

Lake Concept Plan Application

Whetstone, Foss, & Hilton Ponds

Kingsbury Plantation, Piscataquis County

Submitted by:

Linkletter & Sons, Inc.

Submitted to:

MAINE LAND USE REGULATION COMMISSION



Table of Contents

Fact Sheet	1
Summary	3
I. Introduction	11
Benefits to the Landowner	14
Benefits to the Public	15
II. Overview of the Ownership	
A. Site Location and Description	17
B. Adjacent Landowners	17
C. History of the Area	18
D. Adjacent Development	18
E. The Forest Resources	20
F. Water Resources	20
G. Fish and Wildlife Resources	24
H. Scenic Resources	28
I. Recreational Resources	34
J. Historical, Cultural and Archaeological Resources	35
K. Soils and Slopes	35
L. Rare or Significant Plants, Wildlife and Geologic Features	39
M. Existing Zoning	39
N. Existing Services	41
III. The Concept Plan	
A. Duration of Plan	43
B. Limitations	43
C. Parties	44
D. Area to be included	44
E. Existing Development in the Plan Area	44
F. Proposed Development	
Summary	45
Table 1 - 5 Pond Shorefrontage and Development	51
G. Proposed Conservation	52
Table 6 Summary of Permanent Conservation Areas	52
H. Amendments	53
I. Proposed Easement Holder	54
J. Severability	54
K. Effective Date of Plan	54

IV. Concept Plan Implementation	
A. Zoning _____	55
B. Phasing of Development and Conservation _____	56
C. Land Use Standards Applicability _____	57
D. Resource Plan Subdistrict (P-RP) Land Use Standards _____	58
1. Resource Plan Protection Subdistrict (P-RP) _____	58
2. Wetland Protection Subdistrict (P-WL) _____	61
3. Shoreline Protection Subdistrict (P-SL) _____	65
4. Fish and Wildlife Protection Subdistrict (P-FW) _____	68
5. Soils and Geology Protection Subdistrict (P-SG) _____	74
V. Review Criteria for Lake Concept Plans	
A. Statutory Rezoning Criteria _____	76
B. Consistency with the Comprehensive Land Use Plan _____	78
C. Standards for P-RP Subdistrict Boundary _____	80
D. Review Criteria Residential Development within Concept Plan _____	82
E. Criteria for Management of Lakes within Concept Plans _____	85
VI. Concept Plan Conservation Easement	
Conservation Easement _____	87
Purpose _____	88
Terms, Covenants and Restrictions _____	89
VII. Appendices	
Appendix 1 Development Restrictions and Deed Covenants	
Appendix 2 General Criteria for Approval of Permit Applications	
Appendix 3 Development Standards	
A. Review Standards for Structures Adjacent to Lakes	
B. Technical and Financial Capacity	
C. Vehicular Circulation, Access and Parking	
D. Scenic Character, Natural and Historical Features	
E. Noise and Lighting	
F. Soil Suitability	
G. Solid Waste Disposal	
H. Subsurface Waste Water Disposal	
I. Water Supply	
J. Surface Water Quality	
K. Phosphorus Control	
L. Erosion and Sedimentation Control	
M. Groundwater Quality	
N. Air Quality	
O. Wetland Alterations	
P. Subdivision and Lot Creation	
Q. Cluster Development	
R. Open Space	

Appendix 4 Dimensional Requirements

- A. Minimum Lot Size
- B. Minimum Shoreline Frontage
- C. Minimum Road Frontage
- D. Minimum Setbacks
- E. Maximum Lot Coverage
- F. Maximum Building Height
- G. Exception to Dimensional Requirements

Appendix 5 Activity Specific Standards

- A. Vegetation Clearing
- B. Mineral Exploration and Extraction
- C. Roads and Water Crossings
- D. Timber Harvesting
- E. Filling and Grading
- F. Driveways Associated with Residential Structures and Uses
- G. Pesticide Application
- H. Signs
- I. Hand-Carry Launches and Water-Access Ways
- J. Services Drops

Appendix 6 Non-conforming Uses and Structures

Appendix 7 Notification Format

Appendix 8 Guidelines for Vegetation Stabilization

Appendix 9 Resource Plan Protection Subdistrict

Appendix 10 Definitions

Appendix 11 Concept Plan Report Sources

F. Maps & Photographs

Map #1	Site Location
Map #2	Adjacent Property Owners
Maps #3-x	Topographic Maps (Slopes)
Maps #4-x	Published Soil Survey
Map #5	LURC Guidance Map – Existing and Proposed Zoning
Map #6	Overview of Kingsbury Plantation Lake Concept Plan
Map #7	Whetstone Pond - Example of Lot Layout
Map #8	Foss Pond - Example of Lot Layout
Map #9	Example of Lot Arrangement
Map #10	Example of Lot Clearing

Fact Sheet

<p>Background and Location</p>	<p>Linkletter & Sons, Inc. purchased 20,000 acres in Kingsbury Plantation from John Hancock Life Insurance Company in 2000.</p> <p>Of the 20,000 acres, approximately 11,920 acres lays north of State Rt. 16 in Kingsbury Plantation. The Concept Plan contains a southern portion of Whetstone Pond, Foss Pond and the Hilton Ponds in entirety, and a significant length of Thorn Brook.</p> <p>The Kingsbury Plantation Concept Plan is created as a means to responsibly develop shorefront lots that blend with present development; that is compatible with the natural character of Foss and Whetstone Pond; to ensure that forestry management is still a vital part of the land holdings; to continue to provide primitive recreational opportunities on the woodlands; and as a means to provide revenue for Maine State taxes.</p>
<p>Concept Plan Details</p> <p>Size:</p> <p>Land Placed in Conservation:</p> <p>Proposed Development:</p>	<p>The Concept Plan is designed to balance conservation and recreational development according to LURC’s guidelines.</p> <p>The plan includes 11,920 +/- acres of timberland.</p> <p>The plan designates 1,055 +/- acres as permanent conservation and 10,765 +/- acres (Area A) as a 15-year conservation area.</p> <p>The plan designates 17,300 +/- feet of pond shore frontage as permanent conservation.</p> <p>The Concept Plan proposes the following development on 100 acres:</p> <ul style="list-style-type: none"> • Whetstone Pond - 9 fee shorefront lots, 3 fee woodland lots, 9 acres Green Space, 1,540’ shorefront • Foss Pond - 7 leased shorefront lots, 1,420’ shorefront • Thorn Brook – 11 leased shorefront lots, 2,200’ shorefront • Interior Woodlands - 8 leased camp lots • Lots range in size from 1.5 to 3.0 acres • Protective deeded covenants include limits on building size and material and clearing size to maintain the existing character of Whetstone Pond, Foss Pond and Kingsbury Plantation.

<p>Access and Use</p>	<p>Access to the conservation land is available via forest management roads located along State Rt. 16 between Abbot and Bingham.</p> <p>The allowed uses within this area will continue to be the traditional uses, such as forest management, hiking, camping, fishing, hunting, and snowmobiling.</p> <p>The land owner has the reserved right to control, limit, or prohibit the following: night use, camping, loud activities, open fires, use of motorized vehicles and equipment, hunting and trapping, and the use of access roads during certain periods such as spring mud season and near timber harvesting operations.</p>
<p>LURC's Jurisdiction and Review</p>	<p>The entire Lake Concept area is located in Kingsbury Plantation. Hence, it falls wholly within the Maine Land Use Regulation Commission's official jurisdiction and is subject to the Commission's regulatory provisions under 12 M.R.S.A., section 681 et. seq.</p> <p>The Lake Concept Plan allows LURC direct input into the planning process, ensuring all that the plan meets or exceeds land use protection standards.</p>
<p>Applicant</p>	<p>Linkletter & Sons, Inc., c/o Robert Linkletter, P.O. Box 135, Athens, Maine.</p> <p>Linkletter & Sons, Inc., is a family-owned business whose long-term interests lay foremost in forest management. The company owns several large woodland tracts and the company philosophy is to continue the ownership of these tracts for the next family generation.</p>
<p>Conservation Easement Holder</p>	<p>The Small Woodlot Owners Association of Maine, SWOAM, a Maine certified non-profit conservation organization, with an office in Augusta, Maine, is the Conservation Easement Holder.</p>

Summary

<p>Duration of Plan</p>	<p>The Concept Plan will be in effect for 15 years from the date of approval by the Land Use Regulation Commission.</p> <p>The conservation measures within the Lake Concept Plan will apply in perpetuity in the no development acreage (1,055 +/-). The conservation measures within the Lake Concepts Plan’s remaining acreage, 10,765+/- acres, will apply for 15 years from the date of approval of the plan. Conservation measures will be implemented in accordance with the Phasing of Development and Conservation section of this plan (Section IV, Part B).</p>
<p>Area Overview</p>	<p>The proposed concept plan area is located 10 miles from Guilford, Maine; approximately 25 miles from Greenville, Maine; approximately 40 miles from Waterville, Maine and approximately 60 miles from Bangor, Maine.</p> <p>The area encompasses a large tract of undeveloped woodland with several small ponds and streams. The woodland is accessible by forest management roads.</p> <p>The area uses include: seasonal camp lots, primitive recreational activities such as hunting and fishing, and timberland management.</p>
<p>Size and Location of the Concept Plan (See Map #1)</p>	<p>The entire parcel of land lies within Kingsbury Plantation.</p> <p>The Concept Plan area covers 11,920 +/- acres of land, which includes over 23,900 feet of shoreline along ponds and streams, and 20,000 feet of road frontage along State Rte. 16.</p>
<p>Jurisdiction</p>	<p>The entire Lake Concept area is located in Kingsbury Plantation. Hence, it falls wholly within the Maine Land Use Regulation Commission’s official jurisdiction and is subject to the Commission’s regulatory provisions under 12 M.R.S.A., section 681 et. seq.</p>

<p>Concept Plans Details</p>	<p>The Concept Plan is designed to balance conservation and recreational development according to LURC’s guidelines.</p> <p>This plan includes 11,920 +/- acres of timberland; 1,055 +/- of these acres are designated as permanent conservation; 10,765 +/- acres (Area A) are designated as a 15-year conservation area; and 100 acres are proposed for fee lots and leased lots.</p> <p>The Concept Plan proposes the following development:</p> <ul style="list-style-type: none"> • Whetstone Pond - 9 fee shorefront lots & 3 woodland lots • Foss Pond - 7 leased shorefront lots • Thorn Brook – 11 leased shorefront lots • Interior Woodlands - 8 leased camp lots • Lots range in size from 1.5 to 3.0 acres • “Area A”, (10,765 +/- acres). This area will have limited uses to maintain the conservation values surrounding the ponds and to maintain the traditional uses associated within Kingsbury Plantation.
<p>Existing Development</p>	<p>Existing development that is directly adjacent to the Concept Plan includes 6 lots; 3 have seasonal structures on Whetstone Pond, located in Kingsbury Plantation.</p> <p>Existing development included in the Concept Plan are 5 seasonal structures on Foss Pond, located in Kingsbury Plantation.</p> <p>The northern part of Whetstone Pond, in Abbot and Blanchard Township, accessible by the Pond Road via Rte 6 & 15 from Abbot or Greenville, has both seasonal and year-round residences.</p> <p>Whetstone Pond in Kingsbury Plantation is accessible via camp roads and a forest management road. Foss Pond is accessible by forest management roads.</p> <p>Utilities within the Concept Plan area are limited to overhead electrical power lines on the southeastern shore of Whetstone Pond.</p> <p>Abbot, Maine, approximately 3 miles eastward, includes a convenience store, sporting camps, and residential housing.</p> <p>Guilford, Maine, 10 miles eastward, is well developed and provides grocery stores, a pharmacy, automobile and recreational vehicle services, health care services, educational</p>

	<p>services, restaurants, hotels, and recreational facilities. Guilford constitutes one of the core employment areas near Kingsbury Plantation, providing manufacturing and services industry jobs.</p>
<p>Whetstone Pond</p> <p>Foss Pond</p> <p>Hilton Ponds</p>	<p>The 256-acre, 1.2 mile long pond is classified as a Management Class 5, Resource Class 2, Lake under the Commission’s Lake Management Classification system. The lake has been assessed as “highly developed”. The Lake Assessment Program rates Whetstone Pond as “significant” for its fisheries resources. Whetstone Pond is accessible from State Rte. 6 & 15, via gravel roads.</p> <p>The 117-acre, 1 mile long pond is classified as a Management Class 7, Resource Class 2 Lake under the Commission’s Lake Management Classification system. The pond “should be managed for multiple uses including resource conservation, recreation, and timber production.” The Lake Assessment Program rates Foss Pond as “significant” for its fisheries. Foss Pond is accessible from State Rte. 16, via gravel forest management roads.</p> <p>The 13 acre and 8 acre, 2/10 mile long ponds are classified as a Management Class 7, Resource Class 3 Lakes under the Commission’s Lake Management Classification system. The ponds “should be managed for multiple uses including resource conservation, recreation, and timber production.” Hilton ponds are accessible from State Rte. 16, via gravel forest management roads.</p>
<p>Proposed Development</p>	<p>The proposed development includes 2 types of development:</p> <ul style="list-style-type: none"> • Seasonal shorefront lots • Seasonal woodland lots <p><i>Whetstone Pond</i> - 12 lots held in private ownership. These include 3 lots located on the southeastern shoreline and 3 woodland lots located on the southeastern shoreline access road, and 6 lots clustered on the southwestern shoreline. The lots range in size from 1.5 to 3.0 acres. The southeastern shore lots have 200 feet shorefront; the southwestern shore lots have 150 feet of shorefront and abut a common green space (9 acres). The lots on the southeastern shore have access to electrical power. These lots are intended for seasonal dwellings.</p> <p><i>Foss Pond</i> - 7 lots held as leased ownership. The lots range in size from 1.5 to 2.0 acres, each with 200 feet of shorefront. The</p>

	<p>lots are arranged in 2 small groups. These lots are intended for seasonal dwellings.</p> <p>Thorn Brook - 11 lots held as leased ownership. The lots range in size from 1.5 to 2.0 acres, each with 200+ feet of shorefront. These lots are intended for seasonal dwellings.</p> <p>Woodland Lots – 8 lots held as leased ownership. The lots range in size from 1.5 to 3.0 acres. The locations of these lots are along or near to Happy Corner Road, the “300 Road”, and near Crockett Ridge. These lots are intended for seasonal dwellings.</p>
<p>Phosphorus Impact</p>	<p>A preliminary phosphorus impact study has been done for the proposed development, and the phosphorus loading is below the limits established by Maine’s Department of Environmental Protection.</p>
<p>Proposed Permanent Conservation Easements</p>	<p>Two (2) areas are proposed for Permanent Conservation Easements encompassing a total of 1,055 +/- acres.</p> <p>Area 1 – Whetstone Pond This land encompasses the south shoreline of Whetstone Pond to a depth of at least 500 feet and an area encompassing Thorn Brook from the Blanchard Township boundary line to the outlet of Whetstone Pond. The depth of land along Thorn Brook is a minimum of 500 feet and includes an area of tributaries. The total area encompasses 315 +/- contiguous acres, 980 +/- feet of shore frontage on Whetstone Pond, and 6,600 +/- feet of shoreline along Thorn Brook</p> <p>Area 2 – Foss Pond & Hilton Ponds This land extends back 500 +/- feet from the shoreline of Foss Pond except for a small portion of land that borders the roads at the north shoreline, encompasses the Protection Subdistrict Soils and Geology to the southwest of Foss Pond, and encompasses the lands around the Hilton Ponds to a depth of least 500 +/- feet. The total area encompasses 740 +/- contiguous acres and 16,320 +/- feet of shore frontage.</p> <p>The conservation easement allows non-motorized and non-destructive use of the permanent conservation areas.</p> <p>Residential roads and drives are allowed through the conservation easement area to the Foss Pond and Whetstone Pond lots.</p>

	<p>Snowmobiles and ATV's may use the designated forest management roads within the easement area.</p> <p>Snowmobiles will be allowed on designated trails to gain access to Foss and Hilton Ponds.</p> <p>Protective covenants will include: limits on clearing and building size, height, and material to maintain the existing character of Whetstone Pond, Foss Pond, and the interior woodland.</p>
<p>Area A 15-year Conservation Area Proposed Uses</p>	<p>The proposed Lake Concept Plan limits the use of Area A (10,765 +/- acres).</p> <p>The allowed uses within this area will continue to be the traditional uses, such as forest management, hiking, camping, fishing, hunting, and snowmobiling.</p> <p>“Area A” allows public access as has been the tradition, provided the land owner has the reserved right to control, limit, or prohibit the following: night use, camping, loud activities, open fires, use of motorized vehicles and equipment, access by domesticated pets, bicycles, hunting and trapping, the use of access roads during certain times of year such as spring mud season and near timber harvesting operations.</p> <p>Egress across Area A to the Permanent Conservation Area is allowed.</p> <p>Forest management practices will be allowed within Area A.</p> <p>No structural development will be allowed in “Area A”, except for forest management and road maintenance purposes.</p>
<p>LURC Commitments</p>	<p>The Land Use Regulation Commission commits to:</p> <ol style="list-style-type: none"> 1. The proposed provisions of the Lake Concept Plan. 2. Accepting the number, type, and location of development lots as approved in concept. 3. Allowing lots that it deems as unsuitable or undesirable due to existing natural resources, to be substituted by another lot, equal in size along the shoreline or interior woodland. 4. Accepting that the new zoning of the Lake Concept Plan Area will be designated as (P-RP) Resource Plan Subdistrict.

	<p>5. Rezoning is not necessary in developing the proposed lots provided the landowner submits information normally required for subdivision, building, and other applicable permit approvals, as appropriate, and obtaining such approvals, prior to proceeding with the development.</p>
<p>The Applicant</p>	<p>Linkletter & Sons, Inc., c/o Robert Linkletter, P.O. Box 135, Athens, Maine, 04912.</p> <p>Linkletter & Sons, Inc., upon receiving all necessary permits and approvals, will make lots available for sale or lease to the general public.</p> <p>Linkletter & Sons, Inc. intends to practice forestry management within the conservation area as established by the Linkletter & Sons, Inc. Forest Management Plan and the provisions of timber harvesting contained therein.</p> <p>Linkletter & Sons, Inc. intends to practice forestry management within the permanent conservation area as established by the Easement Holder's Forest Management Plan and the provisions of timber harvesting contained herein.</p>
<p>Conservation Easement Holder</p>	<p>The Small Woodlot Owners Association of Maine, SWOAM, a Maine certified non-profit conservation organization, with an office in Augusta, Maine, is the Conservation Easement Holder.</p>

Summary of Pond Frontage and Land Acreage within the Lake Concept Plan

Table 1 – Summary of **Whetstone Pond** Shorefrontage within Kingsbury Plantation

Existing Conditions	Feet	% of Total
Whetstone Pond	16,300 +/-	100.0
Whetstone Pond in Kingsbury Plantation***	3,910 +/-	24.0
Linkletter & Sons, Inc., ownership	2,820 +/-	17.3
Others, ownership	1,090 +/-	6.7

***Does not include outlet stream boundary or small finger of shoreline within wetland area in southwestern corner

Table 2 – Summary of **Foss Pond** Shorefrontage

Existing Conditions	Feet	% of Total
Foss Pond	11,900 +/-	100.0
Linkletter & Sons, Inc. ownership, not developed	10,840 +/-	91.1
Linkletter & Sons, Inc. ownership, leased lots	1,060 +/-	8.9

Table 3 – Summary of **Hilton Ponds** Shorefrontage

Existing Conditions	Feet	% of Total
Hilton Ponds	6,900 +/-	100.0
Linkletter & Sons, Inc. ownership, not developed	6,900 +/-	100.0

Table 4 – Summary of Linkletter & Sons, Inc. Land Holdings and proposed development within the Lake Concept Plan

Proposed Conditions	Acres	% of Total
Linkletter & Sons, Inc. Ownership	11,920 +/-	100.0
Permanent Conservation	1,055 +/-	8.9
Area A (Ponds and Land)	10,765 +/-	90.3
Whetstone Pond – Development	25 +/-	0.23
Whetstone Pond – Common Open Green Space	9 +/-	0.08
Foss Pond – Development	11 +/-	0.09
Happy Town Rd. North Parcel – Development	5 +/-	0.04
Happy Town Rd. South Parcel - Development	6 +/-	0.05
Happy Town Rd. West Parcel - Development	4 +/-	0.03
Thorn Brook – Development	30 +/-	0.25
300 Road - Development	2.5 +/-	0.02
Crockett Ridge – Development	2.5 +/-	0.02

Summary of Proposed Conservation (see Map #6)

Linkletter & Sons, Inc. is proposing to conserve in perpetuity certain areas within the Kingsbury Plantation parcel. These areas (1,055 +/- acres) are shown on Map #6 and consist of the area within 500 +/- feet of the shorelines of Whetstone Pond outlet, Foss Pond, Hilton Ponds, and each side of a portion of Thorn Brook and are designated as “Preserved From Any Future Development”.

Summary of Permanent Conservation Areas

Proposed Area	Frontage	Length	Setback	Acreage
Whetstone Pond	Shoreline	980' +/-	500 +/- feet from shoreline	315 +/-
Thorn Brook	Shoreline	6,600' +/-	250 +/- feet each side	(included above)
Foss Pond	Shoreline	9,420 +/-	500 +/- feet form shoreline	740 +/-
Hilton Ponds	Shoreline	6,900' +/-	500 +/- feet from shoreline	(included above)
Total		23,900 +/-		1,055 +/-

Summary of Area A

Proposed Area	Acreage	Allowed Uses (summary)
Area A	10,765 +/-	Forest Management Activities; Land Management Roads
		Structures associated with Forest Management
		Mineral Extraction at established sites
		Primitive Recreational Uses
		Motorized vehicle traffic on roads and snowmobiling

I. Introduction

This Lake Concept Plan is proposed by Linkletter & Sons, Inc., a Maine Corporation, with offices in Athens, Maine. The Concept Plan is for the long-term management and conservation of the corporation's lands in Kingsbury Plantation, north of State Rte. 16, which borders Whetstone Pond and surrounds the Hilton Ponds and Foss Pond. The company's land in the plan contains 11,920 +/- acres; of those, 1,055 +/- acres are proposed for permanent "no build" conservation easement, 10,765 +/- acres are proposed as a 15-year "no development" conservation area, and 100 +/- acres are proposed as seasonal dwelling development. The property includes more than three (3) miles of shore frontage along Whetstone, Foss and Hilton Ponds as well as acreage bordering Thorn Brook. The Concept Plan location can be viewed by examining Map #1, Map #2, and Map #6.

The Lake Concept Plan is being submitted to the Maine Land Use Regulation Commission (LURC) under the agency's "Lake Concept Plan" procedures.

According to LURC's Comprehensive Land Use Plan:

"Concept Plans are landowner-created, long range plans for the development and conservation of a large block of shoreland on a lake (pond)... The plan is a clarification of long-term landowner intent that indicates, in a general way, the area where development is to be focused, the relative density of proposed development, and the means by which significant natural and recreational resources are to be protected."

Owners' Intentions

Linkletter & Sons, Inc. intends to manage the area for forestry practices and recreational purposes. The income from sale and lease of shorefront lots will generate income to pay Maine State property taxes, ensuring the company will be able to maintain the majority of the land as sole proprietor for wood reproduction.

Linkletter & Sons, Inc. recognizes the value of protecting the natural resources in and around Foss and Hilton Ponds. As such, the company has placed a majority of the ponds shore frontage in permanent conservation easement.

Linkletter & Sons, Inc. also recognizes the value of protecting the natural resources along Thorn Brook and the outlet of Whetstone Pond. As such, the company has placed a significant amount of shore frontage in permanent conservation easement.

Concern for Development

A concern of Linkletter & Sons Inc. was how and to what extent this development would be allowed. After discussions with LURC staff and land use consultants, the decision was made that the Lake Concept Plan approach to development was clearly the most sensible. This Lake Concept Plan approach allows Linkletter & Sons, Inc. to:

1. Know areas and extent of development that will be allowed on the proposed development area.
2. Remove the uncertainty of rezoning approval for developments along Whetstone's and Foss's Pond shorefront.
3. Better manage their capital expenditures knowing the limit and scope of the development and removing associated risk in developing the shorefront of Whetstone and Foss Pond.

The Concept Plan allows LURC to have:

1. Input to where, what size, access, covenants and the amount of development that will take place within the property, thereby avoiding haphazard development along the shoreline of Whetstone and Foss Pond.
2. Public Hearings/Written Testimony in order to gain expert assistance in preparing a comprehensive plan with input from public concerns, such as LURC staff, Fish and Wildlife Biologists, Soil Scientist, Wetland Specialist, Forest Management Specialist, Environmental Groups and the general public.
3. Approval of the Conservation Easement Holder.

Summary

Linkletter & Sons, Inc is proposing to develop 12 lots and 25 +/- acres on and near Whetstone Pond, 7 lots and 11 +/- acres on Foss Pond, 11 lots and 30 +/- acres along Thorn Brook and 8 lots and 20 +/- acres of interior woodland. The proposed development represents 0.84% of the land within the Lake Concept Plan. The permanent conservation areas around the ponds will setback at least 500 +/- feet (unless noted otherwise) from the shoreline. The permanent conservation along Thorn Brook is a minimum of 250 feet on each side of the brook. The balance of the property, approximately 10,765 +/- acres, will be placed in a 15-year "no-development" conservation area.

The boundaries of the Lake Concept Plan can be viewed by examining Map #1 and Map #5.

The Concept Plan is submitted to the Maine Land Use Regulation Commission under Section 10.16, F of the Commission's Land Use Districts and Standards, pursuant to the criteria for approval for P-RP (Resource Plan Protection Subdistrict) zoning.

References and sources of information are listed at the end of this document.

Benefit To Landowner

Linkletter & Sons, Inc., through this Concept Plan, will receive approval for 38 lots, assuming technical requirements can be met. If the location of proposed development is determined by the Commission to be undesirable or unsuitable, or otherwise would not meet the Commissions Land Use and Protection Standards, the proposed lots may be relocated to other more suitable areas within the Concept Plan or lot boundary size may be altered. These alterations are subject to applicable land use and protection standards. Any alterations will not lessen the number of shoreline conservation acres or woodland conservation acres or length of shore frontage in permanent conservation. Any and all alterations will not diminish the purposes or intent of the Concept Plan.

Landowner Benefits:

1. The Concept Plan allows the owner to develop 9 fee lots on the shorefront of Whetstone Pond and 3 fee lots along the southeastern access road, 7 leased lots on the shorefront of Foss Pond, 11 leased on the shorefront of Thorn Brook, and 8 leased lots at designated woodland sites.
2. The Concept Plan removes the uncertainty of rezoning approval for developments along Whetstone and Foss Ponds shorefront and the interior woodlands.
3. The owner can better manage his capital expenditures knowing the limit and scope of the development and removing associated risk in developing the shorefront of Whetstone Pond and Foss Pond, and interior woodland lots.
4. Approval of the Concept Plan may increase the value of the land; land recognized as having development potential is more valuable than land with unknown potential.
5. The owner can better manage long-range timber harvesting plans when designated development areas and conservation areas have been established.
6. The landowner projects “good land stewardship” by preparing a comprehensive plan that establishes development areas and conservation areas to protect the scenic shorelines and interior woodland holdings.
7. The landowner benefits from expert assistance in preparing a comprehensive plan with input from public concerns, such as LURC employees, adjacent landowners, Fish and Wildlife Biologists, Soil Scientist, Wetland Specialist, Forest Management Specialist, Environmental Concerns, and the General Public.

Benefit To The Public

The public's approval has been a concern in developing this Concept Plan and public forum's will be held so that each party has a say prior to the Land Use Regulation Commission's decision. However it should be noted that Linkletter & Sons, Inc., through this Concept Plan, provides direct and indirect benefits to the general public.

Public Benefits:

1. The Public benefits that in the absence of such an extensive conservation measure along the shorefront of Foss Pond and Whetstone Pond, and lands surrounding the Hilton Ponds, the pond frontage could possibly be developed at a rate of two (2) dwellings per five-year period (rate based on single ownership). This type of development is not planned and is at best haphazard. This plan establishes where the proposed development is to be located and places predictable restrictions on the density and extent of development.
2. Limiting development to specific areas ensures that parts of the shoreline of Whetstone and Foss Pond, the complete shoreline of the Hilton Ponds, and some shoreline along Thorn Brook have a permanent "no development" area. These shoreline and scenic views can be enjoyed by many generations of visitors to Whetstone Pond, Foss Pond, and the Hilton Ponds.
3. Limiting development to specific areas ensures minimal impact to wildlife and fishery resources.
4. The public gains permanent conservation easement for 1,055 +/- acres that encompasses 17,300 +/- feet of shoreline along the ponds and 6,600 +/- feet along Thorn Brook.
5. The public gains assurances that "no-development" will occur in a 15-year conservation area encompassing 10,765 +/- acres of land and that this area can continue to be enjoyed as a primitive recreational area.
6. Listing the development restrictions and deed covenants as part of the Concept Plan, such as building height, size and material, site clearing, lighting and lot usage, ensures that the public view of the developed lots from the water will blend into the natural setting many pond visitors have come to enjoy.
7. Linkletter & Sons, Inc., by reserving the right of managing the land held in conservation as a working forest, will harvest timber, which will generate employment opportunities in the local economy.
8. The development of 16 pond shorefront lots, 11 brook shorefront lots, and 11 interior woodland lots and the road improvements will generate local employment opportunities among surveyors, real estate professionals, site design professionals, contractors, and

insurance companies. Each developed lot may require some residential service providers and recreational equipment maintenance providers further promoting employment opportunities in the local economy.

9. The sale and/or lease of 38 lots presents an opportunity for those who may wish to purchase/lease a camp lot. In addition, the prospective shorefront lot buyer can be ensured that some shoreline will be permanently protected.

II. OVERVIEW OF THE OWNERSHIP

This section of the Concept Plan provides background information about Linkletter & Sons, Inc.'s land holdings in Kingsbury Plantation and the surrounding area.

A. Site Location and Description (see Map #1)

The site is located in Kingsbury Plantation, which is located south of the Moosehead Lake Region, west of Abbot Village in Piscataquis County. The site encompasses the northern portion of Kingsbury Plantation north of State Rte. 16. The site consists of 11,920 +/- contiguous acres. Ponds and waterways within the parcel include the Hilton Ponds, Foss Pond, and the southern portion of Whetstone Pond, Thorn Brook, Bear Brook, Bog Brook and Bottle Brook. The parcel contains other smaller streams. A majority of the watershed flows into Kingsbury Stream that flows into the Piscataquis River south of Abbot Village.

The land formations vary greatly. Wetlands are common along the more than 15 brooks within the Concept Plan. Mountains and ridges are evident as one travels north from State Rte. 16 into the Concept Plan area. The land rises up from elevations of 1,150 feet along State Rte. 16 to over 1,700 feet along the mountain tops in the Concept Plan interior sections. Crockett Ridge in the northeast corner of Kingsbury Plantation attains a height of 1,732 feet and Foss Mountain attains a height of 1,615 feet.

The vegetation cover within the Concept Plan varies from wetland marshes and swamps near the brooks to a sustainable forest mix of hardwood and softwood trees. Forest Management is evident by the different types of forest regeneration as seen from the forest management roads and among the spectacular views of the mountain ridges.

Access to the proposed development at Whetstone Pond is a gravel road via the paved Pond Road connected to State Rte. 15. State Rte. 15 traverses between Abbot Village and Greenville, Maine.

Access to Foss Pond and the woodland lots is by gravel roads via State Rte. 16. State Rte. 16 traverses between Abbot Village and Bingham, Maine.

Whetstone Pond has a boat launch. Foss Pond has an area local fisherman use as a hand carry boat launch site.

B. Adjacent Landowners (see Map #2)

Owners adjacent to and within 1000 feet of the Concept Plan are shown on Map #2. Adjacent large tract landowners outside of Kingsbury Plantation include the Carrier Timberlands to the north and Plum Creek Timber Company to the west.

Ownership History

Linkletter & Sons, Inc. recently acquired the parcel from John Hancock Life Insurance Company in 2000. John Hancock Life Insurance Company acquired the land from Diamond Occidental Corporation in 1990's. Diamond Occidental Corporation had common and undivided ownership with Hinch and Ahearn heirs and Moosehead Manufacturing. Past land management practices include forestland management, leased camp lots, and primitive recreational activities that included camping, fishing, hunting, trapping, snowshoeing, and snowmobiling.

C. History of the Area

William Hilton and his brother settled Kingsbury Plantation in 1834. The town of Kingsbury was incorporated March 22, 1836. Its charter was repealed February 24, 1885. It was reorganized as a Plantation in 1886. Judge Sanford Kingsbury of Gardiner was the original proprietor of this township and the town was named for him. Honorable Sanford Kingsbury purchased Kingsbury Plantation from Bingham's heirs. The history of the Kingsbury Plantation area has consisted primarily of wood harvesting and outdoor recreational activities. Today, Kingsbury Plantation has 13 full time residents according to the 2000 census and 139 residential structures.

The area of Whetstone Pond has been a favorite summer place for visitors to Kingsbury Plantation. A USGS Map, issued in 1948, shows 26 camps located on the shore of Whetstone Pond and 1 camp on the shore of Foss Pond.

Numerous forest management roads exist throughout Kingsbury Plantation. Their use has allowed visitors to enjoy recreational camping, hunting and fishing, snowshoeing, and snowmobiling.

D. Adjacent Development

Ponds

Whetstone Pond in Blanchard and Abbot has considerable existing development. The number of dwellings are approx. sixty-one (61), some of which consist of year round residences. A public boat launch is available off the Pond Road. Electrical and phone lines are established on the east and north shore of Whetstone Pond.

Piper Pond in Abbot has seasonal and residential development. Piper Pond's other development includes a public boat launch, public beach, and a commercial campground.

State Rte. 16

Development exists along State Rte. 16 in Kingsbury Plantation before and after the Concept Plan boundaries. Most dwellings are for seasonal recreational use. No utilities are present along State Rte. 16 adjacent to the Concept Plan boundary.

Adjacent Town

Abbot , (3 miles southeast from Whetstone Pond and 10 miles from Foss Pond) is a small town of about 670 people. Most of the development of the town is located along State Rte. 15. The town has both year round and seasonal residences. Abbot is part of M.S.A.D. 4, and the students attend schools in Guilford. Medical facilities are not available in Abbot, however medical services are available in Greenville and Dover-Foxcroft. Amenities include a convenience store, a bakery, a town office and a post office.

Local Area Towns

Guilford, (10 miles southeast from Whetstone Pond and 17 miles from Foss Pond), a town of about 1,080+ full time residents, is located on State Rte. 6, 16, & 15. The town serves as a central point of road intersections from the outlying areas. Guilford is well developed, and provides grocery/convenience stores, a pharmacy, automobile and recreational vehicle services, health care services, educational services, restaurants, and hotels/housekeeping cottages. Guilford constitutes one of the core employment areas near Kingsbury Plantation, providing manufacturing and service industry jobs.

Dover-Foxcroft, (17 miles east from Whetstone Pond and 24 miles from Foss Pond), a town of about 4,200+ full time residents, is located at the junctions of Route 6, 16, 15 & 7. Dover-Foxcroft is the location of county government for Piscataquis County. Dover-Foxcroft is well developed, and provides grocery/convenience stores, a pharmacy, automobile and recreational vehicle services, a hospital and health care services, educational services, restaurants, and hotels. Dover-Foxcroft can provide complete services for the sportsman and family vacationer.

Monson, (10 miles from Whetstone Pond and 18 miles from Foss Pond) is a small town of about 670 people. Most of the development of the town is located along State Rte. 15. The town has both year round and seasonal residences. Monson is located along the Appalachian Trail and is a resting point for many hikers each year. Monson is part of M.S.A.D. 68, students attend junior and senior high in Dover-Foxcroft, Maine. Medical facilities are not available in Monson, however medical services are available in Greenville and Dover-Foxcroft. Amenities include a small manufacturing business, a slate supply company, convenience stores, small cafés, a service station, a town office and a post office.

Parkman, (12 miles from Foss Pond and 17 miles form Whetstone Pond) is a small community of about 800 people. Most of the development of the town is along State Rte. 150. The town has both seasonal and year round residences. Parkman is part of M.S.A.D. 4, and the students attend schools in Guilford. Kingsbury Plantation tax records are kept by Hamlin Associates in Parkman. Limited services are available in Parkman.

Wellington, (20 miles from Foss Pond and 32 miles from Whetstone Pond) is a small community of about 260 people. Wellington is part of M.S.A.D. 4, and the students attend schools in Guilford. Limited services are available in Wellington.

Adjacent Townships

Kingsbury Plantation's northern, western and southern borders are surrounded by unorganized townships or other plantations; to the north is Blanchard Township, to the northwest is Bald Mountain Township, to the west is Mayfield Township, and to the southwest is Brighton Plantation.

E. The Forest Resources

The overall forest management objectives of Linkletter & Sons, Inc. are explained in detail in the forest management plans for the Kingsbury Plantation. These forest management plans were completed in 2002, and can be viewed at Linkletter & Sons, Inc.'s office in Athens, Maine.

Linkletter & Sons, Inc. intends to follow the suggested silviculture recommendations of the management plan. In summary, the plan recommends that Linkletter & Sons, Inc. harvest existing trees in such a manner as to ultimately result in an uneven-aged stand of trees, with a wide distribution of size and height classes that are present in the forest today.

Existing gravel roads from State Rte. 16 allow access for wood harvesting within Kingsbury Plantation.

F. Water Resources

The Concept Plan includes Whetstone Pond, Foss Pond, and the Hilton Ponds. Many brooks are located within the Concept Plan, among them Thorn Brook, Bog Brook, Bottle Brook, and Bear Brook. The ponds and brooks all flow into the Kingsbury Stream and eventually the Piscataquis River.

Whetstone Pond size is 256 acres with over 3 miles of shoreline. It is approximately 1.2 miles long and averages 0.25 miles wide. The deepest depth is recorded at 125 feet. The flushing rate (number of times a year the pond volume is flushed) is 0.30 flushes per year. The pond outlet flows into Thorn Brook and to Kingsbury Stream. LURC's Wildlands Lake Assessment has classified Whetstone Pond as a Management Class 5, Resource Class 2 pond. The fisheries and physical resources are rated significant.

Foss Pond size is 117 acres with over 2 miles of shorefront. It is approximately 0.9 miles long and the width varies from several hundred feet to 0.25 miles. The deepest depth recorded is 60 feet. The flushing rate (number of times a year the pond volume is flushed) is 0.59 flushes per year. The pond outlet flows into Thorn Brook and to Kingsbury Stream. LURC's Wildlands Lake Assessment has classified Foss Pond as a Management Class 7, Resource Class 2 pond. The fisheries resource value is rated significant.

Hilton Pond #1 size is 13 acres with over 0.7 miles of shorefront. It is approximately 0.5 miles long and 500 feet wide. The deepest depth recorded is 15 feet. The flushing rate (number of times a year the pond volume is flushed) is 7.5 flushes per year. The pond outlet flows into Hilton Pond #2. LURC's Wildlands Lake Assessment has classified Hilton Pond #1 as a Management Class 7, Resource Class 3 pond.

Hilton Pond #2 size is 8 acres with over 0.6 miles of shorefront. It is approximately 0.25 miles long and width varies from 100 to 500 feet wide. The deepest depth recorded is 7 feet. The flushing rate (number of times a year the pond volume is flushed) is 16.8 flushes per year. The pond outlet flows into Bog Brook, then Thorn Brook and to Kingsbury Stream. LURC's Wildlands Lake Assessment has classified Hilton Pond #2 as a Management Class 7, Resource Class 3 pond.

Management Class 5 Lake

Consist of heavily developed lakes. The commission seeks to maintain natural qualities associated with these lakes, enhance scenic value, and retain some undeveloped shoreline requiring cluster development on these lakes except where clearly inappropriate due to site characteristics.

