of a building, except as herein allowed, that utilizes no more than 50 percent of all floor area of all principal and accessory structures up to a limit of 1,000 square feet.
- Major home occupation:** A home occupation not noticeable from the exterior of a building, except as herein allowed, that utilizes no more than 50 percent of all floor area of all principal and accessory buildings up to a limit of 1,500 square feet.
- 62. Imperiled Natural Community (S2):**  
An assemblage of plants, animals and their common environment that is rare in Maine or vulnerable to further decline. Examples of S2 communities that occur in freshwater wetlands are Atlantic White Cedar Swamp, Alpine Bog-Meadow, Circumneutral Fen, Maritime Slope Bog, and Coastal Plain Pocket Swamp.
- 63. Impervious Area:**  
The area of a parcel that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as

gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, decks, porches, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. A natural or man-made water body is not considered an impervious area.

**64. Land Management Road:**

A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing material constructed for, or created by, the repeated passage of motorized vehicles and used primarily for agricultural or forest management activities, including associated log yards but not including skid trails, skid roads, and winter haul roads.

**65. Land Use Planning Zone:**

The area located within the boundaries of air, land or water delineated vertically or horizontally to provide for distinct categories of uses or resources.

**66. Lean-to:**

A three-sided, roofed structure used for transient occupancy and commonly constructed for campsites.

**67. Level A Mineral Exploration Activities:**

Mineral exploration activities engaged in for purposes of determining the location, extent and composition of mineral deposits, provided that such activities are limited to test boring, test drilling, hand sampling, the digging of test pits having a maximum surface opening of 100 square feet, or other test sampling methods which cause minimum disturbance to soil and vegetative cover. Level A mineral exploration activities shall not include bulk sampling of mineral deposits.

Access ways for Level A mineral exploration activities shall include only access ways the creation of which involves little or no recontouring of the land or ditching, and does not include the addition of gravel or other surfacing materials. Clearing of the vegetative cover shall be limited to the minimum necessary to allow for the movement of equipment.

**68. Level B Mineral Exploration Activities:**

Mineral exploration activities involving the bulk sampling of mineral deposits, or any mineral exploration activities which exceed those defined as Level A mineral exploration activities and which are not defined as Level C metallic mineral exploration activities.

**69. Level C Mineral Exploration Activities:**

Metallic mineral exploration activities involving the disturbance of a site, by excavation, of more than two (2) acres of surface area or the excavation or removal of more than ten thousand (10,000) cubic yards of soil, overburden, ore or other earthen materials from the site of exploration.

**70. Level A Road Projects:**

Reconstruction within existing rights-of-way of public or private roads other than land management roads, and of railroads, excepting bridge replacements. Examples of such activities include, without limitation, culvert replacements, resurfacing, ditching, and bridge repair. When there is no existing layout of right-of-way, the right-of-way should be assumed to extend 33 feet on either side of the existing centerline.

- 71. Level B Road Projects:**  
Minor relocations, and reconstructions, involving limited work outside of the existing right-of-way of public roads or private roads other than land management roads and of railroads; bridge reconstruction and minor relocations whether within or outside of existing right-of-way of such roads; "Minor relocations" as used herein may not exceed 300 feet in horizontal displacement of centerline. "Reconstruction" as used herein may involve widening of existing rights-of-way not to exceed 50 feet on either side.
- 72. Level C Road Projects:**  
Construction of new roads, and relocations or reconstruction of existing roads, other than that involved in level A or level B road projects; such roads shall include both public and private roadways excluding land management roads.
- 73. Lot Coverage:**  
The total footprint area of all structures, which includes, but is not limited to, buildings, parking lots, and driveways.
- 74. Maintenance:**  
Activities required to assure continuation of a wetland or the accomplishment of project goals after a restoration or creation project has been technically completed, including, but not limited to, water level manipulations and control of non-native plant species.
- 75. Major Flowing Water:**  
A flowing water downstream from the point where such water drains 50 square miles or more.
- 76. Management Class 1 Lake:**  
Lake, also referred to as a "Least Accessible, Undeveloped, High Value Lake", which meets the following criteria:
- a. Relatively undeveloped: As of November 17, 1988, having less than one development unit per shore mile within 250 feet of the normal high water mark, taken as an average over the entire lake shore. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map.
  - b. Relatively inaccessible: As of November 17, 1988, having no road passable during summer months with a two-wheel drive vehicle within 1/4 mile of the normal high water mark of the lake.
  - c. High resource value(s): Found to have one or more outstanding resource values according to the Commission's Wildlands Lake Assessment as shown in Appendix C of these regulations.

Such lakes are designated as MC1 on the Commission's Land Use Guidance Maps. All lakes included in the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

- 77. Management Class 2 Lake:**  
Lake, also referred to as an "Accessible, Undeveloped, High Value Lake", which meets the following criteria:
- a. Relatively Undeveloped: As of November 17, 1988, having less than one development unit per shore mile within 250 feet of the normal high water mark, taken as an average

over the entire lake shore. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map.

- b. Relatively Accessible: As of November 17, 1988, having a road passable during the summer months with a 2-wheel drive motor vehicle within 1/4 mile of the normal high water mark of the lake.
- c. High Resource Value: Having at least two of the following outstanding resource values according to the Commission's Wildlands Lake Assessment:
  - (1) An outstanding rating for fisheries
  - (2) An outstanding rating for scenic value
  - (3) An outstanding rating for shore character
  - (4) An outstanding rating for wildlife when the rating was due to exceptional concentration and/or diversity of wildlife species.

Such lakes are designated as MC2 on the Commission's Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

**78. Management Class 3 Lake:**

Lake, also referred to as "Potentially Suitable for Development" which through a consideration of existing water quality, potential water quality impacts, location, access, conflicting uses, available shoreline, water level fluctuation, regional considerations, and special planning needs is found by the Commission to be a potentially suitable location for shoreland development. Such lakes are more specifically defined in the Commission's Comprehensive Land Use Plan.

Such lakes are designated as MC3 on the Commission's Land Use Guidance Maps encompassing such lakes. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

**79. Management Class 4 Lake:**

Lake, also referred to as a "High Value, Developed Lake", which meets the following criteria:

- a. Two or more "outstanding" resource values as identified in the Maine Wildlands Lake Assessment;
- b. Relatively accessible: As of November 17, 1988, accessible to within 1/4 mile of the normal high water mark of the lake by 2-wheel drive motor vehicle during summer months;
- c. Relatively developed: As of November 17, 1988, having an average of more than one development unit per mile of shore within 250 feet of the normal high water mark of the lake. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map; and
- d. Not meeting the criteria for Management Class 3 Lakes.

Such lakes are designated as MC4 on the Commission's Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

**80. Management Class 5 Lake:**

Lake, also referred to as a "Heavily Developed Lake", which meets the following criteria:

- a. As of November 17, 1988, having more than one development unit per 10 acres of lake surface area; or
- b. As of November 17, 1988, having more than one development unit per 400 feet of shore frontage, taken as an average around the entire lake shore. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map.

Such lakes are designated as MC5 on the Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

**81. Management Class 6 Lake:**

Lake, also referred to as a "Remote Pond", which meets the following criteria:

- a. Having no existing road access by two-wheel drive motor vehicles during summer months within 1/2 mile of the normal high water mark of the water body;
- b. Having existing buildings within 1/2 mile of the normal high water mark of the water body;
- c. Limited to no more than one non-commercial remote camp and its accessory structures; and
- d. Supporting cold water game fisheries.

Such lakes are designated as MC6 on the Commission's Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

**82. Management Class 7 Lake:**

All lakes which are not otherwise classified in one of the other six lake management classes.

**83. Metallic Mineral Mining Activity:**

"Metallic mineral mining activity" means any activity or process that is for the purpose of extraction or removal of metallic minerals, and includes processes used in the separation or extraction of metallic minerals from other material including, but not limited to: crushing, grinding, beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic); cyanidation; leaching; crystallization; or precipitation; mine waste handling and disposal; and processes substantially equivalent, necessary, or incidental to any of the foregoing. Metallic mineral mining or metallic mineral mining activity does not include Level A, B or C exploration activities, or thermal or electric smelting.

**84. Mineral Deposit:**

Any deposit or supply of surface or subsurface natural resources, such as peat, sand, gravel, rock, topsoil, limestone, slate, granite, coal, gems, water, metallic or non-metallic ores or other minerals.

**85. Mineral Extraction:**

Any extraction of a mineral deposit, other than peat extraction, metallic mineral mining activities, or Level A, B, or C exploration activities.



- 86. Mineral Extraction for Road Purposes:**  
Mineral extraction where at least 75% by volume of the minerals extracted over any three year period are used for the purposes of construction or maintenance of land management or other roads.
- 87. Mineral Processing Equipment:**  
Equipment used to process minerals following extraction including, but not limited to, rock crushers and batch plants. The term does not include equipment used to remove, sort or transport minerals, such as front end loaders, screens or trucks.
- 88. Mineral Soil:**  
Soil material in which inorganic (mineral) constituents predominate.
- 89. Minor Flowing Water:**  
A flowing water upstream from the point where such water drains less than 50 square miles.
- 90. Mitigation:**  
Actions taken to off-set potential adverse environmental impact. Such actions include the following:
- a. Avoiding an impact altogether by not taking a certain action or parts of an action;
  - b. Minimizing an impact by limiting the magnitude or duration of an activity, or by controlling the timing of an activity;
  - c. Rectifying an impact by repairing, rehabilitating, or restoring the affected environment;
  - d. Reducing or eliminating an impact over time through preservation and maintenance operations during the life of the project; and
  - e. Compensating for an impact by replacing affected resources or environments.
- 91. Mitigation Banking:**  
Wetland restoration, enhancement, preservation or creation for the purpose of providing compensation credits in advance of future authorized impacts to similar resources.
- 92. Mooring:**  
A structure for securing a vessel or aircraft that consists of a line and buoy attached to a weight which rests on the bottom of a water body.
- 93. Motorized Recreational Gold Prospecting:**  
Operation of small-scale, motorized equipment for the removal, separation, refinement, and redeposition of sediments and other substrates occurring below the normal high water mark of a stream, for the noncommercial, recreational discovery and collecting of gold specimens. This includes, but is not limited to, the operation of a motorized suction dredge, sluice, pump, rocker box, or winch, individually or together.
- 94. Multi-family Dwelling:**  
A building containing three or more dwelling units.
- 95. Nonconforming Lot:**  
A preexisting lot which, upon the effective date of adoption or amendment of these rules, does not meet the area, frontage or other dimensional requirements for a legally existing or proposed use.

- 96. Nonconforming Structure:**  
"A structure, lawfully existing at the time of adoption of district regulations or subsequent amendment made thereto, that does not conform to the district regulations." 12 M.R.S.A. §682  
More specifically, a nonconforming structure is legally existing, but does not meet one of the following dimensional requirements: setback, lot coverage, or height requirements.
- 97. Nonconforming Use:**  
"A use of air, land, water or natural resources or a parcel of land, lawfully existing at the time of adoption of district regulations or subsequent amendments made thereto, that does not conform to the district regulations." 12 M.R.S.A. §682. More specifically, a nonconforming use is a legally existing use of buildings, structures, premises, lands, or parts thereof which would not be allowed to be established under current regulations in the planning zone in which it is situated.
- 98. Non-Permanent Docking Structure:**  
Docking structures which are in place for less than seven months during any calendar year upon or over submerged lands and which are of such a size or design that they can be removed on an annual basis without requiring alteration of the shoreline.
- 99. Non-Tidal Waters:**  
All waters or portions thereof which do not customarily ebb and flow as the result of tidal action.
- 100. Normal High Water Mark of Non-Tidal Waters:**  
That line on the shores and banks of non-tidal waters which is discernible because of the different character of the soil or the vegetation due to the influence of surface water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (aquatic vegetation includes but is not limited to the following plants and plant groups - water lily, pond lily, pickerel-weed, cat tail, wild rice, sedges, rushes, marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups - upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms, spruces, birches, beeches, larches, and maples). In places where the shore or bank is of such character that the normal high water mark cannot be easily determined (as in the case of rock slides, ledges, rapidly eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.
- 101. Normal High Water Mark of Tidal Waters:**  
That line on the shore of tidal waters reached by the shoreward limit of the rise of the medium tides between the spring and the neap. This line may be identified where appropriate by discerning the debris line left by tidal action.
- 102. Normal Maintenance and Repair:**  
Unless otherwise provided, any work necessary to maintain an improvement or structure in its original or previously improved state or condition. This includes general upkeep, such as painting, fixing portions of the structure that are in disrepair, or the replacement of sill logs, roofing materials, siding, or windows, as long as there is no expansion of the nonconforming structure and less than 50 percent of the building is replaced. In-kind and in-place replacement of decking or exterior stairs is considered as normal maintenance and repair. Normal maintenance and repair shall not include reconstruction, or change in design, change in structure, change in use, change in location, change in size or capacity.

- 103. On Premise Sign:**  
A sign which is located upon the same lot or parcel of real property where the business, facility, or point of interest being advertised is located.
- 104. Open Space:**  
Any parcel or area of land essentially unimproved and set aside, dedicated, designated, or reserved for the public use, for the common use of owners and occupants of land adjoining or neighboring such open space, or for purposes intended to preserve important natural features of the site.
- 105. Parking Area:**  
A place, whether or not paved, designed primarily for parking motor vehicles. "Parking area" includes parking lots, parking spaces, parking lanes, and circulation aisles and corridors.
- 106. Peatland:**  
Freshwater wetlands, typically called bogs or fens, consisting of organic soils at least 16" deep, predominantly vegetated by ericaceous shrubs (heath family), sedges, and sphagnum moss and usually having a saturated water regime.
- 107. Permanent Foundation:**  
A supporting substructure that either extends below the frost line or is designed to permanently withstand freeze-thaw conditions. Permanent foundations include full foundations, basements, slabs and frost walls. For the purposes of this definition "sono tubes" or posts installed with augers are not considered permanent foundations.
- 108. Person:**  
"An individual, firm, association, organization, partnership, trust, company, corporation, state agency or other legal entity." 12 M.R.S.A. §682.
- 109. Personal Watercraft:**  
"Any motorized watercraft that is 14 feet or less in hull length as manufactured, has as its primary source of propulsion an inboard motor powering a jet pump and is capable of carrying one or more persons in a sitting, standing or kneeling position. 'Personal watercraft' includes, but is not limited to, a jet ski, wet bike, surf jet and miniature speedboat. 'Personal watercraft' also includes motorized watercraft whose operation is controlled by a water skier." 12 M.R.S.A. §7791, sub-§11-A.
- 110. Pesticide:**  
A chemical agent or substance employed to kill or suppress pests (such as insects, weeds, fungi, rodents, nematodes or other organisms) or intended for use as a plant regulator, defoliant or desiccant.
- 111. Piped Water:**  
Water supplied to a building by means other than hand pump or hand carry.
- 111.a. Plan Area:**  
The area encompassed and rezoned by the Resource Plan.
- 112. Portable Mineral Processing Equipment:**  
Mineral processing equipment that is not fixed to a location on the ground but rather is designed to be readily moved from one mineral extraction operation to another.

- 113. Practicable:**  
Available and feasible considering cost, existing technology and logistics based on the overall purpose of the project.
- 114. Preservation:**  
The maintenance of a wetland area or associated upland areas that contribute to the wetland's functions so that it remains in a natural or undeveloped condition. Preservation measures include, but are not limited to, conservation easements.
- 115. Primitive Recreation:**  
Those types of recreational activities associated with non-motorized travel, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing.
- 116. Primitive Septic System:**  
A septic system that uses an alternative toilet, such as a pit privy, compost, chemical, recirculating, incinerating, and vacuum types and a minimal disposal field designed to treat gray waste water that originates from a non-pressurized water supply.
- 117. Principal Building:**  
A building which provides shelter for the primary use of a parcel. On a single parcel, all buildings related to forest or agricultural management activities, including dwellings of the owner or lessee and employees, are considered one principal building.
- 118. Principal use:**  
A use other than one which is wholly incidental or accessory to another use on the same premises.
- 119. Private trailered ramp, hand-carry launch, or dock:**  
A trailered ramp, hand-carry launch, or dock that is privately owned and operated, and not open to all members of the public.
- 120. Projecting Sign:**  
A sign which is attached to a wall of a building and extends more than 15 inches from any part of the wall.
- 121. Property Line:**  
Any boundary between parcels of land owned or leased by different persons or groups of persons.
- 122. Public Road or Roadway:**  
Any roadway which is owned, leased, or otherwise operated by a governmental body or public entity.
- 123. Public trailered ramp, hand-carry launch, or dock:**  
A trailered ramp, hand-carry launch, or dock, including associated facilities, that is owned, leased, or operated by a public entity and made available with or without a fee. Such entities include owners of federally licensed hydropower projects within the resource affected by the hydropower project for use by all members of the public.

**124. Reclamation:**

The rehabilitation of the area of land affected by mineral extraction, including but not limited to, the stabilization of slopes and the creation of safety benches, the planting of vegetation including grasses, crops, shrubs, and/or trees, and the enhancement of wildlife and aquatic habitat and aquatic resources.

**125. Reconstruction:**

The addition of a permanent foundation or the rebuilding of a structure after more than 50 percent by area of its structural components, including walls, roof, or foundation, has been destroyed, damaged, demolished or removed. Leaving one or two walls or the floor of a structure in place, while rebuilding the remaining structure, is considered reconstruction, not normal maintenance and repair or renovation.

**126. Remote Camp:**

A dwelling unit consisting of not more than 750 square feet of gross floor area, that is not served by any public utilities, except radio communications.

**127. Remote Campsites:**

Campsites which are not part of commercial campgrounds and which are characterized by their remoteness, limited scale, dispersed nature, and limited usage. More specifically, remote campsites include sites which:

- a. are designed to be accessible and generally are only accessible by water or on foot;
- b. are comprised of not more than four individual camping areas designed for separate camping parties, and are designed for a total of not more than 12 overnight campers;
- c. have permanent structures limited to privies, fireplaces or fire rings, picnic tables, and picnic table shelters consisting of a roof without walls; and
- d. require no other construction or grading and only minimal clearing of trees.

**128. Remote Rental Cabin:**

A building used only as a commercial lodging facility on a transient basis by persons primarily in pursuit of primitive recreation or snowmobiling in an isolated and remote setting. A remote rental cabin cannot be larger than 750 square feet in gross floor area; cannot be served by any public utilities providing electricity, water, sewer, or telephone services; cannot have pressurized water; and cannot have a permanent foundation. Placement of these buildings does not create a lot for subsequent lease or sale.

A remote rental cabin cannot be located within 1000 feet of any public road or within 1000 feet of any other type of residential or commercial development.

See Section 10.25,Q “Subdivision and Lot Creation” to determine how such buildings are counted for purposes of subdivision.

**128.a. Remote Hut:**

A structure used only as a commercial lodging facility on a transient basis by persons primarily in pursuit of primitive recreation or snowmobiling in connection with a trail or trail system, and containing group and/or individual sleeping quarters and kitchen facilities. Placement of these buildings does not create a lot for subsequent lease or sale.

- 129. Renovation:**  
Restoring or remodeling a structure. Renovation includes interior modifications, and the installation of new windows, floors, heating systems, or other features, as long as there is no expansion of the nonconforming structure and less than 50 percent of the building's structural components are replaced. The introduction of plumbing to a structure may constitute a change in use that requires a permit.
- 130. Residential:**  
Pertaining to a dwelling unit.
- 131. Residential Directional Sign:**  
An off-premise sign erected and maintained by an individual or family to indicate the location of his or its residence.
- 132. Residual:**  
“Residual means solid wastes generated from municipal, commercial or industrial facilities that is suitable for agronomic utilization. These materials may include: food, fiber, vegetable and fish processing wastes; dredge materials; sludges; dewatered septage; and ash from wood or sludge fired boilers.” DEP Rules, Chapter 400, §1.
- 132-A. Resource Plan:**  
The Resource Plan for Plum Creek’s Gateway Lands in the Moosehead Lake Region.
- 133. Restoration:**  
An activity returning a wetland from a disturbed or altered condition with lesser acreage or fewer functions to a previous condition with greater acreage or function.
- 134. Roadway:**  
A public or private road including any land management road.
- 135. Roof Sign:**  
A sign which is attached flat to, painted on, or pinned away from the roof of a building.
- 136. Septage:**  
“Septage means waste, refuse, effluent, sludge, and any other materials from septic tanks, cesspools, or any other similar facilities.” 38 M.R.S.A. §1303-C “Septage is defined as a mixture of liquids and solids derived from residential sanitary wastewater, and includes sanitary wastewater from tanks connected to commercial and institutional establishments which have inputs similar to residential wastewater. Septage also includes wastes derived from portable toilets.” DEP Rules, Chapter 420, §1
- 137. Service Drop:**  
Any utility line extension which does not cross or run beneath any portion of a body of standing water provided that:
- a. in the case of electric service
    - (1) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
    - (2) the total length of the extension within any 5 year period is less than 2,000 feet.

- b. in the case of telephone service
  - (1) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
  - (2) the total length of the extension within any 5 year period, requiring the installation of new utility poles or placed underground, is less than 2,000 feet.

**138. Setback:**

The minimum horizontal distance from the lot line, shoreline, upland edge of a wetland, or road to the nearest part of the structure or other regulated area such as a driveway or parking area.

**139. Shoreland Alteration:**

Any land use activity, which alters the shoreland area, either at, adjacent to or below the normal high water mark, of any surface water body, including but not limited to:

- a. dredging or removing materials from below the normal high water;
- b. construction or repairing any permanent structure below the normal high water mark.

For purposes of this subsection, permanent structure shall mean any structure, including but not limited to, causeways, wharfs, piers, docks, concrete or similar slabs, bridges, hand-carry launches, trailered ramps, water-access ways, piles, marinas, retaining walls, riprap, buried or submarine utility cables and lines, permanent docking structures, mooring structures, and water lines. A structure which is not fixed in or over the water or below the normal high water mark for more than 7 months in a calendar year shall not be a permanent structure;

- c. depositing any dredged spoil or fill below the high water mark; and
- d. depositing dredged spoil or fill, or bulldozing, scraping or grading, on land adjacent to a water body in such a manner that the material or soil may fall or be washed into the water body, except that filling and grading or water crossings which do not require a permit as specified in Section 10.27, or other provisions of these rules shall not constitute shoreland alteration.

Activities which cause additional intrusion of an existing structure into or over the water body, are also considered shoreland alterations.

**140. Shoreline:**

The normal high water mark of tidal water, a body of standing water, flowing water, or stream channel.

**141. Sign:**

Any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity, or place and is visible from any roadway or other right-of-way. It does not include the flag, pennant, or insignia of any nation, state or town.

Visible shall mean capable of being seen without visual aid by a person of normal visual acuity.

The size of a ground, roof, or projecting sign shall be the area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders; the structural supports of a sign are to be excluded in determining the sign area; where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured; only one face of a double-faced sign is included as the area of such sign. The area of a wall or window sign shall be the area of a regular geometric form enclosing a single display surface or display device containing elements organized, related, and composed to form a unit; where matter is displayed in a random manner

without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

**142. Significant Wildlife Habitat:**

The following areas to the extent that they have been identified by the Department of Inland Fisheries and Wildlife: habitat, as determined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened animal species; deer wintering areas and travel corridors as determined by the Department of Inland Fisheries and Wildlife; high and moderate value water fowl and wading bird habitats, including nesting and feeding areas as determined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as determined by the Atlantic Sea Run Salmon Commission; shorebird nesting, feeding and staging areas and seabird nesting islands as determined by the Department of Inland Fisheries and Wildlife; and significant vernal pools as defined and identified in specific locations by the Department of Inland Fisheries and Wildlife.

**143. Sludge:**

“Sludge means non-hazardous solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or wet process air pollution control facility or any other such waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended.” DEP Rules, Chapter 400, §1

**144. Soil Survey:**

An inventory of soil resources that is based on a systematic field examination, description and classification of soils in an area. Using the results of the field investigation, a soil map and a written report are prepared which describe and classify the soil resources and interpret the soil suitability for various uses based upon soil limitations.

**145. Spaghetti-lot:**

“A parcel of land with a lot depth to shore-frontage ratio greater than 5 to 1. Shore frontage means land abutting a river, stream, brook, coastal wetland, or great pond as these features are defined in 38 M.R.S.A. §480-B.” 12 M.R.S.A. §682(13)

**146. Sporting camp:**

See commercial sporting camp.

**147. Stream Channel:**

A channel between defined banks created by the action of surface water and characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil parent material or bedrock.

**148. Structure:**

“[A]nything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, retaining walls, billboards, signs, piers and floats.” 12 M.R.S.A. §682.

**149. Structure Height:**

The vertical distance between the original grade at the downhill side of the structure and the highest point of the structure.



**150. Subdivision:**

Except as provided in [12 M.R.S.A.] section 682-B, “subdivision” means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of land or by leasing. The term “subdivision” also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period. 12 M.R.S.A. §682(2-A)

Refer to Section 10.25,Q, “Subdivision and Lot Creation” for additional criteria on types of lots that are included or are exempt from this definition.

**Level 1 subdivision:** Any subdivision that does not meet the criteria of a level 2 subdivision is considered a level 1 subdivision.

**Level 2 subdivision:** Any subdivision that meets the criteria of Section 10.25,Q,2 is considered a level 2 subdivision.

**151. Subsurface Waste Water Disposal System:**

“Subsurface waste water disposal system means:

- a. Any system for the disposal of waste or waste water on or beneath the surface of the earth including, but not limited to:
  - (1) Septic tanks;
  - (2) Drainage fields;
  - (3) Grandfathered cesspools;
  - (4) Holding tanks; or
  - (5) Any other fixture, mechanism or apparatus used for these purposes; but
  
- b. Does not include:
  - (1) Any discharge system licensed under Title 38, section 414;
  - (2) Any surface waste water disposal system; or
  - (3) Any municipal or quasi-municipal sewer or waste water treatment system.” 30-A M.R.S.A. §4201(5).

**152. Subsurface Waste Water Disposal Rules:**

The Maine Subsurface Waste Water Disposal Rules, 144A CMR 241, administered by the Department of Human Services.

**153. Tidal Waters:**

All waters or portions thereof which customarily ebb and flow as the result of tidal action.

**154. Timber Harvesting:**

The cutting and removal of trees from their growing site, and the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery, including the creation and use of skid trails, skid roads, and winter haul roads, but not the construction or creation of land management roads.

**155. Traffic Control Sign or Device:**

A route marker, guide sign, warning sign, sign directing traffic to or from a bridge, ferry or airport, or sign regulating traffic, which is not used for commercial or advertising purposes.

**156. Trail:**

A route or path other than a roadway, and related facilities, developed and used primarily for recreational activities including but not limited to hiking, backpacking, cross-country skiing and

snowmobiling, which passes through or occurs in a natural environment. Related facilities may include but not be limited to subsidiary paths, springs, view points, and unusual or exemplary natural features in the immediate proximity of the trail which are commonly used or enjoyed by the users of the trail.

**157. Trailered Ramp:**

A shoreland alteration, including, but not limited to, an associated parking area, access road, and other similar related facilities to allow a trailer to be backed below the normal high water level of a water body in order to load or unload an item, including but not limited to a boat, personal watercraft, float plane, or dock float.

**158. Transient Occupancy:**

“Occupancy that does not exceed 90 consecutive days” 12 M.R.S.A. §682(18). For the purposes of the application of the Commission’s rules regarding campsites, the Commission considers occupancy to mean the length of time the tent, trailer, camper, recreational vehicle, or similar device used for camping is located on the site.

**159. Unorganized and Deorganized Areas:**

“Unorganized and deorganized areas includes all unorganized and deorganized townships, plantations that have not received commission approval under section 685-A, subsection 4 to implement their own land use controls, municipalities that have organized since 1971 but have not received commission approval under section 685-A, subsection 4 to implement their own land use controls and all other areas of the State that are not part of an organized municipality except Indian reservations.” 12 M.R.S.A. §682.

**160. Utility Facilities:**

Structures normally associated with public utilities, including without limitation: radar, radio, television, or other communication facilities; electric power transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; municipal sewage lines; gas, oil, water, slurry or other similar pipe lines or above ground storage tanks.

**161. Wall Sign:**

A sign which is attached flat to, painted on or pinned away from the wall of a building and does not project more than 15 inches from such wall.

**162. Water Bar:**

An obstruction placed across a roadway which effectively diverts surface water from and off the road.

**163. Water-access Ways:**

A structure consisting of a pair of parallel rails, tracks, or beams extending from above the normal high water mark to below the normal high water mark of a water body, and designed as the conveying surface from which an item, including but not limited to a boat, personal watercraft, float plane, or dock float, with or without a support cradle, is launched into or removed from the water body.

**164. Water Crossing:**

A roadway or trail crossing of any body of standing or flowing water (including in its frozen state) by means of a bridge, culvert, or other means.

- 165. Water-Dependent Uses:**  
Those uses that require for their primary purpose, location on or adjacent to submerged lands or that require direct access to, or location in, standing or flowing waters and which cannot be located away from these waters. These uses include commercial and recreational fishing and boating facilities, waterfront dock and port facilities, boat building facilities, navigation aides, basins and channels, uses dependent upon water-borne transportation that cannot reasonably be located or operated at an inland site and uses which primarily provide general public access to standing or flowing waters.
- 165.a. Water Extraction Operations:**  
Extraction of surface or subsurface water for commercial purposes.
- 166. Water Impoundment:**  
Any water body created, or elevation of which is raised, by man through the construction of a dam.
- 167. Wetland Functions:**  
The roles wetlands serve which are of value to society or the environment including, but not limited to, flood water storage, flood water conveyance, ground water recharge and discharge, erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, fisheries, wetland plant habitat, aquatic habitat and wildlife habitat.
- 168. Wetland Value:**  
The importance of a wetland with respect to the individual or collective functions it provides.
- 169. Wildlife:**  
All vertebrate species, except fish.
- 170. Wildlife Management District (WMD):**  
A geographic area identified by the Maine Department of Inland Fisheries and Wildlife to facilitate the management of wildlife. For purposes of these regulations, the boundaries of Wildlife Management Districts are as shown in Figure 10.23,D-1 and the area of a Wildlife Management District is based on land and water acreage within LURC jurisdiction.
- 171. Wildlife Management Practices:**  
Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation, controlled burning, planting, controlled hunting and trapping, relocation of wildlife, predator and disease control, and installation of artificial nesting sites, provided that such activities are specifically controlled and designed for the purpose of managing such species. This term does not include impounding water.
- 172. Winter Haul Road:**  
A route or travel way that is utilized for forest management activities conducted exclusively during frozen ground conditions. Winter haul roads must have the following characteristics:
- a. they are constructed with no significant soil disturbance;
  - b. they do not make use of fill or surfacing material; and
  - c. they are substantially revegetated by the end of the following growing season and are maintained in a vegetated condition.

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### 10.03 MAJOR DISTRICT CLASSIFICATION

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Pursuant to the adoption of the Resource Plan, the entire Plan Area is zoned in the Resource Plan Protection (P-RP) subdistrict. This P-RP subdistrict is divided into various planning zones, the definition, purpose, and regulated activities of which are set forth in Sub-chapter II, below.

Notwithstanding the redistricting of the Plan Area to the umbrella P-RP classification, the forest and agricultural management rights guaranteed in all management subdistricts by 12 M.R.S.A. § 685-A(5) shall remain in full force and effect for all areas designated as No Development/Working Forest (ND/WF) as shown on the official maps applicable to the Plan Area, as established under the Resource Plan. As such, the Commission may not limit the right, method, or manner of cutting or removing timber or crops, the construction and maintenance of hauling roads, the operation of machinery or the erection of buildings, including buildings to store equipment and materials for maintaining roads, and other structures used primarily for agricultural or forest product purposes, including tree farms, and the Commission may not require a permit for such activities, within any areas designated as M-ND/WF under the Resource Plan. These protections shall remain in place for the duration of the Resource Plan, and shall not be affected by any statutory or regulatory changes enacted or adopted subsequent to the effective date of the Resource Plan (regardless of the effective date of any such statutory or regulatory changes).

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### 10.04 OFFICIAL LAND USE GUIDANCE MAPS

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The initial boundaries of the Plan Area, and the boundaries of the various planning zones within the Plan Area, shall be shown on the Official Land Use Guidance Maps filed in the office of the Commission in connection with this Resource Plan, which maps, and all amendments thereto, are incorporated by reference in these regulations.

The maps shall be the official record of the zoned status of all lands within the Plan Area.

Official Land Use Guidance Maps shall be identified as follows:

*"This Land Use Guidance Map was adopted by the Maine Land Use Regulation Commission on \_\_\_\_\_, and became effective on \_\_\_\_\_.*

*This map is certified to be a true and correct copy of the Official Land Use Guidance Map of the Maine Land Use Regulation Commission.*

By: \_\_\_\_\_"  
*Director, Maine Land Use Regulation Commission*

Copies of such maps, and all amendments thereto, certified by a member of the Commission or the Director thereof shall be filed with the State Tax Assessor and with the several Registers of Deeds in the counties wherein the lands depicted on such maps are located.

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## 10.05 INTERPRETATION OF ZONE BOUNDARIES

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Whenever uncertainty exists as to the boundaries of planning zones of this Resource Plan as shown on the Official Land Use Guidance Maps, the provisions of 12 M.R.S.A. §685-A(2) shall apply.

In addition, in cases where two (2) or more planning zones apparently apply to a single land area, the Commission will designate the land area for inclusion in that zoning area which best achieves the purpose and intent of the Resource Plan, as applicable to the area in question.

Except as otherwise provided, a zoning area designation appearing on the official Land Use Guidance Maps applies throughout the whole area bounded by such zoning area boundary lines.

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## 10.06 INTERPRETATION OF LAND USE STANDARDS

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The following shall apply to all uses in all planning zones of this Resource Plan except as otherwise provided:

- A. The description of permitted uses herein does not authorize any person to unlawfully trespass, infringe upon or injure the property of another, and does not relieve any person of the necessity of complying with other applicable laws and regulations.
- B. Unless otherwise specified herein, accessory uses and structures which are permitted in a planning zone must conform to the requirements for the principal use or structure to which they relate.
- C. Where two or more protection zones apply to a single land area, the combination of the more protective standards for each protection area shall apply. Where another protection area applies to the same land area as a P-FW planning zone, any activities within such area which are not in conformance with the applicable standards of Section 10.27 shall require a permit.
- D. Notwithstanding any other provisions contained herein, or in the Resource Plan, a “land use standard may not deprive an owner or lessee or subsequent owner or lessee of any interest in real estate of the use to which it is lawfully devoted at the time of adoption of that standard.” 12 M.R.S.A. §685-A(5).
- E. Subdivisions are prohibited unless allowed with a permit pursuant to the standards set forth for the planning zone involved, except as provided in Section 10.25,Q,5.
- F. “A permit is not required for those aspects of a project approved by the Department of Environmental Protection under Title 38 if the commission determines that the project is an allowed use within the planning zone for which it is proposed. Notice of intent to develop and a map indicating the location of the proposed development must be filed with the commission prior to or concurrently with submission of a development application to the Department of Environmental Protection.” 12 M.R.S.A. §685-B(1)(B).

- G. If a proposed activity other than timber harvesting requires a permit and will alter 15,000 or more square feet of a mapped wetland (P-WL1, P-WL2, or P-WL3 planning zones), or 1 acre or more of overall land area, the applicant must delineate on the ground and in a site plan all wetlands within the general project area using methods described in the “Corps of Engineers Wetlands Delineation Manual” (1987), as amended.
- H. The size of a mineral extraction operation is determined by adding the reclaimed and unreclaimed acreages.

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## 10.07 EXEMPTIONS

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Notwithstanding any other provisions contained in this chapter:

- A. Normal maintenance and repair, or renovations of any lawfully existing structure or use do not require a permit from the Commission.
- B. Utility relocations within the right-of-way of any roadway made necessary by road construction activity do not require a permit from the Commission.
- C. "Real estate used or to be used by a public service corporation may be wholly or partially exempted from regulation to the extent that the Commission may not prohibit such use but may impose terms and conditions for use consistent with the purpose of this chapter, when, upon timely petition to the Public Utilities Commission and after a hearing, the said Commission determines that such exemption is necessary or desirable for the public welfare or convenience." 12 M.R.S.A. §685-A(11).
- D. Capacity expansions of utility facilities do not require a permit from the Commission.
- E. Archaeological excavation adjacent to a body of standing water, flowing water, or freshwater wetland does not require a permit from the Commission as long as the excavation is conducted by an archaeologist listed on the Maine Historic Preservation Commission level 1 or level 2 approved list, and that unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- F. Public utility facilities located within a public right-of-way do not require a permit from the Commission. 35 M.R.S.A § 2503 20)

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## **10.08 CRITERIA FOR AMENDMENT OF PLANNING ZONE BOUNDARIES**

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Amendments to the boundaries of planning zones will be allowed upon approval of the Commission subject to the standards and review criteria of this Section 10.08.

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### **A. GENERAL CRITERIA**

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A zoning area boundary may not be amended unless there is substantial evidence that:

1. The proposed amendment is consistent with the purpose, intent and provisions of this Resource Plan (including these standards); and
2. The proposed amendment satisfies a demonstrated need in the community or area and has no undue adverse impact on existing uses or resources or a new zoning area designation is more appropriate for the protection and management of existing uses and resources within the affected area.

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### **B. AREAS ADJACENT TO LAKES**

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The review standards listed in Section 10.25,A must be considered in applying the above criteria to proposed changes in zoning area boundaries adjacent to lakes.

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### **C. CHANGE TO DEVELOPMENT PLANNING ZONE BOUNDARIES**

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In addition to meeting the requirements of Section 10.08,A,1 and 2 above, a petition for amendment to these land use standards to expand the boundaries of a development zoning area, or to create a new development zoning area shall not be approved unless the petitioner demonstrates that:

- a. the requested change is needed due to circumstances that did not exist or were not anticipated at the time of adoption of the Resource Plan;
- b. in the case of new development planning zones, the new development zoning area is either contiguous to existing development planning zones or within areas that are suitable for new development planning zones; and
- c. the change will better achieve the goals and policies of the Resource Plan.

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## **D. CHANGE TO MANAGEMENT PLANNING ZONE BOUNDARIES**

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In addition to meeting the requirements of Section 10.08,A, B, and C, above, a petition for amendment to these land use standards to alter the boundaries of the M-ND/WF zone shall not be approved unless the petitioner demonstrates that no net loss in total acreage of the M-ND/WF planning zone will result from such alteration.

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## **10.09 CRITERIA FOR AMENDMENT OF LAND USE STANDARDS**

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Adoption or amendment of land use standards may not be approved unless there is substantial evidence that the proposed land use standards would serve the purpose, intent and provisions of 12 M.R.S.A. §206-A, and would be consistent with the Resource Plan.

Proposed amendments to the Resource Plan shall be made in writing to the Commission. An amendment shall be granted provided it meets the criteria for review listed in Section 10.23,H,6 of the Commission's Rules and Standards, as the same may be amended or replaced from time to time. An increase in the size of the P-RP subdistrict established under this Plan may be allowed by amendment, upon approval of the Commission, provided that the Resource Plan is amended to include such expanded area.

So long as this Plan is in effect (including any renewals hereof), Plum Creek (its affiliates, successors and/or assigns) may not initiate any application seeking to amend this Plan, or the land use standards established hereunder, that would, if approved, allow any new residential development in any of the areas designated as No Development/Working Forest planning zones under the Plan. Notwithstanding the foregoing, this provision shall not prohibit any party from submitting an application to modify the boundaries of planning zones under this Plan, provided that no net reduction in acreage of land designated as No Development/Working Forest results from such boundary modification, and further provided that all other conditions and review criteria for modifications to land use boundaries are met.

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## **10.10 VARIANCES**

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The Commission may grant variances pursuant to 12 M.R.S.A. §685-A(10), as the same may be amended from time to time. Variances shall be granted on a case by case basis following the then-effective review criteria for variances applicable to other areas of the Commission's jurisdiction.



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## 10.11 NONCONFORMING USES AND STRUCTURES

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### A. PURPOSE AND SCOPE

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This section governs structures, uses and lots, including leased lots in existence as of the date Plum Creek acquired title to the property constituting the Plan Area, that were created before the effective date of this Resource Plan, but which do not meet the regulations and requirements set forth herein.

In accordance with 12 M.R.S.A. §685-A(5), legally existing nonconforming structures, uses and lots will be allowed to continue. Renovations of these structures, and the construction of certain accessory buildings, are allowed without a permit. However, 12 M.R.S.A. §685-B(7) authorizes the Commission to regulate or prohibit extensions, enlargement, or movement of nonconforming uses and structures. This section clarifies which activities are allowed with or without a permit, or which are prohibited in the modification of a legally existing nonconforming structure, use or lot.

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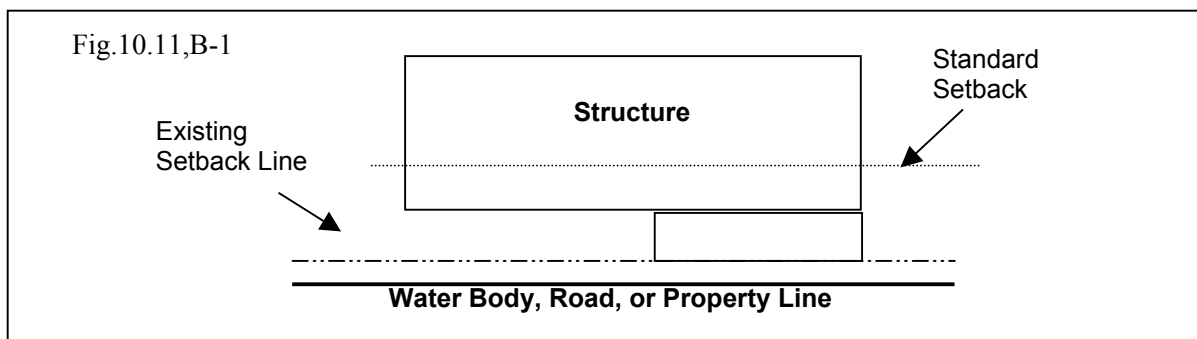
### B. GENERAL

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1. **Criteria for Approval.** Permits are required for all expansions, reconstructions, relocations, changes of use, or other development of nonconforming structures, uses and lots, except where specifically provided in this Section 10.11. In order to obtain a permit, the applicant must meet the approval criteria in Section 10.24 and demonstrate that:

- a. the project will not adversely affect surrounding uses and resources: and
- b. there is no increase in the extent of nonconformance, except in instances where a road setback is waived by the Commission in order to increase the extent of conformance with a water body setback.

2. **Extent of Nonconformance with Respect to Setbacks.** Section 10.26,D of these rules establishes minimum setbacks from water bodies, roads and property boundaries. Where legally existing, nonconforming structures do not meet these setbacks, an existing setback line will be established. The existing setback line will run parallel to the water body, road or property boundary at a distance equal to the closest point of the existing structure (including attached decks or porches) to the feature from which the setback is established. This is shown graphically below in Figure 10.11,B-1.



Subject to the other requirements in this section, a nonconforming structure may be expanded up to the existing setback line without being considered to be more nonconforming than the original structure. Expansions between the existing setback line and the water body, road or property boundary will be considered to increase nonconformity, and will not be allowed.

3. **Transfer of Ownership.** Legally existing, nonconforming structures, uses, and lots may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming lot or structure as before, subject to the provisions of these rules.
4. **Normal Maintenance and Repair.** A permit is not required for the normal maintenance and repair of legally existing nonconforming structures, structures associated with nonconforming uses, or structures on nonconforming lots.
5. **Renovation.** A permit is not required for the renovation of legally existing nonconforming structures, structures associated with nonconforming uses, or structures on nonconforming lots.
6. **Waiver of Road Setbacks.** To allow a structure to become either conforming or less nonconforming to the water body setback, the Commission may reduce the road setback to no less than 20 feet in cases of reconstruction or relocation of legally existing structures or construction of new accessory structures on developed, legally existing nonconforming lots.
7. **Conformance with Maine Subsurface Waste Water Disposal Rules.** All changes to legally existing nonconforming structures, structures for nonconforming uses or structures on nonconforming lots must comply with the Maine State Subsurface Waste Water Disposal Rules (144A CMR 241), including changes that do not require a permit under this rule.
8. **Conflicting Requirements.** In cases where two or more provisions of this section apply to a particular structure, use or lot, the more restrictive provision shall control.

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## C. NONCONFORMING STRUCTURES

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1. **Expansion.** A permit is required for the expansion of a nonconforming structure. In addition to meeting permit requirements, expansions must also comply with the following limitations. These limitations do not apply to water dependent uses as defined in Section 10.02.
  - a. **Certain Expansions Prohibited.** If any portion of a structure is located within 25 feet, horizontal distance, of the normal high water mark of a water body, expansion of that portion of the structure is prohibited. That portion beyond 25 feet may be expanded provided the size limitations in Section 10.11,C,1,b are met.
  - b. **Size of Structures Near Water Bodies Limited.** The maximum size of expansions of nonconforming structures is limited within areas described by either of the categories below:

- (1) The area within 100 feet, horizontal distance, of the normal high water mark of bodies of standing water 10 acres or greater in size or flowing waters draining 50 square miles or more.
- (2) The area within 75 feet, horizontal distance, of the normal high water mark of tidal waters or bodies of standing water less than 10 acres in size (but excluding bodies of standing water less than three acres in size not fed or drained by a flowing water).

Legally existing, principal and accessory structures located within these areas may be expanded subject to the other requirements of this section, provided that lot coverage limitations and other applicable land use standards are met. The maximum height of all structures within these areas shall be 25 feet, or existing structure height, whichever is greater. The maximum combined footprint for all structures within these areas may not exceed the limits in Table 10.11,C-1.

<b>Closest Distance of Expansion from Water Body</b>	<b>Maximum Combined Footprint for all Structures not Meeting Water Body Setbacks</b>
Greater than 25 and less than 50 feet.	750 square feet
Between 50 and 75 feet.	1,000 square feet
Greater than 75 and less than 100 feet (if applicable setback is more than 75 feet).	1,500 square feet

Table 10.11,C-1. Limitations on size of structures near water bodies.

2. **Reconstruction or Replacement.** A legally existing, nonconforming structure may be reconstructed or replaced with a permit, provided that the permit application is completed and filed within two years of the date of damage, destruction or removal, and provided that the structure was in regular active use within a two year period immediately preceding the damage, destruction, or removal.
  - a. **Meeting Setbacks to the Greatest Extent Possible.** Reconstruction or replacement must comply with current minimum setback requirements to the greatest possible extent. In determining whether the proposed reconstruction or replacement meets the setback to the greatest possible extent, the Commission may consider the following factors:
    - size of lot,
    - slope of the land,
    - potential for soil erosion and phosphorus export to a water body,
    - location of other legally existing structures on the property,
    - location of the septic system and other on-site soils suitable for septic systems,
    - type and amount of vegetation to be removed to accomplish the relocation, and
    - physical condition and type of existing foundation, if any.
  - b. **Reconstruction of Attached Decks.** Decks attached to a legally existing, nonconforming structure may be reconstructed in place with a permit, except that replacement of any portion of a deck that extends into or over the normal high water mark is prohibited.

