

Sub-Chapter II
LAND USE ~~SUBDISTRICTS~~ ZONES

10.21 DEVELOPMENT ~~SUBDISTRICTS~~ZONES

Pursuant to the ~~Commission's Comprehensive Land Use~~Concept Plan, the following development ~~subdistricts~~zones are established within the Concept Plan's P-RP subdistrict:

A. ~~COMMERCIAL INDUSTRIAL DEVELOPMENT SUBDISTRICT (D-CI) ZONE –~~ MOOSEHEAD LAKE REGION CONCEPT PLAN (D-CIM)

1. Purpose

The purpose of the D-~~CI subdistrict~~CIM zone is to allow for commercial, industrial and other ~~development~~uses that ~~is~~are not compatible with residential uses. Designation of commercial, industrial and other similar areas of intensive development as the D-CI subdistricts CIM zone will ensure that other land values and community standards are not adversely affected, and will provide for the location and continued functioning of important commercial and industrial facilities.

2. Description

The D-~~CI subdistrict shall include~~:CIM zone shall be located in Sapling Township in the area designated as being within a D-CI subdistrict on the date of adoption of the Concept Plan.

~~a. Areas having existing commercial, industrial or other buildings, structures or uses, that are incompatible with residential uses, including the following:~~

- ~~(1) Areas of 2 or more acres devoted to intensive, commercial and/or industrial buildings, structures or uses; except that saw mills and chipping mills and structures devoted to composting of septage, sludge or other residuals affecting an area of 5 acres or less in size shall not be included in this subdistrict unless such areas are part of a larger pattern of development which otherwise meets the criteria for D-CI zoning;~~
- ~~(2) Areas of 2 or more acres devoted to the commercial extraction of minerals including, but not limited to, borrow pits for sand, fill or gravel, peat extraction and the mining of metals and rock;~~
- ~~(3) Areas of 2 or more acres devoted to refuse disposal including, but not limited to, dumps and sanitary land fill operations;~~
- ~~(4) Areas used for aircraft landing and takeoff and the storage and maintenance of aircraft;~~
- ~~(5) Areas of 2 or more acres used for the storage of junk, oil products, or industrial or commercial materials or inventory;~~
- ~~(6) Areas of 2 or more acres devoted to buildings, structures or uses similar to those listed in Section 10.21.A,2,a,(1) through (5) that are incompatible with residential uses; and~~
- ~~(7) Areas where one or more existing principal buildings exist within a 500 foot radius and where the gross floor area of all such principal building(s) is more than 8,000 square feet provided the uses thereof are incompatible with residential uses.~~

~~The designated D-CI subdistrict boundary shall include all those areas described in Section 10.21,A,2,a,(1) through (7) above, as well as adjoining areas directly related to, and necessary for, the conduct of those activities.~~

~~b. Areas which the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto. Where such an area is not adjacent to a D-CI subdistrict and redistricted for the purpose of allowing for commercial mineral extraction, once such operations are complete the D-CI subdistrict designation shall automatically revert to the prior subdistrict designation.~~

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within ~~D-CI subdistricts~~the D-CIM zone.

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Primitive recreational uses, including, fishing, hiking, wildlife study and photography, wild crop harvesting, bicycling, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing but not including hunting and trapping.
- (5) Surveying and other resource analysis;
- (6) Temporary docking structures and temporary on-shore structures used to secure docks and moorings ~~for non-commercial use~~;
- (7) Wildlife and fishery management practices;

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within ~~D-CI subdistricts~~-CIM zones subject to the applicable requirements set forth in Sub-Chapter III.

- (1) Agricultural management activities;
- (2) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Filling and grading;
- (4) Level A mineral exploration activities, excluding associated access ways;
- (5) Level A road projects;
- (6) New and expanded accessory structures to any legally existing, conforming, ~~non-~~single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or

substances, and do not add new activities not currently being conducted at the facility;

~~10.21,A(D-CI)~~

- (7) Private and commercial hand-carry launches;
- (8) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (9) Signs; and
- (10) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within ~~D-CI subdistricts~~ CIM zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III ~~and, where within 250 feet of certain lakes, subject to the applicable requirements of Section 10.21,A,3,f and g below:~~

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Any commercial and industrial uses and subdivisions for uses permitted in this subdistrict zone;
- (4) Commercial sporting camps;
- (5) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Driveways;
- (7) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining or altering the water table or water level for other than mineral extraction;
- (8) Land application of septage, sludge and other residuals, and related storage and composting activities and structures;
- (9) Land management roads;
- (10) Level B and C road projects, except for water crossings as provided for in Section 10.21,A,3,b;
- (11) Level B mineral exploration activities;
- (12) Mineral extraction including the use of mineral processing equipment and associated structural development;
- (13) Peat extraction, including the use of any related processing equipment;
- (14) Shoreland alterations, excluding water crossings of minor flowing waters, trailered ramps and hand-carry launches;
- (15) Signs which are not in conformance with the standards of Section 10.27,J;
- (16) Solid waste disposal;
- (17) Timber harvesting;
- (18) Trailered ramps and hand-carry launches addressed in Section 10.21,A,3,b which are not in conformance with the standards of Section 10.27,L, private and commercial trailered ramps, and water-access ways;

- (19) Utility facilities, excluding service drops;

- (20) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (21) Water impoundments;
- (22) Other structures, uses or services that are essential to the uses listed in Section 10.21,A,3,a through c; and
- (23) Other structures, uses, or services which the Commission determines are consistent with the purposes of this [subdistrictzone](#) and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited in D-CI [subdistrictszones](#).

e. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

f. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

~~Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:~~

~~(1) — With respect to proposed subdivisions and commercial and industrial structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's land ownership on the lake:~~

- ~~(a) — area and shoreline length;~~
- ~~(b) — potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and~~
- ~~(c) — development proposed or anticipated, if any.~~

~~This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.~~

~~(2) — With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.~~ [Intentionally deleted. There are no Management Class 4 lakes within this zone.](#)

g. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.

~~With respect to subdivision proposals within 250 feet of~~Intentionally deleted. ~~There are no~~ Management Class 5 lakes, ~~the Commission will require cluster developments which meet the requirements of Section 10.25,R.~~ within this zone.

10.21.B (D-ES)

B. EXTENDED SETTLEMENT DEVELOPMENT ~~SUBDISTRICT~~ZONE (D-~~E~~ES)

[This section has been deleted entirely.](#)

C. GENERAL DEVELOPMENT ZONE (D-GN)

This section has been deleted entirely.

D. RESORT DEVELOPMENT ZONE – MOOSEHEAD LAKE REGION CONCEPT PLAN (D-GN2M)

1. Purpose

The purpose of the D-ES subdistrict is to separate those land uses that create impacts incompatible with residential areas and community centers, as well as provide for appropriate areas to concentrate development at the edge of rural growth centers designated as development subdistricts. Concentrated development seeks to avoid the visual and fiscal impacts of sprawl.

2. Description

This subdistrict is designed to accommodate a wide range of commercial, light manufacturing, and public uses that create impacts incompatible with other smaller scale commercial, public, and residential uses. This subdistrict allows facilities that generate traffic or noise such as transfer stations, gasoline stations, warehouses, self storage, and contracting businesses. The subdistrict is not designed to accommodate general retail establishments better located in a community center or rural settlement; or to facilitate strip development along highways.

This subdistrict will only be applied in areas appropriate to accommodate this type of development in a community after a prospective planning process has been undertaken. Appropriate areas will be adjacent to other development subdistricts, particularly D-GN2 subdistricts. Adjacent is interpreted to mean within a distance of one road mile. The D-ES subdistrict will not be located in remote or lightly settled areas or separately from established or proposed development centers.

Using Section 10.08 of these rules, the Commission shall designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's rules and regulations.

3. Land Uses

The provisions of the D-ES subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-ES subdistricts:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Minor home occupation
- (4) Motorized vehicular traffic on roads and trails, and snowmobiling;

- ~~(5) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;~~
- ~~(6) Surveying and other resource analysis;~~
- ~~(7) Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use;~~
- ~~(8) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and~~
- ~~(9) Wildlife and fishery management practices.~~

10.21,B (D-ES)

~~b. Uses Allowed Without a Permit Subject to Standards~~

~~The following uses shall be allowed without a permit from the Commission within D-ES subdistricts subject to the applicable requirements set forth in Sub-Chapter III:~~

- ~~(1) Agricultural management activities;~~
- ~~(2) Commercial hand-carry launches;~~
- ~~(3) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;~~
- ~~(4) Driveways associated with residential uses;~~
- ~~(5) Filling and grading;~~
- ~~(6) Level A mineral exploration activities, excluding associated access ways;~~
- ~~(7) Level A road projects;~~
- ~~(8) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;~~
- ~~(9) Public trailered ramps and commercial and public hand-carry launches;~~
- ~~(10) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;~~
- ~~(11) Signs; and~~
- ~~(12) Water crossings of minor flowing waters.~~

~~c. Uses Requiring a Permit~~

~~The following uses may be allowed within D-ES subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,B,3,g and h below:~~

- ~~(1) — Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;~~
- ~~(2) — Agricultural management activities which are not in conformance with the standards of Section 10.27,A;~~
- ~~(3) — Commercial and light manufacturing facilities up to 20,000 square feet of gross floor area. Allowed uses include:
 - ~~— Businesses that relate to forestry or farming;~~
 - ~~— Light manufacturing and assembly plants;~~
 - ~~— Contracting businesses;~~
 - ~~— Automobile service and repair;~~
 - ~~— Self storage facilities;~~
 - ~~— Fuel storage;~~
 - ~~— Warehouses; and~~
 - ~~— Sand and salt storage facilities;~~~~
- ~~(4) — Commercial boarding kennels, animal hospitals, and animal rescue facilities;~~

- ~~(5) — Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;~~
- ~~(6) — Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;~~
- ~~(7) — Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining or altering the water table or water level for other than mineral extraction;~~
- ~~(8) — Land management roads;~~
- ~~(9) — Level 1 subdivisions for commercial and light manufacturing uses;~~
- ~~(10) — Level B and C road projects, except for water crossings as provided for in Section 10.21,B,3,b;~~
- ~~(11) — Level B mineral exploration activities;~~
- ~~(12) — Mineral extraction including mineral extraction processing equipment;~~
- ~~(13) — Peat extraction including the use of any related processing equipment;~~
- ~~(14) — Public and institutional: fire stations, solid waste transfer or recycling stations, public works facilities, sand and salt storage, and other like facilities;~~
- ~~(15) — Public trailered ramps and all hand carry launches which are not in conformance with the standards of Section 10.27,L;~~
- ~~(16) — Shoreland alterations, including reconstruction of permanent docking structures, and permanent on shore structures used to secure docks or moorings; but excluding marinas, new or expanded permanent docking structures, water access ways, trailered ramps, hand carry launches, and water crossings of minor flowing waters;~~
- ~~(17) — Signs which are not in conformance with the standards of Section 10.27,J;~~
- ~~(18) — Timber harvesting;~~
- ~~(19) — Utility facilities compatible with residential uses, other than service drops;~~
- ~~(20) — Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;~~
- ~~(21) — Water impoundments;~~
- ~~(22) — Other structures, uses or services that are essential to the uses listed in Section 10.21,B,3,a,b,and c; and~~
- ~~(23) — Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.~~

~~d. — Special Exceptions~~

~~The following uses may be allowed within D-ES subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10) and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from other uses or in the case of residential uses, will not adversely affect permitted commercial uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may~~

~~reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:~~

- ~~(1) Adult entertainment facilities;~~
- ~~(2) Automobile or equipment sales with more than 10,000 square feet of outdoor display area;~~
- ~~(3) Junkyards and automobile grave yards;~~
- ~~(4) Major home occupations; and~~
- ~~(5) Residential: Single and two-family dwelling units;~~

10.21.B (D-ES)

- ~~(6) Retail sale of gasoline with more than 2 pumps.~~

~~The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:~~

- ~~(7) Commercial and private trailered ramps, marinas, new or expanded permanent docking structures, and water access ways.~~

~~e. Prohibited Uses~~

~~All uses not expressly allowed, with or without a permit, notification, or by special exception shall be prohibited in a D-ES subdistrict.~~

~~f. Water Quality Limiting Lakes~~

~~For information relative to water quality limiting lakes see Section 10.23,E,3,f.~~

~~g. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.~~

~~Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:~~

- ~~(1) Require applicants to indicate future plans for other undeveloped shorelands in their ownership when a subdivision or other non-residential use is proposed. The plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's land ownership on the lake:~~

- ~~(a) area and shoreline length;~~
- ~~(b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and~~
- ~~(c) development proposed or anticipated, if any.~~

~~These future plans shall be considered part of the proposal. Therefore, changes in such plans, for example a development proposal that was not originally included, will require approval of an application to amend the original proposal in which these future plans were indicated.~~

~~(2) Require cluster developments for all subdivisions that shall meet the requirements of Section 10.25,R.~~

~~h. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.~~

~~With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.~~

~~C. GENERAL DEVELOPMENT SUBDISTRICT (D-GN)~~

~~1. Purpose~~

~~The purpose of the D-GN subdistrict is to recognize existing patterns of development in appropriate areas and to encourage further patterns of compatible development therein and adjacent thereto. It is the Commission's intent to promote these areas as future growth centers in order to encourage the location of compatible developments near each other and to minimize the impact of such development upon incompatible uses and upon public services and facilities. Thus the Commission's purpose is to encourage the general concentration of new development, and thereby avoid the fiscal and visual costs of sprawl, and to provide a continuing sense of community in settled areas.~~

~~2. Description~~

~~The D-GN subdistrict shall include:~~

~~a. Areas with the following patterns of existing intensive development use:~~

- ~~(1) Areas where 4 or more principal buildings exist within a 500 foot radius provided that one or more of such buildings is other than a single family detached dwelling unit; and all such buildings are compatible with such residential units; or~~
- ~~(2) Recorded and legally existing subdivisions, other than for exclusively single family detached residential purposes, having 4 or more lots; or~~
- ~~(3) Areas of 2 acres or more devoted to intensive non-residential development, other than that land devoted to forest and agricultural management activities, provided that such uses are compatible with residential uses. Such areas shall include but not be limited to:
 - ~~(a) Existing intensive development used for recreational purposes;~~
 - ~~(b) Existing commercial sporting camps or campgrounds;~~
 - ~~(c) Existing motels, hotels and development accessory thereto;~~
 - ~~(d) Existing groups of stores and restaurants including related parking and landscaped areas; or~~~~
- ~~(4) Areas where one or more existing principal buildings exist within a 500-foot radius and where the gross floor area of all such principal building(s) is more than 8,000 square feet, provided the uses thereof are compatible with residential uses.~~

~~The designated D-GN subdistrict boundaries shall include all buildings, paved surfaces, and areas directly related to, and necessary for, the conduct of those~~

~~activities associated with the above-described principal buildings, as well as other intervening areas between such buildings, paved surfaces, and areas.~~

- ~~b. Areas which the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto.~~

~~3. Land Uses~~

~~a. Uses Allowed Without a Permit~~

~~The following uses shall be allowed without a permit from the Commission within D-GN subdistricts:~~

- ~~(1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;~~
- ~~(2) Forest management activities, except for timber harvesting;~~
- ~~(3) Motorized vehicular traffic on roads and trails, and snowmobiling;~~
- ~~(4) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross-country skiing, and snowshoeing, but not including hunting or trapping;~~
- ~~(5) Surveying and other resource analysis;~~
- ~~(6) Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use;~~
- ~~(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and~~
- ~~(8) Wildlife and fishery management practices.~~

~~b. Uses Allowed Without a Permit Subject to Standards~~

~~The following uses shall be allowed without a permit from the Commission within D-GN subdistricts subject to the applicable requirements set forth in Sub-Chapter III:~~

- ~~(1) Agricultural management activities;~~
- ~~(2) Commercial hand-carry launches except on Management Class 1 and 2 lakes;~~
- ~~(3) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;~~
- ~~(4) Driveways associated with residential uses;~~
- ~~(5) Filling and grading;~~
- ~~(6) Level A mineral exploration activities, excluding associated access ways;~~
- ~~(7) Level A road projects;~~
- ~~(8) Minor home occupations;~~

- ~~(9) — New and expanded accessory structures to any legally existing, conforming, non single family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;~~
- ~~(10) — Public trailered ramps and public hand carry launches except on Management Class 1 and 2 lakes;~~

10.21,C (D-GN)

- ~~(11) — Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;~~
- ~~(12) — Signs; and~~
- ~~(13) — Water crossings of minor flowing waters.~~

~~e. — **Uses Requiring a Permit**~~

~~The following uses may be allowed within D-GN subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685 B, subject to the applicable requirements set forth in Sub Chapter III and, where within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,C,3,g and h below:~~

- ~~(1) — Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C;~~
- ~~(2) — Agricultural management activities which are not in conformance with the standards of Section 10.27,A;~~
- ~~(3) — Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;~~
- ~~(4) — Commercial and Industrial: Facilities having not more than 2,500 square feet of gross floor area including facilities offering food and beverages prepared on the premises, retail stores and services, and laundromats but excluding auto service stations or repair garages and uses which may create a nuisance or unsafe or unhealthy conditions or are otherwise incompatible with residential uses; and subdivisions for uses permitted in this subdistrict;~~
- ~~(5) — Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;~~
- ~~(6) — Driveways associated with non residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;~~

- ~~(7) — Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;~~
- ~~(8) — Land management roads;~~
- ~~(9) — Level B and C road projects, except for water crossings as provided for in Section 10.21,C,3,b;~~
- ~~(10) — Level B mineral exploration activities;~~
- ~~(11) — Major home occupations;~~
- ~~(12) — Public and institutional: Places of worship and other religious institutions; public, private and parochial schools, public and other institutional buildings such as, but not limited to, libraries, fire stations, post offices, and day nurseries;~~
- ~~(13) — Public or private recreation facilities including, but not limited to, campgrounds, parks, playgrounds, golf courses, commercial sporting camps, and campsites;~~
- ~~(14) — Residential: Single family dwellings, two family dwellings, multi-family dwellings, and residential subdivisions;~~

10.21,C (D-GN)

- ~~(15) — Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;~~
- ~~(16) — Signs which are not in conformance with the standards of Section 10.24,J;~~
- ~~(17) — Timber harvesting;~~
- ~~(18) — Trailered ramps and hand-carry launches addressed in Section 10.21,C,3,b which are not in conformance with the standards of Section 10.27,L and private hand-carry launches;~~
- ~~(19) — Utility facilities compatible with residential uses, other than service drops;~~
- ~~(20) — Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;~~
- ~~(21) — Water impoundments;~~
- ~~(22) — Other structures, uses or services that are essential to the uses listed in Section 10.21,C,3,a through c; and~~
- ~~(23) — Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.~~

~~d. — Special Exceptions~~

~~The following uses may be allowed within D-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12-M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may~~

~~reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:~~

- ~~(1) — Auto service stations or repair garages;~~
- ~~(2) — Light industrial uses and other commercial uses having a gross floor area of more than 2,500 square feet;~~
- ~~(3) — Stores, commercial recreational uses, and entertainment or eating establishments having a gross floor area of more than 2,500 square feet.~~

~~The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:~~

- ~~(4) — Public trailered ramps and commercial and public hand-carry launches on Management Class 1 and 2 lakes, commercial and private trailered ramps, marinas, new or expanded permanent docking structures, and water access ways.~~

~~e. — **Prohibited Uses**~~

~~All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a D-GN subdistrict.~~

~~f. **Water Quality Limiting Lakes**~~

~~For information relative to water quality limiting lakes see Section 10.23,E,3,f.~~

~~g. **Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.**~~

~~Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:~~

~~(1) With respect to subdivisions and commercial, industrial, and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:~~

- ~~(a) area and shoreline length;~~
- ~~(b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and~~
- ~~(c) development proposed or anticipated, if any.~~

~~This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.~~

~~(2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.~~

~~h. **Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.**~~

~~With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.~~

D. COMMUNITY CENTER DEVELOPMENT SUBDISTRICT (D-GN2)**1. Purpose**

~~The purpose of the D-GN2 subdistrict is to provide for a range of complementary uses that have a similar size, scale, and character that make up community centers. It is designed to concentrate development in order to limit the fiscal and visual impact of sprawling development and to provide a continuing sense of community in settled areas. Adaptive reuse and rehabilitation of legally existing structures is encouraged in this subdistrict.~~

Well-planned resort uses and facilities, including resort accommodations and amenities, benefit both the State and the region by encouraging tourism, a valuable segment of the Maine economy – particularly in the Moosehead Lake Region. The purpose of the D-GN2M zone is to provide for resort development and related uses in areas deemed suitable for this development. It is also designed to locate resort-related development in order to integrate these uses and activities with each other and to complement the economies of the surrounding communities. Well-planned resort uses and facilities can bring significant economic diversifications and other benefits to communities, while at the same time enhancing environmental values.

2. ~~Description~~Description

~~Community centers are areas where there is a mix of complementary residential, commercial, and civic uses that create a focal point for community life. This subdistrict is similar to the D-GN subdistrict but provides for a wider range of appropriate uses and increased size thresholds for general commercial uses. This wider range of uses is permitted because additional development standards for uses in this subdistrict ensure that adjacent uses are compatibly developed and undertaken.~~

~~This subdistrict will be applied only in communities in the fringe of the Commission's jurisdiction as defined in the Comprehensive Land Use Plan, and in areas appropriate as centers of growth after a prospective planning process has been undertaken by the Commission.~~

~~Using Section 10.08 of these rules, the Commission shall designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's rules and regulations.~~

Resort development shall be conducted in accordance with the provisions of Section 10.21.D.4, below. "Resort" refers to integrated, master planned uses and facilities with a variety of natural and developed indoor and outdoor recreational uses and facilities and resort and hospitality amenities designed to attract visitors and residents that will support and enhance the resort uses. Outdoor recreational uses and facilities may be on-site and/or off-site. "Resort accommodations" in this zone means both visitor accommodations such as hotels, inns, lodges and other facilities detailed below, and a variety of residential uses, including permanent homes, second homes and vacation homes, that are integrated into the resort development. Resort development, resort accommodations and infrastructure to support resort uses and facilities can be phased but is not required to do so. The cost of all resort infrastructure shall be borne by the resort.

