

Supplemental submission of Steve DeMaio and Interested Person Carol Pierson

As I stated in my testimony, the one area of expertise I possess in this matter is boots on the ground knowledge of the proposed development zones of Cross Lake D and E.

On June 10th and 16th of this year I had the opportunity to do some lengthy exploration in these zones, after which I am more convinced than ever that these zones are both inappropriate for development. Slopes are steep, and the soils often poor, as I have previously indicated.

What I was able to do on these hikes is better correlate my on the ground experience with Irving's proposal, especially when it comes to Cross Lake E. I was able to walk the entire zone, up to the ridgeline.

It appears that the area proposed for cluster development is near the shore at the north end of Cross Lake E. This area is perilously close, if not within, the riparian zone of Minnow Brook. The importance of Minnow Brook to the trout fishery was noted by several people at the hearing. There is no other suitable location for a cluster development, due to steep slopes. Such a cluster development would be highly inappropriate, and detrimental to the trout fishery.

The ridgeline of Cross Lake E is actually one of the most beautiful forested areas in the watershed, and deserving of preservation. It is an open forested landscape with many mature trees, predominantly sugar maples [see attached photos, one looking in each cardinal direction.] Development would destroy this forest. It is difficult to believe that the proposed hillside development standards could be adhered to by any developer. I believe it would be next to impossible for any prospective landowner to resist the urge to "improve" her view of the lake by cutting just a few more trees. I worry about any real possibility of enforcing the hillside standards after fact.

I repeat the point Carol made in her closing statement:

"The most interesting thing we heard yesterday was in the testimony of FSM. They proposed the addition of this area to the conservation easement [Area B\_C\_D] emphasizing its importance as a wildlife corridor for Regional Habitat Connectivity. We think this is a great idea, but with modifications

As you see, this area has the appearance of a spaghetti lot, due to its narrow outlet onto Cross Lake, We believe that the natural north boundary of this proposed area of the conservation easement should be the Landing Road, and that the easement should include all of Cross Lake E. This would provide a truly effective wildlife corridor in perpetuity, and would have the additional benefit of preserving the southern end of

Cross Lake in its current status and avoiding any adverse impacts on its current uses and resources.”

An additional benefit would be the conservation of a lovely piece of woods for the people of Maine, a great public benefit.

Two final comments:

1. Regarding OBF, it may make sense from a production point of view, and even from a resource management one, but, based on the work that has been done around Cross Lake, it leaves the forest virtually impassable to a person on foot. I would like to see how Irving would plan to ameliorate this as an issue of public access
2. Following my hikes in Cross Lake D and E I asked LUPC staff for the GPS coordinates of the zone boundaries. This is especially important to know when it comes to the open space area between D and E, and Minnow Brook. I was told by staff that the LUPC did not have this information, but that there was, in theory, a way to obtain the information from the GIS maps. This method was way beyond my ability to pursue [and LUPC staff indicated they didn't know how to do it.] I did send an email to Mr. Musson requesting the information but he did not respond. It strikes both of us as odd that the LUPC would be considering establishing zones of which the boundaries are far from clear to the general public.

Thank you for your attention to this matter.

Steve DeMaio and Carol Pierson









**STATE OF MAINE  
LAND USE PLANNING COMMISSION**

**In the Matter of Zoning Petition, ZP 768  
Irving's Proposed Fish River Chain of Lakes Concept Plan in Northern Aroostook County,  
Maine**

**Final Written Submission from the Natural Resources Council of Maine**

**June 21, 2018**

**Catherine B. Johnson  
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## Summary

Irving's request to rezone 51,015 acres in the Fish River Chain of Lakes region is the second largest development proposal in Land Use Planning Commission (LUPC) history and the most significant zoning application before LUPC in more than a decade. It could substantially transform the character of an entire region of the state.

The testimony presented at the hearing, combined with the written testimony, has shown that while some parts of the development proposal may be appropriately located, the development proposed for both Square Lake and the south end of Cross Lake do not meet the legal requirements for approval. In addition, the conservation that is required under law to balance or mitigate the adverse impacts of the development that is appropriately located is insufficient and does not meet the requirements of the law.

The applicant has the burden of proof in demonstrating that the proposed rezoning meets LUPC's statutory and regulatory review criteria and the policies of the Comprehensive Land Use Plan (CLUP). The applicant has failed to meet its burden of proof.

**Development proposed for Square Lake and the south end of Cross Lake does not meet the statutory and regulatory criteria for approval, nor the policies of the Comprehensive Land Use Plan (CLUP).**

To secure approval, the applicant must show that the proposal will have "no undue adverse impact on existing uses or resources" or is "more appropriate for the protection and management of existing uses and resources within the affected area."<sup>1</sup>

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<sup>1</sup> 12 M.R.S. §685-A(8-A)(B)



The testimony by the public was overwhelming that the proposal would adversely affect existing uses and resources of Square Lake and the south end of Cross Lake. Members of the public testified that:

- Square Lake “is a unique and very special place both because of its remote and intrinsic form and beauty and because of its increasingly rare and relatively unspoiled venue and pristine waters.”<sup>2</sup>
- “This much development on a primarily undeveloped lake would have a devastating and permanent impact on the scenic beauty and quiet and unspoiled character.”<sup>3</sup>
- “Remote and untouched places like Square Lake are rare and should be preserved and treasured... Square Lake is not in my opinion appropriate for the type of development proposed which would forever change its character as a remote and rustic recreational destination it currently is.”<sup>4</sup>
- “Square sits in the middle and it's unique to the entire chain... It's just a gem sitting there and it should not be developed any further.”<sup>5</sup>
- “More development [on Square Lake] would ruin the fishing quality... it scares me ...that we will no longer be able to enjoy the quality of peace and quiet, wonderful fishing, boating, quiet boating.”<sup>6</sup>
- “When you have that much development [as proposed for Square Lake] you lose your air quality, water quality, and your noise quality. Once you start developing that [Square Lake] it will forever be altered and you'll never be able to get that back.”<sup>7</sup>

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<sup>2</sup> Sarah LaClaire testimony, May 22, 2018

<sup>3</sup> Doug Roberts testimony, May 22, 2018

<sup>4</sup> Rosemary Monahan testimony, May 22, 2018

<sup>5</sup> Brian Field testimony, May 22, 2018

<sup>6</sup> Cricket Bouchard testimony, May 22, 2018

<sup>7</sup> Sarah Anderson testimony, May 22, 2018

- “The idea of having a public boat launch at either Yexas or the Square Lake East developments which is roughly only five miles off the main road or Route 161 would allow much easier access to boaters and increase traffic on the lake for the recreation which would include party boats, jet skis, and water skiers.”<sup>8</sup>

None of these people suggested that the proposed development would “be more appropriate for the protection and management of existing uses and resources within the affected area.” Just the opposite.

A local store owner testified that “we have built our business on being four seasons: spring fishing, summer fishing, hunting, and ice fishing. If they ... develop commercial development on Square Lake that will have a direct negative impact on our business. All the things that people now stop for, whether it be gas for their boats, ice fishing supplies, live bait, beverages, any of the above will be adversely affected because if there is commercial development on Square that would also mean amenities which would be a store providing gas and other things so that would directly affect our business.”<sup>9</sup> This is yet another existing use in the area that would be harmed by the proposal.

In addition to overwhelmingly negative public opinion about the impact of the proposal on existing uses and resources of Square Lake and the south end of Cross Lake, experts on fisheries issues from both the Department of Inland Fisheries and Wildlife (IF&W) and Trout Unlimited commented that the amount of development for Square and Cross Lakes would have severely negative consequences on both the wild brook trout populations and on the wild brook trout angling experience. IF&W noted that their data of past use and analysis of proposed future use were the project to be approved would result in boating use on Square Lake increasing by 3 –

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<sup>8</sup> Adam Jandreau testimony, May 23, 2018

<sup>9</sup> Sarah Anderson testimony, May 22, 2018

20 times current use. Square Lake is a lake of statewide significance for brook trout, and Maine is the last stronghold for wild brook trout in its entire habitat range. In addition, surveys conducted for IF&W have shown that the most important factor for anglers planning fishing trips in Maine is “that the area offers solitude and pristine views of nature.”<sup>10</sup> IF&W noted that angler satisfaction is directly linked to the “remote character of the waterbody.”<sup>11</sup> These impacts alone are reason to deny this proposal because of adverse impacts on existing uses and resources.

Another legal requirement that the applicant has failed to meet is consistency with the CLUP, in particular, the Lake Management Program. The Lake Management Plan notes that the diversity of lake-related uses in a given region of the state is important. In the Fish River Chain of Lakes region, it is undisputed that Square Lake is the least developed of the four large lakes. If the amount and type of development proposed by the applicant for Square Lake were approved, Square Lake would lose its current remote character and become just like the other lakes in the region, which have substantial development. Destroying its character would mean the loss of those recreational opportunities that are dependent on that character: fishing, boating, camping, and hunting in remote, scenic, and undeveloped lands and waters. The region would lose forever the diversity of lake-related experiences currently available.

**The proposed conservation measures fail to meet the regulatory requirements in Chapter 10, §10.23(H)(6)(d-g).**

The criteria in Section 10.23(H)(6)(d-g) set forth the conservation requirements for a concept plan. There are three different requirements:

- Comparable conservation where there is a request for waiver of adjacency,

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<sup>10</sup> Responsive Management (2016). Maine Anglers Participation in and Opinions on Freshwater Fishing, p. 213

<sup>11</sup> IF&W comments, May2, 2018, p. 8

- Publicly beneficial balance between appropriate development and long-term conservation of lake resources, and
- Mitigation for adverse impacts.

The plan proposes development in four areas that do not meet the adjacency requirement: Square Lake E, Yerxas, Square Lake W, and Cross Lake E. The applicant concedes that Square Lake E, Yerxas, and Cross Lake E do not meet the “one mile by road” adjacency requirement.<sup>12</sup> The applicant apparently argues that Square Lake W does meet the adjacency requirement, because it is within 1 mile of 19 seasonal camps. However, the adjacency requirement includes considerations not just of distance, but also of type, use, occupancy, scale, and intensity.<sup>13</sup> The proposed 30 new lots at Square Lake W could become year-round homes, changing the type of use and greatly increasing the occupancy, scale, and intensity of use. Thus this proposed development area also does not meet the adjacency requirement.

If these non-adjacent areas for development were to be approved, considerable additional permanent conservation would be needed to match the development gained by waiver of adjacency. As noted above, these areas of development are those areas within the plan that would have the most dramatic negative impact on the existing natural resources and uses in the region.

If these four areas are removed from the plan, the applicant would not be required to meet the “comparable conservation measures” requirement.

However, even assuming that these four areas of proposed development are removed from the plan, the plan would still have to meet the requirement that the plan “strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation.” In determining whether there is a reasonable and publicly beneficial balance, it is

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<sup>12</sup> Concept Plan, Vol. 1, Question 12, p. 4 – 5.

<sup>13</sup> CLUP, p. 6.

instructive to look at the most recent Commission concept plan decision. In the Moosehead Region Concept Plan, the applicant received approval for 2,025 development units and in return conserved 96 percent (363,000 acres) of the plan area. The Commission determined that the entire area was “legally required for approval of this Concept Plan and associated P-RP Subdistrict.”<sup>14</sup>

There is no apparent justification for requiring Plum Creek to conserve 96 percent of its plan area but then applying a much less stringent requirement to Irving. Irving’s proposed protection of only 29 percent of the plan area is insufficient on its face. Applying to Irving a standard similar to that Plum Creek was required to meet, as noted in the comments filed by the Forest Society of Maine (FSM), “require[s] an expansion in the acreage permanently protected by the conservation easement.”<sup>15</sup>

In determining which lands should be added to the easement, the Commission has previously indicated that “[t]he public testimony and comments ... served as a gauge of the resources, uses and rights within the affected area that the public valued most and were most concerned about losing.”<sup>16</sup> The additions to the easement proposed by FSM and by NRCM would together provide additional protection for existing resources and recreational uses in the Square Lake and Cross Lake watersheds that the public so eloquently supported. These additional easement lands would also provide significant conservation benefits both within the plan area and as part of a regional conservation connectivity plan, which is also an important conservation consideration. The Commission decision in ZP 707 also noted that the conservation proposed in the petition was “sized and shaped to provide regional connectivity sufficient for the long term protection of existing wildlife and plant resources.” Permanently protecting the areas

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<sup>14</sup> Commission decision, ZP 707, p. 176.