- c. **Permanent Foundations.** The addition of a permanent foundation beneath a legally existing, nonconforming structure constitutes a reconstruction subject to the provisions in Section 10.11,C,2,a.
  - d. **Boathouses.** Boathouses shall not be reconstructed or replaced. Normal maintenance and repair, and renovation of a legally existing boathouse is allowed without a permit.
  - e. **Sporting Camps.** A legally existing, nonconforming structure within a commercial sporting camp may be reconstructed in place, provided that the reconstruction occurs within 2 years of damage, destruction or removal and the Commission issues a permit [see 12 M.R.S.A. §685-B(7-A)]. The Commission may, consistent with public health, safety and welfare, waive standards that made the original structure nonconforming. The reconstructed structure must replicate the original structure and use to the maximum extent possible and it must be in the same location and within the same footprint as the original structure. Minor modifications to dimensions may be allowed provided the total square footage of the structure is not increased.
3. **Relocation.** In order to make it conforming or less nonconforming, a legally existing, nonconforming structure may be relocated within the boundaries of the lot upon the issuance of a permit. Cleared openings created as part of a relocation shall be stabilized and revegetated. Relocated structures that are altered such that they meet the definition of reconstruction shall meet the requirements of Section 10.11,C,2.
4. **Change of Use of a Nonconforming Structure.** The use of a nonconforming structure shall not be changed without permit approval.
5. **New, Detached Accessory Structures.** New, detached accessory structures associated with pre-1971 residences and operating farms are allowed without a permit if they meet all setbacks, do not cause lot coverage requirements to be exceeded and otherwise conform with the Commission's rules. Permits are required for all other new detached accessory structures.
- The construction of new, detached accessory structures that do not meet water body setbacks is allowed with a permit only if the structure cannot be physically sited on the lot to meet the water body setback requirement. In this case, the new accessory structure shall not be located closer to the normal high water mark than the principal structure, shall not be located within 25 feet of the normal high water mark, and shall be of a size and height that, when combined with legally existing principal buildings will not exceed the size and height requirements of Section 10.11,C,1,b.
6. **Enclosure of Decks and Porches.** A permit is required for the complete or partial enclosure of decks and porches. Enclosure of decks and porches is not an expansion of floor area. The enclosure of the structure which results in additional stories is considered an expansion and must meet the provisions of Section 10.11,C,1,b. If any portion of the structure is located within 25 feet, horizontal distance, of the normal high water mark of a water body, complete or partial enclosure of that portion of the structure is prohibited.

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**D. NONCONFORMING USES.**

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1. **Expansion of Use.** Extension, enlargement or expansion of nonconforming uses requires a permit.
2. **Change in Use.** A nonconforming use may not be changed to another use without a permit.
3. **Resumption of Use.** A nonconforming use shall not be resumed if it has been discontinued or abandoned for a period exceeding two years, or if it has been superseded by a conforming use.
4. **Special Exceptions.** Any use granted a special exception permit shall be deemed a conforming use [see 12 M.R.S.A. §685-A(10)].

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**E. NONCONFORMING LOTS.**

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1. **Expansion of Structures.** Structures on nonconforming lots may not be expanded without a permit.
2. **Creation of Nonconforming Lots.** A lot which has an established use or structure to which dimensional standards apply may not be divided or altered in a manner that makes the lot, or any structure or use, nonconforming or more nonconforming.
3. **Pre-1971, Unimproved, Nonconforming Lots.** An unimproved, nonconforming lot, legally existing as of September 23, 1971, may not be developed unless the Commission grants a variance to those standards that make the lot nonconforming. However, if a lot is at least 20,000 square feet in size, has at least 100 feet of shore frontage, and is not a contiguous lot as described in Section 10.11,E,5 below, the Commission may allow for development by waiving, to the minimum extent necessary, the requirements that make the lot nonconforming. In this case a variance is not required. This waiver may only be granted if the proposed development would meet the shoreline setback requirements in Section 10.26,D.
4. **Development of Other Nonconforming Lots.** When a lot was lawfully created after September 23, 1971, in conformity with LURC dimensional requirements applicable at the time, the Commission may waive, to the minimum extent necessary the current dimensional requirements. Waived setbacks shall not be reduced below those in effect at the time of creation of the lot.
5. **Contiguous Lots.** Two or more contiguous lots in the same ownership that individually do not meet dimensional requirements shall be combined to the extent necessary to meet the dimensional requirements, except where:
  - a. such lots are part of a subdivision approved by the Commission, or
  - b. each lot has a legally existing dwelling unit that conformed to the Commission's rules at the time each lot was developed.

Under these two circumstances the lots may be conveyed separately or together.

6. **Expansion of Septic Systems.** The conversion from primitive to combined septic systems on legally created and developed lots is allowed without a permit provided authorization is obtained from the local plumbing inspector or from the Department of Human Services, Division of Health Engineering and provided there are no limitations on combined septic systems established by prior permit conditions.

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## 10.12 SEVERABILITY

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The provisions of these rules are severable. If a section, sentence, clause or phrase of these rules is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of these rules.

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## 10.13 EFFECTIVE DATE

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The effective date of the land use standards set forth herein shall be fifteen (15) days following the date of adoption of the Resource Plan.

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## 10.14 PENALTIES FOR VIOLATIONS

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A person violating a provision of these rules or of the Resource Plan is subject to the provisions of 12 M.R.S.A. §685-C(8).

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## 10.15 APPEALS

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The appeal of a decision of the Commission or Commission's staff must be taken in accordance with Chapter 4 of the Commissions Rules and Regulations and applicable statutes.

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## 10.16 NOTIFICATION FORMAT

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Where a written notification is required by these rules, such notification must be submitted in advance of the date on which the activity, which is the subject of the notification, is commenced. Except as provided in Section 10.27,L such notification must state the:

- A. Location of the proposed project by use of an official Commission Land Use Guidance Map of the area;
- B. Nature of the proposed project; and
- C. Time period of the proposed project;

Such notification must also state that the activity or project will be accomplished in conformance with the applicable minimum standards of Sub-Chapter III and must be signed by a duly authorized person who shall be responsible for the execution of the activity.

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## **10.17 EXPIRATION OF PERMIT**

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If a development or use requiring a permit is not substantially started within the time period specified in the permit conditions of approval, or is not substantially completed within the time period specified, the permit lapses and further development or activity is prohibited thereafter unless and until a new permit is granted, or the Commission otherwise specifically authorizes.

Except as otherwise authorized by the Commission, uses authorized under a permit must be substantially started within 2 years of the effective date of the permit and substantially completed within 5 years of the effective date of the permit. These time periods do not apply to subdivision permits or permits issued in pursuant to Section 10.21.B.4.

For the purpose of these rules, “substantial start” shall mean the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Also for the purpose of these rules, “substantial completion” shall mean completion of all permit conditions of approval.

This section 10.17 shall not apply to any zoning permit issued in connection with the Resource Plan, or to any amendments thereto. Development authorized under the Resource Plan zoning permit may be commenced at any time during the duration of the Resource Plan, subject to obtaining all applicable development permits required under these Standards.

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## **10.18 RESERVED**

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**10.19 RESERVED**

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**10.20 RESERVED**

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## **Sub-Chapter II PLANNING ZONES**

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### **10.21 DEVELOPMENT ZONES**

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Pursuant to the Resource Plan, the following development zones are established:

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#### **A. COMMERCIAL INDUSTRIAL DEVELOPMENT ZONE (D-CI)**

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##### **1. Purpose**

The purpose of the D-CI planning zone is to allow for commercial, industrial and other development that is not compatible with residential uses. Designation of commercial, industrial and other similar areas of intensive development as D-CI zones will ensure that other land values and community standards are not adversely affected, and will provide for the location and continued functioning of important commercial and industrial facilities. The land use standards for the D-CI zone within this Resource Plan are identical to those of the D-CI subdistrict set forth in Chapter 10 of the Commission's Rules and Standards.

##### **2. Description**

The D-CI zone increases the acreage of an existing D-CI subdistrict located within the Plan Area to accommodate future commercial and industrial uses in an area already deemed appropriate for such uses by the Commission.

The expanded boundaries of this zone are depicted on the land use maps adopted in connection with the Resource Plan..

##### **3. Land Uses**

###### **a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within D-CI zones.

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking and mooring structures;
- (5) 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 snowshoeing but not including hunting and trapping;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within D-CI zones subject to the applicable requirements set forth in Sub-Chapter III.

- (1) Agricultural management activities;
- (2) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Filling and grading;
- (4) Level A mineral exploration activities, excluding associated access ways;
- (5) Level A road projects;
- (6) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (7) Private and commercial hand-carry launches;
- (8) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (9) Signs; and
- (10) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

The following uses may be allowed within D-CI zones upon issuance of a permit from the Commission pursuant to Section 10.24, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Any commercial and industrial uses and subdivisions for uses permitted in this zone;
- (4) Commercial sporting camps;
- (5) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Driveways;

- (7) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining or altering the water table or water level for other than mineral extraction;
- (8) Land application of septage, sludge and other residuals, and related storage and composting activities and structures;
- (9) Land management roads;
- (10) Level B and C road projects, except for water crossings as provided for in Section 10.21,A,3,b;
- (11) Level B mineral exploration activities;
- (12) Mineral extraction including the use of mineral processing equipment and associated structural development;
- (13) Peat extraction, including the use of any related processing equipment;
- (14) Shoreland alterations, excluding water crossings of minor flowing waters, trailered ramps and hand-carry launches;
- (15) Signs which are not in conformance with the standards of Section 10.27,J;
- (16) Solid waste disposal;
- (17) Timber harvesting;
- (18) Trailered ramps and hand-carry launches addressed in Section 10.21,A,3,b which are not in conformance with the standards of Section 10.27,L, private and commercial trailered ramps, and water-access ways;
- (19) Utility facilities, excluding service drops;
- (20) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D, and water crossings of bodies of standing water and of major flowing waters;
- (21) Water impoundments;
- (22) Other structures, uses or services that are essential to the uses listed in Section 10.21,A,3,a through c; and
- (23) Other structures, uses, or services which the Commission determines are consistent with the purposes of this zone and of the Resource Plan and are not detrimental to the resources and uses they protect.

**d. Prohibited Uses**

All uses not expressly allowed, with or without a permit, shall be prohibited in D-CI zones.

**e. Water Quality Limiting Lakes**

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

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**B. RECREATION DESTINATION ZONE (D-RD)**

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**1. Purpose**

Well-planned recreational destination areas benefit both the State and the region by encouraging tourism, a valuable segment of the Maine economy – particularly in regions areas such as the Plan Area. The purpose of the D-RD zone is to allow for large scale, well-planned tourism and recreational developments in designated locations.

The D-RD zone is designed to encourage creative and imaginative design and site planning, and to promote efficient use of the land. Because such developments are built out over long periods of time and often reflect cyclical market forces, such developments may be proposed, and built, in phases.

It is not intended that the D-RD zone become a service center, or that the uses permitted within the D-RD zone replace services in the established service centers of Greenville, Jackman, and Rockwood. While the D-RD zone may contain service uses and activities sized primarily to meet the needs of owners and visitors in any D-RD development areas, the Commission shall not require that these uses and activities be exclusive to owners and visitors of the recreation and/or tourism facilities.

**2. Description**

This zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

**3. Land Uses****a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within D-RD zones of this Resource Plan:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking or mooring structures;
- (5) 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 snowshoeing, but not including hunting or trapping;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within D-RD zones of this Resource Plan subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Reserved;
- (3) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Level A mineral exploration activities, excluding associated access ways;
- (7) Level A road projects;
- (8) Reserved;
- (9) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (10) Reserved;
- (11) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (12) Signs;
- (13) Water crossings of minor flowing waters;
- (14) Reserved;
- (15) Land management roads, in accordance with the guidelines in Chapter 15 of the Commission's rules.

**c. Uses Requiring a Permit**

The following uses may be allowed within D-RD zones of this Resource Plan upon issuance of a permit from the Commission, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Commercial recreational and/or nature-based tourism facilities, such as lodging or lodging and eating establishments (including, housekeeping cabins, cottages, inns, motels, and hotels, and single owner units and fractional ownership units in multi-family developments and residential subdivisions associated with the same) and associated commercial facilities such as:
  - Facilities for commercial recreation, such as guide services;
  - Facilities for indoor and/or outdoor recreation such as swimming pools, bicycle lanes and pathways, tennis courts, stables and related equestrian facilities, and hiking, cross country skiing, and equestrian trails and trail systems, and

- including connections to off-site trails, bicycle lanes, and other amenities and facilities;
  - Facilities offering food and beverages prepared on the premises;
  - Retail stores and services of a size primarily to serve the needs of facility owners and visitors, laundromats, convenience stores, or retail gasoline stations with no more than 2 gas pumps where each pump can serve no more than 2 vehicles simultaneously;
  - Automatic teller machines (ATMs);
  - On site amenities such as children's day care facilities, meeting facilities, spas, salons, beauty parlors, and other similar facilities; and
  - Art studios or artisan shops;
- (4) Campgrounds;
  - (5) Mineral extraction operations;
  - (6) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
  - (7) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
  - (8) Filling and grading, which is not in conformance of standards in Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
  - (9) Reserved;
  - (10) Level B and C road projects, except for water crossings as provided for in Section 10.21,B,3,b;
  - (11) Level B mineral exploration activities;
  - (12) Reserved;
  - (13) Fire, emergency, and police stations and substations and related public safety uses and structures;
  - (14) Public or private golf courses;
  - (15) Bicycle lanes, and hiking, cross country skiing, and equestrian trails and trail systems not associated with a facility described in Section 10.21.B.3.c.(3), above;
  - (16) Reserved;
  - (17) Reserved;
  - (18) Signs which are not in conformance with the standards of Section 10.27,J;
  - (19) Reserved;
  - (20) Subdivisions for uses allowed with or without a permit in this zone;
  - (21) Utility facilities compatible with uses allowed with or without a permit, other than service drops;
  - (22) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
  - (23) Water impoundments;
  - (24) Other structures, uses or services that are essential to the uses listed in Section 10.21,B,3,a through c; and
  - (25) Other structures, uses, or services which the Commission determines are consistent with the purposes of this zone and of the Resource Plan and are not detrimental to the resources and uses they protect.

**d. Special Exceptions**

The following uses may be allowed within D-RD zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the

applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the zone with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

(1) Reserved.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit, notification, or by special exception shall be prohibited in a D-RD zone.

**4. Review Process for Certain Development Applications**

Applications for development of uses and activities described in Section 10.21.B.3.c.(3) shall be submitted to and reviewed by the Commission under the following procedures. These procedures are not intended to replace the specific review criteria or process for technical permits such as building permits, utility line permits, and road permits. Instead, these procedures are intended to establish a process that allows a public hearing and review by the Commission at the conceptual level, and to set forth a procedure for ensuring that subsequent development is undertaken in accordance with the same.

**a. Procedure**

The development review procedure shall consist of three stages:

- (1) Preapplication Conference;
- (2) Submission of Conceptual Site Plan; and
- (3) Submission of Final Development Plans for each phase of the proposed development.

The Preapplication Conference serves to inform the prospective applicant, prior to formal application, of the proposed plan's filing requirements. Formal application is made by submitting a Conceptual Site Plan that meets the requirements specified herein. No decision thereon can be made until a Public Hearing is held. Thereafter, the Commission may approve, approve with conditions, or, in the case of an application that is inconsistent with these Standards, deny the application. An approval will include a preliminary development permit that specifies under what conditions, if any, the Commission will accept the Conceptual Site Plan proposal as the standard against which the Final Development Plans for each phase will be judged. Development may occur in one or more phases, provided that no development of any phase or area will be allowed until a Final Development Plan has been submitted and approved for such phase or area. Final Development Plans for one or more phases may be submitted for review at the same time as the Conceptual Site Plan. Following approval of a Final Development Plan for a project or phase of a project, applicable building permits, road permits, utility line permits, and other such approvals must be obtained prior to construction of buildings, roads, utility lines, and other features for which permits are required under these Standards.

**b. Burden of Proof**

The burden of proof is upon the applicant to show by substantial evidence that the proposal satisfies the criteria established in this Section.

**c. Preapplication Conference**

A preapplication conference shall be held with the staff of the Commission and representatives from other relevant agencies. At this conference the procedures, regulations, and policies that will govern the D-RD application shall be discussed. The conference shall provide a forum for an informal discussion on the acceptability of all aspects of the project proposal, prior to its filing with the Commission. The conference proceedings shall be summarized in writing and made available to the applicant. The conference shall be held pursuant to the rules established in Chapter 5 of the Commission's Rules and Regulations (or the successor rules thereto).

**d. Conceptual Site Plan**

(1) Application

The Conceptual Site Plan shall include: evidence that the proposal conforms with the purpose and description of the D-RD zone as contained herein; evidence showing that the permit criteria set forth in Section 10.24 will be satisfied; and the submission of various written and illustrative documents, as described hereinafter. Prior to any decision relative to such application, a public hearing shall be held in accordance with Chapter 5 of the Commission's Rules and Regulations (or the successor rules thereto) and the staff shall make known its findings and recommendations, in writing, to the Commission.

The following items are required to be submitted with any Conceptual Site Plan application:

Written Statements

- (a) A legal description of the property boundaries proposed for development, including a statement of present and proposed ownership.
- (b) A general statement indicating whether it is anticipated that the project will be completed in phases, provided that failure to indicate in the Conceptual Site Plan application that development might be phased will not prohibit phasing of development.
- (c) A preliminary development and construction plan that indicates the maximum level of development proposed, the general location of development components within the project, and the estimated commencement date of initial construction.
- (d) A statement of the applicant's intentions with regard to future selling, leasing or subdividing of all or portions of the project. The statement should describe the type of covenants, restrictions or conditions that are proposed to be imposed upon buyers, lessees or tenants of the property.



- (e) Statements to satisfy the Commission that the project is realistic, and can be financed and completed. Such statements shall demonstrate that the applicant has the financial resources and support to achieve the proposed development and that a sufficient market exists for the goods and/or services the development will provide.
- (f) A statement of any probable significant adverse environmental impact of the proposed development which sets forth the reasonably foreseeable adverse effects and measures to be taken by the applicant to minimize such effects.
- (g) A general statement that indicates how the natural resources of the area will be properly integrated into the planning and development.

#### Maps

- (h) A location map (drawn on a USGS topographic map base or equivalent, or Commission Land Use Guidance Map) that indicates the area for which approval is sought, and indicating that all of the project will be located within the D-RD zone, or that components of the project located outside of the D-RD zone (such as marinas and trails) are a permitted use, with or without a permit, in the zones in which such components are located. This map should show all existing development within the D-RD zone.
- (i) A map showing existing site conditions including contours at 10 foot intervals, water courses, unique natural conditions, forest cover, swamps, lakes, ponds, existing buildings, road boundaries, property lines and names of adjoining property owners, scenic locations and other prominent topographical or environmental features.
- (j) A soils map of at least medium intensity that covers those portions of the site where any development is proposed. The description should use the soil group designations utilized in the Subsurface Waste Water Disposal Rules or the USDA Soil Series names.
- (k) A site plan that shows the approximate location and size of all existing buildings, structures and other improvements, and the general location of proposed development components, including open spaces, recreational areas, and utility systems.

#### (2) Hearings and Criteria for the Approval of a Conceptual Site Plan

The Commission shall schedule a public hearing within forty-five (45) days after a complete Conceptual Site Plan application is filed, unless the applicant requests in writing that this time be extended. The public hearing notification and proceedings shall meet the requirements of Chapter 5 of the Commission's Rules and Regulations. Within ninety (90) days after the close of the record of the public hearing, the Commission may approve, approve with conditions, or, in the case of an application that is inconsistent with these Standards, deny the

application in writing. In making this decision, the Commission shall ensure that the proposal:

- (a) Conforms with the objectives and policies of the Resource Plan;
- (b) Incorporates high quality site planning and design in accordance with accepted contemporary planning principles;
- (c) Envisions a project where public services can be provided on site or by providers in existing service centers for such services so long as any such services do not serve intervening uses in a manner inconsistent with plans approved by the Commission and the Resource Plan;
- (d) Provides for safe and efficient traffic circulation; and
- (e) Utilizes the best practical technology to reduce pollution, waste and energy consumption.

(3) Approval or Denial of Conceptual Site Plan

- (a) Simultaneously with approval of development under this section, a preliminary development permit will be issued. The preliminary development permit may contain such reasonable conditions as the Commission deems appropriate and will specify the conditions for approval of the Final Development Plan or Plans. The terms of the preliminary development permit will be in writing and shall be deemed to be incorporated in the D-RD zone.
- (b) If, after weighing all the evidence, the Commission finds the submission does not meet the criteria established above for its approval, the application shall be denied and the reasons for the denial shall be stated in writing.
- (c) Within a maximum of 24 months following a Commission decision to approve a development proposal under this section, the applicant shall file a Final Development Plan (or, if the development is to be phased, a Final Development Plan for the first phase of development) containing in detailed form the information required in Section 10.21,B,4,f below. For good cause shown, the Commission may extend the deadline for filing of a Final Development Plan upon request of the applicant.
- (d) If the applicant fails for any reason to apply for final approval by submitting a Final Development Plan (or, if the development is to be phased, a Final Development Plan for the first phase of development) within the prescribed time, the approval shall be deemed to be revoked.

**e. Application Fee**

The application fee to be submitted with the Conceptual Site Plan shall be the fee specified in Chapter 1, Section 4 of the Commission's rules. No fee shall be required at any of the Final Development Plan phases.

**f. Final Development Plan**

(1) Application

The final Development Plan application procedure serves to ensure that an applicant's detailed design and construction plans conform with the approved preliminary development permit issued.

- (a) An application for final approval may be for all of the land which is the subject of the Conceptual Site Plan or for a section thereof, and Final Development Plans may be submitted in such phases as the applicant deems necessary or desirable. The Final Development Plan application for each phase of development, once deemed complete by the staff, shall be reviewed and acted upon by the Commission within 90 days.
- (b) A Final Development Plan shall include statements, drawings, specifications, covenants and conditions sufficient to fully detail the nature and scope of the proposed development, but is not required to include building and engineering specifications (which specifications shall be submitted in connection with building permit, road permit, utility line permit, and other similar permit applications). Without limitation of the foregoing, the Final Development Plan submission shall include:
  - (i) Drawings that illustrate all roads, parking service and traffic circulation areas. The dimensions of curve radii, grades and number of parking spaces are to be specified. Detailed traffic volume estimates and traffic studies may be required, at the discretion of the Commission.
  - (ii) If individual sewage disposal systems are proposed, an on-site soil report for each proposed lot is required from the applicant. The reports are to be on Department of Human Services form HHE-200 or any amended or replacement version thereof. If development of individual units or structures is proposed at a later date, or following sale to a third party, this information may be submitted in connection with individual applications for subsurface wastewater disposal permits for each lot. Where a central sewage collection and/or treatment system or central or public water supply system or fire hydrant system is proposed, reasonably full engineering drawings shall be required to conform with all applicable governmental requirements.
  - (iii) Drawings that indicate all surface water runoff and storm drainage systems, soil stabilization procedures, and landscape plans for planting, screening, revegetation and erosion control and lighting of outdoor spaces.
  - (iv) To the extent reasonably available, copies of the restrictions, covenants, conditions, and/or contractual agreements that will be imposed upon persons buying, leasing, using, maintaining, or operating land or facilities within the project.

- (c) The items submitted as part of the Final Development Plan shall comply with the conditions of approval of the Conceptual Site Plan and shall conform with applicable regulations, including Section 10.24 of these Standards. In addition, the Final Development Plan shall conform with progressive site planning standards which permit flexibility and imagination in the layout of different building types.
- (d) A public hearing shall not be held on a Final Development Plan application provided it is in substantial compliance with the Conceptual Site Plan. The burden shall, nevertheless, be on the applicant to show good cause for any variation between the Conceptual Site Plan and the Final Development Plan submitted for final approval.

(2) Approval or Denial of Final Development Plan

Upon accepting a Final Development Plan, the Commission shall issue a permit pursuant to Section 10.24, for the Final Development Plan. Such permit may contain reasonable conditions as the Commission may deem appropriate to make the approval consistent with these Standards.

(3) Amendments to the Final Development Plan

Minor changes in the location, siting, height, or character of buildings and structures may be authorized by the Director of the Commission if required by engineering or other circumstances not foreseen at the time of Final Development Plan approval, except for the following:

- (i) The addition of a land use not permitted under Section 10.21.B.3, above;
- (ii) A material change in the site, scope or nature of the project;
- (iii) A material increase in traffic volume;
- (iv) A material reduction in open space, landscaping, or parking; or
- (v) A material change giving rise to significant adverse environmental impact.

All other amendments to the Final Development Plan proposed by the applicant shall require submission to and the approval of the Commission after consultation with the staff and due consideration of the standards set forth in Section 10.21,B,4,d,(2).

(4) Time for Construction

If no substantial development has occurred pursuant to the Final Development Plan by the later of: (a) 36 months after the date of approval or (b) expiration of any extension of time for starting development granted by the Commission, the approved Final Development Plan shall become null and void and the permit shall be deemed to be revoked. Such an event, however, shall not affect the validity of other Final Development Plan permits or the preliminary development permit issued in connection with the Conceptual Site Plan.

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## **C. COMMERCIAL CAMPGROUND ZONE (D-CC)**

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### **1. Purpose**

The purpose of the D-CC planning zone is to provide for commercial camping facilities and a range of complementary uses that have a similar size, scale, and character that provide small-scale commercial services for such camping facilities and for nearby residential areas. It is designed to concentrate and control the rate of growth by limiting large commercial campground development to appropriate areas. This planning zone seeks to limit the fiscal and visual impact of sprawling commercial development and to provide a continuing sense of community and range of services in lightly settled areas. It is not intended to replace nearby service centers such as Jackman, Rockwood, and Greenville.

### **2. Description**

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

### **3. Land Uses**

The provisions of the D-CC planning zone within the Resource Plan are based upon the land uses of the various development subdistricts contained in Chapter 10 of the Commission's Rules and Standards, with appropriate modifications for the unique characteristics of the Plan Area.

#### **a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within D-CC planning zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, provided that the buffering requirements of 10.25,B,2 are met;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking or mooring structures;
- (5) 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 snowshoeing, but not including hunting or trapping;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within D-CC planning zones of this Resource Plan subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Reserved;
- (3) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Forest management activities, provided that the buffering requirements in Section 10.25,B,2 are met;
- (7) Level A mineral exploration activities, excluding associated access ways;
- (8) Level A road projects;
- (9) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (10) Reserved;
- (11) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipeline extensions which do not meet the definition of service drops shall require a permit;
- (12) Signs; and
- (13) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

The following uses may be allowed within D-CC planning zones of this Resource Plan upon issuance of a permit from the Commission pursuant to Section 10.24 of these Standards and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Campgrounds;
- (4) Rental cabins and other lodging facilities and accommodations for transient occupancy associated with campgrounds;
- (5) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (7) Filling and grading, which is not in conformance with the standards of Section 10.27,F, and draining, dredging and alteration of the water table or water level for other than mineral extraction;

- (8) General retail and commercial facilities associated with and providing services to campgrounds, provided such commercial facilities do not have more than 1,000 square feet of gross floor area such as:
  - Facilities offering food and beverages prepared on the premises;
  - Retail stores and services, laundromats, convenience stores, or retailing of gasoline with no more than 2 gas pumps where each pump can serve no more than 2 vehicles simultaneously;
- (9) Level B and C road projects, except for water crossings as provided for in Section 10.21,C,3,b;
- (10) Level B mineral exploration activities;
- (11) Signs which are not in conformance with the standards of Section 10.27,J;
- (12) Utility facilities compatible with residential uses, other than service drops;
- (13) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D, and water crossings of bodies of standing water and of major flowing waters;
- (14) Water impoundments;
- (15) Other structures, uses or services that are essential to the uses listed in Section 10.21,C,3,a through c; and
- (16) Other structures, uses, or services that the Commission determines are consistent with the purposes of this planning zone and of the Resource Plan and are not detrimental to the resources and uses they protect.

**d. Special Exceptions**

The following uses may be allowed within D-CC planning zones of this Resource Plan as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the planning zone with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Reserved.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit, notification, or by special exception shall be prohibited in a D-CC planning zone.

**f. Water Quality Limiting Lakes**

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

**g. Adaptive Reuse of Legally Existing Structures.**

Facilities allowed under Section 10.21,C,3,c and d may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,C,3,c and d may not be expanded.

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**D. RESIDENTIAL/RECREATIONAL HOUSE LOT ZONE (D-HL)**

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**1. Purpose**

The purpose of the D-HL planning zone is to accommodate seasonal and year-round residential development in high value resource areas without compromising the recreational setting. This planning zone allows a restricted range of allowed uses in order to ensure attractive residential recreational opportunities, and to protect natural and scenic values.

**2. Description**

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

**3. Land Uses**

The provisions of the D-HL planning zone within the Resource Plan are based upon the land uses of the various residential development subdistricts contained in Chapter 10 of the Commission's Rules and Standards, with appropriate modifications for the unique characteristics of the Plan Area.

**a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within D-HL zones of this Resource Plan:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking or mooring structures;
- (5) 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 snowshoeing, excluding hunting and trapping;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within D-HL zones of this Resource Plan subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities associated with a single-family residence, such as non-commercial gardens;
- (2) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are



constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;

- (3) Driveways associated with residential uses;
- (4) Filling and grading;
- (5) Level A mineral exploration activities, excluding associated access ways;
- (6) Level A road projects;
- (7) Minor home occupations;
- (8) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (9) Private hand-carry launches;
- (10) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (11) Signs;
- (12) Water crossings of minor flowing waters; and
- (13) Land Management Roads, in accordance with the guidelines in Chapter 15 of the Commission's rules.

**c. Uses Requiring a Permit**

The following uses may be allowed within D-HL planning zones of this Resource Plan upon issuance of a permit from the Commission pursuant to Section 10.24 of these Standards, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Bicycle trails and pathways;
- (3) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (5) Filling and grading, which are not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (6) Reserved;
- (7) Level B and C road projects and associated bicycle lanes, except for water crossings as provided for in Section 10.21,D,3,b;
- (8) Level B mineral exploration activities;
- (9) Residential: Single family dwellings, and residential level 1 and level 2 subdivisions;
- (10) Shoreland alterations, excluding marinas (except in Lily Bay, Brassua, and Taunton & Raynham Townships, Rockwood Strip East and West, and Sandwich Academy Grant, where marinas shall be permitted), permanent docking facilities, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (11) Signs which are not in conformance with the standards of Section 10.27,J;
- (12) Reserved;

- (13) Utility facilities compatible with residential uses other than service drops;
- (14) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D, and water crossings of bodies of standing water and of major flowing waters;
- (15) Water impoundments;
- (16) Other structures, uses or services that are essential to the uses listed in Section 10.21,D,3,a through c; and
- (17) Other structures, uses, or services which the Commission determines are consistent with the purposes of this zone and of the Resource Plan and are not detrimental to the resources and uses they protect.

**d. Special Exceptions**

The following uses may be allowed within D-HL planning zones of this Resource Plan as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those uses within the vicinity or area likely to be affected by the proposal with which it is or may be incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Commercial sporting camps, provided that (i) no more than one commercial sporting camp shall be permitted in any 30,000 acre area, (ii) at least six (6) road miles separates any two commercial sporting camps, (iii) no more than 500 feet of shoreline is occupied by any one commercial sporting camp, (iv) no more than 10 acres of land is associated with the commercial sporting camp, and (v) all structures are set back at least 100 feet from the shoreline of any waterbodies.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit, shall be prohibited in D-HL zones.

**f. Residential Lot Creation and Subdivision Development in the D-HL zone**

Notwithstanding any other provision of these Standards to the contrary, no new residential lot shall be created or residential subdivision approved in the D-HL zone if the creation of such lot or approval of such subdivision would either (i) result in a total number of new residential lots in the Plan Area greater than 975 or (ii) result in a total number of lots on any waterbody in excess of the maximum number of lots established for such waterbody under the Resource Plan, as set forth in the following table (Table 10.21,D,3,f):

Name of Waterbody	Maximum Number of New Residential Lots
Brassua Lake	189
Burnham Pond	20
Center Pond	5
Ellis Pond	8
Fish Pond	6
Indian Pond	35
Knights Pond	5
Long Pond	80
Luther Pond	6
Moose River	30
Moosehead Lake	103
Penobscot Pond	8
Prong Pond	30
Second Roach Pond	10
Third Roach Pond	10
Upper Wilson Pond	30

Table 10.21,D,3,f - Maximum lot numbers on lakes and ponds

In connection with any subdivision application in D-HL zones, the application for such subdivision shall include a statement indicating the total number of new residential lots created in the Plan Area as of the date of the application. Subdivision and development applications for waterfront property shall also include a statement indicating the total number of new residential lots created on the waterbody for which such application is made, as of the date of the application.

**g. Water Quality Limiting Lakes**

For information relative to water quality limiting lakes see Section 10.23,E,3,f

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## 10.22 MANAGEMENT ZONES

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Pursuant to the Resource Plan, the following management planning zones are established:

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### A. NO DEVELOPMENT/WORKING FOREST PLANNING ZONE (M-ND/WF)

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#### 1. Purpose

The purpose of the M-ND/WF planning zone within this Resource Plan is to ensure that large forested areas remain used primarily for forest management, agriculture, and outdoor recreation activities, and to relieve the pressures of residential development on the working forest. Uses intended to promote forestry, agriculture, and recreation are allowed, while residential and other development that is unrelated to, and might interfere with, these activities and the natural values of the area will not be permitted.

#### 2. Description

This area comprises the vast majority of land within the Plan Area, and is intended to preserve the use of this area as a working forest. This planning zone will be applied only in those areas designated on the land use maps adopted in connection with the Resource Plan.

#### 3. Land Uses

The provisions of the M-ND/WF planning zone within the Resource Plan are based upon those in the M-GN and M-NC subdistricts, as set forth in Chapter 10 of LURC's Rules and Standards, with appropriate modifications to account for the unique characteristics of the Plan Area and to comply with the Resource Plan and the purpose set forth above.

##### a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within M-ND/WF planning zones of this Resource Plan:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities;
- (3) Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S.A. §13: Maine Hazardous Waste, Septage and Solid Waste Management Act;
- (4) Motorized vehicular traffic on roads and trails, and snowmobiling (to the extent any of the foregoing are allowed by the landowner);
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;

- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within ND/WF planning zones of this Resource Plan subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities, including cranberry cultivation and the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water;
- (2) Campsites;
- (3) Checkpoint buildings;
- (4) Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.22,C,3,b,(1) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (5) Filling and grading;
- (6) Driveways associated with residential;
- (7) Land management roads, in accordance with the guidelines in Chapter 15 of the Commission's rules;
- (8) Level A mineral exploration activities, including associated access ways;
- (9) Level A and B road projects;
- (10) Mineral extraction operations affecting an area less than 5 acres in size;
- (11) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (12) Parking areas, roads, signs and similar facilities associated with non-motorized recreational trail-heads;
- (13) Parking areas, roads, signs and similar facilities associated with public trailered ramps and private and commercial hand-carry launches;
- (14) Signs; and
- (15) The operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural or forest management activities.

**c. Uses Requiring a Permit**

The following uses may be allowed within M-ND/WF planning zones of this Resource Plan upon issuance of a permit from the Commission pursuant to Section 10.24 of these Standards, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Campgrounds;
- (2) Creation, alteration or maintenance of constructed ponds, other than those in Section 10.22,C,3,b above, which are 1 acre or more in size, or such ponds less than 1 acre which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Driveways associated with nonresidential uses, and driveways associated with residential uses that are not in conformance with Section 10.27, H;

- (4) Land management roads which are not in conformance with the Guidelines of Chapter 15 of the Commission's rules;
- (5) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging, and alteration of the water table or water level for other than mineral extraction;
- (6) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (7) Level B mineral exploration activities;
- (8) Mineral extraction operations
  - (a) affecting an area less than 5 acres in size and which are not in conformance with the standards of Section 10.27,C;
  - (b) affecting an area between 5 and 30 acres provided the unreclaimed area is less than 15 acres; and
  - (c) structures essential to the extraction activity having a total gross floor area of no more than 2,000 square feet;
- (9) Remote rental cabins and remote huts;
- (10) Sawmills, chipping mills, and other forest products processing facilities on sites of less than 25 acres
- (11) Signs which are not in conformance with the standards of Section 10.27,J;
- (12) Structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size;
- (13) Level C road projects;
- (14) Maple sugar processing operations;
- (15) Non-commercial structures utilized for educational, scientific, or nature observation purposes;
- (16) Metallic mineral mining activities;
- (17) Portable mineral processing equipment;
- (18) Fire, emergency, and police stations and substations and related public safety uses and structures;
- (19) Structures devoted to the storage of sand or salt;
- (20) Truck and equipment storage facilities associated with forest management operations;
- (21) Utility facilities, excluding service drops;
- (22) Water impoundments;
- (23) Solid waste disposal facilities affecting an area less than 2 acres in size;
- (24) Subsurface waste water disposal systems and accessory structures to residential dwelling units existing as of the effective date of these standards, provided the aggregate floor area of all such structures located within the M-ND/WF planning zone does not exceed 800 square feet;
- (25) Infrastructure connections, such as roads and utilities, between compatible uses in adjoining zones;
- (26) Other structures, uses, or services that are essential for the uses listed in Section 10.22,B,3,a through c; and
- (27) Other, non-residential structures, uses, or services which the Commission determines are consistent with the purposes of this planning zone and of the Resource Plan and are not detrimental to the resources or uses they protect.

**d. Special Exceptions**

The following uses may be allowed within ND/WF planning zones of this Resource Plan as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can

be buffered from those other uses and resources within the area with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Sawmills, chipping mills, and other forest products processing facilities on sites of 25 acres or greater in size;
- (2) Structures devoted to composting of sludge, septage or other residuals affecting an area 5 acres or greater in size;
- (3) Mineral extraction operations greater than 30 acres in size, including the use of mineral processing equipment and associated structural development;
- (4) Commercial sporting camps, provided that (i) no more than one commercial sporting camp shall be permitted in any 30,000 acre area, (ii) at least six (6) road miles separates any two commercial sporting camps, (iii) no more than 500 feet of shoreline is occupied by any one commercial sporting camp, (iv) no more than 10 acres of land is associated with the commercial sporting camp, and (v) all structures are set back at least 100 feet from the shoreline of any waterbodies; and
- (5) Affordable/community housing projects and subdivisions developed in cooperation with the State or municipal governments pursuant to a housing assessment analysis and subject to the provisions of the Resource Plan, provided that the aggregate land area of all such projects and subdivisions within the Plan Area does not exceed 100 acres.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in M-ND/WF planning zones of this Resource Plan.

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## 10.23 PROTECTION ZONES

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Pursuant to the Resource Plan, the following protection zones are established within the planning zone:

All of the existing protection subdistricts applicable to the Plan Area have been incorporated into these Standards. All areas designated as being in protection subdistricts prior to adoption of the Resource Plan have been designated in the corresponding protection planning zone of this Section 10.23, with the exception of certain areas formerly designated as being in the Great Pond Protection (P-GP) subdistrict in which development is proposed under the Resource Plan.

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### A. ACCESSIBLE LAKE PROTECTION ZONE (P-AL)

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#### 1. Purpose

The purpose of the P-AL zone is to maintain and protect the existing natural values of the accessible, undeveloped, high value lakes within the Commission's jurisdiction. This is the class of lakes described as Management Class 2 lakes in the Commission's Comprehensive Land Use Plan. It is the intent of this zone to restrict development but not to regulate timber harvesting beyond the extent to which it is regulated within P-GP zones.

#### 2. Description

Areas formerly designated as being in the P-AL subdistrict are included in this zone.

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

#### 3. Land Uses

##### a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-AL zones:

- (1) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking and mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;



- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-AL zones, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Driveways associated with residential uses;
- (4) Land management roads;
- (5) Level A mineral exploration activities, including associated access ways;
- (6) Level A road projects;
- (7) Minor home occupations;
- (8) Service drops;
- (9) Signs listed as exempt in Section 10.27,J; and
- (10) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-AL zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (5) Filling, grading, draining, dredging or alteration of the water table or water level for other than mineral extraction;
- (6) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (7) Land management roads and water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D; water crossings of bodies of standing water and major flowing waters;
- (8) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (9) Level B and C road projects, except for water crossings of minor flowing waters as provided for in Section 10.23,A,3,b;
- (10) Level B mineral exploration activities;

- (11) Major home occupations;
- (12) Mineral extraction for road purposes less than 5 acres in size, provided that such activity:
  - (a) is not visible from the body of standing water which the P-AL zone was established to protect; and
  - (b) avoids use of the P-AL zone, except where necessary to provide gravel for land management operations where alternative sources are unavailable or impractical;
- (13) Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this zone;
- (14) Residential: Single family dwelling units provided that such dwelling units are limited to an average density per landownership of one dwelling unit per shore mile. Parcels existing as of November 17, 1988 that have less than 1 mile of shoreline are allowed one dwelling unit within that shoreline area provided that other applicable standards are met. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map;
- (15) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (16) Signs other than those listed as exempt in Section 10.27,J;
- (17) Timber harvesting which is not in conformance with the standards of Section 10.27,E;
- (18) Water impoundments;
- (19) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,A,3,a through c; and
- (20) Other structures, uses or services which the Commission determines are consistent with the purpose of this zone and of the Resource Plan and are not detrimental to the uses or resources they protect.

**d. Special Exceptions**

The following uses may be allowed within P-AL zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the zone with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan; and further provided that there shall be no more than one development unit per shore mile except as provided in Section 10.23,A,3,c, such distance measured by following the shoreline of the lake, including all shoreline irregularities, on the Commission's Land Use Guidance Map:

- (1) Campgrounds;
- (2) Commercial sporting camps of up to 10,000 square feet in floor area for all principal buildings concerned.

The following uses may be allowed as special exceptions provided the applicant shows, in addition to the criteria listed above, by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (3) Permanent docking facilities, water-access ways, trailered ramps, and hand-carry launches; and
- (4) Utility facilities other than service drops.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-AL zones.

**f. Water Quality Limiting Lakes**

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

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**B. AQUIFER PROTECTION ZONE (P-AR)**

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**1. Purpose**

The purpose of the P-AR zone is to protect the quantity and quality of ground water supply used or potentially available for human or industrial consumption.

**2. Description**

Areas formerly designated as being in the P-AR subdistrict are included in this zone.

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

**3. Land Uses****a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-AR zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for fertilizer application;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking and mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-AR zones subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities, except for fertilizer application;
- (2) Driveways associated with residential uses;
- (3) Filling and grading;
- (4) Level A mineral exploration activities, including associated access ways;
- (5) Level A road projects;
- (6) Minor home occupations;
- (7) Public, private and commercial hand-carry launches;

- (8) Service drops; and
- (9) Signs.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-AR zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III, and provided that the recharge capability of the area remains the same as it would be under the area's natural state:

- (1) Agriculture management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Application of fertilizers for forest or agricultural management activities;
- (3) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (4) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (5) Land management roads and water crossings;
- (6) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (7) Level B road projects;
- (8) Major home occupations;
- (9) Mineral extraction for road purposes affecting an area less than 30 acres in size, provided the unreclaimed area is less than 15 acres;
- (10) Peat extraction affecting an area less than 30 acres in size;
- (11) Public, private and commercial hand-carry launches addressed in Section 10.23,B,3,b which are not in conformance with the standards of Section 10.27,L;
- (12) Residential: Single-family dwellings, and campgrounds and campsites, provided that sewage is disposed of in such a manner as not to endanger the water quality of the aquifer;
- (13) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, and hand-carry launches;
- (14) Signs which are not in conformance with the standards of Section 10.27,J;
- (15) Utility facilities, excluding service drops;
- (16) Water impoundments;
- (17) Other structures, uses or services that are essential for uses listed in Section 10.23,B,3,a through c; and
- (18) Other structures, uses, or services which the Commission determines are consistent with the purposes of this zone and of the Resource Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-AR zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the zone with which it is

incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Filling and grading, except as provided in Section 10.23,B,3,b and draining, dredging and alteration of the water table or water level for purposes other than mineral extraction;
- (2) Level B mineral exploration activities;
- (3) Level C road projects;
- (4) Public, commercial and private trailered ramps, permanent docking facilities and water-access ways.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-AR zones.

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## **C. FLOOD PRONE AREA PROTECTION ZONE (P-FP)**

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### **1. Purpose**

The purpose of the P-FP zone is to regulate certain land use activities in flood prone areas in order to minimize the human and financial costs of floods and flood cleanup programs, by protecting adjacent, upstream and downstream property from flood damage, by minimizing danger from malfunctioning water supply and waste disposal systems in flood prone areas; and to comply with the cooperative agreement between the Land Use Regulation Commission and the Federal Emergency Management Agency (FEMA) regarding the regulation of land use so that flood insurance can be made available to persons in flood prone areas.

### **2. Description**

Areas formerly designated as being in the P-FP subdistrict are included in this zone.

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

### **3. Land Uses**

#### **a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-FP zones subject to the applicable requirements set forth in 44 CFR, §60.3(a-e) of the National Flood Insurance Program regulations:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities;
- (3) Land management roads and water crossings of minor flowing waters;
- (4) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (5) Non-permanent docking and mooring structures;
- (6) Primitive recreational uses, including fishing, hunting, hiking, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (7) Surveying and other resource analysis;
- (8) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (9) Wildlife and fishery management practices.

#### **b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-FP zones subject to the applicable requirements set forth in Sub-Chapter III and 44 CFR, §60.3(a-e) of the National Flood Insurance Program regulations:

- (1) Agricultural management activities;
- (2) Campsites;
- (3) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Level A mineral exploration activities, including associated access ways;
- (7) Level A road projects;
- (8) Mineral extraction affecting an area less than 5 acres in size, for road purposes;
- (9) Public trailered ramps and public, private, and commercial hand-carry launches.
- (10) Service drops; and
- (11) Signs.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-FP zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III and 44 CFR, §60.3(a-e) of the National Flood Insurance Program regulations:

- (1) Agriculture management activities and land management roads which are not in conformance with the standards of Section 10.27,A;
- (2) Campgrounds;
- (3) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (5) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (6) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (7) Level B and C road projects;
- (8) Level B mineral exploration activities;
- (9) Mineral extraction operations affecting an area 5 to 30 acres in size provided the unreclaimed area is less than 15 acres, for road purposes; mineral extraction operations, affecting an area less than 5 acres in size, for road purposes which are not in conformance with the standards of Section 10.27,C;
- (10) Shoreland alterations, excluding marinas, permanent docking facilities and water-access ways, and trailered ramps, and hand-carry launches;
- (11) Signs which are not in conformance with the standards of Section 10.27,J;
- (12) Trailered ramps and hand-carry launches addressed in Section 10.23,C,3,b which are not in conformance with the standards of Section 10.27,L and commercial trailered ramps;
- (13) Utility facilities, except for service drops;



- (14) Water crossings of tidal waters, bodies of standing water and major flowing waters;
- (15) Water impoundments;
- (16) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,C,3,a through c; and
- (17) Other structures, uses, or services which the Commission determines are consistent with the purposes of this zone and of the Resource Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-FP zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the zone with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Private trailered ramps, permanent docking facilities and water-access ways.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-FP zones.