3. Land Use Standards

The provisions of the D-GN2 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-GN2 ~~subdistricts~~ M zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting on residential subdivision lots;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, bicycling, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;
- (5) Surveying and other resource analysis;
- (6) Temporary docking structures and temporary on-shore structures used to secure docks and moorings ~~for non-commercial use~~;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

(9)

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-GN2-subdistricts M zones subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Campsites;
- (3) Commercial hand-carry launches;
- (4) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (5) Driveways associated with residential uses;
- (6) Filling and grading;
- (7) Land management roads, in accordance with the guidelines in Chapter 15 of the Commission's rules;
- (8) Level A mineral exploration activities, excluding associated access ways;
- (9) Level A road projects;
- (10) Mineral extraction operations, less than 5 acres in size, to support land management roads and other activities allowed with and without a permit in development zones;
- (11) Minor home occupations;
- (12) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (13) Public trailered ramps and commercial and public hand-carry launches;
- (14) Service drops; and buildings or structures necessary for the furnishing of public and/or private utility services, provided they contain not more than 500,000 square feet of floor area per building, and are less than 20 feet in height, ~~and are not supplied with water~~. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (15) Signs; ~~and~~
- (16) The operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural or forest management activities or other uses allowed with and without a permit in the D-GN2M zone, except on residential subdivision lots
- (17) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-GN2-subdistricts M zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III ~~and, where within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,D,3,g and h below:~~

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;

- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Buildings and facilities for public safety, including fire control, medical services, and police and security services;
- (4) Buildings and facilities typically associated with Nordic trail networks and systems, including without limitation lodges, warming huts, grooming, maintenance and repair facilities, ski shops, equipment rental facilities, and trail lighting;
- (5) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- ~~(4) Commercial facilities having not more than 4,000 square feet of gross floor area, or as provided in Section 10.21,D,3,i that are compatible with residential uses including:
 - Facilities for commercial recreation, such as guide services; lodging, or
 - lodging and eating establishments such as bed and breakfasts;
 - housekeeping
 - cabins; and inns, motels, and hotels;~~

10.21,D (D-GN2)

- (6) ~~Commercial facilities and amenities that are compatible with resort and/or residential uses including without limitation:~~
- ~~Facilities for commercial recreation; lodging, or lodging and eating establishments such as bed and breakfasts; housekeeping cabins; and inns, motels, and hotels;~~
 - ~~Lodges, clubhouses, spas, and similar facilities and amenities that serve resort functions;~~
 - ~~Equestrian facilities;~~
 - ~~Facilities offering food and beverages prepared on the premises;~~
 - ~~Retail stores and services, laundromats, convenience stores, or retail gasoline stations with no more than 2 gas pumps where each pump can serve no more than 2 vehicles simultaneously;~~
 - ~~Professional offices, sales and rental offices, financial institutions, health care facilities, nursing homes,~~
 - ~~children's day care facilities, home child day care providers serving more than~~
 - ~~12 children, and home adult day service providers serving more than 12 adults;~~
 - ~~Art studios or artisan shops; and~~
 - ~~Commercial uses and amenities associated with a resort facility and/or residence, other than home occupations; and~~
 - ~~Operations and maintenance buildings and facilities, including waste-water management facilities, physical plants, energy generation and supply facilities, and community water systems and facilities;~~
- (7) Community living facilities;
- (8) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (9) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (10) Filling and grading, which is not in conformance of standards in Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (11) Land management roads which are not in conformance with the guidelines in Chapter 15 of the Commission's rules;
- (12) Level B and C road projects, except for water crossings as provided for in Section 10.21,D,3,b;
- (13) Level B mineral exploration activities;
- (14) Major home occupations;
- (15) Maple sugar processing operations;
- (16) Public and institutional: Places of worship and other religious institutions; public, private and parochial day schools, including outdoor leadership and recreational education facilities; non-profit children's day care or adult day service facilities; libraries; fire stations; post offices; community centers; parks; and playgrounds;
- (17) Portable mineral processing equipment;
- (18) Public or private golf courses, and buildings and facilities associated therewith;
- (19) Private and commercial trailered ramps; beach, shore and water access facilities; and Public trailered ramps and commercial and public hand-carry launches which are not in conformance with the standards of Section 10.27,L and private hand-carry launches;
- (20) Railway stations and facilities, including rail lines serving the same;
- (21) Residential: Single and ~~two-family dwellings, three to six~~ multi-family dwellings; ~~and~~ residential ~~level 1~~ subdivisions; and accessory structures and

- uses, including without limitation, pools, swimming pools and hot tubs, gazebos, picnic shelters, barbeque structures, and related structures and uses, Residential Dwelling Units;
- (22) On-site caretaker and/or manager housing;
- (23) Resort accommodations and subdivisions for resort accommodations, provided that no more than 800 resort accommodation units may be located within Big Moose and Indian Stream Townships, combined, and no more than 250 resort accommodations may be located within Lily Bay Township;
- (24) Employee housing and subdivisions for employee housing;
- (25) Shoreland alterations, ~~including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but~~ excluding marinas, ~~new or expanded~~ permanent docking structures, water-access ways, ~~trailer ramps, hand-carry launches,~~ and water crossings of minor flowing waters;
- (26) Signs which are not in conformance with the standards of Section 10.27,J;
- (27) Structures devoted to the storage of sand or salt;
- (28) Structures that serve community or residential subdivision needs such as clubhouses or gathering places for recreational and social functions provided such structures do not contain more than 5,000 square feet of floor space per structure;
- (29) Swimming pools and hot tubs;
- (30) Recreational facilities, including without limitation natural or man-made fishing ponds and skating ponds and rinks, tennis, basketball, and other recreational and athletic courts, skateboard parks, bike parks, and in-line skating facilities;
- (31) Gondolas, chair lifts, and related facilities, but only in Big Moose Township;
- (32) Truck and equipment storage
- (33) Subdivisions for commercial uses, provided that the subdivision is integrated with ~~the community center~~ a resort facility and designed to promote pedestrian access;
- ~~(20) Timber harvesting;~~
- (34) Utility facilities compatible with resort and/or residential uses, other than service drops; utility substations, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures, wireless communications towers and facilities, and other similar utility structures not included in Section 10.21,D,3,b,(14)
- (35) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (36) Water impoundments;
- (37) Other structures, uses or services that are essential to the uses listed in Section 10.21,D,3,a through c; and
- (38) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrictzone and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

10.21,D (D-GN2)

d. Special Exceptions

~~The following uses may be allowed within D-GN2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12-M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; and (b) such other conditions are met that the Commission may~~

~~reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:~~

- ~~(1) — Commercial uses between 4,000 and 8,000 square feet in size, except as provided in Section 10.21,D,3,i;~~
- ~~(2) — Commercial uses with no more than 10,000 square feet of outdoor display area; and~~
- ~~(3) — Multi family dwellings with more than 6 units.~~

~~The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:~~

- ~~(4) — Commercial and private trailered ramps, marinas, new or expanded permanent docking structures, and water access ways.~~

~~Intentionally deleted.~~

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, notification, or by special exception shall be prohibited in a D-GN2 ~~subdistrict~~M zone.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

g. ~~Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.~~Limitation on New Number of Residential Dwelling Units

~~Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:~~

- ~~(1) — Require applicants to indicate future plans for other undeveloped shorelands in their ownership when a subdivision or other non-residential use is proposed. The plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:~~

- ~~(a) — area and shoreline length;~~
- ~~(b) — potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and~~
- ~~(c) — development proposed or anticipated, if any.~~

~~— These future plans shall be considered part of the proposal. Therefore, changes in such plans, for example a development proposal that was not originally included, will require approval of an application to amend the original proposal in which these future plans were indicated.~~

~~(2) — Require cluster developments for all subdivisions that shall meet the requirements of Section 10.25,R.~~

~~h. — Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.~~

~~With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.~~

~~i. — Adaptive Reuse of Legally Existing Structures.~~

~~Facilities allowed under Section 10.21,D,3,e and d may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,D,3,e and d may not be expanded.~~

A maximum of 975 new residential dwelling units, in the aggregate, may be permitted in the Plan Area, and no new residential dwelling unit may be permitted except in an approved subdivision. In addition, the following maximum limits on the aggregate number of new residential dwelling units shall apply in the following development areas:

<u>Long Pond</u>	<u>110 units</u>
<u>South Brassua Lake</u>	<u>250 units</u>
<u>Lily Bay</u>	<u>154 units</u>
<u>Upper Wilson Pond</u>	<u>32 units</u>

In connection with any application for a subdivision that includes residential dwelling units, the applicant shall submit a statement indicating the aggregate number of residential dwelling units previously approved in the Plan Area, and, if applicable, in the relevant development area, in order to demonstrate that these limits will not be exceeded. The limitations contained in this Paragraph g apply to Residential Dwelling Units only, and do not apply to Resort Accommodations, Employee Housing, Affordable Housing, or On-Site Caretaker and Manager Housing.

Residential Dwelling Units transferred to a Resort Development Zone from a Residential Development Zone are not considered, or counted, as Resort Accommodations, provided, however, that a total of 975 Residential Dwelling Units in the Concept Plan Area may not be exceeded.

4. **Resort Development – Resort Master Planning.**

All resort development shall comply with the following provisions:

a. **Master planning required for multiple phases.**

If approval for resort development is sought in phases, the application for the first phase shall include a master plan for the resort which describes the anticipated full development of the resort and designates the general areas for proposed uses. The purpose of the resort master plan is to provide programmatic and mapping information to guide applicant planning and Commission decision-making related to infrastructure, such as general road locations, areas for major resort facilities, general distributions of types of resort accommodations, and such other matters as the applicant includes in the master plan. The information submitted to support the resort master plan shall be at a conceptual level or, at the option of the applicant, may be more detailed. While the application for the first phase must include all site-specific information required for application approval consistent with the Commission's regulatory requirements for approval, detailed site-specific data is not required for resort master plan review of subsequent phases.

b. **Modifications of resort master plan.**

The applicant may propose modifications to the resort master plan at any time to reflect changes in market conditions, additional information about site conditions and other similar factors. All phases of resort development must be consistent with the resort master plan as approved or modified by the Commission.

c. **Consistency with resort master plan.**

Resort development is capital intensive and the master planning process is intended to provide the applicant with certainty of Commission approval of future phases of the

resort that are consistent with the resort master plan approved by the Commission. The Commission shall approve subdivisions and development applications that are consistent with the approved resort master plan and the Commission's regulatory requirements. Approval of the resort master plan does not authorize construction. Construction may occur only after approval of the application for each phase.

5. Resort Development Guidelines.

During the resort development process, the following guidelines shall guide applicant planning and Commission decision-making.

(1) Big Moose Mountain Resort Development Area.

(a) Location: Big Moose Mountain; approximately 4,700 acres just north of Greenville (see Development Area Map #9 in Section 2)

(b) Recreation/Resort Concept: Destination four-season village-type, with indoor/outdoor recreational areas and associated amenities potentially tied into the Peak-to-Peak trail, the Moosehead-to-Mahoosucs ski/bike trail, the ITS snowmobile system, and, possibly, the Big Squaw ski area.

(c) Features:

- Up to 800 resort accommodations, excluding employee housing and on-site caretaker/manager housing.
- Potential connections to, or affiliations with, facilities on or near Indian and Burnham Ponds and Moosehead Lake.
- A variety of amenities such as Nordic ski, hiking, walking, biking, horseback riding, snowshoe and snowmobile trails.
- Potential golf course which would incorporate sound environmental management practices.
- Possible "outdoor education" facilities.
- Possible link to a railroad station/platform near the Moosehead Lake shore, south of the Deep Cove subdivision.
- Lodge(s) and associated services such as restaurants and/or a potential conference center.
- Main Lodge/Village center to be served by a resort owned and maintained sewage treatment facility.
- Other public services may be provided on-site or provided by contract with Greenville or other providers.
 - Designed to fit into the forested landscape, though major structures, e.g. lodges, will be visible.
 - Maximum height: 6 floors.
- Access to public common areas.
- Certain facilities may require fees (golf, spa, etc.).
- Other possible multiple recreation facilities and amenities.
- Assure that lodges, Resort Accommodations, and Residential Dwelling Units capitalize on vies, proximity to golf course, trails and other recreation amenities.

Other development areas will include those devoted to landscaping and recreational activities – such as trails, golf course, lawns, and gardens.

(2) Lily Bay Resort Development Area.

(a) Location: Lily Bay Township, 825 acres (See Development Area Map #8 in Section 2).

(b) Resort Concept: Destination four-season lake resort.

(c) Features:

- Up to 250 resort accommodation units, excluding employee housing and on-site caretaker/manager housing.
- Maximum height: 6 floors
- Located close to the water.
- Nature trails and small craft docks.
- Possible golf course, which would incorporate sound environmental management practices. Note: If both Big Moose Mountain Resort and the Lily Bay Resort include golf courses, one of the courses will be open to public play for a fee.
- Other possible facilities and outdoor recreation amenities.
- Lodge/Village center to be served by a resort owned and maintained sewage treatment facility. (Other public services may be on-site or provided by contract with Greenville or other providers.)
- Designed to “fit” into the landscape, though major structures (e.g., lodges) will be visible.

(3) General Resort Development Guidelines:**(a) Connections**

- Preserve areas for forest trails and other open spaces, including potential golf courses.

(b) Encourage Sustainable Design

- Site roads and structures in harmony with the landscape.
- Encourage “Green” construction.

(c) Pedestrian-Friendly Village Environment

- Create an inter-connected plan.
- Create some resort residential areas within walking distance of the Village Center.
- Provide well-defined pedestrian ways and amenities throughout the Village, such as sidewalks, off-road pathways, benches, screened lighting, etc.
- Where possible, site structures to minimize stairways and major grade changes.
- Connect facilities with pathways to encourage walking and bicycling.
- Where possible, orient walkways and streets to natural and manmade vistas.

(d) Design for Year-Round Enjoyment

- Include a range of resort functions so there are some functions operating year round.
- Assure that all lodges, Resort Accommodations, and Residential Dwelling Units capitalize on views, proximity to a golf course, trails and other recreation amenities.

(e) Develop Architectural Design Controls

- Design the Village Center to create a memorable and desirable place that people want to use and visit frequently.
- Apply a consistency of design to all structures.
- Establish internal resort architectural design controls so as to maintain continuity and harmony throughout.

(f) Include Employee Accommodations

- Provide some employee accommodations for resort workers, either within the Village, and/or in a residential planning envelope and/or in Greenville. Employee housing would be in addition to the permitted resort accommodations.

(g) Encourage Watchable Wildlife

- Work with wildlife biologists to create favorable habitats for native wildlife (e.g. meadows and appropriate edge conditions along the access road).
- Develop trail systems in consultation with wildlife biologists and botanists to minimize intrusion into sensitive habitat areas.

(h) Maximize the Views and Visual Environment

- Orient residential buildings, lodges, and other guest accommodations toward views to the mountains and lakes.
- Create landscape management standards for all facilities to maintain an attractive, natural appearance throughout.
- Preserve selected trees and use tree planting to frame views and break up large expanses buildings.

(i) Phased Development (if done in phases).

- A resort master plan is required if the resort development includes multiple phases.
- Develop a flexible, long-range strategy for implementation of the resort master plan.
- Size and construct infrastructure in a cost efficient and environmentally sound manner.
- Coordinate the location and timing of all infrastructure development to avoid future conflicts and minimize construction activities in developed areas.
- Allow for flexibility to accommodate changes in market conditions, facility expansion, site conditions and new uses.

(j) **Build Strong Links to Recreational Trail Amenities**

- Create trails and trail systems.
- Adapt any Nordic trail system to serve as a walking, hiking and biking trail in the off season.
- Collaborate with others to facilitate a bicycle route connection to Greenville.
- Where possible, link resort trails to the ITS snowmobile system.

E. RURAL SETTLEMENT MIXED-USE DEVELOPMENT SUBDISTRICT ZONE – MOOSEHEAD LAKE REGION CONCEPT PLAN (D-GN3M)

1. Purpose

Rural mixed-use development zones are areas where there is a mix of complementary residential, commercial, and civic uses. The purpose of the D-GN3 ~~subdistrict~~ M zone is to provide for a range of complementary uses that have a similar size, scale, and character ~~that make up a settlement area in remote or interior areas of the jurisdiction.~~ It is designed to concentrate and ~~control~~ limit the ~~rate~~ amount of growth ~~by prohibiting subdivision.~~ This ~~subdistrict~~ zone seeks to limit the fiscal and visual impact of sprawling development and to provide a continuing sense of community and limited mixed-use development in lightly settled areas. ~~Adaptive reuse and rehabilitation of legally existing structures is encouraged in this subdistrict.~~

2. Description

~~Rural settlements are areas where there is a mix of complementary residential, commercial, and civic uses that create a focal point for community life. This subdistrict is similar to the D-GN2 subdistrict but allows uses of an appropriately smaller size and intensity, also subject to specific development standards. It is also different from the D-GN2 subdistrict as it prohibits subdivisions in order to maintain the remote and small-scale feel of these development nodes. Gradual lot creation is allowed via the existing exemptions in the Commission's statute and these rules and regulations.~~

~~The D-GN3 subdistrict shall be applied only in areas appropriate as centers of development in lightly settled and remote communities after a prospective planning process has been undertaken by the Commission.~~

~~Using Section 10.08 of these rules, the Commission shall designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's rules and regulations.~~

This zone is similar to the D-GN2 subdistrict established under the Prospective Zoning Plan for the Rangeley Lakes Region, but preserves land uses related to forest management that were allowed in the affected areas immediately prior to adoption of the Concept Plan.

3. Land Uses

~~The provisions of the D-GN3 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.~~

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-GN3 ~~subdistricts~~ M zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;

- (3) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing, but not including hunting or trapping;
- (4) Surveying and other resource analysis;
- (5) Temporary docking structures and temporary on-shore structures used to secure docks and moorings ~~for non-commercial use~~;
- (6) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (7) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-GN3-~~subdistricts~~M zones subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Commercial hand-carry launches;
- (3) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Forest management activities, provided that the buffering requirements in Section 10.25,B,2 are met;
- (7) Land management roads, in accordance with the guidelines in Chapter 15 of the Commission's rules;
- (8) Level A mineral exploration activities, excluding associated access ways;
- (9) Level A road projects;
- (10) Minor home occupations;
- (11) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (12) Public trailered ramps and commercial and public hand-carry launches;
- (13) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area per building, are less than 20 feet in height, and are not supplied with water. Wire and pipeline extensions which do not meet the definition of service drops shall require a permit;
- (14) Signs; and
- (15) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-GN3-~~subdistricts~~M zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III ~~and, where within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,E,3,g below:~~

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C;
- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- (4) Commercial recreational facilities ~~having not more than 8,000 square feet of gross floor area, such as guide services; lodging, or lodging and eating establishments such as bed and breakfasts; housekeeping cabins; inns,~~

~~motels, and hotels; commercial sporting camps; and campgrounds;~~such as
guide services and outfitters;

- (5) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;

- ~~10.21.E (D-GN3)~~
- (6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
 - (7) Filling and grading, which is not in conformance with the standards of Section 10.27,F, and draining, dredging and alteration of the water table or water level for other than mineral extraction;
 - (8) General commercial facilities having not more than 2,500 square feet of gross floor area per building that are compatible with residential uses including:
 - Businesses related to forestry, farming, or natural resource extraction;
 - Facilities offering food and beverages prepared on the premises;
 - Retail stores and services, laundromats, convenience stores, or retailing of —gasoline with no more than 2 gas pumps where each pump can serve no more —than 2 vehicles simultaneously;
 - Professional offices, sales and rental offices, financial institutions, health care facilities, nursing —homes, and children’s day care facilities, home child day care providers —serving more than 12 children, and home adult day service providers serving more than 12 adults;
 - Art studios or artisan shops; and
 - Commercial uses associated with a residence, other than home occupations;
 - (9) Land management roads which are not in accordance with the guidelines in Chapter 15 of the Commission’s rules;
 - (10) Level B and C road projects, except for water crossings as provided for in Section 10.21,E,3,b;
 - (11) Level B mineral exploration activities;
 - (12) Major home occupations;
 - (13) Public and institutional: Places of worship and other religious institutions; public, private and parochial day schools; non-profit children’s day care and adult day service facilities; libraries; fire stations; post offices; solid waste transfer or recycling stations; community centers; parks; and playgrounds;
 - (14) ~~Public~~Private and commercial trailered ramps ; beach, shore and water access facilities; and public trailered ramps and commercial and public hand-carry launches which are not in conformance with the standards of Section 10.27,L and private hand-carry launches;
 - (15) Residential: Single and ~~two-family dwellings;~~multi-family dwellings; residential subdivisions; and accessory structures and uses, including without limitation, pools, swimming pools and hot tubs, gazebos, picnic shelters, barbeque structures, and related structures and uses;
 - (16) On-site caretaker or manager housing serving residential subdivisions;
 - (17) Structures and uses that serve community or residential subdivision needs such as clubhouses or gathering places for recreational or social functions provided such structures do not contain more than 5,000 square feet of floor space per structure, community swimming pools, and equestrian facilities;
 - (18) Subdivisions for commercial uses and activities allowed with a permit under Section 10.21,E,3,c,(4) and (8);
 - (19) Shoreland alterations, ~~including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but~~ excluding marinas, ~~new or expanded~~ permanent docking structures, water-access ways, ~~trailered ramps, hand-carry launches,~~ and water crossings of minor flowing waters;
 - (20) Signs which are not in conformance with the standards of Section 10.27,J;
 - (21) Utility facilities compatible with residential uses, other than service drops;
 - (22) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;

- (23) Water impoundments;
- (24) Other structures, uses or services that are essential to the uses listed in Section 10.21,E,3,a through c; and
- (25) Other structures, uses, or services that the Commission determines are consistent with the purposes of this ~~subdistrict~~ zone and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Special Exceptions

The following uses may be allowed within D-GN3-~~subdistricts~~ M zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses within the ~~subdistrict~~ zone with which it is incompatible; and (b) such other conditions are

~~10.21,E (D-GN3)~~ met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Commercial facilities with less than 5,000 square feet of outdoor display area;
- (2) Commercial sporting camps up to 15,000 square feet of gross floor area; and
- (3) Commercial uses with less than 2,500 square feet of gross floor area, other than those provided for in Section 10.21,E,3,c,(8).

~~The following~~ In addition to the uses ~~may be~~ allowed as special exceptions above, a D-GN3M zone may be relocated by provided ~~the applicant also shows by substantial evidence that there is no alternative site that is both suitable to the proposed use and reasonably available to the applicant;~~ that: (a) there is no net increase in the size of the zone, (b) the new location is no greater than 1 mile from the original location, measured in a straight line, and (c) uses in the zone are buffered from incompatible uses in adjacent zones.

~~(4) — Commercial and private trailered ramps, marinas, new or expanded permanent docking structures, and water access ways.~~

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, notification, or by special exception shall be prohibited in a D-GN3-~~subdistrict~~ M zone.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

g. ~~Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.~~ Limitation on Number of New Residential Dwelling Units.

~~Within 250 feet of the normal high-water mark of Management Class 4 lakes, the Commission will:~~

~~(1) — Require applicants to indicate future plans for other undeveloped shorelands in their ownership when a non-residential use is proposed. The plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:~~

- ~~(a) area and shoreline length;~~
- ~~(b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and~~
- ~~(c) development proposed or anticipated, if any.~~

~~These future plans shall be considered part of the proposal. Therefore, changes in such plans, for example a development proposal that was not originally included, will require approval of an application to amend the original proposal in which these future plans were indicated.~~

~~**h. Adaptive Reuse of Legally Existing Structures.**~~

~~Facilities allowed under Section 10.21,E,3,c and d may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,E,3,c and d may not be expanded.~~

A maximum of 975 new residential dwelling units, in the aggregate, may be permitted in the Plan Area, and no new residential dwelling unit may be permitted except in an approved subdivision. In addition, the following maximum limits on the aggregate number of new residential dwelling units shall apply in the following development areas:

<u>Long Pond</u>	<u>110 units</u>
<u>South Brassua Lake</u>	<u>250 units</u>
<u>Lily Bay</u>	<u>154 units</u>
<u>Upper Wilson Pond</u>	<u>32 units</u>

In connection with any application for a subdivision that includes residential dwelling units, the applicant shall submit a statement indicating the aggregate number of residential dwelling units previously approved in the Plan Area, and, if applicable, in the relevant development area, in order to demonstrate that these limits will not be exceeded. The limitations contained in this Section apply to residential dwelling units only, and do not apply to resort accommodations, employee housing, workforce housing, or on-site caretaker and manager housing.

F. MARITIME DEVELOPMENT ~~SUBDISTRICT~~ZONE (D-MT)

[This section has been deleted entirely.](#)

G. PLANNED DEVELOPMENT ZONE (D-PD)

This section has been deleted entirely.

H. RESIDENTIAL DEVELOPMENT ZONE (D-RS)

This section has been deleted entirely.

I. COMMUNITY RESIDENTIAL DEVELOPMENT ZONE – MOOSEHEAD LAKE REGION CONCEPT PLAN (D-RS2M)

1. Purpose

The purpose of the D-MT subdistrict is to reserve a reasonable portion of the waterfront in coastal plantations and townships for water dependent uses. The intention is to protect commercial water dependent uses, particularly commercial fishing activities, from other competing but incompatible use; to conserve points of public access to coastal waters; and to give preference in identified areas to commercial water dependent uses over recreational and residential uses.

2. Description

a. D-MT1: Areas above the normal high water mark of tidal waters in which the existing pattern of development is predominately commercial fishing activities and conforms with the specified purposes and allowed uses for this subdistrict and where there is a demonstrated need for this subdistrict.

Other areas which the Commission determines:

- (1) meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof;
- (2) are proposed for development which is consistent with the purposes of this subdistrict;
- (3) are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. §685 B(4) and the Commission's Rules and Regulations relating thereto, with particular consideration given to:
 - (a) shelter from prevailing winds and waves;
 - (b) upland slopes within 250 feet of the normal high water mark, measured as a horizontal distance, which are not so steep as to make access to the water impracticable;
 - (c) adequate mean low water depth for boat movement and mooring within 150 feet of the shore measured as a horizontal distance, and
 - (d) historical use of the area for commercial fishing activities.

b. D-MT2: Areas above the normal high water mark of tidal waters in which the existing pattern of development is predominately water dependent activities and conforms with the specified purposes and allowed uses for this subdistrict and where there is a demonstrated need for this subdistrict.