Management Class 7 Lake

Consist of all lakes not otherwise classified. Many of these lakes have multiple outstanding or significant resources values identified in the Wildlands Lakes Assessment. The Commission will manage these lakes for multiple uses, including resource conservation, recreation, and timber production, giving specific consideration to identified resource values when evaluating the merits of lake-related rezoning and permit applications.

Resource Class

- 1A = Lakes with statewide significance with two or more outstanding values
- 1B = Lakes with statewide significance with one outstanding value
- 2 = Lake of regional significance (with no outstanding values but at least one significant resource value)
- 3 = Lake of local or unknown significance (either had no significant or outstanding natural value or information was inadequate to make a determination)

Pond Water Levels

Pond water levels are dependent on annual precipitation and snowmelt. No major water fluctuations are experienced other than normal seasonal changes.

Available Pond Water Chemistry Overview

Whetstone Pond

Water quality data** for Whetstone Pond had been collected from 1986 through 1996 and in 2000. The quality of Whetstone Pond is considered to be better than average, based on measures of STD, total phosphorus (TP) and Chlorophyll-a (CHLA). The results are as follows:

<u>Available Pond Water Chemistry</u>		
	1986-1996 (AVERAGE)	2000
Secchi Disk Transparency		
Minimum (meters)	4.7	4.8
Maximum (meters)	10	7.6
Color	10	14
pH	6.6	N/A
Alkalinity	8	7
Conductivity	21	17
Total Phosphorus Means (ppb)	7	9
Chlorophyll A (ppb)	3	8.5
Recent dissolved oxygen profiles show low dissolved oxygen depletion in deep areas of the lake.		

**www.pearl.spatial.maine.edu

Foss Pond

Water quality data** for Foss Pond was collected in 1989 and 1990. The quality of Foss Pond is considered to be better than average, based on measures of STD, total phosphorus (TP) and Chlorophyll-a (CHLA). The results are as follows:

<u>Available Pond Water Chemistry</u>		
	1989	1990
Secchi Disk Transparency		
Minimum (meters)	5	8
Maximum (meters)	8.2	8
Color	N/A	N/A
pH	6.05	6.35
Alkalinity	N/A	N/A
Conductivity	23	28
Total Phosphorus Means (ppb)	16	N/A
Chlorophyll A (ppb)	2.3	2.6

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Chemistry Explanation

Secchi Disk Transparency

Secchi disk transparency is a measure of the water clarity, or transparency, of the lake. Factors that reduce clarity are algae, zooplankton, watercolor and silt. Transparency values in Maine vary from 0.4m (1.5ft) to 20.0m (67 ft), with the average being 4.9m (16.2 ft).

Color

The amount of "color" in a lake refers to the concentration of natural dissolved organic acids such as tannin and lignin, which give the water a tea color. Color is measured by comparing a sample of the lake water to Standard Platinum Units (SPU). Color varies from 0 to 250, with the average in Maine being 28 SPU.

pH

The pH of a lake reflects how acidic or basic the water is and helps determine which plant and animal species are present. The measure of the acidity is on a scale of 1-14, with 7 being neutral. pH varies in Maine from 4.45 to 9.35 and the average is 6.7.

Alkalinity

Alkalinity is a measure of the capacity of water to neutralize acids and is also known as the buffering capacity. Alkalinity in Maine varies from 0.3 milligram per liter (mg/l) to 150.3 mg/l, with the average being 12.2 mg/l.

Conductivity

Conductivity is a measure of the ability of water to carry an electrical current and is directly related to the dissolved ions (charged particles) present in water. The values for most of Maine lakes and ponds are generally low (30 to 40 uS/cm). Fishery biologists use conductivity values to calculate fish yield estimates. Conductivity will increase if there is an increase of pollutants entering the lake or pond.

Total Phosphorus (ppb)

Total Phosphorus (TP) is one of the major nutrients needed for plant growth. It is generally present in small amounts and limits the plant growth in lakes. It is measured in parts per billion (ppb). As phosphorus increases, the amount of algae also increases. TP varies from 1 ppb to 110 ppb with the average being 14 ppb.

Chlorophyll A

Chlorophyll A (Chl a) is a measurement of the green pigment found in all plants including microscopic plants such as algae. It is used as an estimate of algal biomass, the higher the

number the higher the amount of algae in the lake. Chl a varies from 0.3 ppb to 60.9 ppb, with the average being 4.6 ppb.

G. Fish and Wildlife Resources

Wildlife Management District (WMD) - 14 **Resource Management Area – Region E**

Fisheries resources**

Whetstone Pond and Foss Ponds fisheries have been rated “significant” by LURC’s Wildlands Lake Assessment program. Hilton Ponds #1 and #2 were not assigned any values by the LURC’s Wildlands Lake Assessment program.

Biologists are concerned that increased development of the shoreline could affect water chemistry and may increase fishing pressure. Either result may affect the natural resources of the Lake Trout. State Fishery Biologist recommend that the Concept Plan development standards should strictly observe all land use standards designed to protect water quality in these ponds.

Whetstone Pond

Whetstone Pond is noted as a Brook Trout and Lake Trout fishery. Whetstone is one of the smaller ponds in the Moosehead Region that naturally supports a Lake Trout fishery. Species present in Whetstone Pond include Brook Trout and Lake Trout (principal fisheries), Rainbow Smelt, Pearl Dace, Blacknose and Common Shiner, Common Sucker, Threespine stickleback, and Pumpkinseed Sunfish.

Whetstone Pond is open to fishing during the open water season and closed during ice fishing season. General laws apply to Lake Trout fishing and a 2 fish limit to Brook Trout fishing. (Fishing regulations - Y2003) Recent fish stocking include 1302 8-10 inch Brook Trout in May 2003. The Brook Trout fishery is considered a “put and take” fishery.

Foss Pond

Foss Pond is noted as a Brook Trout and Lake Trout fishery. Species present in Foss Pond include Brook Trout and Lake Trout (principal fisheries), Rainbow Smelt, Fallfish, Banded Killifish, Blacknose Dace, Common Sucker, Creek Chub, Pumpkinseed and Redbreast Sunfish.

The Dept. of Inland Fisheries and Wildlife considers Foss Pond “a genetically pure” Lake Trout water and the Brook Trout are also very close to “genetically pure”. At 117 acres, Foss Pond is one of the smallest ponds in the Moosehead Region that naturally supports a Lake Trout fishery.

Foss Pond is open to fishing during the open water season and closed during ice fishing season. The daily Lake Trout limit is one fish with an 18-inch minimum length. Brook Trout daily limit is 2 fish and only one fish can exceed 12 inches. No live bait fishing is allowed. (Fishing regulations - Y2003) Brook trout are not currently stocked and historical records show that Brook Trout were once stocked in 1940-1941.

Hilton Ponds

The Hilton Ponds fisheries were surveyed in 2002. Species present in Foss Pond include Brook Trout, Golden Shiners, Banded Killifish, Northern Redbelly Dace, Common Sucker, and Finescale Dace. As Brook Trout were never stocked in these ponds, the Department of Inland Fisheries and Wildlife consider the trout population as “genetically pure”. Neither pond will support a fishery for large number of anglers due to limited trout reproduction natural resources.

The Hilton Ponds are open to fishing during the open water season and closed during ice fishing season. General laws apply to Trout fishing. (Fishing regulations - Y2003)

Thorn Brook

Thorn Brook is noted as a Brook Trout fishery. Thorn Brook begins in Blanchard Township and traverses across the north and northeastern parts of Kingsbury Plantation before flowing into Kingsbury Stream. Thorn Brook is accessed by forest management roads or by canoe. General laws apply to trout fishing.

**Information provided by Department of Inland Fisheries and Wildlife’s Biologist Paul Johnson

Wildlife Resources

The Concept Plan within Kingsbury Plantation is located in Wildlife Management District (WMD) 14.

There is also an abundance of wildlife in this area, the dominant species being moose, deer and black bear. Other mammals include snowshoe hare, beaver, red squirrel, porcupine, bobcat, and coyote, along with many others. Bird species are numerous and would include most species that inhabit northern Maine, among them waterfowl (loons and ducks) and grouse.

One of the many tools wildlife biologist use in determining the amount of wildlife resources are the results of hunter observation and harvest. The following section describes some wildlife species within Kingsbury Plantation area and includes recent harvest result.

Deer

Maine’s deer population has been increasing in recent years to a record high approaching 300,000 in 2000. Recent estimates place deer populations approximately 259,000 in 2002. The majority of the increase has been in Southern and Central Maine, and less so in Northern Maine.

DIF&W statistics for the year 2002 show 324 deer harvested in WMD 14, 63% by residents.

Moose

Maine's moose population is estimated at 29,000. Moose sightings are common in Kingsbury Plantation. The DIF&W moose harvest goals are based upon each WMD placed into one of three broad categories. There is a Recreation Management Area, a Road Safety Management Area, and a Compromise Management Area. In the Recreation Management Area, hunting and viewing without damaging forest are the most important goals. In the Road Safety Management Area, reducing the number of moose/vehicle collisions is the only goal. In the Compromise Management Area, the goal is to balance recreation and safety concerns. In the Recreation Management Areas, and some of the Compromise Management Areas, it is also considered important to maintain large bulls in the population.

WMD 14 is in a Recreational Management Area. Where recreation (hunting and viewing) is most important, the DIF&W want to have many moose, but not so many that the forest is damaged or animal health is compromised. In this case, the objective population size is expressed relative to the capacity of the land to produce food for moose.

Maine's moose hunting season is presently scheduled for 2 weeks each fall. For the 2002 season, the success rate for hunters was 80 percent state wide. WMD 14 was open for moose hunting for one week in October. Any Moose Permit holders had an 82% success rate, and those with Antlered Only Permit were 20% successful. DIF&W statistics for the year 2002 shows 48 moose harvested in WMD 14 and for the 2003 season, 32 moose were harvested in WMD 14.

Black Bear

Black Bear are common to the Kingsbury Plantation area, although sightings are not as common as deer or moose.

Maine's spring 2002 bear population is conservatively estimated at 23,000 bears. The record bear harvests experienced during 2000 and 2001 did not pose a problem for bear population management. Maine's reputation for producing high-quality bear hunting is reflected in the harvest distribution by hunter residency. Visitors to Maine harvested 2,642 (75%) of the 3,512 bears tagged during 2002. Of the total number of bear harvested, 71% of the hunters employed registered Maine guides. DIF&W statistics for the year 2002 shows 112 bears harvested in WMD 14.

Grouse

Ruffed grouse populations are a product of the forest. The amount and quality of Maine's forest is constantly changing, and the impact of these changes as they relate to statewide grouse numbers is difficult to predict. Fortunately, however, the future for ruffed grouse appears bright. Although maturation of some forest stands likely represents a decline in the quality of grouse habitat, timber harvesting can revitalize grouse habitat. Harvest practices, such as clear cutting in small blocks or strips that create an uneven-aged forest composed of even-aged stands of aspen, birch, and mixed wood, will improve or sustain habitat for ruffed grouse and other wildlife species that use early successional hardwood forests.

The last statewide grouse harvest estimate was reported for the 1988 hunting season. That year, an estimated 579,100 grouse were taken in Maine. Although no data exist on recent harvests, successful bird hunters reported grouse in excellent (1995), fair (1996-97), and good (1998-2003) numbers in recent years.

The DIF&W has recently conducted sight and harvest surveys in conjunction with the annual fall moose hunt (1993-2003). The grouse numbers reported during this survey support the general state wide yearly ratings listed above.

Eagles

Inland Fisheries and Wildlife Biologist have no record of eagle nesting sites within the proposed development area.

Loons

Loon sightings and vocalizations are a frequent reminder of the wilderness experience to visitors and residents of the ponds in Kingsbury Plantation. Loons can be reliably captured (and recaptured), and their behavior can be easily monitored, since they rarely fly. Loons have high territorial fidelity-about 80 percent return to the same lake where they were fledged. They can acclimate to moderate levels of human disturbance, and they are long-lived (loons can live 25 to 35 years). But most importantly, loons feed almost exclusively on fish. Samples from loons can give an indication of the buildup of pollutants in a pond. A study of loons within a designated area can give an overall picture of developments affect on the pond's ecosystem.

The Maine Department of Inland Fisheries and Wildlife has done two aerial surveys to estimate the region's loon population. DIF&W noted 1 loon in 1990 and 3 loons in 1996 on Foss Pond. DIF&W noted 2 loons in 1990 and 2 loons in 1996 on Piper Pond (a pond adjacent to Whetstone Pond). At this time the data cannot reliably suggest an increase or decrease in population, only the fact that the ecosystems do support a loon population. From the last survey in 1996, DIF&W estimated 1,800 adult loons in the northern Maine population.

The Audubon Society of Maine estimates the total population of Maine's loons to be 4,300, the largest population of loons in any New England state.

H. Scenic Resources

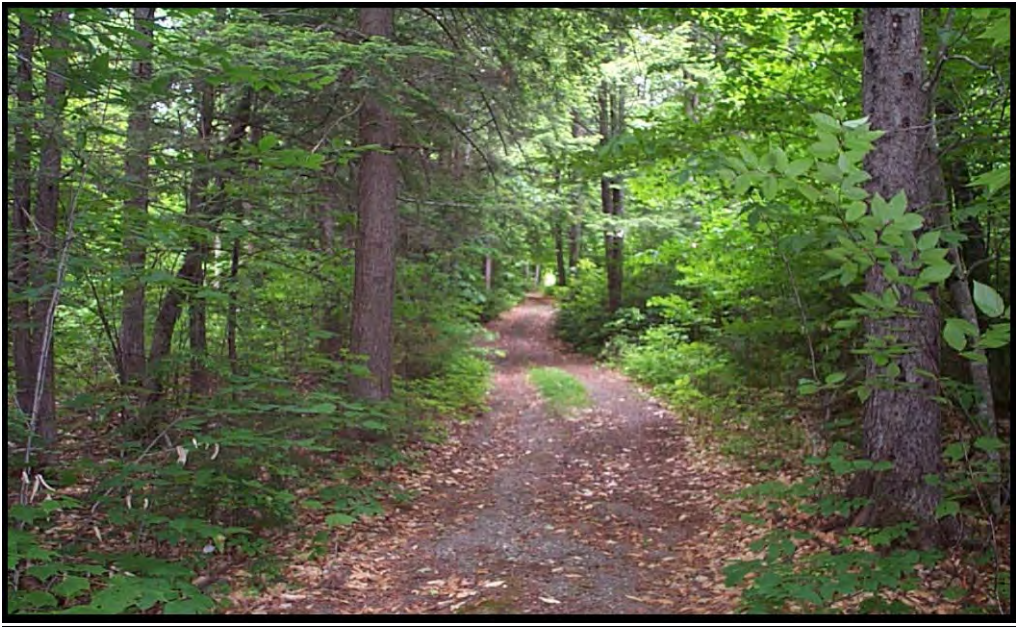
The Kingsbury Plantation is very scenic, yet the scenic beauty is not unique. It is very typical for ponds in this part of Maine. The scenic views can be enjoyed from both pond side cottages and from boaters on the ponds. The interior timber harvesting roads provide access to higher elevation for viewing as well. There are also many streams, brooks, and bogs set in moderately mountainous terrain and accessed by gravel woods roads which provide for a serene woodland setting.

The photographs below better describe these scenic assets.



Whetstone Pond - East Side Camp Road

Note: Underground power leading into Shorefront Lot



Whetstone Pond - Camp Driveway



Whetstone Pond - Camp near Proposed Development



Whetstone Pond – West Shore Proposed Development Area



Whetstone Pond – East Shore Proposed Development Area



Whetstone Pond - Scenic View



Whetstone Pond - Public Boat Ramp



Foss Pond – Scenic View From Hand Carry Site



Foss Pond - West Shore Camp



Foss Pond - West Shore Camp



Foss Pond - East Shore Three Camps



Foss Pond - Access Road West Side

I. Recreational Resources

The most common recreational activities in Kingsbury Plantation are fishing and hunting. The first month after “ice out” is the peak time for fishing activity with a moderate amount of fishing until the end of September.

Hunting activity begins with the late August bear hunt, followed by the annual moose hunt in September and October, and continues into the fall with deer, grouse, rabbits, and other species.

Other recreational activities include camping, which is usually done with an accompanying activity, such as fishing, hunting, canoeing, hiking, and ATVing. Winter activities include snowmobiling, snowshoeing and skiing.

A variety of facilities support recreational use in the area. There is a public boat launch on Whetstone Pond. A public boat launch and public beach exist on Piper Pond. Canoeists will enjoy the many ponds and streams within the area of Kingsbury Plantation. Annually people canoe down Kingsbury Stream from State Rte. 16 to Abbot Village. In the townships to the north of Kingsbury Plantation, the Appalachian Trail is accessible for the hiker and camper. Golfing is available in several of the local communities.

Other recreational resources in the general area include day and half-day trips to Baxter State Park (75 miles away), Bar Harbor and Acadia National Park (75 miles away), Katahdin Iron Works (50 miles away), Bangor (55 miles away), Rockwood and Mt. Kineo (35 miles away), Greenville (25 miles away) and The Forks area of Maine (40 miles away).

Big Squaw Mountain (30 miles away) offers downhill skiing, snowboarding, and panoramic views of the surrounding ponds and lakes.

The Snowmobile Interconnected Trail System ITS 85 provides service along the Piscataquis River between Abbot and Greenville. Greenville serves as a major hub of the Maine Snowmobile Interconnected Trail System joining three major trails - ITS 85, ITS 86, and ITS 87. To the south, ITS 85 leads to the Newport area.

During the spring and summer months white water rafting is available on the Kennebec and Penobscot Rivers. Fall provides a spectacular time for nature walks and photography opportunities in the surrounding natural beauty Kingsbury Plantation provides.

J. Historical, Cultural and Archaeological Resources

Historical and archaeological resources on the development area have not been surveyed. Dr. Arthur Spiess, Senior Archaeologist from the Maine Historic Preservation Commission, recommends a Phase I survey at the proposed development sites on Whetstone and Foss Pond. The area to be surveyed would be between the shoreline and 100 feet from the shoreline on the proposed development lots. The survey should be conducted in order to evaluate any cultural and archaeological resources of the area. Any sites found would be placed in a protective easement.

An archaeological survey will occur as part of the subdivision permit phase.

K. Soils and Slopes

The slopes within Linkletter & Sons, Inc. holdings in Kingsbury Plantation vary throughout the property. There are medium and small mountains, rolling foothills, gentle slopes and flat areas. The land also has wetlands near the numerous streams within the Concept Plan.

Map series #3-x show the slopes in this Concept Plan area.

Class D – Medium Intensity Soil Surveys for the Concept Plan proposed development areas has been conducted by S.W. Cole Engineering, Inc.

Map series #4-x show the soils preliminary potential in this Concept Plan.

Higher intensity field soil mapping will occur as part of the subdivision permit phase.

Site Descriptions

Whetstone Pond

The Whetstone Pond project site occurs on gently to strongly sloping loamy and silty glacial till side slopes. Soils range from poorly drained to moderately well drained but are dominated by somewhat poorly and moderately well drained silty tills on the east side of the pond and

somewhat poorly to poorly drained loamy tills on the west side of the pond. The south end of the pond is dominated by area of organic soil and very poorly drained mineral soils. Some of the poorly and very poorly drained soils may be hydric. Hydric soils are typically a component of wetlands, which are regulated by the Land Use Regulation Commission and the Army Corps of Engineers.

Foss Pond

The Foss Pond project site occurs on strongly sloping to moderately steep loamy and silty glacial till side slopes. Soils are dominated by somewhat poorly drained to well drained and deep loamy tills but includes small areas of shallow and silty glacial till soils. The central portion of the project site is moderately steep and with very stony loamy tills ranging in depth from shallow to very deep. Strongly sloping somewhat poorly and moderately drained deep loamy till dominate the northern portion of the project site. The extreme southern end of the project site may include strong sloping very stony somewhat poorly and moderately well drained deep silty glacial till and steep very stony shallow and moderately deep loamy glacial tills.

Thorn Brook Sites north of Foss Pond

The lot areas occur on gently sloping to moderately steep very stony loamy glacial tills soils. Drainage ranges from somewhat poorly to moderately well drained. Depth to bedrock ranges from shallow to very deep.

Thorn Brook Sites southeast of Whetstone Pond

The lot areas occur on strongly sloping to moderately steep very stony loamy glacial tills soils. Drainage ranges from somewhat poorly to moderately well drained. Depth to bedrock ranges from shallow to very deep.

Happy Corner Road – North and South Site

The project site occurs on strongly sloping very stony loamy and silty glacial till soils. Soils range from poorly to well drained but are dominantly well drained.

Crocket Ridge and 300 Road Site

The project site occurs on strongly sloping very stony loamy glacial till soils. Drainage ranges from somewhat poorly to moderately well drained and depth to bedrock ranges from shallow to very deep.

Soils Descriptions (Refer to Soil Maps)	
77C 348C 347C	These soils typically have medium potential suitability for subsurface septic systems and for residential development.
54B 54C 78B 348D 353C 3076C	These soils typically have low potential suitability for subsurface septic systems and for residential development due to shallow depth to bedrock and steep slopes.
394XE AO	These soils typically have very low potential suitability for subsurface systems and development due to shallow depth to groundwater.

Soil Scientist Recommendations

The minimum map delineation size is 40 acres for each area shown on the Soil Maps, thereby making the map useful as a tool for planning the area for potential development, but is not intended or recommended for site-specific interpretations of site and soil suitability. As the proposed lots vary in size, it is not uncommon to find suitable soil on a lot for a subsurface septic system within an area that initially shows low potential. Prior to subdividing the land into lots, the proposed development shall have field soil surveys performed in order to establish areas that meet the requirements for subsurface septic systems.

Whetstone Pond Lots

Based on the information contained in the USDA, SCS published soil survey map and report and the scientist's knowledge of the proposed use of the site, soils in the western half of the project site are significantly limited by shallow depth to seasonal groundwater. The limitation of seasonal groundwater can be eliminated or mitigated by addition of granular fill or site drainage of residential dwellings. The site contains area of hydric soils that may be jurisdictional wetlands. Hydric soil areas may fall under the jurisdiction of LURC or the Army Corp of Engineers, and as such any development in these areas will require permits for alteration from local, state or federal agencies.

Foss Pond Lots

Based on the information contained in the USDA, SCS published soil survey map and report and the scientist's knowledge of the proposed use of the site, soils over most of the project site are limited by shallow depth to bedrock, steep slopes, and shallow depth to seasonal groundwater. Limitations due to steep slopes and shallow depth to bedrock for residential dwellings may potentially be mitigated by removal of bedrock or additions of granular fill. Limitations due to shallow depth to seasonal groundwater can be eliminated or mitigated by additions of granular

fill material or site drainage. Limitations due to shallow depth to bedrock, steep slopes, or shallow depth to seasonal groundwater can be mitigated for septic systems where soil and site conditions meet certain plumbing code requirements.

Thorn Brook Sites north of Foss Pond

Based on the information contained in the USDA, SCS published soil survey map and report and the scientist's knowledge of the proposed use of the site, soils over most of the project site are limited by shallow depth to bedrock, shallow depth to seasonal groundwater and strongly sloping to moderately steep slopes. Limitations due to shallow depth to bedrock for residential dwellings may potentially be mitigated by removal of bedrock or additions of granular fill. Limitations due to shallow depth to seasonal groundwater can be eliminated or mitigated by additions of granular fill material or site drainage. Limitations due to shallow depth to bedrock, steep slopes, or shallow depth to seasonal groundwater can be mitigated for septic systems where soil and site conditions meet certain plumbing code requirements.

Thorn Brook Sites southeast of Whetstone Pond

Based on the information contained in the USDA, SCS published soil survey map and report and the scientist's knowledge of the proposed use of the site, soils over most of the project site are limited by shallow depth to bedrock, steep slopes, shallow depth to seasonal groundwater and strongly sloping to moderately steep slopes. Limitations due to steep slopes and shallow depth to bedrock for residential dwellings may potentially be mitigated by removal of bedrock or additions of granular fill. Limitations due to shallow depth to seasonal groundwater can be eliminated or mitigated by additions of granular fill material or site drainage. Limitations due to shallow depth to bedrock, steep slopes, or shallow depth to seasonal groundwater can be mitigated for septic systems where soil and site conditions meet certain plumbing code requirements.

Happy Corner Road Lots

Based on the information contained in the USDA, SCS published soil survey map and report and the scientist knowledge of the proposed use of the site, soils over most of the project site are limited by shallow depth to seasonal groundwater. Limitations due to shallow depth to seasonal groundwater can be eliminated or mitigated by additions of granular fill material or site drainage for residential dwellings. Limitations due to shallow depth to bedrock, steep slopes, or shallow depth to seasonal groundwater can be mitigated for septic systems where soil and site conditions meet certain plumbing code requirements. The site contains area of hydric soils that may be jurisdictional wetlands. Hydric soil areas may fall under the jurisdiction of LURC or the Army Corp of Engineers, and as such any development in these areas will require permits for alteration from local, state or federal agencies.

Crockett Ridge and 300 Road Lots

Based on the information contained in the USDA, SCS published soil survey map and report and the scientist knowledge of the proposed use of the site, soils over most of the project site are limited by shallow depth to bedrock and shallow depth to seasonal groundwater. Limitations due to shallow depth to bedrock for residential dwellings may potentially be mitigated by removal of

bedrock or additions of granular fill. Limitations due to shallow depth to seasonal groundwater can be eliminated or mitigated by additions of granular fill material or site drainage. Limitations due to shallow depth to bedrock or shallow depth to seasonal groundwater can be mitigated for septic systems where soil and site conditions meet certain plumbing code requirements.

L. Rare or Significant Plants, Wildlife and Geological Features

There are no known rare or significant plants within the Kingsbury Plantation parcel.

A Fish and Wildlife Protection Subdistrict (P-FW) exists to the northwest of Foss Pond on the Kingsbury and Blanchard Township boundary. This area is identified as a deeryard, State ID Number 080633. No development is proposed near this area.

A Soils and Geology Subdistrict (P-SG) zone exists to the southwest of Foss Pond. This area is identified as a protection subdistrict due to the steep terrain. The area is included as part of the permanent conservation around Foss Pond

There are several gravel pits throughout the Concept Plan land holdings. The largest gravel pit exists to the northwest of Foss Pond. Any existing gravel pit will remain available in order to supply gravel for maintenance to the 110 miles of roads in Linkletter & Sons, Inc.'s ownership within Kingsbury Plantation. This Concept Plan includes Land Use Standards associated with gravel pit operation.

M. Existing Zoning (see Map #5)

The Maine Land Use Regulation Commission currently governs the zoning of the Linkletter and Sons, Inc. property. The zones within Linkletter and Sons, Inc. ownership include the following:

M-GN: General Management Subdistrict

This subdistrict is the predominant subdistrict within the ownership. Its purpose is to allow forestry activities to occur with minimal interference from unrelated development in areas where the resource protection afforded by protection subdistricts is not required.

P-GP: Great Pond Protection Subdistrict

This subdistrict extends 250 feet horizontal distance back from the normal high water mark of all great ponds (over 10 Acres in size) within the ownership. The purpose of this zone is to regulate residential and recreational development on great ponds in order to prevent the degradation of water quality, recreational potential, fishery habitat, or scenic character. Single-family detached dwelling units are allowed by permit. Timber harvesting is permitted following specific standards.

P-SL: Shoreland Protection Subdistrict

This subdistrict is divided in two categories: P-SL1 and P-SL2.

P-SL1: 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-SL2: 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 10.16,K,2, a,(1)(b) and (c) and (2) and (3); and (c) the normal high water mark of standing bodies of water less than 10 acres in size, but excluding standing bodies of water which are less than three acres in size and which are not fed or drained by a flowing water.

P-WL: Wetland Zone Subdistrict

This subdistrict encompasses all submerged lands and other area meeting wetland criteria.

P-WL1 designates Wetlands of Special Significance, P-WL2 designates scrub shrub wetlands, and P-WL3 designates Forest Wetlands.

P-WL1: Wetlands of special significance:

- (a) Areas enclosed by the normal high water mark of flowing waters, stream channels, and standing waters, except for constructed ponds less than 10 acres in size that are not fed or drained by flowing waters;
- (b) 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
- (c) Freshwater wetlands, as follows:
 - (i) Within 250' of a coastal wetland or of the normal high water mark of any body of standing water greater than 10 acres;
 - (ii) 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;
 - (iii) That are inundated with floodwater during a 100 year flood event;
 - (iv) Containing significant wildlife habitat;
 - (v) Consisting of, or containing, peatland, except that the Commission may determine that a previously mined peatland, or portion thereof, is not a wetland of special significance; or
 - (vi) Within 25' of a stream channel.

P-WL2: Scrub Shrub Wetlands:

- (a) Scrub shrub and other nonforested freshwater wetlands, excluding those covered under P-WL1; and

- b) Constructed ponds less than 10 acres in size that are not fed or drained by flowing waters.

P-WL3: Forested freshwater wetlands, excluding those covered under P-WL1 and P-WL2.

P-SG: Soils and Geology Subdistrict

The purpose of this subdistrict 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.

P-FW: Fish and Wildlife Subdistrict

The purpose of this subdistrict is to conserve important fish and wildlife habitats essential to the citizens of Maine because of their economic, recreational, aesthetic, educational or scientific value.

N. Existing Services

The proposed site is located 7 miles north of Abbot, Maine in a largely undeveloped area. The services available in Abbot are limited and include a Town Hall, Post Office, a convenience store, and a bakery.

The following services are available in the adjacent communities or are provided by state and county agencies.

Police

Piscataquis County Sheriff's Office, located in Dover-Foxcroft, Maine, is responsible for police matters.

Fire Protection

The Maine Forest Service is responsible for forest fire prevention, forest fire suppression, and issuing burning and campfire permits.

Utilities

Whetstone Pond's east shore proposed development has access to electrical power. No utilities are present at the proposed development on Whetstone Ponds west shore or Foss Pond. The closest community is Abbot and it has the following utility providers:

Oil and Propane Gas:	Local Dealers
Electrical Power:	Central Maine Power Company
Telecommunication:	Verizon

Schools

Kingsbury Plantation is part of School Union #60. This school union consists of Greenville, Beaver Cove, Willimantic, and Shirley. Kingsbury Plantation presently has no school age children that attend School Union #60.

Historically Kingsbury Plantation has paid tuition for children to go to M.S.A.D. #4. The towns that comprise M.S.A.D. #4 include Abbot, Cambridge, Guilford, Parkman, Sangerville, and Wellington.

Hospital and Ambulance

Greenville, Maine (20-25 miles north) and Dover-Foxcroft, Maine (17 miles east) both have hospitals.

Kingsbury Plantation contracts with Mayo Regional Hospital for ambulance services.

Transfer Station

Kingsbury Plantation contracts with Brighton Plantation for transfer station services.

III. THE LAKE CONCEPT PLAN

A. Duration of Plan

The provisions of this Concept Plan shall apply for 15 years from the date of approval by the Land Use Regulation Commission, with exception that the permanent conservation easement shall apply in perpetuity and will be implemented as described further in this plan.

Prior to expiration, the Concept Plan may be renewed and extended in accordance with Section 10.16, F by the Land Use Regulation Commission and the landowner(s). The landowner(s) must provide the Commission with written notice of whether they intend to extend or renew the Concept Plan one year prior to the expiration of the Concept Plan. If the Concept Plan is proposed for renewal, the renewed Concept Plan must be submitted to the Commission six months prior to the current Concept Plan's expiration date. If the landowner(s) or the Commission do not wish to renew the Concept Plan, or cannot agree upon the terms of a renewal, the Commission will, in conformity with its Comprehensive Land Use Plan statutes and standards, designate appropriate zoning subdistricts for those areas encompassed by this Concept Plan to become effective upon expiration of the Concept Plan.

B. Limitation

It is understood and agreed upon that by entering into this Concept Plan any modifications or variations from the rules or standards that otherwise would have applied or development occurring as a result of this Concept Plan may not be used to justify or support a subsequent rezoning, to meet adjacency requirements, or to otherwise change the zoning on property either within or outside the area subject to the Concept Plan either during or upon expiration of the Concept Plan.

In the event that this Concept Plan is terminated following the 15 year period, all transactions initiated as a component of the Concept Plan, including without limitations, the granting of conservation easements or restrictive covenants on subdivided land will continue to apply to the extent that the transactions are covered by legal contract, deed, or deed covenants, permit or other legal requirements. Approval of any development for which corresponding easements have not been conveyed under the terms of this Concept Plan shall lapse upon expiration of this Concept Plan.

The Concept Plan, including without limitation, conservation easements restrictions and limitations resulting there from, shall be binding upon Linkletter & Sons, Inc., its successors and assigns and the Maine Land Use Regulation Commission.

C. Parties

The parties to the lake Concept Plan:

1. Linkletter & Sons, Inc., a Maine corporation with offices in Athens, Maine; and
2. Small Woodlot Owners Association of Maine; and
3. State of Maine, Department of Conservation, Bureau of Parks and Lands

D. Area to be Included (see Map #5)

The area to be included in the Concept Plan includes Linkletter & Sons, Inc. holdings in Kingsbury Plantation north of State Rte. 16. This property contains 11,920 +/- acres.

E. Existing Development in the Concept Plan Area

There are five (5) camp lots located on Foss Pond, within the Concept Plan. The current lessees, lot size, and type of structure are as follows:

Foss Pond (Linkletter & Sons, Inc. owns the land)

<u>Lessee**</u>	<u>Lot No.</u>	<u>Acreage</u>	<u>Structure</u>
Harris, William	1-1-0-90	1.0 +/-	Single story camp
Dumont, Steven	1-1-0-91	1.0 +/-	Single story camp
Knowlton, Muriel & Stanley	1-1-0-92	1.0 +/-	Single story camp
Meatley, Richard & Alice	1-1-0-93	1.0 +/-	Single story camp
Jaeger, Gilbert	1-1-0-94	1.0 +/-	Single story camp

** Information provided by Hamlin & Associates, Parkman, Maine

F. Proposed Development

1. Summary

Forest Management, Mineral Extraction

Linkletter & Sons, Inc. intends to manage the area for forestry practices, gravel extraction, and recreational purposes. The removal of forest products within 250 feet of Whetstone, Foss, and Hiltons Ponds is allowed within the Concept Plan, see Appendix 6, and the Conservation Easement. Gravel extraction for forest management road maintenance and new forest management roads is allowed within the Concept Plan, see Appendix 4.

Whetstone Pond

Linkletter & Sons, Inc. proposes twelve (12) fee lots on Whetstone Pond as follows: three (3) lots east of the camp access road and located greater 500 feet from Whetstone Pond, three (3) lots on the southeastern shore and six (6) lots on the southwestern shore. These lots are designated as seasonal. The area of development encompasses 25 +/- acres with 9 +/- acres common open green space.

The lots on the southeastern shore will have 200 feet of shorefront and have access to electrical power.

The three lots on the access road will be located adjacent to the shorefront development and have access to electrical power.

The lots on the southwestern shore are clustered into groups of three. Common open green space is placed between the clusters and behind the clustered lots. The shorefront requirement for each of these lots has been reduced to 150 feet, to provide clustering and to place developable shorefront into green space.

Deeded covenants shall establish 100 foot buffer setbacks from the pond, limits on width of clearing, the use of shared drives when practical, and restriction of building size, height, and color so as to blend in with the natural character of the surroundings. Each shore lot may have a seasonal, temporary boat dock. A portion of shoreline and the outlet of Whetstone Pond along with land on each side of Thorn Brook, an area representing approximately 315 +/- acres, shall be placed in permanent conservation.

Foss Pond

Linkletter & Sons, Inc. proposes seven (7) lots, arranged in two groups along the shorefront. The area of development encompasses 11 +/- acres. The developed lots are intended as leased recreational property. The lots will have 200 feet of shorefront. Deeded covenants shall establish 100 foot buffer setbacks from the pond, limits on width of clearing, the use of shared drives when practical, and restriction of building size, height, and color so as to blend in with the natural character of the surroundings. Each lot may have a seasonal, temporary boat dock. Foss Pond's remaining shoreline, and a section of land presently zoned Protection Subdistrict - Soils and Geology, and the area encompassing the Hilton Ponds, representing approximately 740 +/-

acres, shall be placed in permanent conservation easement. A majority of the area placed in permanent conservation extends back 500 feet from the shorelines. Shared drives are allowed through this permanent conservation area.

Hilton Ponds

Linkletter & Sons, Inc. intends to place the entire shoreline in permanent conservation easement, The area placed in permanent conservation extends back 500 +/- feet from the shoreline.

Woodland Lots

Linkletter & Sons, Inc. proposes eight (8) woodland lots. The area of development totals 20 +/- acres. The developed lots are intended as leased recreational property. Deeded covenants shall establish buffer setbacks from the road, and restrictions on building size, height, and color, so as to blend in with the natural character of the surroundings. The locations are as follows:

Happy Corner Road – North Parcel – 5 +/- Acres

The proposed development consists of two (2) wooded lots held as leased ownership. Each lot size is 2.5 +/- acres, each with frontage on Happy Corner Road. Each lot will be restricted to one dwelling. Access to the lots is via Happy Corner Road.

Happy Corner Road – South Parcel – 6 +/- Acres

The proposed development consists of two (2) wooded lots held as leased ownership. Each lot size is 3 +/- acres, each with frontage on Happy Corner Road. Each lot will be restricted to one dwelling. Access to the lots is via Happy Corner Road.

Happy Corner Road – West Parcel – 4 +/- Acres

The proposed development consists of two (2) wooded lots held as leased ownership. Each lot size is 2 +/- acres, each with frontage on Rte.16. Each lot will be restricted to one dwelling.

300 Road – 2.5 +/- Acres

The areas proposed development consist of one (1) wooded lot held as leased ownership. The lot size is 2.5 +/- acres with frontage on the 300 Road. The lot will be restricted to one dwelling. Access is via a forest management road.

Crockett Ridge – 2.5 +/- Acres

The areas proposed development consist of one (1) wooded lot held as leased ownership. The lot size is 2.5 +/- acres with frontage on an established forest management road. The lot will be restricted to one dwelling. Access is via forest management roads.

Thorn Brook Lots

Linkletter & Sons, Inc. proposes eleven (11) stream side lots. Six (6) lots will be located on a section of Thorn Brook north of Foss Pond; five (5) lots will be located on a section of Thorn Brook south of Whetstone Pond. The area of development totals 30 +/- acres. The developed lots are intended as leased recreational property. Deeded covenants shall establish buffer setbacks from the road, Thorn Brook, and restrictions on building size, height, and color so as to blend in with the natural character of the surroundings. Access is via existing forest management roads and proposed drives.

Roads & Drives

The Lake Concept Plan contains over 50 miles of gravel logging roads. Most roads are in excellent condition and provide access to the developed sites. Linkletter & Sons, Inc. is responsible for the normal maintenance and repair of the gravel access roads to the leased sites. Lot owners are responsible for the maintenance of their lot/camp access drive.

Linkletter & Sons, Inc. reserves the right to remove snow from any gravel access road within the Lake Concept Plan. Snow removal or snowplowing of access roads is not guaranteed.

A new road extension to Whetstone Pond's southwestern proposed development area is anticipated. This extension is approximately 1000 feet, is a continuation of a forest management road, and will be entirely on Linkletter & Son's land. Some upgrades of existing roads to Thorn Brook sites are anticipated. The road construction will be in accordance with Maine Land Use Guidelines and State Soil Scientist recommendations.

New Camp Road Construction Guidelines:

The road will be 14 feet wide and will have 2:1 H/V side slopes or flatter. Cross slope grade shall be a uniform 3% +/- slope to allow drainage to the down hill side. The road shall be constructed in a layer system that includes layering geo-textile fabric directly on the old road or native till, followed by a layer of 12 inch MDOT Class B (4" minus) aggregate, and then a final layer of 6 inches MDOT Class A (2" minus) aggregate. In wet areas and wetland areas an additional layer of geo textile fabric shall be used between the 12 inch and 6 inch layer. Road turnouts are to be used to allow circulation of traffic. Road turnouts will be located to take advantage of existing timber yards.