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**D. FISH AND WILDLIFE PROTECTION ZONE (P-FW)**

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**1. Purpose**

The purpose of the P-FW zone is to conserve important fish and wildlife habitats essential to the citizens of Maine because of their economic, recreational, aesthetic, educational or scientific value.

**2. Description**

Areas formerly designated as being in the P-FW subdistrict are included in this zone.

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

**3. Land Uses****a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-FW zones (provided, however, only wildlife and fishery management practices approved by the Department of Inland Fisheries and Wildlife or the U.S. Fish and Wildlife Service shall be permitted without prior approval of the Commission from May 1st to July 15th in P-FW zones established for colonial nesting sea birds):

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Non-permanent docking and mooring structures in the shelter portion of deer wintering areas;
- (4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (5) Surveying and other resource analysis;
- (6) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (7) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-FW zones, subject to the applicable requirements set forth in Sub-Chapter III (provided, however, only wildlife and fishery management practices approved by the Department of Inland Fisheries and Wildlife or the U.S. Fish and Wildlife Service shall be permitted

without prior approval of the Commission from May 1st to July 15th in P-FW zones established for colonial nesting sea birds):

- (1) Forest management activities and land management roads, provided that timber harvesting and land management road construction are carried out in conformance with the following:
  - (a) Applicant shall confer with the appropriate Biologist of the Department of Inland Fisheries and Wildlife as to how the proposed activity is to occur within the P-FW zone; at the landowner's option, the applicant may also confer with a Forester of the Maine Forest Service;
  - (b) If a plan acceptable to the parties cannot be reached stating how the proposed activity should occur, the applicant shall be required to obtain a permit from the Commission;
  - (c) If a plan acceptable to the parties can be reached, the applicant shall notify the Commission in writing with a copy of the field investigation report by the Biologist (and the Forester where he also has been consulted) which states how and over what time period the activity is to occur -- the notification letter shall be signed by the person responsible for the proposed activity and the field investigation report shall be signed by the Biologist (and the Forester, where applicable);
  - (d) Applicant may proceed with activity in conformity with the plan 14 days after notification to the Commission unless within such time period the Commission disapproves the plan;
  - (e) Applicant shall notify the Commission of completion of activity so that a follow-up field investigation may be carried out by the Commission or its designee.
- (2) Level A mineral exploration activities, excluding associated access ways;
- (3) Level A road projects;
- (4) Mineral extraction for road purposes involving less than one (1) acre of land, provided that such activity is carried out in conformance with the following:
  - (a) Applicant shall confer with the appropriate biologist of the Department of Inland Fisheries and Wildlife for the purpose of developing a plan as to how the proposed activity is to occur within the P-FW zone and within what time period;
  - (b) If a plan acceptable to the parties cannot be reached stating how the proposed activity should occur, the applicant shall be required to obtain a permit from the Commission;
  - (c) If a plan acceptable to the parties can be reached, the applicant shall submit a copy of the agreed-upon plan, signed by both parties, to the Commission;
  - (d) Applicant may proceed with activity in conformity with the plan 14 days following receipt of the plan by the Commission unless, within such time period, the Commission disapproves the plan;
  - (e) Applicant shall notify the Commission of completion of the activity so that a follow-up field investigation may be carried out by the Commission or its designee.
- (5) Minor home occupations;
- (6) Service drops;
- (7) Signs listed as exempt in Section 10.27,J; and
- (8) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-FW zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agriculture management activities;
- (3) Campsites;
- (4) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (5) Filling and grading;
- (6) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (7) Level B road projects;
- (8) Major home occupations;
- (9) Shoreland alterations and non-permanent docking and mooring structures, except as provided for in Section 10.23,D,3,a but excluding marinas, permanent docking facilities, water-access ways, trailered ramps and hand-carry launches;
- (10) Signs other than those listed as exempt in Section 10.27,J;
- (11) Timber harvesting and land management roads for which agreement cannot be reached pursuant to Section 10.23,D,3,b;
- (12) Utility facilities excluding service drops;
- (13) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D; water crossings of bodies of standing water and of major flowing waters;
- (14) Other structures, uses or services that are essential for uses listed in Section 10.23,D,3,a through c; and
- (15) Other structures, uses, or services which the Commission determines are consistent with the purposes of this zone and of the Resource Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-FW zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the zone with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Driveways;
- (2) Level B mineral exploration activities;
- (3) Level C road projects;
- (4) Mineral extraction for road purposes involving one (1) to 5 acres of land;
- (5) Permanent docking facilities, water-access ways, trailered ramps and hand-carry launches;

- (6) Single family detached dwelling units; and
- (7) Water impoundments.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-FW zones.

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**E. GREAT POND PROTECTION ZONE (P-GP)**

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**1. Purpose**

The purpose of the P-GP zone is to regulate residential and recreational development on Great Ponds to protect water quality, recreation potential, fishery habitat, and scenic character.

**2. Description**

Areas formerly designated as being in the P-GP subdistrict (other than those areas in which development is proposed under the Resource Plan) are included in this zone.

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

**3. Land Uses****a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-GP zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking or mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-GP zones subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Commercial hand-carry launches;
- (3) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;

- (5) Filling and grading;
- (6) Land management roads, and water crossings of minor flowing waters;
- (7) Level A mineral exploration activities, including associated access ways;
- (8) Level A road projects;
- (9) Minor home occupations;
- (10) Public trailered ramps and public hand-carry launches;
- (11) Service drops;
- (12) Signs; and
- (13) Timber harvesting.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-GP zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (5) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (6) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (7) Land management roads and water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D; water crossings of bodies of standing water and of major flowing waters;
- (8) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (9) Level B and C road projects, except for water crossings of minor flowing waters as provided for in Section 10.23,E,3,b;
- (10) Level B mineral exploration activities;
- (11) Major home occupations;
- (12) Mineral extraction for road purposes no greater than 5 acres in size;
- (13) Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this zone;
- (14) Residential: Single family dwellings;
- (15) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, hand-carry launches and water crossings of minor flowing waters;
- (16) Signs which are not in conformance with the standards of Section 10.27,J;
- (17) Timber harvesting which is not in conformance with the standards of Section 10.24,E;

- (18) Trailered ramps and hand-carry launches addressed in Section 10.23,E,3,b which are not in conformance with the standards of Section 10.27,L, commercial trailered ramps and private hand-carry launches;
- (19) Utility facilities other than service drops;
- (20) Water impoundments;
- (21) Other structures, uses, or services that are essential for uses listed in Section 10.23,E,3,a through c; and
- (22) Other structures, uses, or services which the Commission determines are consistent with the purposes of this zone and of the Resource Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-GP zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within this zone with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Campgrounds;
- (2) Commercial sporting camps of up to 10,000 square feet in floor area for all principal buildings concerned;
- (3) Retail stores and restaurants with a gross floor area of no more than 2,000 square feet;

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (4) Permanent docking facilities, water-access ways, and private trailered ramps; and
- (5) Peat extraction affecting an area less than 5 acres in size.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-GP zones.

**f. Water Quality Limiting Lakes**

Water Quality Limiting Lakes shall be those bodies of standing water 10 acres or greater in size where the Commission determines from available information that the maximum number of allowable dwelling units, as determined by minimum shoreline frontage requirements for such water body, would give rise to a significant risk of increasing the phosphorus concentration of the water by 5 parts per billion or more.

With respect to future development, including subdivisions, near such water bodies, the Commission may impose additional and/or more protective standards with respect to clearing, frontage and setback requirements, sewage disposal, and other aspects of such



development so as to reasonably assure that the above stated maximum allowable change in phosphorus concentration for such water bodies is not exceeded.

The methodology used to identify water quality limiting lakes is shown in Appendix A of this chapter.

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**F. RESERVED**

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**G. MOUNTAIN AREA PROTECTION ZONE (P-MA)**

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**1. Purpose**

The purpose of the P-MA zone is to regulate certain land use activities in mountain areas in order to preserve the natural equilibrium of vegetation, geology, slope, soil and climate in order to reduce danger to public health and safety posed by unstable mountain areas, to protect water quality, and to preserve mountain areas for their scenic values and recreational opportunities.

**2. Description**

Areas formerly designated as being in the P-MA subdistrict are included in this zone.

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

**3. Land Uses**

**a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-MA zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest and agricultural management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking and mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis; and
- (7) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-MA zones, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Level A mineral exploration activities, excluding associated access ways;
- (2) Level A road projects;
- (3) Service drops; and

- (4) Signs listed as exempt in Section 10.27,J.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-MA zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Campsites;
- (3) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (4) Filling, grading, draining, and altering the water table or water level for other than mineral extraction;
- (5) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (6) Land management roads and water crossings;
- (7) Level B road projects;
- (8) Signs other than those listed as exempt in Section 10.27,J;
- (9) Timber harvesting;
- (10) Trails;
- (11) Water impoundments;
- (12) Other structures, uses, or services that are essential for exercise of uses listed in Section 10.23,G,3,a through c; and
- (13) Other structures, uses, or services which the Commission determines are consistent with the purposes of this zone and of the Resource Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-MA zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10) and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within this zone with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Driveways;
- (2) Level B mineral exploration activities;
- (3) Level C road projects;
- (4) Structures relating to downhill skiing and other mountain related recreation facilities; and
- (5) Utility facilities.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-MA zones.

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**H. RESERVED**

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**I. RECREATION PROTECTION ZONE (P-RR)**

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**1. Purpose**

The purpose of the P-RR zone is to provide protection from development and intensive recreational uses to those areas that currently support, or have opportunities for, unusually significant primitive recreation activities. By so doing, the natural environment that is essential to the primitive recreational experience will be conserved.

**2. Description**

Areas formerly designated as being in the P-RR subdistrict are included in this zone.

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

**3. Land Uses****a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-RR zones:

- (1) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Motorized vehicular traffic and snowmobiling with the following exceptions:
  - (a) in the instance of trails designated as P-RR, such traffic and snowmobiling is allowed only on those portions of such trails which are located within the right-of-way of a roadway or utility line;
  - (b) within any P-RR zone surrounding a body of standing water, such traffic is allowed only in connection with forest or agricultural management activities or in connection with access to and use of existing remote camps; but snowmobiling shall be allowed in such zone;
- (3) Non-permanent docking structures;
- (4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (5) Surveying and other resource analysis;
- (6) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (7) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-RR zones, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Forest and agricultural management activities, except for timber harvesting in P-RR zones established to protect a trail. Timber harvesting in a P-RR zone established to protect a flowing water shall be carried out in compliance with the standards for timber harvesting in P-SL1 zones as set forth in Section 10.27,E. Skid trails, skid roads, and winter haul roads in P-RR zones established to protect a body of standing water shall be discontinued, gated, obstructed or otherwise made impassable to two wheel drive vehicles upon completion of timber harvesting, provided that, wherever such approval is legally required, the Maine Forest Service approves discontinuation of such road, which approval the owner shall request;
- (2) Land management roads provided:
  - (a) the Commission is notified (according to Section 10.16) in advance of commencing construction on the road;
  - (b) the road, if in P-RR zones around a body of standing water, shall be located no closer than 1,000 feet from the normal high water mark of the water body so zoned. The road shall be discontinued, gated, obstructed, or otherwise made impassable to two wheel drive vehicles within three years of construction of the road, provided that, wherever such approval is legally required, the Maine Forest Service approves discontinuation of such road, which approval the owner shall request;
  - (c) the road, if located in a P-RR zone established to protect a trail, follows the shortest practicable route in traversing such zones;
  - (d) the road, if located in a P-RR zone established to protect a flowing water, follows the shortest practicable route in traversing such zone and is built in compliance with the road standards for P-SL1 zones as set forth in Section 10.27,D;
- (3) Level A mineral exploration activities, including associated access ways, provided that such access ways located in P-RR zones established to protect bodies of standing water shall be discontinued, gated, obstructed or otherwise made impassable to two wheel drive vehicles upon completion of the mineral exploration activity, further provided that, when approval for such is legally required, the Maine Forest Service approves the discontinuance of such access ways, which approval the operator shall request;
- (4) Level A road projects;
  - (1) Mineral extraction for road purposes in P-RR zones established to protect flowing water, provided that such activity:
    - (a) is not visible from the flowing water which the P-RR zone was established to protect;
    - (b) avoids use of the P-RR zone, except where necessary to provide gravel for local land management operations where alternative sources are unavailable or impractical; and
    - (c) does not exceed 2 acres in size;
  - (2) Service drops;
  - (3) Skid trails, skid roads, and winter haul roads in P-RR zones established to protect a trail or flowing water, provided the skid trail or road follows the shortest

practicable route in traversing such zone and traverses such zone the fewest number of times practicable;

- (4) Signs listed as exempt in Section 10.27,J; and
- (5) Water crossings of minor flowing waters, except as provided in Section 10.23,I,3,c below.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-RR zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III.

- (1) Campsites;
- (1) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (2) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (3) Land management roads which are not in conformance with the standards of Section 10.23,I,3,b. In the case of P-RR zones around bodies of standing water, the Commission shall, among other factors, consider the following:
  - (a) whether there is any reasonable alternative route for the road;
  - (b) whether reasonable and adequate provisions will be made by the applicant to make the road impassable to two wheel drive vehicles following termination of the road's use; and
  - (c) whether the construction and use of the road will adversely affect the resources protected by the P-RR zone;
- (4) Level A mineral exploration activities, including associated access ways, which are not in conformance with Section 10.23,I,3,b or Section 10.27,C;
- (5) Level B road projects;
- (6) Mineral extraction for road purposes less than 5 acres in size, except as provided for in Section 10.23,I,3,b above, in P-RR zones established to protect flowing water;
- (7) Shoreland alterations, excluding marinas, permanent and non-permanent docking facilities, water-access ways, trailered ramps, and hand-carry launches;
- (8) Signs other than those listed as exempt in Section 10.27,J;
- (9) Timber harvesting in P-RR zones established to protect a trail, Timber harvesting in P-RR zones established to protect a flowing water which is not in conformance with the standards for timber harvesting in P-SL1 zones as set forth in Section 10.27,E;
- (10) Water crossings of major flowing waters; water crossings of all flowing waters surrounded by a P-RR zone established to protect such waters;
- (11) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,I,3,a through c; and
- (12) Other structures, uses or services which the Commission determines are consistent with the purpose of this zone and of the Resource Plan and are not detrimental to the uses or resources they protect.

**d. Special Exceptions**

The following uses may be allowed within P-RR zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the zone with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Filling and grading;
- (1) Level B mineral exploration activities;
- (2) Level C road projects;
- (3) Mineral extraction for road purposes, except as provided in Sections 10.23,I,3,b and c above;
- (4) Permanent docking facilities, water-access ways, hand-carry launches, and public trailered ramps on rivers and streams zoned P-RR to protect flowing waters; and
- (5) Utility facilities other than service drops.

**e. Prohibited uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-RR zones.



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**J. SPECIAL RIVER TRANSITION PROTECTION ZONE (P-RT)**

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**1. Purpose**

The purpose of the P-RT zone is to protect the special resource values of the flowing waters and shorelands of Maine's outstanding river segments as defined in 12 M.R.S.A. §403, while allowing for responsible land management and compatible development in those communities situated as transition areas between unorganized townships and municipalities outside of the Commission's jurisdiction. Such areas are subject to different pressures and uses than those in less developed areas of the jurisdiction.

**2. Description**

Areas formerly designated as being in the P-RT subdistrict are included in this zone.

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

**3. Land Uses****a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-RT zones:

- (1) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Motorized vehicular traffic and snowmobiling;
- (3) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (4) Surveying and other resource analysis;
- (5) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (6) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-RT zones, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Driveways associated with residential uses;
- (2) Forest and agricultural management activities provided they are carried out in compliance with the standards for timber harvesting in P-SL1 zones as set forth in Section 10.27,E;
- (3) Level A mineral exploration activities, including associated access ways;

- (4) Level A road projects;
- (5) Mineral extraction from existing pits for road purposes, provided that such activity:
  - (a) is not visible from the flowing water which the P-RT zone was established to protect;
  - (b) avoids use of the P-RT zone, except where necessary to provide gravel for local land management operations where alternative sources are unavailable or impractical; and
  - (c) does not exceed 2 acres in size;
- (6) Minor home occupations;
- (7) Service drops;
- (8) Skid trails, skid roads, and winter haul roads, provided the skid trail or road follows the shortest practicable route in traversing the zone and traverses the zone the fewest number of times practicable;
- (9) Signs listed as exempt in Section 10.27,J; and
- (10) Water crossings for trails, skid trails, skid roads, and winter haul roads of minor flowing waters in P-RT zones, except where P-RT zones have been established specifically to protect such waters and their shorelands as provided in Section 10.23,J,3,c.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-RT zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Campsites;
- (2) Creation, alteration or maintenance of constructed ponds which are not fed or drained by a flowing water;
- (3) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (4) Filling and grading;
- (5) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (6) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (7) Land management roads provided:
  - (a) no reasonable alternative route outside of the P-RT zone exists;
  - (b) they are set back as far as practicable from the normal high water mark;
  - (c) they follow the shortest practicable route in traversing the zone;
  - (d) they are screened from the river by existing vegetation; and
  - (e) they are built in compliance with the road standards for P-SL1 zones as set forth in Section 10.27,D;
- (8) Level B road projects provided that such roads are set back as far as practicable from the normal high water mark and screened from the river by existing vegetation;
- (9) Major home occupations;
- (10) Mineral extraction from existing pits less than 5 acres in size for road purposes, except as provided for in Section 10.23,J,3,b;
- (11) Mineral extraction from new sites for road purposes less than 5 acres in size when the developer demonstrates that no reasonable alternative mining sites exist outside of the P-RT zone. When new sites must be located within the P-RT zone, they shall

- be set back as far as practicable from the normal high water mark and no less than 75 feet and shall be screened from the river by existing vegetation;
- (12) Residential: Single family dwellings, provided the setback from the normal high water mark is a minimum of 125 feet;
  - (13) Shoreland alterations, non-permanent docking structures excluding marinas, permanent docking facilities water-access ways, trailered ramps and hand-carry launches;
  - (14) Signs other than those listed as exempt in Section 10.27,J;
  - (15) Timber harvesting in P-RT zones which is not in conformance with the standards for timber harvesting in P-SL1 zones as set forth in Section 10.27,E;
  - (16) Water crossings for skid trails, skid roads and winter haul roads of minor flowing waters surrounded by a P-RT zone established specifically to protect such waters and their shorelands and water crossings of major flowing waters;
  - (17) Other structures, uses or services that are essential for the exercise of uses listed in Sections 10.23,J,3,a through c; and
  - (18) Other structures, uses or services which the Commission determines are consistent with the purpose of this zone and of the Resource Plan and are not detrimental to the uses or resources they protect.

**d. Special Exceptions**

The following uses may be allowed within P-RT zones' as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the zone with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Level B mineral exploration activities;
- (2) Level C road projects, provided that:
  - (a) no reasonable alternative route outside of the P-RT zone exists and that;
  - (b) such roads are set back as far as practicable from the normal high water mark; and
  - (c) they are screened from the river by existing vegetation;
- (3) Permanent docking facilities, water-access ways, public trailered ramps, and hand-carry launches on rivers and streams zoned P-RT; and
- (4) Utility facilities other than service drops.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-RT zones.

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**K. SOILS AND GEOLOGY PROTECTION ZONES (P-SG)**

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**1. Purpose**

The purpose of the P-SG zone is to protect areas that have precipitous slopes or unstable characteristics from uses or development that can cause accelerated erosion, water sedimentation, mass movement, or structural damage, all of which could cause public danger or threaten public health.

**2. Description**

Areas formerly designated as being in the P-SG subdistrict are included in this zone.

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

**3. Land Uses****a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-SG zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, excluding timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking and mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis; and
- (7) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-SG zones, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Level A mineral exploration activities, excluding associated access ways;
- (3) Level A road projects;
- (4) Service drops; and
- (5) Signs.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-SG zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (4) Filling and grading, draining, dredging, and alteration of the water table or level for other than mineral extraction;
- (5) Land management roads and water crossings;
- (6) Level B and C road projects;
- (7) Level B mineral exploration activities;
- (8) Mineral extraction for road purposes not to exceed 30 acres in size provided the unreclaimed area is less than 15 acres;
- (9) Shoreland alterations, excluding marinas, permanent docking facilities and boat ramps and ways;
- (10) Signs which are not in conformance with the standards of Section 10.27,J;
- (11) Timber harvesting;
- (12) Trails;
- (13) Utility facilities, except service drops;
- (14) Water impoundments;
- (15) Other structures, uses, or services that are essential for the exercise of uses listed in Section 10.23,K,3,a through c; and
- (16) Other structures, uses or services which the Commission determines are consistent with the purposes of this zone and of the Resource Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-SG zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Driveways.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit, or by special exception, shall be prohibited in P-SG zones.

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## **L. SHORELAND PROTECTION ZONE (P-SL)**

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### **1. Purpose**

The purpose of the P-SL zone is to regulate certain land use activities in certain shoreland areas in order to maintain water quality, plant, fish and wildlife habitat and in order to protect and enhance scenic and recreational opportunities.

### **2. Description**

P-SL1: Areas within 250 feet of the normal high water mark, measured as horizontal distance landward of such high water mark, of (a) tidal waters, and (b) flowing waters downstream from the point where such waters drain 50 square miles or more.

P-SL2: Areas within 75 feet, measured as a horizontal distance landward, of (a) the normal high water mark of stream channels upstream from the point where such channels drain 50 square miles; (b) the upland edge of those coastal and inland wetlands identified in Section 10.23,N,2,a,(1)(b) and (c) and (2) and (3); and (c) the normal high water mark of bodies of standing water less than 10 acres in size, but excluding bodies of standing water which are less than three acres in size and which are not fed or drained by a flowing water.

Areas formerly designated as being in the P-SL1 and P-SL2 subdistricts are included in this zone.

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

### **3. Land Uses**

#### **a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-SL zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking or mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and

- (8) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-SL zones subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Commercial hand-carry launches;
- (3) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Land management roads, and water crossings of minor flowing waters;
- (7) Level A mineral exploration activities, including associated access ways;
- (8) Level A road projects;
- (9) Mineral extraction, affecting an area less than 2 acres, for road purposes;
- (10) Minor home occupations;
- (11) Public trailered ramps and public and commercial hand-carry launches;
- (12) Service drops;
- (13) Signs;
- (14) Timber harvesting; and
- (15) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-SL zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Campgrounds and campsites;
- (2) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (4) Filling and grading, except as provided in Section 10.27,F and draining, dredging, and alteration of water table or water level for other than mineral extraction;
- (5) Forest and agricultural management activities which are not in conformance with the standards of Section 10.27,A and cranberry cultivation;
- (6) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (7) Land management roads, and water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D; water crossings of tidal waters, bodies of standing water, and of major flowing waters;

- (8) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (9) Level B and C road projects, other than crossings of minor flowing waters as provided for in Section 10.23,L,3,b;
- (10) Level B mineral exploration activities;
- (11) Major home occupations;
- (12) Mineral extraction for road purposes affecting an area of 2 to 5 acres in size and such activities affecting an area of less than 2 acres which are not in conformance with the standards of Section 10.27,C;
- (13) Non-commercial structures for scientific, educational or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this zone;
- (14) Peat extraction affecting an area less than 5 acres in size;
- (15) Residential: Single family dwellings;
- (16) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, hand-carry launches and water crossings of minor flowing waters;
- (17) Signs which are not in conformance with the standards of Section 10.27,J;
- (18) Trailered ramps and hand-carry launches addressed in Section 10.23,L,3,b which are not in conformance with the standards of Section 10.27,L, private hand-carry launches and commercial trailered ramps;
- (19) Utility facilities, excluding service drops;
- (20) Water impoundments;
- (21) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,L,3,a through c; and
- (22) Other structures, uses or services which the Commission determines are consistent with the purposes of this zone and of the Resource Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

The following uses may be allowed within P-SL zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the zone with which it is incompatible, and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Commercial sporting camps involving a total gross floor area of no more than 10,000 square feet for all principal buildings concerned; and
- (2) Industrial and commercial structures of less than 8,000 square feet which rely on the water resource for their existence.

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (3) Permanent docking facilities, water-access ways, and private trailered ramps; and



**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-SL zones.

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**M. UNUSUAL AREA PROTECTION ZONE (P-UA)**

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**1. Purpose**

The purpose of the P-UA zone is to protect areas of significant natural, recreational, historic, scenic, scientific or aesthetic value which are susceptible to significant degradation by man's activities, and for which protection cannot adequately be accomplished by inclusion in any of the other zones.

**2. Description**

Areas formerly designated as being in the P-UA subdistrict are included in this zone.

This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

**3. Land Uses****a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-UA zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking and mooring structures;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-UA zones subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities on Federal or State owned land;
- (2) Campsites owned or operated by Federal or State agencies;
- (3) Level A mineral exploration activities, excluding associated access ways;
- (4) Level A road projects;
- (5) Minor home occupations;

- (6) Public trailered ramps and public hand-carry launches;
- (7) Service drops; and
- (8) Signs listed as exempt in Section 10.27,J.

**c. Uses Requiring a Permit**

The following uses may be allowed within P-UA zones upon issuance of a permit from the Commission subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agricultural management activities, except as provided for in Section 10.23,M,3,b;
- (3) Campgrounds owned or operated by Federal or State agencies;
- (4) Campsites except as provided for in Section 10.23,M,3,b;
- (5) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (6) Driveways;
- (7) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (8) Land management roads and water crossings;
- (9) Level B road projects;
- (10) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, and hand-carry launches;
- (11) Timber harvesting;
- (12) Trailered ramps and hand-carry launches addressed in Section 10.23,M,3,b which are not in conformance with the standards of Section 10.27,L, and private and commercial hand-carry launches;
- (13) Other structures, uses or services that are essential for the uses listed in Section 10.23,M,3,a through c; and
- (14) Other structures, uses or services which the Commission determines are consistent with the purposes of this zone and of the Resource Plan and are not detrimental to the resources or uses which they protect.

The following uses are allowed upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-B and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant can show by substantial evidence that the use is compatible with and will not detract from the values of the resources protected by the P-UA zones:

- (15) Campgrounds except as provided for in Section 10.23,M,3,d;
- (16) Filling and grading;
- (17) Level C road projects;
- (18) Major home occupations;
- (19) Non-exempt signs;
- (20) Retail stores and restaurants with a gross floor area of no more than 1,000 square feet;
- (21) Single family dwelling units; and
- (22) Water impoundments.

**d. Special Exceptions**

The following uses may be allowed within P-UA zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the zone with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Level B mineral exploration activities;
- (2) Mineral extraction for road purposes affecting an area less than 5 acres in size;
- (3) Peat extraction affecting an area less than 5 acres in size;
- (4) Permanent docking facilities, water-access ways, and commercial and private trailered ramps; and
- (5) Utility facilities excluding service drops.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a P-UA zone.

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**N. WETLAND PROTECTION ZONE (P-WL)**

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**1. Purpose**

The purpose of the P-WL zone is to conserve coastal and freshwater wetlands in essentially their natural state because of the indispensable biologic, hydrologic and environmental functions which they perform.

Preserving wetlands will promote the public health and safety of persons and protect property against the hazards of flooding and drought by holding back water during floods and retaining water during dry periods. Wetlands also maintain water quality for drinking, store nutrients from upland run-off in plant tissue, serve as settling basins for silt and sediment from upland erosion, stabilize water supply by maintaining the groundwater table and groundwater recharge and discharge areas, and provide plant, fish and wildlife habitat. Wetlands function as integral and irreplaceable parts of a larger natural system, influencing our climate, economy, environment, and natural heritage.

Insofar as this protection zone also includes the area enclosed by the normal high water mark of surface water bodies within the Commission's jurisdiction, the purpose of this zone shall also be to help insure compatible surface water uses on those water bodies where there is the potential for conflict with other uses and values of such water bodies.

**2. Description**

- a. Surface water bodies and areas meeting the definition of coastal or freshwater wetlands shall be included in P-WL zones as described below:
  - (1) P-WL1: Wetlands of special significance:
    - (a) Areas enclosed by the normal high water mark of flowing waters, stream channels, and bodies of standing water, except for constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;
    - (b) Coastal wetlands, together with areas below the high water mark of tidal waters and extending seaward to the limits of the State's jurisdiction; or
    - (c) Freshwater wetlands, as follows:
      - (i) Within 250' of a coastal wetland or of the normal high water mark of any body of standing water greater than 10 acres;
      - (ii) Containing at least 20,000 square feet in total of the following: aquatic vegetation, emergent marsh vegetation, or open water, unless the wetlands are the result of constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;
      - (iii) That are inundated with floodwater during a 100 year flood event;
      - (iv) Containing significant wildlife habitat;

- (v) Consisting of, or containing, peatlands, except that the Commission may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance; or
    - (vi) Within 25' of a stream channel.
  - (2) P-WL2:
    - (a) Scrub shrub and other nonforested freshwater wetlands, excluding those covered under P-WL1; and
    - (b) Constructed ponds less than 10 acres in size which are not fed or drained by flowing waters.
  - (3) P-WL3: Forested freshwater wetlands, excluding those covered under P-WL1 and P-WL2.
- b. Areas meriting protection as P-WL1, P-WL2, or P-WL3 zones will be identified by the Commission after consideration of relevant data including, without limitation, identification of freshwater and coastal wetlands 15,000 square feet or larger by the National Wetlands Inventory and, when on-site delineation is required, identification of freshwater and coastal wetlands of any size by methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).
- c. P-WL zones described in Section 10.23,N,2,a above and identified on the Commission Land Use Guidance Maps may contain inclusions of upland areas or other wetland types smaller than 15,000 square feet that do not conform to the description of P-WL zones in Section 10.23,N,2,a. Such inclusions will be regulated in accordance with the mapped P-WL zone in which they are located.
- d. Areas formerly designated as being in a P-WL subdistrict are included in this zone. This planning zone will be applied only in the areas designated on the land use maps adopted in connection with the Resource Plan.

### **3. Land Uses**

#### **a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-WL zones:

- (1) Boating, with the exception of the use of personal watercraft on bodies of standing water listed in Appendix D of these rules;
- (2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (3) Fish weirs and traps;
- (4) Forest management activities except for timber harvesting;
- (5) Land management roads in P-WL3 zones;
- (6) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (7) Non-permanent docking or mooring structures;

- (8) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (9) Surveying and other resource analysis;
- (10) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (11) Use of sea or ski planes; and
- (12) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-WL subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities, excluding cranberry cultivation;
- (2) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size within a P-WL2 or P-WL3 zone which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Driveways associated with residential uses within P-WL 2 and P-WL3 zones;
- (4) Filling, grading, draining, dredging or otherwise altering less than 4,300 square feet of a P-WL2 or P-WL3 zone;
- (5) Land management roads in P-WL1 or P-WL2 zones, that alter less than one acre of such zones;
- (6) Level A road projects;
- (7) Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring and digging and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition;
- (8) Moorings except as provided for in Section 10.23,N,3,c;
- (9) Motorized recreational gold prospecting within the normal high water mark of flowing waters;
- (10) Public trailered ramps and public, private and commercial hand-carry launches within a P-WL2 or P-WL3 zone or within the normal high water mark of flowing waters, stream channels, or bodies of standing water.
- (11) Service drops for telephone or electrical service, including associated vegetative clearing, provided:
  - (a) the line extension does not cross or run beneath a coastal wetland, river, stream, or brook;
  - (b) the placement of wires or installation of utility poles is located entirely upon the premises of the customer requesting service, upon an established utility line easement, upon a roadway right-of-way or, in the case of telephone service, on existing utility poles; and
  - (c) the total length of the extension is less than 2,000 feet;
- (12) Signs;
- (13) Timber harvesting; and
- (14) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

Except as provided for in Section 10.23,N,3,b,(4), the following uses may be allowed within P-WL zones upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-B and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Cranberry cultivation;
- (2) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters
  - (a) of less than 4,300 square feet in size within a P-WL2 or P-WL3 zone which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
  - (b) 4,300 square feet in size or greater within a P-WL2 or P-WL3 zone; and
  - (c) within P-WL1 zone;
- (3) Driveways associated with non-residential uses within P-WL2 and P-WL3 zones; driveways associated with residential uses within P-WL2 and P-WL3 zones which are not in conformance with the standards of Section 10.27,H; driveways within P-WL1 zones;
- (4) Filling, grading, and dredging, other than for riprap associated with water crossings and except as provided for in Section 10.23,N,3,b;
- (5) Land management roads which are not in conformance with the standards of Section 10.27,D, or which will alter one acre or more of a P-WL1 or P-WL2 zone;
- (6) Level B road projects, other than crossings of minor flowing waters as provided for in Section 10.23,N,3,b;
- (7) Moorings associated with commercial marinas, and moorings established for rent or lease on a commercial basis in areas not regulated by a harbor master;
- (8) Motorized recreational gold prospecting which is not in conformance with the standards of Section 10.27,G;
- (9) Peat extraction affecting an area less than 30 acres in size;
- (10) Shoreland alterations, excluding, marinas, permanent docking facilities, water access ways, trailered ramps, hand-carry launches, water crossings of minor flowing waters, and motorized recreational gold prospecting;
- (11) Signs which are not in conformance with the standards of Section 10.27,J;
- (12) Trailered ramps and hand-carry launches addressed in Section 10.23,N,3,b which are not in conformance with the standards of Section 10.27,L;
- (13) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of tidal waters, bodies of standing water, and of major flowing waters;
- (14) Water impoundments;
- (15) Other structures, uses or services that are essential to the uses listed in Section 10.23,N,3,a through c; and
- (16) Other structures, uses or services which the Commission determines are consistent with the purposes of this zone and of the Resource Plan and are not detrimental to the resources or uses which they protect.

**d. Special Exceptions**

Except as provided for in Section 10.23,N,3,b,(4), the following uses may be allowed within P-WL zones as special exceptions upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-A(10) and subject to the applicable requirements set forth in Sub-Chapter III provided that the applicant shows by substantial evidence that (a) there is no



alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses or resources within the zone with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Resource Plan:

- (1) Draining or altering of the water table or water level for other than mineral extraction;
- (2) Level A mineral exploration activities, except as provided for in Section 10.23,N,3,b,(4), and Level B mineral exploration activities;
- (3) Level C road projects;
- (4) Marinas, permanent docking facilities and water-access ways, trailered ramps and hand-carry launches, except as provided in Section 10.23,N,3,b, and c; and
- (5) Utility facilities, including service drops except as provided for in Section 10.23,N,3,b.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-WL zones.

### **Sub-Chapter III LAND USE STANDARDS**

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#### **10.24 GENERAL CRITERIA FOR APPROVAL OF PERMIT APPLICATIONS**

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In approving applications submitted to it pursuant to the Resource Plan and 12 M.R.S.A. §685-A(10) and Section 10.24 of these Standards, the Commission may impose such reasonable terms and conditions as the Commission may deem appropriate in order to satisfy the criteria of approval and purpose set forth in the Resource Plan and these Standards.

“The commission shall approve no application, unless:

1. Adequate technical and financial provision has been made for complying with the requirements of the State’s air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto, including without limitation the minimum lot size laws, 12 M.R.S.A. §§ 4807 to 4807-G, the site location of development laws, 38 M.R.S.A. §§ 481 to 490, and the natural resource protection laws, 38 M.R.S.A. §§ 480-A to 480-Z, and adequate provision has been made for solid waste and sewage disposal, for controlling of offensive odors and for the securing and maintenance of sufficient healthful water supplies; and
2. Adequate provision has been made for loading, parking and circulation of land, air and water traffic, in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods; and
3. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal; and
4. The proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site; and
5. The proposal is otherwise in conformance with the Resource Plan and the regulations, standards and plans adopted pursuant thereto.
6. In the case of an application for a structure upon any lot in a subdivision, that the subdivision has received the approval of the Commission.

The burden is upon the applicant to demonstrate by substantial evidence that the criteria for approval are satisfied, and that the public’s health, safety and general welfare will be adequately protected. The commission shall permit the applicant to provide evidence on the economic benefits of the proposal as well as the impact of the proposal on energy resources.” 12 M.R.S.A. §685-A(4).

In addition, the applicant must demonstrate “evidence of sufficient right, title or interest in all of the property that is proposed for development or use.” 12 M.R.S.A. §685-B(2)(D).

In evaluating the criteria set forth in this Section 10.24, in Section 10.25, and elsewhere in these Standards the Commission and its staff shall take into account the conservation and protection measures

implemented under the Resource Plan, and the specific findings of fact made by the Commission in connection with the approval thereof. Where one or more of the review criteria has already been demonstrated by Plum Creek in connection with approval of the Resource Plan, such review criteria shall be assumed for purposes of evaluation of subsequent permits applications under these Standards.

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## **10.25 DEVELOPMENT STANDARDS**

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This section contains review standards for structures and uses that require issuance of a permit from the Commission, or as otherwise required in Sub-Chapter II. Except as herein provided, development not in conformance with the Resource Plan and the standards of this section is prohibited.

Nothing in this section shall preclude the Commission from imposing additional reasonable terms and conditions in its permits as the Commission may deem appropriate in order to satisfy the criteria for approval and purposes set forth in the Resource Plan, and the Commission's statutes, rules.

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### **A. REVIEW STANDARDS FOR STRUCTURES ADJACENT TO LAKES**

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The standards set forth below must be met for all subdivisions, and commercial, industrial, and other non-residential 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, and to proposed changes in planning zone 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, and relevant provisions of the Resource Plan.

1. 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.
2. Water quality: The proposal will not, alone or in conjunction with other development, have an undue adverse impact on water quality;
3. 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;
4. Regional diversity: The proposal will not substantially alter the diversity of lake-related uses afforded within the region in which the activity is proposed;
5. Natural character: Adequate provision has been made to maintain the natural character of shoreland; and
6. Lake management goals: The proposal is consistent with the management intent of the affected lake's classification.

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## **B. EVALUATION OF CERTAIN REVIEW CRITERIA**

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In evaluating the criteria set forth in this Section 10.25, in Section 10.24, and elsewhere in these Standards the Commission and its staff shall take into account the conservation and protection measures implemented under the Resource Plan, and the specific findings of fact made by the Commission in connection with the approval thereof. Where one or more of the review criteria has already been demonstrated by Plum Creek in connection with approval of the Resource Plan, such review criteria shall be assumed for purposes of evaluation of subsequent permits applications under these Standards.

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## **C. TECHNICAL AND FINANCIAL CAPACITY**

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The standards set forth below must be met for all subdivisions and commercial, industrial, and other non-residential development.

1. The applicant shall retain qualified consultants, contractors and staff to design and construct proposed improvements, structures, and facilities in accordance with approved plans. In determining the applicant's technical ability, the Commission shall consider the size and scope of the proposed development, the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations or previous approvals granted to the applicant.
2. The applicant shall have adequate financial resources to construct the proposed improvements, structures, and facilities and meet the criteria of all state and federal laws and the standards of these rules. In determining the applicant's financial capacity, the Commission shall consider the cost of the proposed subdivision or development, the amount and strength of commitment by the financing entity, and, when appropriate, evidence of sufficient resources available directly from the applicant to finance the subdivision or development.

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## **D. VEHICULAR CIRCULATION, ACCESS AND PARKING**

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1. **General circulation.** Provision shall be made for vehicular access to and within the project premises in such a manner as to avoid traffic congestion and safeguard against hazards to traffic and pedestrians along existing roadways and within the project area. Development shall be located and designed so that the roadways and intersections in the vicinity of the development will be able to safely and efficiently handle the traffic attributable to the development in its fully operational stage.
2. **Access management.** Access onto any roadway shall comply with all applicable Maine Department of Transportation safety standards. For subdivisions and commercial, industrial and other non-residential development, the following standards also apply:

- a. The number and width of entrances and exits onto any roadway shall be limited to that necessary for safe entering and exiting.
- b. Access shall be designed such that vehicles may exit the premises without backing onto any public roadway or shoulder.
- c. Shared access shall be encouraged wherever practicable.
- d. Access between the roadway and the property shall intersect the roadway at an angle as near to 90 degrees as site conditions allow, but in no case less than 60 degrees, and shall have a curb radius of between 10 feet and 15 feet, with a preferred radius of 10 feet.
- e. The Commission may require a traffic impact study of roadways and intersections in the vicinity of the proposed project site if the proposed development has the potential of generating significant amounts of traffic or if traffic safety or capacity deficiencies exist in the vicinity of the project site.

**3. Parking layout and design.** The following standards apply to all subdivisions and commercial, industrial and other non-residential development, except for parking areas associated with trailered ramps and hand-carry launches which are regulated under the provisions of Section 10.27,L:

- a. Sufficient parking shall be provided to meet the parking needs of the development. The minimum number of parking spaces required shall be based on parking generation rates determined in accordance with standard engineering practices. In cases where it is demonstrated that a particular structure can be occupied or use carried out with fewer spaces than required, the Commission may reduce number of required spaces upon finding that the proposed number of spaces will meet the parking needs of the structure or use and will not cause congestion or safety problems.
- b. Parking areas and access roads shall be designed such that runoff water is discharged to a vegetated buffer as sheet flow or alternatively collected and allowed to discharge to a concentrated flow channel, wetland or water body at a rate similar to pre-construction conditions. If runoff water is discharged to a concentrated flow channel, wetland or water body, a sediment basin shall be constructed to collect sediment before the runoff water is discharged.
- c. On-street parking. In areas where on-street parking already exists, new development shall have on-street parking where practicable and if there are sufficient spaces available in the immediate vicinity. Otherwise, parallel or diagonal on-street parking is permitted where the Commission finds that it will adequately meet the parking needs of the development and will not cause congestion or safety problems. Perpendicular on-street parking is prohibited.
- d. Off-street parking for commercial, industrial and other non-residential development.
  - (1) Where practicable, off-street parking shall be located to the side or rear of the principal structure.
  - (2) Notwithstanding the dimensional requirements of Section 10.26, the Commission may reduce the minimum road setback requirement by up to 50 percent for

development utilizing on-street parking in accordance with Section 10.25,D,3,c or for development whose parking area is located to the rear of the principal structure, except where the Commission finds that such parking will cause an undue adverse impact to the natural resources or community character of the area.

- (3) Off-street parking shall not be directly accessible from any public roadway. Ingress and egress to parking areas shall be limited to driveway entrances.
  - (4) Off-street parking areas with more than two parking spaces shall be arranged so that each space can be used without moving another vehicle.
- e. Parking spaces shall not be placed in the required roadway vegetative buffer. However, a “sight triangle” shall be maintained 25 feet in length on each side of the intersection of the driveway and the roadway right-of-way, with the third side connecting the other two sides. Within each sight triangle, no landscape plants, other than low growing shrubs, shall be planted. These shrubs must be maintained to be no more than 30 inches in height above the driveway elevation.

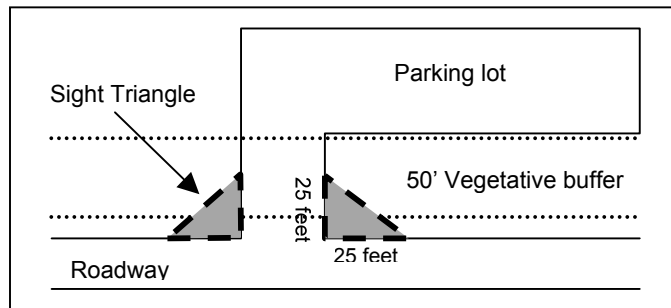


Figure 10.25,D-2. Sight triangle within a vegetative buffer.

- f. Except for sight triangles, parking areas for commercial, industrial or other non-residential development shall be visually buffered from the roadway by planting and maintaining a vegetative buffer of trees and shrubs or by locating parking areas to the rear of the principal structure.
- g. When parking areas associated with commercial, industrial or other non-residential development are adjacent to residential structures or uses, landscaping and/or architectural screens shall be used to provide an effective visual buffer and separation between property lines and the edge of the parking area.
- h. For parking areas associated with commercial, industrial or other non-residential development that are greater than one acre in size, a landscaping plan shall be developed and implemented that indicates planting locations, type and maintenance. The plan shall include the following:
- (1) Parking areas shall have landscaped strips along the perimeter, as well as landscaped islands within the parking area.
  - (2) Expanses of parking area shall be broken up with landscaped islands that include shade trees and shrubs. Where possible, the area of ground left uncovered around the base of a tree must be at least equal to the diameter of the branch area or

crown at maturity. Where not possible, adequate measures, including but not limited to soil enhancement techniques and underground irrigation, shall be used to ensure sufficient space for root growth and vegetative survival.

4. **Subdivision and development roadway design specifications.** The following standards apply to Level B and Level C road projects:
- a. Classification of roadways. The Commission shall determine which roadway classification is most appropriate for a particular project. For the purposes of Section 10.25,D,4, the following general criteria shall apply:
    - (3) **Class 1 Roadway:** Generally appropriate for most projects surrounded by a relatively compact development pattern, for high-intensity commercial or industrial projects surrounded by a relatively sparse development pattern, and for residential subdivisions with 15 or more lots surrounded by a relatively sparse development pattern.
    - (4) **Class 2 Roadway:** Generally appropriate for low-intensity commercial or industrial projects surrounded by a relatively sparse development pattern and for residential subdivisions with fewer than 15 lots surrounded by a relatively sparse development pattern.
    - (3) **Class 3 Roadway:** Generally appropriate for low-intensity, small-scale commercial projects surrounded by a relatively sparse development pattern or located on an island.
  - b. In making its determination on the appropriate roadway classification, the Commission shall consider the following factors:
    - (1) The number of lots served by the roadway or projected level of use;
    - (2) The nature of roadways accessing the project site;
    - (3) Location in relation to surrounding patterns of development;
    - (4) The level of development within the vicinity of the project;
    - (5) Natural and imposed limits on future development;
    - (6) The type and intensity of the proposed use; and
    - (7) Service by utilities or likelihood of service in the future.
  - c. Where practicable, roadways shall be designed to minimize the use of ditching, fit the natural topography of the land such that cuts and fills are minimized, and protect scenic vistas while preserving the scenic qualities of surrounding lands.
  - d. Roadways in towns and plantations within the Commission's jurisdiction that are proposed to be dedicated to the town or plantation shall also comply with the town's or plantation's roadway construction and design standards. The applicant shall clearly specify the ownership of all roadways proposed to be dedicated and shall submit a maintenance plan that includes roadway construction and design standards in accordance with the Commission's standards.
  - e. Roadways shall adhere to the applicable standards of Section 10.27,D and Section 10.27,H and the roadway specifications outlined in Table 10.25,D-1, below, unless the applicant utilizes site-specific best management practices and the Commission

determines that proposed alternative roadway specifications will meet the needs of the development and will not cause erosion or safety problems.

