

3. Yexas/Square Lake Development

3. YERXAS/SQUARE LAKE E DEVELOPMENT

The Concept Plan has been revised in the following ways to change the zoning for Yexas from D-FRL-RF to D-FRL-YX and to require a Schematic Design Plan to guide future project development and coordination within this zone.

- ***Text Changes in the Concept Plan***

- **Amend pages 10-11 by deleting E,1,b and replacing it with a new provision:**

- b. Yexas Development Zone (D-FRL-YX):**

The Concept Plan rezones one area as a D-FRL-YX zone. The D-FRL-YX zone allows for a wide range of compatible development in appropriate areas, including recreation facilities. See Sub-Chapter III, Section 10.21,N. The development area rezoned D-FRL-YX is labeled “Square Lake Yexas” on the Concept Plan Maps. See Map 31. Square Lake Yexas is approximately 51 acres in size and is located on the east side of Square Lake. It is surrounded to the north, east, and south by Square Lake E. Lots will be granted deeded access over the existing road network from Route 161 via Disy Road, Disy Crossover Road, and Black Brook Road. See Map 36.

Prior to development in this zone, a Schematic Design Plan will be required to illustrate how the zone will be developed, including reserved areas for residential use, commercial activity, recreation facilities, public water access, parking for Square Lake W, and other facilities..

- Land Uses in D-FRL-YX**

The D-FRL-YX Zone is a new zone that does not currently exist in Chapter 10. Permitted land uses include an array of compatible residential and commercial uses, as well as others, including recreational facilities. The zone is intended to encourage, but does not require, development of a recreational lodging facility at the site of the former Yexa’s sporting camp, as well as a public or commercial trailered ramp to provide public access into Square Lake.

- Land Use Standards in D-FRL-RF**

As with the land uses, the D-FRL-YX is a new zone that does not currently exist in Chapter 10. Dimensional standards will be the same as those that apply to a D-GN subdistrict.

- ***Text Changes in Chapter 10***

- **Delete entirety of 10.21,J and replace with:**

Addendum neither replaces nor supplements 10.21,J, Recreation Facility Development (D-RF).

- **Add a new 10.21,N (note: this proposal remains conceptual at this stage while Petitioners seek guidance on several key policy issues from the public hearing process):**

N. SQUARE LAKE YERXAS ZONE (D-FRL-YX)

1. Purpose

The purpose of the D-FRL-YX Zone is to designate an area that can support a mixture of complementary uses that are compatible with the recreational nature of Square Lake and that support future residential development by creating a focal point for recreational and limited community services. This Zone will allow uses of appropriate scale and require creative site planning for efficient use of the land. Because development has the potential to be built out over a longer period of time and will likely be reflective of market forces, a Schematic Design Plan Schematic Design Plan will be approved by the Commission to guide development and help assure that the goals and policies of the Concept Plan are met.

2. Description

The Square Lake Yexas development area, as delineated on the maps contained in Section 1.H of the Concept Plan, is located in the D-FRL-YX Zone.

Except as authorized by Section 10.08,A,3, no additional areas within the Plan area shall be designated as D-FRL-YX Zone or added to or removed from the D-FRL-YX Zones identified herein except for the purpose of more accurate zone boundaries for the zones identified herein. Any boundary modification request shall be submitted for the Commission's consideration along with supporting documentation that must include, at minimum, boundary surveys, updated Concept Plan maps, updated spatial data of any proposed boundary modifications, and documentation that the total acreage of land within the D-FRL-YX Zone will not materially change. Commission acceptance of any such minor boundary modifications shall not constitute an amendment pursuant to Section I.D of the Concept Plan.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-FRL-YX Zone:

- (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) 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;

- (5) Surveying and other resource analysis;
- (6) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

b.1. Before approval of the Schematic Design Plan.

The following uses shall be allowed without a permit from the Commission within D-FRL-YX Zone subject to the applicable requirements set forth in Sub-Chapters III and IV. Once the Schematic Design Plan is approved, the following activities shall be subject to the applicable requirements set forth in the Schematic Design Plan and the related approval.