Ditches shall be minimized and existing ditches may require stone or geo-textile fabric to reduce erosion and promote vegetation growth. Existing drainage structures will need to be evaluated for size and condition. Stone lined ditch turnout level spreaders, if required, will be placed so that water will run through a buffer area prior to entering any pond.

Whetstone Pond – Eastern Shore

Whetstone Pond's eastern shore road is an established gravel road. The road is a combination of a county road, a camp owners association road and a private road owned by Linkletter & Son's, Inc. A section of the private road may need to be upgraded to provide access to Thorn Brook lots. The upgrade would consist of an added gravel surface and normal maintenance and repair.

Whetstone Pond – Western Shore

Whetstone Pond's western shore road is accessible via an established gravel road. The road is a private forest management road owned by Linkletter & Son's, Inc. The private road will require an extension to provide access to the western shore lots. The amount of extension would be approximately four hundred (400) feet in both the north and south direction along the westerly boundaries of the lots. The road will pass through the common open green space.

Foss Pond – Shore Lots

Foss Pond has established gravel roads (900 & 1100 & 1130 Road) along the proposed development area. The roads are private forest management roads owned by Linkletter & Son's, Inc. Traffic flow is inbound on the "1100" Road and outbound on the "900" Road. No upgrades are proposed for these roads.

Eastern shore lots (4): A new drive to these lots would be approximately twelve hundred (1200) feet from the 900 Road.

Western shore lots (3): New drives to these lots would be approximately five hundred (500) feet from the 1130 Road.

To reduce road and drive steepness, new road and drives will be placed linearly along the terrain contours as much as practicable.

Thorn Brook Lots

Thorn Brook lots have established gravel roads along the proposed development areas. The roads are private forest management roads owned by Linkletter & Son's, Inc.. Some roads will require upgrade for access to the lots. New drives will need to be constructed to these sites.

Happy Corner Road Lots

The four (4) wooded lease lots are accessible via Happy Corner Road. Minimal upgrade is planned for this road.

Rte. 16 Lots

The two (2) wooded lease lots are accessible along Rte. 16. Driveway permits from MDOT may be required for these lot drives.

300 Road Lot

The wooded lease lot is accessible via the “300” Road. The access road is an existing forest management road. No upgrade is planned for this road.

Crockett Ridge Lot

The wooded lease lot is accessible via either the Old Mountain Road or several gravel forest management roads connected to the “900” or “1100” Road. No upgrades are planned for these roads.

Utilities

Septic

Each site may have its own septic disposal bed or privy, pursuant to approved septic design and soil suitability, and in accordance with the State of Maine Plumbing Code. A licensed state site evaluator will design the septic disposal bed. Gray water shall be discharged into a disposal bed. All septic disposal beds shall be located greater than one hundred (100) feet from the high water mark of any pond or stream.

Water

Water may be procured by individual lot wells in accordance with State of Maine Plumbing Code. Whetstone and Foss Pond water will only be procured by hand carry or by hand pump. Limitations will be imposed on the amount of pond water stored on each lot.

Electrical

Whetstone Pond’s eastern shore has access to electrical power. Overhead power lines exist to the first proposed lot. Overhead power lines are proposed to continue along the access road. Development restrictions allow underground power across the individual lots.

Whetstone Pond’s western shore does not have electrical power, however it is conceivable that in the future that electrical power may be available from the shoreline development to the north. Develop restrictions allow underground power within the green space abutting these lots and across these lots.

Foss Pond has no electrical power. At this time, electrical power for Foss Pond does not seem likely, as State Rte. 16 does not have electrical power. Provisions within the

concept plan have been made to allow for overhead power along the forest management road and underground power along camp access roads and drives.

Garbage and Debris

On site garbage and debris shall be disposed of in closable containers. At the end of each activity period the garbage and debris shall be removed and disposed at the current Kingsbury Plantation contracted transfer station. At this time those services are provided by Brighton Plantation.

Summary of pond frontage and land acreage within the Lake Concept Plan

Table 1 – Summary of Whetstone Pond Shorefrontage

Existing Conditions	Feet	% of Total
Whetstone Pond	16,300 +/-	100.0
Whetstone Pond in Kingsbury Plantation***	3,910 +/-	24.0
Linkletter & Sons, Inc., ownership	2,820 +/-	17.3
Others, ownership	1,090 +/-	6.7

***Does not include outlet stream boundary or small finger of shoreline within wetland area in southwestern corner

Table 2 – Summary of Foss Pond Shorefrontage

Existing Conditions	Feet	% of Total
Foss Pond	11,900 +/-	100.0
Linkletter & Sons, Inc. ownership, not developed	10,840 +/-	91.1
Linkletter & Sons, Inc. ownership, leased lots	1,060 +/-	8.9

Table 3 – Summary of Hilton Ponds Shorefrontage

Existing Conditions	Feet	% of Total
Hilton Ponds	6,900 +/-	100.0
Linkletter & Sons, Inc. ownership, not developed	6,900 +/-	100.0

Table 4 – Summary of Linkletter & Sons, Inc. Pond Shorefront Ownership and Proposed Shorefront Development within the Lake Concept Plan

Proposed Conditions	Feet	% of Total
<i>Whetstone Pond</i>	2,820 +/-	100.0
Permanently Protected	980 +/-	34.8
Green Space	300 +/-	10.6
East shore – 3 lots	640 +/-	22.7
West shore – 6 lots	900 +/-	31.9
<i>Foss Pond</i>	11,900 +/-	100.0
Permanently Protected	9,420 +/-	79.2
East shore – 4 lots	610 +/-	5.1
West shore – 3 lots	810 +/-	6.8
Existing leased lots	1,060 +/-	8.9
<i>Hilton Pond #1 and #2</i>	6,900 +/-	100.0
Permanently Protected	6,900 +/-	100.0

Table 5 – Summary of Linkletter & Sons, Inc. Land Holdings and proposed development within the Lake Concept Plan

Proposed Conditions	Acres	% of Total
Linkletter & Sons, Inc. Ownership	11,920 +/-	100.0
Permanent Conservation	1,055 +/-	8.9
15 year Conservation (Ponds and Land)	10,765 +/-	90.3
Whetstone Pond – Development	25 +/-	0.23
Whetstone Pond – Common Open Green Space	9 +/-	0.08
Foss Pond – Development (Proposed)	11 +/-	0.09
Foss Pond – Development (Existing)	5 +/-	0.04
Happy Corner Rd. North Parcel – Development	5 +/-	0.04
Happy Corner Rd. South Parcel - Development	6 +/-	0.05
Happy Corner Rd. West Parcel – Development	4 +/-	0.03
Thorn Brook – Development	30 +/-	0.25
300 Road - Development	2.5 +/-	0.02
Crockett Ridge – Development	2.5 +/-	0.02

G. Proposed Conservation (see Map #6)

Linkletter & Sons, Inc. is proposing to conserve in perpetuity certain areas within the Kingsbury Plantation parcel. These areas (1,055 +/- acres) are shown on Map #6 and consist of the area within 500 +/- feet of the shorelines of Whetstone Pond outlet, Foss Pond, Hilton Ponds, 250 feet on each side on a portion of Thorn Brook. These areas are designated as “Preserved From any Future Development”.

Table 6 – Summary of Permanent Conservation Areas

Proposed Area	Frontage	Length	Setback	Acreage
Whetstone Pond	Shoreline	980' +/-	500 +/- feet from shoreline	315 +/-
Thorn Brook	Shoreline	6,600' +/-	250 +/- feet each side	(included above)
Foss Pond	Shoreline	9,420 +/-	500 +/- feet form shoreline	740 +/-
Hilton Ponds	Shoreline	6,900' +/-	500 +/- feet from shoreline	(included above)
Total		23,900' +/-		1,055 +/-

The remaining land, **10,765 +/- acres**, not designated for development or permanent conservation is to be placed in a 15-year “no-development” conservation area. Timber harvesting, mineral extraction at existing sites, and primitive traditional recreational activities shall be allowed within the boundaries of this area.

Following approval of this Concept Plan and in accordance with the Phasing of Development and Conservation section of this plan (Section IV) Linkletter & Sons, Inc. will grant a conservation easement to the easement holder.

Other conservation measures include Linkletter & Sons, Inc. restriction on lot usage, lot coverage, and shoreline development in the development areas.

In order to protect the forest lands, the ecosystems therein, and preserve the quality of the experience of the northern Maine woods, Linkletter & Sons, Inc. will allow the continuance of private and public access to their land for hunting, trapping, fishing, ATVing, snowmobiling, hiking, camping, and other primitive outdoor recreation activities, however Linkletter & Sons, Inc. reserves the right to restrict access around operational forest management areas and to those who do not respect the conservation values of the Concept Plan Area.

H. Amendments

Upon mutual agreements of Linkletter & Sons, Inc. and the Commission, this Concept Plan may be amended from time to time due to unforeseen circumstances. It is expected, however, that this Concept Plan will provide for the long-term protection and management of the plan area. Should unforeseen circumstances arise, amendments may be proposed that the Commission determines are warranted and are in keeping with the purposes and intent of this Concept Plan. Those parties authorized to do so by law, including Linkletter & Sons, Inc, may propose amendments. Proposed amendments shall be made in writing to the Commission and shall be subject to the Commission review and approval in accordance with the Commission's Concept Plan provisions in its Comprehensive Plan and Land Use Districts and Standards. Amendments to the Concept Plan shall be promptly filed in the Piscataquis County Registry of Deeds. Notice to abutters and the general public is required if amendments are proposed that would change the extent of development or the extent and placement of conservation measures. The conservation easements and any amendments to the easements within the Concept Plan area shall also require Commission approval.

I. Proposed Easement Holder

The Small Woodlot Owners Association of Maine, SWOAM, has agreed to accept the Conservation Easements with the limitations, terms, and conditions. Any changes in the holder of these easements shall require the approval of the Commission.

J. Severability

The provisions of this plan are not severable. If a section of this Concept Plan is adjudged by a court of competent jurisdiction to be invalid and such decision is no longer subject to appeal, such decision shall invalidate the remaining sections of this plan; provided that any conservation easements, similar recorded restrictions on use, or approved developments shall be permanent in accordance with their terms.

K. Effective Date of Concept Plan

This Concept Plan shall take effect following approval by the Maine Land Use Regulation Commission. Within thirty (30) days of the effective date of this Concept Plan, the applicant or their agent will file a copy of the approved Concept Plan at the Piscataquis County Registry of Deeds. Upon the conveyance of a lot (sale or lease) that is included within the Concept Plan, the landowner shall reference the existence of this Concept Plan and any amendments thereto in the deed conveying the lot.

IV. CONCEPT PLAN IMPLEMENTATION

A. Zoning

The present Commission's land use management subdistrict (M-GN) and protection subdistrict (P-GP, P-SL, P-WL, P-FW, and P-SG) for the Lake Concept Plan Area will be modified to Resource Plan Protection Subdistrict (P-RP). The extent of these areas and the zones that the P-RP designation replaces are shown on Map #5.

1. Purpose

The purpose of the Kingsbury Plantation Resource Plan Protection Subdistrict is to provide for the efficient and effective management of the subdistrict and to provide for the protection of those resources in the subdistrict in need of protection.

2. Description of Subdistrict

The subdistrict covers 11,920 +/- acres of land. The subdistrict lies entirely within Kingsbury Plantation, lying 5 miles to the west of Abbot Village, 10 miles northwest of Guilford and 25 miles south of Greenville. The south boundary line borders State Rte. 16 and includes 3.8 miles of road frontage; the east boundary line borders the so-called "Happy Corner Road" and Abbot town line; the north boundary line borders the Blanchard Township municipal line; and the west boundary line borders the Mayfield Township municipal line and several individual property owners. This subdistrict includes 3 miles of shoreline and is depicted on the Concept Plan Map #5. The subdistrict does not include the existing six (6) outlots on Whetstone Pond, which shall remain as presently zoned.

3. Duration

The duration of this subdistrict shall be fifteen (15) years from the effective date hereof.

4. Extension

Prior to its expiration, the Concept Plan may be renewed and extended upon approval of the Commission and the applicant. The applicant must provide the Commission with written notice of whether it intends to extend or renew the Plan one (1) year prior to the expiration of this Lake Concept Plan. If the Lake Concept Plan is proposed for renewal, the renewed Plan must be substantially complete and submitted to the Commission six (6) months prior to the current Lake Concept Plan's expiration date. If the applicant or the Commission do not wish to renew the Plan, or cannot agree upon the terms of a renewal, the Commission will, in conformity with its Comprehensive Land Use Plan, statutes, and standards, designate appropriate zoning subdistricts for those areas encompassed by this Lake Concept Plan to become effective upon expiration of this Plan.

5. Effective Date

The effective date of this Subdistrict shall be the date of approval of the Concept Plan by the Land Use Regulation Commission. All references to the Commission's Rules and Standards herein shall mean those rules and standards in effect as of the date of approval of the Concept Plan, copies of which are attached hereto as Appendices.

B. Phasing of Development and Conservation

The phasing in of the conservation and development measures proposed in this concept plan shall occur as follows:

Rights to Permanent Conservation Easement within the Lake Concept Plan Boundaries

Following approval of the concept plan by the Land Use Regulation Commission, Linkletter & Sons, Inc. will grant a permanent conservation easement, in perpetuity, (see Section IV Draft Conservation Easement) to the easement holder SWOAM, on approximately 1,055 +/- acres of the shorelines of the Whetstone Pond, Foss Pond, Hilton Ponds, and Thorn Brook.

This area contains 23,900 feet of shoreline.

The approval of the Lake Concept plan allows the development of the shoreland and woodland lots proposed within this plan provided the landowner submits information normally required for applicable permit approvals, as appropriate, and obtaining such approvals from the Land Use Regulation Commission, prior to proceeding with development.

Proposed Subdivision Permit Submittal

Phase I	3 fee lots on Whetstone Pond & 3 woodland lots (Spring 2005)
Phase II	7 lease lots on Foss Pond (Spring 2005)
Phase III	6 fee lots on Whetstone Pond (Summer/Fall 2005)
Phase IV	8 lease woodland lots (Lots permitted as demand dictates)
	11 lease lots on Thorn Brook (Lots permitted as demand dictates)

C. Land Use Standards Applicability

Any allowed uses shall be governed by the following:

1. Existing Lots and Structures:

- a. Protection Subdistricts and Land Use Standards included in Part D, below;
- b. Appendix 2 through 5, except for existing conditions;
- c. Appendix 6 Nonconforming Uses and Structures; and
- d. Appendix 7 Notification Format

2. New Lots and Structures:

- a. Protection Subdistricts and Land Use Standards included in Part D, below;
- b. Appendix 1 Development Restrictions and Covenants;
- c. Appendix 2 through 5, except for existing conditions; and
- d. Appendix 7 Notification Format

3. Prohibited Uses

All uses not expressly allowed, with or without a permit, shall be prohibited.

If none of the above standards provide guidance, then LURC's Land Use Rules and Standards effective at the time of a ruling may be used as guidance in determining whether a proposal is permitted.

In cases where two or more provisions of this document apply to a particular structure, use, or lot, the more restrictive provision shall control.

D. Land Use Standards Applicable to the Concept Plan Resource Plan Protection (P-RP) Subdistrict

1. The following land use standards apply to all areas within the P-RP subdistrict except those areas designated Wetland Protection (P-WL), Shoreland Protection (P-SL), Fish and Wildlife Protection Subdistrict (P-FW) and Soils and Geology (P-SG) on Map 5 of the Concept Plan or as described in sections D.2, D.3, D.4,

a. Uses Allowed Without a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions and conservation easements,

The following uses shall be allowed without a permit from the Commission within 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 a Great Pond;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Non-permanent docking structures;
- (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

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and Land Use Standards contained in the Appendices herein (Appendix 2 -8), the following uses shall be allowed without a permit from the Commission:

- (1) 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 Appendix 5,A;
- (2) Driveways associated with residential uses;
- (3) Filling and grading;

- (4) Land management roads, and water crossings of minor flowing waters; and Land management roads located greater than 250 feet from a Great Pond 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) Public hand-carry launches;
- (8) Service drops;
- (9) Signs; and
- (10) Timber harvesting;
- (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 forest management activities at distances greater than 250' from a Great Pond; and
- (12) Mineral extraction for road purposes less than 5 acres in size and located greater than 250' from a Great Pond.

c. Uses Requiring a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses may be allowed within this subdistrict upon issuance of a permit from the Commission pursuant to 12 MRSA Section 685-B, and in accordance with this concept plan:

- (1) Campsites;
- (2) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with Appendix 5, F;
- (3) Filling and grading, which is not in conformance with Appendix 5,E and draining, dredging and alteration of the water table or water level for other than mineral extraction;
- (4) Parking areas, roads, signs and similar facilities associated with public hand-carry launches
- (5) Land management roads and water crossings of minor flowing waters which are not in conformance with Appendix 5,C; water crossings of bodies of standing water and of major flowing waters;
- (6) Level A mineral exploration activities located greater than 250 feet from a Great Pond, including associated access ways, which are not in conformance with Appendix 5,B;
- (7) Level B and C road projects, except for water crossings of minor flowing waters as provided for in D,1.b(4), above;
- (8) Level B mineral exploration activities located greater than 250 feet from a Great Pond;
- (9) Mineral extraction operations, located greater than 250' from a Great Pond, and

- (a) affecting an area less than 5 acres in size and which are not in conformance with the standards of Appendix 5,C;
 - (b) affecting an area between 5 and 30 acres provided the unreclaimed area is less than 15 acres; and structures essential to the extraction activity having a total gross floor area of no more than 2,000 square feet; and
 - (c) Portable mineral processing equipment.
- (10) 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;
 - (11) Residential: Single family dwellings;
 - (12) Subdivisions;
 - (13) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, hand-carry launches and water crossings of minor flowing waters;
 - (14) Signs that are not in conformance with Appendix 5,H.
 - (15) Timber harvesting which is not in conformance with Appendix 5,D.
 - (16) Hand-carry launches addressed above which are not in conformance with the standards Appendix 5,I, and private hand-carry launches;
 - (17) Utility facilities other than service drops serving uses authorized under these standards or under this Concept Plan;
 - (18) Other structures, uses, or services that are essential for uses listed in Section D, 1. a through c above; and
 - (19) 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. Prohibited Uses

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

P-WL Wetland Protection Subdistrict

2. The following land use standards apply for all those areas within the P-RP subdistrict designated Wetland Protection (P-WL) on Map 5 of the Concept Plan, or those areas identified as wetlands when on-site delineation is required. Surface water bodies and areas meeting the description of wetlands, below, shall also be regulated by the land use standards of this subsection.

a. Description

- (1) P-WL1: Wetlands of special significance:
 - (a) 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;
 - (b) Freshwater wetlands, as follows:
 - (i) Within 250' of a coastal wetland or of the normal high water mark of any body of standing water greater than 10 acres;
 - (ii) 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;
 - (iii) That are inundated with floodwater during a 100 year flood event;
 - (iv) Containing significant wildlife habitat;
 - (v) 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
 - (vi) Within 25' of a stream channel.
- (2) P-WL2: Scrub shrub wetlands, as follows:
 - (a) Scrub shrub and other nonforested freshwater wetlands, excluding those covered under P-WL1; and
 - (b) Constructed ponds less than 10 acres in size which are not fed or drained by flowing waters.
- (3) P-WL3: Forested freshwater wetlands, excluding those covered under P-WL1 and P-WL2.

Areas meriting protection as P-WL1, P-WL2, or P-WL3 subdistricts 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).

Wetlands identified on Map 5 of this Concept Plan may contain inclusions of upland areas or other wetland types smaller than 15,000 square feet that do not conform to the description of wetlands, above. Such inclusions will be regulated in accordance with the Section D.2 of this Concept Plan.

b. Uses Allowed Without a Permit

Subject to the requirements and limitations set forth herein and all applicable deeded covenants (Appendix 1), conservation easements, and Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses are allowed without a permit from the Commission:

- (1) Boating;
- (2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (3) Fish weirs and traps;
- (4) Forest management activities except for timber harvesting;
- (5) Land management roads in P-WL3 subdistricts;
- (6) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (7) Non-permanent docking;
- (8) 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;
- (9) Surveying and other resource analysis;
- (10) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- (11) Use of sea or ski planes; and
- (12) Wildlife and fishery management practices.

c. Uses Allowed Without a Permit Subject to Standards

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and subject to the requirements of current Land Use Standards contained herein (Appendices 2-8), the following uses are allowed without a permit from the Commission:

- (1) Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size within a P-WL2 or P-WL3 subdistrict which are not fed or drained by flowing waters, provided they are constructed

- and maintained in conformance with the vegetative buffer strip requirements of Appendix 5,A;
- (2) Driveways associated with residential uses within P-WL 2 and P-WL3 subdistricts;
 - (3) Filling, grading, draining, dredging or otherwise altering less than 4,300 square feet of a P-WL2 or P-WL3 subdistrict;
 - (4) Land management roads in P-WL1 or P-WL2 subdistricts, that alter less than one acre of such subdistricts;
 - (5) Level A road projects;
 - (6) 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;
 - (7) Public and private hand-carry launches within a P-WL2 or P-WL3 subdistrict or within the normal high water mark of flowing waters, stream channels, or bodies of standing water.
 - (8) Service drops for telephone or electrical service, including associated vegetative clearing, provided:
 - (a) the line extension does not cross or run beneath a coastal wetland, river, stream, or brook;
 - (b) 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
 - (c) the total length of the extension is less than 2,000 feet;
 - (9) Signs;
 - (10) Timber harvesting; and
 - (11) Water crossings of minor flowing waters.

d. Uses Requiring a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and current Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses may be allowed upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and in accordance with this concept plan.

- (1) 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 Sappendix 5,F; driveways within P-WL1 subdistricts;

- (2) Filling, grading, and dredging, other than for riprap associated with water crossings and except as provided for in Section D, 2.c(11), above;
- (3) Land management roads which are not in conformance with the standards of Appendix 5,C, or which will alter one acre or more of a P-WL1 or P-WL2 subdistrict;
- (4) Level B road projects, other than crossings of minor flowing waters as provided for in Section D, 2.b(11), above;
- (5) Shoreland alterations, excluding, marinas, permanent docking facilities, water access ways, trailered ramps, hand-carry launches, water crossings of minor flowing waters, and motorized recreational gold prospecting;
- (6) Hand-carry launches addressed in Section D, 2.b(7), above, which are not in conformance with the standards of Appendix 5,I;
- (7) Water crossings of minor flowing waters which are not in conformance with the standards of Appendix 5,C, and water crossings of tidal waters, bodies of standing water, and of major flowing waters;
- (8) Other structures, uses or services that are essential to the uses listed in Section D, 2. b through d, above; and
- (9) 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.

e. **Special Exceptions**

Except as provided for in Section D, 2.b(1), the following uses may be allowed within P-WL Protection Subdistricts 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 Concept Plan 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 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; and
 - (2) Hand-carry launches, except as provided for in Section D, 2. c and d.

f. **Prohibited Uses**

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

P-SL Shoreland Protection Subdistrict

3. The following land use standards apply for all those areas within the P-RP subdistrict designated Shoreland Protection (P-SL) on Map 5 of the Concept Plan, and those areas meeting the description, below.

a. Description

P-SL1: Areas within 250 feet of the normal high water mark, measured as horizontal distance landward of such high water mark, of flowing waters downstream from the point where such waters drain 50 square miles or more.

P-SL2: 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 wetlands identified in Section D, 1 a, (1), b 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.

b. Uses Allowed Without a Permit

Subject to the requirements and limitations set forth herein and all applicable deeded covenants (Appendix 1), conservation easements, and Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses are allowed without a permit from the Commission:

- (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) Non-permanent docking;
- (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.

c. Uses Allowed Without a Permit Subject to Standards

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and subject to the requirements of current Land Use Standards contained herein (Appendices 2-8), the following uses are allowed without a permit from the Commission:

- (1) 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 Appendix 5,A;
- (2) Driveways associated with residential uses;
- (3) Filling and grading;
- (4) Land management roads, and water crossings of minor flowing waters;
- (5) Level A road projects;
- (6) Mineral extraction, affecting an area less than 2 acres, for road purposes;
- (7) Public hand-carry launches;
- (8) Service drops;
- (9) Signs;
- (10) Timber harvesting; and
- (11) Water crossings of minor flowing waters.

d. Uses Requiring a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and current Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses may be allowed upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and in accordance with this Concept Plan.

- (1) Campsites;
- (2) Driveways associated with residential uses which are not in conformance with the standards of Appendix 5,F;
- (3) Filling and grading, except as provided in Appendix 5,E, and draining, dredging, and alteration of water table or water level for other than mineral extraction;
- (4) Forest management activities which are not in conformance with the standards of Appendix 5,D;
- (5) Land management roads, and water crossings of minor flowing waters which are not in conformance with the standards of Appendix 5,C; water crossings of tidal waters, bodies of standing water, and of major flowing waters;
- (6) Level B and C road projects, other than crossings of minor flowing waters as provided for in Section D, 3 b(4), above;

- (7) 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 Appendix 5,B;
- (8) 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;
- (9) Residential: Single family dwellings;
- (10) Shoreland alterations, excluding marinas, permanent docking facilities, water-access ways, trailered ramps, hand-carry launches and water crossings of minor flowing waters;
- (11) Public hand-carry launches addressed in Section D, 2c(7), above, which are not in conformance with the standards of Appendix 5, I, and private hand-carry launches;
- (12) Utility facilities, excluding service drop;
- (13) Other structures, uses or services that are essential for the exercise of uses listed in Section D, 3. b through d; 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 which they protect.

e. **Prohibited Uses**

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

P-FW Fish and Wildlife Protection Subdistrict

4. The following land use standards apply for all those areas within the P-RP subdistrict designated Fish and Wildlife Protection (P-FW) on Map 5 of the Concept Plan.

a. Description

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

- (1) 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.
- (2) The shelter portions of deer wintering areas when the following conditions are met:
 - (a) The following must be shown for all shelter portions of deer wintering areas proposed for a P-FW subdistrict:
 - (i) 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 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. In this regard, the Commission may be guided by "Planning for Maine's Inland Fish and Wildlife Resources, 1986-1991", 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

- (ii) 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
- (b) The Maine Department of Inland Fisheries and Wildlife (MDIFW) has submitted to the Commission a status report containing the following information:
- (i) Deer population and deer habitat goals for the state and the applicable Wildlife Management District (WMD) – see Map 10.23,D-1;
 - (ii) Estimated current population of deer in the state and the applicable WMD;
 - (iii) Amount of land designated as P-FW subdistricts in the applicable WMD;
 - (iv) Existing information on the amount of deer wintering habitat in organized towns within the applicable WMD;
 - (v) Amount and location of land designated as P-FW subdistricts in the subject township and all townships abutting the subject township;
 - (vi) A qualitative and, if available, quantitative assessment, based on existing information, of the importance of the area proposed as a P-FW subdistrict 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
- (c) The combined area of the shelter portions of deer wintering areas designated as P-FW or P-4 subdistricts within the applicable WMD must not exceed 3.5% of the area of that WMD; and
- (d) The Department of Inland Fisheries and Wildlife has consulted with the landowner in one of the following ways:
- (i) 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 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. 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:
 - (a) 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;

- (b) 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
- (ii) 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 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:
 - (a) 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;
 - (b) 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 and applies the P-FW designation to the area, within two years of the date of that subdistrict 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.
- (3) Upon request or agreement by the landowner, the configuration of a P-FW subdistrict may be modified in order to provide the subdistrict with boundaries of reasonably regular shape.
- (4) 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 that are submitted to the Commission after June 20, 1991.
- (5) The Commission may change a P-FW subdistrict by reducing its size or by changing it to another subdistrict designation if it finds by substantial evidence that:
 - (a) The area designated as a P-FW subdistrict is no longer substantially used as a wintering area by deer and has not been so used for a period of ten years; and
 - (b) The change is consistent with the Comprehensive Land Use Plan; and
 - (c) 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 change if the owner of the affected land designated as P-FW 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 has been established for the purposes of protecting a deer wintering area, that subdistrict shall not be reduced in size as a result of timber harvesting activities which would cause such subdistrict to no longer satisfy the requirements of Section 10.23,D,2,b,(1),(b).

b. Uses Allowed Without a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and current Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses are allowed without a permit from the Commission:

- (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) Non-permanent docking in the shelter portion of deer wintering areas;
- (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) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (7) Wildlife and fishery management practices.

c. Uses Allowed Without a Permit Subject to Standards

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and subject to the requirements of current Land Use Standards contained herein (Appendices 2-8), the following uses are allowed without a permit from the Commission:

- (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; 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 road projects;
 - (3) 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 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.
 - (4) Signs listed as exempt in Appendix 5,H; and
 - (5) Water crossings of minor flowing waters.

d. Uses Requiring a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and current Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses may be allowed upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and in accordance with this concept plan.

- (1) Campsites;
- (2) Filling and grading;
- (3) Level B road projects;
- (4) Timber harvesting and land management roads for which agreement cannot be reached pursuant to Section 4, c (1) above;
- (5) Water crossings of minor flowing waters which are not in conformance with the standards of Appendix 5,C; water crossings of bodies of standing water and of major flowing waters;
- (6) Other structures, uses or services that are essential for uses listed in Sections D, 4. b through d; and
- (7) 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.

e. Prohibited Uses

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

P-SG SOILS AND GEOLOGY PROTECTION SUBDISTRICTS

5. The following land use standards apply for all those areas within the P-RP subdistrict designated Soil and Geology Protection (P-SG) on Map 5 of the Concept Plan, and those areas meeting the description, below.

a. 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.

b. Uses Allowed Without a Permit

Subject to the requirements and limitations set forth herein and all applicable deeded covenants (Appendix 1), conservation easements, and Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses are allowed without a permit from the Commission:

- (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, excluding 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; and
- (6) Wildlife and fishery management practices.

c. Uses Allowed Without a Permit Subject to Standards

Subject to the requirements and limitations set forth herein and all applicable deeded covenants (Appendix 1), conservation easements, and Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses are allowed without a permit from the Commission:

- (1) Level A road projects; and
- (2) Signs.

d. Uses Requiring a Permit

Subject to the requirements and limitations set forth herein and all applicable Development Restrictions (Appendix 1), conservation easements, and current Land Use Standards contained in the Appendices herein (Appendix 2-8), the following uses may be allowed upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and in accordance with this Concept Plan.

- (1) Land management roads and water crossings;
- (2) Level B and road projects;
- (3) Timber harvesting;
- (4) Trails;
- (5) Other structures, uses, or services that are essential for the exercise of uses listed in Section D, 5. b through d; and
- (6) 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.

e. Prohibited Uses

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

V. Review Criteria for Lake Concept Plans

The following criteria are considered when justifying the rezoning within this lake concept plan. After each criterion is listed the provisions of this lake concept plan to meet or exceed these criteria.

A. Statutory Rezoning Criteria

Under provisions of the Commission's statute, 12 MRSA §685-A (8-A), no change in a district boundary may be approved unless there is substantial evidence that:

- A. The proposed land use district is consistent with the standards for district boundaries in effect at the time; the Comprehensive Land Use Plan; and the purpose, intent and provisions of Chapter 206-A (the Land Use Regulation Law); and
- B. The proposed land use district satisfies a demonstrated need in the community or area and has no undue adverse impact on existing uses or resources or a new district designation is more appropriate for the protection and management of existing uses and resources within the affected area.

Provisions

This lake concept plan contains the current Land Use Standards for the districts that it replaces in the Appendices 2-8. In addition, deeded covenants (Appendix 1) for the development area restrict building size, height, type, lot clearing, noise and light levels.

The following provides assurance that the area proposed for development reflects the guidelines of the Comprehensive Land Use Plan:

1. Placed in Permanent Conservation – 1,055 +/- acres including in aggregate 3.3 miles of shore frontage on Whetstone Pond, Foss Pond and the Hilton Ponds and 6,600 feet along Thorn Brook.
2. Place in a “no-development” 15-year conservation area - 10,765 +/- acres available for primitive recreational use.
3. A plan for development that places a majority of proposed development on ponds (Whetstone and Foss Ponds) with existing development.
4. Allowances that traditional uses of the land remain available (such as hunting, fishing, snowmobiling and forest management).

The need for quality shorefront lots is evident by:

1. The number of request received by local real estate professionals in the Abbot and Greenville areas.

2. The growth rate in these areas is increasing each year and the demand for quality shorefront lots are in high demand. The sales pattern, of a recent lake concept plan near Greenville, supports this fact.
3. The opportunity to increase business of consumer services providers, including building contractors, surveyors, recreational vehicle service providers, grocery stores, and sporting supply stores.
4. The support of the Piscataquis County Commissioners who view the proposed development as a favorable impact to Kingsbury Plantation and Piscataquis County.

In order to ensure that no undue adverse impacts on existing uses or resources, the proposed plan provides the following information:

1. The proposed pond development is limited to the ponds that already have dwellings.
2. The proposed interior woodland lots and pond lots are accessible by an established forest management road system that is accessible by 2-wheel drive vehicle during 3 seasons of the year.
3. Development Restrictions (Appendix 1) that limit size of dwelling and clearing limits between pond and dwelling.
4. Development Restrictions and Deed Covenants (Appendix 1) and Land Use Standards (Appendix 2-8) are part of this Concept Plan, enabling the applicant, the Land Use Regulation Commission, and other agencies to review and if necessary enforce the land uses to prevent undue adverse impacts.
5. The Piscataquis County Commissions and the Sheriff's department feel the services required by the proposed development will be minimal.
6. The Kingsbury Plantation Assessors have agreed that if provisions are made to limit the proposed development to seasonal use only lots (Deed Covenant -Appendix 1), then the proposed development will have minimal impact to the services provided by the Kingsbury Plantation.

A new district designation is more appropriate for the following reasons:

1. This designation is a means for the landowner to place more restrictive measures (a reduction in allowed uses), thereby providing more protection of natural resources of a substantial land area.
 - a. The area proposed for Resource Plan Protection, P-RP, establishes that over 3.3 miles of shorefront along Whetstone, Foss and the Hilton Ponds and 1.2 miles of shorefront along Thorn Brook will be placed in perpetuity conservation vs. the present zoning of P-GP and M-GN that could allow for the potential development (dwellings) of these shorefronts in the future, either through rezoning to development subdistricts for subdivisions or through incremental development of two lots every five years without any regulatory oversight.
 - b. The owner has proposed a more restrictive zoning than the existing protection subdistricts in place and applied these land use standards to the entire Lake Concept Plan. The P-RP zoning also provides additional restrictions within areas presently zoned P-WL, P-FW and P-SL subdistricts.

2. Because the area is a fringe township (< 5 miles to Abbot village and the abutting 3 organized towns) and accessible by 2-wheel drive vehicle, the area has many visitors. It is important to establish this area as a P-RP area, so that others (visitors, abutters, and planners) are aware of the important conservation values that exist in the area. Protecting the shoreline along Whetstone, Foss, and the Hilton Ponds and along Thorn Brook through the implementation of this Concept Plan is an important conservation tool with benefits not only in Kingsbury Plantation, but also for the State of Maine.
3. The permanent conservation of potentially developable shoreline coupled with placing a large land area in a 15-year conservation will reduce the need for repetitious permit applications to the Commission.
4. The new designation allows the Commission (and the people of Maine) to have more predictability on how the ponds and the lands within the Lake Concept Plan should be developed.
5. The plan offers a reasonable balance between development while providing for long-term conservation of pond resources (greater than 3.3 miles of shorefront and 1,055 +/- acres placed in perpetuity conservation and over 10,765 +/- acres of land placed in a 15-year conservation area).

**B. Consistency with the Comprehensive Land Use Plan:
Goals and Policies for Development (p. 140-142)**

- A. Location of Development – Encourages orderly growth proximate to existing, compatibly developed areas (p 141). Encourages residential development near existing towns and communities where it can be efficiently served by existing services, facilities and utilities (p 140).
- B. Economic Development – Encourage resource-based enterprises that further the tradition of multiple uses w/o diminishing the jurisdiction’s principal values (p 141).
- C. Site Review – Harmonious fit. Require use of buffers, building setbacks to maintain scenic quality. Adequate parking & traffic circulation, limit number and size of signs, prevent cumulative impacts from incremental development, discourage unnecessarily large lot sizes and encourage clustering & open space (141-142).
- D. Infrastructure – well planned, no adverse impact. Utilities located within existing Right-of-Way of new roads to plan for future growth and public access (142).
- E. Development Rate, Density and Type (142).

Provisions

Location of Development:

The location of the proposed development on the ponds is adjacent to or within several hundred feet of existing seasonal dwellings on Whetstone and Foss Pond. The proposed dwellings are near several organized towns (Abbot, Guilford, and Monson) that can provide services to the dwellings. The proposed development on the eastern shore of Whetstone Pond has access to utilities (electric and telecommunication).

The location of the proposed development on Happy Corner Road is consistent with the existing development established along this road as accessed from State Rte. 16.

The location of the proposed development along Thorn Brook is consistent with the use of this area, as seasonal campers use the areas adjacent to Thorn Brook. These areas are also adjacent to the development on Whetstone Pond, Happy Corner Road, and Foss Pond.

The location of the proposed development along the “300” Road and Crocket Ridge Road are located away from the core area of development and access. The use of these dwellings has been expressed as hunter cabins and as such the remoteness from the developed area will have minimal impact to the traditional uses of the more accessible and developed areas.

Economic Development:

The traditional uses of this area are primitive recreational use and wood harvesting. A blend of seasonal dwellings along the shorefront and on the interior land will provide services required of real estate professionals, surveyors, contractors, and propane suppliers, along with support services of convenience stores. The woodland use will remain in timber production and will also be available for primitive recreational use.

Site Review:

Each lot has a 100’ building setback from the normal high water mark, 15’ setback from property lines, and 50’ setback from the access road. Development Restrictions and Deeded Covenants (Appendix I) are included to restrict building size, color, noise, signage, clearing, and lighting so that the development blends into the existing character of the ponds. Because of the size of the lots being greater than 43,560 sq. ft (1 acre) and the clearing limits of 10,000 sq. ft. within 250 feet of the ponds, natural buffer areas are created.

The lots sizes and locations are clustered so as to provide for adequate soils for subsurface septic systems, provide for adequate privacy between dwellings, and to ensure that clearings are separated to provide undeveloped portions of shorefront between dwellings. The lots sizes are small enough to enable the use of common drives.

Proposed development access is gained by existing roads. Short access roads and drives (<1000 feet) may be required to the shorefront development on Foss and Whetstone Pond. These drives and roads will be developed in accordance with Land Use Standards and with the coordination of the State Soil Scientist.

Foss Pond, Thorn Brook, Whetstone Pond (southwest side), Crocket Ridge Access

The traffic flow presently uses the “1100” Road (inbound) and “900” Road (outbound) to access Foss Pond and the western shore of Whetstone Pond. The access is on forest management roads.

Whetstone Pond (southeast side) and Thorn Brook Access

An existing county road, camp owners association road, and a forest management road access the eastern shore of Whetstone Pond and Thorn Brook

Due to the fact that the development is in different areas and the limited amount of development compared to the physical size of the property, traffic circulation is not an anticipated problem.

Limits on building size and height, outdoor lighting, noise, and lot clearings are part of the deeded covenants assuring that the scenic quality will be maintained.

Infrastructure:

Electrical overhead lines are present along the roadway that accesses the proposed lots on the southeastern side of Whetstone Pond. Any other overhead utilities will be placed along existing or new roadways so that impact is held to a minimum. Underground utilities are allowed on the lots, and along camp roads within the right of way when crossing the conservation easement.

Wells and subsurface septic systems are allowed on each lot and will be built in accordance with Maine Plumbing Code.

Development Rate, Density and Type:

The proposed rate of development is 38 units for a fifteen-year period on 11,920 acres of land, which equates to a build-out rate of 2.5 lots per year or 1 dwelling per 313 acres. In comparison, twenty (20) building permits have been issued in the past 2 years in Kingsbury Plantation.

The types of dwellings proposed are single-family dwellings with up to 2 accessory structures. Deed restrictions limit size, height and color and number of accessory structures.