Other areas which the Commission determines:

- ~~(1) — meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof,~~
- ~~(2) — are proposed for development which is consistent with the purposes of this subdistrict,~~
- ~~(3) — are suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto, with particular consideration given to:~~

- ~~(a) — shelter from prevailing winds and waves,~~
- ~~(b) — upland slopes within 250 feet of the normal high water mark, measured as a horizontal distance, which are not so steep as to make access to the water impracticable,~~
- ~~(c) — adequate mean low water depth for boat movement and mooring within 150 feet of the shore measured as a horizontal distance, and~~
- ~~(d) — historical use of the area for water dependent activities.~~

~~3. — Land Uses~~

~~a. — Uses Allowed Without a Permit~~

~~The following uses shall be allowed without a permit from the Commission within the D-MT subdistricts:~~

- ~~(1) — Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;~~
- ~~(2) — Motorized vehicular traffic on roads;~~
- ~~(3) — Primitive recreational uses;~~
- ~~(4) — Surveying and other resource analysis;~~
- ~~(5) — Temporary docking structures and temporary on shore structures used to secure docks and moorings for non-commercial use; and~~
- ~~(6) — Wildlife and fishery management practices.~~

~~b. — Uses Allowed Without a Permit Subject to Standards~~

~~The following uses shall be allowed without a permit from the Commission within the D-MT subdistricts subject to the applicable requirements set forth in Sub Chapter III:~~

- ~~(1) — Filling and grading;~~
- ~~(2) — Private and commercial hand-carry launches;~~
- ~~(3) — Public trailered ramps and public, private and commercial hand-carry launches.~~
- ~~(4) — Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit; and~~
- ~~(5) — Signs.~~

~~c. — Uses Requiring a Permit~~

~~The following uses may be allowed within D-MT subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685 B, and subject to the applicable requirements set forth in Sub Chapter III:~~

- ~~(1) Commercial fishing activities, except as provided for in Section 10.21,F,3,d below;~~
- ~~(2) Driveways;~~
- ~~(3) Ferry service facilities;~~
- ~~(4) Filling and grading, except as provided in Section 10.21,F,3,b and draining, dredging and alteration of the water table or water level;~~

10.21,F(D-MT)

- ~~(5) Permanent docking structures, including permanent on-shore structures used to secure docks and moorings, and water access ways;~~
- ~~(6) Retail sales of shellfish and/or finfish, solely ancillary to a permitted use such as a finfish or shellfish buying or off-loading stations and under the same ownership as the permitted use;~~
- ~~(7) Signs which are not in conformance with the standards of Section 10.27,J;~~
- ~~(8) Trailered ramps and hand-carry launches addressed in Section 10.21,F,3,b which are not in conformance with the standards of Section 10.27,L and commercial and private trailered ramps;~~
- ~~(9) Utility substation, including sewage collection and pumping stations, water pumping stations, transformer stations, telephone electronic equipment enclosures and other similar public utility structures which do not meet the definitions of Section 10.21,F,3,b,(4);~~
- ~~(10) Water dependent uses, except as provided for in Section 10.21,F,3,d below;~~
- ~~(11) Other structures, uses or services that are essential to the uses permitted; and~~
- ~~(12) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.~~

~~d. Special Exceptions~~

~~The following uses may be allowed within D-MT subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12-M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the proposed use will not unreasonably obstruct navigation channels or unreasonably preclude boating support facilities elsewhere in the harbor; and (b) the proposed use is designed and located, to the extent feasible, so that it does not significantly interfere with the needs of the local fishing industry; and (c) the proposed use, if not a water dependent use: (i) will not replace an existing water dependent use; and (ii) will not substantially reduce existing public access to marine or tidal waters.~~

- ~~(1) Commercial~~

~~The following commercial uses shall be permitted as special exceptions in the D-MT2 subdistricts:~~

- ~~(a) — On-premise restaurants, retail and service establishments provided they are accessory to ferry service facilities;~~
- ~~(b) — Restaurants, occupying not more than 900 square feet of floor area, provided that such establishments cater primarily to persons directly associated with other permitted uses in this district; and~~
- ~~(c) — Retail sales of packaged or bulk foods, toiletries, hardware and other daily necessities as an ancillary business to a permitted use.~~

~~(2) — Industrial~~

~~The following industrial use shall be permitted as a special exception in both the D-MT1 and D-MT2 subdistricts:~~

40.21.F(D-MT)

- ~~(a) — Facilities for combined marine and general construction provided that the primary use of the site is for the marine segment of the contractor's business.~~

~~(3) — Marine~~

~~The following marine uses shall be permitted as special exceptions in both the D-MT1 and D-MT2 subdistricts:~~

- ~~(a) — Fabrication of marine related goods, including fishboat equipment, provided that a location on the water is essential for their production; and~~
- ~~(b) — Fish by-products processing.~~

~~The following marine uses shall be permitted as special exceptions in the D-MT2 subdistrict:~~

- ~~(c) — Harbor and marine supplies and services, such as ship chandler, provided that sales are primarily for purpose of serving water-dependent uses or that the applicant can demonstrate that the business is essential to water dependent uses;~~
- ~~(d) — Excursion services which do not displace existing water dependent uses, or occupy docking and berthing space which had been actively and substantially used by commercial fishing boats and vessels within the preceding twelve (12) month period; and which do not sell any product except for the excursion service; and which provide for all parking space outside of this zone or district; and~~
- ~~(e) — Publicly owned wharves for general public access to the shore, provided that the facility or facilities do not unreasonably interfere with permitted commercial fishing uses and which provide for all parking space outside of this zone or district.~~

~~(4) Residential~~

~~The following residential use shall be permitted as a special exception in the D-MT2 subdistrict:~~

- ~~(a) Single family detached dwelling units, home occupations, and transient accommodations of less than six (6) units per principal building.~~

~~e. Prohibited Uses~~

~~All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in a D-MT subdistrict including without limitation the conversion of existing structures which are currently used for commercial fishing activities to any noncommercial fishing activities for use, including but not limited to residential or recreational uses.~~

~~G. PLANNED DEVELOPMENT SUBDISTRICT (D-PD)~~

~~1. Purpose~~

~~The purpose of the D-PD subdistrict is to allow for large scale, well-planned developments. The Commission's intent is to consider development proposals separated from existing developed areas, provided that they can be shown to be of high quality and not detrimental to other values established in the Comprehensive Land Use Plan, and provided they depend on a particular natural feature or location which is available at the proposed site. A permit will be granted when the Commission is persuaded by a preponderance of all evidence that the location of the site is the best reasonably available for the proposed use and that the goals and policies of the Comprehensive Land Use Plan are served. Where a D-PD subdistrict petition is granted, it shall not provide the basis for subsequent redistricting of the area to another development subdistrict, nor shall it serve to satisfy those requirements for redistricting surrounding areas to development subdistricts pursuant to Section 10.08.~~

~~The D-PD subdistricting process is designed to encourage creative and imaginative design and site planning, to promote efficient use of the land, and to afford the applicant reasonable guidance in formulating an acceptable development proposal.~~

~~2. Description~~

~~Areas separated from existing development patterns, proposed for residential, recreational, commercial or industrial use or some combination of those uses, for which a comprehensive development plan (which treats the entire parcel as an entity) has been submitted to, and reviewed and approved by the Commission.~~

- ~~a. A D-PD subdistrict proposed for predominantly residential and/or recreational land uses shall contain a minimum of 30,000 square feet of building floor area and shall include at least 150 contiguous acres. (A predominance of uses shall exist when the majority of the gross building floor area is devoted to such uses.)~~
- ~~b. A D-PD subdistrict proposed for predominantly commercial and/or industrial land uses shall include at least 50 contiguous acres and, except wind energy generation facilities, shall contain a minimum of 30,000 square feet of gross building floor area.~~
- ~~c. A D-PD subdistrict proposed for metallic mineral mining activities or Level C mineral exploration activities and shall include at least 50 contiguous acres.~~

~~In any of the above cases, no development, other than access roads and utility lines shall be less than 400 feet from any property line. (This dimension may be increased or decreased, at the Commission's discretion, provided good cause can be shown.) Furthermore, the project shall be reasonably self-contained and self-sufficient and to the extent practicable provide for its own water and sewage services, road maintenance, fire protection, solid waste disposal and police security.~~

~~3. Permitted Uses~~

~~All uses approved in the Final Development Plan shall be permitted. For metallic mineral mining activities and Level C mineral exploration activities, all uses within the D-PD subdistrict require a permit in accordance with this chapter and Chapter 13 of Commission's rules. No other use shall be permitted except where the Commission determines that such additional use is consistent with such Plan and with the purposes hereof.~~

~~4. Ownership~~

~~An application for the creation of a D-PD subdistrict may be filed only by the owner or lessee of all lands to which the application pertains.~~

~~5. Burden of Proof~~

~~The burden of proof is upon the applicant to show by substantial evidence that his proposal satisfies the criteria established for the creation of D-PD subdistrict.~~

~~6. Procedure~~

~~The procedures set forth below and those set forth in Section 10.21,G,7 through 10 apply to all developments except those related to metallic mineral mining and Level C mineral exploration activities. Those activities are governed by the procedures set forth in Chapters 12 and 13 of the Commission's rules.~~

~~The Planned Development review procedure shall consist of three stages:~~

- ~~(1) Preapplication Conference;~~
- ~~(2) Submission of Preliminary Development Plan; and~~
- ~~(3) Submission of Final Development Plan.~~

~~The Preapplication Conference serves to inform the prospective applicant, prior to formal application, of the proposed plan's filing requirements. Formal application is made by submitting a Preliminary Development Plan that meets the requirements specified herein. No decision thereon can be made until a Public Hearing is held. Thereafter, the Commission may approve or deny the petition. An approval will permit a subdistrict amendment to a D-PD subdistrict and will include a preliminary development permit that specifies under what conditions, if any, the Commission will accept the Preliminary Development Plan proposal as the standard against which the Final Development Plan is judged. No development will be allowed until a Final Development Plan is submitted and approved.~~

~~7. Preapplication Conference~~

~~A preapplication conference shall be held with the staff of the Commission and representatives from other relevant agencies. At this conference the procedures, regulations, and policies that will govern the D-PD application shall be discussed. The~~

~~conference shall provide a forum for an informal discussion on the acceptability of all aspects of the project proposal, prior to its filing with the Commission. The conference proceedings shall be summarized in writing and made available to the applicant. The conference shall be held pursuant to the rules established in Chapter 5 of the Commission's Rules and Regulations.~~

~~8. Preliminary Development Plan~~

~~a. Application~~

~~The Preliminary Development Plan shall include: Evidence that the proposal conforms with the Commission's Comprehensive Land Use Plan and the purpose and description of a Planned Development as contained herein; evidence showing that the permit criteria set forth in 12 M.R.S.A. §685-B(4) will be satisfied; and the submission of various written and illustrative documents, as described hereinafter. Prior to any decision relative to such application, the staff shall make known its findings and recommendations, in writing, to the Commission and a public hearing shall be held in accordance with Chapter 5 of the Commission's Rules and Regulations.~~

~~The following items are required to be submitted with any Preliminary Development Plan application:~~

~~Written Statements~~

- ~~(1) A legal description of the property boundaries proposed for redistricting, including a statement of present and proposed ownership.~~
- ~~(2) A statement of the objectives to be achieved by locating the development in its proposed location distant from existing patterns of development. As it is a general policy of the Commission to encourage new development to locate with or adjacent to existing development, the rationale for promoting development away from such locations must be well documented. The statement should describe why the site is considered the best reasonably available for the proposed use(s). The fact that the applicant owns or leases the property shall not, of itself, be sufficient evidence to satisfy this last requirement.~~
- ~~(3) A reasonably complete development schedule and construction program that indicates when the project and stages thereof will begin and be completed. The schedule is to specify what percentage of the total project is represented by each stage and what buildings, floor areas and land areas are included in each such stage.~~
- ~~(4) A statement of the applicant's intentions with regard to future selling, leasing or subdividing of all or portions of the project. The statement should describe the type of covenants, restrictions or conditions that are proposed to be imposed upon buyers, lessees or tenants of the property.~~
- ~~(5) Statements to satisfy the Commission that the project is realistic, and can be financed and completed. Such statements shall demonstrate that the applicant has the financial resources and support to achieve the proposed development and that a sufficient market exists for the goods and/or services the development will provide.~~
- ~~(6) A statement of the environmental impact of the proposed development which sets forth the reasonably foreseeable adverse effects and measures to be taken by the applicant to minimize such effects.~~

- ~~(7) — A general statement that indicates how the natural resources of the area will be managed and protected so as to reasonably assure that those resources currently designated within protection subdistricts will receive protection that is substantially equivalent to that under the original subdistrict designation.~~

Maps

- ~~(8) — A location map (drawn on a USGS topographic map base or Commission Land Use Guidance Map) that indicates the area for which a D-PD subdistrict designation is sought. This map should show all existing subdistricts.~~
- ~~(9) — A map showing existing site conditions including contours at 10 foot intervals, water courses, unique natural conditions, forest cover, swamps, lakes, ponds, existing buildings, road boundaries, property lines and names of adjoining property owners, scenic locations and other prominent topographical or environmental features.~~
- ~~(10) — A soils map of at least medium intensity that covers those portions of the site where any development is proposed. The description should use the soil group designations utilized in the Subsurface Waste Water Disposal Rules or the USDA Soil Series names.~~
- ~~(11) — A site plan that shows the approximate location and size of all existing and proposed buildings, structures and other improvements, including roads, bridges, beaches, dumps, wells, sewage disposal facilities, storm drainage, cut and fill operations and general landscape planting. The plan should show the approximate proposed lot lines, the location of open spaces, parks, recreational areas, parking areas, service and loading areas and notations of what is proposed to be in common or private ownership.~~
- ~~(12) — A map or description of the approximate type, size and location of proposed utility systems including waste disposal, water supply, and electric and telephone lines. Where a public water supply, and/or a central sewage collection and/or treatment system is proposed, evidence shall be required to show that these facilities will meet applicable governmental requirements and that the soils are suitable for such sewage disposal system.~~

~~Where the Preliminary Development Plan involves a staged development and the applicant cannot reasonably make available the maps required pursuant to Section 10.21,G,8,a,(11) covering all future stages of development, he shall submit such maps covering only the initial development stage, together with sketch plans covering all other development stages. Such plans shall describe all proposed land uses, densities, circulation patterns and building locations and are to be in sufficient detail to permit the Commission to determine if the site can support the entire development program, especially in terms of soil suitability, traffic circulation, and water supply and sewage waste disposal.~~

~~b. — Hearings and Criteria for the Approval of a Preliminary Development Plan~~

~~The Commission shall schedule a public hearing within 45 (forty-five) days after a complete Preliminary Development Plan application is filed, unless the applicant requests, in writing that this time be extended.~~

~~The public hearing notification and proceedings shall meet the requirements of Chapter 5 of the Commission's Rules and Regulations. Within 90 days after the close of the record of the public hearing, the Commission may approve, approve with conditions, or deny the application in writing. In making this decision, the Commission shall ensure that the proposal:~~

- ~~(1) — Conforms with the objectives and policies of the Comprehensive Land Use Plan and 12 M.R.S.A. §206-A;~~
- ~~(2) — Incorporates, where the land proposed for inclusion in the D-PD subdistrict is in a protection subdistrict, a substantially equivalent level of environmental and resource protection as was afforded under such protection subdistrict;~~
- ~~(3) — Utilizes the best reasonably available site for the proposed use;~~
- ~~(4) — Conserves productive forest and/or farm land;~~
- ~~(5) — Incorporates high quality site planning and design in accordance with accepted contemporary planning principles;~~
- ~~(6) — Envisions a project that is reasonably self-sufficient in terms of necessary public services;~~
- ~~(7) — Provides for safe and efficient traffic circulation; and~~
- ~~(8) — Utilizes the best practical technology to reduce pollution, waste and energy consumption.~~

~~e. — Approval or Denial of Preliminary Development Plan~~

- ~~(1) — If, after weighing all the evidence, the Commission approves the Preliminary Development Plan application, the D-PD subdistrict shall be designated on the official district map and recorded in accordance with the provisions of Section 10.04. Simultaneously with such approval, a preliminary development permit will be issued. The preliminary development permit may contain such reasonable conditions as the Commission deems appropriate and will specify the conditions for approval of the Final Development Plan. The terms of the preliminary development permit will be in writing and shall be deemed to be incorporated in the D-PD subdistrict.~~
- ~~(2) — If, after weighing all the evidence, the Commission finds the submission does not meet the criteria established above for its approval, the application shall be denied and the reasons for the denial shall be stated in writing.~~
- ~~(3) — Within a maximum of 18 months following a Commission decision to designate an area as a D-PD subdistrict, the applicant shall file a Final Development Plan containing in detailed form the information required in Section 10.21,G,10 below. At its discretion, and for good cause shown, the Commission may extend the deadline for filing of the Final Development Plan.~~
- ~~(4) — If the applicant fails for any reason to apply for final approval by submitting a Final Development Plan within the prescribed time, the D-PD subdistrict designation shall be deemed to be revoked and the original subdistrict(s) shall again apply.~~

~~9. — Application Fee~~

~~The application fee to be submitted with the Preliminary Development Plan shall be the fee specified in Chapter 1, Section 4 of the Commission's rules. No fee shall be required at the Final Development Plan stage.~~

~~10. Final Development Plan~~

~~a. Application~~

~~The final Development Plan application procedure serves to ensure that an applicant's detailed design and construction plans conform with the approved preliminary development permit issued.~~

- ~~(1) — An application for final approval may be for all of the land which is the subject of the Preliminary Development Plan or for a section thereof. The application, once deemed complete by the staff, shall be reviewed and acted upon by the Commission within 90 days.~~
- ~~(2) — The Final Development Plan shall include statements, drawings, specifications, covenants and conditions sufficient to fully detail the nature and scope of the proposed development. Without limitation of the foregoing, the Final Development Plan submission shall include:
 - ~~(a) — Drawings that include all the information required on the site plan under the Preliminary Development Plan [Section 10.21,G,8,a,(11)] plus the dimensions and heights, foundation design, material specifications, and elevations and colors of all buildings and structures. If the plan proposes any subdivision, all boundaries of easements and lots are to be surveyed and plotted.~~
 - ~~(b) — Drawings that illustrate all roads, parking service and traffic circulation areas. The dimensions of curve radii, grades and number of parking spaces are to be specified. Any structures (such as bridges) related to the street system should be shown as scaled engineering plans and sections. Detailed traffic volume estimates and traffic studies may be required, at the discretion of the Commission.~~
 - ~~(c) — If individual sewage disposal system are proposed, an on-site soil report for each proposed lot is required from the applicant. The reports are to be on Department of Human Services form HHE 200 or any amended or replacement version thereof. Where a central sewage collection and/or treatment system or central or public water supply system or fire hydrant system is proposed, reasonably full engineering drawings shall be required to conform with all applicable governmental requirements.~~
 - ~~(d) — Drawings that indicate all surface water runoff and storm drainage systems, soil stabilization procedures, and landscape plans for planting, screening, revegetation and erosion control and lighting of outdoor spaces.~~
 - ~~(e) — To the extent reasonably available, copies of the restrictions, covenants, conditions, and/or contractual agreements that will be imposed upon persons buying, leasing, using, maintaining, or operating land or facilities within the Planned Development.~~~~
- ~~(3) — The items submitted as part of the Final Development Plan shall comply with the conditions of approval of the Preliminary Development Plan and shall conform with applicable state regulations, including 12 M.R.S.A. §685-B(4). In addition, the Final Development Plan shall conform with progressive site planning standards which permit flexibility and imagination in the layout of different building types.~~
- ~~(4) — A public hearing shall not be held on a Final Development Plan application provided it is in substantial compliance with the Preliminary Development Plan. The burden shall, nevertheless, be on the applicant to~~

~~show good cause for any variation between the Preliminary Development Plan and the Final Plan submitted for final approval.~~

~~b. Approval or Denial of Final Development Plan~~

~~Upon accepting a Final Development Plan, the Commission shall issue a permit pursuant to 12 M.R.S.A. §685-B, for the Final Development Plan. Such permit may contain reasonable conditions as the Commission may deem appropriate.~~

~~c. Amendments to the Final Development Plan~~

~~Minor changes in the location, siting, height, or character of buildings and structures may be authorized by the Director of the Commission if required by engineering or other circumstances not foreseen at the time of Final Development Plan approval. No change shall be so authorized which may cause any of the following:~~

- ~~(1) The addition of a land use not previously approved in the Preliminary Development Plan;~~
- ~~(2) A material change in the site, scope or nature of the project;~~
- ~~(3) A material increase in traffic volume;~~
- ~~(4) A material reduction in open space, landscaping, or parking; or~~
- ~~(5) A material change giving rise to adverse environmental impact.~~

~~All other amendments to the Final Development Plan proposed by the applicant shall require submission to and the approval of the Commission after consultation with the staff and due consideration of the standards set forth in Section 10.21,G,8,b.~~

~~d. Time for Construction~~

~~If no substantial development has occurred pursuant to the Final Development Plan by the later of: (a) 24 months after the date of approval or (b) expiration of any extension of time for starting development granted by the Commission, the approved plan shall become null and void and the D-PD subdistrict designation shall be deemed to be revoked and the original subdistrict(s) shall again apply.~~

~~H. RESIDENTIAL DEVELOPMENT SUBDISTRICT (D-RS)~~

~~1. Purpose~~

~~The purpose of the D-RS subdistrict is to set aside certain areas for residential and other appropriate uses so as to provide for residential activities apart from areas of commercial development. The intention is to encourage the concentration of residential type development in and adjacent to existing residentially developed areas.~~

~~2. Description~~

~~The D-RS subdistrict shall include:~~

~~a. Areas with the following existing patterns of intensive residential development:~~

- ~~(1) Areas where four or more single family dwelling units exist within a 500-foot radius; or~~
- ~~(2) Recorded and legally existing single family residential subdivisions, including mobile home parks, having 4 or more lots; or~~
- ~~(3) Areas surrounding those described in Section 10.21,H,2,a,(1) or (2) above which contain neighborhood or associated uses that primarily serve such residences. Such areas may include, without limitation, residential accessory buildings, neighborhood parks and public open spaces, schools, day nurseries, places of worship, cemeteries, but shall not include industrial uses.~~

~~The designated D-RS subdistrict boundaries shall include all single family dwelling units and accessory buildings and uses, paved areas and areas directly related to, and necessary for, the conduct of those activities associated with the above described single family dwelling units, as well as other intervening areas between such buildings, paved surfaces and areas. Furthermore, in the case of recorded and legally existing single family residential subdivisions, the D-RS subdistrict boundaries shall encompass the entire subdivision.~~

- ~~b. Areas which the Commission determines both meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are suitable for the development activities proposed when measured against the standards of 12-M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto.~~

~~3. Land Uses~~

~~a. Uses Allowed Without a Permit~~

The following uses shall be allowed without a permit from the Commission within D-RS subdistricts:

- (1) ~~Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;~~
- (2) ~~Forest management activities, except for timber harvesting;~~
- (3) ~~Motorized vehicular traffic on roads and trails, and snowmobiling;~~
- (4) ~~Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing and snowshoeing, excluding hunting and trapping;~~
- (5) ~~Surveying and other resource analysis;~~
- (6) ~~Temporary docking structures and temporary on shore structures used to secure docks and moorings for non-commercial use;~~
- (7) ~~Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and~~
- (8) ~~Wildlife and fishery management practices.~~

10.21.H(D-RS)

b. ~~Uses Allowed Without a Permit Subject to Standards~~

The following uses shall be allowed without a permit from the Commission within D-RS subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) ~~Agricultural management activities;~~
- (2) ~~Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;~~
- (3) ~~Driveways associated with residential uses;~~
- (4) ~~Filling and grading;~~
- (5) ~~Level A mineral exploration activities, excluding associated access ways;~~
- (6) ~~Level A road projects;~~
- (7) ~~Minor home occupations;~~
- (8) ~~New and expanded accessory structures to any legally existing, conforming, non single family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;~~
- (9) ~~Public trailered ramps and public hand carry launches except on Management Class 1 and 2 lakes;~~
- (10) ~~Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with~~

~~water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;~~

- ~~(11) Signs; and~~
- ~~(12) Water crossings of minor flowing waters.~~

~~c. Uses Requiring a Permit~~

~~The following uses may be allowed within D-RS subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub Chapter III and, where within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,H,3,g and h below:~~

10.21,H(D-RS)

- ~~(1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;~~
- ~~(2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;~~
- ~~(3) Campsites;~~
- ~~(4) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;~~
- ~~(5) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;~~
- ~~(6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;~~
- ~~(7) Filling and grading, which are not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;~~
- ~~(8) Land management roads;~~
- ~~(9) Level B and C road projects, except for water crossings as provided for in Section 10.21,H,3,b;~~
- ~~(10) Level B mineral exploration activities;~~
- ~~(11) Major home occupations;~~
- ~~(12) Public and Institutional: Places of worship, public, private and parochial schools, day nurseries, and public parks and recreation areas;~~
- ~~(13) Residential: Single and two-family dwellings, and subdivisions for uses permitted in this subdistrict;~~
- ~~(14) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;~~
- ~~(15) Signs which are not in conformance with the standards of Section 10.27,J;~~
- ~~(16) Timber harvesting;~~

- ~~(17) — Trailered ramps and hand-carry launches addressed in Section 10.21,H,3,b which are not in conformance with the standards of Section 10.27,L and private and commercial trailered ramps;~~
- ~~(18) — Utility facilities compatible with residential uses other than service drops;~~
- ~~(19) — Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;~~
- ~~(20) — Water impoundments;~~
- ~~(21) — Other structures, uses or services that are essential to the uses listed in Section 10.21,H,3,a through e; and~~
- ~~(22) — Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.~~

d. ~~Special Exceptions~~

~~The following uses may be allowed within D-RS subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those uses within the vicinity or area likely to be affected by the proposal with which it is or may be incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:-~~

- ~~(1) Public trailered ramps and public hand-carry launches on Management Class 1 and 2 lakes, commercial and private trailered ramps, marinas, new or expanded permanent docking structures, and water access ways; and~~
- ~~(2) Multi-family dwellings.~~

e. ~~Prohibited Uses~~

~~All uses not expressly allowed, with or without a permit, shall be prohibited in D-RS subdistricts.~~

f. ~~Water Quality Limiting Lakes~~

~~For information relative to water quality limiting lakes see Section 10.23,E,3,f.~~

g. ~~Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.~~

~~Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:~~

- ~~(1) With respect to subdivisions and commercial and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:

 - ~~(a) area and shoreline length;~~
 - ~~(b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and~~
 - ~~(c) development proposed or anticipated, if any.~~~~

~~This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an~~

~~application to amend the original proposal in which these future plans were indicated.~~

- ~~(2) — With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.~~

~~h. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.~~

~~With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.~~

I. COMMUNITY RESIDENTIAL DEVELOPMENT SUBDISTRICT (D-RS2)

~~1. Purpose~~ The purpose of the D-RS2 subdistrict is to designate residential areas that can accommodate an appropriate range of low impact commercial and public uses that are compatible with residential uses. ~~This subdistrict~~ RS2M zone is to designate residential areas that can accommodate an appropriate range of low-impact community and public uses that are compatible with residential uses. This zone seeks to promote residential living and thriving neighborhoods with a limited range of services.

