

IV. IMPLEMENTATION

ZONING

The present Commission land use subdistricts within the confines of the Concept Plan Area are hereby replaced by a single Resource Protection Plan, Protection Subdistrict, hereafter referred to as a P-RP subdistrict. The extent of the P-RP area, i.e., the Concept Plan area, is shown on Map 11; the existing “zones” or subdistricts that the P-RP designation replaces are shown on the “LURC Subdistricts” map (*Map 10 in Part II*).

The proposed development and conservation measures that are part of the “Resource Plan” are described below. The new land use standards are more restrictive than the Commission’s standards as set forth in Chapter 10.

PROPOSED DEVELOPMENT (*SEE MAP 11*)

General Provisions

Under this Concept Plan for First Roach Pond, Plum Creek Land Company proposes to create 89 lots, located in clusters of shorefront and back lots, in the immediate vicinity of the pond. Sixty-two of the lots will be on shoreland property and vary in size from about 1.4 to 12.0 acres; there are 27 back lots from 1.8 to 4.6 acres in size.

Excluding roads and adjacent buffer areas, the lots will comprise 275 acres or 18.8% of the Plum Creek Land Company ownership and the Concept Plan area. The remaining 81.2% of Plum Creek’s ownership will be protected by permanent conservation easements, conservation covenants (negative easements) and deed restrictions. The table that follows (Table 1) describes the physical characteristics of the lots. Concept Plan Map 11 illustrates the information provided in this table.

Most shorefront lots have between 200 and 370 feet of frontage on the pond. The smallest frontage is 200 feet and the largest, located on the west end of the Peninsula, is about 1,100 feet; the so-called “Peninsula” lots have an average of about 645 feet of frontage each. The back lots have an average width of over 200 feet. All lots are sized and located to accommodate subsurface septic disposal systems, based on soil tests.

Access to the proposed development will be provided by:

- shared driveways or individual driveways directly off existing public roads;
- driveways off existing, improved, woods management roads and/or existing private camp roads (all owned by Plum Creek Land Company or Plum Creek Maine Timberlands);
- driveways off new roads, constructed to link up with the existing, private, system of woods management roads (owned by Plum Creek Land Company or Plum Creek Maine Timberlands); some of these new roads will be owned and managed by a homeowners association.

Note: all such access will be secured in the deeds to each lot sold.

All new and improved access/woods management roads will be upgraded to standards specified in each subdivision application submitted to LURC pursuant to this Concept Plan. Any such road will have at least 6 inches of gravel surface, 14 feet wide, placed on top of clean subgrade free of organic materials, that is 18 feet wide and will be ditched as appropriate, with 2 : 1 side slopes; erosion control and storm water measures acceptable to LURC will be made part of any and all subdivision plan submissions. Further, driveways will be required to be built to minimize runoff and limit the phosphorus contribution to the pond. They are to be built by lot purchasers, to LURC standards.

Rezoning and Subdivision Provisions

Upon approval of this Concept Plan by the Commission, the land will be designated as a Resource Plan Protection Subdistrict (P-RP). Rezoning of the Concept Plan area, or a portion of the area, to a development subdistrict, to effect the authorized development will *not* be required by the Commission. No lot, however, except the two lease lots, may be sold, leased, or developed without first obtaining a subdivision permit for the particular area or cluster of lots where such sale, lease, or development is proposed. Note: The Maine Land Use Regulation Commission has previously ruled that the two lease lots are legal lots of record and may be sold separately. (See LURC Advisory Ruling AR99-088 for various townships including Somerset and Piscataquis.) Plum Creek Land Company proposes to extend the area of the north shore central lot in Area 1 to two acres to allow for septic tank and drainfield installation. The other lease lot may be sold as part of a larger lot on the peninsula or it may be sold separately, as a 2 acre lot with 200 feet of frontage, to the current leasee. Further, all dimensional, septic system, soils, and other LURC development standards and requirements shall apply, as are in effect at the time of acceptance of the applicable subdivision permit application. A third leased lot, adjacent to and east of the State campsite, comprising 6.4 acres is used for primitive camp sites; no other uses are to be permitted.

