

Fish River Chain of Lakes Concept Plan Frequently Asked Questions (FAQ)

What Does this Mean for Leaseholders?

When can I buy my lot and for how much?

The Concept Plan does not require the camp lots to be sold; the Concept Plan includes a process through which Irving may sell camp lots at any time over the next 30 years. Irving will make all determinations regarding timing and sale price.

What does the Concept Plan mean for lease holders?

- The concept plan created zoning and modified rules. Generally, on individual residential lots, things you could do or could not do before are similar now. [More information: Section 10.21, M-FRL]
- Additional options are available for replacement wastewater disposal systems. [More information: Section 10.31-FRL]
- When lots are sold: most lots will become significantly larger by the inclusion of a back lot on the opposite side of the road; each lot will be granted deeded access; owners will have to participate in road associations; and the system regarding road maintenance will be more predictable. [More information: Sections 1,E,14 and 1,G,1,c]

What is the process for Irving to sell the leases?

Irving will have to complete several tasks before they can sell a group of leases.

The following is a basic summary: If Irving decides to sell a block of lots, it will determine which group of leases to sell, conduct necessary land surveys, determine intended road ownership, and identify an existing road association or create a new association. Irving would then provide notice to the LUPC, and if everything looks OK, it may sell the lots 14 days later. This process is described in additional detail in “Excerpts Regarding License Lots and Access”.

Common Water Access Sites...Where Can They be Located and What Can they Include?

- The Concept Plan limits the number of Common Water Access Sites (private sites that allow water access for new upland subdivisions). A specific location for a water access site would be identified in future applications to subdivide the relevant development area.
- The Common Water Access Sites must be owned, leased, or operated by an association and only available to members of that association.
- Common Water Access Sites will be limited to uses such as: a hand-carry launch; mooring structures; temporary docks; facilities for temporary storage of canoes and kayaks; picnic shelters; and storage sheds. [More information: Section 10.27,L-FRL]

Road Maintenance and Associations

What is going to happen with road maintenance?

- The plan does not affect existing maintenance agreements. [More information: Section 1,E,14]
- If and when Irving sells lots, Irving is required to identify the individual or group responsible for maintenance, and who may conduct maintenance. [More information: Section 1,E,14]

What does this mean for existing road associations?

- The Concept Plan does not force existing associations to do anything.
- When the plan requires that Irving identify or create an association, the plan includes the opportunity for existing formal associations be involved; however, the choice to add new members and responsibilities will be up to the association, and the choice to create a new association or employ an existing association will be up to the developer. [More information: Section 10.29-FRL]

If a developer buys a development area that uses a road also used by licensed camp lots – are license holders required to make or revise a road association? Would the developer and Irving be a member?

The plan only requires license holders or lot owners with deeded rights of access to be part of an association, including a developer and Irving.

What is the Process From Here?

What happens now?

- The concept plan becomes effective on September 26, 2019 and expires in 2049, unless Irving and LUPC choose to extend it.
- Irving must complete several tasks by September 2020; otherwise, specific deadlines do not exist. [More information: Section 1,G]
- Before any new development can happen, a developer will need to assess a given site and apply for and receive a permit.

How do I find out about proposed development?

- As always – abutters will be notified (mail or newspaper) for subdivision permit applications; hearing notices will continue to be sent to abutters or be posted in the newspaper; members of the public can request a public hearing. [More information: [Chapter 4 of the Commission's rules](#)]
- Using the Commission's "LUPC GovDelivery" system, you can choose which notices you receive. Specifically, go to <https://public.govdelivery.com/accounts/MEDACF/subscriber/new> and select each type of notice of interest. For this project, you may wish to select:
 - "Reports" – pending applications, and permits recently issued
 - "Fish River Lakes Concept Plan" – any plan amendments and may include plan specific subdivision proposals.

How Does the Concept Plan Work?

How do I know what rules apply?

- Look at the Concept Plan first, then LUPC's Chapter 10. They work together, but in that order.
- Official land use guidance maps will show P-RP (Protection – Resource Protection) for the entire Concept Plan area. The Concept Plan maps determine which plan zone applies.

Can the LUPC enforce all statements and standards in the Concept Plan?

- Most provisions of the plan will be enforced directly by the LUPC, either as a stand-alone requirement, or as conditions on subdivision or building permits.
- Some elements may also be enforced, in part or in whole, by other entities (*e.g.*, through third-party certification of Irving's outcome-based forestry).
- Some elements included in the Concept Plan may be most valuable to other lot owners or the road association in seeking legal recourse. An example of this are homeowner's association covenants that specify fee payments.

Public Benefits

How does the public benefit from the Concept Plan?

- By September 26, 2020, Irving must:
 - transfer the Cross Lake boat launch to a public agency;
 - execute a 99-year lease for the Van Buren Cove beach to a public entity;
 - make available 4 areas zoned for commercial or light industrial development;
 - ensure public access for recreation to lands in the Concept Plan; and
 - execute and record the 16,700 acre permanent conservation easement with FSM.
- Before the Commission can approve any new lots on Square Lake, Irving must transfer a lot and related access rights to a public entity for a public trailered boat ramp. The trailered ramp must be constructed and operating before the Commission may approve any permit that would authorize more than 15 new residential lots or units on Square Lake.
- Before the Commission can permit development on hillsides, the applicant will be required to demonstrate how it will minimize unreasonable visual impacts from hillside development from public vantage points.
- The plan requires the landowner to provide trail access that is comparable to what has been provided in recent years.
- Increased vegetative buffers on certain streams that provide high-value fisheries habitat near Square Lake will help protect the native fish population.
- Exchange scattered development for well-planned mixed development;
- Ensure that forestry activities are conducted sustainably; and
- Leaseholder benefits: established process if Irving decides to sell lots, improved options for replacement wastewater disposal systems, and additional details about road maintenance.

Water Quality

What are the plan requirements to protect water quality, especially in Cross Lake, and how will they be enforced?

- The Concept Plan includes several elements focused on protecting water quality, including:
 - A phosphorus control program (see Section 10.32-FRL);
 - Back Lots & Back Lands which facilitate locating replacement wastewater disposal systems farther from lakes (see Section 10.31-FRL);
 - Increased vegetative buffers for all lakes and streams --- all apply for the next thirty years, and those in the easement area will apply forever. (see Section 10.30-FRL,B,4,f and Appendix C)
 - Elimination of opportunity for unplanned residential development along the shorelines of lakes.