2. Description

The D-RS2 ~~subdistrict~~ M zone shall be located adjacent to a D-GN2 ~~subdistrict~~ M or D-GN3M zone in order to limit the fiscal and visual impacts of sprawling development. Adjacent is interpreted as within a distance of one road mile. This ~~subdistrict is similar to the D-RS subdistrict but it allows for commercial development such as bed and breakfasts, health care facilities, and golf courses.~~

~~This subdistrict will be applied only in communities located in the fringe of the Commission's jurisdiction as defined in the Comprehensive Land Use Plan, and in areas appropriate as centers of growth after a prospective planning process has been undertaken by the Commission. The Commission shall, using Section 10.08 of these rules, designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's rules and regulations.~~ zone is similar to the D-RS2 zone established pursuant to the Prospective Zoning Plan for the Rangeley Lake Region but it preserves land uses related to forest management activities that were allowed in the affected areas immediately prior to adoption of the Concept Plan.

3. Land Uses

~~The provisions of the D-RS2 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.~~

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-RS2 ~~subdistricts~~ M zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting on residential subdivision lots;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, horseback riding, tent and shelter camping, canoe portaging, cross country skiing and snowshoeing, excluding hunting and trapping;
- (5) Surveying and other resource analysis;
- (6) Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use;

- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-RS2-~~subdistricts~~M zones subject to the applicable requirements set forth in Sub-Chapter III:

~~10.21,I(D-RS2)~~

- (1) Agricultural management activities;
- (2) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Driveways associated with residential uses;
- (4) Filling and grading;
- (5) Land management roads, in accordance with the guidelines in Chapter 15 of the Commission's rules;
- (6) Level A mineral exploration activities, excluding associated access ways;
- (7) Level A road projects;
- (8) Mineral extraction operations, less than 5 acres in size, to support land management roads and other uses allowed with or without a permit in development zones;
- (9) Minor home occupations;
- (10) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (11) Public trailered ramps and public hand-carry launches;
- (12) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (13) Signs; ~~and~~
- (14) The operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural or forest management activities or other uses allowed with and without a permit in the D-RS2M zone, except on residential subdivision lots;
- (15) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-RS2-~~subdistricts~~M zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III ~~and, where within 250 feet of Management Class 4 and 5 lakes, subject to the applicable requirements of Section 10.21,I,3,g and h below:~~

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;

- (2) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (3) ~~Bed and breakfast facilities;~~Intentionally deleted;
- (4) Campsites;
- (5) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- (6) Community living facilities;
- (7) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (8) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (9) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;

- 10.21,I (D-RS2)
- (10) Land management roads which are not in conformance with the guidelines in Chapter 15 of the Commission's rules;
 - (11) Level B and C road projects, except for water crossings as provided for in Section 10.21,I,3,b;
 - (12) Level B mineral exploration activities;
 - (13) Major home occupations;
 - (14) Portable mineral processing equipment;
 - (15) Public and Institutional: Places of worship and other religious institutions; public, private and parochial day schools; non-profit children's day care facilities; local parks and local public recreation areas;
 - (16) ~~Public~~Private and commercial trailered ramps and hand carry launches; beach, shore and water access facilities; and public trailered ramps and public hand-carry launches which are not in conformance with the standards of Section 10.27,L and private and commercial trailered ramps;
 - (17) Residential: Single and ~~two~~multi-family dwellings, ~~and~~; residential ~~level 1~~ subdivisions; accessory structures and uses, including without limitation pools, swimming pools and hot tubs, gazebos, picnic shelters, barbeque structures, and related structures and uses;
 - (18) On-site caretaker and/or manager housing in residential subdivisions;
 - (19) Structures and uses that serve community or residential subdivision needs such as clubhouses or gathering places for recreational and social functions provided such structures do not contain more than 5,000 square feet of floor space per structure, community swimming pools, and equestrian facilities;
 - (20) Shoreland alterations, ~~including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but~~ excluding marinas, ~~new or expanded~~ permanent docking structures, water-access ways, ~~trailered ramps, hand-carry launches,~~ and water crossings of minor flowing waters;
 - (21) Signs which are not in conformance with the standards of Section 10.27,J;
 - ~~(19) — Timber harvesting;~~
 - (22) Structures devoted to the storage of sand or salt;
 - (23) Truck and equipment storage;
 - (24) Utility facilities compatible with residential uses other than service drops;
 - (25) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
 - (26) Water impoundments;
 - (27) Other structures, uses or services that are essential to the uses listed in Section 10.21,I,3,a through c; and
 - (28) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict zone and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Special Exceptions

The following uses may be allowed within D-RS2-~~subdistricts~~M zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those uses within the vicinity or area likely to be affected by the proposal with which it is or may be incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- ~~(1) Commercial and private trailered boat ramps, marinas, new or expanded permanent docking structures, and water access ways;~~
- (1) Health care facilities up to 4,000 square feet of gross floor area;
- (2) Post offices up to 1,250 square feet of gross floor area;
- ~~(4) Private and public golf courses; and~~
- ~~(5) Three and 4 unit multi-family dwellings.~~

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited in D-RS2-~~subdistricts~~M zones.

10.21.1 (D-RS2)

f. Water Quality Limiting Lakes.

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

g. ~~Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.~~ Limitation on Number of New Residential Dwelling Units.

~~Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:~~

~~(1) — With respect to subdivisions and commercial and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:~~

- ~~(a) — area and shoreline length;~~
- ~~(b) — potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and~~
- ~~(c) — development proposed or anticipated, if any.~~

~~This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.~~

~~(2) — With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.~~

h. ~~Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.~~

~~With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.~~

A maximum of 975 new residential dwelling units, in the aggregate, may be permitted in the Plan Area, and no new residential dwelling unit may be permitted except in an approved subdivision. In addition, the following maximum limits on the aggregate number of new residential dwelling units shall apply in the following development areas:

<u>Long Pond</u>	<u>110 units</u>
<u>South Brassua Lake</u>	<u>250 units</u>
<u>Lily Bay</u>	<u>154 units</u>
<u>Upper Wilson Pond</u>	<u>32 units</u>

In connection with any application for a subdivision that includes residential dwelling units, the applicant shall submit a statement indicating the aggregate number of residential dwelling units previously approved in the Plan Area, and, if applicable, in the relevant development area, in order to demonstrate that these limits will not be exceeded. The limitations contained in this Section apply to residential dwelling units only, and do not apply to resort accommodations, employee housing, workforce housing, or on-site caretaker and manager housing.

J. RESIDENTIAL RECREATION DEVELOPMENT ~~SUBDISTRICT~~ZONE – MOOSEHEAD LAKE REGION CONCEPT PLAN (D-RS3M)

1. Purpose

The purpose of the D-RS3~~subdistrict~~M zone is to accommodate seasonal ,recreational, and year-round ~~recreational~~ development in high value resource areas without compromising the recreational setting. This ~~subdistrict allows~~zone permits a restricted range of allowed uses in order to ensure attractive residential recreational opportunities.

2. Description

The D-RS3~~subdistrict~~M zone shall be applied only in high natural resource value areas appropriate for residential or closely related uses ~~in a community and shall be applied after a prospective planning process has been undertaken by the Commission. The D-RS3-subdistrict shall be located in areas that are inappropriate for intensive mixed development.~~

The D-RS3~~subdistrict~~M zone area will be located along or near the shorelines of Management Class 3, ~~4, 5, or 7 and 4~~ lakes or in other high value natural resource areas designated for growth ~~by the Commission or zoned D-RS before January 1, 2001. The D-RS3-subdistrict will not be located in relatively remote or lightly settled areas of the jurisdiction. Using Section 10.08 of these rules, the Commission shall designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's rules and regulations in the Concept Plan. The D-RS3M zone is modeled upon the D-RS3M subdistrict established pursuant to the Prospective Zoning Plan for the Rangeley Lakes Region, but preserves land uses related to forest management that were allowed in the affected areas immediately prior to the adoption of the Concept Plan.~~

3. Land Uses

~~The provisions of the D-RS3-subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.~~

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within D-RS3~~subdistricts~~M zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting on residential subdivision lots;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Primitive recreational uses, including fishing, hiking, wildlife study and photography, wild crop harvesting, bicycling; horseback riding, tent and shelter camping, canoe portaging, cross country skiing and snowshoeing, excluding hunting and trapping;
- (5) Surveying and other resource analysis;

- (6) Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within D-RS3 ~~subdistricts~~ M zones subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) Driveways associated with residential uses;
- (4) Filling and grading;
- (5) Land management roads, in accordance with the guidelines in Chapter 15 of the Commission's rules;
- (6) Level A mineral exploration activities, excluding associated access ways;
- (7) Level A road projects;
- (8) Mineral extraction operations, less than 5 acres in size, to support land management roads and other activities and uses allowed with and without a permit in development zones;
- (9) Minor home occupations, provided that any tractor truck, semitrailer or heavy equipment allowed with this use is completely buffered from view from adjacent properties, roads, and water bodies, or is completely enclosed in an accessory structure;
- (10) New and expanded accessory structures to any legally existing, conforming, non-single-family residential uses, provided that these new or expanded structures contain not more than a total of 500 square feet of gross floor area, are not supplied with water, neither use nor produce any hazardous or toxic materials or substances, and do not add new activities not currently being conducted at the facility;
- (11) Public hand-carry launches;
- (12) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (13) Signs;
- (14) The operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural or forest management activities or other uses allowed with and without a permit in the D-RS3M zone, except on residential subdivision lots; and
- (15) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within D-RS3 ~~subdistricts~~ M zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III ~~and, where within 250 feet of Management Class 4 and 5 lakes, subject to the applicable requirements of Section 10.21,J,3,g and h below:~~

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;

- (2) Agricultural management activities which are not in conformance with standards of Section 10.27,A;
- (3) Campsites;
- (4) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (5) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (6) Filling and grading, which are not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (7) Land management roads which are not in conformance with the guidelines in Chapter 15 of the Commission's rules;
- (8) Level B and C road projects, except for water crossings as provided for in Section 10.21,J,3,b;
- (9) Level B mineral exploration activities;
- (10) Local public parks and local public recreation areas;
- (11) Portable mineral processing equipment;
- (12) Private and commercial trailered ramps; beach, shore and water access facilities; public hand-launches which are not in conformance with the standards of Section 10.27,L of the Commission's rules; and private and commercial hand-carry launches;
- (13) Public hand-carry launches which are not in conformance with the standards of Section 10.27,L;
- (14) Residential: Single family dwellings, ~~and residential level 1~~; residential subdivisions; accessory structures and uses, including without limitation, pools, swimming pools and hot tubs, gazebos, picnic shelters, barbeque structures, and related structures and uses;
- (15) On-site caretaker and/or manager housing in residential subdivisions;
- (16) Shoreland alterations, ~~including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but~~ excluding marinas, ~~new or expanded~~ permanent docking structures, water-access ways, ~~trailered ramps, hand-carry launches~~, and water crossings of minor flowing waters;
- (17) Signs which are not in conformance with the standards of Section 10.27,J;
- ~~(15) Timber harvesting;~~
- (18) Structures and uses that serve community or residential subdivision needs such as clubhouses or gathering places for recreational and social functions provided such structures do not contain more than 5,000 square feet of floor space per structure, community swimming pools, and equestrian facilities;
- (19) Utility facilities compatible with residential uses other than service drops;
- (20) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (21) Water impoundments;
- (22) Other structures, uses or services that are essential to the uses listed in Section 10.21,J,3,a through c; and
- (23) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict zone and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect.

d. Special Exceptions

~~The following uses may be allowed within D-RS3 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those uses within the vicinity or area likely to be affected by the proposal with which it is or may be incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:~~

~~(1) — Private trailered ramps, new or expanded permanent docking structures, and water access ways associated with residential level 1 subdivisions.~~

~~Intentionally deleted.~~

e. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited in D-RS3-~~subdistricts~~M zones.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes see Section 10.23,E,3,f.

g. ~~Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps. Limitation on Number of New Residential Dwelling Units.~~

~~Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:~~

~~(1) — With respect to subdivisions and commercial and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:~~

- ~~(a) — area and shoreline length;~~
- ~~(b) — potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and~~
- ~~(c) — development proposed or anticipated, if any.~~

~~This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.~~

~~(2) — With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.~~

~~h. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.~~

~~With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.~~

~~40.22.A (M-GN)~~

A maximum of 975 new residential dwelling units, in the aggregate, may be permitted in the Plan Area, and no new residential dwelling unit may be permitted except in an approved subdivision. In addition, the following maximum limits on the aggregate number of new residential dwelling units shall apply in the following development areas:

<u>Long Pond</u>	<u>110 units</u>
<u>South Brassua Lake</u>	<u>250 units</u>
<u>Lily Bay</u>	<u>154 units</u>
<u>Upper Wilson Pond</u>	<u>32 units</u>

In connection with any application for a subdivision that includes residential dwelling units, the applicant shall submit a statement indicating the aggregate number of residential dwelling units previously approved in the Plan Area, and, if applicable, in the relevant development area, in order to demonstrate that these limits will not be exceeded. The limitations contained in this Section apply to residential dwelling units only, and do not apply to resort accommodations, employee housing, workforce housing, or on-site caretaker and manager housing.

10.22 MANAGEMENT ~~SUBDISTRICTS~~ZONES

Pursuant to the ~~Commission's Comprehensive Land Use~~Concept Plan, the following management ~~subdistricts are~~zone is established within the Concept Plan's P-RP subdistrict:

A. ~~GENERAL MANAGEMENT SUBDISTRICT (M-GN)~~ZONE – MOOSEHEAD LAKE REGION CONCEPT PLAN (M-GNM)

1. Purpose

The purpose of the M-~~GN subdistrict~~GNM zone is to permit forestry and agricultural management activities to occur with minimal interferences from unrelated development ~~in areas where the Commission finds that the resource protection afforded by protection subdistricts is not required.~~ In connection therewith, the statutory provisions of 12 M.R.S.A. § 685-A,5 relating to management subdistricts shall continue to apply to all M-GNM zones within the Plan Area.

2. Description

These are areas which are appropriate for forest or agricultural management activities and that do not require the special protection afforded by the protection ~~subdistricts or the M-NC or M-HP subdistricts. Also included~~zones, and which were designated as being within M-GN subdistricts ~~shall be areas which do not qualify for inclusion in any other subdistrict~~immediately prior to adoption of the Concept Plan. This zone is based upon the M-GN subdistrict, but prohibits residential dwelling units and associated uses. This zone also allows for a municipal facility in Beaver Cove Township.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within M-~~GN subdistricts~~GNM zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities;
- (3) Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S.A. §13: Maine Hazardous Waste, Septage and Solid Waste Management Act;
- (4) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, bicycling, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;

- (6) Surveying and other resource analysis;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within ~~M-GN subdistricts~~ GNM zones subject to the applicable requirements set forth in Sub-Chapter III:

~~10.22,A (M-GN)~~

- (1) Agricultural management activities, including cranberry cultivation and the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water;
- (2) Campsites;
- (3) Checkpoint buildings;
- (4) Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.22,A,3,b,(1) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (5) Driveways associated with residential uses;
- (6) Filling and grading;
- (7) Land management roads, in accordance with the guidelines in Chapter 15 of the Commission's rules;
- (8) Level A and B road projects;
- (9) Level A mineral exploration activities, including associated access ways;
- (10) Mineral extraction operations, less than 5 acres in size;
- (11) Minor home occupations;
- (12) Parking areas, roads, signs and similar facilities associated with public trailered ramps and private and commercial hand-carry launches.
- (13) Service drops; and buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water. Wire and pipe line extensions which do not meet the definition of service drops shall require a permit;
- (14) Signs; and
- (15) The operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural or forest management activities.

c. Uses Requiring a Permit

The following uses may be allowed within M-~~GN subdistricts~~GNM zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) ~~Campgrounds;~~Intentionally deleted;
- (2) ~~Commercial sporting camps having a total gross floor area of no more than 10,000 square feet for all principal buildings concerned;~~Intentionally deleted;
- (3) Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.22,A,3,b, above, which are 1 acre or more in size, or such ponds less than 1 acre which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (5) Family burying grounds of not more than ¼ acre, in accordance with 13 M.R.S.A. §1142;
- (6) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging, and alteration of the water table or water level for other than mineral extraction;
- (7) Land management roads which are not in conformance with the guidelines in Chapter 15 of the Commission's rules;
- (8) ~~Level 2 subdivisions;~~Intentionally deleted;

- ~~10.22.A (M-GN)~~
- (9) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
 - (10) Level B mineral exploration activities;
 - (11) Level C road projects;
 - (12) ~~Major home occupations, except in the townships or plantations listed in Section 10.22,A,3,d;~~ Intentionally deleted;
 - (13) Maple sugar processing operations;
 - (14) Mineral extraction operations
 - (a) affecting an area less than 5 acres in size and which are not in conformance with the standards of Section 10.27,C;
 - (b) affecting an area between 5 and 30 acres provided the unreclaimed area is less than 15 acres; and
 - (c) structures essential to the extraction activity having a total gross floor area of no more than 2,000 square feet;
 - (15) Non-commercial structures utilized for educational, scientific, or nature observation purposes;
 - (16) Parking areas, roads, signs and similar facilities associated with commercial and private trailered ramps and such facilities addressed in Section 10.22,A,3,b which are not in conformance with the standards of Section 10.27,L;
 - (17) Peat extraction affecting an area less than 30 acres in size;
 - (18) Portable mineral processing equipment;
 - (19) ~~Remote rental cabins;~~ Intentionally deleted;
 - (20) ~~Residential: Single and two family dwellings;~~ Intentionally deleted;
 - (21) Sawmills and chipping mills on sites of less than 5 acres;
 - (22) Signs which are not in conformance with the standards of Section 10.27,J;
 - (23) Solid waste disposal facilities affecting an area less than 2 acres in size;
 - (24) Structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size;
 - (25) Structures devoted to the storage of sand or salt;
 - (26) Truck and equipment storage;
 - (27) Utility facilities, excluding service drops;
 - (28) Water impoundments;
 - (29) Municipal buildings, facilities and structures, but only in Beaver Cove Township and only if located within one road mile of existing municipal facilities and buildings;
 - (30) Other structures, uses, or services that are essential to the uses listed in Section 10.22,A,3,a through c; and
 - (31) Other structures, uses, or services which the Commission determines are consistent with the purposes of this ~~subdistrict~~ zone and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect.

d. Special Exceptions

The following uses may be allowed within the M-~~GN subdistricts~~ GNM zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that there is no alternative site in a development ~~subdistrict~~ zone which is both suitable to the proposed use and reasonably available to the applicant:

- (1) ~~Major home occupations in the following plantations;~~ Remote rental cabins, huts, and other overnight shelters associated with a trail system.
 - ~~-Dallas Plantation;~~
 - ~~-Rangeley Plantation;~~
 - ~~-Sandy River Plantation.~~

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in M-~~GN-subdistricts~~GNM zones.

10.22.B (M-HP)

B. HIGHLY PRODUCTIVE MANAGEMENT SUBDISTRICT (M-HP)

~~1. Purpose~~

~~The purpose of the M-HP subdistrict is to ensure the continued availability of products from high yield or high value forest and/or agricultural lands by reserving areas for these uses.~~

~~2. Description~~

~~Areas identified by the Commission, not including those in protection subdistricts or in existing patterns of development, that are identified as prime or unique forest or agricultural land of national, statewide or local importance. In selecting areas for designation in this subdistrict, the Commission shall consider the following:~~

- ~~a. Prime or unique agricultural lands currently in use for food, fiber, feed, forage, and oil seed crops that are determined in accordance with rules and regulations hereinafter adopted by the Commission as amendments to these standards.~~
- ~~b. Prime or unique forest lands currently held for commercial production of forest trees that are determined in accordance with the rules and regulations hereinafter adopted by the Commission as amendments to these standards.~~

~~3. Land Uses~~**~~a. Uses Allowed Without a Permit~~**

~~The following uses shall be allowed without a permit from the Commission within M-HP subdistricts:~~

- ~~(1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;~~
- ~~(2) Forest management activities;~~
- ~~(3) Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S.A. §13: Maine Hazardous Waste, Septage and Solid Waste Management Act;~~
- ~~(4) Motorized vehicular traffic on roads and trails, and snowmobiling;~~
- ~~(5) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;~~
- ~~(6) Surveying and other resource analysis;~~

- ~~(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and~~
- ~~(8) Wildlife and fishery management practices.~~

~~b. Uses Allowed Without a Permit Subject to Standards~~

~~The following uses shall be allowed without a permit from the Commission within M-HP subdistricts subject to the applicable requirements set forth in Sub-Chapter III:~~

- ~~(1) Agricultural management activities, including cranberry cultivation and the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water;~~
- ~~(2) Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.22,B,3,b,(1) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;~~
- ~~(3) Filling and grading;~~
- ~~(4) Land management roads, in accordance with the guidelines in Chapter 15 of the Commission's rules;~~
- ~~(5) Level A mineral exploration activities, including associated access ways;~~
- ~~(6) Level A road projects;~~
- ~~(7) Service drops;~~
- ~~(8) Signs; and~~
- ~~(9) The operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural or forest management activities.~~

~~c. Uses Requiring a Permit~~

~~The following uses may be allowed within M-HP subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:~~

- ~~(1) Campsites;~~
- ~~(2) Creation, alteration or maintenance of constructed ponds, other than those in Section 10.22,B,3,b above, which are 1 acre or more in size, or such ponds less than 1 acre which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;~~
- ~~(3) Driveways;~~
- ~~(4) Home occupations;~~
- ~~(5) Land management roads which are not in conformance with the Guidelines of Chapter 15 of the Commission's rules;~~
- ~~(6) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;~~
- ~~(7) Level B mineral exploration activities;~~
- ~~(8) Level B road projects;~~
- ~~(9) Mineral extraction operations for road purposes;~~
- ~~(10) Residential: Single family dwellings;~~
- ~~(11) Signs which are not in conformance with the standards of Section 10.27,J;~~
- ~~(12) Structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size;~~

- ~~(13) Other structures, uses, or services that are essential for the uses listed in Section 10.22,B,3,a through c; and~~
- ~~(14) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect.~~

d. ~~Special Exceptions~~

~~The following uses may be allowed within M-HP subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant, (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible, and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:~~

- ~~(1) Filling and grading, except as provided in Section 10.22,B,3,b and draining or altering the water table or water level for other than mineral extraction;~~
- ~~(2) Level C road projects;~~
- ~~(3) Sawmills and chipping mills on sites of less than 2 acres;~~
- ~~(4) Utility facilities excluding service drops; and~~
- ~~(5) Water impoundments.~~

e. ~~Prohibited Uses~~

~~This section has been deleted entirely.~~

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in M-HP subdistricts.