<sup>15</sup> Forest Society of Maine Pre-filed testimony, p. 7 – 8.

<sup>16</sup> Commission decision, ZP 707, p. 161.

proposed by FSM and NRCM along with those proposed by Irving could constitute a publicly beneficial balance for the 13 potentially appropriately located development areas (Long Lake A, B, and C, Cross Lake A, B, C, and D, and CD-1, 2, 3a, 3b, 3c, and 4).

The third regulatory requirement triggering conservation is the need for mitigation. Even assuming that the 13 proposed development areas listed immediately above are found to be “appropriate development,” there will inevitably be adverse impacts on the natural resources that cannot be avoided or minimized in the areas to be developed. The applicant is required to mitigate those adverse impacts.

Particular adverse impacts that would need to be mitigated include impacts to the water quality of Cross Lake and impacts of wild brook trout habitat. The record includes considerable testimony from multiple members of the public as well as the Department of Environmental Protection (DEP) concerned about the water quality in Cross Lake, which is already impaired. Likewise there was considerable concern among members of the public and IF&W about the impacts of the proposed development on wild brook trout populations in all the lakes and in the tributaries leading into the lakes. Some of these adverse impacts will be inevitable if any development is approved but those impacts must be mitigated.

Adding together all of the regulatory requirements requiring conservation measures, it is clear that the conservation proposed by the applicant is insufficient and must be increased. Even if you add together the additional conservation areas proposed by FSM and NRCM, the total amount of conservation would be only about 50 percent of the plan area, a significantly lower percentage of conservation than that required of Plum Creek.

The Plan as proposed should be denied for failure to meet the regulatory requirements for conservation set forth in Chapter 10, §10.23(H)(6)(d-g).

**The proposed plan includes numerous additional problems and cannot be approved.**

In additional to the legal insufficiencies outlined above, the plan has numerous issues that would need to be resolved prior to any future approval. These include:

- the insufficiency of the various provisions of the easement to ensure long-term conservation protection;
- the need for 100-foot stream buffers and stream crossings that are 1.2 bankfull width to ensure long-term protection for brook trout;
- the inadequacy of the hillside scenic standards to ensure the scenic character of the lakes in the region;
- the inappropriateness of rental cabins in areas intended to remain remote and undeveloped;
- the inappropriateness of proposed changes to LUPC definitions of remote campsites and cabins; and
- the inadequacy of outcome-based forestry to ensure 30-year or permanent conservation outcomes given is legally limited duration (five years).

NRCM has addressed these issues in more detail in prior submissions and oral testimony and will not repeat them here.

**Conclusion**

The burden of proof is on the applicant to put forth a proposal that meets the statutory and regulatory requirements, and the policies of the Comprehensive Land Use Plan. The applicant has failed to meet that burden and the proposal should be denied.

Respectfully submitted on behalf of the Natural Resources Council of Maine, June 21, 2018.

A handwritten signature in cursive script, reading "Catherine B. Johnson", is written over a horizontal line.


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Notarization

I, Catherine B. Johnson, being first duly sworn, affirm that the above testimony is true and accurate to the best of my knowledge.

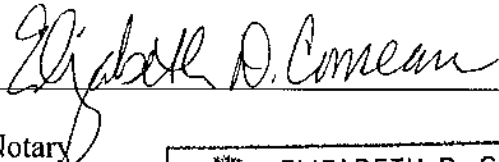
Date: June 21, 2018

  
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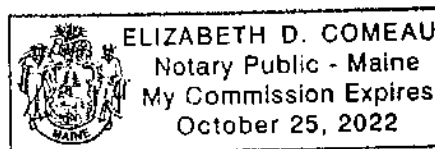
Catherine B. Johnson  
Forests and Wildlife Project Director  
Natural Resources Council of Maine

Personally appeared the above-named Catherine B. Johnson and made affirmation that the above testimony is true and accurate to the best of her knowledge.

Date: 6/21/18

  
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Notary





**STATE OF MAINE  
LAND USE PLANNING COMMISSION**

<b>Irving Woodlands LLC</b>	)	<b>FISH RIVER LAKES LEASEHOLDERS</b>
<b>Proposed Fish River Lakes Concept Plan</b>	)	<b>ASSOCIATION (FRLLA) SECRETARY</b>
<b>Zoning Petition ZP 768</b>	)	<b>WRITTEN COMMENTS JUNE 22, 2018</b>

Irving’s proposed Concept Plan will bring changes to the area that the FRLLA license holders either live in or recreate in some or most of the year – changes to the lakes we love, the lands around them and potentially the aquatic and other wildlife. Some of those changes could be beneficial – bringing people and jobs and economic benefits to the area, as well as the benefit of permanently conserved shorelines and backlands. Hopefully, more attention will be given to water quality and efforts at phosphorus mitigation will be initiated to improve the water quality of Cross Lake. Perhaps, even the benefit of finally owning the land that our homes or camps sit on will also come to pass.

In our public hearing testimony, we identified and discussed several issues regarding certain elements of the Plan, which we believe can be addressed with added provisions to the Plan, as summarized below:

- 1) Specify road ownership and maintenance responsibilities when the licensed lots and/or development parcels are sold;
- 2) Change several proposed residential water access site standards and ensure their locations, types, and structures are appropriate, by consultation with governmental review agencies and documentation of boating levels (and not open them to the public);
- 3) Change and add some requirements for shoreland and hillside developments, especially regarding steep slopes, education and enforceability, and inspections;
- 4) Limit adverse impacts to Cross Lake water quality by monitoring, inspections, recordkeeping/tracking, and not allowing a 1:1 increase in the Plan’s phosphorus budget for mitigation projects in the watershed;
- 5) Limit adverse impacts to the lakes’ fisheries by following MDIFW recommendations; and
- 6) Change the location and extent of some of the proposed developments in remote areas (i.e., the south end of Cross Lake and Square Lake).

These are certainly not all of the issues that the approximately 360 license holders have with the Concept Plan; some have no issues and some have many more (and drastically different remedies). However, we’ve had two well attended meetings, have a regularly emailed contact list that includes over 200 license holders, and the committed FRLLA Board of Directors has met and been in contact many times since the Petition was filed. The concerns listed above have stood out and are mostly the same concerns that were voted on by our membership and submitted in our issues filing on December 11<sup>th</sup>. Hopefully, we’ve covered these issues sufficiently in our oral and written testimony so that the Commission and Irving clearly understand them, as well as our more detailed recommendations for added provisions. If not, we are always willing and available for further discussion.

We sincerely hope we’ve done a decent job informing and representing a majority of the license holders, that the Commission and Irving recognize the importance of these concerns to the license holders and will carefully consider our testimony during further review and any potential Plan amendments.

We thank you for the opportunity to participate in these proceedings and appreciate your time and thoughtful consideration of this Plan that will affect the Fish River Chain of Lakes that we love.

Cheryl St. Peter, FRLLA Secretary  
203 Cyr Road, Cross Lake, ME 04779

**STATE OF MAINE  
LAND USE PLANNING COMMISSION**

<b>Irving Woodlands LLC</b>	)	<b>FISH RIVER LAKES LEASEHOLDERS</b>
<b>Proposed Fish River Lakes Concept Plan</b>	)	<b>ASSOCIATION (FRLLA) PRESIDENT</b>
<b>Zoning Petition ZP 768</b>	)	<b>WRITTEN COMMENTS JUNE 22, 2018</b>

As I read through some of the comments made during the public sessions of the Land Use Planning Commission (LUPC) hearings on Irving's Concept Plan and the written comments since the hearings, I feel compelled to address a couple of subjects, neither of which apply directly to LUPC's review criteria, but may well be important to many of the license holders.

First, in my opinion, the issue of the impaired water quality of Cross Lake and the potential impact of additional development has been exaggerated by some. Cross Lake is definitely impaired and something should be done to mitigate the phosphorus loading, but it is not the slimy, mucky swamp that some have indicated. We get algal blooms in the late summer months, as do many lakes in Aroostook County and all of Maine, but I do not hesitate to splash around with my grandkids the vast majority of time. Cheryl and I have volunteered and taken the necessary training to monitor the lake (and registered for Watershed Survey Training) and have initiated the formation of a lake association aimed at addressing Cross Lake's water quality problems with the Department of Environmental Protection's (DEP's) assistance, the first steps in the right direction.

With the issue of the proposed development areas in Cross Lake's watershed, the DEP and Irving's engineering consultant have agreed that all five residential and two community/economic development areas, fully developed, should contribute less than 50 pounds of phosphorus to the lake. According to the 2006 DEP Phosphorus Control Action Plan and Total Maximum Daily Load Report (TMDL) report submitted to the EPA, Cross Lake receives more than 13,000 pounds of phosphorus annually from the direct watershed, 78% from agricultural runoff (over 10,000 pounds). Although I certainly do not want any additional phosphorus coming into the lake, the amount from the proposed development areas should comparatively be a small drop (< 0.4%) in a big bucket. That is, with ongoing oversight and the provisions we requested be added to the Plan (monitoring, inspections, tracking/recordkeeping, and no 1:1 increase in the Plan's phosphorus budget for mitigation projects), as well as any additional provisions stated by Roy Bouchard in his testimony on May 22<sup>nd</sup>.

Second, a 2007 FRLLA survey found that 91% of the license holders wanted to purchase their lots. Since the Concept Plan was first announced to us five years ago, we've been told by Irving that if approved, the licensed lots would be offered for sale to the current license holder at fair market value. The FRLLA has been trying for 25 years to get to this point and we know for sure that if the Plan is not approved, we will be waiting for a long time before another opportunity will arise...if ever. Furthermore, Irving would have many other options to sell the waterfront property that they own, none of which could be nearly as good for the license holders.

Unfortunately and frustratingly, Irving has yet to confirm in writing that the licensed lots will be sold within any specified timeframe and land sales is not under LUPC's review of the Concept Plan. So, we will have to take a leap of faith and trust that if the Plan is approved, the lots will eventually be offered for sale to the current license holders. Some have stated that Irving should not be trusted to sell the licensed lots in a timely manner, but my personal and business dealings with Irving in the past have proven to me that they can be.

With approximately 360 license holders, we have many different situations and circumstances, so not everyone will be satisfied with whatever the final outcome of these proceedings will be. However, whatever the outcome, we license holders will be the most affected by the final decision. Those who have followed these proceedings from the beginning know that Cheryl and I and the entire FRLLA Board have tried to provide accurate information and be fair with our concerns about the Plan. As the LUPC review continues and the Commissioners' pending decision looms over us, we hope that we have reasonably presented our main issues with the Plan and suggested remedies, and that the Commission and Irving will carefully consider both.

Sincerely,  
Kirk St. Peter, President, Fish River Lakes Leaseholders Association (FRLLA)  
203 Cyr Road, Cross Lake, ME 04779

**STATE OF MAINE**  
**LAND USE REGULATION COMMISSION**

**IN THE MATTER OF** )  
**FISH RIVER CHAIN OF LAKES** ) **Post Hearing Brief**  
**CONCEPT PLAN** )  
**ZONING PETITION ZP 768** )

Aroostook Timberlands LP, Allagash Timberlands LLC, and Maine Woodlands Realty Company (collectively, Irving), submit this Post Hearing Brief in support of a Concept Plan for the Fish River Chain of Lakes in northern Aroostook County.