- (1) Timber harvesting in compliance with the requirements of Section 10.30, if completed in any given development area within the D-FRL-YX Zone prior to submission of an application for a subdivision or other development approval in that development area.

b.2. After approval of the Schematic Design Plan .

The following uses shall be allowed without a permit from the Commission within D-FRL-YX Zone, after the Schematic Design Plan has been approved, subject to the applicable requirements set forth in Sub-Chapters III and IV, and in the Schematic Design Plan :

- (1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, provided that:
 - (a) The accessory structure is located in a subdistrict that allows the principal use;
 - and
 - (b) The total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Constructed ponds: 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) Docking structures: temporary docking structures;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Hand-carry launches: Commercial and public hand-carry launches
- (7) Home occupations: Minor home occupations;
- (8) Road projects: Level A road projects;
- (9) Service drops;
- (10) Signs;

- (11) Timber harvesting in compliance with the requirements of Section 10.30, if completed in any given development area within the D-FRL-YX Zone prior to submission of an application for a subdivision or other development approval in that development area
- (12) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (13) Utility services: 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; and
- (14) Water crossings of minor flowing waters;

c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed after the approval of the Schematic Design Plan within the D-FRL-YX Zone 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-Chapters III and IV, and in the Schematic Design Plan Schematic Design Plan ; and subject to the applicable requirements of Section 10.21,C,3,g, h and i below:

- (1) Campsites, Residential;
- (2) Commercial uses having not more than 2,500 square feet of gross floor area compatible with supporting recreational and residential uses in the area such as (but not limited to) the following, but excluding auto service stations or repair garages, laundry mats, and uses which may create a nuisance or unsafe or unhealthy conditions or are otherwise incompatible with recreational or residential uses:
 - (a) Businesses related to commercial recreation or real estate sales: such as a guide services or real estate sales office;
 - (b) Facilities offering food or beverages prepared on the premises
 - (c) Retail stores and services, convenience store, limited retail gasoline sales;
- (3) Constructed ponds: 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) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
- (5) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (6) Filling and grading which is not in conformance with the standards of Section 10.27,F;
- (7) Home occupations: Major home occupations;
- (8) Land management roads;
- (9) Recreation facilities: Public or private recreation facilities including, but not limited to, parks, playgrounds and tennis courts;
- (10) Recreational lodging facilities:
 - (a) Level B;

- (b) Level C;
- (c) Level C – Expanded Access;
- (d) Level D; and
- (e) Level D – Expanded Access;
- (11) Residential: Single family dwellings, two-family dwellings, and multi-family dwellings, and in accordance with Section 10.33;
- (12) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,C,3,b; and
- (13) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (14) Signs that are not in conformance with the standards of Section 10.27,J;
- (15) Subdivisions: Residential subdivisions, and commercial subdivisions for uses permitted in this subdistrict, and in accordance with Section 10.33;
- (16) Timber harvesting, in compliance with the requirements of Section 10.30, if begun in any given development area within the D-FRL-YX Zone after submission of an application for a subdivision or other development approval in that development area;
- (17) Trailered ramps: Public and commercial trailered ramps;
- (18) Utility facilities compatible with residential uses, other than service drops, and wire and pipe line extensions which do not meet the definition of service drops;
- (19) Water crossings of minor flowing waters that 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;
- (20) Water impoundments;
- (21) Other structures, uses or services that are essential to the uses listed in Section 10.21,C,3,a through c; and
- (22) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

d. Special Exceptions

The following use, and related accessory structures, may be allowed within D-FRL-YX Zone 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 subdistrict 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 Comprehensive Land Use Plan:

- (1) Commercial: having more than 2,500 square feet of gross floor area compatible with supporting recreational and residential uses in the area such as (but not limited to) the following (but excluding auto service stations or repair garages,

laundry mats, and other uses that may create a nuisance or unsafe or unhealthy conditions or are otherwise incompatible with recreational or residential uses):

- (a) Businesses related to commercial recreation or real estate sales: such as a guide services or real estate sales office;
- (b) Facilities offering food or beverages prepared on the premises; and
- (c) Retail stores and services, convenience stores, limited retail gasoline sales.