The lots cannot be further subdivided.

This plan proposes 16 single-family seasonal pond shorefront lots and 22 single-family seasonal interior woodland lots in a 15-year period. This plan provides a predictable pattern of where development will occur for the next 15-years.

Permanent conservation and a large 15-year conservation land area have been placed around and between the developed lots, providing an assurance of no further development on Foss Pond, Hilton Ponds, and Linkletter & Sons, Inc.'s ownership on Whetstone Pond.

Vehicle access to Foss Pond, Whetstone Pond (southwestern side), and the interior lots, is based on seasonal road conditions. The removal of snow for vehicle access is not required of the applicant. No electrical power is available at these lots. The traditional use of the existing lots on Foss Pond has been seasonal use. Because of these facts, the foreseeable use of the dwellings on Foss Pond, Whetstone Pond (southwestern side), and interior lots is recreational and seasonal use.

The proposed development cannot be used as adjacency criteria for any future development.

C. Standards for P-RP Subdistrict Boundaries

Under provisions of 10.16, F, 6 of the Commission's Land Use Districts and Standards, the Commission may approve a Concept Plan and any associated redistricting to the Resource Plan Protection (P-RP) Subdistrict if the following criteria are satisfied:

- A. The plan, taken as a whole, is at least as protective of the natural environment as the subdistricts that it replaces. In the case of concept plans, this means that any

- development gained through any waiver of the adjacency criterion cited in the Commission's *Comprehensive Land Use Plan* is matched by comparable conservation measures;
- B. The plan includes in its purpose the protection of those resources in need of protection; and
 - C. Conservation measures apply in perpetuity, except where it is demonstrated that other alternative conservation measures fully provide for long-term protection or conservation
 - D. The plan strikes a reasonable and publicly beneficial balance between appropriate development and long-term conservation of lake resources.

Provisions:

By limiting growth within 11,920 acres of land to 38 units in the next fifteen years, by placing 1,055 +/- acres of land in permanent conservation, and by placing over 10,765 +/- acres of land in a "no-development" 15-year conservation area, a commitment is established by Linkletter & Sons, Inc. to continue the traditional forest management and primitive recreational use of the land as has been enjoyed in the past.

The Concept Plan, taken as a whole places ninety-nine (99) percent of the lands within its boundary in some form of conservation, either permanent or "no-development" status. The lands placed in permanent conservation easement around Foss Pond and the Hilton Ponds aid in protecting the natural resources of the ponds, particularly the aquatic wildlife and fisheries resources. The protection of wetland and upland areas, at the outlet of Whetstone Pond and along Thorn Brook, aid in the protection of the natural resources, especially the fishery resources.

The Concept Plan places over 3.3 miles of pond shoreline and 1.2 miles of Thorn Brook shoreline in permanent conservation.

The plan includes Development Restrictions and Deed Covenants (Appendix 1) and Land Use Standards (Appendix 2-8) to assure that the protection of Kingsbury Plantation is at least as protective as presently zoned.

D. Review Criteria for Residential Development within the Concept Plan

The Commission shall review all subdivision applications associated with this Concept Plan in accordance with the statutory criteria for approval regarding technical and financial capability, traffic and circulation, soils and environmental fit (12 M.R.S.A. section 685-B(4)). In addition, the review standards for structures adjacent to lakes (Section 10.13,B,2 of the Commission's Land Use Districts and Standards), as further elaborated below, must be met for all subdivisions proposed on land adjacent to Whetstone and Foss Ponds and located within the Concept Plan area.

All lots on which structural development is proposed, including all proposed subdivisions, must comply with the State's environmental laws (Section 10.13,B,1,(A), including the dimensional requirements of Section 10.17,B,1 of the Commission's Land Use Districts and Standards.

Review Criteria for Structures Adjacent to the Ponds

1. Natural and Cultural Resource Value

Foss Pond has received a "significant" rating for fisheries. Whetstone Pond has received "significant" ratings for fisheries and physical features. The Lake Concept Plan in preserving these values has limited development to 18 acres on Whetstone Pond and 11 acres on Foss Pond. Linkletter & Sons, Inc. proposes to place 315 acres south of Whetstone Pond and 740 acres around Foss Pond and the Hilton Ponds that includes a large amount of the shoreline (17,300 ft.) into permanent conservation. In preserving the shorelines, Linkletter & Sons, Inc. commits to leave much of Foss Pond and all of the Hilton Ponds undeveloped, so others can enjoy the natural resources.

2. Water Quality

The water quality within the proposed development areas is very important to Linkletter & Sons, Inc.. The lake's water quality is directly reflected in its "significance" fisheries rating. Linkletter & Sons, Inc. has completed the following actions to ensure this water quality is maintained:

- a. A Preliminary Phosphorus Impact Analysis for the new development has been performed. Buffer areas along roadways have been identified to reduce phosphorus impact, and these buffer areas will be included as deed restrictions in the subdivision phase of permitting.
- b. Requirements that septic systems be located at least 100' from the shoreline.
- c. Linkletter & Sons, Inc. commits to erosion control measures to be used in accordance with the guidelines for vegetative stabilization and best management practices or other equally effective methods. These guidelines will be part of the subdivision phase of permitting as an Erosion and Sedimentation Control Plan.

3. Traditional Uses

The lands included within the Concept Plan area have historically been in private ownership. In the past, the traditional uses associated with this area have been allowed with landowner permission.

Whetstone Pond, Foss Pond, and the Hilton Ponds and the interior woodlands within this Concept Plan have traditionally been used for seasonal lakeshore camps and recreational activities such as hunting, camping, fishing, and forest management purposes. In order to ensure that these traditional uses are preserved, a significant percentage of the shorefront is placed in permanent conservation easement and a major tract of interior land is placed in a 15-year “no development” conservation area. The Concept Plan does allow the traditional uses of the land in the conservation area, however the landowner reserves the right to restrict access around operational forest management areas and to those who do not respect the conservation values of the Concept Plan. Specific provisions are made for timber harvesting within the permanent conservation easement area.

4. Regional Diversity

The area in which the proposed development lies is adjacent to Abbot Village, and along a major access route to the Moosehead Lake Region of Maine. The Moosehead Lake Region has seen greatly expanded growth in residential and seasonal dwellings in the past 20 years. This growth is due in part to the demand of shorefront property and the easy access of state and private roads.

Linkletter & Sons, Inc., has recognized the growth pattern in the Moosehead Lake Region, but is also concerned with maintaining their continuous land holdings as large tracts of land devoted to forest management. By limiting the size and physical location of the proposed development areas, Linkletter & Sons, Inc. is proposing to seek a balance between planned development that fits with the growth pattern in the Moosehead Lake Region and providing a means to pay property taxes on their contiguous land holdings.

5. Natural Character

In order to ensure that the dwellings blend with the natural character of traditional pond side dwellings, the Concept Plan includes Development Restrictions and Deed Covenants (Appendix 1) on building size, material, color and height, as well as noise and clearing limits. The Concept Plan includes Land Use Standards (Appendices 2-8).

6. Lake Management Goals

By giving up development equity rights and protecting the majority of the shorefront of Foss Pond, part of Whetstone Pond, and all of the Hilton Ponds, Linkletter & Sons, Inc. has greatly aided in the Lake Management Goals of the State of Maine.

7. Landowner Equity

Linkletter & Sons, Inc. owns the entire shorefront of the Hilton and Foss Ponds. Linkletter & Sons, Inc. owns 17.9 percent of the shorefront of Whetstone Pond.

Linkletter & Sons, Inc. gives up its entire development equity on the Hilton Ponds.
Linkletter & Sons, Inc. gives up 79 percent of its development equity on Foss Pond.
Linkletter & Sons, Inc. gives up 34 percent of its development equity on Whetstone Pond.

This reduction in development has a significant monetary value.

Because development is restricted other landowner's rights increase. These rights are:

- a. Fewer developed lots will ensure that the water quality is preserved.
- b. As a large undeveloped shorefront preserves the natural character of the ponds, it establishes the character of the pond other landowners (lessees) have come to expect.
- c. By limiting development of the available shorefront, the monetary value of other shorefront lots will continue to increase. (Historically shorefront lot prices have increased, especially if surrounded by undeveloped areas)

Provisions for Section 10.17,B,1 and 10.13,B,1A of the Land Use Districts and Standards

The Concept Plan lots will comply with the State's environmental laws, site location, protection of natural resources, and provisions for solid waste and sewage disposal, and maintaining a healthy water supply.

Lot Dimensions

The lots are greater than 1 acre in size but less than 3.5 acres in size and have a minimum of 200 feet shorefront, (except for the cluster of lots having 150 feet shore frontage on Whetstone Pond). The minimum setbacks include 100 feet from the normal high water mark, 50 feet from the access road and 15 feet from side property lines.

Clearing Limits & Shared Drive

The clearing limits within 100-feet of the shorefront is limited to a 100 foot wide area and must be in accordance with Appendix 5,A. The clearing limits aid in establishing a wooded buffer area between dwellings, thereby preserving a natural shoreline to protect natural resources.

Where possible the use of shared drives will be used in order to reduce the amount of disturbance to the natural resources and to reduce the impact of phosphorus.

Solid Waste Disposal

Kingsbury Plantation Assessors contract with Brighton Plantation in the use of the Transfer Station. The proposed dwellings would have access to Brighton Plantation Transfer station as a Kingsbury Plantation taxpayer.

Sewage Disposal

Each lot is allowed to have a subsurface disposal field or privy. The design and construction is to be in accordance with Maine Plumbing Code.

Healthy Water Supply

Dwelling setbacks, sewage disposal in accordance with Maine Plumbing Code, limited clearing on each lot, restriction on pond water usage, combined with seasonal usage aids in ensuring that the ponds remain healthy.

E. Criteria for Management of Lakes (Ponds) within the Concept Plan

The Wildlands Lakes Assessment, initiated in 1996 by LURC, established a systematic base of natural resources and land use information on all lakes within the Commission's jurisdiction. The assessment classifies each lake based on management classes and resource class. The ponds within the lake concept plan are classified as follows:

- **Whetstone Pond** is classified as a **Management Class 5, Resource Class 2** pond.
- **Foss Pond** is classified as a **Management Class 7, Resource Class 2** pond.
- The **Hilton Ponds** are classified as a **Management Class 7, Resource Class 3** pond.

Management Class 5

Consist of heavily developed lakes. The commission seeks to maintain natural qualities associated with these lakes, enhance scenic value, and retain some undeveloped shoreline requiring cluster development on these lakes except where clearly inappropriate due to site characteristics.

Management Class 7

Consist of all lakes not otherwise classified. Many of these lakes have multiple outstanding or significant resources values identified in the Wildland Lakes Assessment. The Commission will manage these lakes for multiple uses, including resource conservation, recreation, and timber production, giving specific consideration to identified resource values when evaluating the merits of lake-related rezoning and permit applications.

Resource Class

- 1A = Lakes with statewide significance with two or more outstanding values
- 1B = Lakes with statewide significance with one outstanding value
- 2 = Lake of regional significance (with no outstanding values but at least one significant resource value)

- 3 = Lake of local or unknown significance (either had no significant or outstanding natural value or information was inadequate to make a determination)

Provisions:

The Hilton Ponds are placed in permanent resource conservation that will provide for primitive recreational activities and timber production.

Foss Pond development is limited to 7 new lots and 5 existing lots. Seventy-nine (79) percent of Linkletter & Sons, Inc. shorefront ownership is placed in permanent conservation easement that will provide for primitive recreational activities and timber production.

Whetstone Pond development is limited to nine (9) new lots on the southern portion of the pond. Thirty-four (34) percent of Linkletter & Sons, Inc. shorefront ownership is placed in permanent resource conservation, including some developable shorefront, that will provide for primitive recreational activities and timber production.

**CONSERVATION EASEMENT
KINGSBURY PLANTATION
PISCATAQUIS COUNTY**

Linkletter & Sons, Inc., a Maine corporation licensed to do business in the state of Maine, with offices in Athens, Maine, 04478, and with a mailing address of P.O. Box 135, Athens, Maine 04912 (hereafter referred to as the “GRANTOR”, which word is intended to include unless the context clearly indicates otherwise, the above-named Grantor, its successors and assigns and any future owners and successors in interest to the Protected Property, and their executors, administrators and legal representatives,

GRANTS to the Small Woodland Owners Association of Maine, a Maine non profit organization, organized and existing under the laws of the State of Maine, with mailing address of P.O. Box 836, Augusta, Maine 04332-0836 (hereinafter referred to as the “HOLDER”, which word shall, unless the context clearly indicates otherwise, include the holder’s successors and/or assigns),

And grants to STATE OF MAINE (hereinafter referred to as “THIRD PARTY”, which shall, unless the context clearly indicates otherwise, include the Third Party’s successors and assigns), acting by and through its Department of Conservation, Bureau of Parks and Lands, with a mailing address of 22 State House Station, Augusta, Maine, 04333-0022,

With QUITCLAIM COVENANT, in perpetuity, the following described Conservation Easement on land located in Kingsbury Plantation, Piscataquis County, Maine, hereinafter referred to as the PROTECTED PROPERTY, and described on Exhibit A, attached hereto, and as shown on a survey attached hereto at Exhibit B (“Protected Property Survey”), both made a part hereof by reference and both to be recorded in the Piscataquis County Registry of Deeds.

PURPOSE

This Conservation Easement is intended to provide a significant public benefit by protecting and preserving in perpetuity the natural and undeveloped character of the Protected Property, including its wildlife habitat and its highly scenic and substantially forested character when viewed from the public waters of Whetstone, Foss and Hilton Pond #1, and Thorn Brook and from the waters of Hilton Pond #2, and public roads subject only to such uses as are specifically provided for herein.

It is the purpose of this Conservation Easement that, except for timber harvesting, silviculture, and other uses expressly allowed herein, the Protected Property will be forever preserved and protected in its undeveloped, scenic and natural condition, and that the Protected Property will be available for the sustainable and environmentally sound growth and harvesting of forest products, and for low-impact outdoor recreation by the general public. Reference is made to the Lake Concept Plan for Grantor's property, of which the Protected Property is a part, on file at offices of the Maine Land Use Regulation Commission in Augusta, Maine, or successor agency.

The following recitals more particularly describe the conservation values of the Protected Property and significance of this grant.

WHEREAS, the Protected Property consist of approximately One Thousand Fifty Five (1,055) acres including approximately 17,300 linear feet of undeveloped shoreline within 500 feet of the normal high water mark on Whetstone, Foss and Hiltons Ponds, and including approximately 6,600 linear feet along Thorn Brook, all as shown in Exhibit B, which is attached and incorporated herein; and

WHEREAS, the Protected Property remains in a substantially undeveloped/undisturbed natural wooded state which provides habitat to a variety species; and

WHEREAS, the Protected Property represents shoreland having significant natural and aesthetic values in its present state which contribute to the enjoyment and welfare of the People of the State of Maine; and

WHEREAS, the Protected Property is in active use for the production and harvesting of forest products and development or utilization of the Protected Property in excess of that allowed hereunder would potentially remove the land from production; and

WHEREAS, this Conservation Easement makes the Protected Property available for non-intensive outdoor recreation that is consistent with the preservation of its natural features, and with Grantor's reserved rights;

NOW THEREFORE the Grantor and Holder have established a Conservation Easement affecting the Protected Property consisting of the following terms, covenants, restrictions and affirmative rights, which shall run with and bind the Protected Property in perpetuity:

TERMS, COVENANTS AND RESTRICTIONS

1. SUBDIVISION AND LAND USE

The Protected Property shall remain in one unified ownership and may not be divided, subdivided, partitioned, or otherwise separated into parcels or lots, except that, after notice to and approval by THIRD PARTY, GRANTOR may convey or lease to HOLDER the Protected Property or any part thereof for conservation purposes consistent with the terms, covenants and restrictions contained herein. Furthermore, no portion of the Protected Property may be used to permit increased development or discharge of any pollutant or transfer of development rights on land not subject to this conservation easement or for any other purpose.

Structural development, commercial, residential, industrial, energy generation, quarrying, mining, gravel extraction, landfill, and waste disposal activities are prohibited on the Protected Property, unless expressly stated to the contrary herein. Without limiting the generality of the foregoing, houses, apartment buildings, multi-family housing units, docks, piers, campgrounds, condominiums, trailer parks, mobile homes, permanent outdoor high-intensity lights, motels or hotels, billboards, antennae or apparatus for telecommunications and/or radar, use of aircraft except in an emergency, junk yards, and commercial and industrial uses of all kinds, unless expressly stated to the contrary herein, are specifically prohibited on the Protected Property.

Motorized vehicles shall not be permitted on the Protected Property except on forest management roads and drives to developed lots along the shorefront of Whetstone and Foss Ponds, except in emergencies and when necessary to accomplish the rights reserved by Grantor and Holder, their successors and assigns. All terrain vehicles and snowmobiles shall not be permitted on the Protected Property except on trails designated for such vehicles and as identified on Exhibit B.

2. STRUCTURES

As of the date of this grant, there are no structures on the Protected Property except for boundary markers and modest trails and land management and road improvements as shown on the Protected Property Survey. No additional structures, temporary or permanent, are allowed on the Protected Property except that Grantor reserves the right to locate, use, remove from or maintain on the Protected Property the following;

- 1) fences to protect special interest natural and wildlife resources;
- 2) boundary markers;

3. SURFACE ALTERATIONS

As of the date of this grant, there are no surface alterations except trails and land management roads as shown on the Protected Property Survey and described in the Baseline Documentation maintained by HOLDER. No additional filling, drilling, excavation or alteration of the surface of

the earth, no removal of soil or minerals, and no changes in the topography, surface or sub-surface water are allowed on the Protected Property, except that Grantor reserves the right to:

- 1) construct access drives to the lots on Whetstone and Foss Ponds;
- 2) maintain the parking area at the north end of Foss Pond;
- 3) construct and maintain footpaths, in a manner and location that minimizes disturbance to the forest canopy and wetlands, and does not allow siltation of adjacent water bodies, only as follows:
 - i. from forest management road to lots located along Foss Pond as they presently exist and for new lots, shared where practical;
 - ii. from parking area to north shore of Foss Pond as it presently exists; and
 - iii. from the outlet of Whetstone Pond to Thorn Brook as it presently exists
- 4) construct and maintain land forest management roads;
- 5) excavate small select portions of the Protected Property for ecological studies or archaeological purposes, subject to the prior written approval of Holder which may be granted only if such activities will be conducted according to generally accepted professional practices and standards and in a manner consistent with the conservation purposes of this grant: and
- 6) install and maintain underground utility lines along and directly adjacent to camp access drives.

All in accordance with applicable laws and regulations.

4. FOREST MANAGEMENT

The Grantor shall have the right to conduct commercial Forest Management on the Protected Property. Forest Management means all activities for the management of the forest and the harvesting of forest products. All Forest Management shall be conducted in an environmentally sound and sustainable manner, in a manner that is consistent with the Purposes of this Conservation Easement ensuring a long term strong, healthy, vigorous and productive forest ecosystem, and in accordance with all applicable laws, including without limitation the Lake Concept Plan for Grantor's property, and other regulations of the Maine Land Use Regulation Commission.

- A. Forest Management shall be carried out in accordance with the following principles:
 - (1) Maintenance of soil productivity and forest sustainability;
 - (2) Preserving wetlands and minimizing erosion and sedimentation;
 - (3) Maintenance or creation of different forest age classes;
 - (4) Maintenance or improvement of the overall quality, health and biological diversity of the forest;
 - (5) Protection of open space;
 - (6) Protection of rare or fragile natural areas and rare and endangered species habitat;
 - (7) Preserving habitat flora and fauna and conservation of viable populations of native plant and animal species; and

- (8) Protection of cultural and historic features such as stonewalls, cellar holes and cemeteries.
- B. All Forest Management shall be carried out in accordance with a Forest Management Plan, prepared for the Protected Property by a Maine Licensed Professional Forester, and approved in writing by the Holder as consistent with this Conservation Easement and this Section 4. No timber harvesting, skid trails or land management roads may occur within 50 feet of Whetstone and Foss Ponds, the Hilton Ponds, Thorn Brook or other surface waters as shown on Exhibit B.
- C. The Holder acknowledges that it has approved and now has on file, a written Forest Management Plan dated _____. The Forest Management Plan shall be updated or revised by the Grantor not less often than every 10 years. Each Plan update or revision shall be subject to written approval by the Holder that the Plan is consistent this Conservation Easement and this Section 4. Upon approval a copy of the updated or revised Plan shall be filed with the Holder. Each Forest Management Plan shall include, at a minimum, the following:
- (1) Grantor's short and long term forest management objectives.
 - (2) A description of and an appropriately scaled and accurate map identifying the natural and physical features of the Protected Property. The description and/or map should include:
 - a. Property boundary lines;
 - b. Forest type, stocking, age and stand history;
 - c. Wetlands and water bodies, including rivers, streams, ponds and lakes, both intermittent and year-round;
 - d. Roads, trails, or other unforested areas;
 - e. Special plant and wildlife habitats, including rare or endangered plant or wildlife species or communities, to the extent identified or known by the Maine Department of Inland Fisheries and Wildlife, Maine Natural Areas Program, or other similar agency then recognized by the State of Maine or the U.S. Government as having responsibility for identification and/or conservation of such species;
 - f. Cultural features, including, but not limited to, stonewalls, cemeteries, cellar holes, or other features known to exist on the Protected Property;
 - g. Other features known to exist on the Protected Property requiring protection.
 - (3) An access plan indicating principal routes of ingress and egress for all areas in which Forest Management is to be conducted, including roads, trails and log landing areas, which minimizes new forest openings.

- (4) Erosion control measures to be employed during Forest Management and at the completion of each Forest Management activity to ensure soil stabilization and to prevent erosion and sediment run off adjacent to wetlands and water bodies.
 - (5) A list of the type, amount and location of herbicides, pesticides, fungicides, insecticides, rodenticide and fertilizers to be used, if any.
 - (6) Harvesting practices and silvicultural techniques to be employed.
- C. All Forest Management shall be carried out in accordance with the Forest Management Plan approved by the Holder and all applicable laws and regulations.
 - D. Commercial Timber harvesting shall be supervised by a Licensed Professional Forester.
 - E. The Grantor, not less than 30 days prior to commencement of harvesting activities, shall notify the Holder of the proposed activities and shall provide the Holder with sufficient information concerning the nature, location, extent and timing of the proposed activities to enable the Holder to determine whether such activities are consistent with the terms of this Conservation Easement, the Forest Management Plan and the requirements of this Section 4.
 - F. Within 30 days of completion of harvesting activities, the Grantor shall notify the Holder in writing of such completion and shall include confirmation of the nature, location, extent and timing of harvesting activities.
 - G. The Grantor or any party by, through or under which the Grantor is conducting Forest Management activities shall carry worker's compensation coverage as required by law and comprehensive general liability in amounts customarily maintained in the timber industry for such activities.

5. WILDLIFE AND WATER QUALITY PROTECTION

In order to assure the preservation of the high quality scenic, natural and ecological character of the Protected Property, the following specific restrictions, subject to any more restrictive local, state, and federal laws and regulations, are imposed on the Protected Property:

- A. Overboard discharge or direct discharge of treated or untreated black or gray water waste into fresh surface water on or about the Protected Property is strictly prohibited.
- B. It is forbidden to dispose of or store rubbish, garbage, debris, abandoned vehicles or equipment, parts thereof, or other unsightly, offensive, hazardous or toxic waste material on the Protected Property, except that organic compost, blowdowns, and by-products of on-site forest management may be used or disposed of on the Protected Property in a manner consistent with the conservation purposes of this Easement, and other waste generated by allowed uses on the Protected Property may be stored temporarily in

appropriate containment for removal at reasonable intervals, subject to all applicable local, state and federal laws and regulations.

- C. The use of herbicides, insecticides, fungicides, fertilizers or other potentially harmful substances must be controlled and limited so as not to have an adverse effect on the wetland and wildlife habitats associated with the Protected Property and associated wetlands, streams, and ponds, and must be used in accordance with all applicable laws and regulations.

6. RECREATIONAL EASEMENT

Grantor agrees to take no action to prohibit or discourage daytime non-motorized and non-destructive public use of the Protected Property around Hilton Ponds, Foss Pond, and Whetstone Pond, as shown on Exhibit B, except that Grantor shall not permit camping, night use or open fires.

Grantor has the right to make reasonable rules and regulations for different types of public use, and to control, limit or prohibit, by posting and other means, any of the following: loud activities, use of motorized vehicles and equipment, access by domesticated animal or pets, bicycles, hunting, and trapping for purposes of protecting public safety, protecting the conservation values of the Protected Property and preventing unreasonable interference with Grantor's reserved rights hereunder and other lawful uses of the Property, provided that such rules and regulations are subject to the prior written consent of the Holder and Third Party, except in cases of emergency

In addition to the foregoing, Grantor, Holder and Third Party may jointly agree in writing to restrict other uses or access to the Protected Property or parts thereof, if unreasonable use interferes with the exercise of Grantor's reserved rights or with other lawful uses of the Protected Property, or is harmful to the conservation values of the Protected Property but only to the extent and for the duration necessary to assure public safety, or to preserve important ecological, habitat and conservation values of the Protected Property.

Grantor and Holder claim all rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Section 159-A, et. seq. as amended and successor provision thereof (Maine Recreational Use Statute), and under any other applicable provisions of law and equity.

7. DEFINITIONS

For all definitions of the terms in this Conservation Easement and its attachments, reference is hereby made to laws and regulations of the Maine Land Use Regulation Commission in existence on the date hereof, which definitions are hereby incorporated by reference, unless the context otherwise requires.

8. NOTICES

Any notices or requests for the consent or approval of the Holder or Third Party, required or contemplated hereunder, must include, at a minimum, sufficient information to enable Holder or Third Party to determine whether proposed plans are consistent with the terms of this Conservation Easement and the conservation purposes hereof. Notices to any party must be in writing and will be sufficient if served personally or sent by certified mail, return receipt requested, addressed as follows:

To Grantor:

Linkletter & Sons, Inc., Inc.
P.O. Box 135
Athens, Maine 04912

To Holder:

SWOAM Land Trust
P.O. Box 836
Augusta, ME 04332-0836

With a copy to Third Party:

Director
Maine Bureau of Parks and Lands
22 State House Station
Augusta, Maine 04333-0022

9. COST AND TAXES, RESPONSIBILITY

Grantor is responsible to pay and discharge when due all property taxes, assessments and other costs or charges lawfully imposed upon or in connection with the Protected Property and shall keep the Protected Property free of any liens or encumbrances that may affect Holder's rights hereunder.

Grantor acknowledges that Holder has no possessory rights in the Protected Property, nor any responsibility or right of control, maintain, or upkeep of the Protected Property. Grantor is responsible for all costs and responsibility of ownership, control, operation, maintenance, and upkeep of the Protected Property.

Grantor shall mark and maintain the boundaries of the Protected Property sufficient to permit monitoring by Holder.

Grantor shall hold harmless, indemnify, and defend Holder and Third Party and its members, directors, officers, employees, agents and contractors and the heirs, personal representatives, successors and assigns of each of them (collectively "indemnified parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or

judgments, including, without limitation, reasonable attorney's fees, arising from or in any way connected with injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition or other matter related to or occurring on or about the Protected Property regardless of cost, unless solely due to the acts of the indemnified parties.

10. RESERVED RIGHTS

Grantor reserves to itself, and to its personal representatives, successors, and assigns, all rights accruing from ownership of the Protected Property, including the right to engage in, or permit or invite others to engage in, all uses of the Protected Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. Without limiting the generality of the foregoing, the following rights are expressly reserved:

- A. The rights to conduct Forest Management as limited in Section 4 above; and
- B. The right of the Grantor, its guest, employees and invitees, to use the Protected Property for primitive recreational purposes which may include hiking, skiing, snowshoeing, picnicking, bird watching, camping, tenting, hunting, fishing, trapping; and
- C. The right to advertise the Property for sale and to convey the Property, always subject to the terms of the Conservation Easement.
- D. The right to immediately suspend motorized vehicle traffic and recreational vehicle traffic in the conservation easement areas on a temporary basis for purposes of protecting public safety, protecting the forest management roads, protecting forestry replanting areas, preventing erosion and sedimentation, or protecting the conservation values of the Protected Property until such time that the Holder and Third Party can be notified and written consent can be given about the described suspension, provided such suspension does not unreasonably interfere with Holder's and Third Party's right under this Conservation Easement.

11. HOLDERS AFFIRMATIVE RIGHTS

- A. Holder has the right to enforce the Conservation Easement by proceedings at law and in equity, including the right to prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Conservation Easement, and to require the restoration of any area or feature damaged by such inconsistent activity to a condition in compliance herewith. Holder shall provide Grantor with prior notice of and reasonable opportunity to cure any breach, except where emergency circumstances require enforcement action without delay. Holder may not bring an enforcement action against Grantor for injury to or change in the Protected Property resulting from changes beyond the control or responsibility of the Grantor, such as fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Protected Property resulting from such causes. If a Court (or other decision-maker chosen by mutual consent of the parties and as outlined in Section 15) determines that the Holder had a good faith basis for initiating enforcement, Grantor will reimburse Holder for any reasonable costs of enforcement,

including court costs, reasonable attorney's fees, out-of-pocket costs and any other payments ordered by the Court or decision-maker.

- B. Holder has the right to enter the Protected Property over the lands of the Grantor for inspection and enforcement purposes, at a reasonable time and in a reasonable manner that is consistent with the conservation purposes hereof.
- C. Holder has the right to require that Grantor's reserved rights be exercised in a manner that avoids unnecessary harm to the conservation values to be protected by this grant.
- D. To determine whether there is a violation of this Conservation Easement, and when proof of a boundary line, proof of a line delineating permitted land uses, or when compliance with the Forest Management Plan is material to this determination, Holder has the right to conduct a survey of the Protected Property or any part thereof and to obtain the services of a registered land surveyor to prepare such a survey; and the right to have reviewed a forest management plan for the Protected Property or any part thereof and to obtain the services of a Maine licensed professional forester to conduct such review. The survey or forest management plan review will be made at Grantor's cost if the Holder has a good faith basis for believing that a violation has occurred and Grantor can not satisfy Holder's concern in any other manner.
- E. Holder has the right to conduct tours of the Protected Property in furtherance of Holder's educational purpose upon reasonable notice to Grantor.
- F. Holder has the right to place, maintain and replace signs on the Protected Property identifying the land as Protected Property on which a Conservation Easement is held by the Holder.
- G. Holder shall provide to the Grantor a copy of any written report generated as a result of inspections performed by Holder or its agent within seven (7) days of completion of such report.

12. THIRD PARTY RIGHTS

The Grantor grants to the Third Party the same entry, inspection, approval, management and enforcement rights as are granted to the Holder under this Conservation Easement. However, the Parties hereto intend that the Holder shall be primarily responsible for the monitoring and enforcement of the Conservation Easement, and that the Third Party intends to assume such responsibility only if the Holder fails to properly enforce. However, the Third Party may at any time exercise, in its own name and for its own account, all the rights of monitoring and enforcement granted the Holder under this Easement. Third Party shall also have reasonable access to the Protected Property, and to any and all records of the Holder relevant to the Protected Property. Annual monitoring reports will be filed by the Holder with the Third Party.

Notwithstanding that Third Party has executed this Conservation Easement; nothing herein may be construed as approval, or as a substitute for approval or regulation, of any activities under the regulatory jurisdiction of the Maine Land Use Regulation Commission or other State regulatory body. Nothing in this Conservation Easement may be construed to permit an activity otherwise prohibited or restricted by local, state, or federal laws or regulations. Third Party is not bound by the provisions set forth in Paragraph 15. Third Party may enforce the terms of the Conservation Easement in any court of competent jurisdiction.

13. CONSERVATION EASEMENT REQUIREMENTS UNDER MAINE LAW AND U.S. TREASURY REGULATIONS (the latter is starred★)

- A. This conservation Easement is created pursuant to the Uniform Conservation Easement Act at Title 33, Maine Revised Statutes Annotated, 1999, Sections 476 through 479-B, inclusive, as amended, (or successor provisions thereof) and shall be construed in accordance with the laws of the State of Maine.
- B. ★ This Conservation Easement is established exclusively for the conservation purposes pursuant to the Internal Revenue Code of 1986 as amended (hereafter called the “Code”) at Title 26, U.S.C.A., Section 170(h) (1)-(6) and Sections 2055 and 2522, and under Treasury Regulations at Title 26 C.F.R. § 1.170A-14 *et seq.*, as amended.
- C. The Holder is qualified to hold conservation easements pursuant to Title 33, Maine Revised Statutes Annotated, 1999, Section 476(2)(B), as amended, (or successor provisions thereof) and ★ is a Qualified Organization under Section 170 (h)3, as amended (or successor provisions thereof) to wit: a publicly funded, non-profit 501(C)(3) organization having a commitment and the resources to protect the conservation purposes of the donation and enforce the restrictions hereof.
- D. The Third Party is qualified to hold third party rights of enforcement on conservation easements pursuant to Title 33, Maine Revised Statutes Annotated, 1999, Section 476(2)(A), as amended (or successor provisions thereof).

- E. This Conservation Easement is assignable, but only after notice to and approval by Third Party, and only to an entity that satisfies the requirements of Section 476(2) of Title 33 of the Maine Revised Statutes Annotated (1999), as amended (or successor provision thereof), and ★ to an entity that satisfies the requirements of Section 170(h)(3) of the Internal Revenue Code of 1986, as amended (or successor provisions thereof), and that agrees, as a condition of transfer, to monitor, enforce and otherwise uphold the conservation purposes and terms of this grant.
- F. ★ Grantor agrees to notify Holder prior to undertaking any activity or exercising any reserved right that may have a material adverse effect on the conservation purposes of this grant.
- G. ★ In order to establish the present condition of the Protected Property and its natural and scenic resources so as to be able to properly monitor future uses of the Property and assure compliance with the terms hereof, Holder and Grantor have prepared an inventory of the Property's relevant features and conditions (the "Baseline Documentation Data"), and have certified the same as an accurate representation, to the extent known, of the condition of the Protected Property as of the date of this grant. A copy of the Baseline Documentation shall be submitted to and shall be subject to the approval of the Holder and the Third Party. The cost of the preparation of the Baseline Data Report shall be borne by Grantor. The Baseline Documentation shall be delivered to the Holder and Third Party at the date of this grant.
- H. The Protected Property may be used to secure the repayment of debt, ★ provided that the right of the Holder and Third Party to enforce the terms, restrictions and covenants created under this easement shall continue not be extinguished by foreclosure of any mortgages or any publicly or privately placed lien. The restrictions of this Conservation Easement, and Holder's right to enforce them shall be superior to any mortgage or lien.
- I. This Conservation Easement constitutes a property right owned by the Holder. Notwithstanding that this Conservation Easement is an obligation, and not a financial asset, should it be extinguished which may be accomplished only by court order, Holder is entitled to a share of the proceeds of any sale, exchange, voluntary or involuntary conversion of the unrestricted property, including by an act of eminent domain or in lieu thereof, according to Holder's proportional interest in the Protected Property as determined by Treasury Regulations 1.170-A-14 (g)(6)(ii) or successor regulations. Holder's proportional interest is determined as of the date of this grant and will not include value attributable to improvements to the Protected Property that are in accordance with the terms of this Conservation Easement made after the date of this grant. Holder will use such proceeds for its conservation purposes, as approved by the Third Party.

14. TITLE

The Grantor covenants, warrants and represents that Grantor is the sole owner and is seized of the Protected Property in fee simple, has good and marketable title and has good right to convey this Conservation Easement; that the Protected Property is free and clear of encumbrances, including but not limited to, mortgages not expressly subordinated to this Conservation

Easement. Grantor shall demonstrate good and marketable title through provision to the Holder and Third Party of, as of the date of this grant, an attorney's title opinion, consistent with the Maine Title Standards.

15. ENFORCEMENT RIGHTS

- A. The Grantor and Holder desire that issues arising from time to time concerning compliance with the terms of this Easement will be resolved through open communication and dialogue. To this end, the parties state their mutual intention that, if a party has a concern about an actual or possible noncompliance with the terms of this Easement, wherever reasonably possible, the concerned party will informally notify the other party of the potential problem and explore the possibility of reaching an agreeable resolution, prior to initiating a Notice of Breach.
- B. If the Grantor and Holder cannot resolve the matter by informal dialogue, either may give Notice of Breach to the other party. The Notice of Breach shall state the corrective action necessary to remedy the noncompliance and, in the case of noncompliance by the Grantor, any action necessary to restore the Protected Property to its condition prior to the breach.

If the breaching party fails to abate or remedy the asserted noncompliance within thirty (30) days of the Notice of Breach or, if the breach is one which can not be remedied within thirty (30) days, the breaching party has not commenced action to remedy the breach within thirty (30) days and does not diligently pursue such remedy to completion, then enforcement of this Conservation Easement may be pursued as follows.

- C. After Notice of Breach and failure to remedy, the Grantor and Holder shall first attempt to resolve any disputes by mediation. The parties shall agree on a single mediator who shall be an attorney licensed to practice law in Maine who has experience with conservation easements, including applicable tax law and training and experience in mediation. Mediation shall be conducted in Augusta, Maine. Each party shall pay its own attorney's fees and the costs of mediation shall be split equally between the parties.
- D. If the dispute has not been resolved by mediation within sixty (60) days after Notice of Breach, or the Grantor and Holder are unable to agree to a mediator, within thirty (30) days after Notice of Breach, then, the dispute may, upon agreement of the parties, be resolved by binding arbitration in accordance with the Maine Uniform Arbitration Act, and judgment upon the award rendered by the arbitrator may be enforced in any court of competent jurisdiction. The Grantor and Holder shall agree on a single arbitrator who shall be an attorney licensed to practice law in Maine who has experience with conservation easements, including applicable tax law and training or experience in arbitration. The arbitrator shall be bound by and follow the substantive law of Maine and the applicable provisions of the United States Internal Revenue Code. The arbitrator shall render a decision within thirty (30) days of the arbitration hearing. Arbitration shall be conducted in Augusta, Maine.
- E. If the Grantor and Holder do not agree to resolve the dispute by arbitration, then either party may bring an action at law or in equity in any court of competent jurisdiction to

enforce the terms of this Easement, to enjoin the violation by permanent injunction, and to require the restoration of the Property to its condition prior to the breach and for such damages as appropriate.

- F. Anything else in this provision notwithstanding, if the Holder, at any time, believes that some action by the Grantor is damaging the Protected Property, the Holder may obtain a temporary restraining order, preliminary injunction or other equitable relief from any court of competent jurisdiction to cause the cessation of any such damage pending resolution of any dispute in accordance with this provision.
- G. If arbitrator or court finds that the Holder had a good faith basis for initiating enforcement by arbitration or civil action, Grantor will reimburse Holder for its costs of enforcement including reasonable attorneys' and consultants' fees, and court costs.
- H. The Grantor will not be responsible for any injury to or change in the Protected Property resulting from causes beyond the Grantor's control, such as, but not limited to, fire, flood, storm, earth movement, and other forces of nature, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate or mitigate significant injury to the Protected Property.
- I. Nothing herein may be construed to preclude the Grantor's and the Holder's rights to recover damages from or obtain injunctive relief against any third party for trespass or any other violation of their respective rights, arising under this Conservation Easement or otherwise, in the Protected Property.
- J. The failure of the Holder, for any reason whatsoever, to enforce any of the terms, covenants or other provisions of this Conservation Easement does not constitute a waiver of its right to enforce the same or of any other provision hereof.