**INTRODUCTION**

The Fish River Chain of Lakes Concept Plan (Concept Plan) encompasses approximately 51,000 acres in northern Aroostook County. The Plan area includes land within 6 unorganized townships: T17 R3, T17 R4, Cross Lake (T17 R5), T16 R4, T16 R5, and T15 R5. The Plan area includes substantial frontage on Long Lake, Mud Lake, Cross Lake, and Square Lake, as well as frontage along the thoroughfares that connect Mud, Cross, and Square Lakes. The planning process for the Concept Plan involved a multi-layered approach that examined the location of areas suitable for development, appropriate types and levels of development, and suitable development standards, all within an overarching conservation framework. Our work included field observations, public meetings, and a thorough analysis of the physical (topography, soils, etc.) and natural resource (wetlands, streams, habitat, etc.) characteristics of the Plan area and existing development patterns (including regional services, roads, and infrastructure). When combined, the elements of the Concept Plan will prevent haphazard growth, protect against or minimize potential resource impacts, and provide an appropriate level of conservation.

Rather than reiterate all of the points that have already been made in our previous submittals and at the hearing, we wanted to take the opportunity to reflect on several of the primary issues that were discussed at the hearing and to reflect on what we are proposing or working on in response to those concerns. Those issues can be summarized into 6 topic areas, with the following information provided:

- **Topic 1 – Roads.** Further detail on how road ownership, road associations, road maintenance, emergency service access, and upgrades to access roads will be handled.
- **Topic 2 – Water Access Sites.** Further detail on public and private water access sites, in particular concerns over clarifications on the private water access sites reserved for the new development areas.
- **Topic 3 – Conservation Easement.** Further explanation of why areas proposed by other parties for inclusion in the conservation easement are inappropriate or not necessary to achieve the conservation goals of the Concept Plan, as well as clarification of how Outcome Based Forestry is incorporated into the easement.

- **Topic 4 – Hillside development Standards.** Specifications and additional clarity relating to the proposed hillside development standards that have been added to Chapter 10 as part of the Concept Plan.
- **Topic 5 – Phosphorus.** Additional information on Cross Lake and how the Concept Plan appropriately manages the existing water quality issues.
- **Topic 6 – Sustainable Forestry Principles/Outcome Based Forestry.** Further information on how Outcome Based Forestry works within the context of the Plan, with specific provisions for Selection Harvesting, buffering for habitat protection, and stream crossing standards.

## TOPIC 1 - ROADS

We recognized early in the planning process that roads and accessibility are important topics for existing license holders, future lot owners, and area service providers. We have attempted to address the central issues of ownership, maintenance, and access for emergency services through zoning in appropriate locations and the use of specific language in Chapter 10 to help provide a sensible framework for future decision making. While doing this we also tried to balance key objectives, such as using existing roads for access to new development areas, specifying which roads would be used for access in the future, and separating forestry activities from residential/recreational traffic as much as possible.

In general, because circumstances will vary from one area to the next and from one development to the next, we feel that the most appropriate time to deal with road ownership and maintenance issues related to existing licensed lots and future new lots would be either at the development phase or if/when the camp lots are sold. To help ensure that the appropriate issues and considered and address, we proposed a framework within Chapter 10 that requires existing and future lot owners to form or join associations to manage roads. The associations will have responsibility for managing and maintaining access roads and associated stormwater management infrastructure. In situations where there are existing and effective owners or road associations already in place, every effort will be made to use such associations for these purposes.

The plan also recognizes the need to make sure that roads are adequate to serve new development. Therefore, as part of any subdivision review the Concept Plan requires that the applicant demonstrate that roads will provide adequate access for emergency services. The analysis will need to include access roads from the subdivision all the way out to an existing public roadway, even if this extends beyond the boundaries of the subdivision being proposed. The Plan has built in flexibility so that the level of such service can be appropriate to the setting and thus may vary throughout the Plan area. Given its remote character, the analysis to a public road will not be required for development in Square Lake West, although an analysis of the feasibility to provide some level of emergency services to the area shall nonetheless be required.

At the hearing we heard that issues of road ownership and maintenance could use some additional specificity. To address this, we prepared a summary of the existing conditions related to road ownership that identifies potential road ownership scenarios. A draft of this summary is included as **Attachment A**. This summary identifies, among other things, which roads will be maintained solely by Irving, which roads will be maintained solely by associations, and which roads will have shared maintenance between Irving and particular associations. This should provide more clarity to those who are concerned about continuing to use what have

traditionally been Irving-owned roads but maintained through a patch-work quilt of different arrangements, both formal and informal. We will also be working with Staff to add specifics to the road association framework so that questions of summer and winter maintenance responsibilities, level of road repair, and other matters will get addressed when forming a road association (**see Attachment B**). In addition, it should be clear that when development areas or camp lots are sold, clear access rights will be granted by deed to the new property owners, thus ensuring legal access exists to each parcel.

## **TOPIC 2 - WATER ACCESS SITES**

One of the goals of the Concept Plan is to provide opportunities for equitable access to the lake resources. To do this, the Plan provides for three public water access sites – one on Long Lake at Van Buren Cove, one on Cross Lake at the existing Cross Lake Boat Landing, and one on Square Lake in the vicinity of the Square Lake Yexas or Square Lake E development areas. The Plan outlines mechanisms for guaranteeing long-term public access, including provisions for maintenance responsibilities, how the site will be managed, and projects for improving these sites. An initial proposal to add a hand-carry launch to provide access to Mud Lake was withdrawn based on feedback from Staff and other resource agencies.

The Plan also recognizes that there is a need to provide water access sites for new residential development areas. There are several reasons for this, including improving marketability of the lots, and limiting the potential that new development might overwhelm the existing public access sites.

In identifying water access sites for upland development, the Plan recognizes the need to minimize impacts to existing camp lots. To accomplish this, the Plan significantly limits the number of water access sites that can be developed in development areas. It also sets standards for water access sites, including minimum lot sizes (which are not currently required under Chapter 10), buffering/screening provisions, minimum shoreline frontage, and setbacks requirements. We are continuing to work with staff to refine these standards.

At the hearing, we heard concerns about water access sites the need to clarify that water access sites related to new development areas would be private, not public. In **Attachment C**, we have prepared revisions to the proposed rules to clarify that water access sites in development areas will be private, and thus will not attract additional traffic and boating pressure from the general public. We are continuing to work with staff and other state agencies on refining these mechanisms.

## **TOPIC 3 – DEVELOPMENT AREAS**

Our planning process for establishing the development areas involved analysis of multiple data layers, including natural features of the Plan Area and existing development patterns. One of the most important elements we integrated into the planning process was to attain an appropriate balance of future uses within the Plan Area. An important goal was to include a wide variety of residential experiences, opportunities for commercial development, and ample opportunities for the general public, not just land owners, to have access to the Plan Area. This concept is also supported by the CLUP as a way to enhance and diversify land uses within the unorganized territories (UT) and the surrounding region.

To achieve this balance, we identified 15 areas that we felt could support some level of development while avoiding natural resources and minimizing fragmentation of the working forest. Ten of these areas are specifically zoned to permit residential uses. These residential development areas are distributed around 3 of the lakes within the Plan Area. At the same time, the Concept Plan eliminates the traditional 2-in-5 exemption from subdivision that would normally allow for haphazard residential development throughout the Plan Area. Under the Concept Plan, all residential development will be limited to the residential development areas and subject to subdivision permitting. We have also designated 4 development areas, known as Community and Economic Development (CD) Areas, that would allow commercial uses. The CD Areas are sited near existing commercially developed areas and provide good accessibility to the main travel corridors – Route 161 and Route 162.

One area, Square Lake Yexas, has a unique role within the Concept Plan. This Development Area allows development of recreational lodging and supportive commercial development. It provides the opportunity for the general public, not just lot owners, to access Square Lake and offers the potential to provide the only true public boat ramp on Square Lake E. The zoning recognizes the unique position this area plays and therefore allows for a mixture of uses focused on supporting recreational activities and adjacent residential uses. The zoning also requires a thoughtful interim planning step – the Schematic Design process - to demonstrate how the mixed-use development will fit into this very special property.

During the hearing we heard some concern about the scope of development that would be allowed as a marina. To be clear, this is a permitted use in many of the existing zoning districts in the UT, including those we used to model the zoning for the development areas proposed in the Plan. Nonetheless, rather than allow marinas with up to 50 boats, we are working with staff to suggest that an applicant seeking to develop a marina should be required as part of the permitting process to justify the size of the marina proposed. This will ensure that any marina is properly sized, rather than applying a one-size-fits-all approach. See **Attachment C** for proposed changes to the term marina.

#### **TOPIC 4 – CONSERVATION EASEMENT**

As part of the Concept Plan we have proposed an up-front and fully enforceable conservation easement which seeks to protect important resources in the Plan Area and protect the working forest heritage of the region. The Easement includes over 14,750 acres and 16.9 miles of shoreline. This represents over 28% of the entire plan area, as compared to the 3.7% of the Plan area being zoned for development.

The Conservation Easement, which was developed in an iterative process with Forest Society of Maine (FSM) and various other groups, includes a mix of important upland areas, wetlands, riparian areas, streams, and wildlife habitat. It is focused in and around Square Lake, reflecting the value of that waterbody to the Plan Area in general and in recognition of FSM's counsel to protect large blocks of unfragmented forest bounded by easily identifiable boundaries, like roads and township lines. It incorporates protection of the thoroughfare between Mud Lake and Cross Lake, the thoroughfare between Cross Lake and Square Lake, and lands adjacent to the Square Lake and Eagle Lake thoroughfare. It includes the ridgeline adjacent to the Eagle Lake Public Reserve Land as well as most of the ponds, brooks and smelt streams that are associated with Square Lake. This includes Little California Pond, Little California Stream,



Goddard Brook Little Goddard Brook, the mouth of Halfway Brook as it comes off Public Reserve Land, Dimock Brook and the headwaters of Black Brook.

The easement is a so-called working forest easement and was modeled after familiar and recent conservation easements recently approved by the Commission. It bans residential development in the easement area for all time, including on potentially valuable waterfront tracts, and limits development primarily to operations that support a working forest, such as for forestry roads, and recreation. In fact, the Conservation Easement proposed here is significantly more restrictive than the one approved by the Commission for the Moosehead Concept Plan, which allowed, for example, septic systems in the easement area to serve development, industrial wind projects, and even a railroad spur line. We continue to work with staff and others on refining the technical elements of the easement to ensure it meets its intended purpose, including with ways to better incorporate the protections of Outcome Based Forestry into the Conservation Easement's requirements.

Suggestions were made at the hearing that additional areas needed to be included in the easement in order to meet the standards of approval. For context on this discussion, it is helpful to recognize that the area of the proposed easement is comparable to or exceeds the ratios of other approved concept plans, with the exception of the Moosehead plan, which involved a totally different level and intensity of development. There are approximately 7.7 acres of conservation for every one acre zoned for new development and approximately 6 miles of shoreline conserved for every mile of shoreline zoned for new development. Further, there is an additional 1.2 miles of protected shoreline in open space associated with new development zones.

Despite these figures and in response to suggestions at the hearing that nonetheless still more lands should be added to the Conservation Easement, **Attachment D** provides an explanation of why such areas should not be included.

#### **TOPIC 5 – HILLSIDE DEVELOPMENT STANDARDS**

We agreed with Staff early in the process that the existing standards to regulate potential visual impacts from hillside development were inadequate. Therefore, we have proposed a new rule in Chapter 10 that includes design standards for new developments, buffering and visual separation from forestry activities, and the requirement that Selection Harvesting be used in all proposed Development Areas.

During the hearing, one of the parties asserted that the proposed hillside development standards were merely advisory and not mandatory, and thus were inadequate to protect scenic resources. This is incorrect. The Concept Plan includes a proposed new regulation, developed in consultation with and at the request of LUPC staff, that establishes a comprehensive rule to manage the potential scenic impacts of hillside development. The provisions, at Section 10.34, include the following requirements:

- Developments “must” be designed to fit harmoniously into the visual environment when viewed by the public from public viewpoints, such as the lakes and thoroughfares, and clearing “must” be minimized.