Plum Creek Land Company retains the right to not proceed with the development contemplated under this Concept Plan, following LURC approval, or to transfer its development rights to others. Should the Company not exercise the development opportunities authorized by Concept Plan approval it shall not be obligated to set in place the conservation mechanisms linked to such development as described hereafter (*see Phasing of Conservation and Development on pg. IV-8*).

Table 1 and the Concept Plan (Map 11) describe the proposed development in numerical and in graphic form. All but seven of the lots are small, from 1.4 to 6.2 acres with the average being about 2.5 acres.

The seven medium-sized (± 11 acre) Peninsula lots are purposely sized to offer a diversity of lot sizes. [Plum Creek Maine Timberlands will continue to manage the woodlands immediately to the north of these lots on the peninsula.] These same lots have about 645 feet of lake frontage each and are intended to attract buyers who will value the relatively remote location and the adjoining shoreland areas committed to conservation.

Table 1: Proposed Development									
Area (see Concept Plan Map)	No. of Lots	Lot Size (acre)¹	Total lot acreage¹	New Road (lin. ft.)²		Improved Road (lin. ft.)³		Approx. Driveway (lin. ft.)	Shorefront Total (ft.)¹
				in⁴	out⁴	in	out		
Area 1									
North Shore-West									
Shore lots	23	1.4 – 3.0	41.7	3,600	0	1,425	800	8,350	5225
Back lots	8	3.2 – 4.6	29.3	2,400	0	0	0	1,150	0
North Shore-Center									
Back lots	4	1.80	7.3	850	0	0	7,500	1,200	0
North Shore-East									
Shore lots	6	1.6 – 2.6	12.6	1,200	600	0	4,750	1,800	1,700
Area 3									
Peninsula	7	±11.0	78.4	3,300	4,750	0	0	5,650	4527
Area 5									
South Shore-East									
Back lots	6	2.3 – 3.0	15.6	800	0	2,400	0	2,650	0
South Shore-Center									
Shore lots	5	1.8 – 2.5	10	550	0	0	0	1,900	1,100
Area 2									
South Shore-West									
Shore lots	16	1.9 – 3.1	36.1	0	0	0	0	5,060	3,861
Area 4									
West Shore									
Shore lots	5	3.7 – 6.2	23.4	0	0	0	0	3,225	1,590
Back lots	9	1.4 – 2.9	20.8	1,250	800	0	0	1,100	0
TOTAL	89	-	275.2	13,950	6,150	3,825	13,050	32,085	18,003
<p>¹ All lot sizes and dimensions (except for the Peninsula, South Shore West, and West Shore shore lots) are approximate; final dimensions and precise locations will be dependent on detailed field work and soils information; the lots shown are located given the best available information, however no shore lot will have less than 200 foot frontage or be less than 1 acre in size. Actual dimensions will be determined during the subdivision permitting process.</p> <p>² “New Road” refers to newly constructed roads, within and outside the Concept Plan area, serving new lots; they connect to existing forest management roads and may serve as future forest management roads. All road measurements were scaled off a map.</p> <p>³ “Improved Road” refers to existing forest management roads both within and outside the Concept Plan area that will be improved to serve as access roads to the lots.</p> <p>⁴ “In” refers to road construction within the Concept Plan area; “Out” refers to road construction outside of the Concept Plan area but within the Plum Creek Maine Timberlands ownership.</p>									

Land Use Standards Applicable to the Plan

All development will be regulated by the Commission subject to the provisions of this Concept Plan, as specified in Appendix . Particular provisions include the *Land Use Standards* and the *Homeowners Association Covenants and Restrictions*. Subsequent provisions in any and all subdivision permits issued by LURC pursuant to this Concept Plan shall also apply.

