



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY  
LAND USE PLANNING COMMISSION  
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ASHLAND, MAINE 04732

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CORRECTED December 21, 2023

*Via Email Only*

Jessica Damon, Project Manager  
Maine Department of Environmental Protection  
17 State House Station  
Augusta, ME 04333

[Jessica.Damon@maine.gov](mailto:Jessica.Damon@maine.gov)

RE: SLC-17-A; Certification of Allowed Use; Outdoor Adventure Resort, LLC  
Plan 01 Lot 5, The Forks Plantation, Somerset County, Maine

Dear Jessica:

On October 5, 2023, the Maine Department of Environmental Protection (MDEP) submitted to the Maine Land Use Planning Commission (Commission) a Request for Certification. The Request is regarding Outdoor Adventure Resort, LLC's proposed parking lot expansion at its Northern Outdoors commercial facility located in The Forks Plantation in Somerset County (Project). The Request for Certification asks the Commission to determine (a) if the Project is an allowed use within the subdistricts in which it is proposed; and (b) the date on which the certification component of the Site Law application is accepted as complete for processing. The Request for Certification also asks for certification of compliance with Commission standards not reviewed by the DEP, which will be addressed separately. The Commission accepted the Request for Certification as complete for processing on October 9, 2023.

**Proposal and Subdistricts Proposed for Development**

Northern Outdoors is a multi-service resort that offers white water rafting, snowmobiling, hiking, hunting, fishing, ATVing, lodging, dining, and camping. Outdoor Adventure Resort, LLC proposes to improve traffic flow and expand the existing parking lot at its facility. The proposed development would be located within the General Development (D-GN) subdistrict on an approximately 115-acre parcel. The D-GN Subdistrict to be affected by the Project was originally established at the Commission's inception. An additional 7.3 acres of the parcel were rezoned under Zoning Petition ZP 633, effective March 11, 1999, and approximately 23.3 additional acres were rezoned under Amendment A to Zoning Petition ZP 633, effective May 12, 2000.



The additional parking will decrease pedestrian foot traffic crossing Route 201 and increase safety for vehicles entering and exiting the facility. The proposal includes reconfiguring the existing gravel parking area adjacent to Route 201 and the lodge. Parts of the existing gravel parking area would be converted to landscaped areas. The existing southern entrance would be closed, and two new entrances south of the lodge would be added along with 50 new gravel-surface parking spaces. Grading will be required to shape an existing, wooded, gravelly knoll to form the parking lot. Drainage is proposed to be routed south and east to a forested buffer. New culverts and lighting would also be installed. This project vegetates 0.13 acres of existing gravel area and creates 0.56 new acres of nonvegetated gravel surface.

## **Review Criteria**

The following statutory provision is relevant to the determination of whether the Project is an allowed use in the subdistricts in which it is proposed to be located:

12 M.R.S. § 685-B,(1-A),(B-1). "...a permit from the commission is not required for a development of state or regional significance that may substantially affect the environment as defined in Title 38, section 482, subsection 2. A project meeting that definition is reviewed under Title 38, section 489-A-1...The Department of Environmental Protection must receive certification from the commission that the proposed development is an allowed use within the subdistrict or subdistricts for which it is proposed...before issuing a permit."

## **Assessment of the Project as an Allowed Use**

Based on the materials submitted by Outdoor Adventure Resort, LLC, the Commission, through its staff, determines that:

General Development (D-GN) Subdistrict:

- Under the Commission's *Land Use Districts and Standards*, Chapter 10, § 10.21(C)(3)(d)(1)(c), stores, commercial recreational uses not including recreational lodging facilities, and entertainment or eating establishments having a gross floor area of more than 2,500 square feet are allowed by special exception in the General Development (D-GN) subdistrict subject to Chapter 10, § 10.24,B,1 and the applicable requirements set forth in Subchapter III.
- Under the Commission's *Land Use Districts and Standards*, Chapter 10 § 10.24,B,1, for uses allowed by special exception in accordance with Sub-Chapter II, there is no alternative site that is suitable to the proposed use and reasonably available to the applicant.
- Under the Commission's *Land Use Districts and Standards*, Chapter 10 § 10.21,A,3,b,(7), driveways associated with nonresidential use are an allowed use upon issuance of a permit in the General Development (D-GN) subdistrict subject to the applicable requirements set forth in Subchapter III. Chapter 10, § 10.21(C)(3)(c)(8).
- Under the Commission's *Land Use Districts and Standards*, Chapter 10 § 10.21,A,3,b,(7), filling and grading activities which are not in conformance with the standards of Section 10.27,F are an allowed use upon issuance of a permit in the General Development (D-GN)

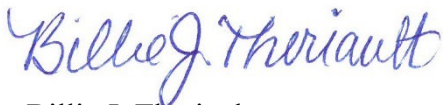
subdistrict subject to the applicable requirements set forth in Subchapter III. Chapter 10, § 10.21(C)(3)(c)(9).

The LUPC certifies that the Project is an allowed use in the D-GN and that the Project meets the special exception criteria in Chapter 10 § 10.24(B)(1) in that Northern Outdoors is a commercial recreational use and that Outdoor Adventure Resort, LLC does not have an alternative site that is both suitable and available for the proposed use. The project is an expansion of an existing parking lot within a pre-Commission facility. Further rezoning is not required for the Project.

Please note that this certification is not a final agency action and pertains only to the staff's determination of the use proposed by Outdoor Adventure Resort, LLC. The Commission will conduct a further review of the Request for Certification, including all application and administrative record materials, to determine whether to certify to the MDEP that the Project meets the land use standards established by the Commission that are not considered in the MDEP's permit review.

Thank you for your patience and cooperation through this process. If you have any questions or would like to discuss this matter further, please do not hesitate to contact me at 207-435-7969 or via e-mail at: [billie.j.theriault@maine.gov](mailto:billie.j.theriault@maine.gov).

Sincerely,



Billie J. Theriault  
Regional Supervisor, Permitting and Compliance Division  
Maine Land Use Planning Commission

cc: Ruby Goodmen, Land Use Planning Commission

xc: SLC18 file