- Developers “shall” submit design standards for review by LUPC to ensure that new residential development “will not have an unreasonable potential visual impact on scenic resources.”
- These standards “shall” include measures to address visual impacts from color, form, line, and texture.
- Subdivisions “shall” be designed by professionals who are trained in and have experience with managing visual impacts.
- Alterations to existing contours for residential development “shall” be kept to a minimum.
- Vegetated ridgelines “shall” be preserved to the extent practical.

Each of these provisions is mandatory, as indicated with the use of words like “must” and “shall.” Section 10.34,B,6, requires developers to address potential visual impacts and provides a list of techniques that could be used to meet this requirement, depending upon the situation, to avoid unreasonable adverse impact. These techniques include, among others, the use of colors and materials to minimize color contrast, shielded lighting, limitations on development on slopes, and fitting buildings into the existing topography. This makes sense because the solutions do not need to be mandated in advance. For example, a wooded site might mean that house colors could be less tightly controlled than a more open site. Likewise, a steeper site might require more stringent height limitations than a relatively flat site. Regardless of the techniques selected, however, the mandatory standard of no unreasonable adverse impact to scenic resources remains the same.

Coincidentally, LUPC is currently revising its subdivision rules and has issued a draft dated June 8, 2018. Included in this document (**see Attachment E**) are sections that recommend rules for hillside development. While this document has not been approved and adopted by the Commission, we will continue to work with staff to bring our proposed Section 10.34. in alignment with the intent of the new Rules.

#### **TOPIC 6 - PHOSPHORUS**

Healthy lakes have an intrinsic value to the Plan Area from both an environmental perspective and recreational perspective. Throughout the planning process we have been sensitive to this issue and we have worked closely with our engineers, DEP, and Staff to evaluate the effects of phosphorus from proposed Development Areas, forestry operations, and existing activities in the watershed on lake water quality.

Following the guidance of the DEP, the Concept Plan would implement a conservative yet innovative approach to managing phosphorus within the Cross Lake watershed. The proposed rule would adopt a total phosphorus budget established by DEP for the total amount of phosphorus export (measured in pounds per year) to Cross Lake that cannot be exceeded from lands owned by Petitioners. Under normal rules, all of the phosphorus budget would be allocated to new development. However, the proposed rules under the Concept Plan subtract almost half of the allowed budget for unplanned activities outside of the Development Areas (such as forestry roads, which would typically be exempt). This accounts for anticipated forestry operations in the M-FRL-GN Zone, including road building, and even possible future residential development in other areas within the Cross Lake watershed after the Plan expires. The remaining budget can then be used for any of the new development allowed under the Plan. The total phosphorus budget will be managed by Irving but carried out through permitting by

LUPC and DEP by allocating portions of the overall budget for Cross Lake to various residential and community/economic development areas in the Cross Lake watershed. Each development will, in essence, act like an “expense” in a household budget, thus reducing the size of the available budget remaining for other development activities. Irving and future developers will also have the option of mitigating phosphorus export by requiring steps to manage phosphorus, either within development areas (such as through the use of vegetated buffers) or in areas outside the development areas (such as restoration projects that reduce export from roads or other developed areas), so long as the total export numbers remain below the allocated budget for the Petitioner’s portion of Cross Lake as a whole. These mitigation projects would thus act like a “credit” to the budget by increasing the amount available for other activities.

We are continuing to work with staff and DEP on refining the rules related to the budget system, including a specific allocation for the community and economic development areas.

### **TOPIC 7 – OUTCOME BASED FORESTRY**

In the testimony submitted by the Department of Inland Fisheries and Wildlife (MDIF&W), and referenced by a few speakers at the public hearings there were a few items that we felt should be further addressed:

First, MaineIFW suggested that 100-foot undisturbed vegetated buffers should be maintained along all streams. This goes beyond existing regulations and should not be required here. Irving Woodlands already utilizes a minimum of 100-foot buffers on all natural streams with a discernable channel and a mineral soil bed to the stream, except in the case of small intermittent watercourses which only flow during snow melt or after heavy rains. In many cases these drainages will flow for only a short time before disappearing underground or into grassy areas. Based upon scientific research and our field experience we do not agree with the need to buffer these with 100-foot riparian zones.

The intent of buffering riparian areas around streams and ponds is to provide shade to protect water temperatures, as well as to provide wildlife corridors along these bodies of water. The management of areas adjacent to intermittent streams, however, is not focused on water temperature and fish habitats, as these watercourses do not directly impact fish habitat. The primary management goal for the land adjacent to these intermittent watercourses or seasonal seeps is to prevent siltation resulting from mineral soil exposure that may travel to the watercourses utilized by fish. This is why both current regulations under LUPC and DEP do not require any buffering on these types of occurrences but rather focuses on siltation and no mineral exposure within 25 feet. Irving Woodlands also requires a no-machine tracking zone within 25 feet of these occurrences to protect the forest floor and avoid any silting.

Furthermore, the request of MaineIFW to require totally “undisturbed vegetated buffers” would eliminate the ability of foresters to manage these areas over the long term to ensure that adequate buffers remain in place to continue to shade watercourses, filter potential runoff from outside the buffers, and maintain the type of habitats we have adjacent to the watercourses. Forests are dynamic and constantly growing, dying, and changing. Prohibiting management interventions in these areas means that large areas of buffer could die and collapse at the same time, especially in areas of even aged forests like balsam fir and black spruce. This would eliminate watercourse shade and utilization of the area from some wildlife species. We believe the most responsible approach to buffer management is utilizing the current LUPC and DEP

regulations for harvesting and machine exclusions zones. Irving Woodlands’ standards also require that when following all applicable State regulations, the goal shall be to, at a minimum, “maintain long-term crown closure, salvage imminent mortality, protect all regeneration, and maintain the wind firmness of the buffer.” Irving also restricts machine fueling outside a 100-foot zone around the watercourse and requires the retention of dead snags and wildlife trees within the buffer areas.

Second, MaineIFW also recommended that “all new, modified, and replacement stream crossings be spanned to size at least 1.2 times the bank-full width (BFW) of the stream. Irving Woodlands designs stream crossings utilizing a different methodology than has been suggested by MDIFW, which we believe surpasses the protections proposed by the agency. Our approach uses hydrological modeling and stream flow designs based upon 100-year storm events. The size of crossing structures is determined by measuring the drainage area at the point of crossing and using engineering formulas to reflect the 100-year rain fall event. Figure 1a, below, shows the full bank method, which will only account for the current stream bank configuration. The hydrological method, shown in Figure 1b, accounts for the entire area that could drain thru that point during a 100-year rain event.

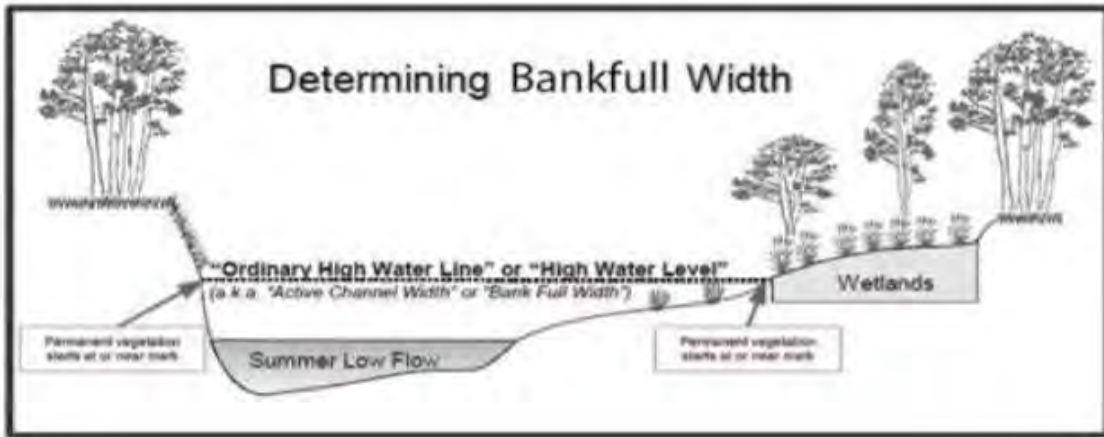


Figure 1a. Methodology to calculate crossing size required using Bankfull Width process. (From State of Maine Aquatic Resources Management Strategy Forum “Stream Smart Road Crossing, Pocket Guide, Maine DOT.)

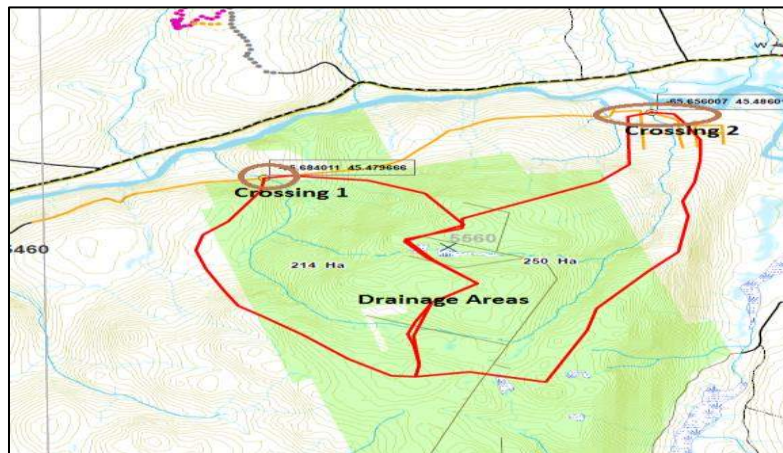


Figure 1b. Sample crossing size design based on hydrological modeling of drainage area as utilized by Irving Woodlands.

## **CONCLUSION**

After careful analysis, starting with an understanding of the existing conditions (natural resource constraints, existing development, recreational uses, topography, soils, etc.) within the Plan Area, our project team developed a Concept Plan that provides a balance between future development possibilities and conservation measures. When taken as a whole, The Fish River Chain of Lakes Concept Plan:

- Facilitates orderly development patterns by establishing development areas in locations that are both appropriate in terms of location and adequate to meet existing and future needs in the area.
- Avoids unnecessary fragmentation of the existing working forest caused by the potentially sprawling and haphazard development allowed under the current rules (including, primarily, the 2-in-5 exception to subdivision, which would be eliminated).
- Promotes a future that maintains the working forest heritage, while allowing for a mixture of complementary uses (commercial, public recreational, etc.), rather than only allowing new residential development.
- Addresses the challenges to service new developments in remote areas including provisions for improving road access and consideration of emergency services during formal development phases.
- Includes up front and fully enforceable conservation measures that permanently protect and provide public access to over 14,750 acres and approximately 16.9 miles of shoreline within the Plan area.
- Responds to deficiencies in the existing Chapter 10 rules related to hillside development, the potential addition of back lots for existing camps, and the use of sustainable forestry principles to protect habitat and aesthetic values.
- Provides for continued public access to the lakes and to the entire Plan Area for traditional recreational activities, including meeting an identified need for better public access to Square Lake.

# **Attachment A**

## **Overview of Roads and Future Scenarios**

## Attachment A – Overview of Existing Roads and Future Scenarios

### LONG LAKE A

- **Current Situation**

- Road association (Club 17) maintains East and West Van Buren Cove Roads (EVBCR and WVBCR).
- Irving does not use EVBCR for forest management but does use East Lake View Road (ELVR) for this purpose.
- Lake Road in T17 R3 is owned / maintained by Irving.

- **Future Scenario: Development of LLA**

- Irving would continue to own and maintain Lake Road in T17 R3.
- Irving to provide access rights to new lot owners in LLA and general public over Lake Road.
- Existing East Lake View Road could be used for access and partial frontage for up to 50 new lots on 129± acres. New lot owners would be required to join a road association that would participate in the maintenance of ELVR. Maintenance for that portion of ELVR within LLA may be shared with Irving once it is developed, since it provides access to woodlands to the north. Irving will continue to maintain access rights over ELVR.



- **Future Scenario: Existing Licensed Lots on East Van Buren Cove Road**

- If Irving decides to sell the existing licensed lots on EVBCR, with provisions for back lots and back lands, the land under the road would be conveyed to the abutting lot owner and an access easement/ROW would be established for all of the camp lots. Irving may continue to maintain some rights to the road.