	<b>Class 1 Roadway</b>	<b>Class 2 Roadway</b>	<b>Class 3 Roadway</b>
Minimum Roadway surface width	18 ft. or 14 ft. with turnouts every 500 feet, on average.	14 ft. or 8 ft. with turnouts every 500 feet, on average.	8 ft.
Minimum base (coarse gravel)	18 in.	12 in.	As needed.
Minimum wearing surface	3 in. fine gravel or 2.5 in. bituminous concrete.	3 in. fine gravel or 2.5 in. bituminous concrete.	2" fine gravel.
Maximum Sustained Grade	10%	15%	15%

Table 10.25,D-1. Roadway construction specifications.

- f. Roadways that will be co-utilized for forest management purposes shall include turnouts that are large enough to accommodate wood haulers and other large vehicles.

**E. SCENIC CHARACTER, NATURAL AND HISTORIC FEATURES**

**1. Scenic Character**

- a. The design of proposed development shall take into account the scenic character of the surrounding area. Structures shall be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.
- b. To the extent practicable, proposed structures and other visually intrusive development shall be placed in locations least likely to block or interrupt scenic views as seen from traveled ways, water bodies, or public property.
- c. If a site includes a ridge elevated above surrounding areas, the design of the development shall preserve the natural character of the ridgeline.

**2. Natural and Historic Features**

- a. Natural Features. If any portion of a subdivision or commercial, industrial or other non-residential project site includes critically imperiled (S1) or imperiled (S2) natural communities or plant species, the applicant shall demonstrate that there will be no undue adverse impact on the community and species the site supports and indicate appropriate measures for the preservation of the values that qualify the site for such designation.
- b. Historic Features. If any portion of a subdivision or commercial, industrial or other non-residential project site includes an archaeologically sensitive area or a structure listed in



the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission or other pertinent authority as likely to contain a significant archaeological site or structure, the applicant shall conduct archaeological surveys or submit information on the structure, as requested by the appropriate authority. If a significant archaeological site or structure is located in the project area, the applicant shall demonstrate that there will be no undue adverse impact to the archaeological site or structure, either by project design, physical or legal protection, or by appropriate archaeological excavation or mitigation.

**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 planning zone 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>Planning Zone</b>	<b>7:00 AM to 7:00 PM</b>	<b>7:00 PM to 7:00 AM</b>
D-CI, D-RD	70 dB(A)	65 dB(A)
D-CC	65 dB(A)	55 dB(A)
All Other Zones	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.

**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).

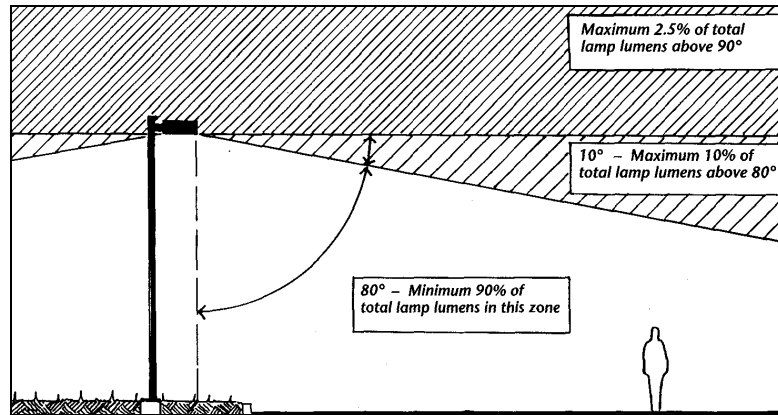


Figure 10.25,F-1. Cut-off fixture as defined by IESNA.

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,4.
- e. The following activities are exempt from the lighting standards of Section 10.25,F,2,a through d:
  - (1) Roadway and airport lighting;
  - (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.

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## **G. SOIL SUITABILITY**

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The standards set forth below must be met for all subdivisions and commercial, industrial and other non-residential development.

1. Soil types shall be determined by a site-specific soil survey, according to the “Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping” (Maine Association of Professional Soil Scientists, 2003). The soil survey class shall be determined as follows, unless the Commission reasonably finds that a lower or higher intensity soil survey class is needed:
  - a. For level 1 subdivisions, a Class A high intensity soil survey shall be used to identify soils within the proposed building envelopes, driveway locations and other disturbed areas. A Class B soil survey may be used to identify soils elsewhere within the project area.
  - b. For level 2 subdivisions, a Class B high intensity soil survey shall be used to identify soils within the proposed building envelopes, driveway locations and other disturbed areas. A Class C soil survey may be used to identify soils elsewhere within the project area.
  - c. For new commercial, industrial and other non-residential development, a Class A high intensity soil survey shall be used to identify soils within any proposed disturbed area. A Class C soil survey may be used to identify soils elsewhere within the project area.

The Commission may waive one or more of the provisions of a Class A or B high intensity soil survey, including but not limited to the contour mapping requirement, where such provision is considered by the Commission unnecessary for its review.

2. Determination of soil suitability shall be based on the Natural Resources Conservation Service’s soils potential ratings for low density development. Soils with a low or very low development potential rating shall not be developed unless the Commission determines that adequate corrective measures will be used to overcome those limitations that resulted in a low or very low rating.
3. At least two test pits shall be dug within the boundaries of each subdivision lot proposed to be served by a combined septic system. At least one test pit shall be dug within the boundaries of each lot proposed to be served by a primitive septic system. The location of such test pits shall be shown on the subdivision plat.

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## **H. SOLID WASTE DISPOSAL**

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The standards set forth below must be met for all subdivisions and commercial, industrial and other non-residential development.

1. Provision shall be made for the regular collection and disposal of site-generated solid wastes at a state-approved landfill or transfer station.

2. Provision shall be made for the legal disposal of all construction debris, stumps, brush, wood wastes, asphalt and pavement products.

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**I. SUBSURFACE WASTE WATER DISPOSAL**

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1. No permit will be issued for a project with subsurface waste water disposal unless an acceptable plan to construct the absorption area is prepared. Where waste water is to be disposed on-site by a subsurface waste water system, the system shall be designed by a licensed site evaluator or a Maine Licensed Professional Engineer, in accordance with the Subsurface Waste Water Disposal Rules.
2. The Commission will not require a permit for conversion from primitive to combined sewage disposal systems provided a subsurface waste water disposal permit is obtained from the local plumbing inspector or the Department of Human Services, Division of Health Engineering, and provided there are no limitations on combined sewage disposal systems established by prior permit conditions. Otherwise, a permit from the Commission is required.
3. Where waste water is to be collected and treated off-site by a municipal or quasi-municipal sewage treatment facility, the applicant shall demonstrate that there is adequate capacity in the collection and treatment systems to ensure satisfactory treatment, the facility is fully licensed by the Maine Department of Environmental Protection, and the facility agrees to accept these wastes.
4. When private central or clustered waste water disposal systems are proposed, adequate provision shall be made for ongoing maintenance and repair of the system and for reserving an area adequate for a future replacement system, in accordance with the Maine Subsurface Waste Water Disposal Rules.

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**J. WATER SUPPLY**

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1. Individual wells shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface waste water disposal systems and other known sources of potential contamination.
2. Site design shall allow for placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal in compliance with the Maine Subsurface Waste Water Disposal Rules.
3. Proposed activities involving sources of potential contamination, including junkyards, automobile graveyards, gas stations, and bulk storage of petroleum products, must be located at least 300 feet from existing private and public water supplies.
4. For subdivisions and commercial, industrial and other non-residential development, the applicant shall demonstrate that there is sufficient healthful water supply to serve the needs of the project.

5. When a project is to be served by a public water system, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Department of Human Services Rules Relating to Drinking Water (10-144A C.M.R. 231).

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**K. SURFACE WATER QUALITY**

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1. A development, or reasonably foreseeable consequences of a development, shall not directly discharge any water pollutants to a surface water body which cause the surface water body to fail to meet its state classification (38 M.R.S.A. §464 et seq.); which impart toxicity and cause a surface water body to be unsuitable for the existing and designated uses of the water body; or which otherwise would result in a violation of state or federal water quality laws.
2. Appropriate best management practices of point and nonpoint sources of water pollutants shall be utilized, unless the Commission determines that alternative specifications will meet the needs of the activity and will cause no undue adverse impact to the surface water quality of the affected surface water body.

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**L. PHOSPHORUS CONTROL**

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1. The standards set forth below must be met for:
  - a. Subdivisions located within the direct watershed of a body of standing water 10 acres or greater in size; and
  - b. Commercial, industrial or other non-residential development that creates a disturbed area of one acre or more within the direct watershed of a body of standing water 10 acres or greater in size.
2. General Standards.
  - a. Provision shall be made to limit the export of phosphorus from the site following completion of the development or subdivision so that the project will not exceed the allowable per-acre phosphorus allocation for the water body, determined by the Commission according to “*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*” (Maine Department of Environmental Protection, 1992), and hereafter cited as the *Phosphorus Control Guide*.
  - b. The phosphorus impact of a proposed subdivision or development on a water body shall be calculated using the Standard Method for Calculating Phosphorus Export, according to the procedures in the *Phosphorus Control Guide*.
3. Design and Maintenance Standards.
  - a. Phosphorus control measures and their maintenance shall meet the design criteria contained in the *Phosphorus Control Guide*.

- b. High maintenance structural measures, such as wet ponds and runoff infiltration systems, shall not be used unless:
  - (1) Other measures, such as increasing the width of vegetated buffers, greater limits on clearing, reducing road lengths, and clustering of lots to achieve less disturbed area are clearly demonstrated to be insufficient to allow the proposed subdivision to meet the standards of this section; and
  - (2) The Commission finds that the applicant has the technical and financial capabilities to properly design, construct, and provide for the long-term inspection and maintenance of the facility in accordance with the procedures in the *Phosphorus Control Guide*.

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## **M. EROSION AND SEDIMENTATION CONTROL**

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The standards set forth below must be met for all development that involves filling, grading, excavation or other similar activities which result in unstabilized soil conditions.

- 1. General Standards.
  - a. Soil disturbance shall be kept to a practicable minimum. Development shall be accomplished in such a manner that the smallest area of soil is exposed for the shortest amount of time possible. Operations that result in soil disturbance shall be avoided or minimized in sensitive areas such as slopes exceeding 15% and areas that drain directly into water bodies, drainage systems, water crossings, or wetlands. If soil disturbance is unavoidable, it shall occur only if best management practices or other soil stabilization practices equally effective in overcoming the limitations of the site are implemented.
  - b. Whenever sedimentation is caused by stripping of vegetation, regrading, or other construction-related activities, sediment shall be removed from runoff water before it leaves the site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands, or adjacent properties.
  - c. Soil disturbance shall be avoided or minimized when the ground is frozen or saturated. If soil disturbance during such times is unavoidable, additional measures shall be implemented to effectively stabilize disturbed areas, in accordance with an approved erosion and sedimentation control plan.
- 2. Design Standards.
  - a. Permanent and temporary erosion and sedimentation control measures shall meet the standards and specifications of the “Maine Erosion and Sediment Control BMP Manual” (Department of Environmental Protection, March 2003) or other equally effective practices. Areas of disturbed soil shall be stabilized according to the “Guidelines for Vegetative Stabilization” established by the Commission (Appendix B of Chapter 10 of the Commission’s Rules and Standards) or by alternative measures that are equally effective in stabilizing disturbed areas.

- b. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all sedimentation control devices have been installed and stabilized.
- c. Existing catch basins and culverts on or adjacent to the site shall be protected from sediment by the use of hay bale check dams, silt fences or other effective sedimentation control measures.
- d. If streams will be crossed, special measures shall be undertaken to protect the stream, as set forth in Section 10.27,D.
- e. Topsoil shall not be removed from the site except for that necessary for the construction of roads, parking areas, building excavations and other construction-related activities. Topsoil shall be stockpiled at least 100 feet from any water body.
- f. Effective, temporary stabilization of all disturbed and stockpiled soil shall be completed at the end of each workday.
- g. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
- h. All temporary sedimentation and erosion control measures shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been implemented.

3. Erosion and Sedimentation Control Plan.

- a. For development that occurs when the ground is frozen or saturated or that creates a disturbed area of one acre or more, the applicant must submit an erosion and sedimentation control plan for Commission approval in accordance with the requirements of Section 10.25,M,3,b,(1).
- b. A Commission approved erosion and sedimentation control plan in conformance with these standards shall be implemented throughout the course of the project, including site preparation, construction, cleanup, and final site stabilization. The erosion and sedimentation control plan shall include the following:
  - (1) For activities that create a disturbed area of less than one acre:
    - (a) A drawing illustrating general land cover, general slope and other important natural features such as drainage ditches and water bodies.
    - (b) A sequence of construction of the development site, including clearing, grading, construction, and landscaping.
    - (c) A general description of all temporary and permanent control measures.
    - (d) Provisions for the continued maintenance of all control devices or measures.
  - (2) For activities that create a disturbed area of one acre or more:
    - (a) A site plan identifying vegetation type and location, slopes, and other natural features such as streams, gullies, berms, and drainage ditches.

Depending on the type of disturbance and the size and location of the disturbed area, the Commission may require a high intensity soil survey covering all or portions of the disturbed area.

- (b) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
- (c) A detailed description of all temporary and permanent erosion and sedimentation control measures, including, without limitation, seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
- (d) Provisions for the continued maintenance and inspection of erosion and sedimentation control devices or measures, including estimates of the cost of maintenance and plans for meeting those expenses, and inspection schedules.

#### 4. Inspection.

- a. For subdivisions and commercial, industrial or other non-residential development that occurs when the ground is frozen or saturated or that creates a disturbed area of one acre or more, provision shall be made for the inspection of project facilities, in accordance with Section 10.25,M,4,a,(1) or (2) below:
  - (1) The applicant shall hire a contractor certified in erosion control practices by the Maine Department of Environmental Protection to install all control measures and conduct follow-up inspections; or
  - (2) the applicant shall hire a Maine Registered Professional Engineer to conduct follow-up inspections.
- b. The purpose of such inspections shall be to determine the effectiveness of the erosion and sedimentation control plan and the need for additional control measures.
- c. Inspections shall be conducted in accordance with a Commission approved erosion and sedimentation control plan and the following requirements.
  - (1) Inspections shall be conducted at least once a week and after each rainfall event accumulating more than    inch of precipitation, until all permanent control measures have been effectively implemented. Inspections shall also be conducted (a) at the start of construction or land-disturbing activity, (b) during the installation of sedimentation and erosion control measures, and (c) at the completion of final grading or close of the construction season.
  - (2) All inspections shall be documented in writing and made available to the Commission upon request. Such documentation shall be retained by the applicant for at least six months after all permanent control measures have been effectively implemented.



- d. Notwithstanding Section 10.25,M,4,a, development may be exempt from inspection if the Commission finds that an alternative, equally effective method will be used to determine the overall effectiveness of the erosion and sedimentation control measures.

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## **N. GROUNDWATER QUALITY**

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The standards set forth below must be met for all subdivisions and commercial, industrial and other non-residential development.

1. The development shall not pose an unreasonable risk that a discharge of pollutants to a groundwater aquifer will occur.
2. The project shall not result in the groundwater quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A. §601. If the pre-development groundwater quality is inferior to the Maine State Drinking Water Regulations, the development shall not degrade the water quality any further.

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## **O. AIR QUALITY**

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Commercial, industrial and other non-residential development (including but not limited to solid waste disposal facilities, crematories, wood products manufacturing, pulp and paper mills, rock crushing operations, and asphalt batch plants) must comply with all State and Federal air quality laws and standards.

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## **P. WETLAND ALTERATIONS**

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The following requirements apply to wetland alterations for Uses Requiring a Permit and Special Exceptions in Section 10.23,N,3. Except as hereinafter provided, wetland alterations not in conformance with the standards of this section are prohibited.

### **1. Procedural Requirements**

- a. Reserved.
- b. Area of Project Alteration.
  - (1) If a proposed activity requires a permit and will alter 15,000 or more square feet of wetland area, or 1 acre or more of overall land area, the applicant must delineate on the ground and in a site plan all wetlands within the general project area using methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).

- (2) If a proposed activity requires a permit and will alter 500 or more square feet of a P-WL1 wetland or 20,000 or more square feet of a P-WL2 or P-WL3 wetland, the Commission may require, as a condition of approval, mitigation, including compensation, as provided in the Commission's General Land Use Standards in Section 10.25,P,2.
- (3) In determining the area of wetland alteration or overall land alteration, all components of a proposed activity, including all phases of a multiphased project, are treated together as constituting one single and complete project.

c. Level of Permit Review.

The level of permit review required depends upon the size of the proposed wetland alteration and the wetland zone involved. If any part of the overall project requires a higher level of review, then the whole overall project will be reviewed under that higher tier, unless otherwise authorized by the Commission:

- (1) Tier 1 reviews are for projects altering 4,300 up to 15,000 square feet of P-WL2 or P-WL3 wetlands.
- (2) Tier 2 reviews are for projects altering 15,000 up to 43,560 square feet (one acre) of P-WL2 or P-WL3 wetlands not containing critically imperiled (S1) or imperiled (S2) natural communities.
- (3) Tier 3 reviews are for projects altering any area of P-WL1 wetlands, 15,000 up to 43,560 square feet (one acre) of P-WL2 or P-WL3 wetlands containing critically imperiled (S1) or imperiled (S2) natural communities, or one acre or more of P-WL2 or P-WL3 wetlands.

Alterations of P-WL1 wetlands may be eligible for Tier 1 or 2 review if the Commission determines, at the applicant's request, that the activity will have no undue adverse impact on the freshwater wetlands or other protected natural resources present. In making this determination, consideration shall include but not be limited to, such factors as the size of the alteration, functions of the impacted area, existing development or character of the area in and around the alteration site, elevation differences and hydrological connection to surface water or other protected natural resources.

- (4) When wetland delineation is required, the level of permit review required will be determined by the type of wetland indicated through delineation.

## 2. General Land Use Standards

a. Avoidance.

- (1) Projects requiring Tier 1 review must avoid alteration of wetland areas on the property to the extent feasible considering natural features, cost, existing technology and logistics based on the overall purpose of the project.
- (2) Projects requiring Tier 2 or Tier 3 review must not cause a loss in wetland area, functions and values if there is a practicable alternative to the project that would be less damaging to the environment. Each Tier 2 and Tier 3 application must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

- b. Minimal Alteration. Projects requiring Tier 1, Tier 2 or Tier 3 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project.
- c. Water Quality. Projects requiring Tier 1, Tier 2 or Tier 3 review must comply with applicable water quality standards; i.e., the activity will not violate any state water quality law, including those governing the classification of the State's waters. Projects that would alter wetland hydrology and could also alter stream flows or other adjacent surface waters must comply with the water quality classification standards contained in 38 M.R.S.A. §465.
- d. Erosion Control. Projects requiring Tier 1 or Tier 2 review must use erosion control measures to prevent sedimentation of surface waters. A 25-foot buffer strip must be maintained between the activity and any surface waters.
- e. Compensation. Compensation is the off-setting of a lost wetland function with a function of equal or greater value. The goal of compensation is to achieve no net loss of wetland functions and values.
  - (1) For projects requiring Tier 2 or Tier 3 review, the Commission may require compensation when it determines that a wetland alteration will cause a wetland function or functions to be lost or degraded as identified by an assessment of wetland functions and values in accordance with application requirements or by the Commission's evaluation of the project.
  - (2) The Commission may waive the requirement for a functional assessment, compensation, or both. The Commission may waive the requirement for a functional assessment if it already possesses the information necessary to determine the functions of the area proposed to be altered. The Commission may waive the requirement for compensation if it determines that any impact to wetland functions and values from the activity will be insignificant.
- f. No Unreasonable Impact. The following standards apply only to applications requiring Tier 3 review:
  - (1) Even if a project has no practicable alternative and the applicant has minimized the proposed alteration as much as possible, the application will be denied if the activity will have an unreasonable impact on the wetland. A project will be determined to have an "unreasonable impact" if the Commission makes one or more of the following findings:
    - (a) Existing uses. The activity will unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.
    - (b) Soil erosion. The activity will cause unreasonable erosion of soil or sediment or unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
    - (c) Harm to habitats; fisheries.
 

The activity will unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater or marine fisheries or other aquatic life.

In determining whether there is unreasonable harm to significant wildlife habitat, the Commission may consider proposed mitigation if that

mitigation does not diminish the overall value of significant wildlife habitat and species utilization of the habitat in the vicinity of the proposed activity and if there is no specific biological or physical feature unique to the habitat that would be adversely affected by the proposed activity.

- (d) Interference with natural water flow. The activity will unreasonably interfere with the natural flow of any surface or subsurface water.
  - (e) Flooding. The activity will unreasonably cause or increase the flooding of the alteration area or adjacent properties.
  - (f) Sand supply. If the activity is on or adjacent to a sand dune, it will unreasonably interfere with the natural supply or movement of sand within or to the sand dune system or unreasonably increase the erosion hazard to the sand dune system.
  - (g) Outstanding river segments. If the proposed activity is a crossing of any outstanding river segment as identified in Section 10.23,I, the applicant cannot demonstrate that no reasonable alternative exists which would have less adverse effect upon the natural and recreational features of the river segment.
  - (h) Dredging. If the proposed activity involves dredging, dredge spoils disposal or transporting dredge spoils by water, the applicant cannot demonstrate that the transportation route minimizes adverse impacts on the fishing industry and that the disposal site is geologically suitable.
  - (i) In determining if an activity will have an unreasonable impact, the Commission shall consider:
    - (i) The area of wetland that will be affected by the alteration and the degree to which the wetland is altered, including wetland beyond the physical boundaries of the project;
    - (ii) The functions and values provided by the wetland;
    - (iii) Any proposed compensation and the level of uncertainty regarding it; and
    - (iv) Cumulative effects of frequent minor alterations on the wetland.
- (2) Activities may not occur in, on or over any wetland of special significance containing threatened or endangered species unless the applicant demonstrates that:
- (a) The wetland alteration will not disturb the threatened or endangered species; and
  - (b) The overall project will not affect the continued use or habitation of the site by the species.
- (3) When considering whether a single activity is reasonable in relation to the direct and cumulative impacts on the resource, the Commission shall consider factors such as the degree of harm or benefit to the resource; the frequency of similar impacts; the duration of the activity and ability of the resource to recover; the proximity of the activity to protected or highly developed areas; traditional uses; the ability of the activity to perform as intended; public health or safety concerns addressed by the activity; and the type and degree of benefit from the activity (public, commercial or personal).

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## Q. SUBDIVISION AND LOT CREATION

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This section governs the division of lots and the creation of subdivisions within the Plan Area.

### 1. Counting Parcels, Lots, or Dwelling Units Under the Definition of Subdivision.

- a. **Lots Created by Dividing a Parcel.** When a parcel is divided, the land retained by the person dividing land is always counted in determining the number of lots created unless the lot retained qualifies for any of the exemptions listed in Section 10.25,Q,1,g below. This figure illustrates two examples:

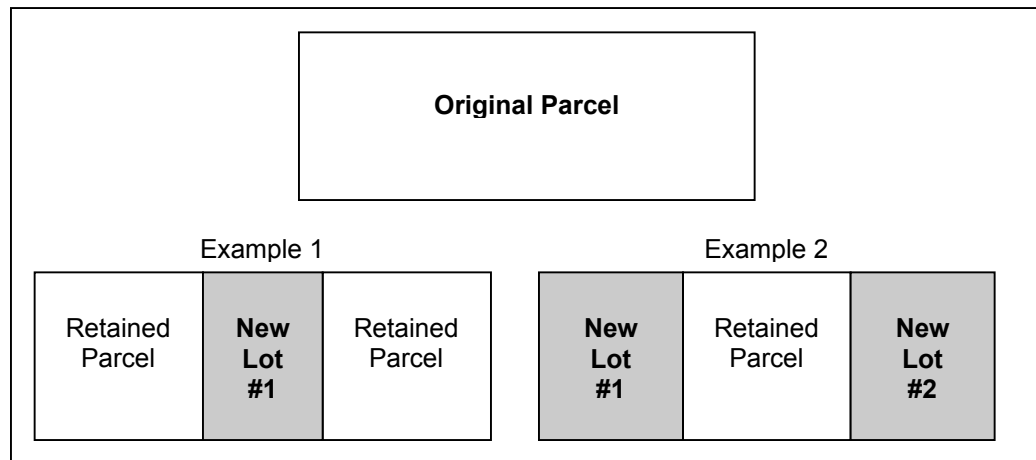


Figure 10.25,Q-1. Two examples where two new lot lines were drawn, each resulting in the creation of three parcels.

- b. **Subdivision Created by the Placement of Dwelling Units.** The placement of three or more dwelling units on a single lot within a five-year period creates a subdivision. The division of one lot into two parcels coupled with the placement of one or two dwelling units on either or both lots does not create a subdivision.
- c. **Parcels Originally Part of a Subdivision.** A lot or parcel which, when sold, leased or developed, was not part of a subdivision but subsequently became part of a subdivision by reason of another division by another landowner is counted as a lot under the subdivision definition. The Commission, however, will not require a subdivision permit be obtained for such lot, unless the intent of such transfer or development is to avoid the objectives of 12 M.R.S.A. §206-A.
- d. **Remote Rental Cabins.** In order to foster primitive recreational opportunities on large tracts of land, up to eight remote rental cabins within a single contiguous ownership larger than 5,000 acres within a township shall be allowed without subdivision review. Placement of more than eight remote rental cabins within such an ownership requires subdivision review by the Commission.
- e. **Renewal of Leases.** For the purpose of counting lots under the Commission's definition of subdivision, the renewal of a lease within a Commission approved subdivision shall not be counted as the creation of a lot. For the renewal of leases in other than Commission approved subdivisions, a lease that is renewed within two (2) years of its

expiration shall not be counted as the creation of a lot. Renewal of leases in other circumstances shall be counted as the creation of a lot.

- f. **Existing parcels.** For the purposes of the definition of subdivision in 12 M.R.S.A. §682(2) and in these rules, an “existing parcel” shall include the contiguous area within one township, plantation, or town owned or leased by one person or group of persons in common ownership. Lease lots in existence as of the date Plum Creek acquired the property comprised by the Plan Area shall be considered existing parcels.
- g. **Exempt lots.** The following divisions are exempt when counting lots for purposes of subdivision, unless the intent of such transfer is to avoid the objectives of 12 M.R.S.A. §206-A:

- (1) Transfer of Lots for Forest Management, Agricultural Management or Conservation of Natural Resources.

A lot or parcel is not considered a subdivision lot if the following conditions are met:

- (a) The lot is transferred and managed solely for forest management, agricultural management or conservation of natural resources;
- (b) The lot is at least 40 acres in size;
- (c) If the lot is less than 1,000 acres in size, no portion of the lot is located within 1,320 feet of the normal high water mark of any great pond or river or within 250 feet of the upland edge of a coastal or freshwater wetland as these terms are defined in 38 M.R.S.A. §436-A;
- (d) The original parcel from which the lot was divided is divided into an aggregate of no more than 10 lots within any 5-year period; and
- (e) When 3 to 10 lots each containing at least 40 acres in size are created within any 5-year period, a plan is recorded in accordance with 12 M.R.S.A. §685-B(6-A). Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds or any structural development unrelated to forest management, agricultural management or conservation creates a subdivision and may not occur without prior Commission approval. 12 M.R.S.A. §682-B(4).

- (2) Retained Lots.

A lot is not counted as a lot for the purposes of subdivision if it is retained by the person dividing the land, and for a period of at least 5 years:

- (a) is retained and not sold, platted, leased, conveyed or further divided; and
- (b) is used solely for forest or agricultural management activities, or natural resource conservation purposes.

- (3) Transfers to an Abutter and Contiguous Lots.

A lot transferred to an abutting owner of land is not counted as a lot for the purposes of subdivision. Where a lot is transferred to an abutter, or two or more contiguous lots are held by one person, the contiguous lots are considered merged for regulatory purposes except for:

- (a) lots that are part of a subdivision approved by the Commission;
- (b) a land division certified by the Commission as qualifying under 12 M.R.S.A. §682-B; or

(c) as provided in Section 10.11;

(4) Divisions by Inheritance, Court Order, or Gifts.

Divisions of land accomplished solely by inheritance, or by court order, to a person related to the donor by blood, marriage, or adoption are not counted as lots for the purposes of this subsection.

A division of land accomplished by bona fide gift, without any consideration paid or received, to a spouse, parent, grandparent, child, grandchild or sibling of the donor of the lot or parcel does not create a subdivision lot if the donor has owned the lot or parcel for a continuous period of 5 years immediately preceding the division by gift and the lot or parcel is not further divided or transferred within 5 years from the date of division. 12 M.R.S.A. §682-B(1)

(5) Conservation Lots.

A lot or parcel transferred to a nonprofit, tax-exempt nature conservation organization qualifying under the United States Internal Revenue Code, Section 501(c)(3) is not considered a subdivision lot if the following conditions are met:

- (a) For a period of at least 20 years following the transfer, the lot or parcel must be limited by deed restriction or conservation easement for the protection of wildlife habitat or ecologically sensitive areas or for public outdoor recreation; and
- (b) The lot or parcel is not further divided or transferred except to another qualifying nonprofit, tax-exempt nature conservation organization or governmental entity. 12 M.R.S.A. §682-B(3)

(6) Transfer to Governmental Entity.

A lot or parcel transferred to a municipality or county of the State, the State or an agency of the State is not considered a subdivision lot if the following conditions are met:

- (a) The lot or parcel is held by the governmental entity for the conservation and protection of natural resources, public outdoor recreation or other bona fide public purposes and is not further sold or divided for a period of 20 years following the date of transfer; and
- (b) At the time of transfer the transferee provides written notice to the Commission of transfer of the lot or parcel, including certification that the lot or parcel qualifies for exemption under this subsection. 12 M.R.S.A §682-A(2)

(7) Large Lots Managed for Forest or Agricultural Management Activities or Conservation.

A lot transferred or retained following transfer containing at least 5,000 acres is not counted as a lot for the purposes of this subsection, provided the lot is managed solely for the purposes of forest or agricultural management activities or conservation and the lot is not further divided for a period of at least 5 years. Nothing in this paragraph, however, shall be construed to prohibit public outdoor recreation on the lot.

(8) Unauthorized Subdivision Lots in Existence For at Least 20 Years.

A lot or parcel that when sold or leased created a subdivision requiring a permit under this chapter is not considered a subdivision lot and is exempt from the permit requirement if the permit has not been obtained and the subdivision has been in existence for 20 or more years. A lot or parcel is considered a subdivision lot and is not exempt under this subsection if:

- (a) Approval of the subdivision under 12 M.R.S.A. §685-B was denied by the Commission and record of the Commission's decision was recorded in the appropriate registry of deeds;
- (b) A building permit for the lot or parcel was denied by the Commission under 12 M.R.S.A. §685-B and record of the Commission's decision was recorded in the appropriate registry of deeds;
- (c) The Commission has filed a notice of violation of 12 M.R.S.A. §685-B with respect to the subdivision in the appropriate registry of deeds; or
- (d) The lot or parcel has been the subject of an enforcement action or order and record of that action or order was recorded in the appropriate registry of deeds. 12 M.R.S.A §682-B(5)

**2. Level 2 Subdivision Identification Criteria.** Any subdivision that meets all of the criteria below is considered a level 2 subdivision. A level 2 subdivision:

- a. is a division within any 5-year period of an existing parcel of land within a single contiguous ownership into (a) 5 or fewer lots or 5 or fewer dwelling units or (b) 6 to 15 lots or 6 to 15 dwelling units that meet the requirements of cluster development, Section 10.25,R;
- b. occupies an aggregate land area of (a) 20 acres or less or (b) 30 acres or less within a subdivision that meets the requirements of cluster development, Section 10.25,R;
- c. is located within 1,000 feet of a public roadway;
- d. is located no more than one mile by road from existing compatible development;
- e. is located wholly on land within an M-WF/ND zone or within a development zone where level 2 subdivisions are allowed, except that up to 10 percent of the aggregate land area may be designated or identified as a stream channel or wetland at the time of the filing of a subdivision application; and
- f. is located wholly in a township, plantation or town within the jurisdiction of the Commission listed in Table 10.25,Q-1, below.

For purposes of Section 10.25,Q,2, "aggregate land area" includes lots or parcels to be offered and all roads and other infrastructure associated with the subdivision, but excludes open space.



Piscataquis	Beaver Cove, Town of Elliottsville Twp Harfords Point Twp Lily Bay Twp Moosehead Junction Twp T1 R9 WELS
Somerset	Dennistown Plt Lexington Twp Long Pond Twp Parlin Pond Twp Rockwood Strip T1 R1 NBKP Spring Lake Twp

Table 10.25,Q-1. Towns, plantations and townships where Level 2 subdivisions are permitted.

### 3. Layout and Design for all Subdivisions.

- a. Subdivisions shall be designed to harmoniously fit into the natural environment and shall cause no undue adverse impact on existing surrounding uses. When determining “harmonious fit”, the Commission shall consider the existing character of the surrounding area, potential for conflict with surrounding uses, proposed driveway and roadway locations, and proposed lot sizes, among other factors.
- b. Subdivisions shall be designed to avoid the linear placement of lots and driveways along roadways or shorelines.

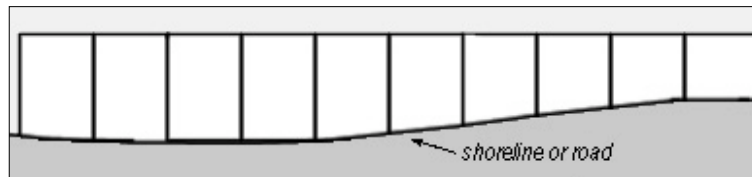


Figure 10.25,Q-3. Linear placement of lots along roadways or shorelines.

To the extent practicable, subdivision lots shall be placed so as to create a distinct community center or expand an existing neighborhood, as long as the expansion is no further than 1,320 feet from the center of the existing neighborhood.

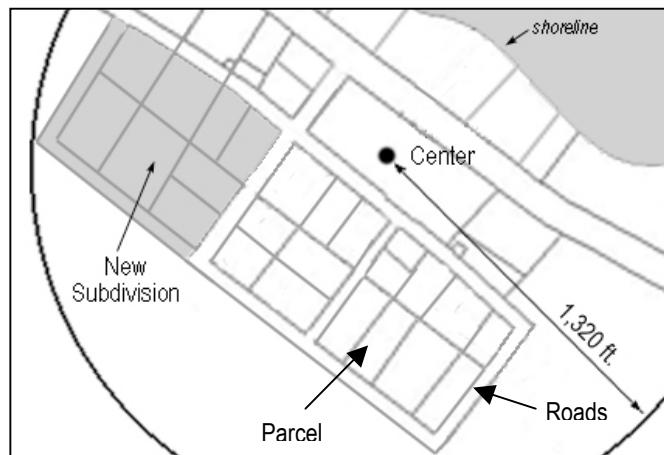


Figure 10.25,Q-4. Placement of subdivision lots within 1,320 feet of an existing neighborhood center.

Where such development is not practicable, lots shall be configured in such a manner so that groups of lots are separated by at least 500 feet of undeveloped land and the lots within a group do not extend more than 1,320 feet along any roadway or shoreline.

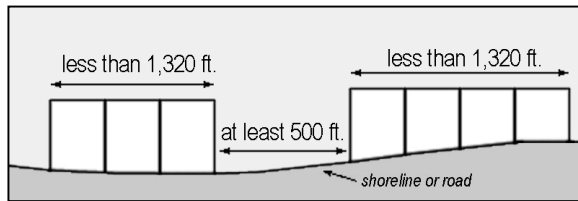


Figure 10.25,Q-5. Grouping of subdivision lots along a roadway or shoreline.

- c. To the extent practicable, subdivisions shall be designed to reduce the number of driveway access points onto roadways through the utilization of shared driveways and interior roads. Notwithstanding Section 10.26,C the Commission may reduce the minimum road frontage for individual lots within subdivisions with shared driveways by up to 50 percent, as long as the Commission finds that reducing road frontage will not adversely affect resources or existing uses or that reducing road frontage will prevent the loss of important natural features.
- d. Building envelopes shall be marked and identified on the subdivision plat for each proposed lot in accordance with the following requirements:
  - (1) Building envelopes shall identify all areas within each subdivision lot where structural development may occur;
  - (2) Building envelopes shall be arranged to conform with the minimum water body, road and property line setback and maximum lot coverage requirements, as provided in Section 10.26; and
  - (3) Where practicable, building envelopes shall be arranged so as to avoid the placement of structures and driveways along ridge lines, on agricultural land, wetlands, slopes greater than 15%, or any other important topographic and natural features.
- e. Subdivisions proposed with mixed residential, commercial, or civic uses shall also meet the following requirements:
  - (1) Commercial uses must fit the size, scale and intensity of the surrounding residential uses; and
  - (2) A combination of residential, commercial, or civic uses on a single lot is allowed only if the most restrictive dimensional requirements, as provided in Section 10.26, are met and provided that the commercial or civic uses are otherwise compatible with residential uses.
- f. All subdivision and lot boundary corners and angle points shall be marked by suitable, permanent monumentation as required by the Maine Board of Registered Land Surveyors.
- g. Shorefront subdivisions with proposed permanent docks, trailered ramps, hand-carry launches or water-access ways shall comply with the requirements of Section 10.27,L,2.

**4. Spaghetti-lots.**

- a. A person may not divide any parcel of land in such a way as to create a spaghetti-lot. This prohibition does not apply to utility or transportation rights-of-ways, government purchases, or a parcel of land that the Commission determines has significant public benefit and cannot be configured in any other way in order to provide that benefit. 12 M.R.S.A. §682-A

**5. Reserved.**

**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)

**7. Recording of Large Lot Land Divisions.**

- a. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are located more than 1,320 feet from the normal high water mark of any great pond or river and more than 250 feet from the upland edge of a coastal or freshwater wetland as those terms are defined in 38 M.R.S.A. §436-A, a plan showing the division of the original parcel must be filed by the person creating the 3<sup>rd</sup> lot with the Commission within 60 days of the creation of that lot. The plan must state that the lots may be used only for forest management, agricultural management or conservation of natural resources. A "Guide to Certification of Plans for Large Lot Land Divisions" is available from the Commission that details submission requirements.
- b. The Commission shall determine whether the plan qualifies under 12 M.R.S.A §682-B, ordinarily within 15 days of receipt of plan.
- c. A copy of the certified plan must be filed, within 30 days of certification by the Commission, with the State Tax Assessor and the appropriate registry of deeds in the county in which the land is located. A register of deeds may not record any plan depicting these lots unless the Commission's certification that the division qualifies under 12 M.R.S.A §685-B is evidenced on the plan. 12 M.R.S.A. §685-B(6-A)

Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds is considered a subdivision. 12 M.R.S.A §682-B

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## **R. CLUSTER DEVELOPMENT**

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### **1. Applicability**

- a. The cluster development standards set forth below must be met for all subdivisions located within 250 feet of the normal high water mark of a Management Class 4 or 5 lake and for all level 2 subdivisions comprised of more than 5 lots or more than 5 dwelling units.
- b. Other subdivisions located on land that could be developed under normal applicable standards may also be clustered if the subdivisions provide for the efficient use of land and the protection of a significant amount of open space, in accordance with the standards of Section 10.25,R and Section 10.25,S.
- c. The cluster development standards may be waived for subdivisions located within 250 feet of the normal high water mark of a Management Class 4 or 5 lake, where the Commission finds that cluster development is clearly inappropriate due to physical site limitations. Such site limitations may include, without limitation, the presence of soils that are unsuitable for high density development or the size and configuration of a parcel that does not lend itself to clustering.

### **2. Cluster Development Standards.**

- a. Cluster subdivisions shall provide for a reasonable balance between development and conservation. Specifically, cluster subdivisions shall reserve no more than 50% of net developable land for development and, within shorefront subdivisions, shall reserve no more than 50% of net developable shore frontage for development.
  - (1) For the purposes of this section, "net developable land" is the area of a parcel which, as determined by the Commission, is suitable for development. The area shall be calculated by subtracting the following from the total acreage of the parcel:
    - (a) Portions of the parcel subject to rights-of-way and easements for vehicular traffic; and
    - (b) Unbuildable land which includes, without limitation, land that has a low soil potential rating, in accordance with Section 10.25,G, or contains sensitive areas such as slopes exceeding 15%, water bodies or wetlands.
  - (2) For the purposes of this section, "net developable shorefront" is land that:
    - (a) Meets the minimum water body setback requirements of Section 10.26,D;
    - (b) Does not have a low soil potential rating, in accordance with Section 10.25,G; and
    - (c) Contains land area at least 40,000 contiguous square feet in size that is not comprised of sensitive areas such as slopes exceeding 15%, water bodies or wetlands.

- b. Cluster subdivisions shall be designed to protect developable land as open space through (1) clusters of dwellings on commonly-owned land; (2) creation of individual lots with reduced dimensional requirements, reduced road frontage or, within shorefront subdivisions, reduced shore frontage as permitted under these rules; or (3) a decrease in the number of individual lots that meet dimensional requirements.

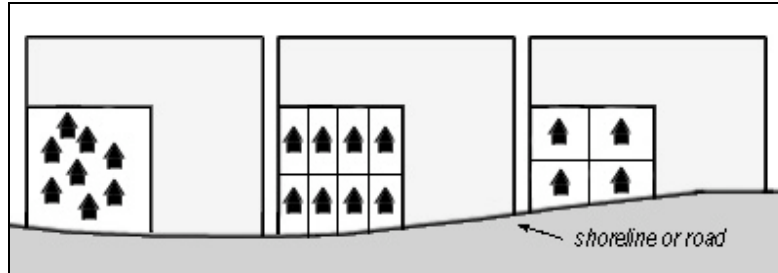


Figure 10.25,R-1. From left to right, (1) clustering on a commonly-owned parcel, (2) clustering on individual parcels with reduced lot size and frontage, and (3) clustering on individual parcels without reduced lot size or frontage.

- c. Open space within cluster subdivisions shall be preserved and maintained in accordance with Section 10.25,S.
- d. The Commission may reduce dimensional requirements for individual dwellings or lots in a cluster development, provided that, in the aggregate, dimensional requirements are met within the development.
- e. Notwithstanding Section 10.25,R,2,d, the Commission may waive the provision that dimensional requirements for individual dwellings or lots in a cluster development be met, in the aggregate, where the following conditions are satisfied:
- (1) Dimensional requirements, in the aggregate, are not waived by more than 50%;
  - (2) site conditions are suitable for more concentrated development on some portions of a site and such concentrated development will not adversely affect resources; and
  - (3) the specific benefits afforded by the cluster approach will prevent the loss of or enhance the conservation of important natural features.
- f. No individual lot or dwelling unit for which road frontage has been reduced shall have direct vehicular access onto an existing roadway, unless the individual lot or dwelling unit uses a shared driveway.

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**S. OPEN SPACE**

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The standards set forth below must be met for all cluster subdivisions and other land area designated as open space.

1. Preservation and Maintenance of Open Space. Open space may be owned, preserved and maintained as required by this section, by any of the following mechanisms or combinations thereof, listed in order of preference, upon approval by the Commission:
  - a. Conveyance of open space to a qualified holder, as defined under Section 10.25,S,2.
  - b. Dedication of development rights of open space to a qualified holder, as defined under Section 10.25,S,2 with ownership and maintenance remaining with the property owner or a lot owners association.
  - c. Common ownership of open space by a lot owners association which prevents future structural development and subsequent subdivision of open space and assumes full responsibility for its maintenance.
  - d. Any other mechanism that fully provides for the permanent protection or conservation of open space and that is acceptable to the Commission.
2. Qualified Holders. The following entities are qualified to own, preserve and maintain open space:
  - a. “A governmental body empowered to hold an interest in real property under the laws of this State or the United States; or
  - b. A nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property.” 33 M.R.S.A. §476, sub-§2
3. Open space may be usable for low-intensity non-commercial recreation or for purposes intended to conserve land and preserve important natural features of the site. Uses within the open space may be limited or controlled by the Commission at the time of approval, as necessary, to protect natural resources and adjacent land uses. Specifically, open space lots are subject to subdivision and other permit conditions prohibiting residential, commercial, industrial or other structures and uses.
4. If any or all of the open space is to be reserved for common ownership by the residents of the subdivision, the bylaws of the proposed lot owners association shall specify responsibilities and methods for maintaining the open space and shall prohibit all residential, commercial, industrial or other structures and uses.
5. Open space shall be dedicated as a separate lot of record with no further subdivision or conversion of use of that lot allowed. Such lot shall be shown on the subdivision plat with a notation thereof to indicate that no further subdivision or conversion of use is allowed.

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## 10.26 DIMENSIONAL REQUIREMENTS

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The following dimensional requirements apply to all lots on which structural development is proposed unless otherwise provided by Section 10.26,G:

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### A. MINIMUM LOT SIZE

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1. Residential Uses

The minimum lot size for residential uses is 40,000 square feet per dwelling unit except where each dwelling unit is to use a common or community sewer and not on-site subsurface waste water disposal, the minimum lot size shall be 20,000 square feet per dwelling unit.

2. Commercial, industrial, and other non-residential uses

The minimum lot size for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet.

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### B. MINIMUM SHORELINE FRONTAGE

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1. For lots fronting on a flowing water draining more than 2 square miles but less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, the minimum shoreline frontage shall be:

- a. 150 feet per dwelling unit for residential uses; and
- b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings.

2. For lots fronting on a flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size, the minimum shoreline frontage shall be:

- a. 200 feet per dwelling unit for residential uses; and
- b. 300 feet for commercial, industrial, and other non-residential uses involving one or more buildings.

3. In the case of a lot which borders more than one water body, the shoreline frontage requirement must be met on each water body bordered by the lot.

4. Frontage shall be measured in a straight line between the points of intersection of side lot lines with the normal high water mark of the shoreline.

5. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high water mark of a water body shall be equal to or greater than the applicable minimum shoreline frontage requirement.
6. The shoreline frontage may be waived to no less than 200 feet for public boat launches where the applicant demonstrates there will be no undue adverse impact to surrounding uses.