C. NATURAL CHARACTER MANAGEMENT SUBDISTRICT (M-NC)

1. ~~Purpose~~

~~The purpose of the M-NC subdistrict is to maintain some of the areas that characterize the natural outdoor flavor and spirit of certain large undeveloped areas of the jurisdiction and to permit only forestry and agricultural practices and primitive recreation. Unrelated development that might interfere with these activities and natural values will not be permitted.~~

2. ~~Description~~

~~Areas which the Commission determines:~~

- ~~a. are appropriate for forest management activities;~~
- ~~b. shall comprise certain few large areas which are remote and have a natural and wild character; the area is significant because of a variety and concentration of important features which in the aggregate include significant topographic features and distinctive recreation resources characteristic of the "Maine Woods" in their totality; such resources include, but are not limited to, hiking trails, canoe streams, and scenic overviews; such features include, but are not limited to, lakes, remote ponds, mountains and valleys;~~
- ~~c. comprise at least 10,000 contiguous acres of land and water area; and~~
- ~~d. support only those land use activities which do not appreciably detract from the natural character of the area.~~

~~Any proposal for inclusion of an area within an M-NC subdistrict, unless it is made by the owner or owners of such area, shall be considered by the Commission only when a written statement has been made stating how such area meets the criteria stated above. Such statements shall be available to the public at the time of publication of notice for the public hearing at which such proposal shall be heard.~~

~~The M-NC subdistrict may surround different protection, management, and development subdistricts. In delineating boundaries for the M-NC subdistrict, the Commission may consider property ownership or township boundaries, ridge lines, shorelines, watershed boundaries, roadways, or other rights of way or other appropriate natural or man-made features.~~

3. ~~Land Uses~~

- ~~a. **Uses Allowed Without a Permit**~~

~~The following uses shall be allowed without a permit from the Commission within M-HP subdistricts:~~

- ~~(1) — Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;~~
- ~~(2) — Forest management activities;~~

- ~~(3) — Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S.A. §13: Maine Hazardous Waste, Septage and Solid Waste Management Act;~~
- ~~(4) — Motorized vehicular traffic on roads and trails, and snowmobiling;~~
- ~~(5) — Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;~~
- ~~(6) — Surveying and other resource analysis;~~
- ~~(7) — Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and~~
- ~~(8) — Wildlife and fishery management practices.~~

~~b. — **Uses Allowed Without a Permit Subject to Standards**~~

~~The following uses shall be allowed without a permit from the Commission within M-HP subdistricts subject to the applicable requirements set forth in Sub-Chapter III:~~

- ~~(1) — Agricultural management activities, including cranberry cultivation and the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water;~~
- ~~(2) — Campsites;~~
- ~~(3) — Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.22,C,3,b,(1) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;~~
- ~~(4) — Filling and grading;~~
- ~~(5) — Land management roads, in accordance with the guidelines in Chapter 15 of the Commission's rules;~~
- ~~(6) — Level A mineral exploration activities, including associated access ways;~~
- ~~(7) — Level A and B road projects;~~
- ~~(8) — Mineral extraction operations affecting an area less than 5 acres in size, for road purposes;~~
- ~~(9) — Service drops;~~
- ~~(10) — Signs listed as exempt in Section 10.27,J; and~~
- ~~(11) — The operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural or forest management activities.~~

~~c. — **Uses Requiring a Permit**~~

~~The following uses may be allowed within M-HP subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:~~

- ~~(1) — Campgrounds;~~
- ~~(2) — Creation, alteration or maintenance of constructed ponds, other than those in Section 10.22,C,3,b above, which are 1 acre or more in size, or such ponds less than 1 acre which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;~~
- ~~(3) — Driveways;~~

10.22,C (M-NC)

- ~~(4) — Land management roads which are not in conformance with the Guidelines of Chapter 15 of the Commission's rules;~~
- ~~(5) — Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;~~
- ~~(6) — Level B mineral exploration activities;~~
- ~~(7) — Mineral extraction operations affecting an area 5 acres or greater in size, for road purposes; mineral extraction operation, affecting an area less than 5 acres in size, for road purposes and which are not in conformance with the standards established for such activities in Section 10.27,C;~~
- ~~(8) — Remote Camps;~~
- ~~(9) — Signs which are not in conformance with the standards of Section 10.27,J;~~
- ~~(10) — Structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size;~~
- ~~(11) — Other structures, uses, or services that are essential for the uses listed in Section 10.22,B,3,a through c; and~~
- ~~(12) — Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect.~~

~~d. — Special Exceptions~~

~~The following uses may be allowed within M-NC subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12-M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:~~

- ~~(1) — Level C road projects;~~
- ~~(2) — Non-exempt signs; and~~
- ~~(3) — Utility facilities.~~

~~e. — Prohibited Uses~~

~~All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in M-NC subdistricts.~~

10.23.A (P-AL)

This section has been deleted entirely.

10.23 PROTECTION ~~SUBDISTRICTS~~ZONES

Pursuant to the ~~Commission's Comprehensive Land Use Concept~~ Plan, the following protection ~~subdistricts~~zones are established within the Concept Plan's P-RP subdistrict:

A. ~~ACCESSIBLE LAKE PROTECTION SUBDISTRICT (P-AL)~~ZONE – MOOSEHEAD LAKE REGION CONCEPT PLAN (P-ALM)

1. Purpose

The purpose of the P-~~AL-subdistrict~~ALM zone is to maintain and protect the existing natural values of the accessible, undeveloped, high value lakes within the Commission's jurisdiction. This is the class of lakes described as Management Class 2 lakes in the Commission's Comprehensive Land Use Plan. It is the intent of this ~~subdistrict~~zone to restrict development but not to regulate timber harvesting beyond the extent to which it is regulated within P-~~GP-subdistricts~~GPM zones.

2. Description

Areas surrounding bodies of standing water classified as Management Class 2 Lakes (Accessible, Undeveloped, High Value Lakes).

The protection ~~subdistrict~~zone shall extend 500 feet from and around the water body measured from the normal high water mark.

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-~~AL-subdistricts~~-ALM zones:

- (1) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (5) Surveying and other resource analysis;
- (6) Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

10.23.A (P-AL)

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-~~AL~~~~subdistricts~~zones, subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) ~~Driveways associated with residential uses;~~Intentionally deleted;
- (4) Land management roads;
- (5) Level A mineral exploration activities, including associated access ways;
- (6) Level A road projects;
- (7) ~~Minor home occupations;~~Intentionally deleted;
- (8) Service drops;
- (9) Signs listed as exempt in Section 10.27,J; and
- (10) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within P-~~AL~~~~subdistricts~~ALM zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with non-residential uses; ~~driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;~~
- (5) Filling, grading, draining, dredging or alteration of the water table or water level for other than mineral extraction;
- (6) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (7) Land management roads and water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D; water crossings of bodies of standing water and major flowing waters;
- (8) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (9) Level B and C road projects, except for water crossings of minor flowing waters as provided for in Section 10.23,A,3,b;
- (10) Level B mineral exploration activities;
- (11) ~~Major home occupations, except in those plantations and townships listed in Section 10.23,A,3,d;~~Intentionally deleted;

10.23.A (P-AL)

- (12) Mineral extraction for road purposes less than 5 acres in size, provided that such activity:
 - (a) is not visible from the body of standing water which the P-~~AL~~ ~~subdistrict~~ALM zone was established to protect; and
 - (b) avoids use of the P-~~AL~~ ~~subdistrict~~ALM zone, except where necessary to provide gravel for land management operations where alternative sources are unavailable or impractical;
- (13) Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this ~~subdistrict~~zone;
- (14) ~~Residential: Single family dwelling units provided that such dwelling units are limited to an average density per landownership of one dwelling unit per shore mile. Parcels existing as of November 17, 1988 that have less than 1 mile of shoreline are allowed one dwelling unit within that shoreline area provided that other applicable standards are met. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map; Intentionally deleted;~~
- (15) ~~Shoreland alterations, including reconstruction of permanent docking structures, and permanent on shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water access ways, trailered ramps, hand carry launches, and water crossings of minor flowing waters; Intentionally deleted;~~
- (16) Signs other than those listed as exempt in Section 10.27,J;
- (17) Timber harvesting which is not in conformance with the standards of Section 10.27,E;
- (18) Water impoundments;
- (19) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,A,3,a through c; and
- (20) Other structures, uses or services which the Commission determines are consistent with the purpose of this ~~subdistrict~~zone and of the Comprehensive Land Use Plan and are not detrimental to the uses or resources they protect.

d. Special Exceptions

The following uses may be allowed within P-~~AL~~ ~~subdistricts~~ALM zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the ~~subdistrict~~zone with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; and further provided that there shall be no more than one development unit per shore mile except as provided in Section 10.23,A,3,c, such distance measured by following the shoreline of the lake, including all shoreline irregularities, on the Commission's Land Use Guidance Map:

- (1) ~~Campgrounds; Intentionally deleted;~~
- (2) ~~Commercial sporting camps of up to 10,000 square feet in floor area for all principal buildings concerned. Intentionally deleted.~~

The following uses may be allowed as special exceptions provided the applicant shows, in addition to the criteria listed above, by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (3) ~~Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:~~Intentionally deleted.
~~–Dallas Plantation,
–Rangeley Plantation,
–Sandy River Plantation;~~
- (4) ~~New or expanded permanent docking structures, water access ways, trailered ramps, and hand-carry launches; and~~Intentionally deleted; and
- (5) Utility facilities other than service drops.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-~~AL subdistricts~~ALM zones.

f. Water Quality Limiting Lakes

For information relative to water quality limiting lakes, see Section 10.23,E,3,f.

10.23.B (P-AR)

B. AQUIFER PROTECTION ~~SUBDISTRICT~~ZONE (P-AR)

~~1. Purpose~~

~~The purpose of the P-AR subdistrict is to protect the quantity and quality of ground water supply used or potentially available for human or industrial consumption.~~

~~2. Description~~

~~Areas identified by the Commission as having soil rated as highly permeable and/or surficial geologic units that are highly permeable and are hydrologically connected through highly fractured bedrock units to a ground water supply which is currently, or anticipated to be, used for public, industrial or agricultural purposes, or areas identified by the Commission as aquifer recharge areas based on studies by appropriate qualified persons or agencies where the Commission determines that such areas warrant water quality protection.~~

~~3. Land Uses~~**~~a. Uses Allowed Without a Permit~~**

~~The following uses shall be allowed without a permit from the Commission within P-AR subdistricts:~~

- ~~(1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;~~
- ~~(2) Forest management activities, except for fertilizer application;~~
- ~~(3) Motorized vehicular traffic on roads and trails, and snowmobiling;~~
- ~~(4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;~~
- ~~(5) Surveying and other resource analysis;~~
- ~~(6) Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use;~~
- ~~(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and~~
- ~~(8) Wildlife and fishery management practices.~~

~~b. Uses Allowed Without a Permit Subject to Standards~~

~~The following uses shall be allowed without a permit from the Commission within P-AR subdistricts subject to the applicable requirements set forth in Sub-Chapter III:~~

- ~~(1) — Agricultural management activities, except for fertilizer application;~~
- ~~(2) — Driveways associated with residential uses;~~
- ~~(3) — Filling and grading;~~
- ~~(4) — Level A mineral exploration activities, including associated access ways;~~
- ~~(5) — Level A road projects;~~
- ~~(6) — Minor home occupations;~~

- ~~(7) — Public, private and commercial hand-carry launches;~~
- ~~(8) — Service drops; and~~
- ~~(9) — Signs.~~

~~e. — Uses Requiring a Permit~~

~~The following uses may be allowed within P-AR subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III, and provided that the recharge capability of the area remains the same as it would be under the area's natural state:~~

- ~~(1) — Agriculture management activities which are not in conformance with the standards of Section 10.27,A;~~
- ~~(2) — Application of fertilizers for forest or agricultural management activities;~~
- ~~(3) — Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;~~
- ~~(4) — Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;~~
- ~~(5) — Land management roads and water crossings;~~
- ~~(6) — Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;~~
- ~~(7) — Level B road projects;~~
- ~~(8) — Major home occupations, except in those plantations and townships listed in Section 10.23,B,3,d;~~
- ~~(9) — Mineral extraction for road purposes affecting an area less than 30 acres in size, provided the unreclaimed area is less than 15 acres;~~
- ~~(10) — Peat extraction affecting an area less than 30 acres in size;~~
- ~~(11) — Public, private and commercial hand-carry launches addressed in Section 10.23,B,3,b which are not in conformance with the standards of Section 10.27,L;~~
- ~~(12) — Residential: Single family dwellings, and campgrounds and campsites, provided that sewage is disposed of in such a manner as not to endanger the water quality of the aquifer;~~
- ~~(13) — Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water access ways, trailered ramps, and hand-carry launches;~~
- ~~(14) — Signs which are not in conformance with the standards of Section 10.27,J;~~
- ~~(15) — Utility facilities, excluding service drops;~~
- ~~(16) — Water impoundments;~~
- ~~(17) — Other structures, uses or services that are essential for uses listed in Section 10.23,B,3,a through c; and~~
- ~~(18) — Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.~~

~~d. — Special Exceptions~~

The following uses may be allowed within P-AR subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and

10.23,B (P-AR)

subject to the applicable requirements set forth in Sub Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) — Filling and grading, except as provided in Section 10.23,B,3,b and draining, dredging and alteration of the water table or water level for purposes other than mineral extraction;
- (2) — Level B mineral exploration activities;
- (3) — Level C road projects;
- (4) — Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:
 - Dallas Plantation;
 - Rangeley Plantation;
 - Sandy River Plantation;
- (5) — Public, commercial and private trailered ramps, new or expanded permanent docking structures, and water access ways.

e. — Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-AR subdistricts.

~~10.23.C (P-FP)~~

This section has been deleted entirely.

C. FLOOD PRONE AREA PROTECTION ~~SUBDISTRICT~~ZONE – MOOSEHEAD LAKE REGION CONCEPT PLAN (P-FPM)

1. Purpose

The purpose of the P-~~FP-subdistrict~~FPM zone is to regulate in all flood prone areas, including areas of special flood hazard, certain land use activities in order to minimize the human, environmental, and financial costs of floods and flood cleanup programs, by protecting on-site, adjacent, upstream and downstream property from flood damage; and by minimizing danger from malfunctioning water supply and waste disposal systems in flood prone areas; and to comply with the cooperative agreement between the Land Use Regulation Commission and the Federal Emergency Management Agency (FEMA) regarding the regulation of land use according to the requirements of 44 CFR Part 60.3 of the National Flood Insurance Program, so that flood insurance can be made available to persons in flood prone areas.

2. Description

Areas located within the 100-year frequency floodplain, also known as areas of special flood hazard, as identified by the Commission after consideration of relevant data including, without limitation, areas determined to be flood prone by state or federal agencies, including the Flood Insurance Studies and accompanying Flood Insurance Rate Maps or Flood Hazard Boundary Maps prepared by the Federal Emergency Management Agency, historical data, and the National Cooperative Soil Survey.

The areas identified by FEMA as areas of special flood hazard (Zones A, AE, A1-30, VE) on Flood Insurance Rate Maps or Flood Hazard Boundary Maps for townships, plantations, or towns qualify as flood prone areas appropriate for protection within this ~~subdistrict~~zone. The Commission adopts the FEMA maps as listed in Appendix E, as such maps may be amended from time to time and a note on the Official Land Use Guidance Map shall refer to maps so adopted. In any case where the boundaries of the P-~~FP-subdistrict~~FPM zone on the Commission map differ from the boundaries of the FEMA zones, the FEMA boundaries shall apply. The FEMA zones shall be regulated according to the provisions of the P-~~FP-subdistrict~~FPM zone.

3. Land Uses**a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-~~FP-subdistricts~~FPM zones or FEMA zones A, AE, A1-30, or VE:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Primitive recreational uses, including fishing, hunting, hiking, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (5) Surveying and other resource analysis; and
- (6) Wildlife and fishery management practices.

~~10.23.C (P-FP)~~

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-~~FP-subdistricts~~FPM zones or FEMA zones A, AE, A1-30, or VE subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (3) ~~Minor home occupations; and~~Intentionally deleted; and
- (4) Service drops.

c. Uses Requiring a Permit

The following uses may be allowed within P-~~FP-subdistricts~~FPM zones or FEMA zones A, AE, A1-30, or VE upon issuance of a permit from the Commission pursuant to 12 M.R.S.A., §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agriculture management activities which are not in conformance with the standards of Section 10.27,A;
- (2) ~~Campgrounds;~~Intentionally deleted;
- (3) Campsites;
- (4) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (5) Driveways;
- (6) Filling and grading, and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (7) Land management roads;
- (8) Level A, B and C road projects;
- (9) Level A mineral exploration activities, including associated access ways;
- (10) Level B mineral exploration activities;
- (11) ~~Major home occupations;~~Intentionally deleted;
- (12) Mineral extraction operations affecting an area up to 30 acres in size provided the unreclaimed area is less than 15 acres, for road purposes;
- (13) Public and commercial trailered ramps and public, private and commercial hand-carry launches;
- (14) Shoreland alterations, including temporary docking structures, on-shore structures used to secure docks and moorings, and reconstruction of permanent docking structures; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, and hand-carry launches;
- (15) Signs;
- (16) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (17) Utility facilities, except for service drops;
- (18) Water crossings;
- (19) Water impoundments;

~~10.23.C (P-FP)~~

- (20) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,C,3,a through c; and
- (21) Other structures, uses, or services which the Commission determines are consistent with the purposes of this ~~subdistrict~~zone and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

d. Special Exceptions

The following uses may be allowed within P-~~FP-subdistricts~~FPM zones or FEMA zones A, AE, A1-30, or VE as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the ~~subdistrict~~zone with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) ~~Commercial sporting camps involving a total gross floor area of no more than 10,000 square feet for all principal buildings concerned;~~Intentionally deleted;
- (2) Industrial and commercial structures of less than 8,000 square feet which rely upon the water resource for their existence;
- (3) Private trailered ramps, new or expanded permanent docking structures, and water-access ways; and
- (4) ~~Residential: Single family dwellings.~~Intentionally deleted.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-~~FP-subdistricts~~FPM zones and FEMA zones A, AE, A1-30, and VE.

10.23.D (P-FW)

D. FISH AND WILDLIFE PROTECTION ~~SUBDISTRICT (P-FW) ZONE – MOOSEHEAD LAKE REGION CONCEPT PLAN (P-FWM)~~

1. Purpose

The purpose of the P-~~FW-subdistrict~~FWM zone is to conserve important fish and wildlife habitats essential to the citizens of Maine because of their economic, recreational, aesthetic, educational or scientific value.

2. Description

This ~~subdistrict~~zone shall include wildlife and fishery habitat the Commission determines are in need of special protection pursuant to the following standards:

- a. Significant fish spawning nursery and feeding areas, critical habitat of endangered and threatened fish and wildlife species ascertained by state or federal agencies, and habitat of fish or wildlife species needing special protection by other means, including by a state fish or wildlife conservation plan.
- b. The shelter portions of deer wintering areas when the following conditions are met:
 - (1) The following must be shown for all shelter portions of deer wintering areas proposed for a P-~~FW-subdistrict~~FWM zone:
 - (a) Documentation of use as a deer wintering area during a minimum of two years over the most recent 10 year period at the time of designation; for at least one of such years, such documentations shall be based upon ground observation by a wildlife biologist of the Department of Inland Fisheries and Wildlife during or following a period of winter conditions, but no later than May 1 in any year, showing extent of deer use for winter shelter as evidenced by deer tracks, current and past deer browsing, deer pellet depositions, and/or bedding sites, such that a population of at least 20 deer per square mile in the shelter area may be estimated. A P-~~FW-subdistrict~~FWM zone may be established for an area with an estimated population of fewer than 20 deer per square mile if, in the Commission's judgment, it is necessary to meet the purpose of the P-~~FW-subdistrict~~FWM zone. In this regard, the Commission may be guided by "Planning for Maine's Inland Fish and Wildlife Resources, 1986-~~1991~~,1991," of the Maine Department of Inland Fisheries and Wildlife, and associated documents, including the white-tailed deer assessment and strategic plan, as they may be amended from time to time; and
 - (b) Occurrence of forest stands that are composed of over 50 percent conifer stems and contain a conifer crown closure of over 50 percent with predominant tree heights of over 35 feet; and

- (2) The Maine Department of Inland Fisheries and Wildlife (MDIFW) has submitted to the Commission a status report containing the following information:
- (a) Deer population and deer habitat goals for the state and the applicable Wildlife Management District (WMD) – see Map 10.23,D-1;
 - (b) Estimated current population of deer in the state and the applicable WMD;
 - (c) Amount of land designated as P-~~FW-subdistricts~~FWM zones in the applicable WMD;
 - (d) Existing information on the amount of deer wintering habitat in organized towns within the applicable WMD;
 - (e) Amount and location of land designated as P-~~FW-subdistricts~~FWM zones in the subject township and all townships abutting the subject township;
 - (f) A qualitative and, if available, quantitative assessment, based on existing information, of the importance of the area proposed as a P-~~FW-subdistrict~~FWM zone to other wildlife species of particular significance, including those identified by state or federal agencies as Endangered, Threatened, Special Concern, Indeterminate Status, or Watch List; and
- (3) The combined area of the shelter portions of deer wintering areas designated as P-~~FW~~FWM or P-4 ~~subdistricts~~zones within the applicable WMD must not exceed 3.5% of the area of that WMD; and
- (4) The Department of Inland Fisheries and Wildlife has consulted with the landowner in one of the following ways:
- (a) The Department of Inland Fisheries and Wildlife has offered, in writing, to the landowner whose land is under consideration for designation as a P-~~FW-subdistrict~~FWM zone the opportunity to accompany the Department and observe its ground survey of the area proposed for designation, and has met with the landowner following such survey for the purpose of reaching agreement as to the area to be designated as a P-~~FW-subdistrict~~FWM zone. In making its offer, the Department may require prior agreement by the landowner to reasonably limit activities that would affect designation of the area while it remains under consideration:
 - (i) If the parties have reached agreement regarding the area to be designated, the terms of such agreement must be submitted to the Commission. Such agreement will not compel the landowner to join in a petition to designate the area as a P-~~FW-subdistrict~~FWM zone;
 - (ii) If the parties are unable to reach agreement, the substance of and reasons for the disagreement must be reported in writing to the Commission by the Department and the landowner; or
 - (b) The Department of Inland Fisheries and Wildlife has not offered, in writing, to the landowner whose land is under consideration for designation as a P-~~FW-subdistrict~~FWM zone the opportunity to accompany the Department and observe its ground survey of the area proposed for designation, but has met with the landowner following its

ground survey for the purpose of reaching agreement as to the area to be designated as a P-~~FW-subdistrict~~FWM zone:

- (i) If the parties have reached agreement regarding the area to be designated, the terms of such agreement must be submitted to the Commission. Such agreement will not compel the landowner to join in a petition to designate the area as a P-~~FW-subdistrict~~FWM zone;

10.23,D (P-FW)
 - (ii) If the parties are unable to reach agreement, the substance of and reasons for the disagreement must be reported to the Commission by the Department and the landowner. Notwithstanding that disagreement, if the Commission finds that the area meets the criteria for designation as a P-FW ~~subdistrict~~zone and applies the P-FW designation to the area, within two years of the date of that ~~subdistrict~~zone designation, the landowner may request reconsideration of the designation if the landowner has obtained new information indicating the area did not meet the criteria set forth in Section 10.23,D,2,b,(1) at the time of designation. The Commission will give the Department at least 90 days notice of its receipt of a request for reconsideration prior to deciding that request.
- c. Upon request or agreement by the landowner, the configuration of a P-~~FW-subdistrict~~FWM zone may be modified in order to provide the ~~subdistrict~~zone with boundaries of reasonably regular shape.
 - d. The provisions of Section 10.23,D,2,b, as amended on June 20, 1991, shall apply only to proposals to rezone areas to the P-~~FW-subdistrict~~FWM zone that are submitted to the Commission after June 20, 1991.
 - e. The Commission may change a P-~~FW-subdistrict~~FWM zone by reducing its size or by changing it to another ~~subdistrict~~zone designation if it finds by substantial evidence that:
 - (1) The area designated as a P-~~FW-subdistrict~~FWM zone is no longer substantially used as a wintering area by deer and has not been so used for a period of ten years; and
 - (2) The change is consistent with the Comprehensive Land Use Plan; and
 - (3) The change is more appropriate for the protection and management of the resource within the affected area.