16. GENERAL PROVISIONS

- A. Enforcement of the terms of this Conservation Easement shall be at the sole discretion of the Holder and/or the Third Party. The failure or delay of the Holder or Third Party, for any reason whatsoever, to enforce this Conservation Easement shall not constitute a waiver of rights and Grantor hereby waives any defense of laches, prescription or estoppel.
- B. Grantor agrees to notify Holder and Third Party in writing not less than 30 days prior to any lease, transfer, assignment or sale of the Protected Property, by providing to the Holder the name, address and telephone number of the transferee, the nature of the transfer and the anticipated effective date of the transfer. A party's rights and obligations under this Conservation Easement shall terminate when such person or entity ceases to have any interest in the Protected Property or the Easement, except that liability for acts or omissions occurring prior to transfer shall survive transfer.
- C. The parties have the right to amend this Conservation Easement to the extent that changes are not inconsistent with the conservation purpose of this grant, by written and recorded

agreement executed by the Grantor, Holder and Third Party. The Holder's costs, including legal fees, for such an amendment shall be paid for by the Grantor.

- D. If any provision of this Conservation Easement or the application of any provision to a particular person or circumstances is found to be invalid, the remainder of this Conservation Easement and the application of such provision to any person or in any other circumstances shall remain valid.
- E. The captions herein have been inserted solely for convenience of reference and are not a part of this Conservation Easement and shall have no effect upon construction or interpretation.
- F. Interpretation and performance of this Conservation Easement shall be governed by the laws of the State of Maine. Should uncertainty arise in it's meaning, this Conservation Easement should be interpreted in favor of conserving the Protected Property for the purposes stated herein.

IN WITNESS WHEREOF, Linkletter & Sons, Inc., Inc., Grantor has caused this Conservation Easement to be signed in its corporate name, and its corporate seal to be hereto affixed, by, Its _____, hereto duly authorized, this _____ day of _____, 200 .

Signed, sealed and delivered in the presence of:

State of Maine
County of _____, ss. _____, 200

Personally appeared the above-named Grantors, _____, and _____, acknowledged the foregoing instrument to be their free act and deed.

Before me, _____
Notary Public

(Please type or print name of notary)

HOLDER ACCEPTANCE

The above and foregoing Conservation Easement was authorized to be accepted by _____, Holder as aforesaid, AND THE SAID holder does hereby accept the foregoing Conservation Easement, by and through _____, its President, hereunto duly authorized, this _____ day of _____, 2005 .

HOLDER

by:
its

State of Maine
County of _____,ss.

Personally appeared the above-named Grantors, _____, and _____, acknowledged the foregoing instrument to be free act and deed.

Before me, _____
Notary Public

(Please type or print name of notary)

THIRD PARTY APPROVAL

The foregoing Conservation Easement has been approved by the Maine Land Use Regulation Commission and the State of Maine accepts Third Party rights as aforesaid by and through _____, in his capacity as Commissioner of the Maine Department of Conservation, hereunto duly authorized this ____ day of _____, 2005.

STATE OF MAINE

By: David Soucy
Director
Bureau of Parks and Lands
Maine Department of Conservation

State of Maine
County of Kennebec, ss.

Personally appeared _____, hereunto duly authorized, and acknowledged the foregoing instrument to be his free act and deed in his said capacity as Director of the Maine Land Use Regulation Commission.

Before me, _____
Notary Public

(Please type or print name of notary)

ATTACHMENTS

- EXHIBIT A -** A Metes and Bounds Description of the Protected Property
- EXHIBIT B -** A Plot Plan depicting the property and showing approximate locations of features identified in the text of the Easement.
- Not Attached: Baseline Data or Documentation Certification (Compilation of maps and inventories to describe existing conditions of property, to the extent known, must be certified as accurate by both Holder, Grantor and Third Party and must be permanently maintained by Holder.)

NOTE: IF THERE ARE ANY DEEDED RIGHTS OF WAY, MORTGAGES OR OTHER OUTSTANDING DEEDED INTERESTS IN THE PROTECTED PROPERTY, STATE LAW REQUIRES THE OWNERS OF THESE INTERESTS TO SUBORDINATE THEIR INTERESTS.

VII. Appendices

Appendix 1 – Development Restrictions

Development Restrictions

The following restrictions shall apply to all structures and uses on lots within land proposed for development, as illustrated on Map 6. Some restrictions, restated here, are also included within the Land Use Standards. (Appendices 2 to 8)

A. Restrictions for All Development Areas

1. No building or other construction may be undertaken on any lot without first obtaining an approved permit from the Maine Land Use Regulation Commission.
2. All structures and uses must meet the land use standards contained herein (in Appendices 2 to 8), including the dimensional and setback requirements and the clearing of vegetation requirements outlined herein.
3. Lots may only be used for single-family residential dwellings or a camp site.
4. Only one residential dwelling is allowed per lot or only one camping site is allowed per lot.
5. No commercial use will be allowed on the lot, except that rental of lot and structures thereon may be allowed.
6. The lots cannot be further subdivided.
7. Buildings, tent platform, motor home, travel trailer, or camper setback requirements are 100 feet from the normal high water mark, 15 feet from side lot line, and 50 feet from the access road, and must meet all dimensional requirements of Appendix 4.
8. One tent platform is allowed per lot, provided the tent only remains erected during the camping activity. The tent platform shall be considered an accessory structure and size shall not exceed 300 square feet.
9. All work that disturbs the natural soil conditions shall use current erosion control measures in accordance with LURC's Guidelines for Vegetative Stabilization (Appendix 8) and Maine's Erosion and Sediment Control

Handbook for Construction: Best Management Practices (Department of Environmental Protection, 2003).

10. Building height within 500 feet of Whetstone Pond shall be no higher than 25 feet. Notwithstanding the dimensional requirements of Appendix 4, building height greater than 500 feet from Whetstone Pond shall be no higher than 35 feet.
11. Building height along Foss Pond shall be no higher than 25 feet.
12. Building height within woodland areas shall be no higher than 35 feet.
13. Accessory Structure Height is limited to 16 feet.
14. Maximum lot coverage shall be 30% for all uses. The amount of clearing for development shall be limited to 22,500 square feet per lot. (For example: 140' x 140' area including a 10' x 200' access drive).
15. Exterior lighting on the pond side of the structure shall be limited to 100 watts in aggregate, screened from lake view (full cut off fixture) and directed towards the ground and/or the structure.
16. Subsurface wastewater disposal systems are permitted, pursuant to approved septic design and soil suitability in accordance with the State of Maine Plumbing Code. If an outhouse (privy) is utilized, it must be located behind the camp, at least 100 feet away from the normal high water mark of the shoreline, and screened from view from the shoreline.
17. Wells are permitted, in accordance with the State of Maine Plumbing Code. However, Whetstone Pond, Foss Pond and Thorn Brook Stream water shall only be procured by hand carry or by hand pump.
18. If generators are used, some form of noise protection must be employed, including but not limited to, enclosure of the generator in a shed. All generators must be equipped with spark arrestor units. The noise levels produced by generator use shall be no more than allowed in Appendix 3,E.
19. Driveways shall be constructed, when site conditions allow, so that two adjacent lots share a common entry (egress) point from (to) the access road.
20. The property lines shall be kept free and open. No fences, hedges, or walls shall be allowed thereon.
21. Leased Lots:

Permanent foundations, wells and subsurface septic systems are permitted with landowner permission. The landowner or his representative shall inspect and approve the location and construction of the permanent foundation, well or subsurface septic system prior to placing in service. For the purposes of this definition, “sono tubes” or posts installed with augers are not considered permanent foundations.

B. Additional Restriction for Whetstone and Foss Pond

1. The total building footprint for the principal structures:

Whetstone Pond: 1,800 square feet
Foss Pond: 1,400 square feet

2. No trailered ramps are to be constructed on individual lots.
3. Permanent docks are prohibited.
4. One temporary (seasonal) dock is allowed on each lot. The dock shall be removed from the pond by Dec 15th.
5. Dock lighting usage shall be limited to loading and unloading boats, and shall not be in continuous nightly use.

Clearing

The amount of clearing on any lot between 100 ft. and 250 ft. from the high water mark of Foss Pond or Whetstone Pond is limited to 10,000 sq. ft. (For example: 100' x 100' area including access drive)

No clearing will be allowed within the 15 ft. setback area along the side property lines, except for shared drives and deeded right of ways.

To limit the amount of shoreline clearing and to maintain natural areas between lots, the allowed width of vegetation clearing on each lot between the normal high water mark and the 100-foot setback from the normal high water mark shall be limited to a 100-foot wide area. The amount of allowed clearing within this area will be in accordance with Appendix 5, B.

C. Additional Restrictions for Woodland and Stream Lots

1. The total building footprint for the principal structures:

Woodland Lots: 1,800 square feet

D. Restrictions for Road Projects

Roads are the responsibility of the Lake Concept Plan landowner.

1. Road

- a. The landowner is responsible for upgrading or building roads to provide access to the lots in accordance with Appendix 3, C.
- b. Traffic movement around the forest management roads will be governed by the Lake Concept Plan landowner and at a posted speed limit. The location of the turnouts will be spaced such as the use of the clearings produced from previous logging operations might be used.

2. Individual Lot Roads

- a. Road maintenance and normal repair of individual lot drives shall be the responsibility of the lot owner(s).

E. Restrictions for Utility Lines

- 1. Overhead utility lines shall only be allowed along the road accessing the southeast side of Whetstone Pond and the forest management road accessing Foss Pond.
- 2. Underground utility lines shall be allowed to areas proposed for development and shall use existing and proposed roadways and drive corridors where practicable.
- 3. Underground utility lines are allowed between main structure and accessory structures.
- 4. The Lake Concept Plan owner reserves the right to place one trench of underground utility lines across the green space on the western shore of Whetstone Pond to the access road serving the camps. This utility line is to be placed in the straightest and shortest distance in order to minimize disturbance to the Green Space. This reservation is made in the foreseeable future the abutting shorefront property in Blanchard Township may have power.

F. Additional Restrictions for Area A

“Area A” is a large land area whose intent is to provide for forest management practices, mineral extraction for road maintenance purposes and primitive recreational activities, while remaining as a “no-development” area for the life of the Concept Plan.

All uses that are consistent with the P-RP subdistrict zoning land use standards contained herein are allowed except as reserved or restricted below:

Transfer Reservations

“Area A” may not be divided, subdivided, or partitioned, or otherwise separated into parcels or lots, however Area A may be transferred provided the terms and restriction of the Concept Plan herein are made as part of the recorded transaction.

“Area A” may be transferred as follows:

- (1) “Area A” may be sold or leased in its entirety; or
- (2) “Area A” may be transferred by inheritance provided the person is related to the donor by blood, marriage, or adoption; or
- (3) “Area A” may be transferred by bona fide gift, without consideration paid or received, to a spouse, parent, grandparent, child, grandchild or sibling of the donor.

Structures

Structural development, commercial and residential, industrial, energy generation, quarrying, mining, landfill, and waste disposal activities are prohibited within “Area A” during the life of the Concept Plan unless expressly stated to the contrary herein.

Roads & Surface Alterations

Surface alterations and road type and road construction shall be in compliance with P-RP zoning and section 10.27.

Vehicles

Motorized vehicles, all-terrain vehicles, motorcycles, and snowmobiles are permitted within “Area A” on designated forest management roads and trails. Landowner(s) reserves the right to limit road and trail use.

Forest Management

Landowner(s) reserves the right to conduct commercial timber harvesting activities and forest management pursuant to a forest management plan, prepared by a registered professional Maine Forester and designed to preserve the scenic and wildlife habitat quality and to provide a sustainable yield of forest products in accordance with applicable laws and regulations; and shall be in compliance with P-RP subdistrict zoning and Land Use Standards herein.

Wildlife and Water Quality Protection

Overboard discharge or direct discharge of treated or untreated black or gray water waste into fresh surface water on or about "Area A" is strictly prohibited.

It is forbidden to dispose of or store rubbish, garbage, debris, abandoned vehicles or equipment, parts thereof, or other unsightly, offensive, hazardous or toxic waste material on or about "Area A".

Recreational Access

Landowner(s) agrees to take no action to prohibit or discourage the non-motorized and non-destructive public use of "Area A"

Landowner(s) has the right to make reasonable rules and regulations for different types of public use, and to control, limit or prohibit, by posting and other means, any of the following: night use, camping, loud activities, open fires, use of motorized vehicle and equipment, access by domesticated animal or pets, bicycles, hunting, and trapping.

Landowner(s) claims all rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Section 159-A, et. seq. as amended and successor provision thereof (Maine Recreational Use Statute), and under any other applicable provisions of law and equity.

Reserved Rights

Landowner(s) reserves to itself, and to its personal representatives, successors, and assigns, all rights accruing from ownership of "Area A", including the right to engage in, or permit or invite others to engage in, all uses of "Area A" that are not expressly prohibited herein.

The right of landowner, its guest, employees and invitees, to use "Area A" for primitive recreational purposes which may include hiking, skiing, snowshoeing, picnicking, bird watching, camping, tenting, hunting, fishing, and trapping.

The right to advertise the Property for sale and to convey the Property, always subject to the conditions of these terms and restrictions.

Deed Covenants

The development restrictions outlined in Appendix 1, above, shall be included as deed covenants for lots within land proposed for development, as appropriate. In addition, the following deed covenants shall apply to all lots within land proposed for development:

1. The lot and dwelling there on shall not satisfy any residency requirements for a period of fifteen (15) years from the date of approval of the Concept Plan.
2. The exterior of the main building or an accessory structure are to be finished within one year from start of construction.
3. All buildings and lots shall be maintained in a neat and attractive manner, and in good repair.
4. All chimneys must be of brick, stone, tile construction, or stovepipe installed and maintained under the applicable building fire codes.
5. All exterior roofing material must be made of non-combustible material and be a dark, natural looking color: Dark Green, black, brown, and charcoal gray are preferred.
6. All exterior materials, including window frames, trims, chimneys and screen doors are to be unobtrusive in color and texture, shall be a dark color, and shall be non-reflective.
7. All buildings must have traditional exteriors. Appearances should blend with the surroundings, i.e. wood siding (shingles, log siding, logs) or colored vinyl such as a green or brown shade, and shall be non-reflective. No exterior surfaces shall be white, brightly colored or reflective.
8. No mobile homes are allowed.
9. Trash, garbage, or other waste shall be kept in sanitary containers, and the site shall not be used as a dumping ground for waste disposal. All trash, garbage, or other waste shall be removed at the end of each period of use or more often, if necessary, and transported to the contracted service provide for Kingsbury Plantation.
10. The following are not permitted: Outside storage or placement of machines or equipment, which are not in useable condition; and metal, vinyl or plastic siding for structures.

APPENDIX 2

GENERAL CRITERIA FOR APPROVAL OF PERMIT APPLICATIONS

In approving applications submitted to it pursuant to 12 M.R.S.A. §685-A(10) and §685-B, the Commission may impose such reasonable terms and conditions as the Commission may deem appropriate in order to satisfy the criteria of approval and purpose set forth in these statutes, rules and the Comprehensive Land Use Plan.

“The commission shall approve no application, unless:

1. Adequate technical and financial provision has been made for complying with the requirements of the State’s air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto, including without limitation the minimum lot size laws, sections 4807 to 4807-G, the site location of development laws, Title 38, sections 481 to 490, and the natural resource protection laws, Title 38, sections 480-A to 480-Z, and adequate provision has been made for solid waste and sewage disposal, for controlling of offensive odors and for the securing and maintenance of sufficient healthful water supplies; and
2. Adequate provision has been made for loading, parking and circulation of land, air and water traffic, in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods; and
3. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to assure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal; and
4. The proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to absorb and hold water and suitable soils are available for a sewage disposal system if sewage is to be disposed on-site; and
5. The proposal is otherwise in conformance with this chapter and the regulations, standards and plans adopted pursuant thereto.
6. In the case of an application for a structure upon any lot in a subdivision, that the subdivision has received the approval of the commission.

The burden is upon the applicant to demonstrate by substantial evidence that the criteria for approval are satisfied, and that the public’s health, safety and general welfare will be adequately protected. The commission shall permit the applicant to provide evidence on the economic benefits of the proposal as well as the impact of the proposal on energy resources.” 12 M.R.S.A. §685-A(4).

In addition, the applicant must demonstrate “evidence of sufficient right, title or interest in all of the property that is proposed for development or use.” 12 M.R.S.A. §685-B(2)(D).

APPENDIX 3

DEVELOPMENT STANDARDS

This section contains review standards for structures and uses that require issuance of a permit from the Commission, or as otherwise required herein. Except as herein provided, development not in conformance with the standards of this section are prohibited.

Nothing in this section shall preclude the Commission from imposing additional reasonable terms and conditions in its permits as the Commission may deem appropriate in order to satisfy the criteria for approval and purposes set forth in the Commission's statutes, rules and the Comprehensive Land Use Plan.

A. REVIEW STANDARDS FOR STRUCTURES ADJACENT TO LAKES

The standards set forth below must be met for all subdivisions and commercial, industrial, and other non-residential structures and uses proposed on land adjacent to lakes. These standards must also be considered in applying the criteria for adoption or amendment of land use district boundaries, as provided in Section 10.08, to proposed changes in subdistrict boundaries adjacent to lakes.

In applying the standards set forth below, the Commission shall consider all relevant information available including the Maine Wildlands Lake Assessment Findings, and relevant provisions of the Comprehensive Land Use Plan.

1. Natural and cultural resource values: The proposal will not adversely affect natural and cultural resource values identified as significant or outstanding in the Wildland Lakes Assessment.
2. Water quality: The proposal will not, alone or in conjunction with other development, have an undue adverse impact on water quality;
3. Traditional uses: The proposal will not have an undue adverse impact on traditional uses, including without limitation, non-intensive public recreation, sporting camp operations, timber harvesting, and agriculture;
4. Regional diversity: The proposal will not substantially alter the diversity of lake-related uses afforded within the region in which the activity is proposed;
5. Natural character: Adequate provision has been made to maintain the natural character of shoreland;
6. Lake management goals: The proposal is consistent with the management intent of the affected lake's classification; and
7. Landowner equity: Where future development on a lake may be limited for water quality or other reasons, proposed development on each landownership does not exceed its proportionate share of total allowable development.

B. TECHNICAL AND FINANCIAL CAPACITY

The standards set forth below must be met for all subdivisions and commercial, industrial, and other non-residential development.

1. The applicant shall retain qualified consultants, contractors and staff to design and construct proposed improvements, structures, and facilities in accordance with approved plans. In determining the applicant's technical ability, the Commission shall consider the size and scope of the proposed development, the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations or previous approvals granted to the applicant.
2. The applicant shall have adequate financial resources to construct the proposed improvements, structures, and facilities and meet the criteria of all state and federal laws and the standards of these rules. In determining the applicant's financial capacity, the Commission shall consider the cost of the proposed subdivision or development, the amount and strength of commitment by the financing entity, and, when appropriate, evidence of sufficient resources available directly from the applicant to finance the subdivision or development.

C. VEHICULAR CIRCULATION, ACCESS AND PARKING

1. **General circulation.** Provision shall be made for vehicular access to and within the project premises in such a manner as to avoid traffic congestion and safeguard against hazards to traffic and pedestrians along existing roadways and within the project area. Development shall be located and designed so that the roadways and intersections in the vicinity of the development will be able to safely and efficiently handle the traffic attributable to the development in its fully operational stage.
2. **Access management.** Access onto any roadway shall comply with all applicable Maine Department of Transportation safety standards. For subdivisions and commercial, industrial and other non-residential development, the following standards also apply:
 - a. The number and width of entrances and exits onto any roadway shall be limited to that necessary for safe entering and exiting.
 - b. Access shall be designed such that vehicles may exit the premises without backing onto any public roadway or shoulder.
 - c. Shared access shall be implemented wherever practicable.
 - d. Access between the roadway and the property shall intersect the roadway at an angle as near to 90 degrees as site conditions allow, but in no case less than 60 degrees, and shall have a curb radius of between 10 feet and 15 feet, with a preferred radius of 10 feet.
 - e. The Commission may require a traffic impact study of roadways and intersections in the vicinity of the proposed project site if the proposed development has the potential of

generating significant amounts of traffic or if traffic safety or capacity deficiencies exist in the vicinity of the project site.

3. **Parking layout and design.** The following standards apply to all subdivisions and commercial, industrial and other non-residential development, except for parking areas associated with trailered ramps and hand-carry launches which are regulated under the provisions of Appendix 5,I:
- a. Sufficient parking shall be provided to meet the parking needs of the development. The minimum number of parking spaces required shall be based on parking generation rates determined in accordance with standard engineering practices. In cases where it is demonstrated that a particular structure can be occupied or use carried out with fewer spaces than required, the Commission may reduce number of required spaces upon finding that the proposed number of spaces will meet the parking needs of the structure or use and will not cause congestion or safety problems.
 - b. Parking areas and access roads shall be designed such that runoff water is discharged to a vegetated buffer as sheet flow or alternatively collected and allowed to discharge to a concentrated flow channel, wetland or water body at a rate similar to pre-construction conditions. If runoff water is discharged to a concentrated flow channel, wetland or water body, a sediment basin shall be constructed to collect sediment before the runoff water is discharged.
 - c. Off-street parking for commercial, industrial and other non-residential development.
 - (1) Where practicable, off-street parking shall be located to the side or rear of the principal structure.
 - (2) Off-street parking shall not be directly accessible from any public roadway. Ingress and egress to parking areas shall be limited to driveway entrances.
 - (3) Off-street parking areas with more than two parking spaces shall be arranged so that each space can be used without moving another vehicle.
 - d. Parking spaces shall not be placed in the required roadway vegetative buffer. However, a “sight triangle” shall be maintained 25 feet in length on each side of the intersection of the driveway and the roadway right-of-way, with the third side connecting the other two sides. Within each sight triangle, no landscape plants, other than low growing shrubs, shall be planted. These shrubs must be maintained to be no more than 30 inches in height above the driveway elevation.

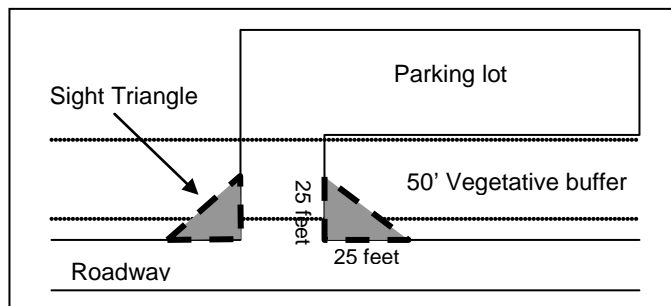


Figure C-2. Sight triangle within a vegetative buffer.

- e. Except for sight triangles, parking areas for commercial, industrial or other non-residential development shall be visually buffered from the roadway by planting and maintaining a

vegetative buffer of trees and shrubs or by locating parking areas to the rear of the principal structure.

- f. When parking areas associated with commercial, industrial or other non-residential development are adjacent to residential structures or uses, landscaping and/or architectural screens shall be used to provide an effective visual buffer and separation between property lines and the edge of the parking area.
- g. For parking areas associated with commercial, industrial or other non-residential development that are greater than one acre in size, a landscaping plan shall be developed and implemented that indicates planting locations, type and maintenance. The plan shall include the following:
 - (1) Parking areas shall have landscaped strips along the perimeter, as well as landscaped islands within the parking area.
 - (2) Expanses of parking area shall be broken up with landscaped islands that include shade trees and shrubs. Where possible, the area of ground left uncovered around the base of a tree must be at least equal to the diameter of the branch area or crown at maturity. Where not possible, adequate measures, including but not limited to soil enhancement techniques and underground irrigation, shall be used to ensure sufficient space for root growth and vegetative survival.

4. **Subdivision and development roadway design specifications.** The following standards apply to Level B and Level C road projects:

- a. Classification of roadways. The Commission shall determine which roadway classification is most appropriate for a particular project. For the purposes of Appendix 3,C, 4, the following general criteria shall apply:
 - (1) **Class 1 Roadway:** Generally appropriate for most projects surrounded by a relatively compact development pattern, for high-intensity commercial or industrial projects surrounded by a relatively sparse development pattern, and for residential subdivisions with 15 or more lots surrounded by a relatively sparse development pattern.
 - (2) **Class 2 Roadway:** Generally appropriate for low-intensity commercial or industrial projects surrounded by a relatively sparse development pattern and for residential subdivisions with fewer than 15 lots surrounded by a relatively sparse development pattern.
 - (3) **Class 3 Roadway:** Generally appropriate for low-intensity, small-scale commercial projects surrounded by a relatively sparse development pattern or located on an island.
- b. In making its determination on the appropriate roadway classification, the Commission shall consider the following factors:
 - (1) The number of lots served by the roadway or projected level of use;
 - (2) The nature of roadways accessing the project site;
 - (3) Location in relation to surrounding patterns of development;
 - (4) The level of development within the vicinity of the project;
 - (5) Natural and imposed limits on future development;

- (6) The type and intensity of the proposed use; and
 - (7) Service by utilities or likelihood of service in the future.
- c. Where practicable, roadways shall be designed to minimize the use of ditching, fit the natural topography of the land such that cuts and fills are minimized, and protect scenic vistas while preserving the scenic qualities of surrounding lands.
 - d. Roadways in towns and plantations within the Commission’s jurisdiction that are proposed to be dedicated to the town or plantation shall also comply with the town’s or plantation’s roadway construction and design standards. The applicant shall clearly specify the ownership of all roadways proposed to be dedicated and shall submit a maintenance plan that includes roadway construction and design standards in accordance with the Commission’s standards.
 - e. Roadways shall adhere to the applicable standards of Appendix 5, C and F and the roadway specifications outlined in Table C-1, below, unless the applicant utilizes site-specific best management practices and the Commission determines that proposed alternative roadway specifications will meet the needs of the development and will not cause erosion or safety problems.

	Class 1 Roadway	Class 2 Roadway	Class 3 Roadway
Minimum Roadway surface width	18 ft. or 14 ft. with turnouts every 500 feet, on average.	14 ft. or 8 ft. with turnouts every 500 feet, on average.	8 ft.
Minimum base (coarse gravel)	18 in.	12 in.	As needed.
Minimum wearing surface	3 in. fine gravel or 2.5 in. bituminous concrete.	3 in. fine gravel or 2.5 in. bituminous concrete.	2" fine gravel.
Maximum Sustained Grade	10%	15%	15%

Table C-1. Roadway construction specifications.

- f. Roadways that will be co-utilized for forest management purposes shall include turnouts that are large enough to accommodate wood haulers and other large vehicles.

D. SCENIC CHARACTER, NATURAL AND HISTORIC FEATURES

1. Scenic Character

- a. The design of proposed development shall take into account the scenic character of the surrounding area. Structures shall be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.
- b. To the extent practicable, proposed structures and other visually intrusive development shall be placed in locations least likely to block or interrupt scenic views as seen from traveled ways, water bodies, or public property.
- c. If a site includes a ridge elevated above surrounding areas, the design of the development shall preserve the natural character of the ridgeline.

2. Natural and Historic Features

- a. Natural Features. If any portion of a subdivision or commercial, industrial or other non-residential project site includes critically imperiled (S1) or imperiled (S2) natural communities or plant species, the applicant shall demonstrate that there will be no undue adverse impact on the community and species the site supports and indicate appropriate measures for the preservation of the values that qualify the site for such designation.
- b. Historic Features. If any portion of a subdivision or commercial, industrial or other non-residential project site includes an archaeologically sensitive area or a structure listed in the National Register of Historic Places, or is considered by the Maine Historic Preservation Commission or other pertinent authority as likely to contain a significant archaeological site or structure, the applicant shall conduct archaeological surveys or submit information on the structure, as requested by the appropriate authority. If a significant archaeological site or structure is located in the project area, the applicant shall demonstrate that there will be no undue adverse impact to the archaeological site or structure, either by project design, physical or legal protection, or by appropriate archaeological excavation or mitigation.

E. NOISE AND LIGHTING

1. Noise.

- a. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any commercial, industrial and other non-residential development shall be as established by the time period and type of land use subdistrict listed below. Sound pressure levels shall be measured at all property boundary lines, at a height of at least 4 feet above the ground surface. The levels specified below may be exceeded by 10 dB(A) for a single period, no longer than 15 minutes per day.

Subdistrict	7:00 AM to 7:00 PM	7:00 PM to 7:00 AM
P-RP	55 dB(A)	45 dB(A)

Table E-1. Sound pressure level limits.

- b. The following activities are exempt from the requirements of Appendix 3, E,1,a:
- (1) Sounds emanating from construction or forest management related activities conducted between 7:00 A.M. and 7:00 P.M.;
 - (2) Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency activities; and
 - (3) Sounds emanating from traffic on roadways or other transportation facilities.

2. Lighting standards for exterior light levels, glare reduction, and energy conservation.

- a. All residential, commercial and industrial building exterior lighting fixtures will be full cut-off, except for incandescent lights of less than 100 watts, or any other light less than 60 watts. Full cut-off fixtures are those that project no more than 2.5% of light above the horizontal plane of the luminary's lowest part. Figure E-1 illustrates a cut-off fixture as defined by the Illuminating Engineering Society of North America (IESNA).

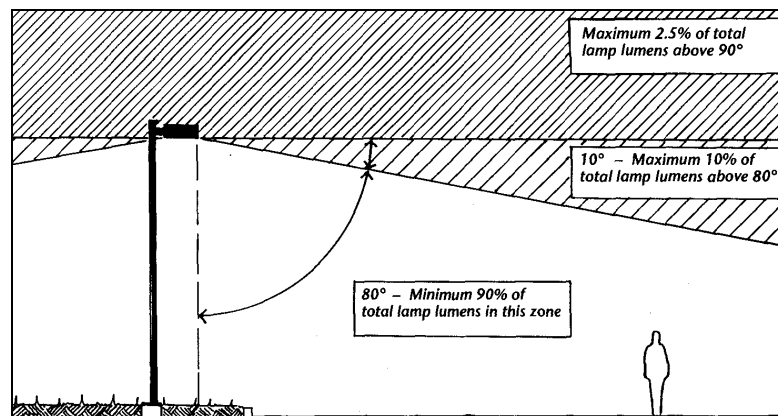


Figure E-1. Cut-off fixture as defined by IESNA.

Light fixtures mounted on gasoline station or convenience store canopies shall be recessed so that fixtures are flush with the canopy. Alternatively, canopies may be indirectly lit using light beamed upward and then reflected down from the underside of the canopy. In this case light fixtures must be shielded so that direct illumination is focused exclusively on the underside of the canopy.

- b. All exterior lighting shall be designed, located, installed and directed in such a manner as to illuminate only the target area, to the extent practicable. No activity shall produce a strong, dazzling light or reflection of that light beyond lot lines onto neighboring properties, onto any water bodies with a significant or outstanding scenic resource rating, or onto any roadway so as to impair the vision of the driver of any vehicle upon that roadway or to create nuisance conditions.
- c. For commercial, industrial and other non-residential development, all non-essential lighting shall be turned off after business hours, leaving only the minimal necessary lighting for site security. The term “non-essential” applies, without limitation, to display, aesthetic and parking lighting.

- d. In addition to the lighting standards in Section E,2, lighted signs shall also comply with the standards in Appendix 5, H.
- e. The following activities are exempt from the lighting standards of Section E,2,a through d:
 - (1) Roadway and airport lighting;
 - (2) Temporary fair, event, or civic uses;
 - (3) Emergency lighting, provided it is temporary and is discontinued upon termination of the work;
 - (4) Lighting that is activated by motion-sensors; and
 - (5) Lighting that was in place on April 1, 2004.

F. SOIL SUITABILITY

The standards set forth below must be met for all subdivisions and commercial, industrial and other non-residential development.

- 1. Soil types shall be determined by a site-specific soil survey, according to the “Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping” (Maine Association of Professional Soil Scientists, 2003). The soil survey class shall be determined as follows, unless the Commission finds that a lower or higher intensity soil survey class is needed:
 - a. For level 1 subdivisions, a Class A high intensity soil survey shall be used to identify soils within the proposed building envelopes, driveway locations and other disturbed areas. A Class B soil survey may be used to identify soils elsewhere within the project area.
 - b. For level 2 subdivisions, a Class B high intensity soil survey shall be used to identify soils within the proposed building envelopes, driveway locations and other disturbed areas. A Class C soil survey may be used to identify soils elsewhere within the project area.
 - c. For new commercial, industrial and other non-residential development, a Class A high intensity soil survey shall be used to identify soils within any proposed disturbed area. A Class C soil survey may be used to identify soils elsewhere within the project area.

The Commission may waive one or more of the provisions of a Class A or B high intensity soil survey, including but not limited to the contour mapping requirement, where such provision is considered by the Commission unnecessary for its review.

- 2. Determination of soil suitability shall be based on the Natural Resources Conservation Service’s soils potential ratings for low density development. Soils with a low or very low development potential rating shall not be developed unless the Commission determines that adequate corrective measures will be used to overcome those limitations that resulted in a low or very low rating.
- 3. At least two test pits shall be dug within the boundaries of each subdivision lot proposed to be served by a combined septic system. At least one test pit shall be dug within the boundaries of each lot proposed to be served by a primitive septic system. The location of such test pits shall be shown on the subdivision plat.

G. SOLID WASTE DISPOSAL

The standards set forth below must be met for all subdivisions and commercial, industrial and other non-residential development.

1. Provision shall be made for the regular collection and disposal of site-generated solid wastes at a state-approved landfill or transfer station.
 2. Provision shall be made for the legal disposal of all construction debris, stumps, brush, wood wastes, asphalt and pavement products.
-

H. SUBSURFACE WASTE WATER DISPOSAL

1. No permit will be issued for a project with subsurface waste water disposal unless an acceptable plan to construct the absorption area is prepared. Where waste water is to be disposed on-site by a subsurface waste water system, the system shall be designed by a licensed site evaluator or a Maine Licensed Professional Engineer, in accordance with the Subsurface Waste Water Disposal Rules.
2. The Commission will not require a permit for conversion from primitive to combined sewage disposal systems provided a subsurface waste water disposal permit is obtained from the local plumbing inspector or the Department of Human Services, Division of Health Engineering, and provided there are no limitations on combined sewage disposal systems established by prior permit conditions. Otherwise, a permit from the Commission is required.
3. Where waste water is to be collected and treated off-site by a municipal or quasi-municipal sewage treatment facility, the applicant shall demonstrate that there is adequate capacity in the collection and treatment systems to ensure satisfactory treatment, the facility is fully licensed by the Maine Department of Environmental Protection, and the facility agrees to accept these wastes.
4. When private central or clustered waste water disposal systems are proposed, adequate provision shall be made for ongoing maintenance and repair of the system and for reserving an area adequate for a future replacement system, in accordance with the Maine Subsurface Waste Water Disposal Rules.

I. WATER SUPPLY

1. Individual wells shall be sited and constructed to prevent infiltration of surface water and contamination from subsurface waste water disposal systems and other known sources of potential contamination.
2. Site design shall allow for placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal in compliance with the Maine Subsurface Waste Water Disposal Rules.
3. Proposed activities involving sources of potential contamination, including junkyards, automobile graveyards, gas stations, and bulk storage of petroleum products, must be located at least 300 feet from existing private and public water supplies.
4. For subdivisions and commercial, industrial and other non-residential development, the applicant shall demonstrate that there is sufficient healthful water supply to serve the needs of the project.
5. When a project is to be served by a public water system, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Department of Human Services Rules Relating to Drinking Water (10-144A C.M.R. 231).

J. SURFACE WATER QUALITY

1. A development, or reasonably foreseeable consequences of a development, shall not directly discharge any water pollutants to a surface water body which cause the surface water body to fail to meet its state classification (38 M.R.S.A. §464 et seq.); which impart toxicity and cause a surface water body to be unsuitable for the existing and designated uses of the water body; or which otherwise would result in a violation of state or federal water quality laws.
2. Appropriate best management practices of point and nonpoint sources of water pollutants shall be utilized, unless the Commission determines that alternative specifications will meet the needs of the activity and will cause no undue adverse impact to the surface water quality of the affected surface water body.

K. PHOSPHORUS CONTROL

1. The standards set forth below must be met for:
 - a. Subdivisions located within the direct watershed of a body of standing water 10 acres or greater in size; and
 - b. Commercial, industrial or other non-residential development that creates a disturbed area of one acre or more within the direct watershed of a body of standing water 10 acres or greater in size.
2. General Standards.
 - a. Provision shall be made to limit the export of phosphorus from the site following completion of the development or subdivision so that the project will not exceed the allowable per-acre phosphorus allocation for the water body, determined by the Commission according to “*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*” (Maine Department of Environmental Protection, 1992), and hereafter cited as the *Phosphorus Control Guide*.
 - b. The phosphorus impact of a proposed subdivision or development on a water body shall be calculated using the Standard Method for Calculating Phosphorus Export, according to the procedures in the *Phosphorus Control Guide*.
3. Design and Maintenance Standards.
 - a. Phosphorus control measures and their maintenance shall meet the design criteria contained in the *Phosphorus Control Guide*.
 - b. High maintenance structural measures, such as wet ponds and runoff infiltration systems, shall not be used unless:
 - (1) Other measures, such as increasing the width of vegetated buffers, greater limits on clearing, reducing road lengths, and clustering of lots to achieve less disturbed area are clearly demonstrated to be insufficient to allow the proposed subdivision to meet the standards of this section; and
 - (2) The Commission finds that the applicant has the technical and financial capabilities to properly design, construct, and provide for the long-term inspection and maintenance of the facility in accordance with the procedures in the *Phosphorus Control Guide*.

L. EROSION AND SEDIMENTATION CONTROL

The standards set forth below must be met for all development that involves filling, grading, excavation or other similar activities which result in unstabilized soil conditions.

1. General Standards.

- a. Soil disturbance shall be kept to a practicable minimum. Development shall be accomplished in such a manner that the smallest area of soil is exposed for the shortest amount of time possible. Operations that result in soil disturbance shall be avoided or minimized in sensitive areas such as slopes exceeding 15% and areas that drain directly into water bodies, drainage systems, water crossings, or wetlands. If soil disturbance is unavoidable, it shall occur only if best management practices or other soil stabilization practices equally effective in overcoming the limitations of the site are implemented.
- b. Whenever sedimentation is caused by stripping of vegetation, regrading, or other construction-related activities, sediment shall be removed from runoff water before it leaves the site so that sediment does not enter water bodies, drainage systems, water crossings, wetlands, or adjacent properties.
- c. Soil disturbance shall be avoided or minimized when the ground is frozen or saturated. If soil disturbance during such times is unavoidable, additional measures shall be implemented to effectively stabilize disturbed areas, in accordance with an approved erosion and sedimentation control plan.

2. Design Standards.

- a. Permanent and temporary erosion and sedimentation control measures shall meet the standards and specifications of the “Maine Erosion and Sediment Control BMP Manual” (Department of Environmental Protection, March 2003) or other equally effective practices. Areas of disturbed soil shall be stabilized according to the “Guidelines for Vegetative Stabilization” (Appendix 8) or by alternative measures that are equally effective in stabilizing disturbed areas.
- b. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all sedimentation control devices have been installed and stabilized.
- c. Existing catch basins and culverts on or adjacent to the site shall be protected from sediment by the use of hay bale check dams, silt fences or other effective sedimentation control measures.
- d. If streams will be crossed, special measures shall be undertaken to protect the stream, as set forth in Appendix 5, C.
- e. Topsoil shall not be removed from the site except for that necessary for the construction of roads, parking areas, building excavations and other construction-related activities. Topsoil shall be stockpiled at least 100 feet from any water body.

- f. Effective, temporary stabilization of all disturbed and stockpiled soil shall be completed at the end of each workday.
 - g. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
 - h. All temporary sedimentation and erosion control measures shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been implemented.
3. Erosion and Sedimentation Control Plan.
- a. For development that occurs when the ground is frozen or saturated or that creates a disturbed area of one acre or more, the applicant must submit an erosion and sedimentation control plan for Commission approval in accordance with the requirements of Appendix 3, L,3,b,(1), below.
 - b. A Commission approved erosion and sedimentation control plan in conformance with these standards shall be implemented throughout the course of the project, including site preparation, construction, cleanup, and final site stabilization. The erosion and sedimentation control plan shall include the following:
 - (1) For activities that create a disturbed area of less than one acre:
 - (a) A drawing illustrating general land cover, general slope and other important natural features such as drainage ditches and water bodies.
 - (b) A sequence of construction of the development site, including clearing, grading, construction, and landscaping.
 - (c) A general description of all temporary and permanent control measures.
 - (d) Provisions for the continued maintenance of all control devices or measures.
 - (2) For activities that create a disturbed area of one acre or more:
 - (a) A site plan identifying vegetation type and location, slopes, and other natural features such as streams, gullies, berms, and drainage ditches. Depending on the type of disturbance and the size and location of the disturbed area, the Commission may require a high intensity soil survey covering all or portions of the disturbed area.
 - (b) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - (c) A detailed description of all temporary and permanent erosion and sedimentation control measures, including, without limitation, seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 - (d) Provisions for the continued maintenance and inspection of erosion and sedimentation control devices or measures, including estimates of the cost of maintenance and plans for meeting those expenses, and inspection schedules.