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### **C. MINIMUM ROAD FRONTAGE**

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1. Except as provided for in Section 10.26,C,6 below, the minimum road frontage shall be:
  - a. 100 feet per dwelling unit for residential uses, and
  - b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings;
2. These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
3. Where the lot is located at the end of a road or on a circular turnaround with an outside diameter of less than 25 feet, the road frontage requirements shall not apply.
4. Frontage shall be measured along the traveled portion of the road between the points of intersection of side lot lines with the traveled portion of the road.
5. In the case of a lot which borders more than one road, the road frontage requirement must be met on at least one road bordered by the lot.
6. Flexible Road Frontage Requirements
  - a. Except on state or state-aid highways, road frontage requirements for commercial and residential development in the D-GN2, D-GN3, and D-RS2 may be reduced below those listed above in order to allow the proposed development to conform with the prevailing frontage in its immediate vicinity. The prevailing frontage is the average frontage of those lots within 500 feet on either side of the subject parcel.
  - b. Reductions in road frontage shall be approved only when they will not cause an increased risk of accidents or impact the posted speed of the road.



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**D. MINIMUM SETBACKS**

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1. The minimum setbacks for structures, other than those described in Section 10.26,D,2 and except as provided in Section 10.26,G are:
  - a. 75 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 zones;
  - b. 100 feet from the nearest shoreline of a flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size;
  - c. 50 feet from the traveled portion of all roadways except as provided for in Section 10.26,D,1,d and e or Section 10.26,D,5 below;
  - d. 75 feet from the traveled portion of the following roadways: Routes 1, 2, 2A, 4, 9, 27, 163, 201, 161 from Caribou to Fort Kent, 157 in TA R7 (Penobscot County), and 6 in Orneville Township (Piscataquis County), except as provided for in Section 10.26,D,5; and
  - e. 20 feet from the traveled portion of all roadways on coastal islands; and
  - f. 15 feet from side and rear property lines.

These setbacks also apply to all parking areas associated with single-family residential uses, parking areas for trailered ramps or hand-carry launches, and those structures within a sporting camp complex constructed solely for the housing of guests.

2. The minimum setbacks for multi-family dwellings and commercial, industrial, and other non-residential principal and accessory structures are:
  - a. 100 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, and from the upland edge of wetlands designated as P-WL1 zones;
  - b. 150 feet from the nearest shoreline of a flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size;
  - c. 75 feet from the traveled portion of the nearest roadway except as provided for in (d) below;
  - d. 20 feet from the traveled portion of all roadways on coastal islands; and
  - e. 25 feet from the side and rear property lines.

Except as provided for in Section 10.26,D,1 above, these setbacks also apply to all parking areas associated with multi-family dwellings and commercial, industrial, and other non-residential uses, and all other structures within a sporting camp complex, including, but not limited to, a main lodge, dining area, workshop and parking area.

3. These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
4. Campsites shall be set back such that the area designed for camping, including cleared or graded areas, fire rings, tables, and related construction, is at least 75 feet from shoreline, 50 feet from roads, and 25 feet from property lines. Remote campsites shall be set back at least 50 feet from roads, 25 feet from property lines, and 25 feet from shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters.
5. Marinas

These set backs shall not apply to marinas and other water-dependant structures allowed with or without a permit in the Plan Area.

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**E. MAXIMUM LOT COVERAGE**

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1. Except as provided in Section 10.26,E,3 below, the maximum lot coverage shall be 30% for all uses involving one or more buildings.
2. "Coverage" shall be calculated by determining the percentage of lot area covered by all structures including paved driveways, sidewalks, parking lots and other impervious surfaces.
3. Flexible Lot Coverage Requirements

For commercial and institutional development outside the shoreland area in the D-HL zones, that is proposed on lots of 2 acres or less, lot coverage may be increased to 50%. This waiver shall be granted in order to accommodate in-fill development or compact development patterns that promote pedestrian access and social interaction, provided there is no adverse impact on water bodies from surface water runoff.

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**F. MAXIMUM BUILDING HEIGHT**

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1. Except as provided for in Section 10.26,F,2 and 4 below, the maximum building height shall be:
  - a. 75 feet for residential uses; and
  - b. 100 feet for commercial, industrial, and other non-residential uses involving one or more buildings.

2. Structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater or tidal water shall be no higher than 30 feet. The Commission may apply this provision at greater distances from the normal high water mark of bodies of standing water having significant or outstanding scenic values where there is the likelihood that such structures would have an adverse impact on scenic values. Bodies of standing water having such scenic values are shown in Appendix C.
3. Features of buildings which contain no floor area such as chimneys, towers, ventilators and spires may exceed these maximum heights with the Commission's approval.

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**G. EXCEPTIONS TO DIMENSIONAL REQUIREMENTS**

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1. The Commission may reduce dimensional requirements for individual buildings in a cluster development, in accordance with Section 10.25,R.
2. The dimensional requirements applicable to the D-RD planning zone shall be established by the Commission pursuant to the provisions of Section 10.21,B,4 provided that the shoreline setback requirements hereof shall not be reduced.
3. Notwithstanding other provisions of these rules, in a proposed subdivision or area that has or is likely to have relatively dense development, the Commission may increase the minimum lot size when the Commission determines that:
  - a. A larger lot size is required to provide sufficient area of suitable soil to accommodate the principal building and accessory structures, and subsurface waste water disposal, including a replacement system; and
  - b. The density of development in the vicinity of the proposed site is likely to cause nitrate or other contaminant levels in ground water to exceed public drinking water standards at any public or private well or at the property boundary. The Commission may require a nitrate study to estimate likely nitrogen levels in ground water as part of a subdivision application.
4. Where development would otherwise have an undue adverse impact on existing uses, scenic character or natural and historic resources in the area likely to be affected by the proposal, the Commission may impose additional or more protective standards with respect to clearing, frontage and setback requirements, waste water disposal, and other aspects of the development to reasonably assure that undue adverse impact is avoided.
5. An exception may be made to the shoreline, road, and/or property line setback requirements for structures where the Commission finds that such structures must be located near to the shoreline, road, or property line due to the nature of their use. Structures which must be located near to the shoreline include structures which require direct access to the water as an operational necessity, such as piers, docks, retaining walls, and structures necessary for commercial fishing activities or water dependent uses.
6. Reserved.

7. Where development is proposed in the vicinity of a water quality limiting lake, the Commission may vary the applicable dimensional requirements in accordance with Section 10.23,E,3,f.
8. To the extent consistent with 12 M.R.S.A. §685-B(4), the Commission may reduce the minimum lot size required for a structure whose sole purpose is to house a public utility facility or to function as a public utility, provided that:
  - a. the size, height, and bulk of the facility is of a scale that permits such a reduction without adverse effect on surrounding properties; and
  - b. the facility is sited and buffered to fit harmoniously into the surrounding environment.
9. The Commission may apply the dimensional requirements for residential uses to single outpost camps operated by commercial sporting camps, except in cases where such a camp is likely to have a greater impact than a residential use.
10. Notwithstanding the provisions of Section 10.11, structures necessary for disabled persons to gain access to buildings may be greater than the allowable size or located less than the standard setback distance from a shoreline, road and property line to the minimum extent necessary when the following criteria are met:
  - a. A person with a disability as defined in 5 M.R.S.A. §4553 resides in or regularly uses the dwelling or facility;
  - b. The encroachment into the standard setback distance or exceeding of the allowable size applies only to the installation of equipment or construction of structures necessary for access to or egress from the dwelling or facility by the person with the disability;
  - c. The access structure is necessary to create an accessible route;
  - d. The access structure cannot reasonably or feasibly be created without exceeding the allowable size or encroachment into the standard setback distance; and
  - e. The design of the access structure minimizes the need for exceeding the allowable size or encroachment into the standard setback distance.
11. The Commission may reduce the minimum road setback requirement for subdivisions and commercial, industrial and other non-residential structures and uses, in accordance with Section 10.25,D,3,d,(2).
12. The Commission may reduce the minimum road frontage requirement for individual lots within subdivisions with shared driveways in accordance with Section 10.25,Q,3,c.

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## 10.27 ACTIVITY-SPECIFIC STANDARDS

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The documents referenced within this section may be obtained from the Commission's office in Augusta, or any of its regional offices.

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### A. AGRICULTURAL MANAGEMENT ACTIVITIES

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Agricultural management 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 planning zone 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 agricultural management activities in all development and protection zones:

1. All spreading or disposal of manure shall be accomplished in accordance with the manure best management practices, described in the publication, "Strategy for Managing Non-Point Source Pollution from Agricultural Sources and Best Management System Guidelines," developed by the Maine Non-Point Source Agricultural Task Force, 1991.
2. All disposal of waste potatoes shall be accomplished in conformance with the "Maine Guidelines for Field Disposal of Waste Potatoes" published by the University of Maine in September, 1974.
3. Exposed mineral soil created by tilling of soil shall occur no closer to the normal high water mark of any body of standing water, flowing water, or tidal water than is indicated by the following table, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 50 feet:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	50
10	90
20	130
30	170
40	210
50	250
60	290
70	330

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**B. VEGETATION CLEARING**

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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 planning zone 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 vegetation is maintained.

For the purposes of this section a “well-distributed stand of trees and other vegetation” adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 12 or more in a 25-foot by 25-foot square (625 square feet) area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a “well-distributed stand of trees and other vegetation” shall be defined as maintaining a rating score of 8 or more per 25-foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - 4	1
> 4 - 12	2
> 12	4

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

NOTE: As an example, if a 25-foot x 25-foot plot contains three trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ points}$$

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points (21 - 12 = 9) may be removed from the plot provided that no cleared openings are created and all other requirements of this rule and other laws are followed.

The following shall govern in applying this rating system:

- (1) The 25-foot x 25-foot 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.
- c. In addition to Section 10.27,B,2,b above, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 \_ feet above ground level, may be removed in any ten (10) year period.
  - d. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover shall not be removed and the soil shall not be disturbed, except to provide for a footpath or other permitted use.
  - e. Pruning of tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
  - f. 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 volume of trees four inches or more in diameter, measured at 4 1/2 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 planning zones 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.

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**C. MINERAL EXPLORATION AND EXTRACTION**

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Mineral exploration and extraction 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 planning zone 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 for mineral exploration and extraction activities shall apply in all planning zones except as otherwise hereinafter provided:

1. Mineral Exploration: The following requirements shall apply to mineral exploration activities:

- a. All excavations, including test pits and holes, shall be promptly capped, refilled or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety.
- b. Mineral exploration activities or associated access ways where the operation of machinery used in such activities results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of a flowing water, body of standing water, tidal water, or wetland identified as a P-WL1 zone:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table 10.27,C-1. Unscarified filter strip width requirements for exposed mineral soil created by mineral exploration activities or associated access ways.

The provisions of Section 10.12,C,1,b apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of Section 10.12,C,1,b do not apply where access ways cross such waters.

- c. Except when surface waters are frozen, access ways for mineral exploration activities shall not utilize stream channels bordered by P-SL2 zones except to cross the same by the



shortest possible route; unless culverts or bridges are installed in accordance with Section 10.27,D,2 and 5, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

- d. Access way approaches to stream channels shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream.
  - e. In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all area of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to insure effective stabilization.
2. Mineral Extraction: The following requirements shall apply to mineral extraction activities in all planning zones:
- a. A vegetative buffer strip shall be retained between the ground area disturbed by the extraction activity and:
    - (1) 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, any flowing water draining less than 50 square miles, tidal water, or wetland identified as a P-WL1 zone; and
    - (2) 100 feet of the normal high water mark of any body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
  - b. No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such adjoining property.
  - c. Within 250 feet of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body.  
  
Any such control device shall be deemed part of the extraction area for the purposes of Section 10.27,C,2,a, above;
  - d. A natural vegetative screen of not less than 50 feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads; and
  - e. If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.

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## D. ROADS AND WATER CROSSINGS

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Roads and water crossings 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 planning zone 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 road and water crossing requirements shall apply in P-WL1, P-WL2, P-SL, P-FP, P-GP zones and all development zones:

1. The following requirements shall apply to construction and maintenance of roads:
  - a. All cut or fill banks and areas of exposed mineral soil outside the roadbed within 75 feet of a flowing water, body of standing water, tidal water, or a wetland shall be revegetated or otherwise stabilized so as to prevent erosion and sedimentation of water bodies or wetlands;
  - b. Road banks shall have a slope no steeper than 2 horizontal to 1 vertical;
  - c. Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion does not exist;
  - d. In order to prevent road surface drainage from directly entering water bodies or wetlands, roads and their associated drainage ditches shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least the width indicated below, between the exposed mineral soil of the road and the normal high water mark of a surface water body or upland edge of a wetland:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table 10.27,D-1. Unscarified filter strip width requirements for exposed mineral soil created by roads and their associated drainage ditches.

This requirement shall not apply to road approaches to water crossings or wetlands.

- e. Drainage ditches for roads approaching a water crossing or wetland shall be designed, constructed, and maintained to empty into an unscarified filter strip, of at least the width indicated in the table set forth in Section 10.27,D,1,d above, between the outflow point of the ditch and the normal high water mark of the water or the upland edge of a wetland.

Where such filter strip is impracticable, appropriate techniques shall be used to reasonably avoid sedimentation of the water body or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed so as to reasonably avoid sedimentation of the water body or wetland;

- f. Ditch relief (cross drainage) culverts, drainage dips and water turnouts will be installed in a manner effective in getting drainage onto unscarified filter strips before the flow in the road or its drainage ditches gains sufficient volume or head to erode the road or ditch.
- (1) Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less;
  - (2) On roads having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a 30 degree angle downslope from a line perpendicular to the center line of the road;
  - (3) Ditch relief culverts, drainage dips and water turnouts shall direct drainage onto unscarified filter strips as required in Section 10.27,D,1,d and e above;
  - (4) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials; and
  - (5) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (Percent)	Spacing (Feet)
0-2	500-300
3-5	250-180
6-10	167-140
11-15	136-127
16-20	125-120
21+	100

Table 10.27,D-2. Spacing requirements for drainage dips and associated water turnouts.

2. The following requirements shall apply to water crossings when surface waters are unfrozen:
  - a. Bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 \_ times the cross-sectional area of the stream channel.
  - b. Culvert and bridge sizes may be smaller than provided in Section 10.27,D,2,a if techniques are employed such that in the event of culvert or bridge failure, the natural course of water flow is reasonably maintained and sedimentation of the water body is reasonably avoided; such techniques may include, but are not limited to, the effective use of any or all of the following:
    - (1) removing culverts prior to the onset of frozen ground conditions;
    - (2) using water bars in conjunction with culverts; or
    - (3) using road dips in conjunction with culverts.

- c. Culverts utilized in water crossings shall:
- (1) be installed at or below stream bed elevation;
  - (2) be seated on firm ground;
  - (3) have soil compacted at least halfway up the side of the culvert;
  - (4) be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
  - (5) have a headwall at the inlet end which is adequately stabilized by rip-rap or other suitable means to reasonably avoid erosion of material around the culvert.

3. The design and construction of land management road systems through wetlands, other than those areas below the normal high water mark of standing or flowing waters, must avoid wetlands unless there are no reasonable alternatives, and must maintain the existing hydrology of wetlands.

To maintain the existing hydrology of wetlands, road drainage designs shall provide cross drainage of the water on the surface and in the top 12 inches of soil in wetlands during both flooded and low water conditions so as to neither create permanent changes in wetland water levels nor alter wetland drainage patterns. This shall be accomplished through the incorporation of culverts or porous layers at appropriate levels in the road fill to pass water at its normal level through the road corridor. Where culverts or other cross-drainage structures are not used, all fills shall consist of free draining granular material.

To accomplish the above, the following requirements apply:

- a. Road construction on mineral soils or those with surface organic layers up to 4 feet in thickness:
- (1) Fill may be placed directly on the organic surface compressing or displacing the organic material until equilibrium is reached. With this method, culverts or other cross-drainage structures are used instead of porous layers to move surface and subsurface flows through the road fill material.
    - (a) For road construction on mineral soils or those with surface organic layers less than 16 inches in thickness, culverts or other cross-drainage structures shall be appropriately sized and placed at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum intervals of 300 feet.
    - (b) For road construction on surface organic layers in excess of 16 inches but less than 4 feet in thickness, cross drainage must be provided by placing culverts at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum 300-foot intervals. Culverts shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface.
    - (c) Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the road centerline shall be constructed along the toe of the fill to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Unditched breaks shall be left midway between culverts to prevent channelization.

- (2) Alternatively, a porous layer may be created to move surface and subsurface flows through the road fill materials. If a porous layer is used, geotextile fabric must be placed above and below fill material to increase the bearing strength of the road and to preserve the bearing strength of fill material by preventing contamination with fine soil particles.
- b. Road construction on soils with organic layers in excess of 4 feet in thickness:
- (1) Such construction shall only take place under frozen ground conditions.
  - (2) Geotextile fabric shall be placed directly on the soil surface. Road fill or log corduroy shall then be placed on the geotextile fabric.
  - (3) Cross drainage shall be provided by either a continuous porous layer or appropriate placement of culverts or other cross-drainage structures and ditching as specified below:
    - (a) A continuous porous layer or layers shall be constructed by placement of one or more layers of wood corduroy and/or large stone or chunkwood separated from adjacent fill layers by geotextile fabric placed above and below the porous layer(s) such that continuous cross drainage is provided in the top 12 inches of the organic layer; or
    - (b) Cross drainage culverts or other cross-drainage structures shall be placed at points where they will receive the greatest support. Culverts or other cross-drainage structures shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface. Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the roadbed on both sides shall be used to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Such ditches shall be located three times the depth of the organic layer from the edge of the road fill. Unditched breaks shall be left midway between culverts to prevent channelization.
4. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads shall be maintained on a regular basis to assure effective functioning.
5. Maintenance of the above required water control installations shall continue until the road is discontinued and put to bed by taking the following actions:

a. Water bars shall

- (1) be constructed and maintained across the road at intervals established below:

Road Grade (Percent)	Distance Between Water Bars (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	4-

Table 10.27,D-3. Spacing requirements for water bars.

- (2) be constructed at approximately 30 degrees downslope from the line perpendicular to the center line of the road;
  - (3) be constructed so as to reasonably avoid surface water flowing over or under the water bar; and
  - (4) extend sufficient distance beyond the traveled way so that water does not reenter the road surface.
- b. Any bridge or water crossing culvert in such road shall satisfy one of the following requirements:
  - (1) it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
  - (2) it shall be designed to provide an opening with a cross-sectional area at least 3 \_ times the cross-sectional area of the stream channel; or
  - (3) it shall be dismantled and removed in a fashion so as to reasonably avoid sedimentation of the water body.
- 6. Provided they are properly applied and used for circumstances for which they are designed, methods including but not limited to the following are acceptable to the Commission as means of calculating the 10 and 25 year frequency water flows and thereby determining crossing sizes as required in Section 10.27,D,2 and 5:
  - a. The USDA Soil Conservation Service (SCS) Methods; specifically: "Urban Hydrology for Small Watersheds," June 1986 Soil Conservation Service Technical Release #55.
  - b. The United States Geological Survey (USGS) Methods; specifically: U.S. Geological Survey. 1975. "A Technique for Estimating the Magnitude and Frequency of Floods in Maine." Open- file Report 75-292.
- 7. Extension, enlargement or resumption of use of presently existing roads, which are not in conformity with the provisions of Section 10.27,D, are subject to the provisions of Section 10.11.
- 8. Publicly owned roads may be constructed in a fashion that is not in strict conformity with the provisions of this section, provided that other measures are applied that are effective in reasonably avoiding sedimentation of surface waters.
- 9. Except that Section 10.27,D,10 below always applies, trail crossings of minor flowing waters shall be exempt from the standards of Section 10.27,D, provided such crossings are constructed in a manner that causes no disturbance to the stream bed, and no substantial disturbance to the banks or shoreland areas in the vicinity of the crossing, and provided such crossings do not impede the flow of water or the passage of fish. If properly undertaken, acceptable methods may include but not be limited to the laying of logs from bank to bank, or placement of bed logs and stringers with decking. This exemption shall not extend to the construction of abutments or piers.
 

Trail crossings not so exempted shall be subject to the water crossing standards of Section 10.27,D, including specifically Sections 10.27,D,2, 4, 5, 6, 10 and 11.
- 10. In addition to the foregoing minimum requirements, provision shall otherwise be made in the construction and maintenance of roads and water crossings in order to reasonably avoid sedimentation of surface waters.

11. Written notice of all road and water crossing construction activities, except level A road projects and exempt trail crossings as provided in Section 10.27,D,9 above, shall be given to the Commission prior to the commencement of such activities. Such notice shall conform to the requirements of Section 10.16 and shall state the manner in which the water crossing size requirements of this section will be satisfied.

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## **E. TIMBER HARVESTING**

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Timber harvesting 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 planning zone 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 apply to timber harvesting within 250 feet of the normal high water mark of Great Ponds, and within all protection planning zones except as otherwise hereinafter provided:

1. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by a P-SL1 zone except to cross such channels with a culvert or bridge according to the water crossing requirements of Section 10.27,D,2 and 5;
2. Timber harvesting operations in P-SL1 and P-GP zones shall be conducted in the following manner:
  - a. Within 50 feet of the normal high water mark, no clearcutting shall be allowed and harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained so as to maintain the aesthetic and recreational value and water quality of the area and to reasonably avoid sedimentation of surface waters.
  - b. At distances greater than 50 feet from the normal high water mark, harvesting activities may not create single openings greater than 14,000 square feet in the forest canopy. In such areas single canopy openings of over 10,000 square feet shall be no closer than 100 feet apart.
  - c. Harvesting shall not remove, in any ten year period, more than 40 percent of the volume on each acre involved of trees 6 inches in diameter and larger measured at 4 feet above ground level. Removal of trees less than 6 inches in diameter, measured as above is permitted if otherwise in conformance with these regulations. For the purpose of these standards, volume may be determined as being equivalent to basal area.
  - d. No accumulation of slash shall be left within 50 feet of the normal high water mark of surface water protected by the P-SL1 and P-GP zones. In such zones, at distances greater than 50 feet from the normal high water mark of such waters, all slash larger than 3 inches in diameter shall be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
3. Except as provided in Section 10.27,E,7, skid trails and other sites, where the operation of machinery used in timber harvesting results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:



Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table 10.27,E-1. Unscarified filter strip width requirements for exposed mineral soil created by the operation of machinery used in timber harvesting.

The provisions of Section 10.27,E,3 apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of Section 10.27,E,3 do not apply where skid roads cross such waters;

4. Timber harvesting operations shall be conducted in such a manner that slash is not left below the normal high water mark of a body of standing water or tidal waters, or below the normal high water mark of stream channels downstream from the point where such channels drain 300 acres or more;
5. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by P-SL2 zones except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Section 10.27,D,2 and 5, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged. The requirements of Section 10.27,E,5 may be modified according to the provisions of Section 10.27,E,7;
6. Except as provided in Section 10.27,E,7, skid trail and skid road approaches to stream channels shall be located and designed so as to divert water runoff from the trail or road in order to prevent such runoff from directly entering the stream;
7. Timber harvesting operations in P-SL2 zones along stream channels upstream from the point where they drain 300 acres or less, and in P-WL zones adjacent to such P-SL2 zones, may be conducted in a manner not in conformity with the requirements of the foregoing Sections 10.27,E,3, 5, and 6 provided that such operations are conducted so as to avoid the occurrence of sedimentation of water in excess of 25 Jackson Turbidity Units as measurable at the point where such stream channel drains 1 square mile or more. Jackson Turbidity Units are a standard measurement of the relative amount of light that will pass through a sample of water compared with the amount of light that will pass through a reference suspension; the Jackson Turbidity Unit measurement for water without turbidity is 0;
8. Harvesting operations in P-SL2 zones along stream channels downstream from the point where they drain 300 acres or more and along bodies of standing water shall be conducted in such a manner that sufficient vegetation is retained to maintain shading of the surface waters;
9. Written notice of all timber harvesting operations shall be given to the Commission prior to the commencement of such activity. Such notice shall conform to the requirements of Section 10.16

and shall state whether or not such operations will be conducted according to the provisions of Section 10.27,E,7; and

10. In addition to the foregoing minimum requirements, except as provided for in Section 10.27,E,7, provision shall otherwise be made in conducting timber harvesting operations in order to reasonably avoid sedimentation of surface waters.

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**F. FILLING AND GRADING**

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The following requirements for filling and grading shall apply in all planning zones 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 planning zone 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-ND/WF zones which are greater than 250 feet from water bodies and wetlands. In such M-ND/WF zones, 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 zone than the distance indicated in the following table:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Feet Along Surface of the Ground)
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.

Volume 6  
**Appendices**



*Resource Plan for*  
**Plum Creek's Gateway Lands**  
*in the Moosehead Lake Region*



**Plum Creek**

## *APPENDICES*

1. REGIONAL ECONOMY
2. PROVISION FOR AMENDMENT, RENEWAL, AND TERMINATION OF THE PLAN
3. MODEL CONSERVATION EASEMENT FOR THE PRISTINE PONDS
4. MODEL CONSERVATION EASEMENT FOR THE PARTLY DEVELOPED LAKES AND PONDS
5. MODEL HIKING TRAIL EASEMENT
6. MODEL SNOWMOBILE TRAIL EASEMENT
7. MODEL HOMEOWNERS ASSOCIATION BYLAWS
8. MODEL HOMEOWNERS ASSOCIATION DECLARATION OF COVENANTS
9. MARCH 30, 2005 LETTER FROM FISCAL ADMINISTRATOR OF THE UNORGANIZED TERRITORIES TO MR. DENICO OF PLUM CREEK TIMBER COMPANY
10. "ESTIMATED ECONOMIC IMPACTS OF PROPOSED PLUM CREEK PLAN FOR THE MOOSEHEAD LAKE AREA, MAINE" (TO BE SUBMITTED AT A LATER DATE)
11. PHOSPHORUS STUDIES (TO BE SUBMITTED AT A LATER DATE)
12. STATEMENTS OF SUPPORT FOR THE PLAN (OTHERS TO BE SUBMITTED AT A LATER DATE)

# *Appendix 1*

## *Regional Economy*

### **Economic Conditions**

The region surrounding the plan area is in two counties: Somerset and Piscataquis. An analysis of the economic characteristics of these counties can be useful in developing a picture of the region and assessing the impact of development. However, one must always remember that the majority of the population in these counties lies to the south of the Plum Creek lands, and so the results of such an analysis will be skewed to reflect these areas.

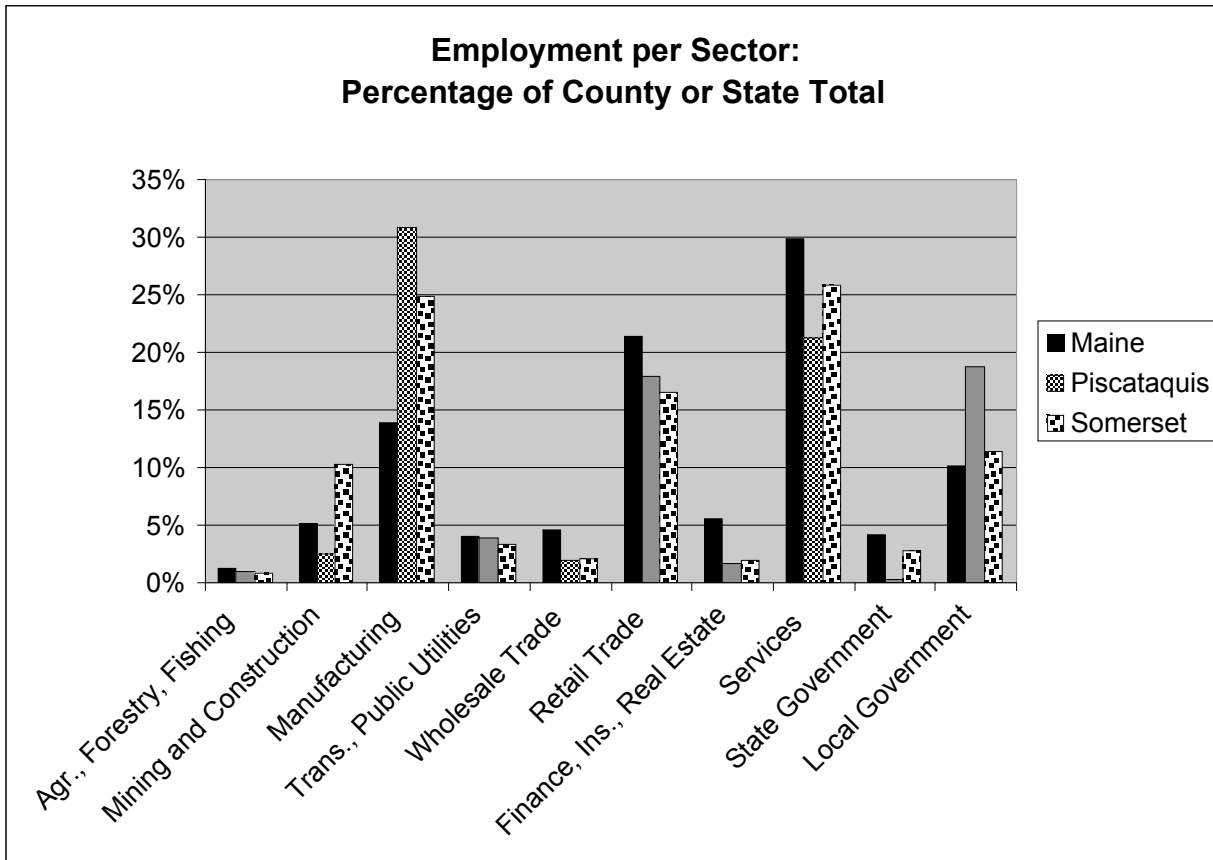
Somerset and Piscataquis counties' economic profiles vary among themselves and with the state as a whole. Both counties are notable in the relatively large percentage of their workforces employed in manufacturing and relatively low percentage working in wholesale trade. In the state as a whole, 14% of the employed workforce was in manufacturing in 2001, compared with 25%, and 31% for Somerset and Piscataquis counties respectively. Conversely, both counties employed less than half the percentage of workers in wholesale trade compared with the state as a whole in 2001, although wholesale trade is a relatively minor sector in terms of employment.

Somerset County is notable in its greater percentage of workers in mining and construction (10% versus 5% statewide), and in its relatively fewer workers in the finance/insurance/real estate sector.

Piscataquis County is atypical in most sectors. Aside from the preponderance of manufacturing jobs, local government is also a relatively large employer in the county compared to Somerset County or the state generally. Local government workers account for 10% of the workforce in the state overall, and 11% in Somerset County. In Piscataquis County, these employees account for 19% of workers. On the other hand, mining and construction, finance/insurance/real estate, state government, and service workers make up a significantly lower percentage of workers in Piscataquis county than in the state as a whole.

<b>Average Employment, 2001</b>			
<b>% of County or State Employees per Sector</b>			
	<b>Maine</b>	<b>Somerset</b>	<b>Piscataquis</b>
<b>Agriculture, Forestry, and Fishing</b>	1%	1%	1%
<b>Mining and Construction</b>	5%	10%	3%
<b>Manufacturing</b>	14%	25%	31%
<b>Transportation and Public Utilities</b>	4%	3%	4%
<b>Wholesale Trade</b>	5%	2%	2%
<b>Retail Trade</b>	21%	17%	18%
<b>Finance, Insurance, and Real Estate</b>	6%	2%	2%
<b>Services</b>	30%	26%	21%
<b>State Government</b>	4%	3%	0%

Local Government	10%	11%	19%
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Unemployment is high in Somerset and Piscataquis counties.<sup>1</sup> The average unemployment rate in 2003 in these counties was 9% and 8% respectively. This is a marked increase from 1990 when the unemployment rates for both counties were much more in line with the state. In that year, the rates were 7% and 6% for Somerset and Piscataquis counties respectively, compared with 5% for the state. Indications are that the situation is worsening. The figures for January, 2004 show an unemployment rate in Somerset County of 10.5%, and 8.5% in Piscataquis.

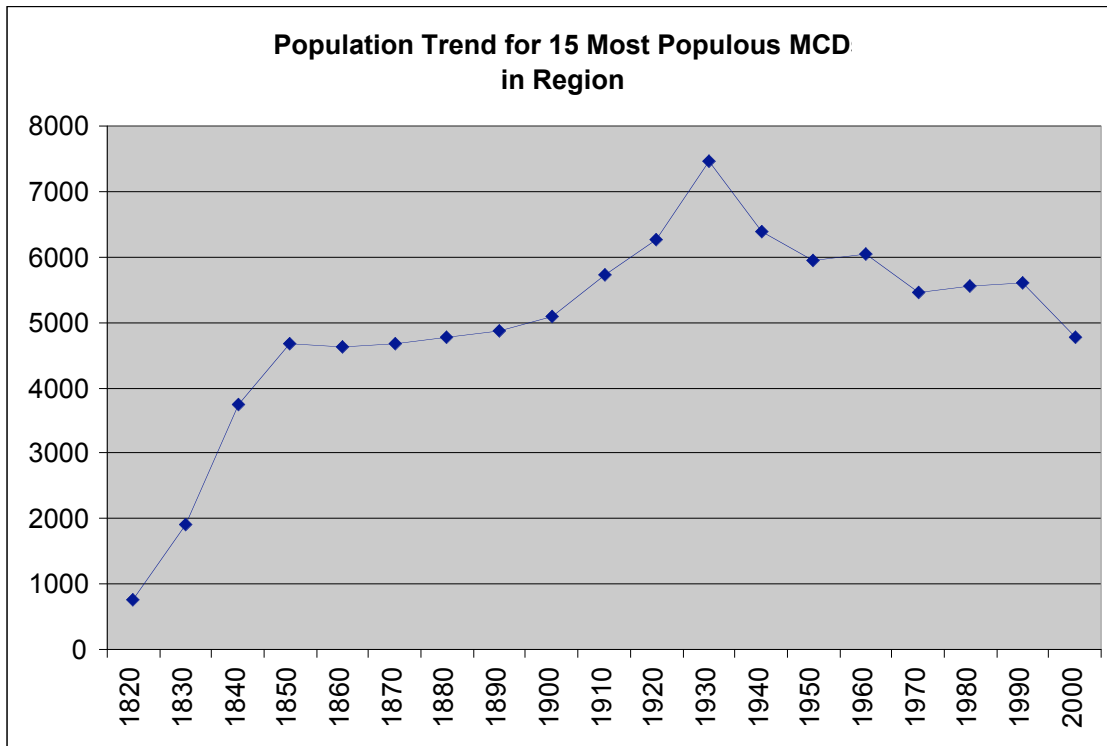
The only figures available for annual median household income are from the 2000 census. These data show that all three counties have lower median incomes than the state overall. Median household incomes in the counties are 15% and 21% lower than the statewide median for Somerset and Piscataquis counties respectively.

<b>Annual Median Household Income, 2000</b>		
<u>County</u>	<u>\$</u>	<u>% of State Median</u>
Somerset	\$32,010	85%
Piscataquis	\$29,823	79%

<sup>1</sup> All unemployment figures are from the Maine Department of Labor.



Maine      \$37,589      100%  
Source: US Census Bureau



Economic conditions go a long way toward explaining the loss of population in the region. From all the available census data, the area has been losing population since the peak around 1930. However, the decade between 1990 and 2000 saw a relatively steep decline in population; one that returns population levels to where they were throughout the late 1800s. This decline can have pervasive negative impacts on local communities, from high school costs, to reducing the workforce to the point where new businesses cannot locate there due to the lack of available workers.<sup>2</sup>

<sup>2</sup> See Greenville at the Crossroads: The Dire Need to Grow Our Population and To Enrich Our Community by John Simko, Greenville Town Manager, April 2002.

## *Appendix 2*

### *Amendment, Renewal, and Termination of the Plan*

#### **Amendments to the Plan**

Proposed amendments to the Resource Plan shall be made in writing to the Commission. An amendment shall be granted provided it meets the criteria for review listed in Section 10.23,H,6 of the Commission's Rules and Standards, as the same may be amended or replaced from time to time. An increase in the size of the P-RP subdistrict established under this Plan may be allowed by amendment, upon approval of the Commission, provided that the Resource Plan is amended to include such expanded area.

So long as this Plan is in effect (including any renewals hereof), Plum Creek (its affiliates, successors and/or assigns) may not initiate any application seeking to amend this Plan, or the land use standards established hereunder, that would, if approved, allow any new residential development in any of the areas designated as No Development/Working Forest zoning areas under the Plan. Notwithstanding the foregoing, this provision shall not prohibit any party from submitting an application to modify the boundaries of zoning areas under this Plan, provided that no net reduction in acreage of land designated as No Development/Working Forest results from such boundary modification, and further provided that all other conditions and review criteria for modifications to land use boundaries are met.

#### **Renewal and Termination of the Plan**

Notwithstanding anything to the contrary herein, the Plan and associated land use standards shall automatically renew for successive twenty (20)-year periods, without further action on the part of any party, unless, within one (1) year prior to the then-applicable expiration date, the Commission and/or Plum Creek notifies the other party in writing that the notifying party seeks a review of the automatic renewal of the Plan. In such event, the Plan shall be extended for a period of up to eighteen (18) months beyond the then-applicable expiration date, during which period the Commission shall hold a public hearing or hearings to assist it in determining whether or not to renew or modify the Plan. Within sixty (60) days following the close of such public hearing(s), the Commission shall determine, in its sole discretion (which determination shall be binding on all parties), whether to (i) renew the Plan in its then-current form for an additional twenty (20)-year period, (ii) renew the Plan with modifications for an additional time period designated by the Commission, or (iii) terminate the Plan, in which event the Commission shall, in conformity with its comprehensive plan, statutes, and standards, designate appropriate zoning for the Planning Area which is reasonably consistent with the land use standards of equivalent areas. In the event the Commission elects to either modify or terminate the Plan, all transactions initiated as a component of or in connection with the Plan, including without limitation, the granting of conservation easements and restrictive covenants, and all subdivision, development, and other land use permits and approvals, shall continue to apply to the extent that they are covered by legal contract, deed, indenture, permit, or other legal instrument, or are otherwise vested in either party. Applications deemed complete prior to the

implementation of any new land use standards shall be subject to, and reviewed under, the land use standards in effect at the time of submission of the application.

# *Appendix 3*

## CONSERVATION EASEMENT

Granted by

**Plum Creek Maine Timberlands, L.L.C.**

to

*[Easement Holder]*

in connection with the  
Resource Plan  
for  
Plum Creek's Gateway Lands in the Moosehead Lake Region  
approved by the  
Maine Land Use Regulation Commission  
on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

## CONSERVATION EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, **PLUM CREEK MAINE TIMBERLANDS, L.L.C.**, a Delaware limited liability company with a place of business in Fairfield, Maine (hereinafter referred to as the “Grantor,” which word is intended to include unless the context clearly indicates otherwise, the above-named Grantor and its successors and assigns, and any future owners or successors in interest to the Protected Property (defined below), and their executors, administrators and legal representatives), **GRANTS** to **[EASEMENT HOLDER]**, a Maine not-for profit corporation with a place of business in \_\_\_\_\_, Maine, Maine (hereinafter referred to as the “Holder,” which word shall, unless the context clearly indicates otherwise, include the Holder’s successors and/or assigns), and **GRANTS** to the **STATE OF MAINE** (hereinafter referred to as the “Third Party”, which shall, unless the context clearly indicates otherwise, include the Third Party’s successors and assigns), acting by and through its Department of Conservation, Bureau of Parks and Lands, with a mailing address of 22 State House Station, Augusta, Maine 04333, with **QUITCLAIM COVENANT**, in perpetuity, the following described **Conservation Easement** on land located in *[insert Township and County]*, Maine, hereinafter referred to as the Protected Property, and described on **Exhibit A**, attached hereto, and shown on a plot plan attached hereto as **Exhibit B**, both made a part hereof by reference.

### PURPOSE

This Conservation Easement is intended to provide a significant public benefit by protecting and preserving in perpetuity the Protected Property in its present and historic primarily undeveloped condition that allows its continued operation as a working forest with the perpetual ability to commercially produce forest products, and to conserve and/or enhance forest and wildlife habitats, undeveloped shoreline, and historic public recreation and nature observation and study opportunities of the Protected Property for present and future generations, subject only to such uses as are specifically provided for herein. Reference is made to the approved Resource Plan for Plum Creek’s Gateway Lands in the Moosehead Lake Region for Grantor’s land (the “Resource Plan”), of which the Protected Property is a part, on file at the offices of the Maine Land Use Regulation Commission in Augusta, Maine, or its successor agency. This easement applies to the Protected Property only. Nothing herein shall be construed to impose any obligation, restriction, or other encumbrance on any real property not expressly made a part of the Protected Property.

The following recitals more particularly describe the conservation values of the Protected Property and the significance of this grant.

WHEREAS, the Protected Property consists of *[insert acres]* of land which has been and continues to be used primarily as a working forest; and

WHEREAS, the Protected Property consists of *[insert acres]* acres of land and approximately *[insert shoreline feet]* feet of scenic, undeveloped shoreline (constituting the entire shoreline of *[insert name of waterbody]*); and

WHEREAS, *[insert name of waterbody]* contains no structural development (other than as set forth herein); and

WHEREAS, it is a significant public benefit that *[insert name of waterbody]* remain free from structural development and in a substantially wooded state; and

WHEREAS, this Conservation Easement makes the Protected Property available for forest management and related activities and for public outdoor recreation that is consistent with the conservation of the Protected Property's undeveloped natural features; and

WHEREAS, this Conservation Easement is granted not as a gift but pursuant to the terms of the Resource Plan and in consideration for and mitigation of certain development that will be or has been authorized by the Commission.

NOW THEREFORE the Grantor and Holder have established this Conservation Easement affecting the Protected Property consisting of the following terms, covenants, restrictions, and affirmative rights, which shall run with and bind the Protected Property in perpetuity:

## **TERMS, COVENANTS AND RESTRICTIONS**

### **1. GENERAL LAND USES**

Except in connection with Forest Management Activities (defined below) or as otherwise expressly stated to the contrary herein, structural development, commercial, residential, industrial, energy generation, landfill, and waste disposal activities are prohibited on the Protected Property. Without limiting the generality of the foregoing, houses, apartment buildings, multi-family housing units, campgrounds, condominiums, trailer parks, mobile homes, permanent outdoor high-intensity lights, motels or hotels, billboards, junk yards, and commercial and industrial uses of all kind, are specifically prohibited on the Protected Property unless otherwise provided herein.

Notwithstanding anything to the contrary in this Easement, Grantor, its successors and assigns, shall have the perpetual right to undertake any and all Forest Management Activities on the Protected Property, subject only to the limitations set forth in Paragraph 7 of this Easement. As used in this Easement, the term "Forest Management Activities" means all forest management practices allowable under law (now or in the future) and the harvesting and removal of any and all forest products by any and all current and future harvesting and removal techniques allowable under law. Forest Management Activities shall include, but not be limited to, the following activities and the Grantor's management of such activities: reforestation, planting, growing, cutting, and harvesting trees, forest products, and other vegetation; construction, use, and maintenance of skid trails, skid roads, skidder bridges, log yards, landing and staging areas, land management roads, winter haul roads or other paths, roads, or trails used to provide pedestrian, domestic animal and vehicular access to and from and within the Protected

Property in order to carry out the Forest Management Activities on the Protected Property; clearing for reforestation; harvesting, pruning, girdling, or trimming trees and other vegetation; harvesting forest products with domestic animals or mechanical equipment; maintenance of existing fields and meadows; conducting timber cruising, forest management planning, forest stand improvement, forest crop selection, forest research, and other forest resource evaluation activities; cutting and removing forest products, including but not limited to trees, logs, poles, posts, pulpwood, firewood, chips, seeds, pinestraw, stumps, seed cones, bark, shrubs, lesser vegetation, and biomass; collection and processing of all sugar maple products; conducting fire control and other activities to prevent or control losses or damage to forest crops or forest products; identifying and marking boundaries; salvaging forest crops or forest products; marking timber and performing other activities to identify trees or areas for harvest; performing commercial and pre-commercial silvicultural treatments; disposing of harvesting debris and conducting post-harvest or site recovery activities; applying in accordance with applicable statutes and regulations herbicides, pesticides, fungicides, rodenticides, insecticides, and fertilizers; removing, loading, and transporting timber and other forest crops and products; processing forest products with portable or temporary equipment designed for in-woods processing; trimming, cutting, removing, burning, or otherwise disposing of any trees or vegetation which are diseased, rotten, damaged or fallen; trimming, cutting, removing, or otherwise disposing of any trees or vegetation as is necessary to construct or maintain fire lanes, footpaths, and any roads permitted under this Easement; the removal (by quarrying or otherwise) of gravel and other minerals from the earth and the storage of the same (which gravel and other minerals may be used for any lawful purpose, including sale to others); and any other activity the Grantee deems useful or expedient in connection with the foregoing.

## **2. STRUCTURES AND IMPROVEMENTS**

From the date of this Grant, no new structures, temporary or permanent, are allowed to be constructed, placed or maintained on the Protected Property, other than Forestry Improvements (described below), structures and improvements for purposes of nature observation (including, without limitation, observation blinds and platforms), trails for use by the general public, sporting camps as may be authorized by the Maine Land Use Regulation Commission under the Resource Plan, and public roads and public utilities and telecommunications facilities.

Notwithstanding the foregoing, Grantor may develop, construct, maintain, install, replace and repair at any time and from time to time Forestry Improvements on the Protected Property. For purposes of this Easement, the term "Forestry Improvements" means any and all structures, facilities, improvements and utilities that are used in connection with and/or for the purpose of accomplishing Forest Management Activities on the Protected Property, including, without limitation, roads, fences, bridges, gates, maple sugar houses and appurtenant facilities, forest management camps, logging camps, and housing facilities for persons involved with Forest Management Activities on the Protected Property, barns, garages, storage facilities, associated signs and structures, utility services to serve and support such Forestry Improvements, including telecommunication systems, electric power lines and generation facilities, wells, and septic disposal facilities; provided, however, that, to the extent reasonably practical, such utility services crossing the Protected Property shall be located in a manner to minimize their impact on the Protected Property's conservation values. Non-portable and non-mobile sawmills and forest

products processing or manufacturing structures and facilities shall not be permitted on the Protected Property; however, portable sawmills, mobile chippers and other mobile processing equipment not requiring the permanent installation of structures or utilities shall be permitted. All Forestry Improvements permitted hereunder shall be installed and constructed in accordance with applicable law and regulations.