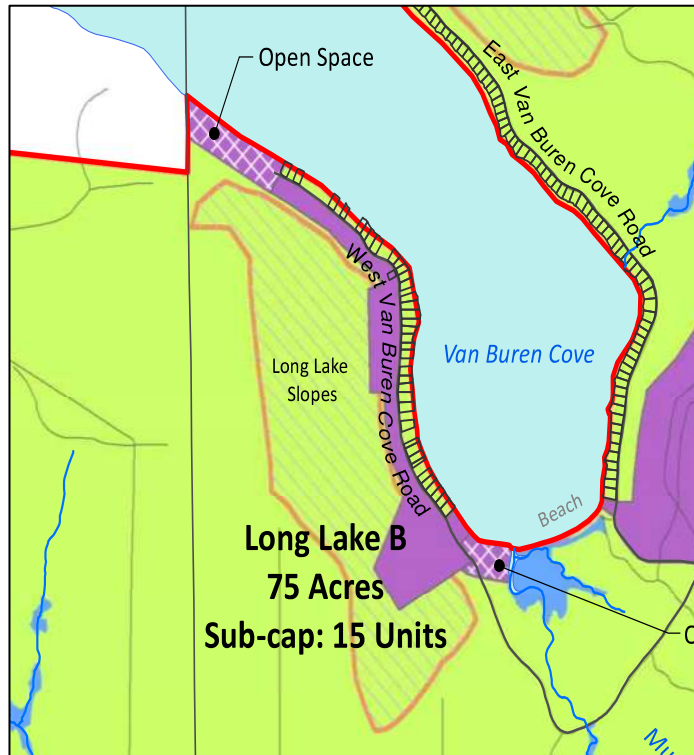
**LONG LAKE B**

- **Current Situation**

- Road association (Club 17) maintains East and West Van Buren Cove Roads.
- Irving does not use WVBCR for forest management.
- Lake Road in T17 R3 is owned / maintained by Irving.

- **Future Scenario: Development of LLB**

- Irving would continue to own and maintain Lake Road in T17 R3.
- Irving to provide deeded access rights to existing license holders on WVBCR; new lot owners in LLB; and general public over Lake Road.
- Development of up to 15 lots/units on 56± acres is expected to be on new roads and/or driveways off West Van Buren Cove Road.
- Once LLB is approved and built, maintenance for that portion of West Van Buren Cove Road affected by the new development may be shared with the existing WVBCR association.
- Any damage to existing roads caused by the construction of new homes and infrastructure would be the responsibility of the developer.



- **Future Scenarios: Existing Licensed Lots on West Van Buren Cove Road**

- If Irving decides to sell the existing licensed lots on WVBCR, with provisions for back lots and back lands, Irving will continue to maintain some rights to the road for forest management purposes. The land under the road would be conveyed to the abutting lot owner and an access easement/ROW would be established for all of the lots.
- One option for LLB would create a new road on the west side of WVBCR that would only be used for the lot owners in LLB. This may require a separate road association. The new lot owners may also be required to join the existing road association for a proportionate share of EVBCR maintenance.
- There is also the potential for a few back lots that could be off private driveways on the west side of WVBCR. These lot owners would be required to join the existing road association, but not the one created for a new road discussed above.

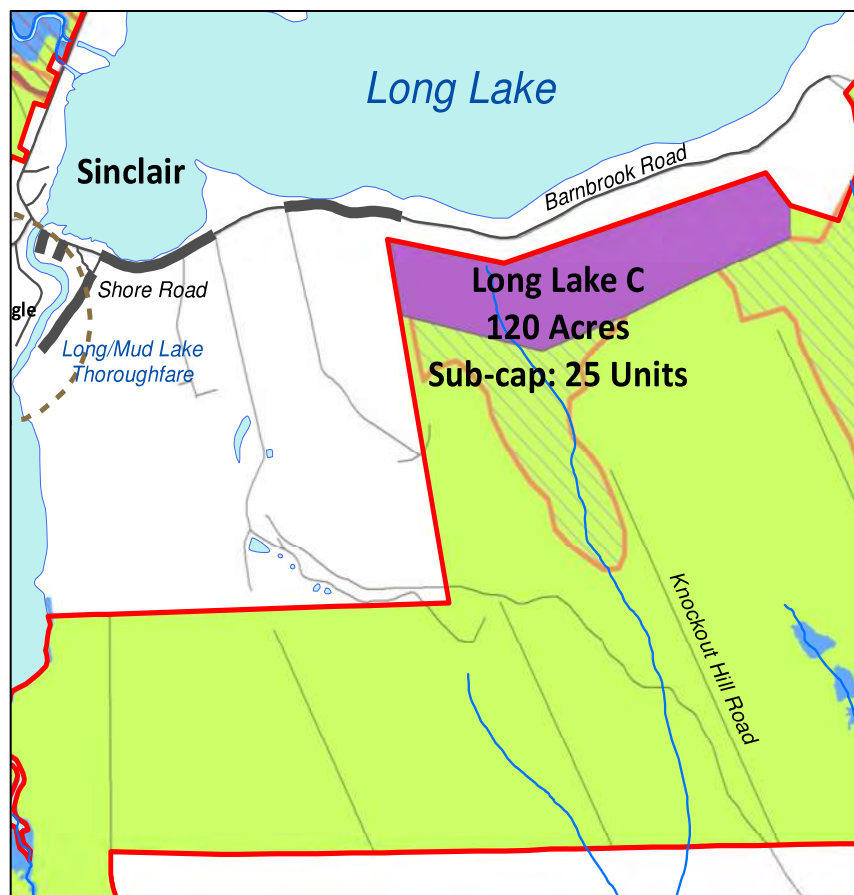


**LONG LAKE C****• Current Situation**

- There is no public access to the land designated as Long Lake C.
- Irving has logging roads south of LLC, but they do not extend into the residential area.

**• Future Scenarios: Development of LLC**

- Developer would be responsible for providing access to LLC off Barn Brook Road for up to 25 lots/units on 120± acres.
- Developer would establish a road association for all LLC lot owners to assume ownership and maintenance of the access / frontage road(s) required to create the subdivision.
- There is the potential for two separate developments on LLC that may or may not be interconnected. Two separate road associations may be required.



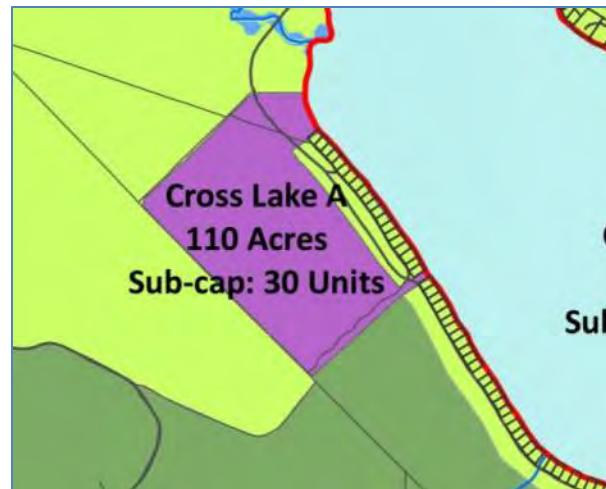
**CROSS LAKE A**

- **Current Situation**

- West Side Road (Irving owned) provides access to CLA from Route 161. There are no residential properties on the section of the road from Route 161 to Shoreline Drive.
- CLA is bounded on the northwest and southwest by unnamed forestry roads in good condition. A narrow woods road parallels the southeastern boundary of CLA. There are no residential properties on any of these roads.
- Irving uses West Side Road for forest management.
- Camps on Shoreline Drive and West Side Road are part of a road association that works with Irving to maintain the roads.

- **Future Scenario: Development of CLA**

- The Concept Plan for CLA would allow up to 30 lots to be created on 91± acres west of the existing development on the lake. Development should not affect maintenance requirements for Shoreline Drive or the residential portion of West Side Drive. Development occurs off existing forestry roads and/or on new interior roads within CLA.
- Irving would continue to own West Side Road and continue to coordinate maintenance and cost sharing with the existing road association. Irving would continue to own and maintain unnamed forestry roads on the northwest and southwest sides of CLA.
- Irving to provide deeded access rights over a portion of West Side Road and existing forestry roads to new lot owners in CLA.
- Ownership and maintenance of new interior roads at CLA would be the responsibility of a road association to be formed by developer. Maintenance that portion of existing Irving forestry roads used for frontage may be shared by lot owners and Irving.
- A narrow woods road on the southeast side of CLA may be improved to provide access to the water. Ownership and maintenance would be the responsibility of the CLA association.



- **Future Scenario: Existing Licensed Lots on Shoreline Drive and West Side Road**

- If Irving decides to sell the existing licensed lots along Shoreline Drive, maintenance responsibilities and ownership may be transferred to the existing road association. Lot owners along Shoreline Drive would have to join the road association for West Side Road to share in its maintenance. Irving will maintain some rights to Shoreline Drive.
- If Irving decides to sell the existing licensed lots along West Side Road, maintenance responsibilities may be transferred to the existing road association. Irving may continue to maintain some rights to the road to provide access forest management. Lot owners would have to join the road association for West Side Road to share in its maintenance.

**CROSS LAKE B**

- **Current Situation**

- There are at least 10 separate roads providing frontage and access on the south side of Route 161. The roads are all owned by Irving and maintained by road associations. Irving uses these roads for forest management purposes.
- The majority of the licensed lots are on the Cross Lake waterfront.

- **Future Scenario: Development of CLB**

- The Concept Plan for CLB would allow up to 30 infill lots to be created on the 91± acres between Route 161 and the existing development on the lake. CLB is designed to allow existing licensed lots to have a back lot as described in the Concept Plan.
- The Concept Plan anticipates that new lots would use existing Irving roads for access and lot frontage. The Plan does not anticipate any additional interconnections of existing roads.
- Irving would provide deeded access rights to new lot owners over existing roads.
- New lot owners would be required to join the existing road association that has maintenance responsibility for their frontage road and pay a proportionate share of its maintenance costs.
- Any damage to existing roads caused by the construction of new homes and infrastructure would be the responsibility of the developer.
- Water access to Cross Lake for new residents of CLB may require travel on or crossing existing access roads. Potential impacts on these roads would be examined as part of the approval process.
- Corner lots with frontage on Route 161 may be required to gain access off existing Irving roads to prevent additional driveways onto Route 161.



- **Future Scenario: Existing Licensed Lots on Lake Access Roads**

- If Irving decides to sell the existing licensed lots in the vicinity of Cross Lake B, ownership and maintenance responsibilities would be transferred to existing road associations. Irving may continue to maintain some rights to the roads.

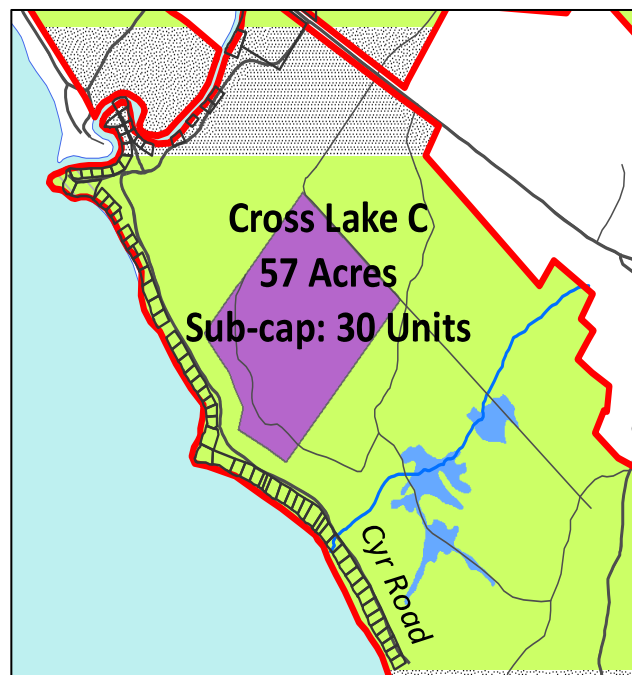
**CROSS LAKE C**

- **Current Situation**

- The Cyr Road provides access to existing licensed lots fronting on Cross Lake and the Mud Lake / Cross Lake thoroughfare.
- Cyr Road is owned by Irving and maintained by a road association.
- While Irving uses the Cyr Road, there is a network of other logging roads that they used for forest management purposes whenever possible.
- The majority of the licensed lots are on the Cross Lake waterfront, with a considerable number of back lots established.