4. Inspection.
- a. For subdivisions and commercial, industrial or other non-residential development that occurs when the ground is frozen or saturated or that creates a disturbed area of one acre or more, provision shall be made for the inspection of project facilities, in accordance with Section L,4,a,(1) or (2) below:
 - (1) The applicant shall hire a contractor certified in erosion control practices by the Maine Department of Environmental Protection to install all control measures and conduct follow-up inspections; or
 - (2) the applicant shall hire a Maine Registered Professional Engineer to conduct follow-up inspections.
 - b. The purpose of such inspections shall be to determine the effectiveness of the erosion and sedimentation control plan and the need for additional control measures.
 - c. Inspections shall be conducted in accordance with a Commission approved erosion and sedimentation control plan and the following requirements.
 - (1) Inspections shall be conducted at least once a week and after each rainfall event accumulating more than ½ inch of precipitation, until all permanent control measures have been effectively implemented. Inspections shall also be conducted (a) at the start of construction or land-disturbing activity, (b) during the installation of sedimentation and erosion control measures, and (c) at the completion of final grading or close of the construction season.
 - (2) All inspections shall be documented in writing and made available to the Commission upon request. Such documentation shall be retained by the applicant for at least six months after all permanent control measures have been effectively implemented.
 - d. Notwithstanding Section L,4,a, development may be exempt from inspection if the Commission finds that an alternative, equally effective method will be used to determine the overall effectiveness of the erosion and sedimentation control measures.

M. GROUNDWATER QUALITY

The standards set forth below must be met for all subdivisions and commercial, industrial and other non-residential development.

- 1. The development shall not pose an unreasonable risk that a discharge of pollutants to a groundwater aquifer will occur.
- 2. The project shall not result in the groundwater quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A. §601. If the pre-development groundwater quality is inferior to the Maine State Drinking Water Regulations, the development shall not degrade the water quality any further.

N. AIR QUALITY

Commercial, industrial and other non-residential development (including but not limited to solid waste disposal facilities, crematories, wood products manufacturing, pulp and paper mills, rock crushing operations, and asphalt batch plants) must comply with all State and Federal air quality laws and standards.

O. WETLAND ALTERATIONS

The following requirements apply to wetland alterations for Uses Requiring a Permit and Special Exceptions in Section IV, D.2 P-WL Wetland Protection Subdistrict. Except as hereinafter provided, wetland alterations not in conformance with the standards of this section are prohibited.

1. Procedural Requirements

a. Transition.

P-WL subdistricts identified on the Commission's Land Use Guidance Maps that were adopted prior to the adoption of this section will be regulated according to standards applying to wetlands of special significance (P- WL1 subdistrict), as defined herein, until the Commission adopts amended Land Use Guidance Maps pursuant to this section, unless the applicant demonstrates, through delineation or other means acceptable to the Commission, that the P-WL is not a wetland of special significance.

b. Area of Project Alteration.

- (1) If a proposed activity requires a permit and will alter 15,000 or more square feet of wetland area, or 1 acre or more of overall land area, the applicant must delineate on the ground and in a site plan all wetlands within the general project area using methods described in the "Corps of Engineers Wetlands Delineation Manual" (1987).
- (2) If a proposed activity requires a permit and will alter 500 or more square feet of a P-WL1 wetland or 20,000 or more square feet of a P-WL2 or P-WL3 wetland, the Commission may require, as a condition of approval, mitigation, including compensation, as provided in the Commission's General Land Use Standards in Section O,2.
- (3) In determining the area of wetland alteration or overall land alteration, all components of a proposed activity, including all phases of a multiphased project, are treated together as constituting one single and complete project.

c. Level of Permit Review.

The level of permit review required depends upon the size of the proposed wetland alteration and the wetland subdistrict involved. If any part of the overall project requires a higher level of review, then the whole overall project will be reviewed under that higher tier, unless otherwise authorized by the Commission:

- (1) Tier 1 reviews are for projects altering 4,300 up to 15,000 square feet of P-WL2 or P-WL3 wetlands.

- (2) Tier 2 reviews are for projects altering 15,000 up to 43,560 square feet (one acre) of P-WL2 or P-WL3 wetlands not containing critically imperiled (S1) or imperiled (S2) natural communities.
- (3) Tier 3 reviews are for projects altering any area of P-WL1 wetlands, 15,000 up to 43,560 square feet (one acre) of P-WL2 or P-WL3 wetlands containing critically imperiled (S1) or imperiled (S2) natural communities, or one acre or more of P-WL2 or P-WL3 wetlands.

Alterations of P-WL1 wetlands may be eligible for Tier 1 or 2 review if the Commission determines, at the applicant's request, that the activity will have no undue adverse impact on the freshwater wetlands or other protected natural resources present. In making this determination, consideration shall include but not be limited to, such factors as the size of the alteration, functions of the impacted area, existing development or character of the area in and around the alteration site, elevation differences and hydrological connection to surface water or other protected natural resources.

- (4) When wetland delineation is required, the level of permit review required will be determined by the type of wetland indicated through delineation.

2. General Land Use Standards

a. Avoidance.

- (1) Projects requiring Tier 1 review must avoid alteration of wetland areas on the property to the extent feasible considering natural features, cost, existing technology and logistics based on the overall purpose of the project.
- (2) Projects requiring Tier 2 or Tier 3 review must not cause a loss in wetland area, functions and values if there is a practicable alternative to the project that would be less damaging to the environment. Each Tier 2 and Tier 3 application must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

b. Minimal Alteration. Projects requiring Tier 1, Tier 2 or Tier 3 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project.

c. Water Quality. Projects requiring Tier 1, Tier 2 or Tier 3 review must comply with applicable water quality standards; i.e., the activity will not violate any state water quality law, including those governing the classification of the State's waters. Projects that would alter wetland hydrology and could also alter stream flows or other adjacent surface waters must comply with the water quality classification standards contained in 38 M.R.S.A. §465.

d. Erosion Control. Projects requiring Tier 1 or Tier 2 review must use erosion control measures to prevent sedimentation of surface waters. A 25-foot buffer strip must be maintained between the activity and any surface waters.

e. Compensation. Compensation is the off-setting of a lost wetland function with a function of equal or greater value. The goal of compensation is to achieve no net loss of wetland functions and values.

- (1) For projects requiring Tier 2 or Tier 3 review, the Commission may require compensation when it determines that a wetland alteration will cause a wetland function or functions to be lost or degraded as identified by an assessment of wetland functions and values in accordance with application requirements or by the Commission's evaluation of the project.

- (2) The Commission may waive the requirement for a functional assessment, compensation, or both. The Commission may waive the requirement for a functional assessment if it already possesses the information necessary to determine the functions of the area proposed to be altered. The Commission may waive the requirement for compensation if it determines that any impact to wetland functions and values from the activity will be insignificant.
- f. No Unreasonable Impact. The following standards apply only to applications requiring Tier 3 review:
- (1) Even if a project has no practicable alternative and the applicant has minimized the proposed alteration as much as possible, the application will be denied if the activity will have an unreasonable impact on the wetland. A project will be determined to have an "unreasonable impact" if the Commission makes one or more of the following findings:
- (a) Existing uses. The activity will unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses.
 - (b) Soil erosion. The activity will cause unreasonable erosion of soil or sediment or unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
 - (c) Harm to habitats; fisheries.

The activity will unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater or marine fisheries or other aquatic life.

In determining whether there is unreasonable harm to significant wildlife habitat, the Commission may consider proposed mitigation if that mitigation does not diminish the overall value of significant wildlife habitat and species utilization of the habitat in the vicinity of the proposed activity and if there is no specific biological or physical feature unique to the habitat that would be adversely affected by the proposed activity.
 - (d) Interference with natural water flow. The activity will unreasonably interfere with the natural flow of any surface or subsurface water.
 - (e) Flooding. The activity will unreasonably cause or increase the flooding of the alteration area or adjacent properties.
 - (f) Sand supply. If the activity is on or adjacent to a sand dune, it will unreasonably interfere with the natural supply or movement of sand within or to the sand dune system or unreasonably increase the erosion hazard to the sand dune system.
 - (g) Outstanding river segments. If the proposed activity is a crossing of any outstanding river segment as identified in Chapter 10 of the Commission's Rules and Standards, Section 10.23,I, the applicant cannot demonstrate that no reasonable alternative exists which would have less adverse effect upon the natural and recreational features of the river segment.
 - (h) Dredging. If the proposed activity involves dredging, dredge spoils disposal or transporting dredge spoils by water, the applicant cannot demonstrate that the transportation route minimizes adverse impacts on the fishing industry and that the disposal site is geologically suitable.

- (i) In determining if an activity will have an unreasonable impact, the Commission shall consider:
 - (i) The area of wetland that will be affected by the alteration and the degree to which the wetland is altered, including wetland beyond the physical boundaries of the project;
 - (ii) The functions and values provided by the wetland;
 - (iii) Any proposed compensation and the level of uncertainty regarding it; and
 - (iv) Cumulative effects of frequent minor alterations on the wetland.
- (2) Activities may not occur in, on or over any wetland of special significance containing threatened or endangered species unless the applicant demonstrates that:
 - (a) The wetland alteration will not disturb the threatened or endangered species; and
 - (b) The overall project will not affect the continued use or habitation of the site by the species.
- (3) When considering whether a single activity is reasonable in relation to the direct and cumulative impacts on the resource, the Commission shall consider factors such as the degree of harm or benefit to the resource; the frequency of similar impacts; the duration of the activity and ability of the resource to recover; the proximity of the activity to protected or highly developed areas; traditional uses; the ability of the activity to perform as intended; public health or safety concerns addressed by the activity; and the type and degree of benefit from the activity (public, commercial or personal).

P. SUBDIVISION AND LOT CREATION

This section governs the division of lots and the creation of subdivisions.

The applicant is allowed the following land divisions provided all LURC permitting requirements are met and that the applicant submits subdivision permits and receives permit approval prior to proceeding with the development.

Whetstone Pond	12- lots; 3 lots on the eastern shore, 3 woodland lots, and 6 lots on the western shore
Foss Pond	7 shorefront lots
Thorn Brook	11 shorefront lots
Happy Corner Road	4 woodland lots
Rte. 16	2 woodland lots
Crockett Ridge Road	1 woodland lot
“300” Road	1 woodland lot

1. Layout and Design for all Subdivisions.

Subdivisions shall be designed to harmoniously fit into the natural environment and shall cause no undue adverse impact on existing surrounding uses. When determining “harmonious fit”, the Commission shall consider the existing character of the surrounding area, potential for conflict with surrounding uses, proposed driveway and roadway locations, and proposed lot sizes, among other factors.

- a. Subdivisions shall be designed to avoid the linear placement of lots and driveways along roadways or shorelines.

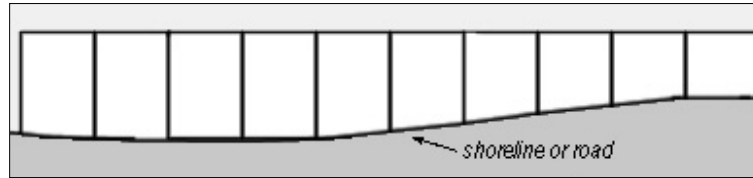


Figure P-3. Linear placement of lots along roadways or shorelines.

To the extent practicable, subdivision lots shall be placed so as to create a distinct community center or expand an existing neighborhood, as long as the expansion is no further than 1,320 feet from the center of the existing neighborhood.

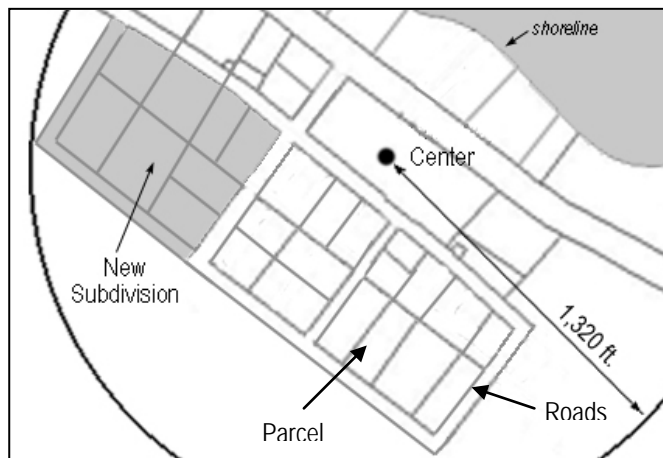


Figure P-4. Placement of subdivision lots within 1,320 feet of an existing neighborhood center.

Where such development is not practicable, lots shall be configured in such a manner so that groups of lots are separated by at least 500 feet of undeveloped land and the lots within a group do not extend more than 1,320 feet along any roadway or shoreline.

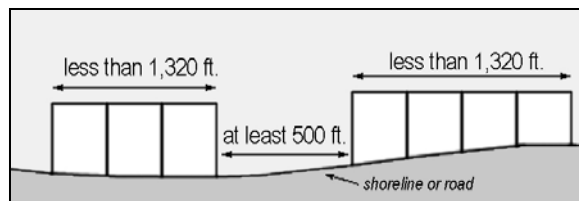


Figure P-5. Grouping of subdivision lots along a roadway or shoreline.

- b. To the extent practicable, subdivisions shall be designed to reduce the number of driveway access points onto roadways through the utilization of shared driveways and interior roads. Notwithstanding Appendix 4, C the Commission may reduce the minimum road frontage for individual lots within subdivisions with shared driveways by up to 50 percent, as long as the Commission finds that reducing road frontage will not adversely affect resources or existing uses or that reducing road frontage will prevent the loss of important natural features.
- c. Building envelopes shall be marked and identified on the subdivision plat for each proposed lot in accordance with the following requirements:
- (1) Building envelopes shall identify all areas within each subdivision lot where structural development may occur;

- (2) Building envelopes shall be arranged to conform with the minimum water body, road and property line setback and maximum lot coverage requirements, as provided in Appendix 4; and
 - (3) Where practicable, building envelopes shall be arranged so as to avoid the placement of structures and driveways along ridge lines, on agricultural land, wetlands, slopes greater than 15%, or any other important topographic and natural features.
- d. All subdivision and lot boundary corners and angle points shall be marked by suitable, permanent monumentation as required by the Maine Board of Registered Land Surveyors.
 - e. Shorefront subdivisions with proposed permanent docks, trailered ramps, hand-carry launches or water-access ways shall comply with the requirements of Appendix 5,I.

2. Spaghetti-lots.

- a. A person may not divide any parcel of land in such a way as to create a spaghetti-lot. This prohibition does not apply to utility or transportation rights-of-ways, government purchases, or a parcel of land that the Commission determines has significant public benefit and cannot be configured in any other way in order to provide that benefit. 12 M.R.S.A. §682-A

3. Subdivision Filing with Registry of Deeds and Sale of Lots.

- a. Filing requirements.

Following the approval of any subdivision by the Commission, the applicant must file the subdivision plat signed by the Commission’s Director with the County Registry of Deeds where the real estate is located.

A registrar of deeds shall not record a copy of conditions or any plat or plan purporting to subdivide real estate located within the unorganized and deorganized lands of the State, unless the Commission’s approval is evidenced thereon. 12 M.R.S.A §685-B(6)

- b. Certificates of Compliance.

The sale of lots in any subdivision approved by the Commission may not proceed until a certificate of compliance has been issued. A certificate of compliance requires that, among other things, proposed deeds and plats be reviewed and approved by the Commission to ensure that permit conditions have been fulfilled. 12 M.R.S.A. §685-B(8)

4. Recording of Large Lot Land Divisions.

- a. When 3 to 10 lots each containing at least 40 acres are created within a 5-year period and are located more than 1,320 feet from the normal high water mark of any great pond or river and more than 250 feet from the upland edge of a coastal or freshwater wetland as those terms are defined in 38 M.R.S.A. §436-A, a plan showing the division of the original parcel must be filed by the person creating the 3rd lot with the Commission within 60 days of the creation of that lot. The plan must state that the lots may be used only for forest management, agricultural management or conservation of natural resources. A “Guide to Certification of Plans for Large Lot Land Divisions” is available from the Commission that details submission requirements.
- b. The Commission shall determine whether the plan qualifies under 12 M.R.S.A §682-B, ordinarily within 15 days of receipt of plan.

- c. A copy of the certified plan must be filed, within 30 days of certification by the Commission, with the State Tax Assessor and the appropriate registry of deeds in the county in which the land is located. A register of deeds may not record any plan depicting these lots unless the Commission’s certification that the division qualifies under 12 M.R.S.A §685-B is evidenced on the plan. 12 M.R.S.A. §685-B(6-A)

Any subsequent division of a lot created from the original parcel within 10 years of the recording of the plan in the registry of deeds is considered a subdivision. 12 M.R.S.A §682-B

Q. CLUSTER DEVELOPMENT

1. Applicability

- a. The cluster development standards set forth below must be met for all subdivisions located within 250 feet of the normal high water mark of a Management Class 4 or 5 lake and for all level 2 subdivisions comprised of more than 5 lots or more than 5 dwelling units.
- b. Other subdivisions located on land that could be developed under normal applicable standards may also be clustered if the subdivisions provide for the efficient use of land and the protection of a significant amount of open space, in accordance with the standards of Section Q and Section R.

The cluster development standards may be waived for subdivisions located within 250 feet of the normal high water mark of a Management Class 4 or 5 lake, where the Commission finds that cluster development is clearly inappropriate due to physical site limitations. Such site limitations may include, without limitation, the presence of soils that are unsuitable for high density development or the size and configuration of a parcel that does not lend itself to clustering.

2. Cluster Development Standards.

- a. Cluster subdivisions shall provide for a reasonable balance between development and conservation. Specifically, cluster subdivisions shall reserve no more than 50% of net developable land for development and, within shorefront subdivisions, shall reserve no more than 50% of net developable shore frontage for development.
 - (1) For the purposes of this section, "net developable land" is the area of a parcel which, as determined by the Commission, is suitable for development. The area shall be calculated by subtracting the following from the total acreage of the parcel:
 - (a) Portions of the parcel subject to rights-of-way and easements for vehicular traffic; and
 - (b) Unbuildable land which includes, without limitation, land that has a low soil potential rating, in accordance with Appendix 3, Section F, or contains sensitive areas such as slopes exceeding 15%, water bodies or wetlands.
 - (2) For the purposes of this section, "net developable shorefront" is land that:
 - (a) Meets the minimum water body setback requirements of Appendix 4,D;
 - (b) Does not have a low soil potential rating, in accordance with Appendix 3 Section F; and

- (c) Contains land area at least 40,000 contiguous square feet in size that is not comprised of sensitive areas such as slopes exceeding 15%, water bodies or wetlands.
- b. Cluster subdivisions shall be designed to protect developable land as open space through (1) clusters of dwellings on commonly-owned land; (2) creation of individual lots with reduced dimensional requirements, reduced road frontage or, within shorefront subdivisions, reduced shore frontage as permitted under these rules; or (3) a decrease in the number of individual lots that meet dimensional requirements.

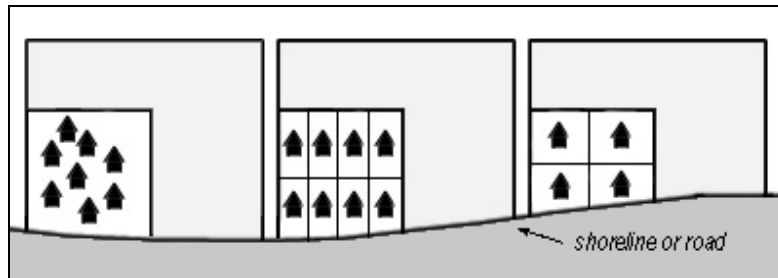


Figure Q-1. From left to right, (1) clustering on a commonly-owned parcel, (2) clustering on individual parcels with reduced lot size and frontage, and (3) clustering on individual parcels without reduced lot size or frontage.

- c. Open space within cluster subdivisions shall be preserved and maintained in accordance with Section R.
- d. The Commission may reduce dimensional requirements for individual dwellings or lots in a cluster development, provided that, in the aggregate, dimensional requirements are met within the development.
- e. Notwithstanding Section Q,2,d, the Commission may waive the provision that dimensional requirements for individual dwellings or lots in a cluster development be met, in the aggregate, where the following conditions are satisfied:
 - (1) Dimensional requirements, in the aggregate, are not waived by more than 50%;
 - (2) site conditions are suitable for more concentrated development on some portions of a site and such concentrated development will not adversely affect resources; and
 - (3) the specific benefits afforded by the cluster approach will prevent the loss of or enhance the conservation of important natural features.
- f. No individual lot or dwelling unit for which road frontage has been reduced shall have direct vehicular access onto an existing roadway, unless the individual lot or dwelling unit uses a shared driveway.

R. OPEN SPACE

The standards set forth below must be met for all land area designated as open space.

1. Preservation and Maintenance of Open Space. Open space may be owned, preserved and maintained as required by this section, by any of the following mechanisms or combinations thereof, listed in order of preference, upon approval by the Commission:
 - a. Conveyance of open space to a qualified holder, as defined under Section R,2.
 - b. Dedication of development rights of open space to a qualified holder, as defined under Section R,2 with ownership and maintenance remaining with the property owner or a lot owners association.
 - c. Common ownership of open space by a lot owners association which prevents future structural development and subsequent subdivision of open space and assumes full responsibility for its maintenance.
 - d. Any other mechanism that fully provides for the permanent protection or conservation of open space and that is acceptable to the Commission.
2. Qualified Holders. The following entities are qualified to own, preserve and maintain open space:
 - a. “A governmental body empowered to hold an interest in real property under the laws of this State or the United States; or
 - b. A nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property.” 33 M.R.S.A. §476, sub-§2
3. Open space may be usable for low-intensity non-commercial recreation or for purposes intended to conserve land and preserve important natural features of the site. Uses within the open space may be limited or controlled by the Commission at the time of approval, as necessary, to protect natural resources and adjacent land uses. Specifically, open space lots are subject to subdivision and other permit conditions prohibiting residential, commercial, industrial or other structures and uses.
4. If any or all of the open space is to be reserved for common ownership by the residents of the subdivision, the bylaws of the proposed lot owners association shall specify responsibilities and methods for maintaining the open space and shall prohibit all residential, commercial, industrial or other structures and uses.
5. Open space shall be dedicated as a separate lot of record with no further subdivision or conversion of use of that lot allowed. Such lot shall be shown on the subdivision plat with a notation thereof to indicate that no further subdivision or conversion of use is allowed.

APPENDIX 4

DIMENSIONAL REQUIREMENTS

The following dimensional requirements apply to all lots on which structural development is proposed unless otherwise provided by Section G.

A. MINIMUM LOT SIZE

1. Residential Uses

The minimum lot size for residential uses is 40,000 square feet per dwelling unit except where each dwelling unit is to use a common or community sewer and not on-site subsurface waste water disposal, the minimum lot size shall be 20,000 square feet per dwelling unit.

2. Commercial, industrial, and other non-residential uses

The minimum lot size for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet.

B. MINIMUM SHORELINE FRONTAGE

1. For lots fronting on a flowing water draining more than 2 square miles but less than 50 square miles, a body of standing water less than 10 acres in size, or a tidal water, the minimum shoreline frontage shall be:

- a. 150 feet per dwelling unit for residential uses; and
- b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings.

2. For lots fronting on a flowing water draining 50 square miles or more or a body of standing water 10 acres or greater in size, the minimum shoreline frontage shall be:

- a. 200 feet per dwelling unit for residential uses; and
- b. 300 feet for commercial, industrial, and other non-residential uses involving one or more buildings.

3. In the case of a lot which borders more than one water body, the shoreline frontage requirement must be met on each water body bordered by the lot.

4. Frontage shall be measured in a straight line between the points of intersection of side lot lines with the normal high water mark of the shoreline.

5. The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high water mark of a water body shall be equal to or greater than the applicable minimum shoreline frontage requirement.

6. The shoreline frontage may be waived to no less than 200 feet for public boat launches where the applicant demonstrates there will be no undue adverse impact to surrounding uses.

C. MINIMUM ROAD FRONTAGE

1. The minimum road frontage shall be:
 - a. 100 feet per dwelling unit for residential uses, and
 - b. 200 feet for commercial, industrial, and other non-residential uses involving one or more buildings;
2. These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
3. Where the lot is located at the end of a road or on a circular turnaround with an outside diameter of less than 25 feet, the road frontage requirements shall not apply.
4. Frontage shall be measured along the traveled portion of the road between the points of intersection of side lot lines with the traveled portion of the road.
5. In the case of a lot which borders more than one road, the road frontage requirement must be met on at least one road bordered by the lot.

D. MINIMUM SETBACKS

1. The minimum setbacks for structures, other than those described in Appendix 4, Section D, 2 and except as provided in Appendix 4, Section G are:
 - a. 75 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size and 75 feet from the upland edge of wetlands designated as P-WL1 subdistricts;
 - b. 100 feet from the nearest shoreline of a flowing water draining 50 square miles or more and of a body of standing water 10 acres or greater in size;
 - c. 50 feet from the traveled portion of all roadways;
 - d. 15 feet from side and rear property lines.

These setbacks also apply to all parking areas associated with single-family residential uses, parking areas for hand-carry launches, and those structures within a sporting camp complex constructed solely for the housing of guests.

2. The minimum setbacks for commercial, industrial, and other non-residential principal and accessory structures are:
 - a. 150 feet from the nearest shoreline of a flowing water draining less than 50 square miles, a body of standing water less than 10 acres in size and from the upland edge of wetlands designated as P-WL1 subdistricts;
 - b. 150 feet from the nearest shoreline of a flowing water draining 50 square miles or more and a body of standing water 10 acres or greater in size;
 - c. 75 feet from the traveled portion of the nearest roadway;
 - d. 25 feet from the side and rear property lines.

Except as provided for in Appendix 4, Section D,1 above, these setbacks also apply to all parking areas associated with multi-family dwellings and commercial, industrial, and other non-residential uses, and all other structures within a sporting camp complex, including, but not limited to, a main lodge, dining area, workshop and parking area.

3. These requirements apply to any privately or publicly owned road that is used for public access, including roads used by the public for which a toll is paid.
4. Campsites shall be set back such that the area designed for camping, including cleared or graded areas, fire rings, tables, and related construction, is at least 75 feet from shoreline, 50 feet from roads, and 25 feet from property lines. Remote campsites shall be set back at least 50 feet from roads, 25 feet from property lines, and 50 feet from shorelines, except that the Commission may require a greater setback from shorelines for remote campsites where necessary due to site conditions in order to avoid accelerated soil erosion or sedimentation of surface waters.

E. MAXIMUM LOT COVERAGE

1. The maximum lot coverage shall be 30% for all uses involving one or more buildings.
2. "Coverage" shall be calculated by determining the percentage of lot area covered by all structures including paved driveways, sidewalks, parking lots and other impervious surfaces.

F. MAXIMUM BUILDING HEIGHT

1. Except as provided for in Appendix 4, Section F, 2 and 4 below, the maximum building height shall be:
 - a. 35 feet for residential uses; and
 - b. 60 feet for commercial, industrial, and other non-residential uses involving one or more buildings.
2. Structures within 500 feet of the normal high water mark of a body of standing water 10 acres or greater (Whetstone Pond or Foss Pond) shall be no higher than 25 feet. The Commission may apply

this provision at greater distances from the normal high water mark of bodies of standing water having significant or outstanding scenic values where there is the likelihood that such structures would have an adverse impact on scenic values. Bodies of standing water having such scenic values are shown in Appendix C of Commission's Rules and Standards Chapter 10 Land Use Standards.

3. Features of buildings, which contain no floor area such as chimneys, towers, ventilators and spires may exceed these maximum heights with the Commission's approval.

G. EXCEPTIONS TO DIMENSIONAL REQUIREMENTS

1. The Commission may reduce dimensional requirements for individual buildings in a cluster development, in accordance with Appendix 3, Section Q.
2. Notwithstanding other provisions of these rules, in a proposed subdivision or area that has or is likely to have relatively dense development, the Commission may increase the minimum lot size when the Commission determines that:
 - a. A larger lot size is required to provide sufficient area of suitable soil to accommodate the principal building and accessory structures, and subsurface waste water disposal, including a replacement system; and
 - b. The density of development in the vicinity of the proposed site is likely to cause nitrate or other contaminant levels in ground water to exceed public drinking water standards at any public or private well or at the property boundary. The Commission may require a nitrate study to estimate likely nitrogen levels in ground water as part of a subdivision application.
3. Where development would otherwise have an undue adverse impact on existing uses, scenic character or natural and historic resources in the area likely to be affected by the proposal, the Commission may impose additional or more protective standards with respect to clearing, frontage and setback requirements, waste water disposal, and other aspects of the development to reasonably assure that undue adverse impact is avoided.
4. An exception may be made to the shoreline, road, and/or property line setback requirements for structures where the Commission finds that such structures must be located near to the shoreline, road, or property line due to the nature of their use. Structures, which must be located near to the shoreline, include structures which require direct access to the water as an operational necessity, such as piers, docks, retaining walls, and structures necessary for commercial fishing activities or water dependent uses within a D-MT subdistrict. This provision shall not apply to boat houses or float plane hangars not included within a D-MT subdistrict.
5. To the extent consistent with 12 M.R.S.A. §685-B(4), the Commission may reduce the minimum lot size required for a structure whose sole purpose is to house a public utility facility or to function as a public utility, provided that:
 - a. the size, height, and bulk of the facility is of a scale that permits such a reduction without adverse effect on surrounding properties; and
 - b. the facility is sited and buffered to fit harmoniously into the surrounding environment.
6. The Commission may apply the dimensional requirements for residential uses to single outpost camps operated by commercial sporting camps, except in cases where such a camp is likely to have a greater impact than a residential use.

7. Notwithstanding the provisions of Appendix 6, structures necessary for disabled persons to gain access to buildings may be greater than the allowable size or located less than the standard setback distance from a shoreline, road and property line to the minimum extent necessary when the following criteria are met:
 - a. A person with a disability as defined in 5 M.R.S.A. §4553 resides in or regularly uses the dwelling or facility;
 - b. The encroachment into the standard setback distance or exceeding of the allowable size applies only to the installation of equipment or construction of structures necessary for access to or egress from the dwelling or facility by the person with the disability;
 - c. The access structure is necessary to create an accessible route;
 - d. The access structure cannot reasonably or feasibly be created without exceeding the allowable size or encroachment into the standard setback distance; and
 - e. The design of the access structure minimizes the need for exceeding the allowable size or encroachment into the standard setback distance.

8. The Commission may reduce the minimum road frontage requirement for individual lots within subdivisions with shared driveways in accordance with Appendix 3, Section P,2,b.

APPENDIX 5

ACTIVITY-SPECIFIC STANDARDS

The documents referenced within this section may be obtained from the Commission's office in Augusta, or any of its regional offices.

A. VEGETATION CLEARING

Vegetation clearing activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements shall apply to vegetation clearing activities for any purpose other than road construction, road reconstruction and maintenance, wildlife or fishery management, forest management, agricultural management, public trailered ramps or hand-carry launches:

1. A vegetative buffer strip shall be retained within:
 - a. 50 feet of the right-of-way or similar boundary of any public roadway,
 - b. 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, or any tidal water or flowing water draining less than 50 square miles, and
 - c. 100 feet of the normal high water mark of a body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
2. Within this buffer strip, vegetation shall be maintained as follows:
 - a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath is permitted, provided it does not exceed six (6) feet in width as measured between tree trunks, and, has at least one bend in its path to divert channelized runoff.
 - b. Selective cutting of trees within the buffer strip is permitted provided that a well- distributed stand of trees and other vegetation is maintained.

For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to a body of standing water 10 acres or greater in size shall be defined as maintaining a rating score of 24 or more in a 25-foot by 50-foot square (1250 square feet) area as determined by the following rating system.

Near other water bodies, tributary streams and public roadways a "well-distributed stand of trees and other vegetation" shall be defined as maintaining a rating score of 16 or more per 25-foot by 50-foot square (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2.0 to < 4.0	1
4.0 to 8.0	2
8.0 to < 12.0	4
12.0 +	8

Table Appendix 5, B -1. Rating system for a well-distributed stand of trees and other vegetation.

The following shall govern in applying this rating system:

- (1) The 25-foot x 50-foot rectangular plots shall be established where the landowner or lessee proposes clearing within the required buffer;
- (2) Each successive plot shall be adjacent to but not overlap a previous plot;
- (3) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by these rules;
- (4) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by these rules; and
- (5) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of this section, “other natural vegetation” is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4 ½ feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 32 inches in diameter until 5 saplings have been recruited into the plot. In addition, the soil shall not be disturbed, except to provide for a footpath or other permitted use.

- c. In addition to Appendix 5,B,2,b above, no more than 40% of the total basal area of trees 4.0 inches or more in diameter, measured at 4 ½ feet above ground level, may be removed in any ten (10) year period.
 - d. Pruning of tree branches is prohibited, except on the bottom 1/3 of the tree provided that tree vitality will not be adversely affected.
 - e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings shall be established with native tree species.
3. At distances greater than one hundred (100) feet, horizontal distance, from the normal high water mark of a body of standing water greater than 10 acres, no more than 40% of the total volume of trees four inches or more in diameter, measured at 4 1/2 feet above ground level, may be removed in any ten (10) year period. In no instance shall cleared openings exceed, in the aggregate, 10,000 square feet, including land previously cleared. These provisions apply to areas within 250 feet of all bodies of standing water greater than ten (10) acres, and to the full depth of the P-AL zone. This requirement does not apply to the development of uses allowed by permit.
 4. Cleared openings legally in existence as the date of this Concept Plan may be maintained, but shall not be enlarged except as permitted by these regulations.

In all subdistricts, where natural vegetation is removed within the required vegetative buffer strip of a flowing water, body of standing water, tidal water, or public roadway, it shall be replaced by other vegetation (except where the area cleared is built upon) that is effective in preventing erosion and retaining natural beauty.

B. MINERAL EXPLORATION AND EXTRACTION

Mineral exploration and extraction activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements for mineral exploration and extraction activities shall apply in all subdistricts except as otherwise hereinafter provided:

1. Mineral Exploration: The following requirements shall apply to mineral exploration activities:
 - a. All excavations, including test pits and holes, shall be promptly capped, refilled or secured by other equally effective measures so as to reasonably restore disturbed areas and to protect the public health and safety.
 - b. Mineral exploration activities or associated access ways where the operation of machinery used in such activities results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of a flowing water, body of standing water, tidal water, or wetland identified as a P-WL1 subdistrict:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table Appendix 5,C-1. Unscarified filter strip width requirements for exposed mineral soil created by mineral exploration activities or associated access ways.

The provisions of B,1,b apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of B,1,b do not apply where access ways cross such waters.

- c. Except when surface waters are frozen, access ways for mineral exploration activities shall not utilize stream channels bordered by P-SL2 subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Appendix 5, C,2 and 5, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

- d. Access way approaches to stream channels shall be located and designed so as to divert water runoff from the way in order to prevent such runoff from directly entering the stream.
 - e. In addition to the foregoing minimum requirements, when conducting mineral exploration activities and creating and maintaining associated access ways, provision shall be made to effectively stabilize all area of disturbed soil so as to reasonably avoid soil erosion and sedimentation of surface waters. These measures shall include seeding and mulching if necessary to insure effective stabilization.
2. Mineral Extraction: The following requirements shall apply to mineral extraction activities in all subdistricts:
- a. A vegetative buffer strip shall be retained between the ground area disturbed by the extraction activity and:
 - (1) 75 feet of the normal high water mark of any body of standing water less than 10 acres in size, any flowing water draining less than 50 square miles, tidal water, or wetland identified as a P-WL1 subdistrict; and
 - (2) 100 feet of the normal high water mark of any body of standing water 10 acres or greater in size or flowing water draining 50 square miles or more.
 - b. No portion of any ground area disturbed by the extraction activity shall be closer than 250 feet from any public roadway, or 250 feet from any property line in the absence of the prior written agreement of the owner of such adjoining property.
 - c. Within 250 feet of any water body the extraction area shall be protected from soil erosion by ditches, sedimentation basins, dikes, dams, or such other control devices which are effective in preventing sediments from being eroded or deposited into such water body.

Any such control device shall be deemed part of the extraction area for the purposes of Appendix 5, B,2,a, above;
 - d. A natural vegetative screen of not less than 50 feet in width shall be retained from any facility intended primarily for public use, excluding privately owned roads; and
 - e. If any mineral extraction operation located within 250 feet of any property line or public roadway or facility intended primarily for public use, excluding privately owned roads, is to be terminated or suspended for a period of one year or more, the site shall be rehabilitated by grading the soil to a slope of 2 horizontal to 1 vertical, or flatter.

C. ROADS AND WATER CROSSINGS

Roads and water crossings not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following road and water crossing requirements shall apply in P-WL1, P-WL2, P-SL, and P-FP subdistricts, and within 250 feet of a Great Pond P-GP, and all development subdistricts:

1. The following requirements shall apply to construction and maintenance of roads:
 - a. All cut or fill banks and areas of exposed mineral soil outside the roadbed within 75 feet of a flowing water, body of standing water, tidal water, or a wetland shall be revegetated or otherwise stabilized so as to prevent erosion and sedimentation of water bodies or wetlands;
 - b. Road banks shall have a slope no steeper than 2 horizontal to 1 vertical;
 - c. Drainage ditches shall be provided so as to effectively control water entering and leaving the road area. Such drainage ditches will be properly stabilized so that the potential for unreasonable erosion does not exist;
 - d. In order to prevent road surface drainage from directly entering water bodies or wetlands, roads and their associated drainage ditches shall be located, constructed, and maintained so as to provide an unscarified filter strip, of at least the width indicated below, between the exposed mineral soil of the road and the normal high water mark of a surface water body or upland edge of a wetland:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table Appendix 5, C-1. Unscarified filter strip width requirements for exposed mineral soil created by roads and their associated drainage ditches.

This requirement shall not apply to road approaches to water crossings or wetlands.

- e. Drainage ditches for roads approaching a water crossing or wetland shall be designed, constructed, and maintained to empty into an unscarified filter strip, of at least the width indicated in the table set forth in Appendix 5, C,1,d above, between the outflow point of the ditch and the normal high water mark of the water or the upland edge of a wetland. Where such filter strip is impracticable, appropriate techniques shall be used to reasonably avoid sedimentation of the water body or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and

ditch water turnouts placed so as to reasonably avoid sedimentation of the water body or wetland;

- f. Ditch relief (cross drainage) culverts, drainage dips and water turnouts will be installed in a manner effective in getting drainage onto unscarified filter strips before the flow in the road or its drainage ditches gains sufficient volume or head to erode the road or ditch.
- (1) Drainage dips may be used in place of ditch relief culverts only where the road grade is 10% or less;
 - (2) On roads having slopes greater than 10%, ditch relief culverts shall be placed across the road at approximately a 30 degree angle downslope from a line perpendicular to the center line of the road;
 - (3) Ditch relief culverts, drainage dips and water turnouts shall direct drainage onto unscarified filter strips as required in Appendix 5,C,1,d and e above;
 - (4) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials; and
 - (5) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (Percent)	Spacing (Feet)
0-2	500-300
3-5	250-180
6-10	167-140
11-15	136-127
16-20	125-120
21+	100

Table Appendix 5, C-2. Spacing requirements for drainage dips and associated water turnouts.