The Pulp Road Camp Site

(Note: this is an existing undeveloped, unimproved historic pulp log dump site that is now used by the public as a campsite; one or two self-contained travel trailers or motor homes are occasionally parked at this site; an outhouse is provided.)

- Plum Creek Maine Timberlands will continue to permit traditional, non-intensive, use of this campsite in accordance with the company’s recreational policies. A permit for the campsite will be applied for as part of the application for the adjacent North Shore West subdivision.

Electrical Service Lines

- Where clearing for electrical service lines is necessary, such lines and cleared corridors are to be as unobtrusive as possible when viewed from the Pond; further, electrical service is only likely to be extended to the three most westerly development areas where lines will be set back at least 300 feet from the Pond, along existing or proposed roads. No lines are to be permitted within 100 feet of the water, unless they are subterranean.

Leased Campsite Uses

- Under this Concept Plan the 14 campsites on 6.4 acres of leased land are to be considered non-conforming, grandfathered uses which may continue but may not be expanded.

SUBMITTAL REQUIREMENTS AND STANDARD OF REVIEW FOR DEVELOPMENT PROPOSALS

1. Prior to sale or development of a lot authorized within the Concept Plan, Plum Creek Land Company must obtain a subdivision permit from the Commission for the appropriate area. A subdivision permit will not be needed to sell the existing, north shore center, lease lot, or the campground in the southeast.
2. Upon Plum Creek Land Company obtaining the necessary subdivision approval, development authorized within the Concept Plan may proceed upon issuance of other appropriate permits by the Commission.
3. The necessary forms to apply for such permits are to be obtained from the Commission’s offices. Information requirements are the same as those routinely required of applicants for a permit.
4. The subdivisions, submitted pursuant to this Concept Plan, must meet the LURC requirements of 12 MRSA, Sections 685-B,(4). The Commission may place special terms and conditions, without limitation, on a permit issued under this Concept Plan. Terms and conditions shall specify particular means of satisfying minor or easily corrected problems.

IMPACT OF CONCEPT PLAN ON PHOSPHORUS LEVELS IN FIRST ROACH POND

Plum Creek Land Company has had DeLuca Hoffman Associates, Inc., undertake an evaluation of the impact the proposed Resource Plan (Concept Plan) will have on First Roach Pond. Using the Maine Department of Environmental Protection’s approved methodology for phosphorus evaluations (“A Technical Guide to Evaluating New Development, September, 1992), the consultants found that the TPA (total phosphorus available) for algal production would not exceed 61.87 lbs/year.

The permitted phosphorus export (PPE) allowed under the state’s rules is 139.9 lbs/year. The proposed development has minimal impact, significantly less than the allowable. No additional phosphorus controls are necessitated by the proposal. Nonetheless, prudent erosion control measures will be undertaken as part of this project. [The full text to the DeLuca-Hoffman Associates, Inc., report is in the Appendix.]

PROPOSED CONSERVATION (see Map 11)

There are three types of conservation areas, which, in their entirety, will place all of the undeveloped land either in private common area within the clusters of lots or in open space available for public access and protected by conservation covenants or conservation easements. Each of these is described below.

In Perpetuity Common Shoreland Areas (designated “Deed Restrictions” on the Concept Plan Map)

Purpose: These are common areas within the various subdivision clusters that provide privacy buffers between lots or clusters of lots. They may also contain access road right-of-way. They are areas that are to be owned and managed by the local homeowners association. They are not open to the general public.

Six of the proposed shorefront subdivisions contain common areas. Together they contain a total of 9,218 feet of shorefront that is to be permanently conserved by deed restrictions.

Provisions: Upon the Commission’s approval of the applicable subdivision, the common area open space within that subdivision will be conveyed to the applicable homeowners association by means of a Quitclaim Deed. The deed will contain deed restrictions which require that the common area is to remain in open space and may not be further developed. The deed will be filed in the Piscataquis County Registry of Deeds.