Alternatively, the Commission may approve such a ~~subdistrict~~zone change if the owner of the affected land designated as P-~~FW~~FWM and the Commissioner of the Department of Inland Fisheries and Wildlife agree that such change is appropriate or the area is not needed to meet the deer management objectives established by the Department.

Notwithstanding the above, where a P-4 or P-~~FW-subdistrict~~FWM zone has been established for the purposes of protecting a deer wintering area, that ~~subdistrict~~zone shall not be reduced in size as a result of timber harvesting activities which would cause such ~~subdistrict~~zone to no longer satisfy the requirements of Section 10.23,D,2,b,(1),(b).

- f. Coastal nesting islands or portions thereof, to be zoned as P-~~FW~~FWM will be determined by the following:
- (1) Documentation of use by significant numbers of island nesting sea birds through an on-site investigation as reported in the U.S. Fish and Wildlife Service, Maine Cooperative Wildlife Research Unit's Maine Sea Bird Inventory. Breeding population estimates shall be based upon counts of individual nesting pairs and/or visual estimate of the total nesting population of a species.

- (2) An island or portion thereof will be considered essential to the maintenance of sea bird populations when: (a) it provides habitat for one percent or more of Maine's total island breeding population of a particular species, or (b) the sum of such percentages for all species on the island is 1 or greater (the individual percentage is determined by dividing the island breeding population by Maine's total island breeding population for a particular species as determined by the latest information available from the Maine Sea Bird Inventory), or (c) when, in the Commission's judgment, protection of an island or portion thereof is essential to the maintenance of the distribution and abundance of a specific species of sea bird.

The colonial sea bird species considered in the above determination include, but are not limited to: common eider (*Somateria moullissima*), Atlantic puffin (*Fratercula arctica*), razorbilled auk (*Alca torda*), black guillemot (*Cepphus grylle*), snowy egret (*Leucophogx thula*), glossy ibis (*Plegadis falcinellus*), arctic tern (*Sterna paradisaea*), common tern (*Sterna hirundo*), roseate tern (*Sterna dougallii*), herring gull (*Larus argentatus*), great black-backed gull (*Larus marinus*), laughing gull (*Larus artricilla*), Leach's petrel (*Oceanodroma leucorhoa*), double-crested cormorant (*Phalacrocorax auritus*), black-crowned night heron (*Nycticorax nycticorax*), and great blue heron (*Ardea herodias*).

3. Land Uses

a. Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-~~FW~~ ~~subdistricts~~-FWM zones (provided, however, only wildlife and fishery management practices approved by the Department of Inland Fisheries and Wildlife or the U.S. Fish and Wildlife Service shall be permitted without prior approval of the Commission from May 1st to July 15th in P-~~FW~~ ~~subdistricts~~FWM zones established for colonial nesting sea birds):

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (3) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (4) Surveying and other resource analysis;
- (5) Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use in the shelter portion of deer wintering areas;
- (6) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (7) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-~~FW~~
~~subdistricts~~-FWM zones, subject to the applicable requirements set forth in Sub-Chapter
III (provided, however, only wildlife and fishery management practices approved by the
Department of Inland Fisheries and Wildlife or the U.S. Fish and Wildlife Service shall
be permitted without prior approval of the Commission from May 1st to July 15th in P-
~~FW~~ ~~subdistricts~~zones established for colonial nesting sea birds):

- (1) Forest management activities and land management roads, provided that timber harvesting and land management road construction are carried out in conformance with the following:
 - (a) Applicant shall confer with the appropriate Biologist of the Department of Inland Fisheries and Wildlife as to how the proposed activity is to occur within the P-~~FW~~ ~~subdistrict~~FWM zone; at the landowner's option, the applicant may also confer with a Forester of the Maine Forest Service;
 - (b) If a plan acceptable to the parties cannot be reached stating how the proposed activity should occur, the applicant shall be required to obtain a permit from the Commission;
 - (c) If a plan acceptable to the parties can be reached, the applicant shall notify the Commission in writing with a copy of the field investigation report by the Biologist (and the Forester where he also has been consulted) which states how and over what time period the activity is to occur -- the notification letter shall be signed by the person responsible for the proposed activity and the field investigation report shall be signed by the Biologist (and the Forester, where applicable);
 - (d) Applicant may proceed with activity in conformity with the plan 14 days after notification to the Commission unless within such time period the Commission disapproves the plan;
 - (e) Applicant shall notify the Commission of completion of activity so that a follow-up field investigation may be carried out by the Commission or its designee.
- (2) Level A mineral exploration activities, excluding associated access ways;
- (3) Level A road projects;
- (4) Mineral extraction for road purposes involving less than one (1) acre of land, provided that such activity is carried out in conformance with the following:
 - (a) Applicant shall confer with the appropriate biologist of the Department of Inland Fisheries and Wildlife for the purpose of developing a plan as to how the proposed activity is to occur within the P-~~FW~~ ~~subdistrict~~FWM zone and within what time period;
 - (b) If a plan acceptable to the parties cannot be reached stating how the proposed activity should occur, the applicant shall be required to obtain a permit from the Commission;
 - (c) If a plan acceptable to the parties can be reached, the applicant shall submit a copy of the agreed-upon plan, signed by both parties, to the Commission;
 - (d) Applicant may proceed with activity in conformity with the plan 14 days following receipt of the plan by the Commission unless, within such time period, the Commission disapproves the plan;

- (e) Applicant shall notify the Commission of completion of the activity so that a follow-up field investigation may be carried out by the Commission or its designee.

- (5) ~~Minor home occupations;~~Intentionally deleted;
- (6) Service drops;
- (7) Signs listed as exempt in Section 10.27,J; and
- (8) Water crossings of minor flowing waters.

c. Uses Requiring a Permit

The following uses may be allowed within P-~~FW subdistricts~~FWM zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- (2) Agriculture management activities;
- (3) Campsites;
- (4) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (5) Filling and grading;
- (6) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (7) Level B road projects;
- (8) ~~Major home occupations, except in those plantations and townships listed in Section 10.23,D,3,d;~~Intentionally deleted;
- (9) Shoreland alterations, including temporary docking structures, and on-shore structures used to secure docks and moorings, except as provided for in Section 10.23,D,3,a; but excluding marinas, permanent docking structures, water access ways, trailered ramps, and hand-carry launches;
- (10) Signs other than those listed as exempt in Section 10.27,J;
- (11) Timber harvesting and land management roads for which agreement cannot be reached pursuant to Section 10.23,D,3,b;
- (12) Utility facilities excluding service drops;
- (13) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D; water crossings of bodies of standing water and of major flowing waters;
- (14) Other structures, uses or services that are essential for uses listed in Section 10.23,D,3,a through c; and
- (15) Other structures, uses, or services which the Commission determines are consistent with the purposes of this ~~subdistrict~~zone and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

d. Special Exceptions

The following uses may be allowed within P-~~FW subdistricts~~FWM zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the ~~subdistrict~~zone with which it is incompatible; and (c) such other conditions are met that

the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Driveways;
- (2) Level B mineral exploration activities;
- (3) Level C road projects;
- (4) ~~Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:~~ Intentionally deleted;
 - ~~–Dallas Plantation,~~
 - ~~–Rangeley Plantation,~~
 - ~~–Sandy River Plantation.~~
- (5) Mineral extraction for road purposes involving one (1) to 5 acres of land;
- (6) Permanent docking structures, and permanent on-shore structures used to secure docks and moorings, water-access ways, trailered ramps, and hand-carry launches;
- (7) ~~Single family detached dwelling units; and~~ Intentionally deleted; and
- (8) Water impoundments.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-~~FW subdistricts~~ FWM zones.

{Field of type:-
"EMBED"}

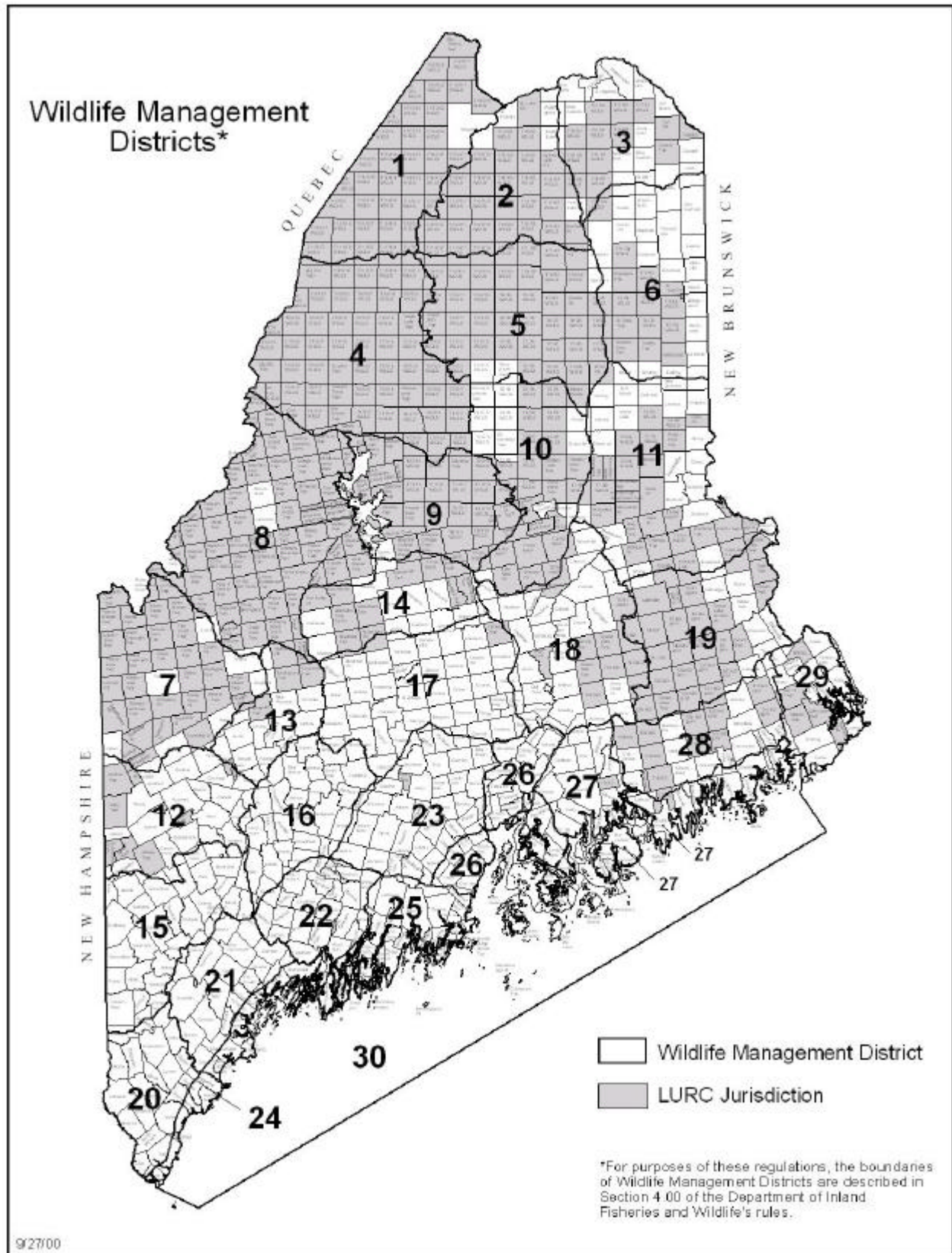


Figure 10.23,D-1 Wildlife Management Districts.

~~10.23.E (P-GP)~~

E. GREAT POND PROTECTION ~~SUBDISTRICT (P-GP)~~ ZONE – MOOSEHEAD LAKE REGION CONCEPT PLAN (P-GPM)

1. Purpose

The purpose of the P-~~GP-subdistrict~~GPM zone is to regulate residential and recreational development on Great Ponds to protect water quality, recreation potential, fishery habitat, and scenic character.

2. Description

Areas within 250 feet of the normal high water mark, measured as a horizontal distance landward of such high water mark, of those bodies of standing water 10 acres or greater in size.

3. Land Uses**a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-~~GP-subdistricts~~GPM zones:

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (5) Surveying and other resource analysis;
- (6) Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use;
- (7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (8) Wildlife and fishery management practices.

b. Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-~~GP-subdistricts~~GPM zones subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities;
- (2) Commercial hand-carry launches;
- (3) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;

- (6) Land management roads, and water crossings of minor flowing waters;
- (7) Level A mineral exploration activities, including associated access ways;
- (8) Level A road projects;
- (9) Minor home occupations;

~~10.23,E (P-GP)~~

- (10) Public trailered ramps and public hand-carry launches;
- (11) Service drops;
- (12) Signs; and
- (13) Timber harvesting.

c. Uses Requiring a Permit

The following uses may be allowed within P-~~GP subdistricts~~GPM zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with non-residential uses; ~~driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;~~
- (5) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (6) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (7) Land management roads and water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (8) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- (9) Level B and C road projects, except for water crossings of minor flowing waters as provided for in Section 10.23,E,3,b;
- (10) Level B mineral exploration activities;
- (11) ~~Major home occupations, except in those plantations and townships listed in Section 10.23,E,3,d;~~Intentionally deleted;
- (12) Mineral extraction for road purposes no greater than 5 acres in size;
- (13) Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict zone;
- (14) ~~Residential: Single family dwellings;~~Intentionally deleted;
- (15) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (16) Signs which are not in conformance with the standards of Section 10.27,J;

- (17) Timber harvesting which is not in conformance with the standards of Section 10.24,E;
- (18) ~~10.23,E (P-GP)~~ Trailered ramps and hand-carry launches addressed in Section 10.23,E,3,b which are not in conformance with the standards of Section 10.27,L, commercial trailered ramps and private hand-carry launches;
- (19) Utility facilities other than service drops;
- (20) Water impoundments;
- (21) Other structures, uses, or services that are essential for uses listed in Section 10.23,E,3,a through c; and
- (22) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrictzone and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

d. Special Exceptions

The following uses may be allowed within P-~~GP-subdistricts~~GPM zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within this subdistrictzone with which it is incompatible; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) ~~Campgrounds;~~Intentionally deleted;
- (2) ~~Commercial sporting camps of up to 10,000 square feet in floor area for all principal buildings concerned;~~Intentionally deleted;
- (3) ~~Retail stores and restaurants with a gross floor area of no more than 2,000 square feet.~~Intentionally deleted.

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (4) ~~Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict;~~Intentionally deleted;

~~Dallas Plantation,
Rangeley Plantation,
Sandy River Plantation;~~

- (5) New or expanded permanent docking structures, water-access ways, and private trailered ramps; and
- (6) Peat extraction affecting an area less than 5 acres in size.

e. Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-~~GP-subdistricts~~GPM zones.

f. Water Quality Limiting Lakes

Water Quality Limiting Lakes shall be those bodies of standing water 10 acres or greater in size where the Commission determines from available information that the maximum number of allowable dwelling units, as determined by minimum shoreline frontage requirements for such water body, would give rise to a significant risk of increasing the phosphorus concentration of the water by 5 parts per billion or more.

~~10.23.E (P-GP)~~

With respect to future development, including subdivisions, near such water bodies, the Commission may impose additional and/or more protective standards with respect to clearing, frontage and setback requirements, sewage disposal, and other aspects of such development so as to reasonably assure that the above stated maximum allowable change in phosphorus concentration for such water bodies is not exceeded.

The methodology used to identify water quality limiting lakes is shown in Appendix A of this chapter.

~~10.23.F (P-GP2)~~

F. SEMI-REMOTE LAKE PROTECTION ~~SUBDISTRICT~~ZONE (P-GP2)

[This section has been deleted entirely.](#)

G. MOUNTAIN AREA PROTECTION ZONE – MOOSEHEAD LAKE REGION CONCEPT PLAN (P-MAM)

1. Purpose

The purpose of the P-GP2 subdistrict is to accommodate seasonal, recreational uses on lakes valued for their semi-remote character and determined to be suitable for limited development through a prospective planning process. This subdistrict is designed to site appropriate uses at a density and in a pattern of development that conserves the essential character of these lakes, and to accommodate traditional uses such as commercial sporting camps and public access. This subdistrict also provides a greater degree of certainty to both the landowners and the public as to the amount of development and conservation that will occur along certain lake shorelines.

2. Description

This subdistrict includes areas within 500 feet of the normal high water mark, measured as a horizontal distance, of those lakes listed below:

- Aziscohos Lake within Lincoln Plantation, Oxford County;
- Lower Richardson Lake, Township C, Oxford County.

The depth of this subdistrict may be deeper than 500 feet to allow development design in the project area that better meets the purpose of this subdistrict. Adjustments will only be made that do not increase the acreage of the project area by more than 10 percent or deviate from the uses allowed in this subdistrict.

Lakes classified as Management Class 3 or 7 may be included on this list only after analysis and review by the Commission through a prospective planning process.

Using Section 10.08 of these rules, the Commission shall designate areas for this subdistrict that are consistent with its purpose and suitable for supporting development when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's rules and regulations.

3. Land Uses

The provisions of the P-GP2 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

Development in this subdistrict will be for seasonal and recreational uses designed to conserve the shoreline character of these lakes and other values such as fisheries and solitude. Except where already in place or in locations near an existing three-phase line, utility facilities and service drops are not an allowed use in order to maintain the existing character and semi-remote experience.

a. Uses Allowed Without a Permit

~~The following uses shall be allowed without a permit from the Commission within P-GP2 subdistricts:~~

- ~~(1) — Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;~~

- ~~(2) Forest management activities, except for timber harvesting within 250 feet of the normal high water mark;~~
- ~~(3) Motorized vehicular traffic on roads and trails, and snowmobiling;~~
- ~~(4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;~~
- ~~(5) Surveying and other resource analysis;~~
- ~~(6) Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use;~~
- ~~(7) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and~~
- ~~(8) Wildlife and fishery management practices.~~

~~b. Uses Allowed Without a Permit Subject to Standards~~

~~The following uses shall be allowed without a permit from the Commission within P-GP2 subdistricts subject to the applicable requirements set forth in Sub-Chapter III:~~

- ~~(1) Agricultural management activities;~~
- ~~(2) Commercial hand carry launches;~~
- ~~(3) Creation, alteration, or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;~~
- ~~(4) Driveways associated with residential uses;~~
- ~~(5) Filling and grading;~~
- ~~(6) Land management roads, and water crossings of minor flowing waters;~~
- ~~(7) Level A mineral exploration activities, including associated access ways;~~
- ~~(8) Level A road projects;~~
- ~~(9) Minor home occupations;~~
- ~~(10) Public trailered ramps and commercial and public hand carry launches;~~
- ~~(11) Service drops within one half mile of three phase utility lines in existence as of January 1, 2001;~~
- ~~(12) Signs; and~~
- ~~(13) Timber harvesting within 250 feet of the normal high water mark.~~

~~c. Uses Requiring a Permit~~

~~The following uses may be allowed within P-GP2 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Section 10.23,F,3,f below and Sub-Chapter III:~~

- ~~(1) Agricultural management activities within 250 feet of the normal high water mark which are not in conformance with the standards of Section 10.27,A;~~
- ~~(2) Campgrounds;~~
- ~~(3) Campsites;~~

- ~~(4) Commercial sporting camps and other commercial recreational facilities up to 8,000 square feet of gross floor area for all principal buildings. Lodges may be built with or without permanent foundations;~~
- ~~(5) Creation, alteration, or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;~~

10.23,F (P-GP2)

- ~~(6) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;~~
- ~~(7) Filling and grading, which is not in conformance with the standards of Section 10.27,F and draining, dredging and alteration of the water table or water level for other than mineral extraction;~~
- ~~(8) Land management roads within 250 feet of the normal high water mark and water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D, and water crossings of bodies of standing water and of major flowing waters;~~
- ~~(9) Level 1 subdivisions for uses permitted in this subdistrict;~~
- ~~(10) Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;~~
- ~~(11) Level B and C road projects, except for water crossings of minor flowing waters, as provided for in Section 10.23,F,3,b;~~
- ~~(12) Level B mineral exploration activities;~~
- ~~(13) Mineral extraction affecting areas less than 2 acres in size, for road purposes;~~
- ~~(14) Non-commercial structures for scientific, educational and/or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this subdistrict;~~
- ~~(15) Public trailered ramps and commercial and public hand carry launches which are not in conformance with the standards of Section 10.27,L, commercial trailered ramps, and private hand carry launches;~~
- ~~(16) Rental cabins of up to 750 square feet of gross floor area without permanent foundations associated with campgrounds and other commercial recreational facilities;~~
- ~~(17) Residential: Single family seasonal dwellings without permanent foundations;~~
- ~~(18) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water access ways, trailered ramps, hand carry launches, and water crossings of minor flowing waters;~~
- ~~(19) Signs which are not in conformance with the standards of Section 10.27,J;~~
- ~~(20) Timber harvesting within 250 feet of the normal high water mark which is not in conformance with the standards of Section 10.27,E;~~
- ~~(21) Utility facilities within one half mile of existing three phase power lines existing as of January 1, 2001.~~
- ~~(22) Water impoundments;~~

- ~~(23) — Other structures, uses, or services that are essential for uses listed in Section 10.23,F,3,a through e; and~~
- ~~(24) — Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.~~

~~d. — **Special Exceptions**~~

~~The following uses may be allowed within P-GP2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that: (a) the use can be buffered from those other uses and resources within this subdistrict with which it is incompatible; (b) there is no alternative site that is both suitable to the proposed use and reasonably available to the applicant; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan.~~

~~(1) — New or expanded permanent docking structures, water access ways, and private trailered ramps.~~

~~e. — Prohibited Uses~~

~~All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-GP2 subdistricts.~~

~~f. — Allowed Densities~~

~~Parcels within the P-GP2 subdistrict that are in existence as of January 1, 2001 and that have more than 200 feet but less than 400 feet of shore frontage shall be allowed one dwelling unit provided that other applicable requirements are met.~~

~~All parcels within the P-GP2 subdistrict that have more than 400 feet of shore frontage may be further developed subject to the following requirements:~~

~~(1) — Maximum density of building units. Overall density within each lot shall be no greater than 1 dwelling unit, principal building, or rental cabin for every 400 feet of shoreline up to a maximum density of 13 units per mile of shoreline.~~

~~If physical constraints restrict the development potential of more than 50% of the shore frontage of a parcel, the maximum allowable number of building units per mile of shoreline shall be reduced to one per 200 feet of shoreline that is not constrained. Constraints shall include slopes greater than 15%; wetlands; wildlife habitat such as deer wintering areas, eagle or loon nesting areas; habitat for rare or endangered plant and animals; unique natural communities and natural areas; and historic and archeological resources.~~

~~(2) — Building units and density. For the purpose of determining density the following structures shall count as individual building units:~~

- ~~(a) — single family seasonal dwelling units;~~
- ~~(b) — rental cabins associated with campgrounds, sporting camps, or other commercial recreational facilities;~~
- ~~(c) — sporting camp lodges or other commercial recreational base lodge facilities containing three or fewer rental rooms; and~~
- ~~(d) — campgrounds.~~

~~Individual campsites, public and private trailered ramps, permanent docking facilities and water access ways, and non-commercial structures for scientific, educational and/or nature observation purposes shall not count as building units for the purposes of calculating allowable densities. Each set of up to three additional rental rooms, at sporting camp lodges or other commercial recreational base lodge facilities with more than three rental rooms, shall count as an additional unit.~~

~~(3) — Phosphorous control. All development shall be designed in accordance with the most current version of the Department of Environmental Protection’s “Phosphorous Control in Lake Watersheds: A Technical Guide to Evaluating New Development.” Development density shall conform to the requirements of this manual.~~

~~(4) — Extent of shoreline to be conserved. At least 50 percent of a landowner's ownership on a shoreline shall be conserved to a depth of 500 feet or the depth of the lot, whichever is less, and set aside as open space according to the provisions of Section 10.25,S. The area to be conserved shall be located so that it will create large and contiguous blocks of open space and/or to conserve sensitive resources and areas used traditionally by the public. This conservation of shoreline shall not affect the amount of development allowed under the maximum density provision above.~~

~~(5) — Build out rate. No more than 20 individual units may be constructed in any ten year period per lot of record as of the date of adoption of these rules, except that credit for unbuilt units may be carried over to the following time period where a maximum of 40 building units in any 10-year period may be developed.~~

~~(6) — Required buffer. No structural development shall be allowed within a ¼ mile radius of any commercial sporting camp, campground, or group of rental cabins associated with a commercial sporting camp or campground. Individual campsites are excluded from this buffering requirement.~~

~~— The buffer shall extend from the edge of the principal building, dwelling unit, rental unit, or campsite that is closest to any adjacent use.~~

~~g. — **Other development considerations**~~

~~(1) — Campground, campsite, and rental cabin management. All such facilities offered for rent shall be managed and supervised by an attendant who provides regular and routine oversight.~~

G. ~~MOUNTAIN AREA PROTECTION SUBDISTRICT (P-MA)~~

1. ~~Purpose~~ ~~The purpose of the P-MA subdistrict~~ MAM zone is to regulate certain land use activities in mountain areas in order to preserve the natural equilibrium of vegetation, geology, slope, soil and climate in order to reduce danger to public health and safety posed by unstable mountain areas, to protect water quality, and to preserve mountain areas for their scenic values and recreational opportunities.