- **Future Scenarios: Development of CLC**

- The Concept Plan for CLC would allow up to 30 lots to be created on the 57± acres between Route 161 and Cyr Road. CLC is designed to allow existing licensed lots on Cyr Road to have a back lot.
- The Concept Plan anticipates that any future lots in CLC would be developed on a new road off Cyr Road.
- New lot owners would be required to join a road association that would own and maintain the road(s) within CLC and contribute to the maintenance of a portion of Cyr Road.
- Map 36 in the Concept Plan anticipates that access to CLC would be over Cyr Road. If this were to be the case, Irving would provide deeded access rights to new lot owners over Cyr Road.
- Any damage to Cyr Road caused by the construction of new homes, roads, and other infrastructure would be the responsibility of the developer.
- An alternative access could be considered from Route 161 that would eliminate the need to use Cyr Road to access CLC. Irving may retain ownership rights to that portion of this alternative route between Route 161 and CLC for forest management and grant easement rights to owners of new lots in CLC.



- **Future Scenario: Existing Licensed Lots on Cyr Road and St. Peter Road**

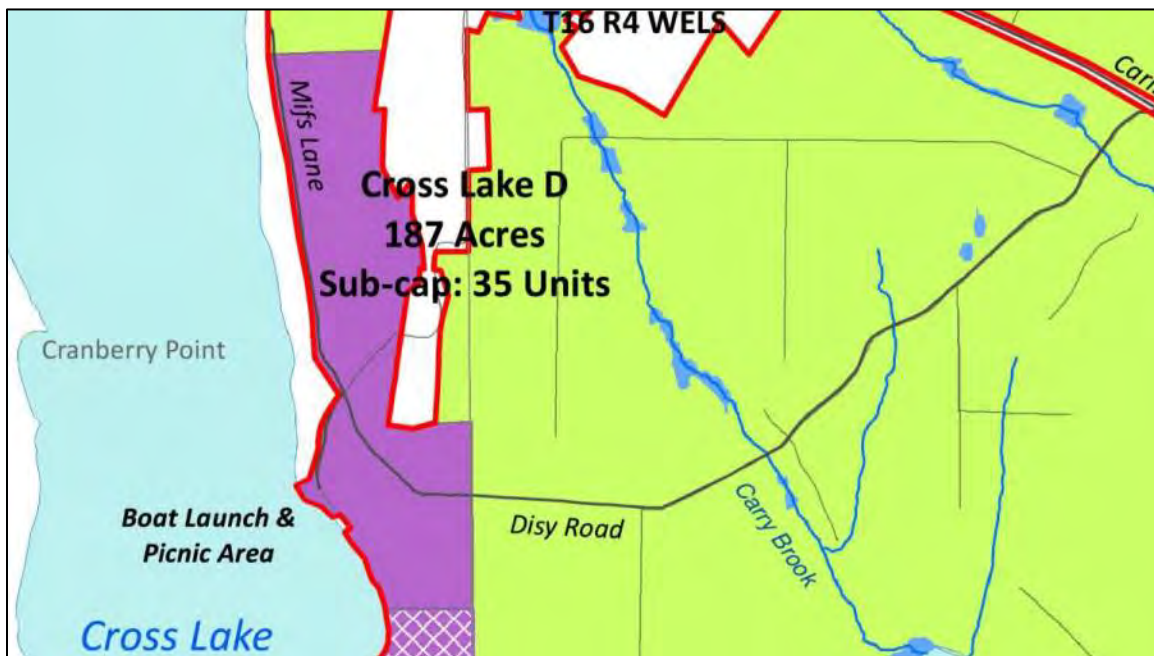
- If Irving decides to sell the existing licensed lots in the vicinity of Cross Lake C with provisions for back lots and back lands, ownership and maintenance responsibilities would be transferred to the existing road associations. Irving may continue to maintain some rights to the roads.

**CROSS LAKE D****• Current Situation**

- Disy Road, which provides access to Mifs Lane, Landing Lane, and the Cross Lake Boat Landing, is owned / maintained by Irving and is actively used for forest management.
- Mifs Lane and Landing Road are both owned by Irving. The homes on the west side of Mifs Lane and the north side of Landing Road are privately owned. Homeowners on Mifs Lane and Landing Road have deeded access rights over Disy Road. Their road association is responsible for road maintenance.
- Two non-Irving properties are located on the south side of Landing Road. The status of their road maintenance agreement is unknown.

**• Future Scenario: Development of CLD**

- The Concept Plan for CLD would allow up to 35 lots to be created on 187± acres on a portion of Disy Road, the east side of Landing Road, the east side of Mifs Lane, and additional future roads.
- Irving would continue to own and maintain Disy Road in T16 R4.
- Irving to provide deeded access rights over Disy Road to new lot and the general public.



**CROSS LAKE E**

- **Current Situation**

- Disy Road, which provides access to Disy Crossover Road and Black Brook Road, as well as Mifs Lane and Landing Road, is owned / maintained by Irving and is actively used for forest management.
- There are no active licensed lots on Disy Road or Disy Crossover Road between Route 161 and Cross Lake E.

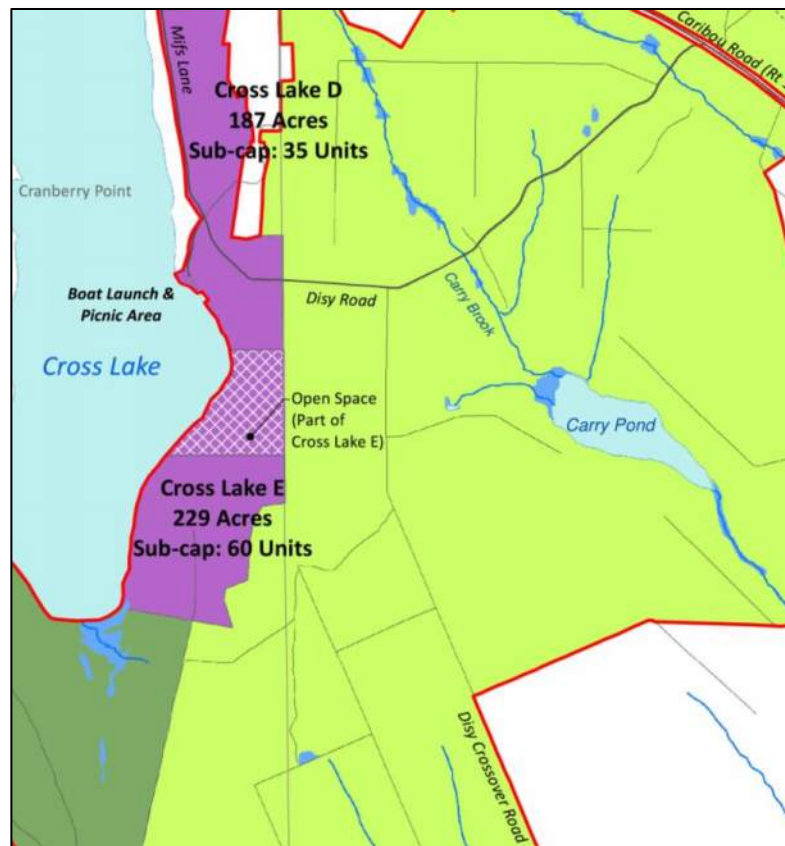
- **Future Scenario: Development of CLE**

- The Concept Plan would allow up to 60 lots/units to be created on the 229± acres designated for CLE. Dedicated access from Route 161 would be guaranteed over Disy Road and Disy Crossover Road, as well as other unnamed Irving forestry roads.

- Irving would continue to own and maintain all roads used for access to the boundaries of CLE.

- Irving to provide deeded access rights over these roads to new lot/unit owners in CLE.

- New lot owners would be required to join a road association that would own and maintain the road(s) within CLE, and contribute to the maintenance of a portion of Disy Road, Disy Crossover Road, and other Irving roads that may be affected by the additional traffic. Irving will retain rights to use new roads for forest management.



- Cross Lake E is bisected by an area of very steep slopes, which may result in an upper and lower development areas. The connecting road between the upper and lower portion of CLE may be outside the limits of the residential development area (and outside of the Conservation Easement).
- The physical composition of the land and other factors may necessitate the formation of two separate road associations.
- An alternative access from Square Lake E could be considered, using an existing Irving forestry road that intersects the southern boundary of CLE.

**SQUARE LAKE W**

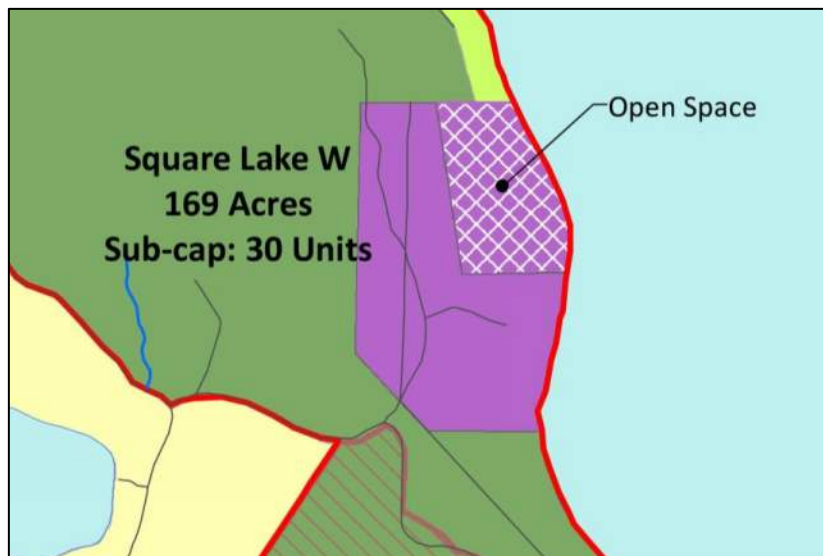
- **Current Situation**

- The 19 licensed lots on the west side of Square Lake are accessed by the Square Lake Road, which is owned by Irving in T16 R4, Westmanland, and T15 R5. The southern portion of the road in T16 R5 traverses the Eagle Lake Public Reserve Land and is owned by the Bureau of Public Lands (BPL). Although not a public road, this section of roadway has traditionally been used by the licensed lot owners to access their camps. Maintenance responsibilities for this section of the road are shared by Irving and BPL. The northern portion of Square Lake Road in T16 R5 is owned / maintained by Irving.
- Square Lake Road is generally not maintained during winter months. General maintenance is done by Irving for fire access and to tend to forest management operations. License holders access their camps during these times by snowmobile.

- **Future Scenario: Development of SLW**

- The Concept Plan would allow up to 30 lots/units to be created on the 169± acres designated for SLW. Existing forestry roads in SLW could be used for access and frontage for new development.

New lot owners would be required to join a road association that would own and/or maintain any new or upgraded roads. Irving will retain rights to use these roads for forest management.



- Irving would continue to own and seasonally maintain all roads used to access existing licensed lots. Irving would provide deeded access rights over these roads to new lot/unit owners in SLW.
- Any damage to existing roads caused by the construction of new homes and infrastructure would be the responsibility of the developer.
- If access over State land is not available, developer of SLW would be responsible for providing a parking area at SLE to accommodate boat trailers for SLE owners.

- **Future Scenario: Existing Licensed Lots on Square Lake**

- If Irving decides to sell the existing 19 licensed lots on Square Lake, deeded access rights to and maintenance responsibilities of a portion of Square Lake Road would be transferred to the existing road association. Irving will retain rights to use the road for forest management.