In addition to the deed restrictions prohibiting development in perpetuity, a stipulation shall be included in the deed to the homeowners association regarding clearing permitted in these areas (see the Appendix).

Table 2. In Perpetuity Common Deed Restriction Areas

Common Area	General Description*	Shorefront (lin. ft.)*	Acres*
North Shore West (Area 1)	Includes shoreland buffer areas between development clusters and buffers of common land around back lots; a new camp road runs through it.	2,375	64.6
North Shore Center (Area 1)	Includes shorefront and backland buffer areas, held in common.	1,500	23.6
North Shore East (Area 1)	Common land buffers the lots on the north, west, and east.	1,300	17.6
South Shore Center (Area 5)	The common land buffers the lots from adjacent, shore, development and the County Road.	900	13.9
South Shore West (Area 2)	Common land provides buffers between new and existing lots.	1,739	18.6
West Shore (Area 4)	Includes shoreland and backland buffer areas.	1,404	22.0
Total		9,218	160.3

**Note: The exact location, size, and frontage on the pond may vary as more detailed wetland information becomes available and is submitted as part of a subdivision application; the general amount of frontage and acreage will, however, remain the same.*

“Conservation Covenant” Areas (as designated on the Concept Plan Map)

Purpose: These are shoreline and wooded areas, adjacent to the backlots, shoreland, and existing camps, where traditional public access is allowed but camping is prohibited, so as to protect the privacy of the lot owners and to balance the proposed development. These lands will be owned by Plum Creek Maine Timberlands and managed for timber production. The conservation covenant (also known as a negative easement) that prohibits development (except as provided for in the conservation easement language in the Appendix) on these lands will be held by the State of Maine and future purchasers of Plum Creek Land Company lots on First Roach Pond approved by the Commission. Sole responsibility for the language in the covenants rests with the Commission.

Conservation covenant (negative easement) areas within the First Roach Pond Concept Plan area comprise 494 acres and contain 13,610 feet of shorefront property.

Provisions: The conservation covenant that guarantees that there shall be no development within these conservation areas, in perpetuity, shall become effective in two phases. Only the Commission has the power to negotiate these conservation covenant terms. Upon Commission approval of any subdivision plan for the south or west shore, all conservation covenant areas on the south and west shore shall be “triggered.” Likewise, upon approval of any subdivision plan on the north shore, all conservation covenant areas on the north shall be “triggered.”

In addition, the timber harvesting limitations will be made part of the conservation covenant as described in the Appendix and up to 15 acres of this land may be sold to adjacent, existing, lot owners provided that: no such single sale exceeds 1 acre; only backland with no shore frontage is sold; and any such sale is for the sole purpose of accommodating a legally approved septic system.

Table 3. Conservation Covenant Areas (also referred to as “negative easement” areas)			
Area	General Description	Shorefront (lin. ft.)	Acres
South and West Shore (Area 4* and most of 5)	Harvested hard and softwood areas east and north of the Greenville Road in Area 4 and hardwood areas between the County Road and the south lakeshore, between existing cabins, in Area 5, up to the east end of the State camp road.	5,800	267.9
North Shore (Area 1)	Hardwood forest north of the North Shore West subdivision and forested shorefront land extending from the Pulp Road to the North Shore East subdivision	7,750	226.1
Total		13,610	494
*Note: Under this Concept Plan the current location of the ITS 85 snowmobile trail, which runs through Area 4, is proposed to be changed, minimally. The proposed new route would not cross the County Road but would cross the Greenville Road (Lily Bay Road) west of the County Road intersection, where sight distances are good; it would then reconnect to the existing trail by following the west side of the Greenville Road (but set back ± 50 feet) northward to Kokadjo.			

In Perpetuity Shoreland Protection (designated “Conservation Easements” on the Concept Plan Map)

Purpose: These shoreland open space areas are to be permanently conserved, with no development permitted, (except as needed for forest management purposes)to balance the proposed development on other stretches of shore around First Roach Pond. As soon as this Concept is approved, the shoreland will be placed in conservation easement. The in-perpetuity protection will be in the form of conservation easements that will be held by the Bureau of Parks and Lands in the Maine Department of Conservation. (See the Appendix).