2. The following requirements shall apply to water crossings when surface waters are unfrozen:
 - a. Bridges and culverts shall be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 ½ times the cross-sectional area of the stream channel.
 - b. Culvert and bridge sizes may be smaller than provided in Appendix 5,C,2,a if techniques are employed such that in the event of culvert or bridge failure, the natural course of water flow is reasonably maintained and sedimentation of the water body is reasonably avoided; such techniques may include, but are not limited to, the effective use of any or all of the following:
 - (1) removing culverts prior to the onset of frozen ground conditions;
 - (2) using water bars in conjunction with culverts; or
 - (3) using road dips in conjunction with culverts.
 - c. Culverts utilized in water crossings shall:
 - (1) be installed at or below stream bed elevation;
 - (2) be seated on firm ground;
 - (3) have soil compacted at least halfway up the side of the culvert;
 - (4) be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and

- (5) have a headwall at the inlet end which is adequately stabilized by rip-rap or other suitable means to reasonably avoid erosion of material around the culvert.
3. The design and construction of land management road systems through wetlands, other than those areas below the normal high water mark of standing or flowing waters, must avoid wetlands unless there are no reasonable alternatives, and must maintain the existing hydrology of wetlands.

To maintain the existing hydrology of wetlands, road drainage designs shall provide cross drainage of the water on the surface and in the top 12 inches of soil in wetlands during both flooded and low water conditions so as to neither create permanent changes in wetland water levels nor alter wetland drainage patterns. This shall be accomplished through the incorporation of culverts or porous layers at appropriate levels in the road fill to pass water at its normal level through the road corridor. Where culverts or other cross-drainage structures are not used, all fills shall consist of free draining granular material.

To accomplish the above, the following requirements apply:

- a. Road construction on mineral soils or those with surface organic layers up to 4 feet in thickness:
 - (1) Fill may be placed directly on the organic surface compressing or displacing the organic material until equilibrium is reached. With this method, culverts or other cross-drainage structures are used instead of porous layers to move surface and subsurface flows through the road fill material.
 - (a) For road construction on mineral soils or those with surface organic layers less than 16 inches in thickness, culverts or other cross-drainage structures shall be appropriately sized and placed at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum intervals of 300 feet.
 - (b) For road construction on surface organic layers in excess of 16 inches but less than 4 feet in thickness, cross drainage must be provided by placing culverts at each end of each wetland crossing and at the lowest elevation on the road centerline with additional culverts at intermediate low points as necessary to provide adequate cross drainage. Culverts or other cross-drainage structures shall be placed at maximum 300-foot intervals. Culverts shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface.
 - (c) Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the road centerline shall be constructed along the toe of the fill to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Unditched breaks shall be left midway between culverts to prevent channelization.
 - (2) Alternatively, a porous layer may be created to move surface and subsurface flows through the road fill materials. If a porous layer is used, geotextile fabric must be placed above and below fill material to increase the bearing strength of the road and to preserve the bearing strength of fill material by preventing contamination with fine soil particles.
- b. Road construction on soils with organic layers in excess of 4 feet in thickness:
 - (1) Such construction shall only take place under frozen ground conditions.

- (2) Geotextile fabric shall be placed directly on the soil surface. Road fill or log corduroy shall then be placed on the geotextile fabric.
- (3) Cross drainage shall be provided by either a continuous porous layer or appropriate placement of culverts or other cross-drainage structures and ditching as specified below:
 - (a) A continuous porous layer or layers shall be constructed by placement of one or more layers of wood corduroy and/or large stone or chunkwood separated from adjacent fill layers by geotextile fabric placed above and below the porous layer(s) such that continuous cross drainage is provided in the top 12 inches of the organic layer; or
 - (b) Cross drainage culverts or other cross-drainage structures shall be placed at points where they will receive the greatest support. Culverts or other cross-drainage structures shall be a minimum of 24 inches in diameter, or the functional equivalent, and buried halfway below the soil surface. Where necessary to maintain existing water flows and levels in wetlands, ditches parallel to the roadbed on both sides shall be used to collect surface and subsurface water, carry it through the culvert(s) and redistribute it on the other side. Such ditches shall be located three times the depth of the organic layer from the edge of the road fill. Unditched breaks shall be left midway between culverts to prevent channelization.

4. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

5. Maintenance of the above required water control installations shall continue until the road is discontinued and put to bed by taking the following actions:

a. Water bars shall

- (1) be constructed and maintained across the road at intervals established below:

Road Grade (Percent)	Distance Between Water Bars (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	4-

Table Appendix 5, C-3. Spacing requirements for water bars.

- (2) be constructed at approximately 30 degrees down slope from the line perpendicular to the center line of the road;
- (3) be constructed so as to reasonably avoid surface water flowing over or under the water bar; and
- (4) extend sufficient distance beyond the traveled way so that water does not reenter the road surface.

b. Any bridge or water crossing culvert in such road shall satisfy one of the following requirements:

- (1) it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
 - (2) it shall be designed to provide an opening with a cross- sectional area at least 3 ½ times the cross- sectional area of the stream channel; or
 - (3) it shall be dismantled and removed in a fashion so as to reasonably avoid sedimentation of the water body.
6. Provided they are properly applied and used for circumstances for which they are designed, methods including but not limited to the following are acceptable to the Commission as means of calculating the 10 and 25 year frequency water flows and thereby determining crossing sizes as required in Appendix 5,C,2 and 5:
 - a. The USDA Soil Conservation Service (SCS) Methods; specifically: "Urban Hydrology for Small Watersheds," June 1986 Soil Conservation Service Technical Release #55.
 - b. The United States Geological Survey (USGS) Methods; specifically: U.S. Geological Survey. 1975. "A Technique for Estimating the Magnitude and Frequency of Floods in Maine." Open- file Report 75-292.
 7. Extension, enlargement or resumption of use of presently existing roads, which are not in conformity with the provisions of Appendix 5,C, are subject to the provisions of Appendix 6.
 8. Publicly owned roads may be constructed in a fashion that is not in strict conformity with the provisions of this section, provided that other measures are applied that are effective in reasonably avoiding sedimentation of surface waters.
 9. Except that Appendix 5,C,10, below, always applies, trail crossings of minor flowing waters shall be exempt from the standards of Appendix 5,C, provided such crossings are constructed in a manner that causes no disturbance to the stream bed, and no substantial disturbance to the banks or shoreland areas in the vicinity of the crossing, and provided such crossings do not impede the flow of water or the passage of fish. If properly undertaken, acceptable methods may include but not be limited to the laying of logs from bank to bank, or placement of bed logs and stringers with decking. This exemption shall not extend to the construction of abutments or piers.

Trail crossings not so exempted shall be subject to the water crossing standards of Appendix 5,C, including specifically Appendix 5,C,2, 4, 5, 6, 10 and 11.
 10. In addition to the foregoing minimum requirements, provision shall otherwise be made in the construction and maintenance of roads and water crossings in order to reasonably avoid sedimentation of surface waters.
 11. Written notice of all road and water crossing construction activities, except level A road projects and exempt trail crossings as provided in Appendix 5,C,9 above, shall be given to the Commission prior to the commencement of such activities. Such notice shall conform to the requirements of Appendix 7 and shall state the manner in which the water crossing size requirements of this section will be satisfied.

D. TIMBER HARVESTING

Timber harvesting activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

The following requirements apply to timber harvesting within all development and protection subdistricts except as otherwise hereinafter provided:

1. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by a P-SL1 subdistrict except to cross such channels with a culvert or bridge according to the water crossing requirements of Appendix 5,C,2 and 5;
2. Timber harvesting operations in P-SL1 and within 250 feet of a Great Pond shall be conducted in the following manner:
 - a. Within 50 feet of the normal high water mark, no clearcutting shall be allowed and harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained so as to maintain the aesthetic and recreational value and water quality of the area and to reasonably avoid sedimentation of surface waters.
 - b. At distances greater than 50 feet from the normal high water mark, harvesting activities may not create single openings greater than 14,000 square feet in the forest canopy. In such areas single canopy openings of over 10,000 square feet shall be no closer than 100 feet apart.
 - c. Harvesting shall not remove, in any ten year period, more than 40 percent of the volume on each acre involved of trees 6 inches in diameter and larger measured at 4½ feet above ground level. Removal of trees less than 6 inches in diameter, measured as above is permitted if otherwise in conformance with these regulations. For the purpose of these standards, volume may be determined as being equivalent to basal area.
 - d. No accumulation of slash shall be left within 50 feet of the normal high water mark of surface water protected by the P-SL1 and a Great Pond. In such subdistricts, at distances greater than 50 feet from the normal high water mark of such waters, all slash larger than 3 inches in diameter shall be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.

3. Except as provided in Appendix 5,D,7, skid trails and other sites, where the operation of machinery used in timber harvesting results in the exposure of mineral soil, shall be located such that an unscarified filter strip of at least the width indicated below is retained between the exposed mineral soil and the normal high water mark of surface water areas:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet Along Surface of the Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

Table 1 Appendix 5, D-1. Unscarified filter strip width requirements for exposed mineral soil created by the operation of machinery used in timber harvesting.

The provisions of Appendix 5,D,3 apply only on a face sloping toward the water, provided, however, no portion of such exposed mineral soil on a back face shall be closer than 25 feet; the provisions of Appendix 5,D,3 do not apply where skid roads cross such waters;

4. Timber harvesting operations shall be conducted in such a manner that slash is not left below the normal high water mark of a body of standing water or tidal waters, or below the normal high water mark of stream channels downstream from the point where such channels drain 300 acres or more;
5. Except when surface waters are frozen, skid trails and skid roads shall not utilize stream channels bordered by P-SL2 subdistricts except to cross the same by the shortest possible route; unless culverts or bridges are installed in accordance with Appendix 5,C,2 and 5, such crossings shall only use channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged. The requirements of Appendix 5,D,5 may be modified according to the provisions of Appendix 5,D,7;
6. Except as provided in Appendix 5,D,7, skid trail and skid road approaches to stream channels shall be located and designed so as to divert water runoff from the trail or road in order to prevent such runoff from directly entering the stream;
7. Timber harvesting operations in P-SL2 subdistricts along stream channels upstream from the point where they drain 300 acres or less, and in P-WL subdistricts adjacent to such P-SL2 subdistricts, may be conducted in a manner not in conformity with the requirements of the foregoing Sections Appendix 5,D,3, 5, and 6 provided that such operations are conducted so as to avoid the occurrence of sedimentation of water in excess of 25 Jackson Turbidity Units as measurable at the point where such stream channel drains 1 square mile or more. Jackson Turbidity Units are a standard measurement of the relative amount of light that will pass through a sample of water compared with the amount of light that will pass through a reference suspension; the Jackson Turbidity Unit measurement for water without turbidity is 0;
8. Harvesting operations in P-SL2 subdistricts along stream channels downstream from the point where they drain 300 acres or more and along bodies of standing water shall be conducted in such a manner that sufficient vegetation is retained to maintain shading of the surface waters;

9. Written notice of all timber harvesting operations shall be given to the Commission prior to the commencement of such activity. Such notice shall conform to the requirements of section 10.16 (Appendix 7) and shall state whether or not such operations will be conducted according to the provisions of Appendix 5,D,7; and
10. In addition to the foregoing minimum requirements, except as provided for in Appendix 5, D,7, provision shall otherwise be made in conducting timber harvesting operations in order to reasonably avoid sedimentation of surface waters.

E. FILLING AND GRADING

The following requirements for filling and grading shall apply in all subdistricts except as otherwise provided herein.

Filling and grading activities not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

These standards do not apply to filling or grading activities which constitute forest or agricultural management activities, the construction, reconstruction and maintenance of roads, or the construction of public trailered ramps, hand-carry launches, or driveways. Such activities are separately regulated.

1. Within 250 feet of water bodies and wetlands, the maximum size of a filled or graded area, on any single lot or parcel, shall be 5,000 square feet. This shall include all areas of mineral soil disturbed by the filling or grading activity; and
2. Beyond 250 feet from water bodies, the maximum size of filled or graded areas, as described above, shall be 20,000 square feet, except that there shall be no limit to the size of filled or graded areas in M-GN subdistricts which are greater than 250 feet from water bodies and wetlands. In such M-GN subdistrict areas, the provisions of Appendix 5,E,4 and 6 shall apply; and
3. Clearing of areas to be filled or graded is subject to the Clearing Standards of Appendix 5,A; and
4. Imported fill material to be placed within 250 feet of water bodies shall not contain debris, trash, rubbish or hazardous or toxic materials. All fill, regardless of where placed, shall be free of hazardous or toxic materials; and

5. Where filled or graded areas are in the vicinity of water bodies or wetlands such filled or graded areas shall not extend closer to the normal high water mark of a flowing water, a body of standing water, tidal water, or upland edge of wetlands identified as P-WL1 subdistrict than the distance indicated in the following table:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark or Upland Edge (Feet Along Surface of the Ground)
10 or less	100
20	130
30	170
40	210
50	250
60	290
70	330

Table Appendix 5, E-1. Unscarified filter strip width requirements for exposed mineral soil created by filling and grading.

6. All filled or graded areas shall be promptly stabilized to prevent erosion and sedimentation.
- Filled or graded areas, including all areas of disturbed soil, within 250 feet of water bodies and wetlands, shall be stabilized according to the Guidelines for Vegetative Stabilization contained in Appendix B of this chapter.

F. DRIVEWAYS ASSOCIATED WITH RESIDENTIAL STRUCTURES AND USES

Driveways not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed activity, which is not in conformance with the standards of this section, shall be conducted in a manner which produces no undue adverse impact upon the resources and uses in the area.

1. Applicability:

The following requirements apply to the construction of driveways for single family and two family dwelling units in all subdistricts where driveways associated with residential uses are allowed without a permit. These standards, along with the standards of Appendix 3,C,4, may be used as guidance in processing an application for driveways to be located in those subdistricts where driveways require a permit from the Commission.

- a. Other Permits: If a permit has been issued for the development of the lot to be served by the driveway or if the lot is part of a subdivision for which a permit has been issued, conditions of the building permit or subdivision permit regarding construction of driveways supersede provisions of this subsection.
- b. Length: If the length of a proposed driveway is greater than 1000 feet, it is regulated as a road and requires a permit from the Commission unless it qualifies as a land management road.

2. Water Body Setback:
 - a. Minimum Setback: The minimum water body setback for a driveway which accesses an undeveloped lot or a lot having residential structures is:
 - (1) 100 feet from the nearest shoreline of a flowing water draining 50 square miles, and a body of standing water greater than 10 acres in size;
 - (2) 75 feet from the nearest shoreline of a tidal water; and
 - (3) 50 feet from the upland edge of minor flowing waters and mapped P-WL1 wetlands.
 - b. Exceptions to Water Body and Wetland Setback Requirements:
 - (1) The water body and wetland setback requirements do not apply to approaches to water body or wetland crossings.
 - (2) A lesser setback may be allowed with a permit in the following instances provided no other reasonable alternative exists and appropriate techniques are used as needed to prevent sedimentation of the water body:
 - (a) In the case of legally existing nonconforming structures located in the shoreland area, the driveway may extend to the portion of the principal structure farthest from the normal high water mark of the water body, but in no case closer than 50 feet from the normal high water mark of the water body; or
 - (b) To allow access to permitted facilities located nearer to the shoreline due to an operational necessity as described in Appendix 4,G,5.
3. Property Line Setback:
 - a. Minimum Setback: The minimum property line setback for a driveway is 15 feet.
 - b. Exceptions to Property Line Setback:
 - (1) A shared driveway need not meet the minimum setback.
 - (2) The minimum setback standard does not apply to authorized approaches to and crossings of property lines or to crossings along easements or rights of way established in deed or lease.
 - (3) A lesser setback may be allowed with a permit upon written permission of the abutting landowner.
4. Road Frontage: The lot to be served by the driveway must have a minimum of 100 feet of road frontage.
5. Entry onto Roadways, including State Highways: The entry must not be located on a curve and must be placed so as to allow adequate line of sight for safe entry onto the roadway. If a driveway is to enter directly onto a state or state-aid highway, the person wishing to construct the driveway must first obtain written permission from the Maine Department of Transportation.
6. Crossings of Flowing Waters: If a driveway will cross a flowing water, the crossing must be accomplished in accordance with the standards for installation of water crossings set forth in Appendix 5,D,2.
7. Wetlands Alteration: The driveway must not alter any portion of a mapped P-WL1 subdistrict or more than 4,300 square feet of a mapped P-WL2 or P-WL3 subdistrict without a permit.
8. Maximum Slope: The driveway must not have a sustained slope of more than 8%.
9. Erosion and Sedimentation Control:
 - a. The driveway must be located, designed and constructed so that:

- (1) It will not erode or create any undue restriction or disruption of existing surface water drainage ways;
 - (2) It will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland, or roadway.
 - b. Except for the travel surface of the driveway, all areas of disturbed soil must be promptly reseeded and mulched to prevent soil erosion.
10. Fill Material: Fill material used in the construction of a driveway must not contain demolition debris, trash, rubbish, or hazardous or toxic materials.

G. PESTICIDE APPLICATION

Pesticide application in any of the subdistricts will not require a permit from the Commission provided such application is in conformance with applicable State and Federal statutes and regulations.

H. SIGNS

Signs not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed sign, which is not in conformance with the standards of this section, shall be erected and maintained in a manner which produces no undue adverse impact upon the resources and uses in the area.

1. Signs Not Requiring a Permit

The following signs do not require a permit from the Commission, provided such signs are in conformance with the requirements of Appendix 5,H,1 and 2, below. The following limitations may be exceeded only under the provisions of a permit from the Commission:

- a. Signs erected and maintained outside the highway right-of-way, by a governmental body, showing places of interest (other than commercial establishments), the place and time of services or meetings of churches and civic organizations. Not more than two such signs may be erected and maintained which are readable by traffic proceeding in any one direction on any one highway in any one township;
- b. Residential directional signs, each of which does not exceed 4 square feet in area, along roadways other than limited access highways;
- c. Traffic control signs or devices;
- d. Signs displayed for the direction, instruction or convenience of the public, including signs which identify posted areas, property boundaries, trails, fire precautions, campsites, or the like, with a total surface area not exceeding 6 square feet This exemption shall not apply to signs visible from any public roadway promoting or advertising commercial enterprises;
- e. Signs to be maintained for not more than six weeks announcing a campaign drive or other like event of a public, civic, philanthropic or religious organization;

- f. Memorial signs or tablets;
- g. Directional signs visible from a public roadway with a total surface area not to exceed 4 square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place;
- h. Official business directional signs as defined and authorized by 23 M.R.S.A. §21.
- i. Signs containing only a symbol or design identifying gas, food or lodging services and the distance and/or direction to such services at trail inter s without a sign kiosk. Such signs are not to exceed 4 square feet in size.
- j. Signs identifying a particular place of business offering gas, food, or lodging at the intersection of a local feeder trail leading directly to that place of business. Such signs are not to exceed 4 square feet in size and shall not be visible from a public roadway.
- k. On-Premise Signs

Owners or occupants of real property may erect and maintain on-premise signs, except roof signs, advertising the sale or lease thereof or activities being conducted thereon. Such signs shall be subject to the following requirements and the regulations set forth in Appendix 5,H,2 below:

- (1) On-premise signs shall not exceed in size the area limitations set forth below:

Subdistricts	Maximum Size for Each Individual Sign (square feet)	Maximum Aggregate Area of all Signs for Facility Being Advertised (square feet)
P-RP	4	8

Table Appendix 5, H-1. Size limitations for on-premise signs.

- (2) On-premise signs shall not be located more than 500 feet from the building or other particular site at which the activity advertised is conducted;
- (3) Signs advertising the sale or lease of real estate by the owner or his agent shall not have an area of more than 4 square feet, except signs advertising a subdivision which shall be limited in size as provided by Appendix 5,H,1,1,(1);
- (4) On-premise signs, other than wall or projecting signs, shall not extend more than 15 feet above ground level, and shall not have a supporting structure which extends more than two feet above such sign;
- (5) Projecting signs must be at least 9 feet above pedestrian level and may project no more than 2 feet from the building; and
- (6) Signs attached to a wall shall not extend above the top of the wall.

On-premise signs which are not in conformance with the preceding requirements and all roof signs may be allowed only under the provisions of a permit from the Commission.

2. Regulations Applying to All Signs

Notwithstanding any other provisions of this chapter, no sign may be erected or maintained which:

- a. Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt, to direct the movement of traffic;
- b. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;
- c. Contains, includes, or is illuminated by any flashing, intermittent or moving light, moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign;
- d. Has any lighting, unless such lighting is shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof;
- e. Is in violation of, or at variance with, any federal law or regulation, including, but not limited to, one containing or providing for conditions to, or affecting the allocation of federal highway or other funds to, or for the benefit of, the State or any political subdivision thereof;
- f. Is in violation of, or at variance with, any other applicable State law or regulation;
- g. Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities;
- h. Is not clean or in good repair; or
- i. Is not securely affixed to a substantial structure.

Any sign which is a combination of exempt and/or non-exempt signs shall be regulated by the most protective standards applicable.

3. Criteria for Sign Approval

In approving, conditionally approving, or denying any application for a sign permit, the Commission shall require that the applicant demonstrate that the proposed sign complies with those criteria set forth in 12 M.R.S.A. §685-B(4) as well as the following:

- a. that the sign is compatible with the overall design of the building height, color, bulk, materials and other design and occupancy elements;
- b. that the color, configuration, height, size, and other design elements of the sign will fit harmoniously into the surrounding natural and man-made environment;
- c. that the sign will not constitute a hazard to the flow of traffic; and
- d. that the applicant sufficiently demonstrates the need for any non-conformity with the size, height, and other limitations set forth in Appendix 5,H,1.

H. HAND-CARRY LAUNCHES AND WATER-ACCESS WAYS

Except as hereinafter provided, hand-carry launches and water-access ways not in conformance with the standards of this section are prohibited.

Except as provided for in Appendix 5,I,4, hand-carry launches, and water-access ways require a permit from the Commission. Where a permit is required, the proposal must meet the general Criteria for Approval, Appendix 2, and the Criteria for Wetland Alterations, Appendix 3, in addition to any applicable requirements set forth in these rules.

1. Hand-carry Launch and Water-access Ways

Wherever private hand-carry launches or water access ways are allowed by special exception, the following apply:

For a proposed hand-carry launch or set of water-access ways, the following constitutes “an alternative site reasonably available” to the applicant:

- a. an existing public or commercial trailered ramp or set of water-access ways if it has two or more associated parking spaces for motor vehicles with trailers and is located within 15 road miles or 5 miles by water of the applicant’s proposed development,
- b. a proposed public or commercial trailered ramp or set of water-access ways located within 15 road miles or 5 miles by water of the applicant’s proposed development, provided such a facility is proposed for construction within 2 years of the date of the application.

2. Facilities Associated with Shorefront Subdivisions

Shorefront subdivisions may be permitted no more than one hand-carry launch or set of water-access ways. Any such facility must comply with Appendix 5, I, 5, and must be accessible to all lots in the subdivision. The location of the facility must be identified on the subdivision plat and right of access must be covenanted in the deeds of all lots in the subdivision.

3. Maintenance of Hand-carry Launches

Maintenance: Every application for a permit, or permit by special exception for a new or replacement hand-carry launch, or expansion thereof, must contain a description of the procedures the applicant will follow to maintain the facility on an ongoing basis in compliance with the standards of Appendix 5,I,5, to minimize erosion, sedimentation, and transport of phosphorus into the water body.

4. Notification for Hand-carry Launches

Public hand-carry launches are allowed without a permit within the shoreland zone of all water bodies except those identified as Management Class 1, 2, and 6 Lakes.

The following notification provision applies to construction of new or replacement hand-carry launches where such projects are allowed without a permit. If a proposed project fails to meet any notification requirement or other applicable rule, the project requires a permit.

- a. Every notification must be on a form provided by the Commission.
- b. At least 30 days before filing the notification with the Commission, the applicant shall inform the Commission of the intent to file, mail notice to the local board of selectmen/assessors, if

applicable, and to all landowners/lessees within 1000 feet of the proposed project according to the records of Maine Revenue Services or the applicable plantation/municipality. At the time of notice, a draft notification form must be available for inspection. The notice must state how to obtain a copy of the draft notification, the anticipated date for filing of the notification with the Commission, and a statement that public comments on the notification may be submitted to the Commission. Unless this deadline is extended by the Commission, any such comments must be submitted to the Commission by the anticipated date of the filing of the notification with the Commission.

- c. The applicant may proceed with the proposed project 14 days after filing the notification with the Commission unless within this time period the Commission staff informs the applicant in writing that issues have been identified by Commission staff or other persons regarding the adequacy with which Appendix 5,H,4 and 5 are met or that there may be an undue adverse impact on existing uses or resources in the project area. If these issues cannot be resolved, the Commission will determine if there is sufficient public interest in the project to warrant consideration of a public hearing on the notification. If a hearing is held, the Commission may consider compliance with the applicable requirements of sections d and e and impacts on existing uses or resources in the project area. Within 60 days after the close of any public hearing, the Commission shall inform the applicant in writing of its determination. If the Commission determines that the requirements of sections d and e are met and that the project will not have an undue adverse impact on existing uses or resources in the project area, the notification will be accepted. If the notification is not accepted, the project will require a permit to proceed.
- d. Expiration: A notification expires 2 years from the date of acceptance by the Commission.

5. Design and Construction Standards for Hand-carry Launches

Unless otherwise indicated, the following standards apply to hand-carry launches that are subject to the notification provisions in Appendix 5,H,4, and to all private hand-carry launches.

- a. Erosion Prevention and Control During Construction: Eroded soil or fill material from disturbed areas must be prevented from entering a water body. Properly installed erosion control measures, such as staked hay bales and silt fence, must be in place before the project begins. These erosion control measures must remain in place, functioning as intended, until the project area is permanently stabilized. Erosion and sedimentation control measures must comply with “Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices,” Cumberland County Soil and Water Conservation District and Maine Department of Environmental Protection, March 1991.
- b. Avoidance of Water Bodies: No portion of a ramp or related facilities may be located in, on, or over wetlands, other than the water body being accessed, identified as P-WL1 on the Commission’s zoning map for the project area. Parking areas, access roads, and paths must not be located in a stream, wetland designated as P-WL1, or other water body, except that an access roadway may cross a stream if requirements of Appendix 5,C, pertaining to water crossings, are met.
- c. Maintenance of Vegetated Buffer: Hand-carry launches, and associated facilities must be designed to minimize disturbance to the water body’s vegetated buffer. A vegetated buffer zone at least 25 feet wide for public facilities (100 feet for private facilities) must be maintained or established between any parking area and the water body. In the case of private trailered ramps, if the lot does not have a well established vegetated buffer consisting of trees, shrubs and woody or herbaceous ground cover within 100 feet of the normal high water mark of the water body, the applicant must propose to enhance the existing shoreland buffer to compensate for the loss of vegetated buffer due to construction of the ramp.

- d. Runoff Diversion: Parking areas, access roads, and paths must divert runoff away from the ramp or launch to an area where it will infiltrate into the ground or pass through a sedimentation basin before reaching the water body. For private facilities, the total land area above the normal high water mark that drains directly into the water body along the approach or from cut slopes must be no greater than 200% of the area of the ramp or launch lane above the normal high water mark.
- e. Hand-carry Launch: A hand-carry launch must meet the following specifications:
 - (1) The hand-carry launch area and access pathway must not be hard surfaced and must be constructed of gravel, rock, vegetation, or other natural erosion resistant materials;
 - (2) The sloped portion of the launch above the normal high water mark must have a slope no greater than 18%;
 - (3) The access path must have a maximum width of 6 feet and must have at least one bend to divert channelized runoff; and
 - (4) A landing area that is cleared of obstructions must be no wider than 20 feet and must extend no more than 20 horizontal feet below normal high water mark.
 - (5) Filled or cut slopes at or below the normal high water mark must be protected with riprap.

Within those subdistricts where hand-carry launches are allowed without a permit, the standards for hand-carry launches may be exceeded upon issuance of a permit.

- f. Geoweb: Geoweb cellular confinement system must not be used below or within two vertical feet above the normal high water mark of the water body.
- g. Concrete: Uncured concrete must not be placed directly into the water. Concrete must be pre-cast and cured at least three weeks before placing it in the water or, where necessary, must be placed in forms and must cure at least one week before the forms are removed.
- h. Washing: No washing of tools, forms, or similar material may occur in or adjacent to the water body or wetland.
- i. Lumber: The use of untreated lumber is preferred. Wood treated with creosote or pentachlorophenol must not be used below the normal high water mark. Lumber pressure-treated with chromated copper arsenate (CCA) may be used, provided it is cured on dry land in such a manner as to expose all surfaces to the air for a period of at least 21 days prior to construction.
- j. Machinery in Water: Machinery may enter the water traveling or operating only on newly placed material or temporary mats and only when necessary to excavate or place material below the water level.
- k. Debris: Any debris generated during the work must be prevented from washing into the water and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Solid Waste Law, 38 M.R.S.A. §1301 et seq.
- l. Dimensional requirements: The shoreline frontage requirement for public boat launches may be waived to no less than 200 feet provided the applicant demonstrates there will be no undue adverse impact to existing uses in the project area.

I. SERVICE DROPS

Service drops not in conformance with the standards of this section are prohibited. A permit is not required for a service drop provided one of the following conditions is met:

1. The Commission has issued a permit for the structure or development to be served; or
2. The Commission has confirmed, in writing, that the structure or development to be served is exempt from the Commission's permitting requirements.

Appendix 6

NONCONFORMING USES AND STRUCTURES

5 EXISTING LOTS ON FOSS POND

A. PURPOSE AND SCOPE

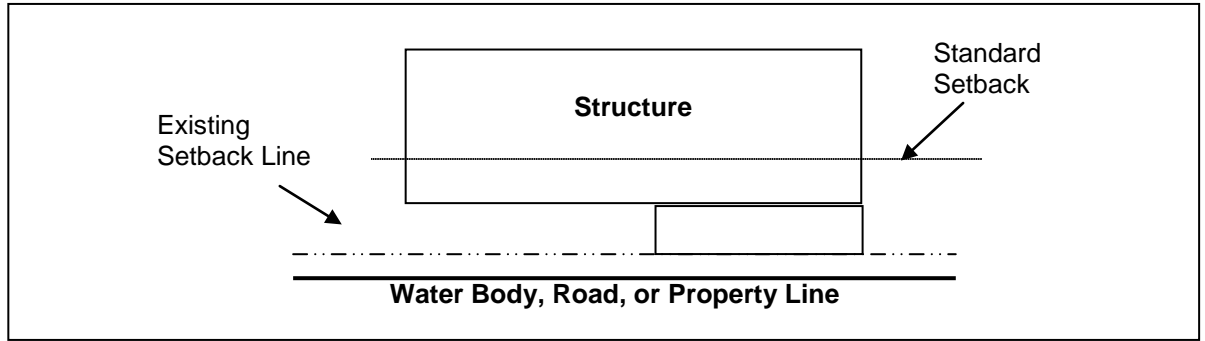
This section governs structures, uses and lots that were created before the Commission's rules or laws were established, but which do not meet the current rules or laws. This section also governs structures, uses and lots that met the Commission's rules or laws when built or created, but no longer are in conformance due to subsequent revisions to those rules or laws.

In accordance with 12 M.R.S.A. §685-A(5), legally existing nonconforming structures, uses and lots will be allowed to continue. Renovations of these structures, and the construction of certain accessory buildings, are allowed without a permit. However, 12 M.R.S.A. §685-B(7) authorizes the Commission to regulate or prohibit extensions, enlargement, or movement of nonconforming uses and structures. This section clarifies which activities are allowed with a permit, without a permit, or are prohibited in the modification of a legally existing nonconforming structure, use or lot.

B. GENERAL

1. **Criteria for Approval.** Permits are required for all expansions, reconstructions, relocations, changes of use, or other development of nonconforming structures, uses and lots, except where specifically provided in this Appendix 6. In order to obtain a permit, the applicant must meet the approval criteria in 12 M.R.S.A. §685-B(4) and demonstrate that:
 - a. the project will not adversely affect surrounding uses and resources: and
 - b. there is no increase in the extent of nonconformance, except in instances where a road setback is waived by the Commission in order to increase the extent of conformance with a water body setback.
2. **Extent of Nonconformance with Respect to Setbacks.** Appendix 4,D of these rules establishes minimum setbacks from water bodies, roads and property boundaries. Where legally existing, nonconforming structures do not meet these setbacks, an existing setback line will be established. The existing setback line will run parallel to the water body, road or property boundary at a distance equal to the closest point of the existing structure (including attached decks or porches) to the feature from which the setback is established. This is shown graphically below in Appendix 6, B-1.

3.



Appendix 6,B-1. Determination of setback.

Subject to the other requirements in this section, a nonconforming structure may be expanded up to the existing setback line without being considered to be more nonconforming than the original structure. Expansions between the existing setback line and the water body, road or property boundary will be considered to increase nonconformity, and will not be allowed.

4. **Transfer of Ownership.** Legally existing, nonconforming structures, uses, and lots may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming lot or structure as before, subject to the provisions of the Commission's rules and the Concept Plan.
5. **Normal Maintenance and Repair.** A permit is not required for the normal maintenance and repair of legally existing nonconforming structures, structures associated with nonconforming uses, or structures on nonconforming lots.
6. **Renovation.** A permit is not required for the renovation of legally existing nonconforming structures, structures associated with nonconforming uses, or structures on nonconforming lots.
7. **Waiver of Road Setbacks.** To allow a structure to become either conforming or less nonconforming to the water body setback, the Commission may reduce the road setback to no less than 20 feet in cases of reconstruction or relocation of legally existing structures or construction of new accessory structures on developed, legally existing nonconforming lots.
8. **Conformance with Maine Subsurface Waste Water Disposal Rules.** All changes to legally existing nonconforming structures, structures for nonconforming uses or structures on nonconforming lots must comply with the Maine State Subsurface Waste Water Disposal Rules (144A CMR 241), including changes that do not require a permit under this rule.
9. **Conflicting Requirements.** In cases where two or more provisions of this section apply to a particular structure, use or lot, the more restrictive provision shall control.

C. NONCONFORMING STRUCTURES

1. **Expansion.** A permit is required for the expansion of a nonconforming structure. In addition to meeting permit requirements, expansions must also comply with the following limitations. These limitations do not apply to water dependent uses as defined in the Commission’s Rule and Standards, Chapter 10, Section 10.02.
 - a. **Certain Expansions Prohibited.** If any portion of a structure is located within 25 feet, horizontal distance, of the normal high water mark of a water body, expansion of that portion of the structure is prohibited. That portion beyond 25 feet may be expanded provided the size limitations in Appendix 6,C,1,b are met.
 - b. **Size of Structures Near Water Bodies Limited.** The maximum size of expansions of nonconforming structures is limited within areas described by either of the categories below:
 - (1) The area within 100 feet, horizontal distance, of the normal high water mark of bodies of standing water 10 acres or greater in size or flowing waters draining 50 square miles or more.
 - (2) The area within 75 feet, horizontal distance, of the normal high water mark of tidal waters or bodies of standing water less than 10 acres in size (but excluding bodies of standing water less than three acres in size not fed or drained by a flowing water).

Legally existing, principal and accessory structures located within these areas may be expanded subject to the other requirements of this section, provided that lot coverage limitations and other applicable land use standards are met. The maximum height of all structures within these areas shall be 25 feet, or existing structure height, whichever is greater. The maximum combined footprint for all structures within these areas may not exceed the limits in Appendix 6,C-1.

Closest Distance of Expansion from Water Body	Maximum Combined Footprint for all Structures not Meeting Water Body Setbacks
Greater than 25 and less than 50 feet.	750 square feet
Between 50 and 75 feet.	1,000 square feet
Greater than 75 and less than 100 feet (if applicable setback is more than 75 feet).	1,500 square feet

Appendix 6,C-1. Limitations on size of structures near water bodies.

2. **Reconstruction or Replacement.** A legally existing, nonconforming structure may be reconstructed or replaced with a permit, provided that the permit

application is completed and filed within two years of the date of damage, destruction or removal, and provided that the structure was in regular active use within a two year period immediately preceding the damage, destruction, or removal.

- a. **Meeting Setbacks to the Greatest Extent Possible.** Reconstruction or replacement must comply with the Concept Plan current minimum setback requirements to the greatest possible extent. In determining whether the proposed reconstruction or replacement meets the setback to the greatest possible extent, the Commission may consider the following factors:
 - size of lot,
 - slope of the land,
 - potential for soil erosion and phosphorus export to a water body,
 - location of other legally existing structures on the property,
 - location of the septic system and other on-site soils suitable for septic systems,
 - type and amount of vegetation to be removed to accomplish the relocation, and
 - physical condition and type of existing foundation, if any.
 - b. **Reconstruction of Attached Decks.** Decks attached to a legally existing, nonconforming structure may be reconstructed in place with a permit, except that replacement of any portion of a deck that extends into or over the normal high water mark is prohibited.
 - c. **Permanent Foundations.** The addition of a permanent foundation beneath a legally existing, nonconforming structure constitutes a reconstruction subject to the provisions in Papendix 6, C,2,a.
 - d. **Boathouses.** Except in a D-MT subdistrict, Boathouses shall not be reconstructed or replaced. Normal maintenance and repair, and renovation of a legally existing boathouse is allowed without a permit.
3. **Relocation.** In order to make it conforming or less nonconforming, a legally existing, nonconforming structure may be relocated within the boundaries of the lot upon the issuance of a permit. Cleared openings created as part of a relocation shall be stabilized and revegetated. Relocated structures that are altered such that they meet the definition of reconstruction shall meet the requirements of Appendix 6, C,2.
 4. **Change of Use of a Nonconforming Structure.** The use of a nonconforming structure shall not be changed without permit approval.
 5. **New, Detached Accessory Structures.** New, detached accessory structures associated with pre-1971 residences and operating farms are allowed without a permit if they meet all setbacks, do not cause lot coverage requirements to be exceeded and otherwise conform with the Commission's rules. Permits are required for all other new detached accessory structures.

The construction of new, detached accessory structures that do not meet water body setbacks is allowed with a permit only if the structure cannot be physically sited on the lot to meet the water body setback requirement. In this case, the new accessory structure shall not be located closer to the normal high water mark than the principal structure, shall not be located within 25 feet of the normal high water mark, and shall be of a size and height that, when combined with legally existing principal buildings will not exceed the size and height requirements of Appendix 6, C,1,b.

6. **Enclosure of Decks and Porches.** A permit is required for the complete or partial enclosure of decks and porches. Enclosure of decks and porches is not an expansion of floor area. The enclosure of the structure which results in additional stories is considered an expansion and must meet the provisions of Section Appendix 6,C,1,b. If any portion of the structure is located within 25 feet, horizontal distance, of the normal high water mark of a water body, complete or partial enclosure of that portion of the structure is prohibited.

D. NONCONFORMING USES.

1. **Expansion of Use.** Extension, enlargement or expansion of nonconforming uses requires a permit.
2. **Change in Use.** A nonconforming use may not be changed to another use without a permit.
3. **Resumption of Use.** A nonconforming use shall not be resumed if it has been discontinued or abandoned for a period exceeding two years, or if it has been superseded by a conforming use.
4. **Special Exceptions.** Any use granted a special exception permit shall be deemed a conforming use [see 12 M.R.S.A. §685-A(10)].

E. NONCONFORMING LOTS.

1. **Expansion of Structures.** Structures on nonconforming lots may not be expanded without a permit.
2. **Creation of Nonconforming Lots.** A lot which has an established use or structure to which dimensional standards apply may not be divided or altered in a manner that makes the lot, or any structure or use, nonconforming or more nonconforming.
3. **Pre-1971, Unimproved, Nonconforming Lots.** An unimproved, nonconforming lot, legally existing as of September 23, 1971, may not be developed unless the Commission grants a variance to those standards that make the lot nonconforming. However, if a lot is at least 20,000 square feet in size, has at least 100 feet of shore frontage, and is not a contiguous lot as described in

Appendix 6,E,5 below, the Commission may allow for development by waiving, to the minimum extent necessary, the requirements that make the lot nonconforming. In this case a variance is not required. This waiver may only be granted if the proposed development would meet the shoreline setback requirements in Appendix 4, D.