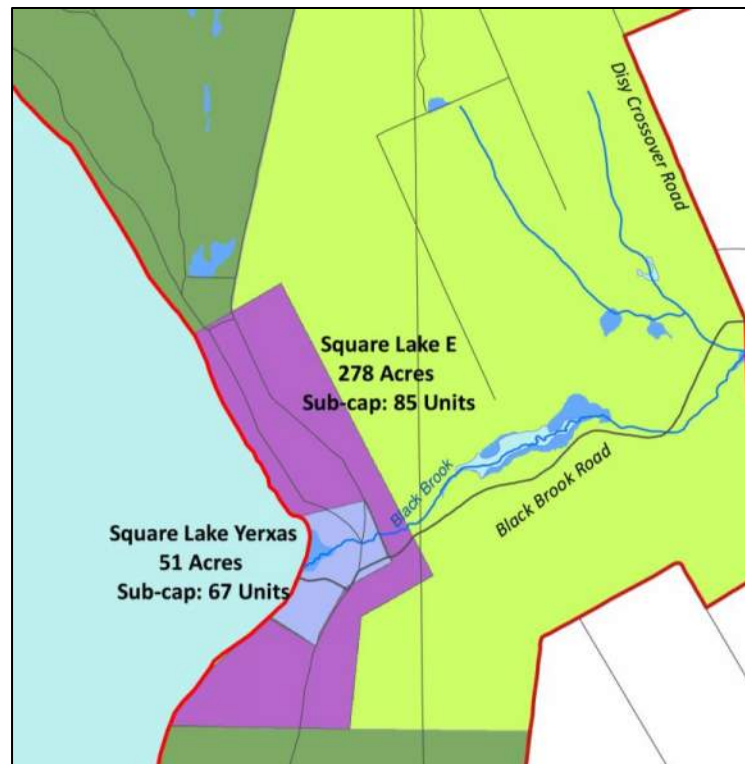
**SQUARE LAKE E / SQUARE LAKE YERXAS**

- **Current Situation**

- Disy Road, Disy Crossover Road, and Black Brook Road are all owned and maintained by Irving and actively used for forest management. Additional unnamed woods roads extend to the north and south out of Square Lake E.
- There are no active licensed lots on any of these roads between Route 161 and Square Lake.

- **Future Scenarios: Development of SLE and SL Yexas**

- The Concept Plan would allow up to 85 lots/units to be created on the 278± acres designated for SLE and up to 17 lots/units or 50 recreational lodging units on the 51± acres designated for Square Lake Yexas. Access from Route 161 would be guaranteed over Disy Road, Disy Crossover Road, and Black Brook Road.
- Irving would continue to own and maintain Disy Road, Disy Crossover Road, and Black Brook Road, and would provide access easements over these roads to new lot/unit owners in SLE and SL Yexas, and to the general public. Irving may continue to own existing woods roads that may be converted into access and frontage roads within SLE, since they provide access for forest management operations to the north and south of SLE.
- New lot owners would be required to join a road association that would own and/or maintain the road(s) within SLE and SL Yexas. The determination of which roads would continue to be owned by Irving would be made at the time of permit application.
- The woods road between SLE and CLE could provide a way to interconnect these two development areas.
- Public access to the trailered boat launch that will be built will be provided from Route 161 to its location at either Square Lake Yexas or SLE.





# **Attachment B**

## **Road Associations**

## Attachment B – Road Associations

In response to the topic of road ownership and maintenance within the Plan Area, the following text will be added to Section 10.29:

### A. Road Associations for Camp Lots

1. Upon the sale of camp lots, lot owners will be required to create and/or join road associations to manage and maintain access roads, as identified on Map 36 in Volume 3, except where the entrance is located on a public road. Such associations shall be formed pursuant either to the Private Way law, 23 M.R.S. § 3101 et seq., or the Nonprofit Corporation Act, 13-B M.R.S. § 101 et seq., as either may be amended from time to time.
2. Prior to formation of the road association, all property owners benefitting from the road shall be notified in writing at least 30 days in advance of formation of the association and given an opportunity to participate in the process.
3. Road associations shall establish, maintain, and implement bylaws or similar legal arrangements that address, at a minimum, who is required and/or eligible to be a member, how the association will be governed, how often the association will meet, the rights and responsibilities of the camp lot owners and other adjacent or nearby owners, the relationship to other associations, as applicable, as well as management and maintenance of specific roads, as may be necessary and appropriate given the specifics of the camp lots and roads involved. Road associations shall assess fees for operations in a fair and equitable manner.
4. Road associations shall have the authority to share maintenance responsibilities with other entities, such as other road associations or property owners, where roads benefit non-association members.
5. Documentation for the road association shall be recorded prior to sale of the first camp lot to be a member of that association.

### B. Owners Associations in Development Areas

1. Upon the sale of lots in development areas, lot owners will be required to join owners associations to manage and maintain common facilities, such as roads, open space, water access sites, and stormwater management structures, as appropriate to meet permitting and subdivision requirements for the development area. Such associations shall be formed pursuant to the Nonprofit Corporation Act, 13-B M.R.S. § 101 et seq., as may be amended from time to time, and must be approved as part of the subdivision approval process.
2. Owners associations shall establish, maintain, and implement bylaws or similar legal arrangements that address, at a minimum, who is required and/or eligible to be a member, how the association will be governed, how often the association will meet, the rights and responsibilities of the camp lot owners and other adjacent or nearby owners, the

- relationship to other associations, as applicable, as well as management and maintenance of specific facilities, as may be necessary and appropriate given the specifics of the development. The bylaws shall also specify how membership shall be determined for individual landowners and the developer, and shall address the specifics of the developer's control of the owners association while it continues to own property within the development. Owners associations shall assess fees for operations in a fair and equitable manner.
3. Owners associations shall have the authority to share maintenance responsibilities with other entities, such as other road associations or property owners, where roads benefit non-association members.
  4. Documentation for the owners association shall be completed prior to subdivision approval and shall be recorded prior to the sale of the first lot or unit.

# **Attachment C**

## **Water Access Sites**

## Attachment C - Water Access Sites and Marina

1. To ensure that the water access sites proposed in residential areas are private, the Concept Plan could be amended as follows. We will continue to work with Staff to refine the language as needed.

### Text Changes to Ch. 10

- **Add a new 10.21,K,3,j**

- j. Use of Water Access Sites**

- All new water access sites, including docking structures, hand-carry launches, marinas, and trailered ramps, in the D-FRL-RS Zone shall be private, except in the Square Lake E Development Area, which may be public, commercial, or private. Existing water access sites at Van Buren Cove and the Cross Lake Boat Launch shall be public, as described in Section E,4,b,iii of the Concept Plan.

- **Revise 10.21,K,3,a as follows**

- (1) Docking structures: Temporary docking structures pursuant to Section 10.21.K,3,j ~~for non-commercial use;~~

- **Delete 10.21,K,3,b as follows**

- ~~(6) Hand-carry launches: Public hand-carry launches except on Management Class 1 and 2 lakes;~~

- **Revise 10,21,K,3,c as follows**

- (9) Hand-carry launches: ~~Commercial and private~~ hand-carry launches on Management Class 1 and 2 lakes pursuant to Section 10.21.K,3,j, ~~addressed in Section 10.21,K,3,b which are not in conformance with the standards of Section 10.27,L;~~

- **Revise 10.21,K,3,d as follows**

- (1) Docking structures: New or expanded permanent docking structures pursuant to Section 10.21.K,3,j;

- (2) Hand-carry launches: ~~Public~~ hand-carry launches to Management Class 1 and 2 lakes, and pursuant to Section 10.21.K,3,j;

- (3) ~~Marinas~~ Marinas in the Square Lake E Development Area pursuant to Section 10.21.K,3,j;

- .

- .

- .

- (5) Trailered ramps: ~~Commercial and private~~ trailered ramps pursuant to Section 10.21.K,3,j ~~and public trailered ramps on Management Class 1 and 2 lakes; and~~

2. For marinas:

**Text changes to Ch. 10**

- **Revise 10.21,N,3,d as follows**

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

- **Add a new 10.21,L,3,e**

**e. Marinas:**

Prior to approval of a marina, the applicant shall provide an analysis as part of its application demonstrating that the marina is appropriately sized, including as to features such as the number of slips or moorings for boats. At a minimum, the analysis shall:

- i. Identify the applicable lake and its character; the development area(s) triggering a need for the marina, and their relationship to the lake; and the existing type and frequency of use of the lake;
- ii. Evaluate the nature and size of the anticipated demand for the marina based on both existing and proposed development; and
- iii. Demonstrate that the marina will not have an unreasonable adverse impact on the scenic character or recreational experience on the lake.

## **Attachment D**

# **Areas Not In Conservation Easement**

## ATTACHMENT D - AREAS NOT INCLUDED IN THE CONSERVATION EASEMENT

In their pre-filed testimony of May 2, 2018, the Forest Society of Maine (FSM) suggested four “areas where the proposed conservation easement could be considered for enlargement.” In total, these areas would increase the size of the Conservation Easement by well over than 8,000 acres, more than 50% of its current size, and thus would be a substantial change proposed at the last minute after several years of discussions with FSM, environmental groups, and governmental agencies.

In response, Irving has considered the potential to enlarge the conservation easement. Based upon our review of other Concept Plans that have been approved by the Commission and our knowledge of the landscapes that are being protected, it is Irving’s view that the 14,750 acres that would be permanently protected by the conservation easement already meets the standards established for Concept Plan approval. Nonetheless, each of the additional areas suggested by FSM are discussed below.

**Area A: 1,983 ac., north of Route 161 and west of Route 162.** This is an area of open and forested wetlands that was included as part of the Conservation Easement in the original application. The most notable feature of this area is the Cross Lake Bog.

The land included in the Conservation Easement has gone through several iterations as we worked with FSM. In making a determination regarding which lands to include and which ones to exclude, we were guided in part by comments received by state agencies.

IF&W’s review of the Conservation Easement (December 6, 2017), for example, contains the following statements that apply to this and other similar areas: “the conservation area with proposed perpetual easement contains mostly inaccessible wetlands that *already have inherent regulatory protections*, with the exception of State exemptions for forest management practices. As the Plan allows forest management activities to continue, the *perpetual conservation easement provides no further level of protection and therefore no further benefit to natural resources than now exist*” (*emphasis added*).

NRCM likewise notes in their pre-filed testimony “the parcel likely has little value” for development.

Because the Cross Lake Bog is an area with virtually no development potential, given its inherent physical characteristics and the existing regulations protecting it, this area was removed from the Conservation Easement in favor of providing protections elsewhere. As IF&W notes, a conservation easement on this land would not provide any further benefit to those natural resources than currently exist.

**Area B: 2,405 ac., Area C: 112 ac., and Area D: 514 ac. in T16 R4.** This composite area starts on the Cross Lake shoreline between Cross Lake D and E and extends to the east and northeast to include the high ground overlooking Cross Lake and Square Lake; Carry Pond the land surrounding it; the land on either side of Route 161; and land to the east of Route 161. FSM suggested that including this area in the Conservation Easement could enhance protection of



Cross Lake, Carry Pond, and its tributaries, ensure regional connectivity by preventing future development along Route 161, and provide an ecologically significant building block for future landscape scale conservation, should that be an option in the future.

This is an area of active forest management that is served by a network of Irving forestry and logging roads, as demonstrated in aerial photographs. In addition to the forest cover, this is also an area of high land use diversity, which includes or is adjacent to a state highway, a transmission line, agricultural land, the village of Cross Lake, Carry Pond, and frontage on Cross Lake.

The nearly half-mile of frontage on Cross Lake has been added to the Cross Lake E residential zone as protected open space. Any harvesting within this area (which Irving is considering an aesthetic management area) would utilize selection harvesting to greatly minimize potential adverse visual effects on Cross Lake.

Carry Pond is a 65-acre waterbody that feeds Black Brook, which drains into Madawaska Lake *outside* the Cross Lake watershed. The shoreline around the Pond will continue to be protected under the Concept Plan, retaining its P-GP zoning for the life of the Plan.