Existing (as of the date of this Grant) structures, improvements and utilities that are not associated with Forest Management Activities may be maintained, replaced and repaired from time to time, but may not be expanded without the consent of the Holder, which consent shall be granted only upon a determination by the Holder, in its reasonable judgment, that the action will not be inconsistent with the purpose of this Easement. New, minor structures and improvements for traditional, recreational uses such as trails, bridges, benches, tables, public boat launches maintained by the Department of Inland Fisheries and Wildlife (or its successor agency), erosion control systems, wells and springs, may be installed, constructed, maintained, repaired, and replaced from time to time, without the consent of the Holder, provided that such structures and improvements are installed and constructed in accordance with applicable law and regulations. New structures and improvements associated with a sporting camp, if authorized by the Maine Land Use Regulation Commission under the Resource Plan, may be installed, constructed, maintained, repaired, and replaced from time to time, without the consent of the Holder, if installed and constructed in accordance with the Resource Plan. New public roads and public utilities and telecommunications facilities may be installed, constructed, maintained, repaired, and replaced from time to time, without the consent of the Holder provided that such roads, utilities and/or telecommunications facilities are installed and constructed in accordance with applicable law and regulations, and further provided that, to the extent reasonably practical, such roads and utilities crossing the Protected Property shall be located in a manner to minimize their impact on the Protected Property's conservation values.

### **3. SURFACE ALTERATIONS**

Except in connection with Forest Management Activities and/or other uses of the Protected Property permitted by this Easement, no new filling, drilling, excavation or alteration of the surface of the earth, no removal of soil or minerals, and no changes in the topography, surface or sub-surface water are allowed on the Protected Property.

### **4. VEGETATION MANAGEMENT**

Except in connection with Forest Management Activities, no vegetation may be cut or removed from the Protected Property except as specifically provided in this Easement or as necessary to the uses of the Protected Property permitted herein, or as allowed by prior written consent of Holder.

### **5. WILDLIFE AND WATER QUALITY PROTECTION**

In order to sustain Forest Management Activities on the Protected Property, and to assure the preservation of the high quality scenic, natural and ecological character of the Protected Property, the following specific restrictions, subject to any more restrictive local, state, and



federal laws and regulations, are imposed on the Protected Property:

A. Overboard discharge or direct discharge of treated or untreated black or gray water waste into surface waters on or about the Protected Property is strictly prohibited.

B. It is forbidden to dispose of or store rubbish, garbage, debris, abandoned vehicles or equipment, parts thereof, or other unsightly, offensive, hazardous, toxic or other waste material on the Protected Property, except that organic compost, blowdowns, and by-products of on-site Forest Management Activities permitted by this Conservation Easement may be used or disposed of on the Protected Property in a manner consistent with standard Best Management Practices for forestry operations, and other waste generated by allowed uses on the Protected Property may be stored temporarily in appropriate containers for removal at reasonable intervals, subject to all applicable local, state, and federal laws and regulations.

C. The use of herbicides, insecticides, fungicides, fertilizers or other potentially harmful substances must be controlled and limited to use only in connection with Forest Management Activities or for public safety purposes and must be used in accordance with all applicable laws and regulations. All other use of these substances is prohibited on the Protected Property.

## **6. RECREATIONAL EASEMENT**

It is the Grantor's intent and objective to allow public access on and across and use of the Protected Property for traditional recreational uses (including snowmobiling) and to maintain opportunities for traditional recreational uses of the Protected Property. In furtherance thereof, daytime, public use of the Protected Property shall be permitted; provided, however, that Grantor reserves the right to make reasonable rules and regulations for different types of public use, and to control, limit or prohibit, by posting and other means, any use by the public (including without limitation, night use, camping, loud activities, open fires, motorized vehicles, use of equipment, and areas of access) for purposes of protecting public safety, protecting the conservation values of the Protected Property, and preventing interference with Forest Management Activities and other uses of the Protected Property permitted hereunder.

To the extent allowed by the Grantor, in its sole discretion, traditional recreational uses of the Protected Property by commercial guides, by customers of commercial sporting camps, and by non-profit camping and educational and scientific institutions, shall be permitted on the Protected Property, provided that they occur in a manner that is consistent with the terms and the Purpose of this Easement.

Notwithstanding the foregoing, this Easement does not grant any easement, right of way, right of access, or other interest or license on, across, over, or affecting any other land of Grantor not included in the Protected Property, and this Easement does not, and shall not be construed to, impose upon the Grantor, or its successors or assigns, any obligation to provide or allow public access on, across, over, or affecting any land of Grantor not included in the Protected Property. Any such rights or licenses affecting any land of Grantor not included in the Protected Property, if granted by Grantor in its sole discretion, shall be by a separate instrument or instruments

recorded in the Registry of Deeds where such other land is located, and no such rights or licenses shall arise by implication, necessity, or otherwise, and this Easement does not expand or extend any privilege or license currently provided by the Grantor

Grantor and Holder claim all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Section 159-A, et seq. as amended and successor provision thereof (Maine Recreational Use Statute), under the Maine Tort Claims Act, and under any other applicable provision of law and equity. Any use of the Protected Property by the public is at the public's sole risk and liability, and any use of the Protected Property shall be deemed a waiver of any and all liability of Grantor, its successors and assigns, for any injury, loss or damage occurring from such use.

## **7. RESTRICTIONS ON FOREST MANAGEMENT ACTIVITIES**

Forest Management Activities within 250 feet of the normal high watermark of *[insert name of waterbody]* shall be subject to the applicable permitting standards and regulations set forth in the land use standards established under the Resource Plan, so long as such plan is in effect, and, if no longer in effect, the applicable standards of the Maine Land Use Regulation Commission or, if the Maine Land Use Regulation Commission no longer exists, the regulations generally affecting timberlands within 250 feet of waterbodies in the region in which the Protected Property is located. Forest Management Activities beyond 250 feet of the normal high water mark of *[insert name of waterbody]* shall be subject only to those regulations in effect for general management subdistricts of the Maine Land Use Regulation Commission, as set forth in Chapter 10 of the Commission's Rules and Standards (or successor regulations thereto), or, if the Maine Land Use Regulation Commission no longer exists, to the regulations generally affecting large tracts of timberland in the region in which the Protected Property is located.

The term "normal high watermark" as used in this Easement means that line which is evident from visible markings, changes in the character of soils due to the prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In places where the shore or bank is of such character that the high watermark cannot be easily determined (rock slides, ledges, rapidly eroding or slumping banks), the normal high watermark will be estimated from places where it can be determined by the above method. Setbacks from the normal high watermark will be determined by horizontal measurement to the nearest point of the structure or activity.

## **8. PROTECTION OF CONSERVATION VALUES**

Upon mutual agreement of Grantor and Holder, the boundaries of this Easement may be modified for the purpose of protecting important conservation values and/or natural features, such as wetlands or other sensitive areas, provided that there is no net change in the total acreage of land affected by this Easement.

## **9. NOTICES**

Any notices or requests for the consent or approval of Holder must be also made to Third

Party, which must join in any such consent or approval as may be required of Holder in order for the same to be effective. Any such notices required or contemplated hereunder must include, at a minimum, sufficient information to enable Holder and Third Party to determine whether proposed plans are consistent with the terms of this Conservation Easement and the conservation purposes hereof. Notices to any party must be in writing and will be sufficient if served personally or sent by certified mail, return receipt requested, addressed as follows:

To Grantor: Plum Creek Maine Timberlands, L.L.C.  
999 Third Avenue, Suite 4300  
Seattle, Washington 98104  
Attn: General Counsel

With a copy to: Plum Creek Maine Timberlands, L.L.C.  
49 Mountain Avenue  
Post Office Box 400  
Fairfield, Maine 04937-0400  
Attn: General Manager, Northeast Region

To Holder: *[Insert name]*  
*[insert address]*  
*[insert city/state/zip]*  
Attn: *[insert officer]*

With a copy to Third Party: Maine Bureau of Parks and Lands  
22 State House Station  
Augusta, Maine 04333  
Attn: Director

or to such other authorized person as any party may from time to time designate by written notice to the others.

## **10. COSTS AND TAXES, RESPONSIBILITY**

Grantor is responsible to pay and discharge when due all property taxes, assessments and other costs, charges, liens and encumbrances lawfully imposed upon or in connection with the Protected Property and to avoid the imposition of any liens or encumbrances that may affect Holder's rights hereunder.

Grantor acknowledges that Holder has no possessory rights in the Protected Property, nor any responsibility or right to control, maintain or keep up the Protected Property. Grantor is responsible for all costs and responsibility of ownership, control, operation, maintenance, and upkeep of the Protected Property, and will indemnify, defend and hold harmless the Holder and Third Party from any claims for damages which arise therefrom, except for harm proximately caused by their negligent act or misconduct, or as may arise out of their workers' compensation obligations.

## **11. HOLDER'S AFFIRMATIVE RIGHTS**

A. Holder has the right to enforce this Conservation Easement by proceedings at law and in equity, including the right to prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Conservation Easement (other than those activities expressly authorized hereunder), and to require the restoration of any area or feature damaged by such inconsistent activity to a condition in compliance herewith. Holder shall provide Grantor with 30 days prior notice of and opportunity to cure any breach, except where emergency circumstances require enforcement action without such delay. Holder may not bring an enforcement action against Grantor for injury to or change in the Protected Property resulting from changes beyond the control or responsibility of Grantor, such as fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate or mitigate significant injury to the Protected Property resulting from such causes. If a Court (or other decision-maker chosen by mutual consent of the parties) determines that this Conservation Easement has been breached, Grantor will reimburse Holder for any reasonable costs of enforcement, including court costs, reasonable attorney's fees, out-of-pocket costs and any other payments ordered by the Court or decision-maker. If a Court (or other decision-maker chosen by mutual consent of the parties) determines that this Conservation Easement has not been breached, Holder will reimburse Grantor for any reasonable costs of enforcement, including court costs, reasonable attorney's fees, out-of-pocket costs and any other payments ordered by the Court or decision-maker.

B. Holder has the right to enter the Protected Property for inspection and enforcement purposes, at any time and in a reasonable manner that is consistent with the conservation purposes hereof and does not unreasonably interfere with Forest Management Activities undertaken by Grantor.

C. Holder has the right but not the duty to manage public recreational use of the Protected Property, to the extent such use is permitted hereby, in the absence of Grantor's managing such use.

## **12. THIRD PARTY RIGHTS AND ENFORCEMENT; APPLICABLE LAWS**

The Grantor grants to the Third Party the same entry, inspection, approval, management and enforcement rights as are granted to the Holder under this Conservation Easement. However, the Parties hereto intend that the Holder shall be primarily responsible for the monitoring and enforcement of this Conservation Easement, and that the Third Party intends to assume such responsibility only if the Holder fails to properly monitor and enforce. However, the Third Party may at any time exercise, in its own name and for its own account, all the rights of monitoring and enforcement granted the Holder under this Easement. The Third Party shall also have access to the Protected Property, and to any and all records of the Holder relevant to the Protected Property. Annual monitoring reports will be filed by the Holder with the Third Party.

Notwithstanding that Third Party has executed this Conservation Easement, nothing herein may be construed as approval of or as a substitute for approval or regulation of any activities under the regulatory jurisdiction of the Maine Land Use Regulation Commission or other State regulatory body. Nothing in this Conservation Easement may be construed to permit an activity otherwise prohibited or restricted by state, local or federal laws or regulations, all of which laws and regulations Grantor shall have a responsibility to comply with.

### **13. ADDITIONAL CONSERVATION EASEMENT REQUIREMENTS UNDER MAINE LAW**

A. This Conservation Easement is created pursuant to The Uniform Conservation Easement Act at Title 33, Maine Revised Statutes, 1989, Sections 476 through 479-B, inclusive, as amended, (or successor provisions thereof) and shall be construed in accordance with the laws of the State of Maine.

B. The Holder is qualified to hold conservation easements pursuant to Title 33 Maine Revised Statutes Annotated, Section 476(2)(B), as amended, (or successor provisions thereof) and is a Qualified Organization under Section 170(h)(3), as amended (or successor provisions thereof), to wit: a publicly funded, non-profit, section 501(C)(3) organization having a commitment and the resources to protect the conservation purposes of the donation and enforce the restrictions hereof.

C. The Third Party is qualified to hold third party rights of enforcement on conservation easements pursuant to Title 33, Maine Revised Statutes Annotated, Section 476(2)(A), as amended (or successor provisions thereof).

D. This Conservation Easement is assignable, but only after notice to and approval by Third Party and Grantor, and only to an entity that satisfies the requirements of Section 170(h)(3) of the Internal Revenue Code of 1986, as amended (or successor provisions thereof) and Section 476(2) of Title 33 of the Maine Revised Statutes Annotated (1989), as amended (or successor provisions thereof), and that agrees, as a condition of transfer, to monitor, enforce and otherwise uphold the conservation purposes and terms of this grant.

E. The Protected Property may be used to secure the repayment of debt, provided that the right of the Holder and Third Party to enforce the terms, restrictions and covenants created under this Easement shall continue and not be extinguished by foreclosure of any mortgage or any publicly or privately placed lien. The restrictions of this Conservation Easement, and Holder's and Third Party's right to enforce them shall be superior to any mortgage or lien.

F. This Conservation Easement constitutes a property right owned by the Holder. Notwithstanding that this Conservation Easement is an obligation, and not a financial asset, should it be extinguished which may be accomplished only by court order, Holder is entitled to a share of the proceeds of any sale, exchange, voluntary or involuntary conversion of the unrestricted property, including by an act of eminent domain or in lieu thereof, according to Holder's proportional interest in the Protected Property as determined by Treasury Regulations

1.170-A-14 (g)(6)(ii) or successor regulations. Holder's proportional interest is determined as of the date of this grant and will not include value attributable to improvements to the Protected Property that are in accordance with the terms of this Conservation Easement made after the date of this grant. Holder will use such proceeds for its conservation purposes, as approved by the Third Party.

#### **14. GENERAL PROVISIONS**

A. Enforcement of the terms of this Conservation Easement shall be at the sole discretion of the Holder and/or the Third Party. The failure or delay of the Holder or Third Party, for any reason whatsoever, to enforce this Conservation Easement shall not constitute a waiver of its rights and Grantor hereby waives any defense of laches, prescription or estoppel.

B. Grantor agrees to notify Holder and Third Party prior to any transfer of its interest in the Protected Property. A party's rights and obligations under this Conservation Easement shall terminate when such person or entity ceases to have any interest in the Protected Property or this Easement, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

C. The parties may amend this Conservation Easement only to the extent that changes are not inconsistent with the conservation purposes of this grant, and only by written and recorded agreement executed by the Grantor, Holder and Third Party.

D. If any provision of this Conservation Easement or the application of any provision to a particular person or circumstance is found to be invalid, the remainder of this Conservation Easement and the application of such provision to any other person or in any other circumstance, shall remain valid.

E. Interpretation and performance of this Conservation Easement shall be governed by the laws of the State of Maine. Should uncertainty arise in its meaning, this Conservation Easement should be interpreted in favor of conserving the Protected Property for the conservation purposes stated herein.

IN WITNESS WHEREOF, Plum Creek Maine Timberlands, L.L.C., Grantor, has caused this Conservation Easement to be signed in its corporate name, and its corporate seal to be hereto affixed, by Rick R. Holley, its President, hereunto duly authorized, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered  
in the presence of:

PLUM CREEK  
MAINE TIMBERLANDS, L.L.C.

\_\_\_\_\_

By: \_\_\_\_\_  
Rick R. Holley  
Its President

STATE OF WASHINGTON )  
COUNTY OF KING ) ss:

On this \_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared Rick R. Holley, to me known to be the President and Chief Executive Officer of Plum Creek Maine Timberlands, L.L.C., the limited liability company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of the limited liability company and that the seal affixed is the seal of said limited liability.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

\_\_\_\_\_  
Notary Public in and for the  
State of Washington  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
Printed Name: \_\_\_\_\_

**HOLDER ACCEPTANCE**

The above and foregoing Conservation Easement was authorized to be accepted by *[insert name of holder]*, Holder as aforesaid, and the said Holder does hereby accept the foregoing Conservation Easement, by and through \_\_\_\_\_, its \_\_\_\_\_, hereunto duly authorized, this \_\_ day of \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered  
in the presence of:

*[EASEMENT HOLDER]*

\_\_\_\_\_

By: \_\_\_\_\_

*[name of officer]*

Its *[insert title]*

State of Maine

County of \_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

Personally appeared \_\_\_\_\_, \_\_\_\_\_ and authorized representative of the above-named Holder and acknowledged the foregoing instrument to be his free act and deed in his/her said capacity, and the free act and deed of said *[insert holder name]*.

Before me,

\_\_\_\_\_  
Notary Public

Name: \_\_\_\_\_



**THIRD PARTY APPROVAL**

The foregoing Conservation Easement has been approved by the State of Maine Department of Conservation , which accepts Third Party rights as aforesaid acting by and through \_\_\_\_\_, in the capacity of Commissioner, hereunto duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Signed, sealed and delivered  
in the presence of:

MAINE DEPARTMENT  
OF CONSERVATION

\_\_\_\_\_

By: \_\_\_\_\_  
*[insert name of Commissioner]*  
Its Commissioner

State of Maine  
County of Kennebec, ss.

\_\_\_\_\_, 20\_\_

Personally appeared \_\_\_\_\_, hereunto duly authorized, and acknowledged the foregoing instrument to be the free act and deed of that person in said capacity as Commissioner of the Maine Department of Conservation.

Before me,

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_

**ATTACHMENTS:**

EXHIBIT A - A Metes and Bounds description of the Protected Property

EXHIBIT B - A Plot Plan depicting the Protected Property.

*Appendix 4*

**CONSERVATION EASEMENT**

Granted by

**Plum Creek Maine Timberlands, L.L.C.**

to

*[Easement Holder]*

in connection with the

Resource Plan

for

Plum Creek's Gateway Lands in the Moosehead Lake Region

approved by the

Maine Land Use Regulation Commission

on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

## CONSERVATION EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, **PLUM CREEK MAINE TIMBERLANDS, L.L.C.**, a Delaware limited liability company with a place of business in Fairfield, Maine (hereinafter referred to as the “Grantor,” which word is intended to include unless the context clearly indicates otherwise, the above-named Grantor and its successors and assigns, and any future owners or successors in interest to the Protected Property (defined below), and their executors, administrators and legal representatives), **GRANTS** to **[EASEMENT HOLDER]**, a Maine not-for profit corporation with a place of business in \_\_\_\_\_, Maine, Maine (hereinafter referred to as the “Holder,” which word shall, unless the context clearly indicates otherwise, include the Holder’s successors and/or assigns), and **GRANTS** to the **STATE OF MAINE** (hereinafter referred to as the “Third Party”, which shall, unless the context clearly indicates otherwise, include the Third Party’s successors and assigns), acting by and through its Department of Conservation, Bureau of Parks and Lands, with a mailing address of 22 State House Station, Augusta, Maine 04333, with **QUITCLAIM COVENANT**, in perpetuity, the following described **Conservation Easement** on land located in *[insert Township and County]*, Maine, hereinafter referred to as the Protected Property, and described on **Exhibit A**, attached hereto, and shown on a plot plan attached hereto as **Exhibit B**, both made a part hereof by reference.

### PURPOSE

This Conservation Easement is intended to provide a significant public benefit by protecting and preserving in perpetuity the Protected Property in its present and historic primarily undeveloped condition that allows its continued operation as a working forest with the perpetual ability to commercially produce forest products, and to conserve and/or enhance forest and wildlife habitats, undeveloped shoreline, and historic public recreation and nature observation and study opportunities of the Protected Property for present and future generations, subject only to such uses as are specifically provided for herein. Reference is made to the approved Resource Plan for Plum Creek’s Gateway Lands in the Moosehead Lake Region for Grantor’s land (the “Resource Plan”), of which the Protected Property is a part, on file at the offices of the Maine Land Use Regulation Commission in Augusta, Maine, or its successor agency. This easement applies to the Protected Property only. Nothing herein shall be construed to impose any obligation, restriction, or other encumbrance on any real property not expressly made a part of the Protected Property.

The following recitals more particularly describe the conservation values of the Protected Property and the significance of this grant.

WHEREAS, the Protected Property consists of *[insert acres]* of land which has been and continues to be used primarily as a working forest; and

WHEREAS, the Protected Property consists of *[insert acres]* acres of land and approximately *[insert shoreline feet]* feet of scenic, undeveloped shoreline (constituting the entire shoreline of *[insert name of waterbody]*); and

WHEREAS, *[insert name of waterbody]* contains no structural development (other than as set forth herein); and

WHEREAS, it is a significant public benefit that *[insert name of waterbody]* remain free from structural development and in a substantially wooded state; and

WHEREAS, this Conservation Easement makes the Protected Property available for forest management and related activities and for public outdoor recreation that is consistent with the conservation of the Protected Property's undeveloped natural features; and

WHEREAS, this Conservation Easement is granted not as a gift but pursuant to the terms of the Resource Plan and in consideration for and mitigation of certain development that will be or has been authorized by the Commission.

NOW THEREFORE the Grantor and Holder have established this Conservation Easement affecting the Protected Property consisting of the following terms, covenants, restrictions, and affirmative rights, which shall run with and bind the Protected Property in perpetuity:

## **TERMS, COVENANTS AND RESTRICTIONS**

### **1. GENERAL LAND USES**

Except in connection with Forest Management Activities (defined below) or as otherwise expressly stated to the contrary herein, structural development, commercial, residential, industrial, energy generation, landfill, and waste disposal activities are prohibited on the Protected Property. Without limiting the generality of the foregoing, houses, apartment buildings, multi-family housing units, campgrounds, condominiums, trailer parks, mobile homes, permanent outdoor high-intensity lights, motels or hotels, billboards, junk yards, and commercial and industrial uses of all kind, are specifically prohibited on the Protected Property unless otherwise provided herein.

Notwithstanding anything to the contrary in this Easement, Grantor, its successors and assigns, shall have the perpetual right to undertake any and all Forest Management Activities on the Protected Property, subject only to the limitations set forth in Paragraph 7 of this Easement. As used in this Easement, the term "Forest Management Activities" means all forest management practices allowable under law (now or in the future) and the harvesting and removal of any and all forest products by any and all current and future harvesting and removal techniques allowable under law. Forest Management Activities shall include, but not be limited to, the following activities and the Grantor's management of such activities: reforestation, planting, growing, cutting, and harvesting trees, forest products, and other vegetation; construction, use, and maintenance of skid trails, skid roads, skidder bridges, log yards, landing and staging areas, land management roads, winter haul roads or other paths, roads, or trails used to provide pedestrian, domestic animal and vehicular access to and from and within the Protected

Property in order to carry out the Forest Management Activities on the Protected Property; clearing for reforestation; harvesting, pruning, girdling, or trimming trees and other vegetation; harvesting forest products with domestic animals or mechanical equipment; maintenance of existing fields and meadows; conducting timber cruising, forest management planning, forest stand improvement, forest crop selection, forest research, and other forest resource evaluation activities; cutting and removing forest products, including but not limited to trees, logs, poles, posts, pulpwood, firewood, chips, seeds, pinestraw, stumps, seed cones, bark, shrubs, lesser vegetation, and biomass; collection and processing of all sugar maple products; conducting fire control and other activities to prevent or control losses or damage to forest crops or forest products; identifying and marking boundaries; salvaging forest crops or forest products; marking timber and performing other activities to identify trees or areas for harvest; performing commercial and pre-commercial silvicultural treatments; disposing of harvesting debris and conducting post-harvest or site recovery activities; applying in accordance with applicable statutes and regulations herbicides, pesticides, fungicides, rodenticides, insecticides, and fertilizers; removing, loading, and transporting timber and other forest crops and products; processing forest products with portable or temporary equipment designed for in-woods processing; trimming, cutting, removing, burning, or otherwise disposing of any trees or vegetation which are diseased, rotten, damaged or fallen; trimming, cutting, removing, or otherwise disposing of any trees or vegetation as is necessary to construct or maintain fire lanes, footpaths, and any roads permitted under this Easement; the removal (by quarrying or otherwise) of gravel and other minerals from the earth and the storage of the same (which gravel and other minerals may be used for any lawful purpose, including sale to others); and any other activity the Grantee deems useful or expedient in connection with the foregoing.

## **2. STRUCTURES AND IMPROVEMENTS**

From the date of this Grant, no new structures, temporary or permanent, are allowed to be constructed, placed or maintained on the Protected Property, other than Forestry Improvements (described below), structures and improvements for purposes of nature observation (including, without limitation, observation blinds and platforms), trails for use by the general public, sporting camps as may be authorized by the Maine Land Use Regulation Commission under the Resource Plan, public roads and public utilities and telecommunications facilities, and subdivision roads authorized by the Maine Land Use Regulation Commission under the Resource Plan.

Notwithstanding the foregoing, Grantor may develop, construct, maintain, install, replace and repair at any time and from time to time Forestry Improvements on the Protected Property. For purposes of this Easement, the term "Forestry Improvements" means any and all structures, facilities, improvements and utilities that are used in connection with and/or for the purpose of accomplishing Forest Management Activities on the Protected Property, including, without limitation, roads, fences, bridges, gates, maple sugar houses and appurtenant facilities, forest management camps, logging camps, and housing facilities for persons involved with Forest Management Activities on the Protected Property, barns, garages, storage facilities, associated signs and structures, utility services to serve and support such Forestry Improvements, including telecommunication systems, electric power lines and generation facilities, wells, and septic disposal facilities; provided, however, that, to the extent reasonably practical, such utility

services crossing the Protected Property shall be located in a manner to minimize their impact on the Protected Property's conservation values. Non-portable and non-mobile sawmills and forest products processing or manufacturing structures and facilities shall not be permitted on the Protected Property; however, portable sawmills, mobile chippers and other mobile processing equipment not requiring the permanent installation of structures or utilities shall be permitted. All Forestry Improvements permitted hereunder shall be installed and constructed in accordance with applicable law and regulations.

Existing (as of the date of this Grant) structures, improvements and utilities that are not associated with Forest Management Activities may be maintained, replaced and repaired from time to time, but may not be expanded without the consent of the Holder, which consent shall be granted only upon a determination by the Holder, in its reasonable judgment, that the action will not be inconsistent with the purpose of this Easement. New, minor structures and improvements for traditional, recreational uses such as trails, bridges, benches, tables, public boat launches maintained by the Department of Inland Fisheries and Wildlife (or its successor agency), erosion control systems, wells and springs, may be installed, constructed, maintained, repaired, and replaced from time to time, without the consent of the Holder, provided that such structures and improvements are installed and constructed in accordance with applicable law and regulations. New structures and improvements associated with a sporting camp, if authorized by the Maine Land Use Regulation Commission under the Resource Plan, may be installed, constructed, maintained, repaired, and replaced from time to time, without the consent of the Holder, if installed and constructed in accordance with the Resource Plan. New public roads and public utilities and telecommunications facilities may be installed, constructed, maintained, repaired, and replaced from time to time, without the consent of the Holder provided that such roads, utilities and/or telecommunications facilities are installed and constructed in accordance with applicable law and regulations, and further provided that, to the extent reasonably practical, such roads and utilities crossing the Protected Property shall be located in a manner to minimize their impact on the Protected Property's conservation values. New subdivision roads authorized by the Maine Land Use Regulation Commission in connection with the Resource Plan may be installed, constructed, maintained, repaired, and replaced from time to time, without the consent of the Holder.

### **3. SURFACE ALTERATIONS**

Except in connection with Forest Management Activities and/or other uses of the Protected Property permitted by this Easement, no new filling, drilling, excavation or alteration of the surface of the earth, no removal of soil or minerals, and no changes in the topography, surface or sub-surface water are allowed on the Protected Property.

### **4. VEGETATION MANAGEMENT**

Except in connection with Forest Management Activities, no vegetation may be cut or removed from the Protected Property except as specifically provided in this Easement or as necessary to the uses of the Protected Property permitted herein, or as allowed by prior written consent of Holder.

## **5. WILDLIFE AND WATER QUALITY PROTECTION**

In order to sustain Forest Management Activities on the Protected Property, and to assure the preservation of the high quality scenic, natural and ecological character of the Protected Property, the following specific restrictions, subject to any more restrictive local, state, and federal laws and regulations, are imposed on the Protected Property:

A. Overboard discharge or direct discharge of treated or untreated black or gray water waste into surface waters on or about the Protected Property is strictly prohibited.

B. It is forbidden to dispose of or store rubbish, garbage, debris, abandoned vehicles or equipment, parts thereof, or other unsightly, offensive, hazardous, toxic or other waste material on the Protected Property, except that organic compost, blowdowns, and by-products of on-site Forest Management Activities permitted by this Conservation Easement may be used or disposed of on the Protected Property in a manner consistent with standard Best Management Practices for forestry operations, and other waste generated by allowed uses on the Protected Property may be stored temporarily in appropriate containers for removal at reasonable intervals, subject to all applicable local, state, and federal laws and regulations.

C. The use of herbicides, insecticides, fungicides, fertilizers or other potentially harmful substances must be controlled and limited to use only in connection with Forest Management Activities or for public safety purposes and must be used in accordance with all applicable laws and regulations. All other use of these substances is prohibited on the Protected Property.

## **6. RECREATIONAL EASEMENT**

It is the Grantor's intent and objective to allow public access on and across and use of the Protected Property for traditional recreational uses (including snowmobiling) and to maintain opportunities for traditional recreational uses of the Protected Property. In furtherance thereof, daytime, public use of the Protected Property shall be permitted; provided, however, that Grantor reserves the right to make reasonable rules and regulations for different types of public use, and to control, limit or prohibit, by posting and other means, any use by the public (including without limitation, night use, camping, loud activities, open fires, motorized vehicles, use of equipment, and areas of access) for purposes of protecting public safety, protecting the conservation values of the Protected Property, and preventing interference with Forest Management Activities and other uses of the Protected Property permitted hereunder.

To the extent allowed by the Grantor, in its sole discretion, traditional recreational uses of the Protected Property by commercial guides, by customers of commercial sporting camps, and by non-profit camping and educational and scientific institutions, shall be permitted on the Protected Property, provided that they occur in a manner that is consistent with the terms and the Purpose of this Easement.

Notwithstanding the foregoing, this Easement does not grant any easement, right of way, right of access, or other interest or license on, across, over, or affecting any other land of Grantor



not included in the Protected Property, and this Easement does not, and shall not be construed to, impose upon the Grantor, or its successors or assigns, any obligation to provide or allow public access on, across, over, or affecting any land of Grantor not included in the Protected Property. Any such rights or licenses affecting any land of Grantor not included in the Protected Property, if granted by Grantor in its sole discretion, shall be by a separate instrument or instruments recorded in the Registry of Deeds where such other land is located, and no such rights or licenses shall arise by implication, necessity, or otherwise, and this Easement does not expand or extend any privilege or license currently provided by the Grantor

Grantor and Holder claim all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Section 159-A, et seq. as amended and successor provision thereof (Maine Recreational Use Statute), under the Maine Tort Claims Act, and under any other applicable provision of law and equity. Any use of the Protected Property by the public is at the public's sole risk and liability, and any use of the Protected Property shall be deemed a waiver of any and all liability of Grantor, its successors and assigns, for any injury, loss or damage occurring from such use.

## **7. RESTRICTIONS ON FOREST MANAGEMENT ACTIVITIES**

Forest Management Activities within 250 feet of the normal high watermark of *[insert name of waterbody]* shall be subject to the applicable permitting standards and regulations set forth in the land use standards established under the Resource Plan, so long as such plan is in effect, and, if no longer in effect, the applicable standards of the Maine Land Use Regulation Commission or, if the Maine Land Use Regulation Commission no longer exists, the regulations generally affecting timberlands within 250 feet of waterbodies in the region in which the Protected Property is located. Forest Management Activities beyond 250 feet of the normal high water mark of *[insert name of waterbody]* shall be subject only to those regulations in effect for general management subdistricts of the Maine Land Use Regulation Commission, as set forth in Chapter 10 of the Commission's Rules and Standards (or successor regulations thereto), or, if the Maine Land Use Regulation Commission no longer exists, to the regulations generally affecting large tracts of timberland in the region in which the Protected Property is located.

The term "normal high watermark" as used in this Easement means that line which is evident from visible markings, changes in the character of soils due to the prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In places where the shore or bank is of such character that the high watermark cannot be easily determined (rock slides, ledges, rapidly eroding or slumping banks), the normal high watermark will be estimated from places where it can be determined by the above method. Setbacks from the normal high watermark will be determined by horizontal measurement to the nearest point of the structure or activity.

## **8. PROTECTION OF CONSERVATION VALUES**

Upon mutual agreement of Grantor and Holder, the boundaries of this Easement may be modified for the purpose of protecting important conservation values and/or natural features, such as wetlands or other sensitive areas, provided that there is no net change in the total acreage

of land affected by this Easement.

## 9. NOTICES

Any notices or requests for the consent or approval of Holder must be also made to Third Party, which must join in any such consent or approval as may be required of Holder in order for the same to be effective. Any such notices required or contemplated hereunder must include, at a minimum, sufficient information to enable Holder and Third Party to determine whether proposed plans are consistent with the terms of this Conservation Easement and the conservation purposes hereof. Notices to any party must be in writing and will be sufficient if served personally or sent by certified mail, return receipt requested, addressed as follows:

To Grantor: Plum Creek Maine Timberlands, L.L.C.  
999 Third Avenue, Suite 4300  
Seattle, Washington 98104  
Attn: General Counsel

With a copy to: Plum Creek Maine Timberlands, L.L.C.  
49 Mountain Avenue  
Post Office Box 400  
Fairfield, Maine 04937-0400  
Attn: General Manager, Northeast Region

To Holder: *[Insert name]*  
*[insert address]*  
*[insert city/state/zip]*  
Attn: *[insert officer]*

With a copy to Third Party: Maine Bureau of Parks and Lands  
22 State House Station  
Augusta, Maine 04333  
Attn: Director

or to such other authorized person as any party may from time to time designate by written notice to the others.

## 10. COSTS AND TAXES, RESPONSIBILITY

Grantor is responsible to pay and discharge when due all property taxes, assessments and other costs, charges, liens and encumbrances lawfully imposed upon or in connection with the Protected Property and to avoid the imposition of any liens or encumbrances that may affect Holder's rights hereunder.

Grantor acknowledges that Holder has no possessory rights in the Protected Property, nor any responsibility or right to control, maintain or keep up the Protected Property. Grantor is responsible for all costs and responsibility of ownership, control, operation, maintenance, and

upkeep of the Protected Property, and will indemnify, defend and hold harmless the Holder and Third Party from any claims for damages which arise therefrom, except for harm proximately caused by their negligent act or misconduct, or as may arise out of their workers' compensation obligations.

## **11. HOLDER'S AFFIRMATIVE RIGHTS**

A. Holder has the right to enforce this Conservation Easement by proceedings at law and in equity, including the right to prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Conservation Easement (other than those activities expressly authorized hereunder), and to require the restoration of any area or feature damaged by such inconsistent activity to a condition in compliance herewith. Holder shall provide Grantor with 30 days prior notice of and opportunity to cure any breach, except where emergency circumstances require enforcement action without such delay. Holder may not bring an enforcement action against Grantor for injury to or change in the Protected Property resulting from changes beyond the control or responsibility of Grantor, such as fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate or mitigate significant injury to the Protected Property resulting from such causes. If a Court (or other decision-maker chosen by mutual consent of the parties) determines that this Conservation Easement has been breached, Grantor will reimburse Holder for any reasonable costs of enforcement, including court costs, reasonable attorney's fees, out-of-pocket costs and any other payments ordered by the Court or decision-maker. If a Court (or other decision-maker chosen by mutual consent of the parties) determines that this Conservation Easement has not been breached, Holder will reimburse Grantor for any reasonable costs of enforcement, including court costs, reasonable attorney's fees, out-of-pocket costs and any other payments ordered by the Court or decision-maker.

B. Holder has the right to enter the Protected Property for inspection and enforcement purposes, at any time and in a reasonable manner that is consistent with the conservation purposes hereof and does not unreasonably interfere with Forest Management Activities undertaken by Grantor.

C. Holder has the right but not the duty to manage public recreational use of the Protected Property, to the extent such use is permitted hereby, in the absence of Grantor's managing such use.

## **12. THIRD PARTY RIGHTS AND ENFORCEMENT; APPLICABLE LAWS**

The Grantor grants to the Third Party the same entry, inspection, approval, management and enforcement rights as are granted to the Holder under this Conservation Easement. However, the Parties hereto intend that the Holder shall be primarily responsible for the monitoring and enforcement of this Conservation Easement, and that the Third Party intends to assume such responsibility only if the Holder fails to properly monitor and enforce. However, the Third Party may at any time exercise, in its own name and for its own account, all the rights of monitoring and enforcement granted the Holder under this Easement. The Third Party shall

also have access to the Protected Property, and to any and all records of the Holder relevant to the Protected Property. Annual monitoring reports will be filed by the Holder with the Third Party.

Notwithstanding that Third Party has executed this Conservation Easement, nothing herein may be construed as approval of or as a substitute for approval or regulation of any activities under the regulatory jurisdiction of the Maine Land Use Regulation Commission or other State regulatory body. Nothing in this Conservation Easement may be construed to permit an activity otherwise prohibited or restricted by state, local or federal laws or regulations, all of which laws and regulations Grantor shall have a responsibility to comply with.

### **13. ADDITIONAL CONSERVATION EASEMENT REQUIREMENTS UNDER MAINE LAW**

A. This Conservation Easement is created pursuant to The Uniform Conservation Easement Act at Title 33, Maine Revised Statutes, 1989, Sections 476 through 479-B, inclusive, as amended, (or successor provisions thereof) and shall be construed in accordance with the laws of the State of Maine.

B. The Holder is qualified to hold conservation easements pursuant to Title 33 Maine Revised Statutes Annotated, Section 476(2)(B), as amended, (or successor provisions thereof) and is a Qualified Organization under Section 170(h)(3), as amended (or successor provisions thereof), to wit: a publicly funded, non-profit, section 501(C)(3) organization having a commitment and the resources to protect the conservation purposes of the donation and enforce the restrictions hereof.

C. The Third Party is qualified to hold third party rights of enforcement on conservation easements pursuant to Title 33, Maine Revised Statutes Annotated, Section 476(2)(A), as amended (or successor provisions thereof).

D. This Conservation Easement is assignable, but only after notice to and approval by Third Party and Grantor, and only to an entity that satisfies the requirements of Section 170(h)(3) of the Internal Revenue Code of 1986, as amended (or successor provisions thereof) and Section 476(2) of Title 33 of the Maine Revised Statutes Annotated (1989), as amended (or successor provisions thereof), and that agrees, as a condition of transfer, to monitor, enforce and otherwise uphold the conservation purposes and terms of this grant.

E. The Protected Property may be used to secure the repayment of debt, provided that the right of the Holder and Third Party to enforce the terms, restrictions and covenants created under this Easement shall continue and not be extinguished by foreclosure of any mortgage or any publicly or privately placed lien. The restrictions of this Conservation Easement, and Holder's and Third Party's right to enforce them shall be superior to any mortgage or lien.

F. This Conservation Easement constitutes a property right owned by the Holder. Notwithstanding that this Conservation Easement is an obligation, and not a financial asset,

should it be extinguished which may be accomplished only by court order, Holder is entitled to a share of the proceeds of any sale, exchange, voluntary or involuntary conversion of the unrestricted property, including by an act of eminent domain or in lieu thereof, according to Holder's proportional interest in the Protected Property as determined by Treasury Regulations 1.170-A-14 (g)(6)(ii) or successor regulations. Holder's proportional interest is determined as of the date of this grant and will not include value attributable to improvements to the Protected Property that are in accordance with the terms of this Conservation Easement made after the date of this grant. Holder will use such proceeds for its conservation purposes, as approved by the Third Party.

#### **14. GENERAL PROVISIONS**

A. Enforcement of the terms of this Conservation Easement shall be at the sole discretion of the Holder and/or the Third Party. The failure or delay of the Holder or Third Party, for any reason whatsoever, to enforce this Conservation Easement shall not constitute a waiver of its rights and Grantor hereby waives any defense of laches, prescription or estoppel.

B. Grantor agrees to notify Holder and Third Party prior to any transfer of its interest in the Protected Property. A party's rights and obligations under this Conservation Easement shall terminate when such person or entity ceases to have any interest in the Protected Property or this Easement, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

C. The parties may amend this Conservation Easement only to the extent that changes are not inconsistent with the conservation purposes of this grant, and only by written and recorded agreement executed by the Grantor, Holder and Third Party.

D. If any provision of this Conservation Easement or the application of any provision to a particular person or circumstance is found to be invalid, the remainder of this Conservation Easement and the application of such provision to any other person or in any other circumstance, shall remain valid.

E. Interpretation and performance of this Conservation Easement shall be governed by the laws of the State of Maine. Should uncertainty arise in its meaning, this Conservation Easement should be interpreted in favor of conserving the Protected Property for the conservation purposes stated herein.

IN WITNESS WHEREOF, Plum Creek Maine Timberlands, L.L.C., Grantor, has caused this Conservation Easement to be signed in its corporate name, and its corporate seal to be hereto affixed, by Rick R. Holley, its President, hereunto duly authorized, this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered  
in the presence of:

PLUM CREEK  
MAINE TIMBERLANDS, L.L.C.

\_\_\_\_\_

By: \_\_\_\_\_  
Rick R. Holley  
Its President

STATE OF WASHINGTON )  
COUNTY OF KING ) ss:

On this \_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared Rick R. Holley, to me known to be the President and Chief Executive Officer of Plum Creek Maine Timberlands, L.L.C., the limited liability company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of the limited liability company and that the seal affixed is the seal of said limited liability.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

\_\_\_\_\_  
Notary Public in and for the  
State of Washington  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
Printed Name: \_\_\_\_\_

**HOLDER ACCEPTANCE**

The above and foregoing Conservation Easement was authorized to be accepted by *[insert name of holder]*, Holder as aforesaid, and the said Holder does hereby accept the foregoing Conservation Easement, by and through \_\_\_\_\_, its \_\_\_\_\_, hereunto duly authorized, this \_\_ day of \_\_\_\_\_, 20\_\_.

Signed, sealed and delivered  
in the presence of:

*[EASEMENT HOLDER]*

\_\_\_\_\_

By: \_\_\_\_\_

*[name of officer]*

Its *[insert title]*

State of Maine

County of \_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

Personally appeared \_\_\_\_\_, \_\_\_\_\_ and authorized representative of the above-named Holder and acknowledged the foregoing instrument to be his free act and deed in his/her said capacity, and the free act and deed of said *[insert holder name]*.

Before me,

\_\_\_\_\_  
Notary Public

Name: \_\_\_\_\_

**THIRD PARTY APPROVAL**

The foregoing Conservation Easement has been approved by the State of Maine Department of Conservation , which accepts Third Party rights as aforesaid acting by and through \_\_\_\_\_, in the capacity of Commissioner, hereunto duly authorized this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Signed, sealed and delivered  
in the presence of:

MAINE DEPARTMENT  
OF CONSERVATION

\_\_\_\_\_

By: \_\_\_\_\_  
*[insert name of Commissioner]*  
Its Commissioner

State of Maine  
County of Kennebec, ss.

\_\_\_\_\_, 20\_\_

Personally appeared \_\_\_\_\_, hereunto duly authorized, and acknowledged the foregoing instrument to be the free act and deed of that person in said capacity as Commissioner of the Maine Department of Conservation.

Before me,

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_



**ATTACHMENTS:**

EXHIBIT A - A Metes and Bounds description of the Protected Property

EXHIBIT B - A Plot Plan depicting the Protected Property.

## *Appendix 5*

### **HIKING TRAIL EASEMENT**

KNOW ALL BY THESE PRESENTS, that **PLUM CREEK MAINE TIMBERLANDS, L.L.C.** (formerly known as SDW TIMBER II, L.L.C.), a limited liability company organized and existing under the laws of the State of Delaware and having a mailing address of 999 Third Avenue, Suite 2300, Seattle, WA 98104, (hereinafter referred to as the “Grantor,” which word is intended to include unless the context clearly indicates otherwise, the above-named Grantor and its successors and assigns and any future owners or successors in interest to the Property, and their agents, executors, administrators and legal representatives) GRANT(s) to **THE STATE OF MAINE** acting by and through the Department of Conservation, Bureau of Parks and Lands, with a mailing address of 22 State House Station, Augusta, ME 04333 (hereinafter referred to as the “HOLDER,” which word shall, unless the context clearly indicates otherwise, include the Holder’s successors and/or assigns), with QUITCLAIM COVENANT, in perpetuity, the following described Hiking Trail Easement on and across land of Grantor located in \_\_\_\_\_ Townships, in \_\_\_\_\_ County, Maine, hereinafter referred to as the PROPERTY, and described on Exhibit A, attached hereto, which trail easements are depicted on a plot plan attached hereto as Exhibit B, both made a part hereof by reference;

### **PURPOSE**

The purpose of this Hiking Trail Easement is to allow the public, under the auspices and control of the Holder, to construct and utilize a specifically designated portion of the Property of Grantor, which may be relocated from time to time, for Hiking Trail purposes. It is further understood that such Hiking Trail usage shall in no event interfere with all of Grantor’s reserved uses, including, without limitation, forestry uses and the right to conduct forest management activities, it being the intent that the working forest nature of the Property will be the primary use and the Hiking Trails will be the secondary use. It is further the intent of this Hiking Trail Easement that, subject to all the reserved rights and uses of the Grantor, passage by the public on such Hiking Trails, as the same may be relocated from time to time at the expense of the Holder, will be forever preserved and protected. This easement applies to the Property only. Nothing herein shall be construed to impose any obligation, restriction, or other encumbrance on any real property not expressly made a part of the Property.

WHEREAS, Grantor has agreed to create permanent easement rights for the Hiking Trails on the Property as a condition to approval by the Maine Land Use Regulation Commission (“LURC”) of a certain Resource Plan satisfactory to Grantor and approved by LURC on \_\_\_\_\_ 200 \_\_\_\_, (the “Resource Plan,” incorporated herein by reference) and related subdivisions; and

WHEREAS, the Property is within the Moosehead Lake region, an area of unique public interest; and

WHEREAS, this Hiking Trail Easement makes the designated Hiking Trails on the Property available to the public for recreational activities consistent with the terms hereof, while allowing Grantor to continue its forest management activities and all other reserved uses on the Property.

NOW THEREFORE, the Grantor and Holder have established a Hiking Trail Easement affecting the Property consisting of the following terms, covenants, restrictions and affirmative rights, which shall run with and bind the Property in perpetuity:

**1. Public Hiking Trail Easement.**

**A. Use.** The public, subject to the rights and obligations of the parties herein, shall have the perpetual right to enter upon and make use of the Hiking Trails on the Property for recreational Hiking, as defined below, trail maintenance, and trail preparation; and, such other uses consistent herewith from time to time permitted by the Rules and Regulation adopted by Grantor pursuant to **Section 1 C** below.