The following use may be allowed within the D-FRL-YX Zone as a special exception provided that the applicant also shows by substantial evidence that (a) the use will not create an unreasonable visual or aesthetic impact to the lake; (b) the use will not have an unreasonable effect on the existing lake character; (c) there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility, such as adequate parking; and (d) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan and this Concept Plan.

- (2) Marinas that can accommodate up to 50 boats.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a D-FRL-YX Zone.

4. Schematic Design Plan

Prior to the conveyance of any parcels, whether by sale, lease or otherwise, or any development within the D-FRL-YX Zone, a Schematic Design Plan must be prepared by the Petitioner and approved by the Commission. The purpose of the Schematic Design Plan is to provide the Commission the general layout of the uses proposed for the D-FRL-YX Zone, to discuss overall phasing of future development, and to identify issues that may pertain to the goals and objectives of the Concept Plan before making further investments into detailed development applications. The Schematic Design Plan process is intended to be general in nature but must contain enough information to guide how the zone will be developed in the future, and how the intended uses will relate to each other and the Square Lake environment.

Commission approval of a Schematic Design Plan Schematic Design Plan , or approval of a subsequent amendment to a Schematic Design Plan Schematic Design Plan pursuant to sub-section G, below, constitutes a formal determination by the Commission that the development proposed within the development area meets the criteria for approval, listed in sub-section C, below (subject to such conditions as may be attached to the approval). In preparing subdivision or development permit applications subsequent to an approved Schematic Design Plan , an applicant may rely on that approval with respect to the acceptability of the overall layout of the plan and its major elements, including phasing of critical elements of future development that are required for consistency with the goals and purposes of the D-FRL-YX Zone.

The Commission's review and approval of a Schematic Design Plan does not constitute a review, pre-approval, or an affirmative finding by the Commission that any subdivision or other development permit application or proposal satisfies applicable subdivision and other development review criteria, including, inter alia, those criteria found in 12 M.R.S.A. §685-B(4). Each subdivision and development permit application shall be individually evaluated for consistency with the approved Schematic Design Plan and must satisfy all relevant approval criteria in statute and the terms, conditions and provisions of this Concept Plan, including the LUPC amendable provisions.

a. Preapplication Conference

A preapplication conference shall be held with the staff of the Commission and representatives from relevant agencies prior to submission of a Schematic Design Plan. At this conference the procedures, regulations, and policies that will govern the application shall be discussed. The conference shall provide a forum for an informal discussion on the Schematic Design Plan and potential areas of consistency or inconsistent with other applicable requirements, prior to its filing with the Commission. The conference proceedings shall be summarized in writing and made available to the applicant.

c. Contents of Schematic Design Plan

Schematic Design Plan (1) Submittals

The following items are required to be submitted with any Schematic Design Plan application.

- (a) A legal description of the property boundaries proposed for development, including a statement of present and proposed ownership.
- (b) A narrative describing the proposed uses to be located on the site, including:
 - (i) How commercial development opportunities will be incorporated into the residential and recreational components of the plan and within this zone.
 - (ii) The timing for development of a a) public or commercial trailered boat ramp and mechanisms for assuring public access to Square Lake and b) parking that may be required for development at the Square Lake W development area.
- (c) A general statement indicating Schematic Design Plan anticipated phasing of development.
- (d) A statement of the applicant's evaluation and demonstration of the adequacy and availability of public facilities and services necessary to serve the proposed development, to the extent that public services are intended to be utilized, and, if public services are not intended to be utilized, a statement indicating how such services will be provided by private means.