The land on either side of Route 161 may have development potential beyond the life of the Concept Plan. This area has some of the better soils in the Concept Plan area. Some portions of Route 161 offer good visibility, with convenient access and acceptable topography. The land is also adjacent to private agricultural land, which may benefit from nearby commercial uses in the future.

The planning team initially looked at the Route 161 frontage for a Community / Economic Development area but dropped it in response to a conservation group's concern for lynx and other wildlife species. Given the evolving nature of wildlife habitats, such as deer yards that move over time, the location of these habitats may change in the future, and it may make sense at that time to consider development along this state roadway.

**Area E: Square Lake W.** This is a 169-acre area that would be rezoned to allow up to 30 units/lots in an area immediately south of 19 Irving-owned licensed sites on Square Lake. FSM has stated that if this area were to be removed as a residential development area and added to the conservation easement, it would reduce easement complexity and ensure better habitat continuity.

This parcel already has a network of forestry and logging roads that could provide access and frontage in the future. As noted in our previous submittals and at the public hearing, the west side of Square Lake is envisioned as a place for self-sufficient individuals, knowing that there is little likelihood of having electrical or other utility service.

The area in the vicinity of Square Lake West has gone through several transformations as the Plan evolved. As currently configured, the proposed Conservation Easement includes the land between Square Lake W and the Eagle Lake Public Reserve Land. When the boundaries of the easement were reconfigured as part of the most recent submission, a 600± acre area was added to protect views from Eagle Lake. In addition, a 60± acre area with a third of a mile of Square Lake frontage was added to Square Lake West as open space to provide greater protection to

the character of this waterbody. Thus, the Conservation Easement in this area has already been significantly bolstered and the nature of the low-impact residential development in this area does not appear likely to present any greater difficulty for monitoring by the holder than any of the other Development Areas in close proximity to the easement (e.g., Cross Lake A, Square Lake E, and Cross Lake E all border the proposed easement area).

**Area F: 3,168 ac.** This land (4.95 square miles) lies immediately to the north of the Conservation Easement in Cross Lake Township at the north end of Square Lake. FSM proposes this area as a way to provide additional riparian protection and connectivity to public ownership.

When the boundaries of the Conservation Easement were already reconfigured as part of the most recent submission, an additional 1,375± acre area was added to the north of Square Lake and a 600± acre area was added to the west side of the lake to create a continuous band of conserved land around Square Lake. The larger parcel now includes Little California Pond and California Brook, which drains into the northwest corner of Square Lake. This parcel is bounded on the east by Dimock Brook, which drains into the northern end of Square Lake. Both of these brooks are considered good spawning habitat for brook trout, rainbow smelt, and land-locked salmon. The land currently within the proposed Conservation Easement appears to have a significant amount of riparian and wading bird and waterfowl habitat.

The area suggested by FSM to enlarge the easement is relatively flat with no significant streams, rivers, lakes, or ponds; access is limited to forest management roads. Due to the environmental restrictions (including protections for bird habitats, lakes, and streams) and its remoteness, development pressure on this additional land is expected to be minimal over the life of the Concept Plan and thus the area is not under realistic threat of development.

During the hearing there were additional comments regarding connectivity between the conservation easement and an adjacent public lot (which is outside the Plan Area). The only nearby public land that seems to qualify is the New Canada Lot. This parcel is one of the original public lots (1,036 acres) in the town of New Canada. The land is not connected to other public lands in the vicinity (such as the Eagle Lake PRL to the south). The parcel is almost totally forested and is actively managed for timber. There are 2.5 miles of ATV trails on the property that are managed by local clubs. A Northern White Cedar swamp is located in the south-central portion of the property.<sup>1</sup> The land has no wading bird or waterfowl habitat; beavers have created several small wetlands in the unit.<sup>2</sup>

Management recommendations for the New Canada Lot prescribe wildlife management as a dominant use, with the stream sides of Dimock Brook (and tributary) allocated as a Wildlife Riparian Area. Timber management is recommended as a dominant use, minimizing conflicts with motorized trail uses and enhancing the aesthetic values along these trails. There is no reference to lands outside the public reserve parcel.

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<sup>1</sup> <http://maineencyclopedia.com/new-canada> Accessed June 17, 2018.

<sup>2</sup> Wilkerson, Brooke. *Natural Resource Inventory of the Northern Aroostook Region: Small Units*. Maine Natural Areas Program, Maine Bureau of Parks and Lands. February, 2007.

**Attachment E**  
**Hillside Development Standards**

## ATTACHMENT E - HILLSIDE DEVELOPMENT REVISIONS

The suggested revisions to the proposed hillside development standards are in red.

- **Text Changes in the Concept Plan**

- **Amend page 10, E,1,a, by adding a new paragraph at the end, just before E,1, b:**

The Concept Plan also provides new standards to minimize the potential impacts from hillside development in the D-FRL-RS zone:

- i. Prior to development activities, timber harvesting in development areas that are within the viewshed of any lake within the Plan area will be limited to selective harvesting only. See Subsection IV, Section 10.34,A.
- ii. Development on hillsides visible from a public viewpoint or waterbody will meet the following standards designed to minimize potential visual impacts:
  - a. Developments must be designed to fit harmoniously into the visual environment when viewed by the public from public viewpoints. Site clearing must be minimized and vegetation must be retained or provided to minimize the visual intrusion of the development. See Sub-Chapter IV, Section 10.34,B,1.
  - b. As part of an application for a new residential subdivision that may be visible from a lake or other public viewpoint, the developer shall submit design standards for new construction to ensure that new housing units, garages, roads, lighting, and other components of the development will not have an unreasonable potential visual impact on scenic resources within and adjacent to the Plan area. See Sub-Chapter IV, Section 10.34,B,2.
  - c. Subdivisions planning shall include professionals who are trained and have experience in the application of principles of visual quality management and hillside development. As part of the planning process, the developer shall identify areas with high and moderate visual sensitivity (both on and off the site), and take appropriate measures to avoid unreasonable potential visual impacts wherever necessary. See Sub-Chapter IV, Section 10.34,B,3.
  - d. Alterations to existing contours for roads, driveways, utilities, homes, and non-residential structures shall be kept to a minimum by using design and construction techniques that are appropriate to the natural topography of the site. See Sub-Chapter IV, Section 10.34,B,4.
  - e. Vegetated ridgelines shall be preserved to the extent practical by establishing limits to clearing and construction in certain areas (e.g., requiring existing vegetation and natural contours to remain intact; establishing minimum horizontal or vertical setbacks from ridgelines; and incorporating ridgelines into the required open space). See Sub-Chapter IV, Section 10.34,B,5.
  - f. The design standards to be provided by the developer shall include measures to address visual impacts from color, form, line and texture. See Sub-Chapter IV, Section 10.34,B,6. This may include provisions that require:
    - o The use of colors and materials that minimize color contrasts with surrounding forestland;

- o Lighting used for roadways and residential use must be shielded to prevent glare and off-site visibility (e.g., the use of shields may effectively block visibility of light sources);
  - o Consideration of limits on the amount of windows and other reflective surfaces that may be visible from lakes or other public viewpoints;
  - o Cleared openings for building sites, septic systems, roads, driveways, or community uses must have a minimal visual impact if seen from public vantage points (e.g., maintaining a vegetative buffer of a sufficient height, density and composition to make the cleared opening visually indistinct);
  - o Clearing for views may be allowed, but should be limited to minimize potential visual impacts, as seen from public viewpoints (e.g., narrow view openings between trees and beneath tree canopies downslope from development sites may be more effective than removal of mature trees);
  - o Buildings shall be designed to complement the site and topography (e.g., avoiding long unbroken roof lines; orienting buildings in the same direction of the slope; stepping the building down the slope rather than creating building pads requiring extensive excavation and slope filling);
  - o Existing vegetation shall be preserved / maintained where practicable in areas necessary to help screen hillside development from public view points;
  - o Slopes >20% should be avoided (e.g., wherever possible, development should be located in areas where sustained slopes are less than 15%; development may not be allowed on sustained slopes in excess of 25%); and
  - o Homes shall be sited to avoid extensive areas of steep slopes immediately below the homesite where clearing may expose significant portions of the building.
- g. Education and enforceability of these hillside development provisions will also be addressed.

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

- **On page 22, delete E,4,e.**
- **Add a new Section 10.34:**  
**10.34 HILLSIDE DEVELOPMENT**

- **A. Timber Harvesting on Hillsides in Development Areas**

Timber harvesting on hillsides within the viewshed of any lake within Development Area is limited to selection~~ve~~ harvesting only. This provision applies in such areas regardless of the provisions of Sub-Chapter IV, Section 10.30.

- **B. Development on Hillsides**

Development on hillsides visible from a public viewpoint or waterbody will meet the following standards to minimize unreasonable visual impacts on waterbodies and other public viewpoints ~~and waterbodies~~ within the Plan area.

1. Developments must be designed to fit harmoniously into the visual environment when viewed by the public from public viewpoints. Site clearing must be minimized and vegetation must be retained or provided to minimize the visual intrusion of the development. Site clearing around a building will be allowed to maintain the minimum extent needed for fire safety.
2. As part of an application for a new residential subdivision that may be visible from a lake or other public viewpoint, the developer shall submit design standards for new construction to ensure that new housing units, garages, roads, lighting, and other components of the development will not have an unreasonable potential visual impact on scenic resources within and adjacent to the Plan area.
3. Subdivisions planning shall include professionals who are trained and have experience in the application of principles of visual quality management and hillside development. As part of the planning process, the developer shall identify areas with high and moderate visual sensitivity (both on and off the site) and take appropriate measures to avoid unreasonable potential visual impacts wherever necessary.
4. Alterations to existing contours for roads, driveways, utilities, homes, and non-residential structures shall be kept to a minimum by using design and construction techniques that are appropriate to the natural topography of the site.
5. Vegetated ridgelines shall be preserved to the extent practical by establishing limits to clearing and construction in certain areas (e.g., requiring existing vegetation and natural contours to remain intact; establishing minimum horizontal or vertical setbacks from ridgelines; and incorporating ridgelines into the required open space).
6. The design standards to be provided by the developer shall include measures to address visual impacts from color, form, line and texture. This may include provisions that require (examples shown in parentheses in B.6 are provided as potentially suitable techniques to minimize adverse visual impacts, and that the applicant should explore a range of options to determine what is most effective and appropriate for each particular situation):
  - a. The use of colors and materials for siding, roofing, trim, chimneys, gutters and downspouts, retaining walls, foundations, fencing, and other building components that minimize color contrasts with the surrounding forestland landscape;
  - b. Lighting used for roadways, community amenities, and ~~and~~ residential use must be shielded to prevent glare and off-site visibility (e.g., the use of shields may effectively block visibility of light sources);

- c. Consideration of limits on the amount of windows and other reflective surfaces that may be visible from lakes or other public viewpoints;
- d. Cleared openings for building sites, septic systems, roads, driveways, utilities, or community uses must have a minimal visual impact if seen from public vantage points (e.g., maintaining a vegetative buffer of a sufficient height, density and composition to make the cleared opening visually indistinct);
- e. Clearing for views may be allowed, but should be limited to minimize potential visual impacts, as seen from public viewpoints (e.g., narrow view openings between trees and beneath tree canopies downslope from development sites may be more effective than removal of mature trees);
- f. Buildings shall be designed to complement the site and topography (e.g., avoiding long unbroken roof lines; orienting buildings so the longest axis is parallel to in the same direction of the slopenatural contours; stepping the building down the slope rather than creating building pads requiring extensive excavation and slope filling);
- g. Existing vegetation shall be preserved / maintained where practicable in areas necessary to help screen hillside development from public view points;
- h. ~~S~~Steep slopes (i.e., two or more contiguous acres with slopes of 20% or greater) ~~than 20%~~ should be avoided (e.g., wherever possible, development should be located in areas where sustained slopes are less than 15%; development may not be allowed on slopes in excess of 25%); and
- i. Homes shall be sited to avoid extensive areas of steep slopes immediately below the homesite where clearing may expose significant portions of the building.