**B. Trail Location, Cutting and Maintenance.** The approximate location of each existing or proposed Hiking Trail on the Property is depicted on Exhibit B. Each Hiking Trail shall have a width of six (6) feet. The rights and easements granted shall include those reasonably necessary or desirable to construct any “proposed” trails depicted on Exhibit B. Holder or its designated agents operating under its direction and control shall be responsible for all aspects of Trail design, layout, cutting, grading, drainage and all related maintenance. Construction of proposed Hiking Trails, and maintenance of all existing Hiking Trails, shall be subject to reasonable standards, rules and regulations from time to time adopted by Grantor pursuant to **Section 1.C** below. Trails shall be generally left in a primitive state, and in no event shall any Trail be paved with any asphalt, concrete, recycled material or other impervious surface. All such work shall be undertaken at Holder’s sole cost and expense, subject to the right of Grantor to supervise and control such activities so as not to unreasonably damage the forest or the Property. Holder shall be responsible for obtaining all permits for such construction activities and permitted use of the Hiking Trails from all Federal, state or local authorities with jurisdiction over the Hiking Trails or Property. Holder agrees that the location design and capacity of any necessary bridges, stream crossings or culverts built or improved by the Holder must be approved in advance by Grantor.

**C. Right of Grantor to Establish Rules and Regulations Concerning Public Use, Construction and Maintenance.** The right of the public to use the Hiking Trails and the duties of Holder as to Trail oversight, maintenance and construction are subject to the reserved right of Grantor (upon reasonable opportunity to comment by Holder, except in the case of an emergency) to establish reasonable rules, regulations and restrictions, for the conservation and protection of the Property, and for the protection and enhancement of all reserved uses of the Grantor hereunder. Grantor’s reserved right to make reasonable rules and regulations shall include the rights, without limitation, to control, limit or prohibit, by posting and other reasonable means, on some or all of the Hiking Trails or on any of the Property of Grantor, Snowmobiles, all terrain vehicles (“ATVs”), motorized vehicles, night use, camping, loud activities, open fires, domesticated animals, pets or bicycles, posting of signs, or cutting trees outside the Trail corridor.

**D. Publications.** Grantor shall be provided at least thirty (30) days advance opportunity to review for accuracy and content any maps, pamphlets or brochures printed and distributed by the Holder or its agents in regard to public use of the Hiking Trails.

## **2. Reservation of Uses, Forest Management Activities and Timber Harvesting.**

**A. Reservation of all Uses.** Grantor reserves all the rights, uses, title and interest in and to the Property other than those specific grants and covenants made to Holder in this Agreement. Grantor specifically reserves, without limitation, the perpetual right on the Property to engage in Forest Management Activities and Timber Harvesting, as defined below. The public shall not be permitted by Holder to interfere with any reserved rights and uses of Grantor, including without limitation, the right to engage in Forest Management Activities and Timber Harvesting on, over, across, near or in the vicinity of the Hiking Trails. Nor shall this Agreement be construed in any manner to create any obligation of Grantor to maintain a buffer strip, undisturbed forest land, view corridor or other limitation on its forestry and other land uses activities, other than as may be required by the general laws, regulations and rules governing Grantor's uses on the Property existing on the date hereof. In the event that any future statute, regulation or rule has the effect of expanding or enhancing the public use of the Hiking Trails, contrary to or inconsistent with the terms and provisions of this Hiking Trail Easement, the enactment of such law, regulation or rule shall be deemed a material default without the requirement of proof of specific impact, and shall entitle Grantor to exercise the remedies for default provided in **Section 6** below.

**B. Right to Close and Require Relocation of Hiking Trails.** Grantor's reserved rights shall include, without limitation, the power on thirty (30) days advance notice, or shorter periods in the event of an emergency, to close portions of the Hiking Trails or to require relocation of Trail segments, on either a temporary or permanent basis, as Grantor may determine in its sole judgment as necessary or appropriate in order more fully to make use of the Property. Upon receipt of such notice, Holder shall take all reasonable steps to close the Trail, or relocate the Trail, as the case may be, to a new location acceptable to Grantor which location shall be confirmed by an amendment to Exhibit B executed by the parties. Holder agrees to undertake all improvement work on any trail relocation at its sole cost and expense. If Holder fails to relocate a Hiking Trail within one hundred eighty (180) days of the notice of relocation from Grantor, such trail, or portion thereof, shall be deemed abandoned forever, and Grantor may record a revised Exhibit B, without consent of Holder depicting such abandonment at the applicable county registry of deeds. Such right to close or relocate trails shall not be construed to limit Grantor's rights otherwise to engage in any uses of the Property, including without limitation Forest Management Activities and Timber Harvesting, on, over, across, near or in the vicinity of the Hiking Trails as permitted in **Section 2.A** above.

**C. Nonexclusivity.** Nothing contained in this Hiking Trail Easement shall be construed as imposing an obligation upon Grantor to restrict any other license or permission granted by Grantor on the Property to Holder, the public or any other party, nor shall anything contained in this Hiking Trail Easement be construed as granting an exclusive right to carry on any activity on Grantor's Property other than those granted to the Holder for that purpose by other recorded instruments. Other than as set forth in this Hiking Trail Easement no permanent expressed or

implied right of access to, or use of, private lands and/or improvements, including, but not limited to, roads owned by Grantor, is granted, transferred, or assigned.

### **3. Immunities.**

Grantor and Holder claim all of the rights and immunities against liability to the fullest extent of the law under Title 14 M.R.S.A., Section 159-A, et seq. as amended and any successor provisions thereof, (Maine Recreational Use Statute), and Title 14 M.R.S.A. Section 8101, et seq. as amended and any successor provisions thereof, (the Maine Tort Claims Act), and under any other applicable provision of law.

### **4. Additional Provisions Applicable to Hiking and Related Usage of the Hiking Trails.**

Without limitation to Grantor's rights to impose Rules and Regulations limiting the use of the Hiking Trails, the following special provisions shall at all time apply to the Hiking Trails:

**A. Trail Usage.** Holder expressly agrees to adequately police the Hiking Trails, to provide proper supervision of use of the Hiking Trails by the public, and to adequately maintain and repair the Hiking Trails. Holder shall keep the Hiking Trails clear of debris and litter and shall take all reasonable steps to insure that the exercise of this Hiking Trail Easement is done in a manner consistent with the provisions of this Hiking Trail Easement and all Rules and Regulations from time to time adopted by Grantor as permitted in **Section 1.C**.

**B. Unauthorized Use of Property.** Holder agrees to use every available means to discourage unauthorized public travel on the Property outside of the Hiking Trail corridors.

**C. Trail Network.** In the event that Forest Management Activities and Timber Harvesting of Grantor is of an unusual or emergency nature which would be in conflict with Holder's use under the terms of this Hiking Trail Easement, Grantor agrees to employ reasonable measures to expedite the granting of permission of an alternate route. Preparation and maintenance of that alternate route will be the responsibility and expense of Holder.

**E. Fees.** Holder agrees that it shall not charge a user fee or similar specific assessment for the use of the Hiking Trails without the prior consent in writing of Grantor, which consent may be withheld in its absolute discretion. This prohibition shall not restrict the Holder from assessing fees of general application to the public. Grantor reserves the right to assess a user's fee as part of Rules and Regulations contemplated by **Section 1.C** above if in its judgment the fees are necessary to cover its costs associated with this Hiking Trail Easement.

**F. Public Controversies.** Holder shall be solely responsible for the handling and administration of all public matters, controversies or conflicts regarding the rights of the public under this Hiking Trail Easement. Holder shall designate a representative as its official contact person to whom all public inquiries may be forwarded by Grantor.

### **5. Indemnification and Insurance.**

**A. Indemnification.** Holder shall indemnify, save, and hold Grantor harmless from and against any and all loss, damage, expense (including attorneys' fees), responsibility, liability for injury or death of persons and/or loss, damage to, or destruction of property belonging to Grantor

or others, or for claims therefor, whether or not Grantor has suffered actual loss, damage, environmental contamination or expense ("Loss"), where such Loss has resulted from, pertains to, or has arisen out of the Hiking Trail Easement. Holder's indemnity obligation shall include, without limitation, any negligent acts, omissions to act, or willful misconduct, whether active or passive, on the part of Holder, its agents or the public and shall extend to claims asserted after termination of this Trail Easement to the extent that the Loss occurred during the term of this Trail Easement. Holder's indemnity obligations shall extend to the joint or concurrent negligence of Holder and Grantor but shall not extend to Losses caused by Grantor's sole negligence or willful misconduct. Holder hereby waives, in favor of Grantor only, any governmental immunity defenses which might otherwise be available to it in the event that Grantor makes claim for indemnification as provided above.

**B. Insurance.** The State of Maine acting through the Bureau of Parks & Recreation, or its successors, will purchase and keep in full force and effect, an insurance policy providing property damage (casualty) insurance for the benefit of the Grantor in the amount of \$1,000,000.00 per occurrence and an insurance policy providing \$1,000,000.00 per occurrence, public liability protection to Grantor and Holder as named insureds. All such liability insurance policies shall (i) name Grantor, and its affiliates, as additional insureds but only with respect to their interests arising from this Agreement; (ii) provide Grantor with at least thirty (30) days notice of cancellation; (iii) be occurrence-based; (iv) provide cross-liability coverage in favor of the named insureds and the additional insureds. Holder shall provide Grantor with certificates of insurance in a form reasonably satisfactory to Grantor evidencing Holder's compliance with the insurance requirements of this Section. All liability insurance policies required to be maintained pursuant to this Agreement shall be written by an insurance company licensed in Maine, which company shall have at least an "A" Rating Classification, and shall be assigned a financial size category of at least Class IX, as indicated in the most recent edition of A.M. Best's Key Rating Guide for insurance companies. In the event that inflation, industry standards or any other cause, in Grantor's reasonable opinion, requires the aforesaid limits and coverages to be increased or modified, Grantor reserves the right upon consultation with Holder to require Holder to modify said limits and coverages to the levels then customarily carried on operations and property of like size and type.

## **6. Default and Termination**

**A. Default.** In the event of Holder's material uncured breach of any of the covenants, terms, conditions, restrictions and agreements herein contained for a period of thirty (30) days after written notice from Grantor, then Grantor may, at its option, (i) prohibit use by posting or other means of those portions of the Hiking Trail Easement which are the subject to the breach until cured to Grantor's satisfaction; or, (ii) terminate this Hiking Trail Easement, or any portion thereof, by recording a written notice in the County registries with a copy to Holder of such termination, and upon the date specified in said notice, this Hiking Trail Easement, or such applicable portion thereof, shall terminate and be of no further force and effect. Additionally, Grantor may recover its costs, including reasonable attorney's fees, and damages incurred as a result of the breach. If the breach by Holder is of a type that is not capable of being cured within said thirty (30) days, the breach will be deemed cured if Holder commences to cure the breach within said thirty days, gives written assurances of its intent to complete the cure within a reasonable time under the circumstances and diligently completes the cure as soon as circumstances permit. No failure on the part of Grantor to enforce a breach of this Trail

Easement by Holder of any conditions or agreements herein contained shall be construed as a waiver of the right to enforce any of the remedies provided herein for subsequent breach of the same or any other of said conditions or agreements.

**B. Hold Over.** It is further understood that, at the termination of this Hiking Trail Easement, or portion thereof, any signs, bridges, structures, and all personal property of Holder shall be removed from the Property within ninety (90) days from the date of this termination; Holder hereby agrees that any personal property of the Holder remaining on said Property after the expiration of said ninety (90) days shall be and become the property of the Grantor. Grantor, however, reserves the right to require that Holder shall remove the same within the ninety (90) day period if it so demands.

## **7. Non-Assignability/Transfer of Property**

Holder shall not assign or transfer this Hiking Trail Easement or any of the limited rights associated therewith. This Hiking Trail Easement shall be binding upon and enforceable by and against Grantor and any future owners or successors in interest of that portion of the Property upon which any portion of the Hiking Trails are located, such that multiple Grantors may own portions of the Property, each of whom shall be entitled to enforce and be bound by this Hiking Trail Easement. Grantor's rights and obligations under this Hiking Trail Easement shall terminate in whole or in applicable part when it ceases to have any interest in the Property, or such portion of it as so sold, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

## **8. Amendments**

Grantor and Holder have the right to amend this Hiking Trail Easement to the extent that changes are not inconsistent with the purpose of this grant or the Resource Plan, by written and recorded agreement of the Grantor and Holder.

## **9. Force Majeure:**

Upon giving notice to the other party, a party affected by an event of Force Majeure as defined in **Section 10** below shall be released without any liability on its part from the performance of its obligations under this Hiking Trail Easement, but only to the extent and only for the period that its performance of such obligations is prevented or materially hindered by the event of Force Majeure. During the period that the performance by one of the parties of its obligations under this Agreement has been suspended by reason of an event of Force Majeure, the other party may likewise suspend the performance of all or part of its obligations hereunder to the extent that such suspension is commercially reasonable.

## **10. Definitions**

As used in this Agreement the terms listed below shall have the meanings ascribed to them:

“Force Majeure” means any event or condition, not existing as of the date of execution of this Agreement, not reasonably foreseeable as of such date and not reasonably within the control of either party, which prevents, in whole or in material part, the performance by one of the parties of its obligations hereunder, such as act of God, fire, flood, windstorm, blight, icestorm, snow, government regulation, order, legislation or taking, war or related actions, civil insurrection, terrorism, riot, sabotage, strike or other labor disturbance, epidemic, and similar events.

“Forest Management Activities” means all forest management practices allowable under law (now or in the future) and the harvesting and removal of any and all forest products by any and all current and future harvesting and removal techniques allowable under law. Forest Management Activities shall include, but not be limited to, the following activities and the Grantor’s management of such activities: reforestation, planting, growing, cutting, and harvesting trees, forest products, and other vegetation; construction, use, and maintenance of skid trails, skid roads, skidder bridges, log yards, landing and staging areas, land management roads, winter haul roads or other paths, roads, or trails used to provide pedestrian, domestic animal and vehicular access to and from and within the Protected Property in order to carry out the Forest Management Activities on the Protected Property; clearing for reforestation; harvesting, pruning, girdling, or trimming trees and other vegetation; harvesting forest products with domestic animals or mechanical equipment; maintenance of existing fields and meadows; conducting timber cruising, forest management planning, forest stand improvement, forest crop selection, forest research, and other forest resource evaluation activities; cutting and removing forest products, including but not limited to trees, logs, poles, posts, pulpwood, firewood, chips, seeds, pinestraw, stumps, seed cones, bark, shrubs, lesser vegetation, and biomass; collection and processing of all sugar maple products; conducting fire control and other activities to prevent or control losses or damage to forest crops or forest products; identifying and marking boundaries; salvaging forest crops or forest products; marking timber and performing other activities to identify trees or areas for harvest; performing commercial and pre-commercial silvicultural treatments; disposing of harvesting debris and conducting post-harvest or site recovery activities; applying in accordance with applicable statutes and regulations herbicides, pesticides, fungicides, rodenticides, insecticides, and fertilizers; removing, loading, and transporting timber and other forest crops and products; processing forest products with portable or temporary equipment designed for in-woods processing; trimming, cutting, removing, burning, or otherwise disposing of any trees or vegetation which are diseased, rotten, damaged or fallen; trimming, cutting, removing, or otherwise disposing of any trees or vegetation as is necessary to construct or maintain fire lanes, footpaths, and any roads permitted under this Easement; the removal (by quarrying or otherwise) of gravel and other minerals from the earth and the storage of the same (which gravel and other minerals may be used for any lawful purpose, including sale to others); and any other activity the Grantee deems useful or expedient in connection with the foregoing.

“Hiking” means recreational travel by foot without mechanical or motorized aid. In the winter months, Hiking shall be deemed to include snowshoeing and cross country skiing.

“Timber harvesting” includes but is not limited to the cutting and removal of trees, and the attendant operation of mobile skid trails and skid roads, and the construction or creation of land management roads or winter haul roads.

## **11. Notices**



Notices to any party must be in writing and will be sufficient if served personally or sent by overnight delivery service or certified mail, return receipt requested, addressed as follows:

To Grantor  
General Counsel  
Plum Creek Maine Timberlands, L.L.C.  
999 Third Avenue  
Suite 2300  
Seattle, WA 98104

To Holder:  
Director  
Maine Bureau of Parks and Lands  
State House Station #22  
Augusta, ME 04333

With a copy to:  
Director  
Maine Land Use Regulation Commission  
State House Station #22  
Augusta, ME 04333

or to such other authorized person as any party may from time to time designate by written notice to the others.

## **12. General Provisions.**

**A. General.** The section headings herein are for reference and convenience only and shall not be considered in the interpretation hereof. If any term or provision of this Hiking Trail Easement is determined to be invalid, unenforceable, or against public policy, the remainder of this Hiking Trail Easement shall not be affected thereby and all other terms and provisions of this Hiking Trail Easement shall remain valid and enforceable to the extent permitted by law.

**B. Waiver etc.** The failure or delay of either party, for any reason whatsoever, to enforce this Hiking Trail Easement shall not constitute a waiver of its rights, and each party hereby waives any defense of laches, prescription or estoppel. Nothing herein shall be construed as to relieve Grantor from compliance with any federal, state or local law, regulation, rule or ordinance applicable to the Property.

**C. Governing Laws.** This Hiking Trail Easement is intended to be governed as a trail easement in compliance with 33 M.R.S.A Sections 1581-1585. Interpretation and performance of this Hiking Trail Easement shall be governed by all other applicable laws of the State of Maine. Should uncertainty arise in its meaning, this Hiking Trail Easement shall be interpreted in favor of Grantor's use of the Property.

**D. Enforcement Rights.** This Hiking Trail Easement shall not be construed to entitle any person or entity other than Grantor or Holder to enforce any of the terms or conditions hereof. Specifically, no member of the public shall have any rights under this Hiking Trail Easement to enforce as against Grantor any of its provisions, such rights being exclusive to Holder.



Trail Easement, by and through \_\_\_\_\_, its  
\_\_\_\_\_, hereunto duly authorized, this \_\_\_\_\_ day of  
\_\_\_\_\_, 200\_ and agrees to be bound by all its terms and provisions.

HOLDER:

**THE STATE OF MAINE** acting by and through  
the Department of Conservation, Bureau of Parks  
and Lands

By: \_\_\_\_\_

Its: \_\_\_\_\_

State of Maine

County of Kennebec, ss

\_\_\_\_\_, 200\_

Personally appeared \_\_\_\_\_, hereunto duly authorized, and  
acknowledged the foregoing instrument to be his free act and deed in his said capacity as  
Commissioner of the Maine Department of Conservation.

Before me,

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

**ATTACHMENTS:**

EXHIBIT A - A metes and bounds description of the Property.

EXHIBIT B. A Plot Plan depicting the approximate location of existing and proposed Hiking Trails on the Property and showing approximate locations of features on the Property.

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## *Appendix 6*

### **SNOWMOBILE TRAIL EASEMENT**

KNOW ALL BY THESE PRESENTS, that **PLUM CREEK MAINE TIMBERLANDS, L.L.C.** (formerly known as SDW TIMBER II, L.L.C.), a limited liability company organized and existing under the laws of the State of Delaware and having a mailing address of 999 Third Avenue, Suite 2300, Seattle, WA 98104, (hereinafter referred to as the “Grantor,” which word is intended to include unless the context clearly indicates otherwise, the above-named Grantor and its successors and assigns and any future owners or successors in interest to the Property, and their agents, executors, administrators and legal representatives) GRANT(s) to **THE STATE OF MAINE** acting by and through the Department of Conservation, Bureau of Parks and Lands, with a mailing address of 22 State House Station, Augusta, ME 04333 (hereinafter referred to as the “HOLDER,” which word shall, unless the context clearly indicates otherwise, include the Holder’s successors and/or assigns), with QUITCLAIM COVENANT, in perpetuity, the following described Snowmobile Trail Easement on and across land of Grantor located in \_\_\_\_\_ Townships, in \_\_\_\_\_ County, Maine, hereinafter referred to as the PROPERTY, and described on Exhibit A, attached hereto, which trail easements are depicted on a plot plan attached hereto as Exhibit B, both made a part hereof by reference;

### **PURPOSE**

The purpose of this Snowmobile Trail Easement is to allow the public, under the auspices and control of the Holder, to construct and utilize a specifically designated portion of the Property of Grantor, which may be relocated from time to time, for Snowmobile trail purposes. It is further understood that such Snowmobile Trail usage shall in no event interfere with all of Grantor’s reserved uses, including, without limitation, forestry uses and the right to conduct forest management activities, it being the intent that the working forest nature of the Property will be the primary use and the Snowmobile Trails will be the secondary use. It is further the intent of this Snowmobile Trail Easement that, subject to all the reserved rights and uses of the Grantor, passage by the public on such Snowmobile Trails, as the same may be relocated from time to time at the expense of the Holder, will be forever preserved and protected. This easement applies to the Property only. Nothing herein shall be construed to impose any obligation, restriction, or other encumbrance on any real property not expressly made a part of the Property.

WHEREAS, Grantor has agreed to create permanent easement rights for the Snowmobile Trails on the Property as a condition to approval by the Maine Land Use Regulation Commission (“LURC”) of a certain Resource Plan satisfactory to Grantor and approved by LURC on \_\_\_\_\_ 200 \_\_\_\_, (the “Resource Plan,” incorporated herein by reference) and related subdivisions; and

WHEREAS, the Property is within the Moosehead Lake region, an area of unique public interest; and

WHEREAS, this Snowmobile Trail Easement makes the designated Snowmobile Trails on the Property available to the public for recreational activities consistent with the terms hereof, while allowing Grantor to continue its forest management activities and all other reserved uses on the Property.

NOW THEREFORE, the Grantor and Holder have established a Snowmobile Trail Easement affecting the Property consisting of the following terms, covenants, restrictions and affirmative rights, which shall run with and bind the Property in perpetuity:

### **1. Public Snowmobile Trail Easement.**

**A. Use.** The public, subject to the rights and obligations of the parties herein, shall have the perpetual right to enter upon and make use of the Snowmobile Trails on the Property for recreational Snowmobile travel and motorized maintenance and grooming in the winter months; during the other seasons, for routine maintenance and snowmobile trail preparation; and, such other uses consistent herewith from time to time permitted by the Rules and Regulation adopted by Grantor pursuant to **Section 1 C** below.

**B. Trail Location, Cutting and Maintenance.** The approximate location of each existing or proposed Snowmobile Trail on the Property is depicted on Exhibit B. Each Snowmobile Trail shall have a width of ten (10) feet. The rights and easements granted shall include those reasonably necessary or desirable to construct any “proposed” trails depicted on Exhibit B. Holder or its designated agents operating under its direction and control shall be responsible for all aspects of Trail design, layout, cutting, grading, drainage and all related maintenance. Construction of Snowmobile Trails, and maintenance of all existing Snowmobile Trails, shall be subject to reasonable standards, rules and regulations from time to time adopted by Grantor pursuant to **Section 1.C** below. In no event shall any Trail be paved with any asphalt, concrete, recycled material or other impervious surface. All such work shall be undertaken at Holder’s sole cost and expense, subject to the right of Grantor to supervise and control such activities so as not to unreasonably damage the forest or the Property. Holder shall be responsible for obtaining all permits for such construction activities and permitted use of the Snowmobile Trails from all Federal, state or local authorities with jurisdiction over the Snowmobile Trails or Property. Holder agrees that the location design and capacity of any necessary bridges, stream crossings or culverts built or improved by the Holder must be approved in advance by Grantor.

**C. Right of Grantor to Establish Rules and Regulations Concerning Public Use, Construction and Maintenance.** The right of the public to use the Snowmobile Trails and the duties of Holder as to Trail oversight, maintenance and construction are subject to the reserved right of Grantor (upon reasonable opportunity to comment by Holder, except in the case of an emergency) to establish reasonable rules, regulations and restrictions, for the conservation and protection of the Property, and for the protection and enhancement of all reserved uses of the Grantor hereunder. Grantor’s reserved right to make reasonable rules and regulations shall include the rights, without limitation, to control, limit or prohibit, by posting and other reasonable means, on some or all of the Snowmobile Trails or on any of the Property of Grantor, night use, camping, loud activities, open fires, use or parking of motor vehicles other than on public roads, or use by all terrain vehicles (“ATVs”), domesticated animals, pets or bicycles, posting of signs, or cutting trees outside the Trail corridor.

**D. Publications.** Grantor shall be provided at least thirty (30) days advance opportunity to review for accuracy and content any maps, pamphlets or brochures printed and distributed by the Holder or its agents in regard to public use of the Snowmobile Trails.

## **2. Reservation of Uses, Forest Management Activities and Timber Harvesting.**

**A. Reservation of all Uses.** Grantor reserves all the rights, uses, title and interest in and to the Property other than those specific grants and covenants made to Holder in this Agreement. Grantor specifically reserves, without limitation, the perpetual right on the Property to engage in Forest Management Activities and Timber Harvesting, as defined below. The public shall not be permitted by Holder to interfere with any reserved rights and uses of Grantor, including without limitation, the right to engage in Forest Management Activities and Timber Harvesting on, over, across, near or in the vicinity of the Snowmobile Trails. Nor shall this Agreement be construed in any manner to create any obligation of Grantor to maintain a buffer strip, undisturbed forest land, view corridor or other limitation on its forestry and other land uses activities, other than as may be required by the general laws, regulations and rules governing Grantor's uses on the Property existing on the date hereof. In the event that any future statute, regulation or rule has the effect of expanding or enhancing the public use of the Snowmobile Trails, contrary to or inconsistent with the terms and provisions of this Snowmobile Trail Easement, the enactment of such law, regulation or rule shall be deemed a material default without the requirement of proof of specific impact, and shall entitle Grantor to exercise the remedies for default provided in **Section 6** below.

**B. Right to Close and Require Relocation of Snowmobile Trails.** Grantor's reserved rights shall include, without limitation, the power on thirty (30) days advance notice, or shorter periods in the event of an emergency, to close portions of the Snowmobile Trails or to require relocation of Trail segments, on either a temporary or permanent basis, as Grantor may determine in its sole judgment as necessary or appropriate in order more fully to make use of the Property. Upon receipt of such notice, Holder shall take all reasonable steps to close the Trail, or relocate the Trail, as the case may be, to a new location acceptable to Grantor which location shall be confirmed by an amendment to Exhibit B executed by the parties. Holder agrees to undertake all improvement work on any trail relocation at its sole cost and expense. If Holder fails to relocate a Snowmobile Trail within one hundred eighty (180) days of the notice of relocation from Grantor, such trail, or portion thereof, shall be deemed abandoned forever, and Grantor may record a revised Exhibit B, without consent of Holder depicting such abandonment at the applicable county registry of deeds. Such right to close or relocate trails shall not be construed to limit Grantor's rights otherwise to engage in any uses of the Property, including without limitation Forest Management Activities and Timber Harvesting, on, over, across, near or in the vicinity of the Snowmobile Trails as permitted in **Section 2.A** above.

**C. Nonexclusivity.** Nothing contained in this Snowmobile Trail Easement shall be construed as imposing an obligation upon Grantor to restrict any other license or permission granted by Grantor on the Property to Holder, the public or any other party, nor shall anything contained in this Snowmobile Trail Easement be construed as granting an exclusive right to carry on any activity on Grantor's Property other than those granted to the Holder for that purpose by other recorded instruments. Other than as set forth in this Snowmobile Trail Easement no

permanent expressed or implied right of access to, or use of, private lands and/or improvements, including, but not limited to, roads owned by Grantor, is granted, transferred, or assigned.

### **3. Immunities.**

Grantor and Holder claim all of the rights and immunities against liability to the fullest extent of the law under Title 14 M.R.S.A., Section 159-A, et seq. as amended and any successor provisions thereof, (Maine Recreational Use Statute), and Title 14 M.R.S.A. Section 8101, et seq. as amended and any successor provisions thereof, (the Maine Tort Claims Act), and under any other applicable provision of law.

**4. Additional Provisions Applicable to Snowmobiles and Related Usage of the Snowmobile Trails.** Without limitation to Grantor's rights to impose Rules and Regulations limiting the use of the Snowmobile Trails, the following special provisions shall at all time apply to the Snowmobile Trails:

**A. Grooming.** Grantor shall have no responsibility for grooming or patrolling Snowmobile Trails. No portion of any Snowmobile Trail shall be located on a plowed road except to cross said road at a right angle.

**B. Trail Usage.** Holder expressly agrees to adequately police the Snowmobile Trails, to provide proper supervision of use of the Snowmobile Trails by the public, and to adequately maintain and repair the Snowmobile Trails. Holder shall keep the Snowmobile Trails clear of debris and litter and shall take all reasonable steps to insure that the exercise of this Snowmobile Trail Easement is done in a manner consistent with the provisions of this Snowmobile Trail Easement and all Rules and Regulations from time to time adopted by Grantor as permitted in **Section 1.C.**

**C. Unauthorized Use of Property.** Holder agrees to use every available means to discourage public snowmobiling on the Property outside of the Snowmobile Trail corridors.

**D. Trail Network.** In the event that Forest Management Activities and Timber Harvesting of Grantor is of an unusual or emergency nature during the winter months which would be in conflict with Holder's use under the terms of this Snowmobile Trail Easement, Grantor agrees to employ reasonable measures to expedite the granting of permission of an alternate route. Preparation and maintenance of that alternate route will be the responsibility and expense of Holder.

**E. Fees.** Holder agrees that it shall not charge a user fee or similar specific assessment for the use of the Snowmobile Trails without the prior consent in writing of Grantor, which consent may be withheld in its absolute discretion. This prohibition shall not restrict the Holder from assessing fees of general application to the snowmobiling public. Grantor reserves the right to assess a user's fee as part of Rules and Regulations contemplated by **Section 1.C** above if in its judgment the fees are necessary to cover its costs associated with this Snowmobile Trail Easement.



**F. Public Controversies.** Holder shall be solely responsible for the handling and administration of all public matters, controversies or conflicts regarding the rights of the public under this Snowmobile Trail Easement. Holder shall designate a representative as its official contact person to whom all public inquiries may be forwarded by Grantor.

## **5. Indemnification and Insurance.**

**A. Indemnification.** Holder shall indemnify, save, and hold Grantor harmless from and against any and all loss, damage, expense (including attorneys' fees), responsibility, liability for injury or death of persons and/or loss, damage to, or destruction of property belonging to Grantor or others, or for claims therefor, whether or not Grantor has suffered actual loss, damage, environmental contamination or expense ("Loss"), where such Loss has resulted from, pertains to, or has arisen out of the Snowmobile Trail Easement. Holder's indemnity obligation shall include, without limitation, any negligent acts, omissions to act, or willful misconduct, whether active or passive, on the part of Holder, its agents or the public and shall extend to claims asserted after termination of this Trail Easement to the extent that the Loss occurred during the term of this Trail Easement. Holder's indemnity obligations shall extend to the joint or concurrent negligence of Holder and Grantor but shall not extend to Losses caused by Grantor's sole negligence or willful misconduct. Holder hereby waives, in favor of Grantor only, any governmental immunity defenses which might otherwise be available to it in the event that Grantor makes claim for indemnification as provided above.

**B. Insurance.** The State of Maine acting through the Bureau of Parks & Recreation, Snowmobile Division, or its successors, will purchase and keep in full force and effect, an insurance policy providing property damage (casualty) insurance for the benefit of the Grantor in the amount of \$1,000,000.00 per occurrence and an insurance policy providing \$1,000,000.00 per occurrence, public liability protection to Grantor and Holder as named insureds. All such liability insurance policies shall (i) name Grantor, and its affiliates, as additional insureds but only with respect to their interests arising from this Agreement; (ii) provide Grantor with at least thirty (30) days notice of cancellation; (iii) be occurrence-based; (iv) provide cross-liability coverage in favor of the named insureds and the additional insureds. Holder shall provide Grantor with certificates of insurance in a form reasonably satisfactory to Grantor evidencing Holder's compliance with the insurance requirements of this Section. All liability insurance policies required to be maintained pursuant to this Agreement shall be written by an insurance company licensed in Maine, which company shall have at least an "A" Rating Classification, and shall be assigned a financial size category of at least Class IX, as indicated in the most recent edition of A.M. Best's Key Rating Guide for insurance companies. In the event that inflation, industry standards or any other cause, in Grantor's reasonable opinion, requires the aforesaid limits and coverages to be increased or modified, Grantor reserves the right upon consultation with Holder to require Holder to modify said limits and coverages to the levels then customarily carried on operations and property of like size and type.

## **6. Default and Termination**

**A. Default.** In the event of Holder's material uncured breach of any of the covenants, terms, conditions, restrictions and agreements herein contained for a period of thirty (30) days after written notice from Grantor, then Grantor may, at its option, (i) prohibit use by posting or

other means of those portions of the Trail Easement which are the subject to the breach until cured to Grantor's satisfaction; or, (ii) terminate this Trail Easement, or any portion thereof, by recording a written notice in the County registries with a copy to Holder of such termination, and upon the date specified in said notice, this Trail Easement, or such applicable portion thereof, shall terminate and be of no further force and effect. Additionally, Grantor may recover its costs, including reasonable attorney's fees, and damages incurred as a result of the breach. If the breach by Holder is of a type that is not capable of being cured within said thirty (30) days, the breach will be deemed cured if Holder commences to cure the breach within said thirty days, gives written assurances of its intent to complete the cure within a reasonable time under the circumstances and diligently completes the cure as soon as circumstances permit. No failure on the part of Grantor to enforce a breach of this Trail Easement by Holder of any conditions or agreements herein contained shall be construed as a waiver of the right to enforce any of the remedies provided herein for subsequent breach of the same or any other of said conditions or agreements.

**B. Hold Over.** It is further understood that, at the termination of this Trail Easement, or portion thereof, any signs, bridges, structures, and all personal property of Holder shall be removed from the Property within ninety (90) days from the date of this termination; Holder hereby agrees that any personal property of the Holder remaining on said Property after the expiration of said ninety (90) days shall be and become the property of the Grantor. Grantor, however, reserves the right to require that Holder shall remove the same within the ninety (90) day period if it so demands.

## **7. Non-Assignability/Transfer of Property**

Holder shall not assign or transfer this Snowmobile Trail Easement or any of the limited rights associated therewith. This Snowmobile Trail Easement shall be binding upon and enforceable by and against Grantor and any future owners or successors in interest of that portion of the Property upon which any portion of the Snowmobile Trails are located, such that multiple Grantors may own portions of the Property, each of whom shall be entitled to enforce and be bound by this Snowmobile Trail Easement. Grantor's rights and obligations under this Trail Easement shall terminate in whole or in applicable part when it ceases to have any interest in the Property, or such portion of it as so sold, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

## **8. Amendments**

Grantor and Holder have the right to amend this Snowmobile Trail Easement to the extent that changes are not inconsistent with the purpose of this grant or the Resource Plan, by written and recorded agreement of the Grantor and Holder.

## **9. Force Majeure:**

Upon giving notice to the other party, a party affected by an event of Force Majeure as defined in **Section 10** below shall be released without any liability on its part from the performance of its obligations under this Snowmobile Trail Easement, but only to the extent and only for the period that its performance of such obligations is prevented or materially hindered by the event of Force Majeure. During the period that the performance by one of the parties of its

obligations under this Agreement has been suspended by reason of an event of Force Majeure, the other party may likewise suspend the performance of all or part of its obligations hereunder to the extent that such suspension is commercially reasonable.

## **10. Definitions**

As used in this Agreement the terms listed below shall have the meanings ascribed to them:

“Force Majeure” means any event or condition, not existing as of the date of execution of this Agreement, not reasonably foreseeable as of such date and not reasonably within the control of either party, which prevents, in whole or in material part, the performance by one of the parties of its obligations hereunder, such as act of God, fire, flood, windstorm, blight, icestorm, snow, government regulation, order, legislation or taking, war or related actions, civil insurrection, terrorism, riot, sabotage, strike or other labor disturbance, epidemic, and similar events.

“Forest Management Activities” the term “Forest Management Activities” means all forest management practices allowable under law (now or in the future) and the harvesting and removal of any and all forest products by any and all current and future harvesting and removal techniques allowable under law. Forest Management Activities shall include, but not be limited to, the following activities and the Grantor’s management of such activities: reforestation, planting, growing, cutting, and harvesting trees, forest products, and other vegetation; construction, use, and maintenance of skid trails, skid roads, skidder bridges, log yards, landing and staging areas, land management roads, winter haul roads or other paths, roads, or trails used to provide pedestrian, domestic animal and vehicular access to and from and within the Property in order to carry out the Forest Management Activities on the Property; clearing for reforestation; harvesting, pruning, girdling, or trimming trees and other vegetation; harvesting forest products with domestic animals or mechanical equipment; maintenance of existing fields and meadows; conducting timber cruising, forest management planning, forest stand improvement, forest crop selection, forest research, and other forest resource evaluation activities; cutting and removing forest products, including but not limited to trees, logs, poles, posts, pulpwood, firewood, chips, seeds, pinestraw, stumps, seed cones, bark, shrubs, lesser vegetation, and biomass; collection and processing of all sugar maple products; conducting fire control and other activities to prevent or control losses or damage to forest crops or forest products; identifying and marking boundaries; salvaging forest crops or forest products; marking timber and performing other activities to identify trees or areas for harvest; performing commercial and pre-commercial silvicultural treatments; disposing of harvesting debris and conducting post-harvest or site recovery activities; applying in accordance with applicable statutes and regulations herbicides, pesticides, fungicides, rodenticides, insecticides, and fertilizers; removing, loading, and transporting timber and other forest crops and products; processing forest products with portable or temporary equipment designed for in-woods processing; trimming, cutting, removing, burning, or otherwise disposing of any trees or vegetation which are diseased, rotten, damaged or fallen; trimming, cutting, removing, or otherwise disposing of any trees or vegetation as is necessary to construct or maintain fire lanes, footpaths, and any roads permitted under this Easement; the removal (by

quarrying or otherwise) of gravel and other minerals from the earth and the storage of the same (which gravel and other minerals may be used for any lawful purpose, including sale to others); and any other activity the Grantee deems useful or expedient in connection with the foregoing..

“Snowmobile” means a self-propelled vehicle manufactured for off-road travel on snow that (i) has a curb weight of not more than 1,000 pounds, (ii) does not exceed 50 inches in width, (iii) is driven by a track or tracks in contact with the snow, and (iv) is steered by a ski or skis in contact with the snow. “Snowmobile” does not include tracked (or otherwise configured) All-Terrain Vehicles (ATVs) or other motorized four-wheeled vehicles.

“Timber harvesting” includes but is not limited to the cutting and removal of trees, and the attendant operation of mobile skid trails and skid roads, and the construction or creation of land management roads or winter haul roads.

## **11. Notices**

Notices to any party must be in writing and will be sufficient if served personally or sent by overnight delivery service or certified mail, return receipt requested, addressed as follows:

To Grantor	General Counsel Plum Creek Maine Timberlands, L.L.C. 999 Third Avenue Suite 2300 Seattle, WA 98104
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To Holder:	Director Maine Bureau of Parks and Lands State House Station #22 Augusta, ME 04333
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With a copy to:	Director Maine Land Use Regulation Commission State House Station #22 Augusta, ME 04333
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or to such other authorized person as any party may from time to time designate by written notice to the others.

## **12. General Provisions.**

**A. General.** The section headings herein are for reference and convenience only and shall not be considered in the interpretation hereof. If any term or provision of this Snowmobile Trail Easement is determined to be invalid, unenforceable, or against public policy, the remainder of this Snowmobile Trail Easement shall not be affected thereby and all other terms and provisions of this Snowmobile Trail Easement shall remain valid and enforceable to the extent permitted by law.

**B. Waiver etc.** The failure or delay of either party, for any reason whatsoever, to enforce this Snowmobile Trail Easement shall not constitute a waiver of its rights, and each party hereby waives any defense of laches, prescription or estoppel. Nothing herein shall be construed as to relieve Grantor from compliance with any federal, state or local law, regulation, rule or ordinance applicable to the Property.

**C. Governing Laws.** This Snowmobile Trail Easement is intended to be governed as a trail easement in compliance with 33 M.R.S.A Sections 1581-1585. Interpretation and performance of this Snowmobile Trail Easement shall be governed by all other applicable laws of the State of Maine. Should uncertainty arise in its meaning, this Snowmobile Trail Easement shall be interpreted in favor of Grantor's use of the Property.

**D. Enforcement Rights.** This Snowmobile Trail Easement shall not be construed to entitle any person or entity other than Grantor or Holder to enforce any of the terms or conditions hereof. Specifically, no member of the public shall have any rights under this Snowmobile Trail Easement to enforce as against Grantor any of its provisions, such rights being exclusive to Holder.



Snowmobile Trail Easement, by and through \_\_\_\_\_, its  
\_\_\_\_\_, hereunto duly authorized, this \_\_\_\_\_ day of  
\_\_\_\_\_, 200\_ and agrees to be bound by all its terms and provisions.

HOLDER:

**THE STATE OF MAINE** acting by and through  
the Department of Conservation, Bureau of Parks  
and Lands

By: \_\_\_\_\_

Its: \_\_\_\_\_

State of Maine

County of Kennebec, ss

\_\_\_\_\_, 200\_

Personally appeared \_\_\_\_\_, hereunto duly authorized, and  
acknowledged the foregoing instrument to be his free act and deed in his said capacity as  
Commissioner of the Maine Department of Conservation.

Before me,

\_\_\_\_\_  
Notary Public

Printed Name: \_\_\_\_\_

**ATTACHMENTS:**

EXHIBIT A - A metes and bounds description of the Property.

EXHIBIT B. A Plot Plan depicting the approximate location of existing and proposed Snowmobile Trails on the Property and showing approximate locations of features on the Property.

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# *Appendix 7*

## **Model Homeowners Association Bylaws**

### **BYLAWS of the LONG POND SOUTH SHORE HOMEOWNERS ASSOCIATION**

#### **ARTICLE I. ASSOCIATION OF OWNERS**

Section 1. Membership. The members shall consist of all Lot Owners of the Long Pond South Shore Subdivision, (the "Subdivision") a property governed by a General Declaration of Covenants and Restrictions dated \_\_\_\_\_ and recorded in the Somerset County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_ (the "Declaration") and located in Long Pond Township, Somerset County, Maine. Membership shall be in accordance with the Declaration and with these Bylaws. The membership of each Owner terminates upon a sale, transfer or other disposition of his/her ownership interest in his/her Lot (as defined in the Declaration) whereupon the membership and any interest in the funds of the Association shall automatically transfer to and be vested in the successor in ownership. A conveyance in mortgage of the Lot, however, shall not operate to transfer membership until the mortgage is foreclosed or the Lot is sold in lieu of foreclosure.

Section 2. Meetings. The first meeting of the members shall be held at the call of Plum Creek Land Company, (hereinafter the "Declarant") after not less than 50% of all Lots in the subdivision have been sold.

Section 3. Subsequent meetings. Subsequent meetings of the members may be held at any time upon the call of the President or upon the call of the Owners of a minimum of three Lots. Upon receipt of the call, the Secretary shall send out notices of the meeting to all members of the Association.

Section 4. Notice of meetings. A written or printed notice of every meeting of the Association shall be given by the Secretary or the person or persons calling the meeting at least thirty (30) days before the date set for the meeting. Such notice shall be given to each member as indicated in the records of the Association by mailing it, postage prepaid, addressed to the member at his address as it appears on the records of the Association. If notice is given pursuant to provisions of this section, the failure of any member to receive actual notice of the meeting shall in no way invalidate the meeting or any proceedings at such a meeting.

Section 5. Waiver of notice. The presence of all the members at any meeting shall render the same a valid meeting.

Section 6. Quorum. The presence at any meeting of the Association of Owners whose aggregate voting rights constitute more than 25% of the total voting rights shall constitute a quorum. At any meeting at which a quorum is present, the affirmative vote of a majority of those present shall decide any question except the election of Directors presented to the meeting, unless a greater percentage vote is required by law, by the Declaration or by these Bylaws. In the election of Directors, those receiving the greatest number of votes, though less than a majority, shall be elected.

Section 7. Voting. Any person, firm, corporation, trust, or other legal entity or a combination thereof, owning any Lot other than as a mortgagee duly recorded in his or its name, the ownership whereof shall be determined by the records of the Somerset County Registry of Deeds, shall be a member of the Association, and entitled to vote for each Lot so owned at all meetings of the Association. Co-owners or joint owners shall be deemed one Owner. The authority given by a member to another person to represent such member at meetings of the Association shall be in writing, signed by such member or if a Lot is jointly owned then by all joint owners, or if such member is a corporation, by the proper officers thereof, and shall be filed with the Secretary, and unless otherwise stated therein, such authority shall terminate after eleven months. An executor, administrator, guardian, or trustee may vote at any meeting of the Association with respect to any Lot owned or held by him in such a capacity, whether or not the same shall have been transferred to his name by a duly recorded conveyance. In case such Lot shall not have so been transferred to his name, he shall satisfy the Secretary that he is the executor, administrator, guardian, or trustee holding such Lot in such capacity. Whenever any Lot is owned by two or more owners jointly according to the records of said Registry, the owners thereof may designate in writing one or more of the owners to cast the vote for all such owners, and such designation, unless otherwise limited by its terms, shall be valid once filed with the Secretary until revoked by any such owner by notice in writing filed with the Secretary. The Declarant may exercise Declarant's voting rights pertaining to any Lot owned by the Declarant.

Any specified percentage of Owners refers to the aggregate voting rights and not to the number of owners.

Section 8. Adjournment. Any meeting of the Association may be adjourned from time to time to such place and time as may be determined by majority vote of the members present, whether a quorum be present or not.

## ARTICLE II. BOARD OF DIRECTORS

Section 1. Number and qualification. Until the first meeting, the affairs of the Association shall be governed by the Declarant or three persons appointed by the Declarant, who need not be Lot Owners. Thereafter, the affairs of the Association shall be governed by a Board of Directors elected by the members, initially composed of three persons, and as increased or decreased at any annual meeting by a majority vote of persons present at the meeting. Each such

Director shall be the Owner or the spouse of an Owner of a Lot; or if an Owner shall be a corporation, partnership, trust or estate, then an officer, partner, trustee or beneficiary thereof.

Section 2. Powers and duties. The Board of Directors shall have the power and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by law or by these Bylaws directed to be exercised and done by the Owners.

Section 3. Other duties. In addition to other duties imposed by these Bylaws or by resolutions of the Association, the Board of Directors shall be responsible for the following:

- (a) Care, upkeep, and surveillance of all roads, common areas and facilities within the subdivision.
- (b) Determination and collection of the annual assessments from the Owners.
- (c) Employment of the personnel necessary for the maintenance of all roads, common areas, and facilities.
- (d) Procurement and payment of appropriate insurance coverage.
- (e) Enforcement of the Declaration.

Section 4. Election and term of office. From and after the first meeting, the Directors shall be elected by the Owners. The term of office shall be fixed for three years. There is no limit on the number of terms a Director may serve.

Section 5. Vacancies. Vacancies in the Board of Directors caused by any reason other than the removal of a Director by a vote of the members shall be filled by vote of the majority of the remaining Directors, even though they may constitute less than a quorum; and each person so elected shall be a Director until a successor is elected at the next annual meeting of the Association.