• **Description**

- Areas above 2,700 feet in elevation, except where the Commission determines from substantial evidence presented to it that designation otherwise would not jeopardize significant natural, recreational or historic resources and where such other designation would be consistent with the purpose, intent and provisions of the Comprehensive Land Use Plan and 12 M.R.S.A. §206-A.

Evidence submitted for consideration in determining whether areas above 2,700 feet in elevation should not be included in a P-~~MA subdistrict~~ MAM zone shall include the following:

- Proof that the area meets the definition of the ~~subdistrict~~ zone in which it is proposed to be placed;
- A soils map showing soil type or soil group names, and a description of their characteristics, demonstrating that the area possesses the following soil conditions:
 - Depth to bedrock of 20" or more,
 - Well or moderately well drained,
 - Slope of less than 25%,
 - A mature soil profile, and
 - Nutrient content and pH status proper to encourage the establishment of vegetation.
- A topographic map indicating the area to be excluded from the P-~~MA subdistrict~~ MAM zone;
- A description of scenic conditions and recreational opportunities which shows that there are no areas of scenic value or recreational opportunity which will be unreasonably impaired by excluding such area from the P-MA ~~subdistrict~~ zone;
- A description of the land use history of the area; and
- Other information pertinent to the suitability of the area, pursuant to 12 M.R.S.A. §685-B(4) for the specific use proposed.

- Mountain areas the Commission identifies below 2,700 feet in elevation when vegetative cover, geology, degree of slope, soil type, and climatic conditions indicate the need to protect such areas in order to achieve the purpose of the P-MA ~~subdistrict~~ zone.

Evidence submitted for consideration in determining whether areas below 2,700 feet in elevation should be included in a P-~~MA subdistrict~~ MAM zone shall include the following:

- A soils map showing soil types or groups and a description of their characteristics demonstrating that the area possesses the following soil conditions:
 - Depth to bedrock of less than 20",
 - Less than moderately well drained,
 - Slope of 25% or greater,
 - Soil profile which is not mature, and
 - Nutrient content and pH status not conducive to the establishment of vegetation.
- A topographic map indicating the area to be included in the P-~~MA-subdistrict~~MAM zone;
- A description of scenic conditions and recreational opportunities in the area which demonstrates that the same should be included in the P-~~MA-subdistrict~~MAM zone;
- A description of the land use history of the area; and
- Other information pertinent to the suitability of the area for inclusion in P-~~MA-subdistrict~~MAM zone.

10.23,G (P-MA)

● Land Uses

○ Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-~~MA-subdistricts~~MAM zones:

- Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- Forest and agricultural management activities, except for timber harvesting;
- Motorized vehicular traffic on roads and trails, and snowmobiling;
- Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- Surveying and other resource analysis; and
- Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use; and
- Wildlife and fishery management practices.

○ Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-~~MA-subdistricts~~MAM zones, subject to the applicable requirements set forth in Sub-Chapter III:

- Level A mineral exploration activities, excluding associated access ways;
- Level A road projects;
- Service drops; and
- Signs listed as exempt in Section 10.27,J.

○ Uses Requiring a Permit

The following uses may be allowed within P-~~MA-subdistricts~~MAM zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- Campsites;
- Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- Filling, grading, draining, and altering the water table or water level for other than mineral extraction; 10.23,G (P-MA)
- Land application of septage, sludge and other residuals, and related storage and composting activities;
- Land management roads and water crossings;
- Level B road projects;
- Signs other than those listed as exempt in Section 10.27,J;
- Timber harvesting;
- Trails;
- Water impoundments;
- Other structures, uses, or services that are essential for exercise of uses listed in Section 10.23,G,3,a through c; and
- Other structures, uses, or services which the Commission determines are consistent with the purposes of this ~~subdistrict~~zone and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

○ **Special Exceptions**

The following uses may be allowed within P-~~MA-subdistricts~~MAM zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10) and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within this ~~subdistrict~~zone with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- Driveways;
- Level B mineral exploration activities;
- Level C road projects;
- Structures relating to downhill skiing and other mountain related recreation facilities; and
- Utility facilities.

○ **Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-~~MA-subdistricts~~MAM zones.

4. RESOURCE PLAN PROTECTION SUBDISTRICT (P-RP)

The entire Plan Area is rezoned as a P-RP subdistrict.

RECREATION PROTECTION ZONE – MOOSEHEAD LAKE REGION CONCEPT PLAN (P-RRM)

• Purpose

~~The purpose of the P-RRM subdistrict is to provide for the more efficient and effective management of single or multiple protection subdistricts (and in some cases adjoining management subdistricts) than can be realized through the use of other protection subdistricts and their related standards. Resource Plans for such areas that are consistent with the requirements of Section 10.23, H, 2 through 9 below may be submitted to the Commission for review, and upon approval, such areas shall be designated as P-RRM subdistricts.~~

~~“Concept plans,” as outlined in the Comprehensive Land Use Plan, are included under the purpose of this subdistrict.~~

2. Description

~~P-RRM subdistricts shall be designated in areas where the Commission has approved a Resource Plan that:~~

- ~~a. Incorporates standards, which, taken as a whole, are at least as protective of the natural environment as those standards which would otherwise be applicable; and~~
- ~~b. Establishes procedures that reduce the need for repetitious permit applications to the Commission; and~~
- ~~c. Complies with the criteria established below for their review; and~~
- ~~d. Has as its primary purpose the protection of those resources in need of protection or, in the case of concept plans, includes in its purpose the protection of those resources in need of protection.~~

3. Permitted Uses

~~Unless the Commission otherwise provides in approving the Resource Plan, those uses that are specified in the approved Resource Plan shall be allowed without a permit. The Commission may approve the creation of a subdivision within the context of a Resource Plan approved by the Commission without the need for rezoning to a development subdistrict provided such subdivision is consistent with the purpose and intent of this subdistrict.~~

4. Ownership

~~Before the Commission shall consider an application, the applicant shall submit proof that he owns or leases the area for which the Resource Plan is proposed.~~

5. Application Procedures

~~All P-RRM subdistrict applications shall include at least the following information:~~

- ~~a. A statement of how the proposed Resource Plan conforms with the purpose of this subdistrict and what objectives will be achieved by the proposed redistricting;~~
- ~~b. A copy of an existing district map on which the area of the proposed P-RP subdistrict is clearly shown;~~

- ~~c. A description of the management procedures, conservation easements, covenants, agreements or other formalized procedures that the applicant proposes to use to replace the restrictions and regulations that currently apply. The description shall specify how the Resource Plan achieves equal or better protection of resources in the area than the subdistrict(s) which would otherwise apply;~~
- ~~d. A copy of all those formal procedures and agreements that will ensure the continued protection of the resources; and~~
- ~~e. A statement that specifies the expiration date (if any) of the proposed Resource Plan, and of the procedures the applicant may wish to use to extend the provisions thereof.~~

When the Resource Plan application involves structural development, it shall include, in addition to (a) through (e) above:

- ~~f. Forms, plans, and exhibits as are required by the Commission;~~
- ~~g. Evidence that the proposal will conform with 12 M.R.S.A. §685 B; and~~
- ~~h. A covenant stating that no subdivision of the designated area will take place, except as approved by the Commission as part of an approved concept plan.~~

~~6. Criteria for Review~~

~~The Commission may approve a Resource Plan and any associated redistricting only if it finds that all of the following criteria are satisfied:~~

- ~~a. The plan conforms with redistricting criteria;~~
- ~~b. The plan conforms, where applicable, with the Commission's Land Use Districts and Standards;~~
- ~~c. The plan conforms with the Commission's Comprehensive Land Use Plan;~~
- ~~d. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts which it replaces. In the case of concept plans, this means that any development gained through any waiver of the adjacency criteria is matched by comparable conservation measure;~~
- ~~e. The plan has as its primary purpose the protection of those resources in need of protection, or, in the case of concept plans, includes in its purpose the protection of those resources in need of protection;~~
- ~~f. In the case of concept plans, the plan strikes a reasonable and publicly beneficial balance between appropriate development and long term conservation of lake resources; and~~
- ~~g. In the case of concept plans, conservation measures apply in perpetuity, except where it is demonstrated by clear and convincing evidence that other alternative conservation measures fully provide for long term protection or conservation.~~

~~7. Approval or Denial of Resource Plan~~

~~The Commission, after staff review and recommendation, shall approve or deny the redistricting application. If the Resource Plan proposal contemplates structural development, except as provided in Section 10.23.H.3, the Commission may simultaneously with its approval of the P-RP subdistrict, grant, grant with conditions, or deny, applications for such permits as are required for structural development.~~

~~Upon approval of the Resource Plan, a P-RP subdistrict shall be designated on the official Land-Use Guidance Map and recorded in accordance with the provisions of Section 10.04.~~

~~8. Duration of Plan~~

~~The provisions of an approved and recorded Resource Plan shall apply for the duration of the approved time period, except that any conservation measures taken to strike a reasonable and publicly beneficial balance in a lake concept plan shall continue to apply to the extent that they are covered by legal contract, deeded covenants, permit requirements, or other legal instruments. The Resource Plan shall be for a minimum of 10 years and may be extended upon approval of the Commission and the applicant. The Resource Plan shall become invalidated if the provisions therein are not complied with.~~

~~At the termination of a plan, the Commission will, in conformity with its comprehensive plan, statutes, and standards, designate appropriate zoning which is reasonably consistent with zoning of equivalent areas. Any variation from existing regulations or development occurring as a result of a resource plan cannot be used to justify a subsequent re-zoning, to meet adjacency requirements, or to otherwise change the zoning on property either within or outside the resource plan area upon its expiration.~~

~~In the event that a plan is terminated, all transactions initiated as a component of the plan, including without limitation, the granting of conservation easements or restrictive covenants on subdivided lands will continue to apply to the extent that they are covered by legal contract, deeded covenants, permit or other legal requirements.~~

~~9. Amendments~~

~~Proposed amendments to the Resource Plan shall be made in writing to the Commission. An amendment shall be granted provided it meets the criteria for review listed in Section 10.23,H,6 above. An increase in the size of a P-RP subdistrict may be allowed by amendment, upon approval of the Commission, provided that the Resource Plan is amended to include such expanded area.~~

P-RP ZP	Resource Protection /Concept Plan Applicant(s)	Effective Date Plan Amendments	Expiration Date Comments
001 089	Dix Island Multiple landowners	04/02/1977 Amended 01/23/2003	No Expiration Date
002 057	Hewett Island Multiple landowners	05/24/1978	No Expiration Date
003 192, 654	Penobscot River (expired) Multiple landowners	07/02/1981 Amended 05/31/2001 Amended 06/27/2002	01/08/2003 East Branch renewed (see P-RP 010) Lower West Branch renewed (see P-RP 011)
004 224	St. John River Multiple landowners	09/30/1982 Amended 09/04/1992 Amended 08/29/2002	08/29/2012
005 155	White Mountain National Forest U.S. Forest Service	10/04/1979 Amended 04/03/1992 Amended 11/29/2001	12/31/2005
006 531	Metinic Island—North Half Multiple landowners	09/04/1992	09/04/2012
007 532	Attean Twp. and Dennistown Plt.* Lowell & Co. Timber Associates	07/01/1993 Amended 01/11/1994 Amended 04/15/1994 Amended 02/05/1999	07/01/2023
008 578	Metinic Island—South Half Multiple landowners	08/05/1994	08/05/2014
009 659	First Roach Pond* Plum Creek Land Co.	01/24/2002 Amended 05/20/2003	01/24/2022
010 664	Penobscot River—East Branch Irving Woodlands LLC	06/27/2002	06/27/2012
011 671	Penobscot River—Lower West Branch Multiple landowners	12/26/2002	12/26/2022
012 682	Brassua Lake* Moosehead Wildlands, Inc.	01/29/2004	01/29/2024
013 693	Whetstone, Foss and Hilton Ponds* Linkletter & Sons, Inc.	05/19/2005	05/19/2020

Table 10.23,H-1 List of Commission approved Resource/Concept Plans. The designated P-RP numbers appear within the appropriate P-RP subdistricts on the Commission Land Use Guidance Maps. The ZP numbers refer to the Zoning Petitions associated with each Resource Plan.

* Approved under the P-RP standards as a concept plan.

10.23.H (P-RP)

Figure 10.23.H-1 Locations of Commission approved Resource/Concept Plans in effect as of January 2004. The designated P-RP numbers appear within the appropriate P-RP subdistricts on the Commission's Land Use Guidance Maps.

~~I. RECREATION PROTECTION SUBDISTRICT (P-RR)~~

- ~~1. Purpose~~ ~~The purpose of the P-RR subdistrict~~ RRM zone is to provide protection from development and intensive recreational uses to those areas that currently support, or have opportunities for, unusually significant primitive recreation activities. By so doing, the natural environment that is essential to the primitive recreational experience will be conserved.

• Description

~~P-RR~~ RRM: Trails, and areas surrounding bodies of standing and flowing water and other areas which the Commission identifies as providing or supporting unusually significant opportunities for primitive recreational experiences.

Bodies of standing water so classified include, but are not limited to, those found to meet the definition of Management Class 1 or Management Class 6 Lakes.

In the case of Management Class 1 Lakes, the Protection District shall extend 1/4 mile out from and around the water body; in the case of Management Class 6 Lakes, the Protection District shall extend 1/2 mile out from and around the water body; and in the case of trails and flowing water, the Protection District shall extend 250 feet on each side of the trail or flowing water, measured from the center of the trail or the normal high water mark of the water, provided that such distance may be decreased where a lesser distance will satisfy the purpose of this ~~subdistrict~~ zone. The extent, as delineated above, of any ~~P-RR subdistrict~~ RRM zone may be increased upon land owner agreement.

The river segments within the Commission's jurisdiction identified as meriting special protection in the Governor's Executive Order on Maine Rivers Policy, issued July 6, 1982, based upon the 1982 Maine Rivers Study of the Department of Conservation, shall qualify as flowing water appropriate for protection within this ~~subdistrict~~ zone.

• Land Uses

○ Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within ~~P-RR subdistricts~~ RRM zones:

- Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- Motorized vehicular traffic and snowmobiling with the following exceptions:
 - in the instance of trails designated as P-RR, such traffic and snowmobiling is allowed only on those portions of such trails which are located within the right-of-way of a roadway or utility line;
 - within any ~~P-RR subdistrict~~ RRM zone surrounding a body of standing water, such traffic is allowed only in connection with forest or agricultural management activities or in connection with access to and use of existing remote camps; but snowmobiling shall be allowed in such ~~subdistrict~~ zone;

10.23.I(P-RR)

- Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- Surveying and other resource analysis;
- Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use;
- Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- Wildlife and fishery management practices.

○ **Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within ~~P-RR-subdistricts~~-RRM zones, subject to the applicable requirements set forth in Sub-Chapter III:

- Forest and agricultural management activities, except for timber harvesting in ~~P-RR-subdistricts~~-RRM zones established to protect a trail. Timber harvesting in a ~~P-RR-subdistrict~~RRM zone established to protect a flowing water shall be carried out in compliance with the standards for timber harvesting in ~~P-SL1-subdistricts~~M zones as set forth in Section 10.27,E. Skid trails, skid roads, and winter haul roads in ~~P-RR-subdistricts~~RRM zones established to protect a body of standing water shall be discontinued, gated, obstructed or otherwise made impassable to two wheel drive vehicles upon completion of timber harvesting, provided that, wherever such approval is legally required, the Maine Forest Service approves discontinuation of such road, which approval the owner shall request;
- Land management roads provided:
 - the Commission is notified (according to Section 10.16) in advance of commencing construction on the road;
 - the road, if in ~~P-RR-subdistricts~~RRM zones around a body of standing water, shall be located no closer than 1,000 feet from the normal high water mark of the water body so zoned. The road shall be discontinued, gated, obstructed, or otherwise made impassable to two wheel drive vehicles within three years of construction of the road, provided that, wherever such approval is legally required, the Maine Forest Service approves discontinuation of such road, which approval the owner shall request;
 - the road, if located in a ~~P-RR-subdistrict~~RRM zone established to protect a trail, follows the shortest practicable route in traversing such ~~subdistricts~~zones;
 - the road, if located in a ~~P-RR-subdistrict~~RRM zone established to protect a flowing water, follows the shortest practicable route in traversing such ~~subdistrict~~zone and is built in compliance with the road standards for ~~P-SL1-subdistricts~~M zones as set forth in Section 10.27,D;
- Level A mineral exploration activities, including associated access ways, provided that such access ways located in ~~P-RR-subdistricts~~RRM zones established to protect bodies of standing water shall be discontinued, gated, obstructed or otherwise made impassable to two wheel drive vehicles upon completion of the mineral exploration activity, further provided that, when

approval for such is legally required, the Maine Forest Service approves the discontinuance of such access ways, which approval the operator shall request;

- Level A road projects;
- (1) Mineral extraction for road purposes in P-~~RR-subdistricts~~RRM zones established to protect flowing water, provided that such activity:

10.23.I(P-RR)

- (a) is not visible from the flowing water which the P-~~RR-subdistrict~~RRM zone was established to protect;
- (b) avoids use of the P-~~RR-subdistrict~~RRM zone, except where necessary to provide gravel for local land management operations where alternative sources are unavailable or impractical; and
- (c) does not exceed 2 acres in size;
- (2) Service drops;
- (3) Skid trails, skid roads, and winter haul roads in P-~~RR-subdistricts~~RRM zones established to protect a trail or flowing water, provided the skid trail or road follows the shortest practicable route in traversing such ~~subdistrict~~zone and traverses such ~~subdistrict~~zone the fewest number of times practicable;
- (4) Signs listed as exempt in Section 10.27,J; and
- (5) Water crossings of minor flowing waters, except as provided in Section 10.23,I,3,c below.

c. Uses Requiring a Permit

The following uses may be allowed within P-~~RR-subdistricts~~RRM zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III.

- (1) Campsites;
- (39) Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- (40) Land application of septage, sludge and other residuals, and related storage and composting activities;
- (41) Land management roads which are not in conformance with the standards of Section 10.23,I,3,b. In the case of P-~~RR-subdistricts~~RRM zones around bodies of standing water, the Commission shall, among other factors, consider the following:
 - (a) whether there is any reasonable alternative route for the road;
 - (b) whether reasonable and adequate provisions will be made by the applicant to make the road impassable to two wheel drive vehicles following termination of the road's use; and
 - (c) whether the construction and use of the road will adversely affect the resources protected by the P-~~RR-subdistrict~~RRM zone;
- (42) Level A mineral exploration activities, including associated access ways, which are not in conformance with Section 10.23,I,3,b or Section 10.27,C;
- (43) Level B road projects;
- (44) Mineral extraction for road purposes less than 5 acres in size, except as provided for in Section 10.23,I,3,b above, in P-~~RR-subdistricts~~RRM zones established to protect flowing water;
- (45) Shoreland alterations, including permanent on-shore structures used to secure docks and moorings, but excluding marinas, permanent docking structures, water-access ways, trailered ramps, and hand-carry launches;
- (46) Signs other than those listed as exempt in Section 10.27, J;
- (47) Timber harvesting in P-~~RR-subdistricts~~RRM zones established to protect a trail, timber harvesting in P-~~RR-subdistricts~~RRM zones established to protect a flowing water which is not in conformance with the standards for timber harvesting in P-SL1 ~~subdistricts~~zones as set forth in Section 10.27,E;

- (48) Water crossings of major flowing waters; water crossings of all flowing waters surrounded by a P-~~RR-subdistrict~~RMM zone established to protect such waters;

10.23.I(P-RR)

- (49) Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,I,3,a through c; and
- (50) Other structures, uses or services which the Commission determines are consistent with the purpose of this ~~subdistrict~~zone and of the Comprehensive Land Use Plan and are not detrimental to the uses or resources they protect.

d. Special Exceptions

The following uses may be allowed within P-~~RR-subdistricts~~RRM zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the ~~subdistrict~~zone with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Filling and grading;
 - a. Level B mineral exploration activities;
 - b. Level C road projects;
 - c. Mineral extraction for road purposes, except as provided in Sections 10.23,I,3,b and c above;
 - d. Permanent docking structures, water-access ways, hand-carry launches, and public trailered ramps on rivers and streams zoned P-RR to protect flowing waters; and
 - e. Utility facilities other than service drops.

e. Prohibited uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-~~RR-subdistricts~~RRM zones.