- (e) A general statement that indicates how the natural resources of the area will be properly integrated into the planning and development.
- (f) A statement demonstrating how the proposed development will meet the objectives and policies of the Concept Plan.
- (g) 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 Square Lake Yexas development area.
- (h) A map showing existing site conditions, including contours at 10 foot intervals, water courses, unique natural conditions, forest cover, wetlands, lakes, ponds, existing buildings, road boundaries, property lines and names of adjoining property owners, scenic locations and other prominent topographical or environmental features.
- (i) 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 Series names.
- (j) A site plan drawn at a scale of 1" = 50' that shows the general location of proposed development components, including commercial areas, roads, residential areas, open spaces, recreational areas, and utility systems, and the relationship to natural and already developed features in the area.

d. Criteria for the Approval of a Schematic Design Plan

The criteria for approval of a Schematic Design Plan are:

- (1) Conforms with the objectives and policies of the Concept Plan;
- (2) Incorporates high quality site planning and design in accordance with accepted contemporary planning principles;
- (3) Establishes or sets aside a reasonable amount of land for future commercial development to support recreational and residential development in the area.
- (4) Establishes the location, size, and timing of construction of a publicly accessible trailered ramp and water access site and the mechanism for assuring it will be publicly accessible.
- (5) Incorporates a parking area and access point to facilitate parking and access by boat for future development at the Square Lake W development area if necessary.
- (6) Provides for safe and efficient traffic circulation; and

e. Procedure for Review

- (1) **Notices:** Notice of the receipt by the Commission of a Schematic Design Plan application, or a proposed amendment thereto, will be governed by Section 4.04(c) of the Commission's Rules of Practice (Chapter 4), as may be amended from time to time.
- (2) **Public Hearings:** A public hearing is not required for Schematic Design Plan Approval, however, the Commission, may elect to hold one. The Commission's determination as to whether to hold a public hearing on an application for a Schematic Design Plan , and public notice requirements for any such public hearing, will be governed by section 4.04 of the Commission's Rules of Practice (Chapter 4), as may be amended from time to time.
- (3) **Decision:** In making its decision, the Commission shall determine whether the Schematic Design Plan: (a) satisfies the criteria for approval, above; (b) conforms with all relevant terms, conditions and provisions of this Concept Plan; and (c) complies with any other applicable provision of law. The Commission shall make written findings of fact and issue an order either approving, approving with conditions, or denying the application as proposed. The Commission's decision shall constitute final agency action. Any successor(s)-in-interest must comply with the terms and conditions of an approved Schematic Design Plan in existence at the time of the transfer of interest in the Schematic Design Plan area or a portion thereof, and said Schematic Design Plan shall govern all uses on all parcels contained within the Schematic Design Plan area.
- (4) **Application Fees:** A fee shall be assessed by the Commission for the processing of a Schematic Design Plan. Such a fee shall be the same as the flat fee portion assessed for a Schematic Design Plan for a change to Schematic Design Plan, as established in the Commission's General Provisions (Chapter 1), as may be amended from time to time.

g. Amendments

Any entity with title, right, or interest in the area covered by the Schematic Design Plan, or a portion thereof, may propose to amend an approved Schematic Design Plan and shall submit evidence that the proposed amended Schematic Design Plan continues to comply with the criteria for approval. An application to amend a Schematic Design Plan may be submitted concurrently with a subdivision or development permit application for a given phase of development, and will be reviewed by the Commission pursuant to the same criteria and process set forth in this Section 10.21,N,4 for new applications.

If more than one entity possesses title, right, or interest in the Schematic Design Plan area as a result of divisions or transfers of land conducted pursuant to Section II, Sub-Chapter III, 10.25,Q,1,B,(3), such amendment applications may be submitted jointly for the entirety of the Schematic Design Plan area or may be submitted individually for that portion of the Schematic Design Plan area for which the entity possesses a legal right or interest. In any case, the Commission shall review any proposed amendments to an approved Schematic Design Plan as a whole and without consideration to divisions of ownership or any limitations created therefrom.