Section 6. Removal of Directors. At any regular or special meeting duly called, any one or more of the Directors may be removed with or without cause by a vote of the majority of the members and a successor may then and there be elected to fill the vacancy thus created. Any Director whose removal has been proposed by the members shall be given an opportunity to be heard at the meeting.

Section 7. Compensation. No compensation shall be paid to Directors for their services as Directors. No remuneration shall be paid to a Director for services performed by him for the Association in any other capacity, unless a resolution authorizing such remuneration shall have been adopted by the Board of Directors before or after the services are undertaken.

Section 8. Annual Meeting. The annual meeting of the Board of Directors shall be held immediately following the annual meeting of the Association and at the same place, and no notice shall be necessary in order legally to constitute such meeting, providing a majority of the whole Board shall be present.

Section 9. Regular and Special Meetings. Regular and special meetings of the Board of Directors may be held at such time and place as shall be determined, from time to time, by a majority of the Directors. Notice of regular and special meetings of the Board of Directors shall be given to each Director, personally or by mail, addressed to his or her residence, or by telephone, at least three days prior to the day named for such meeting.

Section 10. Waiver of notice. Before or after any meeting of the Board of Directors, any Director may, in writing, waive notice of such meeting and such waiver shall be deemed equivalent to the giving of such notice. Attendance by a Director at any meeting of the Board shall be a waiver of notice by him or her of the time and place thereof. If all the Directors are present at any meeting of the Board, no notice shall be required and any business may be transacted at such meeting.

Section 11. Quorum. At all meetings of the Board of Directors, a majority of the Directors shall constitute a quorum for the transaction of business.

Section 12. Unanimous action. Unless otherwise provided by law, the Declaration, or these Bylaws, any action which may be taken at a meeting of the Directors may be taken without a meeting if all of the Directors sign written consents, setting forth the action taken or to be taken, at any time before or after the intended effective date of such action. Such consents shall be filed with the minutes of Directors meetings and shall have the same effect as a unanimous vote.

Section 13. Bonds. The Board of Directors may require that any member of the Association handling or responsible for corporate funds shall furnish adequate bonds. The premiums on such bonds shall be paid by the Association.

Section 14. Committees. The Board of Directors may establish such standing or other committees, with such powers and duties, as it deems advisable.

### ARTICLE III. OFFICERS

Section 1. Designation. The Board of Directors of the Association shall elect a President, Treasurer, and a Secretary at the annual meeting of the Board. The term of office shall be one year. There is no limit on the number of terms an officer may serve; provided, however, that officers must be members of the Board of Directors.

Section 2. President. The President shall be the chief executive officer of the Association, and shall preside at all meetings of the Association and of the Board of Directors. In his or her absence, a chairman pro tempore may be chosen by the members or Directors, as the case may be, to preside at a meeting. The President shall have all of the general powers and duties which are usually vested in the office of president of an association, including but not limited to the power to appoint ad hoc committees from among the Owners or their spouses from time to time as the President may in his or her discretion decide is appropriate to assist in the conduct of the affairs of the Association.

Section 3. Treasurer. The Treasurer shall have the responsibility for Association funds and securities and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books belonging to the Association.

Section 4. Secretary. The Secretary shall have the responsibility to provide notices of meetings to members, manage and respond to any correspondence to or from the Association, and keep minutes and records of Association meetings.

Section 5. Compensation. The Board members shall receive no compensation for their services except as expressly provided by a resolution duly adopted by the members.

Section 6. Auditor. The Board of Directors may appoint some person, firm or corporation engaged in the business of auditing to act as auditor of the Association and to audit the financial statements of the Association.

Section 7. Removal of an Officer. At any regular or special meeting duly called, any one or more of the Officers may be removed with or without cause by a vote of the majority of the Directors and a successor may then and there be elected to fill the vacancy thus created.

#### ARTICLE IV. FISCAL MANAGEMENT

Section 1. Accounting. Books and accounts of the Association shall be kept under the direction of the Treasurer and in accordance with customary accounting principles and practices. Within 90 days after the close of each fiscal year, the Association shall furnish its members with a statement of the income and disbursements for such prior fiscal year and a balance sheet as of the close of that year.

Section 2. Assessments. With respect to each fiscal year, the Board shall estimate the amount required by the Association to meet its expenses for such year, including but not limited to the following items:

- (a) Management and administration expenses;
- (b) The estimated cost of maintenance;

(c) The amount of such reserves as may be reasonably established by the Board, including general operating reserves, reserves for contingencies, and reserves for maintenance and replacements; and

(d) Such other expenses of the Association as may be approved by the Board of Directors including operating deficiencies, if any, for prior periods.

Not less than 30 days before the Annual Meeting of Members, the Board shall cause an estimated annual budget to be prepared based on its estimations of annual expenses, and copies of such budget shall be furnished to each member. Unless at that meeting 75% or more of the Owners vote to reject the budget, the budget shall be deemed ratified, whether or not a quorum is present at the meeting. In the event the budget is rejected, the budget last ratified by the members shall be continued until such time as the Owners ratify a subsequent budget proposed by the Board.

If any member shall fail or refuse to make payment of his assessed fee, or any other amount payable to the Association when due, the amount thereof shall bear interest at a rate per annum, not exceeding 10%, established from time to time by the Board of Directors and, together with such interest, shall constitute a lien on the Lot of such member. The Association and the Board shall have the authority to exercise and enforce any and all rights and remedies provided in the Declaration or these Bylaws, or otherwise available at law or in equity for the collection of all unpaid amounts including the right to accelerate payment on the full assessment for the year and, if necessary to foreclose upon a lien in accordance with Section 6 of this Article.

Section 3. Revised and emergency assessments. If at any time prior to or during the course of any fiscal year the Board shall deem the amount of the membership assessments to be inadequate by reason of a revision in its estimate of either expenses or other income, the Board shall prepare and cause to be delivered to the members a revised estimated annual budget for the balance of such fiscal year and shall call a meeting of the members to ratify such budget in the same manner as for an annual budget. After ratification, monthly assessments shall be determined and paid on the basis of such revision.

The Board may, upon finding that an emergency exists which requires immediate assessment of the members, make an emergency assessment not to exceed an amount equal to the then current annual assessment for each Lot, which shall be due and payable when communicated to the members.

Section 4. Maintenance and repair. All road maintenance and repair shall be performed at the direction of the Board of Directors, and shall be a common expense pursuant to the provisions of the Declaration. Vouchers for the payment of maintenance and repair costs shall be approved by the President before payment.

Section 5. Rules and regulations. In order to assure the peaceful and orderly use and enjoyment of the Lots and common areas and facilities, the Board of Directors may from time to time adopt, modify, and revoke in whole or in part, such reasonable rules, and regulations, to be called Rules and Regulations, governing the conduct of persons within the subdivision as it may deem necessary, including, but not limited to, methods and procedures for enforcing compliance with the Declaration and Bylaws. Such Rules and Regulations adoption, and every amendment, modification, and revocation thereof, shall, upon adoption be delivered promptly to each Owner and shall be binding upon all members of the Association and occupants of the property.

Section 6. Foreclosure of lien. In any action to foreclose the lien against any Owner of a Lot, the Association may represent itself through its manager or Board of Directors in like manner as any mortgagee of real property. The manager or Board of Directors acting on behalf of the Lot Owners shall have the power to bid and acquire such Lot. Suit to recover money judgment for unpaid common expenses shall be maintainable with all costs and reasonable attorney's fees without foreclosing or waiving the lien securing the same.

#### ARTICLE V. EXECUTION OF INSTRUMENTS

Section 1. Instruments generally. All checks, drafts, notes, bonds, acceptances, contracts, deeds, and all other instruments shall be signed by the President or the Secretary/ Treasurer or Clerk, or by such other officer or employee as the Board of Directors may designate.

#### ARTICLE VI. LIABILITY OF OFFICERS

Section 1. Exculpation. No Director of the Association shall be liable for acts or defaults of any other officer or members or for any loss sustained by the Association or any member thereof, unless the same has resulted from his own willful misconduct or gross negligence.

Section 2. Indemnification. Every Director, officer, and member of the Association shall be indemnified by the Association against all reasonable costs, expenses, and liabilities (including counsel fees) actually and necessarily incurred by or imposed upon him in connection with any claim, action, suit, proceeding, investigation, or inquiry of whatever nature in which he may be involved as a party or otherwise by reason of his having been an officer or member of the Association whether or not he continues to be such Director, officer or member of the Association at the time of the incurring or imposition of such costs, expenses, or liabilities, except in relation to matters as to which he shall be finally adjudged in such action, suit, proceeding, investigation or inquiry to be liable for willful misconduct or gross negligence toward the Association in the performance of his duties, or in the absence of such final adjudication, any determination of such liability by the opinion of the legal counsel selected by the Association. The foregoing right of indemnification shall be in addition to and not in limitation of all rights to

which such persons may be entitled as a matter of law and shall inure to the benefit of the legal representatives of such person.

#### ARTICLE VII. FISCAL YEAR

Section 1. Fiscal year. The fiscal year of the Association shall be established by the Board of Directors.

#### ARTICLE VIII. BYLAWS

Section 1. Amendment. These Bylaws may be amended, modified, or revoked in any respect from time to time by vote of the members of the Association whose aggregate vote constitutes 75 percent of all votes, at a meeting duly called for the purpose.

Section 2. Conflict. In the event of any conflict between these Bylaws and the provisions of the Declaration the latter shall govern and apply.

#### ARTICLE IX. REAL PROPERTY

Section 1. Association Property. All real property interests owned or held by the Association shall be owned or held for the use, benefit and enjoyment of all members of the Association, jointly and severally, and no member may be denied access to, or the use, benefit or enjoyment of, any real property, or interest therein, owned or held by the Association. Notwithstanding the provisions of Article VIII, Section 1, above, this Article IX may be amended only by unanimous consent of all members of the Association.

Effective as of \_\_\_\_\_.



# *Appendix 8*

## Sample Homeowners Association Covenants

### GENERAL DECLARATION OF COVENANTS AND RESTRICTIONS

of the

### LONG POND SOUTH SHORE SUBDIVISION

THIS DECLARATION, made this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by Plum Creek Land Company (herein called “Declarant”).

1. DECLARATION PURPOSES:

1.1 General Purposes: Declarant is the owner of certain real property located in Long Pond Township, Somerset County, Maine known as the *Long Pond South Shore Subdivision* (hereinafter, the “Subdivision”), and desires to create therein a rural residential/recreational community. Declarant desires to provide for the perpetual maintenance of the private roads as specifically delineated herein to, from and within the Subdivision, to provide for the perpetual maintenance of common areas within the Subdivision, to ensure compliance with certain design standards, and to protect the Subdivision from any commercial or other inappropriate development.

1.2 Declaration: To further the general purposes herein expressed, Declarant, for itself, its successors and assigns, hereby declares that all real property hereinafter described in Article 3 as the “Properties,” whether or not referred to in any deed of conveyance of such properties, at all times is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens (sometimes referred to as “Covenants and Restrictions”) hereinafter set forth.

2. DEFINITIONS: The following words and terms, when used in this Declaration, shall have the following meanings, unless the context clearly indicates otherwise:

2.1 “Association” shall mean the Long Pond South Shore Homeowners Association, a Maine non-profit corporation with a place of business in Long Pond Township, Maine.

2.2 “Board” or “Board of Directors” shall mean the duly elected Board of Directors of the Association.

2.3 “Common Area” or “Common Areas” shall mean all interests in real property (including any improvements thereto) held by the Association for the common use of its members.

2.4 “Common Expenses” shall mean the actual and estimated expenses of operating the Association, including any reasonable reserves, all as may be found to be necessary and appropriate by the Board of Directors pursuant to this Declaration and the Bylaws of the Association.

2.5 “Lot” shall mean and refer to the individual lots indicated on the Plans (as hereinafter defined) and shall include any buildings located thereon.

2.6 “Owner” shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title, or that estate or interest which is most nearly equivalent to a fee simple title, to any Lot situated upon the Properties, but shall not mean or refer to any mortgage holder thereof unless and until such holder has acquired title to a Lot pursuant to foreclosure or any proceeding in lieu of foreclosure.

2.7 “Plans” shall mean those plans approved by the Maine Land Use Regulation Commission on \_\_\_\_\_, 20\_\_, and recorded in the Somerset County Registry of Deeds in Plan Book \_\_\_\_\_, Page \_\_\_\_\_, as the same may be amended from time to time.

2.8 “Properties” shall mean and refer to all such existing properties, and additions thereto, as are subject to this Declaration and are described in Section 3.1, below.

2.9 “Resource Plan” shall mean and refer to the *Resource Plan for Plum Creek’s Gateway Lands in the Moosehead Lake Region* approved by the Maine Land Use Regulation Commission on \_\_\_\_\_, \_\_\_\_\_.

2.10 “Roads” shall mean and refer to all private roads and proposed private roads providing access to and within the Subdivision; provided, however, that the term “Roads” shall not include private driveways providing access to individual Lots.

### 3. PROPERTIES

3.1 Properties: The real property (the “Properties”) located in Long Pond Township, Somerset County, Maine, and more particularly described as follows, to wit: *[insert property description]*.

### 4. RESTRICTIVE COVENANTS:

The following restrictive covenants shall apply to all Lots:

4.1 Single Family: Lots within this Subdivision may only be used for single family residential housing, or for single family seasonal camping. Only one single family dwelling may be built on each Lot.

4.2 Commercial Use: No commercial or business use, whether for profit or non-profit, may be made of a Lot or any structures thereon, except that rental of a Lot is allowed for single family housing or for single family seasonal camping. No home occupations that display goods or generate traffic shall be permitted on any Lot.

4.3 Signs: No signs or advertisements, other than temporary “for sale” signs and signs identifying a Lot or residence may be erected or permitted on any Lot. NO sign permitted hereunder, whether on buildings or posts or nailed to trees, shall exceed 12” X 24” if such sign is visible from Long Pond or from any Road. All signs on the Properties must comply at all times with the Resource Plan.

4.4 Limited Right of Way: Use of the Roads over which Owners have been granted a right-of-way or easement is for the sole and express purpose of ingress and egress by Owners and their invitees. Such Limited Rights of Way shall be appurtenant to and run with the Lots.

4.5 Weather Tight Buildings: All buildings must be maintained in a weather tight condition.

4.6 Building Permits: No construction may be undertaken on any lot without first obtaining an approved Building Permit from the Maine Land Use Regulation Commission, in accordance with Title 12 M.R.S.A. §§ 681 through 689, or any subsequent regulatory body having jurisdictional authority.

4.7 Set Backs: All structures on Lots must be set back a minimum of 50 feet from all access roads and right-of-way, a minimum of 20 feet from all other property lines, and a minimum of 100 feet from the high water mark of Long Pond, and as may be further restricted under the Resource Plan. No utilities lines are allowed within the 100-foot setback from the high water mark.

4.8 No Subdividing: No Lot may be further subdivided.

4.9 Rules and Regulations: In order to assure the peaceful and orderly use and enjoyment of the properties, Declarant, or, after transfer of control pursuant to paragraph 5.3 hereof, the Board of Directors, may from time to time adopt, modify, and/or revoke in whole or in part, such reasonable rules, and regulations, to be called “Rules and Regulations”, governing the conduct of persons on the Properties as it may deem necessary or desirable, including, but not limited to methods and procedures for enforcing compliance with the Declaration. Such Rules and

Regulations upon adoption, and every amendment, modification, and revocation thereof, shall be delivered promptly to each Owner and the Association and shall be binding upon all Owners.

4.10 Temporary Structures. No structure of a temporary character (other than tents, travel trailers, and recreational vehicles used for seasonal family camping), trailers, shacks, single or double wide mobile homes, garages, or other outbuildings shall be used at any time as a residence or other habitation.

4.11 Siding and Roofing Materials. All new or replacement exterior roofing materials shall be of non-combustible material and shall be a dark, natural-looking color; black, brown, and charcoal gray are preferred. All exterior materials, including window frames, trim, chimneys, and screen doors, shall be unobtrusive in color and texture and shall not be reflective. Natural, earth tones are preferred.

4.12 Exterior Lighting. Exterior lights facing the shore are not allowed. Other exterior lights shall be equipped with full cut-off features and shall be shaded to prevent glare beyond the Lot. Spotlights are prohibited.

4.13 Nuisances. No noxious or offensive activities or nuisances shall be permitted or carried on upon any Lot. "Noxious or offensive activities" shall include any activity or behavior which is inconsistent with both the reasonable pleasurable use of the Properties by neighboring Lot Owners and their guests, and their reasonable expectations of quiet enjoyment of their Lot, free from excessively noisy behavior, significantly loud electronic music or other audio distractions, or other similar behavior or activity.

4.14 Property Maintenance. All Lots and buildings and improvements thereon shall be kept and maintained by the Owner of the Lot in a neat, clean, safe, attractive, and slightly condition and in good repair. No Lot or portion thereof may be used or maintained as a dumping site for rubbish or other refuse. Trash, garbage, and other waste shall be kept in proper, sanitary containers. All trash, garbage, and other waste shall be removed regularly in a timely manner and transported off-site to a solid waste transfer station or other approved facility, or otherwise disposed of in accordance with applicable laws and regulations.

4.15 Sewage Disposal and Water Supply Systems. No sewage disposal system (including, without limitation, septic tanks and leach fields) or water supply system (including, without limitation, wells) may serve, or be share by, more than one Lot. Any sewage disposal system and/or water supply system installed and/or maintained on any Lot must at all times comply with applicable laws and regulations.

4.16 Maximum Height. No structure shall exceed in height the greater of (i) 30 feet above ground level; or (ii) the height of any screening vegetation.

4.17 Chimneys. All new or replacement chimneys must be of stone, brick or tile construction or stove pipe, and shall be installed and maintained under the applicable building, fire, and life safety codes.

4.18 Clearing. Clearing of vegetation for paved or gravel driveways, parking areas, and structures, and the creation of impervious surfaces shall be limited so as to minimize phosphorus export. For areas located between 100 feet and 250 feet from the mean high water mark of Long Pond, the extent of impervious surface shall be no more than 10,000 square feet. No more than 20% of any Lot may be cleared in any ten (10) year period. No clearing may be undertaken on any Lot except in compliance with the clearing standards established under the Resource Plan.

4.19 Property Lines. All property lines shall be kept free and open and no fences, hedges, or walls are permitted thereon, or within the 20-foot property line setback.

4.20 Accessory Outbuildings. The total, aggregate footprint of all accessory buildings on any one Lot shall not exceed 600 square feet and no accessory building may exceed 15 feet in height. The footprint of an accessory building shall be determined by calculating the square footage of the area contained within the external dimensions of such building.

4.21 Walking Trails. Lot Owners may create walking trails upon their Lots, provided that any such trails located within the 100-foot setback from the high water mark do not exceed 3 feet in width, and further provided that the topsoil is not disturbed in creating such trails, and no part of the trail has a sustained grade of more than 10%. All walking trails must comply with applicable standards set forth in the Resource Plan.

4.22 Docks. No permanent docks may be built on any Lot; provided, however, that temporary seasonal docks shall be permitted in accordance with applicable state and local laws, rules and regulations, and the provisions of the Resource Plan.

4.23 Common Areas. Common Areas shall be left in their natural state in perpetuity subject to the provisions of Paragraph 6 herein, and shall not be further developed, divided, or partitioned. In connection therewith, clearing on Common Areas shall be limited so as to preserve the scenic resources thereof, subject to, and in accordance with, the Resource Plan; provided, however, that the Association may take such actions as are necessary to maintain the Common Areas in a manner to promote public health and safety. Each Lot, as an appurtenance thereto, shall be benefited by an easement and right-of-way over and across all Common Areas for the use and enjoyment thereof, subject to the provisions of this Declaration and the Resource Plan.

## 5. MEMBERSHIP AND VOTING RIGHTS IN THE ASSOCIATION:

5.1 Membership: Prior to the conveyance of any Lots by Declarant to Lot Owners, Declarant shall cause the Association to be formed. Every Owner shall be a member of the Association, provided that any person or entity who holds an interest in any Lot merely as a security for the performance of an obligation shall not be a member.

5.2 Voting Rights: Ownership of a Lot shall entitle its Owner to one (1) vote for each Lot owned. When more than one person or entity holds an interest or interests in any Lot, all such persons or entities shall be members, and the single vote for such Lot shall be exercised as they among themselves determine by majority vote, but in no event shall more than one vote be cast with respect to any Lot. Declarant shall also have one vote for every Lot Declarant owns.

5.3 Declarant Control: Notwithstanding the foregoing, Declarant shall have the right to appoint, remove and replace the directors of the Board until the first meeting of members following the conveyance of 50% of the Lots. Declarant shall call a meeting within 120 days of such conveyance, or at such other time as Declarant deems appropriate.

## 6. MAINTENANCE OF ROADS AND SIGNS:

6.1 Roads: The Association shall, for the common benefit of the Owners, maintain the Roads. Unless otherwise voted by members of the Association in an Amendment pursuant to Article 8, the Roads are to be maintained in accordance with the standards contained in paragraph 6.1.1 below. The Association will not be responsible for any plowing of the Roads unless and until the Association expressly assumes that obligation pursuant to an Amendment to this Declaration as provided in Article 8. Declarant shall not be responsible for maintenance of Roads, including any plowing of the Roads.

### 6.1.1 Road Maintenance Standards:

(a) The Association will maintain Roads such that the Roads will be kept open and free of debris during all snow free times for the safe passage of vehicles.

(b) The Association will ensure that all culverts and cross drainages will be kept open and free of debris such that the passage of water is unrestricted. The Association will ensure that all damage to culverts or cross drainages will be repaired promptly. The foregoing notwithstanding, in the event the Roads are used by Declarant in its commercial timber harvesting operations, Declarant shall be responsible at its expense to repair any damage caused to the Roads as the result of such timber operations.

6.2 Extent of Members' Easements: The rights and easements of enjoyment created hereby and in the deeds to Owners shall be subject to the rights of Declarant, its successors and assigns as herein reserved, as reserved in the deeds to Owners, and as set forth in the Resource Plan.

6.3 Rights Reserved by the Declarant: Declarant, for itself, its successors and assigns, reserves for the benefit of Declarant or any properties of Declarant or any successor or assign of Declarant, which need not include the Properties, the following rights in any properties transferred to the Association or the Owners:

(a) Unless expressly waived by Declarant, Declarant reserves exclusively unto itself, its successors and assigns, a perpetual (notwithstanding paragraph 9.1), alienable and releasable utility easement and right in, on, over and under the Roads and Common Areas.

(b) Declarant reserves, for the benefit of Declarant, its successors, assigns, employees and licensees, an easement for the unobstructed use at all times of all Roads and Common Areas for all lawful purposes, including without limitation for all usual commercial forest and land management activities.

6.4 No Affirmative Obligation Unless Stated: Any reservation or right of Declarant which is stated in or implied from these covenants shall not give rise to any affirmative obligation or duty on the part of Declarant unless expressly stated in these covenants.

## 7. COVENANT FOR MAINTENANCE ASSESSMENTS:

### 7.1 Assessments By Declarant and the Association

#### 7.1.1 Creation of the Lien and Personal Obligation of Assessments:

Each Owner of a Lot, by acceptance of a deed therefor (whether or not it is so expressed in any such deed) shall be deemed to covenant for himself, his heirs, representatives, successors and assigns, to pay the Association, following such conveyance, assessments and charges as provided herein. All such assessments and charges shall be fixed, established and collected from time to time as hereinafter provided. All such assessments and charges, together with such interest thereon and cost of collection thereof, as hereinafter provided shall be a charge on the land or dwelling with respect to which such assessments and charges are made and shall be a lien against such land or dwelling. Each such assessment and charge, together with the interest thereon and costs of collection thereof, also shall be the personal obligation of the member who is the Owner of such assessed Lot at the time when the assessment fell due.

7.1.2 Purpose of the Assessment: The assessments may be levied against the Lots for the purpose of establishing the necessary reserves and for raising funds in order to provide for maintenance of all Roads and Common Areas within the Subdivision (including payment of real estate taxes and other similar assessments and levies), subject to the provisions of Paragraph 7.1.3 below.

7.1.3 Computation of Operating Budget and Assessments: It shall be the duty of the Board at least thirty (30) days prior to the Association's annual meeting to prepare a budget covering the estimated costs of maintaining the Roads and Common Areas during the coming year; provided, however, that the Declarant will establish three or more "blocks" comprised of specific Lots within the subdivision based upon Roads appurtenant to or within such block and the assessments to be levied shall be determined, in part, on the amount of road maintenance, if any, required by any such block. Any Lot that does not have the benefit of Roads appurtenant to or through such block shall not bear any cost of road maintenance, including plowing. The Board shall cause the budget and the proposed assessments to be levied against each Lot for the following year, to be delivered to each member at least twenty-one (21) days prior to the meeting. The budget and assessments shall be deemed ratified and approved unless disapproved at the annual meeting by a vote of seventy-five percent (75%) of the total votes cast at the meeting. In the event the budget is disapproved, the budget last approved by the members shall be continued until such time as the members approve a subsequent budget proposed by the Board.

The Board shall determine the total amount required, including the operational items such as insurance, repairs, reserves, maintenance and other operating expenses, as well as charges to cover any deficits from prior years and capital improvements approved by the Board. The total annual requirements and any supplemental requirements shall be allocated between, assessed to and paid by the Members as follows:

Except as provided above, each Lot shall be assessed, and the Owner shall pay, a fraction of said requirements, the numerator of which shall be one (1) and the denominator of which shall be equal to the number of Lots on the Properties subject to this Declaration. The maximum annual assessment for an Owner of a single Lot shall not exceed \$100 unless so approved by 75 percent of all votes of the Association at an annual or special meeting. The Declarant's obligation for such assessments on unsold Lots subject to this Declaration will be limited to the difference between the actual operating costs of the Association, including reserves, and the assessments levied on Owners other than Declarant. In no event, however, will Declarant be required to make a deficiency contribution in an amount greater than it would otherwise be liable for if it were paying assessments on unsold Lots. The sum due the Association from each individual Owner shall constitute an assessment of the Board of Directors and unpaid assessments shall constitute liens on the individual Lots, subject to foreclosure as hereinafter provided.

7.1.4. Due Dates; Duties of the Board of Directors: All assessments shall be payable annually in advance on the day ordered by the Board. The Board shall fix the date of commencement and the amount of the assessment against each Lot and shall prepare a roster of the Lots and assessments applicable thereto which shall be kept in the office of the Association and shall be open to inspection by any member. Upon the written request of a member or his/her mortgagee, the Board shall promptly furnish such member or his/her mortgagee with a written statement of the unpaid charges due from such member.



7.1.5 Notice of Meeting: Written notice of any meeting called for the purpose of taking any action authorized under Section 7.1.3 of this Article 7 shall be sent to all members not less than twenty-one (21) days in advance of the meeting. Upon written request of any institutional holder of a first mortgage, that holder shall be entitled to written notice of any such meeting and shall be permitted to designate a representative to attend and observe the meeting.

7.2 Effect of Non-Payment of Assessment or Other Charges; the Personal obligation of the Owner; the Lien; Remedies: If any assessment or any other charges payable pursuant to this Declaration are not paid on the date when due as provided herein, then such assessments and charges shall become delinquent and shall, together with interest of 10% annually thereon and cost of collection thereof as provided hereinafter, thereupon become a continuing lien upon the Lot against which such assessments are made and shall bind such Lot in the hands of the then Owner, his/her heirs, devisees, personal representatives, successors and assigns. Such lien shall be prior to all other liens except: (a) tax or assessment liens on the Lot by the taxing subdivision of any governmental authority, including but not limited to State, County, Town and School District taxing agencies; and (b) all sums unpaid on any first mortgage of record encumbering the Lot. The personal obligation of the then Owner to pay such assessment or charges shall remain his/her personal obligation for the statutory period and shall not pass to his/her successors in title unless expressly assumed by them.

If any assessment or charges are not paid within thirty days after the due date, Declarant or the Association, whichever is applicable, may bring an action at law against the person personally obligated to pay the same or to foreclose the lien against the Lot, and there shall be added to the amount of such assessment or charges the costs of preparing and filing the complaint in such action, and in the event a judgment is obtained, such judgment shall include interest on the assessment or charges as above provided and a reasonable attorney's fee to be fixed by the court, together with the costs of the action.

## 8. Amendment

Subject to the other provisions of this Declaration and the Bylaws, this Declaration may be amended as follows:

8.1 Notice. Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting of the Board of Directors in which a proposed amendment is considered, and shall be served upon all Owners in the U.S. Mail at the address last furnished to the Board of Directors.

(a) Resolution. An amendment may be proposed by either the Board of Directors or by Owners holding in the aggregate no less than twenty percent (20%) of the votes in the Association. No such resolution of the Board of Directors adopting a proposed

amendment or proposal by Owners holding the required percentage of votes in the Association shall be effective unless it has been adopted at a meeting of the Association duly called and held in accordance with the Bylaws by the affirmative vote of at least sixty-seven percent (67%) of the votes in the Association, whether or not the Owners casting such votes are present at such meeting, and then executed and recorded as provided in paragraph 8.1(d) of this Article.

(b) Agreement. In the alternative, an amendment may be made by an agreement signed by the Owners of the Lots to which at least sixty-seven percent (67%) of the votes in the Association are allocated in the manner required for the execution of a deed and acknowledged by at least one of them, and such amendment shall be effective when recorded.

(c) Certain Amendments. No amendment of this Declaration may make any change in the requirements of Section 4 or Section 6, or in any of the rights, privileges, powers and options of the Declarant, its successors or assigns, unless the Declarant or its successors or assigns join in the execution of such amendment. No amendment of this Declaration may make any change in Section 4.23 unless the Maine Land Use Regulation Commission and the Declarant (or its successors or assigns) join in the execution of such amendment

(d) Execution and Recording. A copy of each amendment shall be attached to or included with a certificate, certifying that the amendment was duly adopted, which certificate shall be executed and acknowledged by such officer or officers of the Association and/or member or members of the Board of Directors designated for that purpose in the Bylaws. The amendment shall be effective when such certificate and copy of the amendment are recorded in the Somerset County Registry of Deeds.

(e) Notice and Challenge. No action to challenge the validity of an amendment to this Declaration adopted by the Association pursuant to this Article may be brought more than one year after such amendment is recorded (other than a challenge to the validity of an amendment on the grounds that such amendment violates the provisions of Section 8.1(c), above). After each amendment to this Declaration adopted pursuant to this Article has been recorded, notice thereof shall be sent to all Owners at the address last furnished to the Board of Directors, but failure to send such notices shall not affect the validity of such amendment. The Association shall make copies of the Declaration and all amendments thereto available for inspection at reasonable times upon reasonable request for such inspection.

## 9. GENERAL PROVISIONS:

9.1 Duration: The covenants and restrictions set forth in this Declaration shall run with and bind the land, for the benefit of all property owned by Declarant and shall inure to the benefit of and be enforceable by Declarant, the Association or the Owner of any land subject to this Declaration, their respective legal representatives, heirs, successors and assigns, in perpetuity.

9.2 Notices: Any notice sent or required to be sent to any Owner under the provisions of this Declaration, unless otherwise provided herein, shall be deemed to have been properly given when mailed, postage prepaid, to the last known address of the person who appears as an Owner on the records of Declarant or the Association at the time of mailing. Each Owner shall have the affirmative duty and obligation to inform Declarant or the Association, whichever is applicable, in writing of any change of ownership of the Owner's Lot, the Owner's current address, and any failure of the Owner to receive any information from Declarant or the Association at the correct address of the Owner.

9.3 Enforcement: Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction. Such action may be either to restrain violation or to recover damages, or against the land, to enforce any lien or right created by these covenants. Failure by Declarant, the Association or any Owner to enforce any covenant or restriction herein contained in no event shall be deemed a waiver of the right to do so thereafter.

9.4 Modification: Prior to the formation of the Association, by recorded supplemental declaration, Declarant may modify any of the provisions of this Declaration or any Supplemental Declaration for the purpose of clarifying any such provisions, provided no such modification shall change the substantive provisions of any such document or materially alter the rights of any Owner established by any such document.

9.5 Severability: Invalidation of any of the provisions of this Declaration by judgment or court order in no way shall affect any other provisions, which shall remain in full force and effect.

9.6 Arbitration: All claims, disputes and other matters in question between Declarant on the one hand, and the Association or any Owners, on the other, arising out of, or relating to this Declaration or the breach thereof, except for claims which specific provision is made herein for enforcement by court proceedings, and except for assessments and collection and enforcement of same, shall be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then in effect unless the parties mutually agree otherwise. This agreement to arbitrate shall be specifically enforceable under the prevailing arbitration law. The award rendered by the arbitrators shall be final, and the judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

Notice of the demand for arbitration shall be filed in writing with the other parties and with the American Arbitration Association. The demand for arbitration shall be made within a reasonable time after the claim, dispute or other matter in question has arisen, and in no event shall it be made after the date when institution of legal or equitable proceedings based on such

claim, dispute or other matter in question would be barred by the applicable statute of limitations.

9.7 Construction: Whenever the singular number is used, the same shall include the plural, use of the plural shall include the singular and the masculine, feminine and neuter genders shall include each other, as the context may require.

9.8 Beneficiaries of Easements, Rights and Privileges: The easements, licenses, rights and privileges established, created and granted by this Declaration shall be for the benefit of, and restricted solely to, the Association, the Owners, and Declarant; and any Owner may also grant the benefit of such easement, license, right or privilege to his/her tenants and guests and their immediate families for the duration of their tenancies or visits, subject in the case of the Common Areas to the Rules and Regulations of the Board, but the same is not intended to create nor shall it be construed as creating any rights in or for the benefit of the general public.

9.9 Declarants Rights: Declarant may at any time or from time to time delegate some or all of its rights under this Declaration to the Association by a written instrument recorded in the Piscataquis County Registry of Deeds. If Declarant ceases to exist or for any reason becomes legally unable to exercise its rights and duties hereunder, such rights and duties may be exercised by the Association.

IN WITNESS WHEREOF, the foregoing instrument has been executed on the day and year first above written.

Attest:

PLUM CREEK LAND COMPANY

\_\_\_\_\_  
Name: \_\_\_\_\_  
Assistant Secretary

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF WASHINGTON)  
  ) ss:  
COUNTY OF KING          )

Personally appeared before me the above-named \_\_\_\_\_ and \_\_\_\_\_, to me known to be the \_\_\_\_\_ and Assistant Secretary, respectively, of PLUM CREEK LAND COMPANY, and acknowledged the foregoing instrument to be the free act and deed of said corporation.

\_\_\_\_\_  
Notary Public in and for the State of  
Washington residing at \_\_\_\_\_  
My commission expires: \_\_\_\_\_

## *Appendix 9*

*Letter from Fiscal Administrator of the Unorganized Territories*



**NERIA R. DOUGLASS, JD**  
*STATE AUDITOR*

**STATE OF MAINE**  
**DEPARTMENT OF AUDIT**

66 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0066

TEL: (207) 624-6250  
FAX: (207) 624-6273

**DOREEN L. SHEIVE**  
*FISCAL ADMINISTRATOR*  
*UNORGANIZED TERRITORY DIVISION*

March 30, 2005

Mr. Doug Denico  
Plum Creek  
49 Mountain Avenue  
Fairfield Maine 04937

Dear Doug:

As requested, please find the attached explanation of how the Unorganized Territory Tax District functions and how taxes are levied.

I hope you find this information helpful. Please feel free to use all of the information or parts for your submission to LURC.

Doreen L. Sheive  
Fiscal Administrator of the  
Unorganized Territory

Attachment

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# UNORGANIZED TERRITORY TAX DISTRICT

## GENERAL INFORMATION

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The unorganized territory is presently comprised of the following:

- 9,327,533 acres of land, of which:
  - 7,568,360 acres are in tree growth (for which the unorganized territory does not receive reimbursement from the State of Maine, and,
  - 1,190,564 acres are exempt from property tax.
- There are 419 townships. One hundred twenty nine of these townships have a full-time resident population of 7,843 people. In addition, the 2000 census estimated that there are 9,260 seasonal structures within the unorganized territory, housing approximately 24,075 non-residents.
- There are 75 offshore islands with only one of these islands having a full-time population of four people.
- There are 415 miles of summer roads and 541 miles of winter roads to maintain.
- There is unorganized territory located within twelve of the sixteen counties in Maine. However, municipal type services are only required in nine of these twelve counties.
- In FY03 the municipal type services were contracted at the county level at a cost to the unorganized territory taxpayers of \$4.2 million. Education, tax-assessing, planning and zoning, general assistance, forest fire protection, and fiscal administrative services were provided at the state level at an annual cost to the unorganized territory taxpayers of approximately \$9.1 million. In addition, the unorganized territory taxpayers paid approximately \$2.7 million in county taxes.

The unorganized territory does not receive school subsidy nor tree growth reimbursement from the State of Maine.



## **STATE SERVICES**

The Legislature allocates and appropriates General Fund monies to the majority of state agencies who provide services to the unorganized territory. However, the General Fund appropriations are offset by transfers made to the Undedicated General Fund for actual expenditures made on behalf of the unorganized territory. The Fiscal Administrator of the Unorganized Territory, in compliance with Title 36, MRSA, §1605, SUB§2-A, transfers on October 31 of each year, an amount equal to 90% of the preceding fiscal year's expenditure. Then, in June of each year, the Fiscal Administrator verifies the total expenditures made by state agencies on behalf of the unorganized territory and transfers any remaining costs above the October 31<sup>st</sup> transfer to the Undedicated General Fund. Thus, the General Fund does not ultimately finance any services provided to the unorganized territory.

Within the state government structure, services to the unorganized territory are provided by:

**Maine Department of Education, Division of School Operations** – Serves as the administrative unit responsible for education and related services for the 1,195 students residing in the unorganized territory. Of these 1,195 students, 1,006 are tuitioned to local school units and 189 students attend the six unorganized territory operated schools located in the unorganized territory.

**Maine Department of Audit, Unorganized Territory Division** – The Fiscal Administrator of the Unorganized Territory provides information and assistance to the Legislature, the unorganized territory taxpayers, and state and county offices which request funds for providing services in the unorganized territory. The Administrator's primary responsibilities include the review, analysis, and investigation of the budgets and expenditures of all county and state agencies requesting funds from the unorganized territory. This is to ensure a complete and accurate annual analysis. The annual analysis is submitted to the joint standing committee of the Legislature having jurisdiction over taxation and to each legislator and office of the county commissioners having unorganized territory within their districts.

In addition, the Fiscal Administrator drafts and submits the annual Municipal Cost Components legislation in order for taxes to be levied; attends and participates in public hearings on county budgets and legislative hearings relative to the unorganized territory; publishes and distributes an annual financial report to interested taxpayers, legislators and county commissioners; and is Chair of the Commission on Municipal Deorganization.

**Maine Department of Conservation, Forest Fire Control Division** – Provides first response forest fire protection to the unorganized territory including fire prevention, fire detection, fire suppression, fire planning, and the maintenance of forest fire equipment.

## **State Services (Cont.)**

**Maine Department of Human Services, Special Services/Emergency Assistance** – Designates and oversees agents who provide general assistance to the unorganized territory citizens.

**Maine Department of Conservation, Land Use Regulation Commission** – Serves as the planning and zoning board for the unorganized territory and other areas of Maine lacking local governments empowered to exercise land use authority.

**Maine Department of Administrative and Financial Services, Revenue Services, Property Tax Division** – Responsible for the assessment and collection of property taxes for the 419 townships and numerous coastal islands within the unorganized territory. The Bureau also maintains control of vehicle and boat excise taxes for the unorganized territory.

## **COUNTY SERVICES**

County services such as: road and bridge maintenance and repair, snow removal, structural fire protection, ambulance services, solid waste disposal, polling places, and animal control may, in accordance with Title 30A, MRSA, Chapter 305, be either provided or contracted by the county commissioners in the following counties.

**Aroostook  
Franklin  
Hancock  
Kennebec  
Oxford  
Penobscot  
Piscataquis  
Somerset  
Washington**

In the fall of the year, each of the above named counties produces an unorganized territory budget.

**NOTE:** This budget is separate from the county budget. The law requires that a public hearing on this budget be held at the same time as the county budget hearing. These budgets are

submitted to the Fiscal Administrator of the Unorganized Territory for review analysis, and investigation. They are then included in the legislation and analysis submitted by the Fiscal Administrator to the Legislature for its consideration.

## **MUNICIPAL COST COMPONENTS LEGISLATION**

The Fiscal Administrator of the Unorganized Territory drafts and submits the Municipal Cost Components legislation no later than March 1 of each year. This legislation consists of the budgeted state services minus anticipated revenues such as revenue sharing and the use of the undesignated fund balance. It also consists of the unorganized territory budgeted tax assessment for each of the counties that provide municipal type services.

A public hearing on this legislation is held before the Joint Standing Committee on Taxation. The legislation is then voted on by both houses of the Legislature (a 2/3 vote is required because it is emergency legislation) and signed into law by the Governor.

## **TAXES**

Once the Municipal Cost Components legislation is enacted, the Division of Unorganized Territory Property Tax within the Maine Department of Administrative and Financial Services issues the tax bills. The bills are mailed no later than August 1 of each year. The tax is due by October 1.

The mill rate in the unorganized territory consists of three components. They are:

1. County services budget (specific to the county in which the taxpayer owns property) divided by the county valuation = Mill Rate
2. State services budget (minus budgeted revenue) divided by the entire unorganized territory valuation = Mill Rate (NOTE: This mill rate is consistent for every taxpayer in the unorganized territory)
  - A. The above two mill rates are added and rounded up to the nearest \_ mill = Mill Rate.
3. County Tax (specific to the county in which the taxpayer owns property) divided by the county valuation = Mill Rate.

Numbers 2A and 3 mill rates are added to get the county tax rate for the individual counties in the unorganized territory.

*Appendix 10*

**Estimated Economic Impacts of Proposed Plum  
Creek Plan for the Moosehead Lake Area, Maine**

**(To be submitted at a later date)**

## *Appendix 11*

### **Phosphorus Studies**

**(To be submitted at a later date)**

## *Appendix 12*

### *Statements of Support for the Plan*

- *Piscataquis County Economic Development Council Executive Committee Resolution: “Support for Plum Creek’s Resource Plan Proposed for Lands Surrounding Greenville and the Moosehead Lake Region.”*
- *Greenville Board of Selectmen Resolution: “Support for Plum Creek’s Resource Plan Proposed for Lands Surrounding Greenville and the Moosehead Lake Region.”*

**PISCATAQUIS COUNTY ECONOMIC DEVELOPMENT  
COUNCIL EXECUTIVE COMMITTEE RESOLUTION  
“Support for Plum Creek’s Resource Plan Proposed for Lands  
Surrounding Greenville and the Moosehead Lake Region”**

**WHEREAS** the nation’s largest landowner – Plum Creek Timber Company, Inc. – is also the owner of over 400,000 acres surrounding Moosehead Lake in Piscataquis County, and;

**WHEREAS** Plum Creek has proposed a Resource Plan for this 400,000 acre parcel which has been devised with great care and consideration for the economic needs of the Piscataquis County region, and;

**WHEREAS** this resource plan threads together development opportunities for Plum Creek and also conservation lands for the general public while adding great security and predictability for both forest products and outdoor recreational activities, and;

**WHEREAS** Plum Creek’s plan calls for the permanent easement of both snowmobile trails and also non-motorized recreational trails for biking, hiking, dog-sledding, cross-country skiing, and a variety of other diverse recreational opportunities which are being promoted in our region, and;

**WHEREAS** Plum Creek has committed to working to develop affordable housing opportunities within the region which will encourage in-migration of families and increase workforce capacity, and;

**WHEREAS** Plum Creek is agreeable to work with economic development officials from the local, county, state and federal levels to encourage private sector growth within our region within the forest products and tourism sectors, and;

**THEREFORE**, it is hereby resolved on February 2, 2005 by the PCEDC Executive Committee to:

- 1. Support Plum Creek’s Resource Plan proposal for the greater Moosehead Lake Region;**
- 2. Encourage Plum Creek to continue to work with local leaders county-wide to craft this proposal to meet both Plum Creek’s objectives and those of the region;**
- 3. Request that the State of Maine work to maximize the economic and community benefit of these opportunities by developing suitable infrastructure to support new industrial and tourism-based business growth.**

**GREENVILLE BOARD OF SELECTMEN RESOLUTION**  
**"Support for Plum Creek's Resource Plan Proposed for Lands**  
**Surrounding Greenville and the Moosehead Lake Region"**

Wednesday, December 15, 2004

**WHEREAS** the nation's largest landowner – Plum Creek Timber Company, Inc. – is also the owner of over 400,000 acres surrounding Moosehead Lake and the Town of Greenville, and;

**WHEREAS** Plum Creek has proposed a Resource Plan for this 400,000 acre parcel which has been devised with great care and consideration for the economic needs of Greenville and the region it serves, and;

**WHEREAS** this resource plan threads together development opportunities for Plum Creek and also conservation lands for the general public while adding great security and predictability for both forest products and outdoor recreational activities, and;

**WHEREAS** Plum Creek's plan calls for the permanent easement of both snowmobile trails and also non-motorized recreational trails for biking, hiking, dog-sledding, cross-country skiing, and a variety of other diverse recreational opportunities which are being promoted in our region, and;

**WHEREAS** Plum Creek has committed to working with the State of Maine and the Town of Greenville to develop affordable housing opportunities within the region which will encourage in-migration of families and increase workforce capacity, and;

**WHEREAS** Plum Creek is agreeable to work with economic development officials from the local, county, state and federal levels to encourage private sector growth within our region within the forest products and tourism sectors, and;

**WHEREAS** the details of this plan have been shared individually with many community leaders and collectively at a December 14, 2004 special meeting of the Moosehead Development Council, and all community partners who have heard details of this plan have reacted favorably to the proposal, many of whom have offered to work with Plum Creek to see these opportunities come to fruition;

**THEREFORE, it is hereby resolved on December 15, 2004 by the Board of Selectmen of the Town of Greenville to:**

- 1. Support Plum Creek's Resource Plan proposal for the Moosehead Lake Region;**
- 2. Encourage Plum Creek to continue to work with local leaders to craft this proposal to meet both Plum Creek's objectives and those of the region;**
- 3. Request that the State of Maine work to maximize the economic and community benefit of these opportunities by developing suitable infrastructure to support new industrial and tourism-based business growth.**



**On behalf of the Town of Greenville, we thank Plum Creek for bringing forward these opportunities.**

Adopted at a regular Selectmen's meeting convened December 15, 2004 in Greenville, Maine:

Bonita DuBien, Chair  
Alan McBrierty, Vice-Chair  
Bruce Hanson, Selectman  
Burton Whitman, Selectman

Attest:  
Carroll Smith, Selectman  
John Simko, Town Manager