Provisions: The various conservation areas on the north, east, and south shoreland of the Pond comprise 525 acres and 38,980 linear feet of shoreline. Within all of these conservation areas there shall be no development. The public shall be permitted access for all traditional northwoods recreational activities pursuant to the terms of the agreement in the Appendix, such as camping, hunting, fishing, hiking, and snowmobiling, etc. Forest management and timber harvesting will be continued by Plum Creek Maine Timberlands, subject to the restrictions described in the Appendix.

Table 4. In Perpetuity Shoreland Protection Areas (Conservation Easement Areas)			
In Perpetuity Shoreland Protection Area	General Description	Shore Frontage in Conservation	Acres in Conservation
The North Inlet Shore (Area 3) Open space with high value wetland habitat	Comprises the western, northern, easterly, and Peninsula shore of North Inlet Pond for a distance, inland, 500 feet from the MHWL.	17,080	187
The East Shore (Area 3)	Comprising the 500-foot wide swatch of shoreland (inland from the MHWL) from the east end of the Peninsula subdivision southerly to the inlet stream at the southeast end of First Roach Pond	16,250	190
The South Shore 1. South Shore East (Area 5)	Beginning immediately west of the inlet stream at the southeast end of First Roach Pond and extending northwest to the State camp-ground, this area is 500 feet wide (inland from the MHWL); part of the shore is currently leased land for low-impact camping. In addition this segment includes a narrow, from 300 feet to a few feet wide, wedge of upland lying south and west of the County Road.	2,250	58
2. South Shore West (Area 2)	Located west of an un-named stream, west of the South Shore West subdivision, and extending west to the outlet to Lagoon Brook, this conservation area includes all land between the shore (MHWL) of First Road Pond and the County Road.	3,400	90
TOTALS		38,980	525

PHASING OF CONSERVATION AND DEVELOPMENT

The phasing in of the conservation and development measures proposed in this Concept Plan shall occur as follows:

The Phasing in of Deed Restrictions

The so-called “common land,” surrounding lots in developed shoreland areas, takes effect by subdivision; Commission approval of a particular subdivision will trigger a commitment to dedicate the open space (common land) within the subdivision, in-perpetuity, to the applicable homeowners association.

Thus, upon approval of a subdivision, Plum Creek Land Company will (within six months) file with the Piscataquis County Registry of Deeds, all necessary documents to ensure that no development occurs within the common areas next to all lots in that subdivision. Note, however, that a portion of the common area may be dedicated as right-of-way for camp road and utility access to the lots. The no development prohibition in these common land areas will not apply to these uses.

The Phasing in of Conservation Covenant Areas

The Conservation covenant area (also referred to as negative easements) will become effective in two phases. Upon Commission approval of any subdivision plan for the south or west shore, (i.e, the West Shore, South Shore West, and South Shore East subdivisions) all conservation covenant areas on the south and west shore shall be “triggered.” Likewise, upon approval of any subdivision plan on the north shore, all conservation covenant areas on the north shall be “triggered” by the North Shore West or North Shore East subdivisions. These covenants will be held by the State of Maine and future purchasers of Plum Creek Land Company lots on First Roach Pond.

The Phasing in of the Conservation Easement Areas

Upon approval of this Concept Plan by the Commission, Plum Creek Land Company will file legal documents at the Piscataquis County Registry of Deeds that:

- 1) identify the North Inlet Pond Conservation Easement area (in Area 3 on Map 11), the entire east shore (in Area 3), a portion of the southeast shore (in Area 5), and a portion of the south shore (in the west of Area 2) as an area subject to a conservation easement where no further development will occur, in perpetuity; and
- 2) transfer the conservation easements on this land to the Bureau of Parks and Lands, in the Maine Department of Conservation, to be held by them in perpetuity.