5. SPECIAL RIVER TRANSITION PROTECTION ~~SUBDISTRICT~~ZONE (P-RT)

~~1. Purpose~~

~~The purpose of the P-RT subdistrict is to protect the special resource values of the flowing waters and shorelands of Maine's outstanding river segments as defined in 12-M.R.S.A. §403, while allowing for responsible land management and compatible development in those communities situated as transition areas between unorganized townships and municipalities outside of the Commission's jurisdiction. Such areas are subject to different pressures and uses than those in less developed areas of the jurisdiction.~~

~~2. Description~~

~~Areas within 250 feet of special rivers as identified in The Maine Rivers Act, 12-M.R.S.A. §403, that are transition areas because they (a) are on the downstream ends of these rivers within the Commission's jurisdiction, and thus are situated between municipalities outside the Commission's jurisdiction and less developed upstream areas, and (b) have established communities and substantial development either on or proximate to the shoreline.~~

~~3. Land Uses~~

~~a. Uses Allowed Without a Permit~~

~~The following uses shall be allowed without a permit from the Commission within P-RT subdistricts:~~

- ~~(1) Emergency operations conducted for the public health, safety, or general welfare, such as resource protection, law enforcement, and search and rescue operations;~~
- ~~(2) Motorized vehicular traffic and snowmobiling;~~
- ~~(3) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;~~
- ~~(4) Surveying and other resource analysis;~~
- ~~(5) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and~~
- ~~(6) Wildlife and fishery management practices.~~

~~b. Uses Allowed Without a Permit Subject to Standards~~

~~The following uses shall be allowed without a permit from the Commission within P-RT subdistricts, subject to the applicable requirements set forth in Sub-Chapter III:~~

- ~~(1) — Driveways associated with residential uses;~~
- ~~(2) — Forest and agricultural management activities provided they are carried out in compliance with the standards for timber harvesting in P-SL1 subdistricts as set forth in Section 10.27,E;~~
- ~~(3) — Level A mineral exploration activities, including associated access ways;~~
- ~~(4) — Level A road projects;~~
- ~~(5) — Mineral extraction from existing pits for road purposes, provided that such activity:~~

- ~~(a) — is not visible from the flowing water which the P-RT subdistrict was established to protect;~~
- ~~(b) — avoids use of the P-RT subdistrict, except where necessary to provide gravel for local land management operations where alternative sources are unavailable or impractical; and~~
- ~~(c) — does not exceed 2 acres in size;~~
- ~~(6) — Minor home occupations;~~
- ~~(7) — Service drops;~~
- ~~(8) — Skid trails, skid roads, and winter haul roads, provided the skid trail or road follows the shortest practicable route in traversing the subdistrict and traverses the subdistrict the fewest number of times practicable;~~
- ~~(9) — Signs listed as exempt in Section 10.27,J; and~~
- ~~(10) — Water crossings for trails, skid trails, skid roads, and winter haul roads of minor flowing waters in P-RT subdistricts, except where P-RT subdistricts have been established specifically to protect such waters and their shorelands as provided in Section 10.23,J,3,c.~~

~~e. — Uses Requiring a Permit~~

~~The following uses may be allowed within P-RT subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:~~

- ~~(1) — Campsites;~~
- ~~(2) — Creation, alteration or maintenance of constructed ponds which are not fed or drained by a flowing water;~~
- ~~(3) — Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;~~
- ~~(4) — Filling and grading;~~
- ~~(5) — Land application of septage, sludge and other residuals, and related storage and composting activities;~~
- ~~(6) — Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;~~
- ~~(7) — Land management roads provided:

 - ~~(a) — no reasonable alternative route outside of the P-RT subdistrict exists;~~
 - ~~(b) — they are set back as far as practicable from the normal high water mark;~~
 - ~~(c) — they follow the shortest practicable route in traversing the subdistrict;~~
 - ~~(d) — they are screened from the river by existing vegetation; and~~
 - ~~(e) — they are built in compliance with the road standards for P-SL1 subdistricts as set forth in Section 10.27,D;~~~~
- ~~(8) — Level B road projects provided that such roads are set back as far as practicable from the normal high water mark and screened from the river by existing vegetation;~~

- ~~(9) Major home occupations, except in those plantations and townships listed in Section 10.23,J,3,d;~~
- ~~(10) Mineral extraction from existing pits less than 5 acres in size for road purposes, except as provided for in Section 10.23,J,3,b;~~
- ~~(11) Mineral extraction from new sites for road purposes less than 5 acres in size when the developer demonstrates that no reasonable alternative mining sites exist outside of the P-RT subdistrict. When new sites must be located within the P-RT subdistrict, they shall be set back as far as practicable from the normal high water-~~

- mark and no less than 75 feet and shall be screened from the river by existing vegetation;
- (12) ~~Residential: Single family dwellings, provided the setback from the normal high water mark is a minimum of 125 feet;~~
 - (13) ~~Shoreland alterations, including temporary docking structures and on-shore structures used to secure docks and moorings for non-commercial use; but excluding marinas, permanent docking structures, water accessways, trailered ramps, and hand-carry launches;~~
 - (14) ~~Signs other than those listed as exempt in Section 10.27,J;~~
 - (15) ~~Timber harvesting in P-RT subdistricts which is not in conformance with the standards for timber harvesting in P-SL1 subdistricts as set forth in Section 10.27,E;~~
 - (16) ~~Water crossings for skid trails, skid roads and winter haul roads of minor flowing waters surrounded by a P-RT subdistrict established specifically to protect such waters and their shorelands and water crossings of major flowing waters;~~
 - (17) ~~Other structures, uses or services that are essential for the exercise of uses listed in Sections 10.23,J,3,a through c; and~~
 - (18) ~~Other structures, uses or services which the Commission determines are consistent with the purpose of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the uses or resources they protect.~~

~~d. Special Exceptions~~

~~The following uses may be allowed within P-RT subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:~~

- (1) ~~Level B mineral exploration activities;~~
- (2) ~~Level C road projects, provided that:~~
 - (a) ~~no reasonable alternative route outside of the P-RT subdistrict exists and that;~~
 - (b) ~~such roads are set back as far as practicable from the normal high-water mark; and~~
 - (c) ~~they are screened from the river by existing vegetation;~~
- (3) ~~Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict:~~
 - ~~–Dallas Plantation;~~
 - ~~–Rangeley Plantation;~~
 - ~~–Sandy River Plantation;~~

- ~~(4) Permanent docking structures, water access ways, public trailered ramps, and hand carry launches on rivers and streams zoned P-RT; and~~
- ~~(5) Utility facilities other than service drops.~~

~~e. **Prohibited Uses**~~

~~All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-RT subdistricts.~~

~~10.23.K (P-SG)~~

This section has been deleted entirely.

6. **SOILS AND GEOLOGY PROTECTION ~~SUBDISTRICTS (P-SG) ZONES – MOOSEHEAD LAKE REGION CONCEPT PLAN (P-SGM)~~**

• Purpose

The purpose of the P-~~SG subdistrict~~SGM zone is to protect areas that have precipitous slopes or unstable characteristics from uses or development that can cause accelerated erosion, water sedimentation, mass movement, or structural damage, all of which could cause public danger or threaten public health.

• Description

Areas, 10 acres or more in size, identified by the Commission as having average slopes greater than 60 percent, or areas, 10 acres or more in size, identified by the Commission as having unstable soil which, due to a combination of slope, vegetation, soil type and underlying geology, are subject to accelerated erosion or mass movement.

• Land Uses

○ Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-~~SG subdistricts~~SGM zones:

- Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- Forest management activities, excluding timber harvesting;
- Motorized vehicular traffic on roads and trails, and snowmobiling;
- Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- Surveying and other resource analysis; and
- Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use; and
- Wildlife and fishery management practices.

○ Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-~~SG subdistricts~~SGM zones, subject to the applicable requirements set forth in Sub-Chapter III:

- Agricultural management activities;
- Level A mineral exploration activities, excluding associated access ways;
- Level A road projects;
- Service drops; and
- Signs.

10.23.K (P-SG)

○ **Uses Requiring a Permit**

The following uses may be allowed within P-~~SG-subdistricts~~SGM zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- Filling and grading, draining, dredging, and alteration of the water table or level for other than mineral extraction;
- Land management roads and water crossings;
- Level B and C road projects;
- Level B mineral exploration activities;
- Mineral extraction for road purposes not to exceed 30 acres in size provided the unreclaimed area is less than 15 acres;
- Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, and boat ramps and ways;
- Signs which are not in conformance with the standards of Section 10.27,J;
- Timber harvesting;
- Trails;
- Utility facilities, except service drops;
- Water impoundments;
- Other structures, uses, or services that are essential for the exercise of uses listed in Section 10.23,K,3,a through c; and
- Other structures, uses or services which the Commission determines are consistent with the purposes of this ~~subdistrict~~zone and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

○ **Special Exceptions**

The following uses may be allowed within P-~~SG-subdistricts~~SGM zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- ~~Driveways.~~

○ **Prohibited Uses**

All uses not expressly allowed, with or without a permit, or by special exception, shall be prohibited in P-~~SG subdistricts~~SGM zones.

~~10.23.L (P-SL)~~

7. **SHORELAND PROTECTION ~~P-SL~~ ZONE - MOOSEHEAD LAKE REGION CONCEPT PLAN (P-SLM)**

• **Purpose**

The purpose of the P-~~SL~~ subdistrict SLM zone is to regulate certain land use activities in certain shoreland areas in order to maintain water quality, plant, fish and wildlife habitat and in order to protect and enhance scenic and recreational opportunities.

• **Description**

P-SL1M: Areas within 250 feet of the normal high water mark, measured as horizontal distance landward of such high water mark, of (a) tidal waters, and (b) flowing waters downstream from the point where such waters drain 50 square miles or more.

P-SL2M: Areas within 75 feet, measured as a horizontal distance landward, of (a) the normal high water mark of stream channels upstream from the point where such channels drain 50 square miles; (b) the upland edge of those coastal and inland wetlands identified in Section 10.23,N,2,a,(1)(b) and (c) and (2) and (3); and (c) the normal high water mark of bodies of standing water less than 10 acres in size, but excluding bodies of standing water which are less than three acres in size and which are not fed or drained by a flowing water.

• **Land Uses**

= **Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within P-~~SL~~ subdistricts-SLM zones:

- i. Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- ii. Forest management activities, except for timber harvesting;
- iii. Motorized vehicular traffic on roads and trails, and snowmobiling;
- iv. Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- v. Surveying and other resource analysis;
- vi. Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use;
- vii. Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- viii. Wildlife and fishery management practices.

= **Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within P-~~SL~~ subdistricts-SLM zones subject to the applicable requirements set forth in Sub-Chapter III:

- i. Agricultural management activities;
- ii. Commercial hand-carry launches;

10.23,L (P-SL)

- iii. Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- iv. Driveways associated with residential uses;
- v. Filling and grading;
- vi. Land management roads, and water crossings of minor flowing waters;
- vii. Level A mineral exploration activities, including associated access ways;
- viii. Level A road projects;
- ix. Mineral extraction, affecting an area less than 2 acres, for road purposes;
- x. ~~Minor home occupations;~~ Intentionally deleted;
- xi. Public trailered ramps and public and commercial hand-carry launches;
- xii. Service drops;
- xiii. Signs;
- xiv. Timber harvesting; and
- xv. Water crossings of minor flowing waters.

== **Uses Requiring a Permit**

The following uses may be allowed within P-~~SL subdistricts~~ SLM zones upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

- i. ~~Campgrounds and campsites;~~ Campsites;
- ii. Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- iii. Driveways associated with non-residential uses; ~~driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;~~
- iv. Filling and grading, except as provided in Section 10.27,F and draining, dredging, and alteration of water table or water level for other than mineral extraction;
- v. Forest and agricultural management activities which are not in conformance with the standards of Section 10.27,A and cranberry cultivation;
- vi. Land application of septage, sludge and other residuals, and related storage and composting activities;
- vii. Land management roads, and water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D; water crossings of tidal waters, bodies of standing water, and of major flowing waters;
- viii. Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C;
- ix. Level B and C road projects, other than crossings of minor flowing waters as provided for in Section 10.23,L,3,b;
- x. Level B mineral exploration activities;
- xi. ~~Major home occupations, except in those plantations and townships listed in Section 10.23,L,3,d;~~ Intentionally deleted;
- xii. Mineral extraction for road purposes affecting an area of 2 to 5 acres in size and such activities affecting an area of less than 2 acres which are not in conformance with the standards of Section 10.27,C;

~~10.23.L (P-SL)~~

- xiii. Non-commercial structures for scientific, educational or nature observation purposes, which are not of a size or nature which would adversely affect the resources protected by this ~~subdistrict~~zone;
- xiv. Peat extraction affecting an area less than 5 acres in size;
- xv. ~~Residential: Single family dwellings;~~Intentionally deleted;
- xvi. Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- xvii. Signs which are not in conformance with the standards of Section 10.27,J;
- xviii. Trailered ramps and hand-carry launches addressed in Section 10.23,L,3,b which are not in conformance with the standards of Section 10.27,L, private hand-carry launches and commercial trailered ramps;
- xix. Utility facilities, excluding service drops;
- xx. Water impoundments;
- xxi. Other structures, uses or services that are essential for the exercise of uses listed in Section 10.23,L,3,a through c; and
- xxii. Other structures, uses or services which the Commission determines are consistent with the purposes of this ~~subdistrict~~zone and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

Special Exceptions

The following uses may be allowed within P-~~SL-subdistricts~~SLM zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the ~~subdistrict~~zone with which it is incompatible, and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- i. ~~Commercial sporting camps involving a total gross floor area of no more than 10,000 square feet for all principal buildings concerned;~~
~~and~~Intentionally deleted; and
- ii. Industrial and commercial structures of less than 8,000 square feet which rely on the water resource for their existence.

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- iii. ~~Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict;~~Intentionally deleted
~~-Dallas Plantation;~~
~~-Rangeley Plantation;~~
~~-Sandy River Plantation.~~

- iv. New or expanded permanent docking structures, water-access ways, and private trailered ramps.

Prohibited Uses

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-~~SL~~ subdistricts SLM zones.

8. UNUSUAL AREA PROTECTION ~~SUBDISTRICT (P-UA) ZONE – MOOSEHEAD LAKE~~ REGION CONCEPT PLAN (P-UAM)

● Purpose

The purpose of the P-~~UA subdistrict~~UAM zone is to protect areas of significant natural, recreational, historic, scenic, scientific or aesthetic value which are susceptible to significant degradation by man's activities, and for which protection cannot adequately be accomplished by inclusion in any of the other ~~subdistricts~~zones.

● Description

Areas identified by the Commission as important in preserving the historic, scenic, scientific, recreational, aesthetic or water resources of the region or State and which have special land management requirements which cannot adequately be accomplished within another ~~subdistrict~~zone, provided that the area is essential to the values sought to be preserved and is no larger than reasonable to protect such values. P-~~UA subdistricts~~UAM zones shall include, but are not limited to, historic or archeological sites or structures, scientific phenomena, natural areas, or important water supply sources. Federal and State Parks and lands, except for public reserved lots, that are not included in P-RP ~~subdistricts~~zones may be placed in this ~~subdistrict~~zone.

● Land Uses

○ Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-~~UA subdistricts~~UAM zones:

- Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- Forest management activities, except timber harvesting;
- Motorized vehicular traffic on roads and trails, and snowmobiling;
- Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- Surveying and other resource analysis;
- Temporary docking structures and temporary on-shore structures used to secure docks and moorings for non-commercial use;
- Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- Wildlife and fishery management practices.

○ Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-~~UA subdistricts~~UAM zones subject to the applicable requirements set forth in Sub-Chapter III:

- Agricultural management activities on Federal or State owned land;
- Campsites owned or operated by Federal or State agencies;
- Level A mineral exploration activities, excluding associated access ways; 10.23,M(P-UA)
- Level A road projects;
- ~~Minor home occupations;~~ Intentionally deleted:
- Public trailered ramps and public hand-carry launches;
- Service drops; and
- Signs listed as exempt in Section 10.27,J.

o **Uses Requiring a Permit**

The following uses may be allowed within P-~~UA subdistricts~~ UAM zones upon issuance of a permit from the Commission subject to the applicable requirements set forth in Sub-Chapter III:

- Access ways for Level A mineral exploration activities, and Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C;
- Agricultural management activities, except as provided for in Section 10.23,M,3,b;
- Campgrounds owned or operated by Federal or State agencies;
- Campsites except as provided for in Section 10.23,M,3,b;
- Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters;
- Driveways;
- Land application of septage, sludge and other residuals, and related storage and composting activities;
- Land management roads and water crossings;
- Level B road projects;
- Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, and hand-carry launches;
- Timber harvesting;
- Trailered ramps and hand-carry launches addressed in Section 10.23,M,3,b which are not in conformance with the standards of Section 10.27,L, and private and commercial hand-carry launches;
- Other structures, uses or services that are essential for the uses listed in Section 10.23,M,3,a through c; and
- Other structures, uses or services which the Commission determines are consistent with the purposes of this ~~subdistrict~~ zone and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

The following uses are allowed upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-B and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant can show by substantial evidence that the use is compatible with and will not detract from the values of the resources protected by the P-UA ~~subdistricts~~ zones:

- ~~Campgrounds except as provided for in Section 10.23, M, 3, d;~~ Intentionally deleted;
- Filling and grading;
- Level C road projects;

10.23.M (P-UA)

- ~~Major home occupations, except in those plantations and townships listed in Section 10.23, M, 3, d;~~ Intentionally deleted;
- Non-exempt signs;
- ~~Retail stores and restaurants with a gross floor area of no more than 1,000 square feet;~~ Intentionally deleted;
- ~~Single family dwelling units; and~~ Intentionally deleted; and
- Water impoundments.

○ **Special Exceptions**

The following uses may be allowed within P-~~UA-subdistricts~~ UAM zones as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict zone with which it is incompatible; and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- Level B mineral exploration activities;
- ~~Major home occupations in the following plantations and townships provided there is no suitable or reasonably available location in a development subdistrict;~~ Intentionally deleted;
 - ~~Dallas Plantation,~~
 - ~~Rangeley Plantation,~~
 - ~~Sandy River Plantation;~~
- Mineral extraction for road purposes affecting an area less than 5 acres in size;
- Peat extraction affecting an area less than 5 acres in size;
- ~~New or expanded permanent docking structures, water access ways, and commercial~~ Commercial and private trailered ramps; and
- Utility facilities excluding service drops.

○ **Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a P-~~UA-subdistrict~~ UAM zone.

9. WETLAND PROTECTION ~~SUBDISTRICT~~ (P-WL) ZONE – MOOSEHEAD LAKE REGION CONCEPT PLAN (P-WLM)

• Purpose

The purpose of the P-~~WL-subdistrict~~ WLM zone is to conserve coastal and freshwater wetlands in essentially their natural state because of the indispensable biologic, hydrologic and environmental functions which they perform.

Preserving wetlands will promote the public health and safety of persons and protect property against the hazards of flooding and drought by holding back water during floods and retaining water during dry periods. Wetlands also maintain water quality for drinking, store nutrients from upland run-off in plant tissue, serve as settling basins for silt and sediment from upland erosion, stabilize water supply by maintaining the groundwater table and groundwater recharge and discharge areas, and provide plant, fish and wildlife habitat. Wetlands function as integral and irreplaceable parts of a larger natural system, influencing our climate, economy, environment, and natural heritage.

Insofar as this protection ~~subdistrict~~ zone also includes the area enclosed by the normal high water mark of surface water bodies within the Commission's jurisdiction, the purpose of this ~~subdistrict~~ zone shall also be to help insure compatible surface water uses on those water bodies where there is the potential for conflict with other uses and values of such water bodies.

• Description

○ Surface water bodies and areas meeting the definition of coastal or freshwater wetlands shall be included in P-~~WL-subdistricts~~ WLM zones as described below:

■ P-WL1M: Wetlands of special significance:

- Areas enclosed by the normal high water mark of flowing waters, stream channels, and bodies of standing water, except for constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;
- Coastal wetlands, together with areas below the high water mark of tidal waters and extending seaward to the limits of the State's jurisdiction; or
- Freshwater wetlands, as follows:
 - Within 250' of a coastal wetland or of the normal high water mark of any body of standing water greater than 10 acres;
 - Containing at least 20,000 square feet in total of the following: aquatic vegetation, emergent marsh vegetation, or open water, unless the wetlands are the result of constructed ponds less than 10 acres in size which are not fed or drained by flowing waters;
 - That are inundated with floodwater during a 100 year flood event;
 - Containing significant wildlife habitat;

- o Consisting of, or containing, peatlands, except that the Commission may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance; or
- o Within 25' of a stream channel.

- P-WL2M:
 - Scrub shrub and other nonforested freshwater wetlands, excluding those covered under P-WL1; and
 - Constructed ponds less than 10 acres in size which are not fed or drained by flowing waters.
- P-WL3M: Forested freshwater wetlands, excluding those covered under P-WL1M and P-WL2,2M.
- Areas meriting protection as P-WL1,1M, P-WL2,2M, or P-WL3-subdistrictsM zones will be identified by the Commission after consideration of relevant data including, without limitation, identification of freshwater and coastal wetlands 15,000 square feet or larger by the National Wetlands Inventory and, when on-site delineation is required, identification of freshwater and coastal wetlands of any size by methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).
- P-WL-subdistrictsWLM zones described in Section 10.23,N,2,a above and identified on the Commission Land Use Guidance Maps may contain inclusions of upland areas or other wetland types smaller than 15,000 square feet that do not conform to the description of P-WL-subdistrictsWLM zones in Section 10.23,N,2,a. Such inclusions will be regulated in accordance with the mapped P-WL subdistrictzone in which they are located.

● Land Uses

○ Uses Allowed Without a Permit

The following uses shall be allowed without a permit from the Commission within P-WL-subdistricts-WLM zones:

- Boating, with the exception of the use of personal watercraft on bodies of standing water listed in Appendix D of these rules;
- Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- Fish weirs and traps;
- Forest management activities except for timber harvesting;
- Land management roads in P-WL3-subdistrictsM zones;
- Motorized vehicular traffic on roads and trails, and snowmobiling;
- Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- Surveying and other resource analysis;
- Temporary docking structures, and moorings for non-commercial use;
- Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- Use of sea or ski planes; and
- Wildlife and fishery management practices.

○ Uses Allowed Without a Permit Subject to Standards

The following uses shall be allowed without a permit from the Commission within P-WL ~~subdistricts~~-WLM zones, subject to the applicable requirements set forth in Sub-Chapter III:

- Agricultural management activities, excluding cranberry cultivation;
- Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size within P-WL2M or P-WL3 ~~subdistricts~~M zones which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- ~~Driveways associated with residential uses within P-WL 2 and P-WL3 subdistricts;~~ Intentionally deleted;
- Filling, grading, draining, dredging or otherwise altering less than 4,300 square feet of a P-WL2M or P-WL3 ~~subdistrict~~M zone;
- Land management roads in P-WL1M or P-WL2 ~~subdistricts~~M zones that alter less than one acre of such ~~subdistricts~~zones;
- Level A road projects;
- Mineral exploration to discover or verify the existence of mineral deposits, including the removal of specimens or trace quantities, provided such exploration is accomplished by methods of hand sampling, including panning, hand test boring and digging and other non-mechanized methods which create minimal disturbance and take reasonable measures to restore the disturbed area to its original condition;
- ~~Motorized recreational gold prospecting within the normal high water mark of flowing waters;~~ Intentionally deleted;
- Public trailered ramps and public, private and commercial hand-carry launches within a P-WL2M or P-WL3 ~~subdistrict~~M zone or within the normal high water mark of flowing waters, stream channels, or bodies of standing water.
- Service drops for telephone or electrical service, including associated vegetative clearing, provided:
 - the line extension does not cross or run beneath a coastal wetland, river, stream, or brook;
 - the placement of wires or installation of utility poles is located entirely upon the premises of the customer requesting service, upon an established utility line easement, upon a roadway right-of-way or, in the case of telephone service, on existing utility poles; and
 - the total length of the extension is less than 2,000 feet;
- Signs;
- Timber harvesting; and
- Water crossings of minor flowing waters.

○ Uses Requiring a Permit

Except as provided for in Section 10.23,N,3,b,(4), the following uses may be allowed within P-WL ~~subdistricts~~WLM zones upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-B and subject to the applicable requirements set forth in Sub-Chapter III:

- Cranberry cultivation;

- Creation, alteration or maintenance of constructed ponds which are not fed or drained by flowing waters
 - of less than 4,300 square feet in size within a P-WL2M or P-WL3-~~subdistrict~~M zone which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
 - 4,300 square feet in size or greater within a P-WL2M or P-WL3-~~subdistrict~~M zone; and
 - within P-WL1-~~subdistrict~~M zone;
- Driveways associated with non-residential uses within P-WL2-~~and P-WL3-subdistricts~~; ~~driveways associated with residential uses within P-WL2 and P-WL3 subdistricts which are not in conformance with the standards of Section 10.27,H,M and P-WL3M zones~~; driveways within P-WL1-~~subdistricts~~M zones;
- Filling, grading, and dredging, other than for riprap associated with water crossings and except as provided for in Section 10.23,N,3,b;
- Land management roads which are not in conformance with the standards of Section 10.27,D, or which will alter one acre or more of a P-WL1M or P-WL2-~~subdistrict~~M zone;
- Level B road projects, other than crossings of minor flowing waters as provided for in Section 10.23,N,3,b;
- Moorings and temporary docking structures associated with commercial marinas, and moorings established for rent or lease on a commercial basis in areas not regulated by a harbor master;
- ~~Motorized recreational gold prospecting which is not in conformance with the standards of section 10.27, G; Intentionally deleted;~~
- Peat extraction affecting an area less than 30 acres in size;
- Shoreland alterations, including reconstruction of permanent docking structures; but excluding marinas, new or expanded permanent docking structures, water access ways, trailered ramps, hand-carry launches, water crossings of minor flowing waters, ~~and motorized recreational gold prospecting~~;
- Signs which are not in conformance with the standards of Section 10.27,J;
- Trailered ramps and hand-carry launches addressed in Section 10.23,N,3,b which are not in conformance with the standards of Section 10.27,L;
- Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of tidal waters, bodies of standing water, and of major flowing waters;
- Water impoundments;
- Other structures, uses or services that are essential to the uses listed in Section 10.23,N,3,a through c; and
- Other structures, uses or services which the Commission determines are consistent with the purposes of this ~~subdistrict~~zone and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses which they protect.

○ Special Exceptions

Except as provided for in Section 10.23,N,3,b,(4), the following uses may be allowed within P-~~WL-subdistricts~~WLM zones as special exceptions upon issuance of a permit from the Commission according to 12 M.R.S.A. §685-A(10) and subject to the applicable requirements set forth in Sub-Chapter III provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and

reasonably available to the applicant; (b) the use can be buffered from those other uses or resources within the ~~subdistrict~~zone with which it is incompatible; and (c) such other

~~10.23,N (P-WL)~~ conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- Draining or altering of the water table or water level for other than mineral extraction;
- Level A mineral exploration activities, except as provided for in Section 10.23,N,3,b,(4), and Level B mineral exploration activities;
- Level C road projects;
- Lobster sheds and fish sheds, as provided for in Section 10.25,T,2,p,(6);
- Marinas, new or expanded permanent docking structures, water-access ways, trailered ramps and hand-carry launches, except as provided in Section 10.23,N,3,b and c; and
- Utility facilities, including service drops except as provided for in Section 10.23,N,3,b.

○ **Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception, shall be prohibited in P-~~WL subdistricts~~WLM zones.