4. **Development of Other Nonconforming Lots.** When a lot was lawfully created after September 23, 1971, in conformity with LURC dimensional requirements applicable at the time, the Commission may waive, to the minimum extent necessary the current dimensional requirements. Waived setbacks shall not be reduced below those in effect at the time of creation of the lot.
5. **Contiguous Lots.** Two or more contiguous lots in the same ownership that individually do not meet dimensional requirements shall be combined to the extent necessary to meet the dimensional requirements, except where:
 - a. such lots are part of a subdivision approved by the Commission, or
 - b. each lot has a legally existing dwelling unit that conformed to the Commission's rules at the time each lot was developed.

Under these two circumstances the lots may be conveyed separately or together.

Expansion of Septic Systems. The conversion from primitive to combined septic systems on legally created and developed lots is allowed without a permit provided authorization is obtained from the local plumbing inspector or from the Department of Human Services, Division of Health Engineering and provided there are no limitations on combined septic systems established by prior permit conditions.

Appendix 7

NOTIFICATION FORMAT

Where a written notification is required by this Concept Plan, such notification must be submitted in advance of the date on which the activity, which is the subject of the notification, is commenced. Except as provided in Appendix 5, I such notification must state the:

- A. Location of the proposed project by use of an official Commission Land Use Guidance Map of the area;
- B. Nature of the proposed project; and
- C. Time period of the proposed project;

Such notification must also state that the activity or project will be accomplished in conformance with the applicable minimum standards of Sub-Chapter III and must be signed by a duly authorized person who shall be responsible for the execution of the activity.

Appendix 8

GUIDELINES FOR VEGETATIVE STABILIZATION

Areas of disturbed soil, including but not limited to areas that are filled, graded or otherwise disturbed during construction projects, should be stabilized according to the following guidelines. These guidelines do not apply to forest management activities and are not strict regulations, and therefore alternative methods of stabilizing soil may be used. However, whenever soil stabilization or stabilization of disturbed areas is required by regulation or by the terms of individual permits, individuals must assure that either these guidelines, or measures equally effective in stabilizing disturbed areas of soil are employed.

The goals to be achieved by proper stabilization are the avoidance of accelerated soil erosion and the avoidance of sedimentation or pollution of water bodies. All stabilization measures must be maintained so that grass or other vegetation remains intact and healthy, otherwise these measures will be ineffective.

In General:

1. Sterile soils such as sands and gravels should be covered with 2 to 4 inches of soil medium that will support vegetative growth.
2. Disturbed soil areas should be graded such that runoff water is either minimized or eliminated from running over the site.
3. Disturbed areas which can be seeded between May 1 and September 15 should be prepared and seeded during that period.
4. Disturbed areas which cannot be seeded between May 1 and September 15 should be mulched with hay, straw or some other suitable material to keep them as stable as possible over the winter, and particularly during spring runoff the following year. For over-wintering, mulch must be tacked down, as it is easily blown around on frozen ground, leaving areas of soil exposed. Mulch hay should be applied at a depth of 4 inches, or between 150 to 200 lbs. per 1000 square feet, over the disturbed site. Mulched over-wintered areas should be prepared and seeded the following spring as soon as conditions allow.

It is not recommended that disturbed areas be seeded after September 15th (“dormant seeding”) for a number of reasons. Among the reasons, seeding rates are doubled, which is more expensive; timing is critical to ensure that

germination does not occur before the following spring; there is an increased risk of sedimentation because sites are generally wetter in the fall; the thicker mulch must be removed in the spring in order to allow the germinating seed to survive; and the application of fertilizer during this time increases the risk of leaching or runoff loss of nutrients into water bodies.

5. Seeding preparation, in addition to providing a soil medium that will support vegetative growth if the site is sterile, includes the application of lime and fertilizer, which should be lightly raked prior to seeding. After the area is seeded, it should be lightly watered and then mulched with 70 to 90 lbs. (2 standard bales) per 1,000 square feet of weed free hay or straw to protect the seed. Keep the site stable and moist, and allow the seed to germinate and grow.

6. For accurate liming as well as fertilization, it is recommended that you have the soil analyzed to determine the specific nutrient requirements of your site.

Lime should be applied at a rate of approximately 140 pounds to 1000 square feet of area. This rate may vary depending on the natural conditions of the soil on the site. 10-5-20 fertilizer should be applied at a rate of 18.5 lbs. per 1000 square feet of area. Following the establishment of vegetation, non-phosphorous fertilizer should be used in accordance with the Department of Environmental Protection's recommendations.

7. **In shore land areas in particular, fertilizers should be of the "quick release" low phosphorus type, such as 12-4-8 mixtures applied at a rate of 8 pounds per 1000 square feet of area. If you are near water bodies, it is important not to apply more than approximately this amount of fertilizer, as excess may be washed into streams or lakes and contribute to lowering water quality and such things as algae blooms in lakes.**

Following the establishment of vegetation, non-phosphorous fertilizer should be used in accordance with the Department of Environmental Protection's recommendations.

Fertilizers should never be applied right before thunder storms or before spring runoff, because the great amounts of water running over the land will wash the fertilizer, particularly phosphorus, into water bodies. However, a light watering after the fertilizer is applied will help bind the phosphorus to the soil.

8. There are many combinations of grasses that can be used. One combination particularly good for providing soil stability, generally referred to as the Soil Conservation Mixture, consists of: (Proportions, by weight)

Creeping Red Fescue	35%
Kentucky Bluegrass	25%
Annual Rye Grass	15%
Perennial Rye Grass	10%
Red Top	10%
White Dutch Clover	5%
*Oats - See Below	

This seed would be applied at a rate of 1 pound per 1000 square feet. These particular grasses do best if mowed no closer than 2-1/2 to 3 inches from the ground. Of course, other seed mixtures are available.

It is important, in choosing a mixture, to choose one suitable for the site being stabilized. There are many different types of seeding mixtures designed for particular site conditions such as shade, sun, and drainage. Any mix should contain some seed which germinates rapidly to provide the quickest stabilization possible while awaiting the germination of the remaining types.

(*) For quick germination, oats are very good. They germinate in 7 to 10 days. They should be planted at a rate of approximately 1 to 1-1/2 bushels per acre, in addition to the basic grass mixture. Oats should be mowed when they reach knee height to allow the germinating grasses to receive sunlight.

Alternatives:

As indicated above, other stabilization programs may be used, provided they are equivalently effective in stabilizing disturbed areas and preventing accelerated soil erosion and sedimentation of water bodies. Further assistance may be obtained, including in some cases site-specific recommendations, as follows:

Local Soil and Water Conservation Districts
 The USDA Natural Resource Conservation Service
 Maine Department of Environmental Protection, Lakes Program
 Landscaping Professionals
 Reputable Lawn and Garden Supply Dealers

The following documents may provide valuable assistance to those developing a soil stabilization plan:

Maine Erosion and Sediment Control Handbook: Best Management Practices (Bureau of Land and Quality, Maine Department of Environmental Protection, March 2003)

Strategy for Managing Nonpoint Source Pollution From Agricultural Sources and Best Management Guidelines (NPS Agricultural Task Force, 1991)

Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations, Best Management Practices (Maine Forest Service, 1991)

Appendix 9

RESOURCE PLAN PROTECTION SUBDISTRICT (P-RP)

1. Purpose

The purpose of the P-RP 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 Appendix 9,H,2 through 9 below may be submitted to the Commission for review, and upon approval, such areas shall be designated as P-RP subdistricts.

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

2. Description

P-RP 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-RP 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 Appendix 9,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 Commission's Land Use Rules and Standards, Chapter 10, 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 Appenidx 9, 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.

APPENDIX 10

DEFINITIONS

The following definitions apply to the following terms as they appear in this chapter, the other chapters of the Commission's rules, and the Commission's statute (12 M.R.S.A. §206-A):

Accessory Use or Accessory Structure:

"A use or structure subordinate to a permitted or conditional use or structure and customarily incidental to the permitted or conditional use of the structure." 12 M.R.S.A. §682.

Aggregate Floor Area: *See* Combined Floor Area.

Aggregate Footprint: *See* Combined Footprint.

Alteration:

Dredging; bulldozing; removing or displacing soil, sand, vegetation or other materials; draining or dewatering; filling; or any construction, repair or alteration of any permanent structure. On a case-by-case basis and as determined by the Commission, the term "alteration" may not include:

- a. An activity disturbing very little soil such as installing a fence post or planting shrubs by hand;
- b. The addition of a minor feature to an existing structure such as a bench or hand rail; and
- c. The construction, repair or alteration of a small structure with minimal impact such as a nesting box, pasture fence, or staff gauge.

Aquatic Vegetation:

Plants that usually grow on or below the surface of the water for most of the growing season in most years.

Boat ramp:

See commercial trailered ramp, private trailered ramp, or trailered ramp.

Body of Standing Water:

A body of surface water that has no perceptible flow and is substantially permanent in nature. Such water bodies are commonly referred to as man-made or natural lakes or ponds.

Building:

"Any structure having a roof or partial roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or objects regardless of the materials of which it is constructed." 12 M.R.S.A. §682. The Commission finds that a temporary camping tent constructed of fabric or similar materials is not considered a building.

Building Height: *See* Structure Height.

Bulk Sampling of Mineral Deposits:

The removal of samples of mineral deposits for the purpose of testing to determine the feasibility, method or manner of extraction and/or processing of minerals. Such testing may include metallurgical analyses, milling or grinding tests and/or pilot plant and processing tests. Methods of bulk sampling may include, but not be limited to drilling and boring, the digging of shafts and tunnels, or the digging of pits and trenches.

Campground:

Any area, other than a camp site, designed for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes or similar facility designed for temporary shelter.

Campsite:

“A camping location containing tents, registered tent trailers, registered pickup campers, registered recreational vehicles, registered trailers or similar devices used for camping. “Campsite” does not include a camping location that has access to a pressurized water system or permanent structures other than outhouses, fireplaces, picnic tables, picnic tables with shelters or lean-tos. A campsite may be designed to contain a maximum of 4 camping sites for transient occupancy by 12 or fewer people per site, or numbers of sites and occupancy rates consistent with a landowner’s recreational policy filed with the commission. The commission may require a campsite permit if it determines that the recreational policy is inconsistent with the commission’s comprehensive land use plan.” 12 M.R.S.A §682(15).

Capacity Expansions of Utility Facilities:

The addition of new telephone or electric wires or similar equipment to existing electric or telephone transmission and distribution poles for the purpose of increasing the capacity thereof.

Cluster Development:

A compact form of development that results in buildings being located in a group such that a significant amount of open space is preserved.

Combined Floor Area:

The total floor area of all principal and accessory structures on a lot.

Combined Footprint:

The total footprint of all principal and accessory structures on a lot.

Combined Septic System:

A disposal system designed to dispose of gray and black waste water on or under the surface of the earth that includes but is not limited to: septic tanks; disposal fields; or any other fixture, mechanism, or apparatus used for this purpose.

Commercial Mineral Extraction:

Mineral extraction other than Mineral Extraction for Road Purposes.

Commercial Sporting Camp:

A “building or group of buildings devoted primarily to the offering of lodging facilities for a fee to persons primarily in pursuit of primitive recreation or snowmobiling.” 12 M.R.S.A. §682(14). In addition, for the purposes of the application of the Commission’s rules, the term “commercial sporting camp” shall be construed according to the following: A facility which functions primarily as a destination for the above activities rather than a transient lodging facility or a base of operations for activities in another location, such as whitewater rafting. A sporting camp is usually located in a remote location and may typically consist of, but not necessarily include, all of the following: a number of cabins for the housing of guests including housekeeping cabins; a main lodge for serving of meals and socializing for the guests; outbuildings for housing of the owners, guides, and other workers; workshop, woodsheds, laundry, equipment storage, and other utility buildings as needed. Outpost cabins are considered a part of the commercial sporting camp. A resident, on-site attendant must be available on a full-time basis to meet the needs of guests. Such a facility shall have a total floor area no greater than 10,000 square feet for all principal buildings associated with the facility.

Commercial Use:

The use of lands, buildings or structures the intent or result of which is the production of income from the buying or selling of goods and/or services. Commercial use does not include a home occupation or the rental of a single dwelling unit on a single lot or forest management activities where such activities are otherwise exempt from review.

Commission:

The Maine Land Use Regulation Commission.

Common Area:

Areas established within southwestern side of Whetstone Pond developed area of the Lake Concept Plan that have been set aside as open areas of wooded or green space owned in common with all lot owners in this area.

Compatible Use:

A land use which is capable of existing in harmony with other uses or resources situated in its immediate vicinity because that use does not adversely affect such other uses or resources.

Compensation:

Replacement of a lost or degraded wetland function with a function of equal or greater value.

Creation:

An activity bringing a wetland into existence at a site where it did not formerly occur.

Critically Imperiled Natural Community (S1):

An assemblage of plants, animals and their common environment that is extremely rare in Maine or vulnerable to extirpation from the state due to some aspect of its biology. An example of an S1 community that occurs in freshwater wetlands is the Outwash Plain Pondshore community.

Cross-Sectional Area:

The cross-sectional area of a stream channel shall be determined by multiplying the stream channel width by the average stream channel depth. The stream channel width is the straight line distance from the normal high water mark of one side of the channel to such mark on the opposite side of the channel. The average stream channel depth shall be the average of the vertical distances from a straight line between the normal high water marks of the stream channel to the bottom of the channel.

Deer Wintering Areas:

Areas used by deer during winter for protection from deep snows, cold winds, and low temperatures.

Development:

Any land use activity or activities directed toward using, reusing or rehabilitating air space, land, water or other natural resources, excluding, however, such specific uses or classes and categories of uses which by the terms of this chapter do not require a permit.

Development Unit:

A single family dwelling unit or non-residential use containing a total of no more than 8,000 square feet of gross floor space for all principal buildings concerned. Multiple family dwelling units and larger non-residential uses shall be counted as an equivalent multiple number of development units.

Direct Watershed:

That portion of the land area which drains surface water directly to a body of standing water without such water first passing through an upstream body of standing water.

Disturbed Area:

The area of a parcel that is stripped, graded, grubbed or otherwise results in soil exposure at any time during the site preparation for, or construction of, a project. "Disturbed area" does not include

maintenance of an existing impervious area, but does include a new impervious area or expansion of an existing impervious area.

Docking Structure:

A structure placed in or near water primarily for the purpose of securing and/or loading or unloading boats and float planes, including but not limited to docks, wharfs, piers, and associated anchoring devices, but excluding boat houses and float plane hangars. When associated with this phrase, the term “permanent” shall mean a structure in place for longer than 7 months in any calendar year or which is so large or otherwise designed as to make it impracticable to be removed on an annual basis without alteration of the shoreline.

Driveways

A vehicular access-way, other than a land management road, less than 1000 feet in length serving two or fewer lots.

Dwelling Unit:

A structure or any part thereof that is intended for use or is used for human habitation, consisting of a room or group of rooms designed and equipped for use primarily as living quarters, including any minor home occupations, for one family. Accessory structures intended for human habitation that have plumbing are considered separate dwelling units. Dwelling units do not include buildings or parts of buildings used as a hotel, motel, commercial sporting camp or other similar facility which is rented or leased on a relatively short term basis; provided, however, the term shall include a tourist home that qualifies as a home occupation.

Emergent Marsh Vegetation:

Plants that are erect, rooted and herbaceous; grow in saturated to permanently flooded areas; and do not tolerate prolonged inundation of the entire plant (e.g., cattails, burreed, tussock sedge, rice cut grass, phragmites, pickerel weed, arrowhead and bulrush).

Earth Tones:

Non-reflective colors associated with tones of soil and forest that blend with the natural background including, but not limited to, green (as in Spruce or Pine), brown, slate, gray or rust (as in driftwood, soils, or beach rocks). “Earth Tones” do not include the colors red, yellow, orange, blue, purple, pink, or white.

Enhancement:

An activity increasing the net value of a wetland.

Expansion of a Structure:

The increase in the floor area of a structure, including attached decks and porches, or the increase in the height of a structure.

Family:

One or more persons occupying a premises as a single housekeeping unit.

Fishery Management Practice:

Activities engaged in for the exclusive purpose of management of freshwater and anadromous fish populations by manipulation of their environment for the benefit of one or more species. Such practices may include but not be limited to the construction of traps and weirs, barrier dams, stream improvement devices, fishways, and pond or stream reclamation, provided that any such activities are specifically controlled and designed for the purpose of managing such species and are conducted or authorized by appropriate state or federal fishery management agencies in compliance with the water quality standards contained in 38 M.R.S.A. §465.

Floodplain Wetland:

Wetlands that are inundated with flood water during a 100-year event based on site specific information including, but not limited to, flooding history, landform, and presence of hydric, alluvial soils, and that under normal circumstances support a prevalence of wetland vegetation typically adapted for life in saturated soils.

Floor Area:

The sum of the horizontal areas of the floor(s) of a structure, excluding basements, measured by their exterior dimensions. Floor area shall include, but not be limited to, all stories and lofts, decks, garages, porches and greenhouses.

Flowing Water:

A surface water within a stream channel that has a perceptible flow and is substantially permanent in nature. Such waters are commonly referred to as rivers, streams, and brooks.

Footprint:

The measure of the area in square feet within the exterior limits of the perimeter of a structure.

Forest:

A plant community predominantly of trees and other woody vegetation growing more or less closely together.

Forest Management Activities:

Forest management activities include timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar or associated activities, but not the construction, creation, or maintenance of land management roads, nor the land application of septage, sludge and other residuals and related storage and composting activities.

Forest Product:

Any raw material yielded by a forest.

Forested Wetland:

Freshwater wetlands dominated by woody vegetation that is 6 meters tall, or taller.

Freshwater Wetland:

Freshwater swamps, marshes, bogs and similar areas that are inundated or saturated by surface or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils and not part of a great pond, coastal wetland, river, stream or brook.

Green Areas:

See Common Area

Hand-carry; Hand-pump:

To use a device, such as a bucket, or human hand powered mechanical device to transport water from the lake

Hand-carry Launch:

A shoreland alteration, including, but not limited to, a landing area (that portion of the launch at or below the normal high water mark), a launch area (that portion of the launch immediately adjacent to and above the normal high water mark) any associated parking area, access pathway and/or road, and other similar related facilities to allow an item, including but not limited to a boat, personal watercraft, or dock float, to be moved by hand, to or from the surface of a water body. Unless

otherwise specified by permit condition, boat trailers or dollies designed to be moved by hand may be used at such facilities provided no special site design is required to accommodate such devices.

Home Occupation:

A business, profession, occupation, or trade undertaken for gain or profit which: a) is clearly incidental and secondary to the use of the dwelling unit for residential purposes; b) is wholly carried on within a dwelling unit or other structure accessory to a dwelling unit; c) is carried on by a resident of the dwelling unit; and d) utilizes no more than 50 percent of all floor area of the dwelling unit or of the total combined floor area of the dwelling unit and accessory structure(s) in which the occupation is carried out. The term is further defined as minor and major home occupation as follows:

Minor home occupation: A home occupation not noticeable from the exterior of a building, except as herein allowed, that utilizes no more than 50 percent of all floor area of all principal and accessory structures up to a limit of 1,000 square feet.

Major home occupation: A home occupation not noticeable from the exterior of a building, except as herein allowed, that utilizes no more than 50 percent of all floor area of all principal and accessory buildings up to a limit of 1,500 square feet.

Imperiled Natural Community (S2):

An assemblage of plants, animals and their common environment that is rare in Maine or vulnerable to further decline. Examples of S2 communities that occur in freshwater wetlands are Atlantic White Cedar Swamp, Alpine Bog-Meadow, Circumneutral Fen, Maritime Slope Bog, and Coastal Plain Pocket Swamp.

Impervious Area:

The area of a parcel that consists of buildings and associated constructed facilities or areas that will be covered with a low-permeability material, such as asphalt or concrete, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability. Common impervious areas include, but are not limited to, rooftops, walkways, decks, porches, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and macadam or other surfaces which similarly impede the natural infiltration of stormwater. A natural or man-made water body is not considered an impervious area.

Land Management Road:

A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing material constructed for, or created by, the repeated passage of motorized vehicles and used primarily for agricultural or forest management activities, including associated log yards but not including skid trails, skid roads, and winter haul roads.

Land Use Subdistrict:

The area located within the boundaries of air, land or water delineated vertically or horizontally by the Commission to provide for distinct categories of uses or resources.

Lean-to:

A three-sided, roofed structure used for transient occupancy and commonly constructed for campsites.

Level A Mineral Exploration Activities:

Mineral exploration activities engaged in for purposes of determining the location, extent and composition of mineral deposits, provided that such activities are limited to test boring, test drilling, hand sampling, the digging of test pits having a maximum surface opening of 100 square feet, or

other test sampling methods which cause minimum disturbance to soil and vegetative cover. Level A mineral exploration activities shall not include bulk sampling of mineral deposits.

Access ways for Level A mineral exploration activities shall include only access ways the creation of which involves little or no recontouring of the land or ditching, and does not include the addition of gravel or other surfacing materials. Clearing of the vegetative cover shall be limited to the minimum necessary to allow for the movement of equipment.

Level B Mineral Exploration Activities:

Mineral exploration activities involving the bulk sampling of mineral deposits, or any mineral exploration activities which exceed those defined as Level A mineral exploration activities and which are not defined as Level C metallic mineral exploration activities.

Level C Mineral Exploration Activities:

Metallic mineral exploration activities involving the disturbance of a site, by excavation, of more than two (2) acres of surface area or the excavation or removal of more than ten thousand (10,000) cubic yards of soil, overburden, ore or other earthen materials from the site of exploration.

Level A Road Projects:

Reconstruction within existing rights-of-way of public or private roads other than land management roads, and of railroads, excepting bridge replacements. Examples of such activities include, without limitation, culvert replacements, resurfacing, ditching, and bridge repair. When there is no existing layout of right-of-way, the right-of-way should be assumed to extend 33 feet on either side of the existing centerline.

Level B Road Projects:

Minor relocations, and reconstructions, involving limited work outside of the existing right-of-way of public roads or private roads other than land management roads and of railroads; bridge reconstruction and minor relocations whether within or outside of existing right-of-way of such roads; "Minor relocations" as used herein may not exceed 300 feet in horizontal displacement of centerline. "Reconstruction" as used herein may involve widening of existing rights-of-way not to exceed 50 feet on either side.

Level C Road Projects:

Construction of new roads, and relocations or reconstruction of existing roads, other than that involved in level A or level B road projects; such roads shall include both public and private roadways excluding land management roads.

Lot Coverage:

The total footprint area of all structures, which includes, but is not limited to, buildings, parking lots, and driveways.

Lot Owner:

A person or persons, or institution, or other entity, that has purchased a shore front lot within the Lake Concept Plan.

Lot Owners Association:

The non-profit and non-stock corporation organized under Title 13 B of the Maine Revised Statutes of 1964, as amended, whose membership is made of the lot owners within a specified area or local.

Maintenance:

Activities required to assure continuation of a wetland or the accomplishment of project goals after a restoration or creation project has been technically completed, including, but not limited to, water level manipulations and control of non-native plant species.

Major Flowing Water:

A flowing water downstream from the point where such water drains 50 square miles or more.

Management Class 5 Lake:

Lake, also referred to as a "Heavily Developed Lake", which meets the following criteria:

- a. As of November 17, 1988, having more than one development unit per 10 acres of lake surface area; or
- b. As of November 17, 1988, having more than one development unit per 400 feet of shore frontage, taken as an average around the entire lake shore. The shoreline is measured by following the shoreline of the lake, including all the shoreline irregularities, on the Commission's Land Use Guidance Map.

Such lakes are designated as MC5 on the Land Use Guidance Maps. All lakes included within the Wildlands Lake Assessment are listed in Appendix C to these regulations with their Management Class noted.

Management Class 7 Lake:

All lakes which are not otherwise classified in one of the other six lake management classes.

Mineral Deposit:

Any deposit of peat, sand, gravel, rock, topsoil, limestone, slate, granite, coal, gems, metallic or non-metallic ores or other minerals.

Mineral Extraction:

Any extraction of a mineral deposit, other than peat extraction, metallic mineral mining activities or Level A, B, or C, exploration activities.

Mineral Extraction for Road Purposes:

Mineral extraction where at least 75% by volume of the minerals extracted over any three year period are used for the purposes of construction or maintenance of land management or other roads.

Mineral Processing Equipment:

Equipment used to process minerals following extraction including, but not limited to, rock crushers and batch plants. The term does not include equipment used to remove, sort or transport minerals, such as front end loaders, screens or trucks.

Mineral Soil:

Soil material in which inorganic (mineral) constituents predominate.

Minor Flowing Water:

A flowing water upstream from the point where such water drains less than 50 square miles.

Mitigation:

Actions taken to off-set potential adverse environmental impact. Such actions include the following:

- a. Avoiding an impact altogether by not taking a certain action or parts of an action;

- b. Minimizing an impact by limiting the magnitude or duration of an activity, or by controlling the timing of an activity;
- c. Rectifying an impact by repairing, rehabilitating, or restoring the affected environment;
- d. Reducing or eliminating an impact over time through preservation and maintenance operations during the life of the project; and
- e. Compensating for an impact by replacing affected resources or environments.

Mitigation Banking:

Wetland restoration, enhancement, preservation or creation for the purpose of providing compensation credits in advance of future authorized impacts to similar resources.

Mooring:

A structure for securing a vessel or aircraft that consists of a line and buoy attached to a weight which rests on the bottom of a water body.

Multi-family Dwelling:

A building containing three or more dwelling units.

Nonconforming Lot:

A preexisting lot which, upon the effective date of adoption or amendment of these rules, does not meet the area, frontage or other dimensional requirements for a legally existing or proposed use.

Nonconforming Structure:

"A structure, lawfully existing at the time of adoption of district regulations or subsequent amendment made thereto, that does not conform to the district regulations." 12 M.R.S.A. §682
More specifically, a nonconforming structure is legally existing, but does not meet one of the following dimensional requirements: setback, lot coverage, or height requirements.

Nonconforming Use:

"A use of air, land, water or natural resources or a parcel of land, lawfully existing at the time of adoption of district regulations or subsequent amendments made thereto, that does not conform to the district regulations." 12 M.R.S.A. §682. More specifically, a nonconforming use is a legally existing use of buildings, structures, premises, lands, or parts thereof which would not be allowed to be established under current regulations in the subdistrict in which it is situated.

Non-Permanent Docking Structure:

Docking structures which are in place for less than seven months during any calendar year upon or over submerged lands and which are of such a size or design that they can be removed on an annual basis without requiring alteration of the shoreline.

Non-Tidal Waters:

All waters or portions thereof which do not customarily ebb and flow as the result of tidal action.

Normal High Water Mark of Non-Tidal Waters:

That line on the shores and banks of non-tidal waters which is discernible because of the different character of the soil or the vegetation due to the influence of surface water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (aquatic vegetation includes but is not limited to the following plants and plant groups - water lily, pond lily, pickerel-weed, cat tail, wild rice, sedges, rushes, marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups - upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms, spruces, birches, beeches, larches, and maples.) In places where the shore or bank is of such character that the normal high water mark cannot be easily determined (as in the case of rock slides, ledges, rapidly

eroding or slumping banks) the normal high water mark shall be estimated from places where it can be determined by the above method.

Normal Maintenance and Repair:

Unless otherwise provided, any work necessary to maintain an improvement or structure in its original or previously improved state or condition. This includes general upkeep, such as painting, fixing portions of the structure that are in disrepair, or the replacement of sill logs, roofing materials, siding, or windows, as long as there is no expansion of the nonconforming structure and less than 50 percent of the building is replaced. In-kind and in-place replacement of decking or exterior stairs is considered as normal maintenance and repair. Normal maintenance and repair shall not include reconstruction, or change in design, change in structure, change in use, change in location, change in size or capacity.

On Premise Sign:

A sign which is located upon the same lot or parcel of real property where the business, facility, or point of interest being advertised is located.

Open Space:

Any parcel or area of land essentially unimproved and set aside, dedicated, designated, or reserved for the public use, for the common use of owners and occupants of land adjoining or neighboring such open space, or for purposes intended to preserve important natural features of the site.

Parking Area:

A place, whether or not paved, designed primarily for parking motor vehicles. "Parking area" includes parking lots, parking spaces, parking lanes, and circulation aisles and corridors.

Peatland:

Freshwater wetlands, typically called bogs or fens, consisting of organic soils at least 16" deep, predominantly vegetated by ericaceous shrubs (heath family), sedges, and sphagnum moss and usually having a saturated water regime.

Permanent Foundation:

A supporting substructure that either extends below the frost line or is designed to permanently withstand freeze-thaw conditions. Permanent foundations include full foundations, basements, slabs and frost walls. For the purposes of this definition "sono tubes" or posts installed with augers are not considered permanent foundations.

Person:

"An individual, firm, association, organization, partnership, trust, company, corporation, state agency or other legal entity." 12 M.R.S.A. §682.

Personal Watercraft:

"Any motorized watercraft that is 14 feet or less in hull length as manufactured, has as its primary source of propulsion an inboard motor powering a jet pump and is capable of carrying one or more persons in a sitting, standing or kneeling position. 'Personal watercraft' includes, but is not limited to, a jet ski, wet bike, surf jet and miniature speedboat. 'Personal watercraft' also includes motorized watercraft whose operation is controlled by a water skier." 12 M.R.S.A. §7791, sub-§11-A.

Pesticide:

A chemical agent or substance employed to kill or suppress pests (such as insects, weeds, fungi, rodents, nematodes or other organisms) or intended for use as a plant regulator, defoliant or desiccant.

Piped Water:

Water supplied to a building by means other than hand pump or hand carry.

Portable Mineral Processing Equipment:

Mineral processing equipment that is not fixed to a location on the ground but rather is designed to be readily moved from one mineral extraction operation to another.

Practicable:

Available and feasible considering cost, existing technology and logistics based on the overall purpose of the project.

Preservation:

The maintenance of a wetland area or associated upland areas that contribute to the wetland's functions so that it remains in a natural or undeveloped condition. Preservation measures include, but are not limited to, conservation easements.

Primitive Recreation:

Those types of recreational activities associated with non-motorized travel, 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.

Primitive Septic System:

A septic system that uses an alternative toilet, such as a pit privy, compost, chemical, recirculating, incinerating, and vacuum types and a minimal disposal field designed to treat gray waste water that originates from a non-pressurized water supply.

Principal Building:

A building which provides shelter for the primary use of a parcel. On a single parcel, all buildings related to forest or agricultural management activities, including dwellings of the owner or lessee and employees, are considered one principal building.

Principal use:

A use other than one which is wholly incidental or accessory to another use on the same premises.

Private trailered ramp, hand-carry launch, or dock:

A trailered ramp, hand-carry launch, or dock that is privately owned and operated, and not open to all members of the public.

Projecting Sign:

A sign which is attached to a wall of a building and extends more than 15 inches from any part of the wall.

Property Line:

Any boundary between parcels of land owned or leased by different persons or groups of persons.

Public Road or Roadway:

Any roadway which is owned, leased, or otherwise operated by a governmental body or public entity.

Public trailered ramp, hand-carry launch, or dock:

A trailered ramp, hand-carry launch, or dock, including associated facilities, that is owned, leased, or operated by a public entity and made available with or without a fee. Such entities include owners of

federally licensed hydropower projects within the resource affected by the hydropower project for use by all members of the public.

Reclamation:

The rehabilitation of the area of land affected by mineral extraction, including but not limited to, the stabilization of slopes and the creation of safety benches, the planting of vegetation including grasses, crops, shrubs, and/or trees, and the enhancement of wildlife and aquatic habitat and aquatic resources.

Reconstruction:

The addition of a permanent foundation or the rebuilding of a structure after more than 50 percent by area of its structural components, including walls, roof, or foundation, has been destroyed, damaged, demolished or removed. Leaving one or two walls or the floor of a structure in place, while rebuilding the remaining structure, is considered reconstruction, not normal maintenance and repair or renovation.

Remote Campsites:

Campsites which are not part of commercial campgrounds and which are characterized by their remoteness, limited scale, dispersed nature, and limited usage. More specifically, remote campsites include sites which:

- a. are designed to be accessible and generally are only accessible by water or on foot;
- b. are comprised of not more than four individual camping areas designed for separate camping parties, and are designed for a total of not more than 12 overnight campers;
- c. have permanent structures limited to privies, fireplaces or fire rings, picnic tables, and picnic table shelters consisting of a roof without walls; and
- d. require no other construction or grading and only minimal clearing of trees.

Renovation:

Restoring or remodeling a structure. Renovation includes interior modifications, and the installation of new windows, floors, heating systems, or other features, as long as there is no expansion of the nonconforming structure and less than 50 percent of the building's structural components are replaced. The introduction of plumbing to a structure may constitute a change in use that requires a permit.

Rental cabin:

A building associated with a commercial sporting camp that is used for the housing of guests, including housekeeping cabins and outpost cabins. A rental cabin cannot be greater than 25 feet in height, cannot have a permanent foundation, and is limited to a footprint no greater than 800 square feet.

Residential:

Pertaining to a dwelling unit.

Residential Dwelling:

See Dwelling Unit.

Residential Directional Sign:

An off-premise sign erected and maintained by an individual or family to indicate the location of his or its residence.

Residual:

“Residual means solid wastes generated from municipal, commercial or industrial facilities that is suitable for agronomic utilization. These materials may include: food, fiber, vegetable and fish processing wastes; dredge materials; sludges; dewatered septage; and ash from wood or sludge fired boilers.” DEP Rules, Chapter 400, §1.

Restoration:

An activity returning a wetland from a disturbed or altered condition with lesser acreage or fewer functions to a previous condition with greater acreage or function.

Roadway:

A public or private road including any land management road.

Roof Sign:

A sign which is attached flat to, painted on, or pinned away from the roof of a building.

Seasonal, Seasonal Use:

Pertains to use of a dwelling unit based on natural occurrences of time. A dwelling may be used intermittently during these seasonal occurrences but is not meant for permanent year round occupancy or to justify residency requirements.

Septage:

”Septage means waste, refuse, effluent, sludge, and any other materials from septic tanks, cesspools, or any other similar facilities.” 38 M.R.S.A. §1303-C “Septage is defined as a mixture of liquids and solids derived from residential sanitary wastewater, and includes sanitary wastewater from tanks connected to commercial and institutional establishments which have inputs similar to residential wastewater. Septage also includes wastes derived from portable toilets.” DEP Rules, Chapter 420, §1

Service Drop:

Any utility line extension which does not cross or run beneath any portion of a body of standing water provided that:

- d. in the case of electric service
 - (1) the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - (2) the total length of the extension within any 5 year period is less than 2,000 feet.
- e. in the case of telephone service
 - (1) the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or
 - (2) the total length of the extension within any 5 year period, requiring the installation of new utility poles or placed underground, is less than 2,000 feet.

Setback:

The minimum horizontal distance from the lot line, shoreline, upland edge of a wetland, or road to the nearest part of the structure or other regulated area such as a driveway or parking area.

Shoreland Alteration:

Any land use activity, which alters the shoreland area, either at, adjacent to or below the normal high water mark, of any surface water body, including but not limited to:

- a. dredging or removing materials from below the normal high water;

- b. construction or repairing any permanent structure below the normal high water mark.

For purposes of this subsection, permanent structure shall mean any structure, including but not limited to, causeways, wharfs, piers, docks, concrete or similar slabs, bridges, hand-carry launches, trailered ramps, water-access ways, piles, marinas, retaining walls, riprap, buried or submarine utility cables and lines, permanent docking structures, mooring structures, and water lines. A structure which is not fixed in or over the water or below the normal high water mark for more than 7 months in a calendar year shall not be a permanent structure;

- c. depositing any dredged spoil or fill below the high water mark; and
- d. depositing dredged spoil or fill, or bulldozing, scraping or grading, on land adjacent to a water body in such a manner that the material or soil may fall or be washed into the water body, except that filling and grading or water crossings which do not require a permit as specified in Section 10.27, or other provisions of these rules shall not constitute shoreland alteration.

Activities which cause additional intrusion of an existing structure into or over the water body, are also considered shoreland alterations.

Shoreline:

The normal high water mark of tidal water, a body of standing water, flowing water, or stream channel.

Sign:

Any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity, or place and is visible from any roadway or other right-of-way. It does not include the flag, pennant, or insignia of any nation, state or town.

Visible shall mean capable of being seen without visual aid by a person of normal visual acuity.

The size of a ground, roof, or projecting sign shall be the area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders; the structural supports of a sign are to be excluded in determining the sign area; where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured; only one face of a double-faced sign is included as the area of such sign. The area of a wall or window sign shall be the area of a regular geometric form enclosing a single display surface or display device containing elements organized, related, and composed to form a unit; where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

Significant Wildlife Habitat:

The following areas to the extent that they have been identified by the Department of Inland Fisheries and Wildlife: habitat, as determined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened animal species; deer wintering areas and travel corridors as determined by the Department of Inland Fisheries and Wildlife; high and moderate value water fowl and wading bird habitats, including nesting and feeding areas as determined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as determined by the Atlantic Sea Run Salmon Commission; shorebird nesting, feeding and staging areas and seabird nesting islands as determined by the Department of Inland Fisheries and Wildlife; and significant vernal pools as defined and identified in specific locations by the Department of Inland Fisheries and Wildlife.

Sludge:

“Sludge means non-hazardous solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or wet process air

pollution control facility or any other such waste having similar characteristics and effect. The term does not include industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended.” DEP Rules, Chapter 400, §1

Soil Survey:

An inventory of soil resources that is based on a systematic field examination, description and classification of soils in an area. Using the results of the field investigation, a soil map and a written report are prepared which describe and classify the soil resources and interpret the soil suitability for various uses based upon soil limitations.

Spaghetti-lot:

“A parcel of land with a lot depth to shore-frontage ratio greater than 5 to 1. Shore frontage means land abutting a river, stream, brook, coastal wetland, or great pond as these features are defined in 38 M.R.S.A. §480-B.” 12 M.R.S.A. §682(13)

Sporting camp:

See commercial sporting camp.

Stream Channel:

A channel between defined banks created by the action of surface water and characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil parent material or bedrock.

Structure:

“[A]nything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, including, but not limited to, buildings, mobile homes, retaining walls, billboards, signs, piers and floats.” 12 M.R.S.A. §682.

Structure Height:

The vertical distance between the original grade at the downhill side of the structure and the highest point of the structure.

Subdivision:

Except as provided in [12 M.R.S.A] section 682-B, “subdivision” means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of land or by leasing. The term “subdivision” also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period. 12 M.R.S.A. §682(2-A)

Subsurface Waste Water Disposal System:

“Subsurface waste water disposal system means:

- a. Any system for the disposal of waste or waste water on or beneath the surface of the earth including, but not limited to:
 - (1) Septic tanks;
 - (2) Drainage fields;
 - (3) Grandfathered cesspools;
 - (4) Holding tanks; or
 - (5) Any other fixture, mechanism or apparatus used for these purposes; but

- b. Does not include:
 - (1) Any discharge system licensed under Title 38, section 414;
 - (2) Any surface waste water disposal system; or

- (3) Any municipal or quasi-municipal sewer or waste water treatment system.” 30-A M.R.S.A. §4201(5).

Subsurface Waste Water Disposal Rules:

The Maine Subsurface Waste Water Disposal Rules, 144A CMR 241, administered by the Department of Human Services.

Tent Platform:

Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, intending to be a structure with a solid (decked) floor area on which a tent may be erected. The construction material shall be wood. The height shall not exceed 4’ vertically as measured from the lowest point of ground around the platform. The size shall not exceed 300 square feet. The tent platform shall be considered an accessory structure

Timber Harvesting:

The cutting and removal of trees from their growing site, and the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery, including the creation and use of skid trails, skid roads, and winter haul roads, but not the construction or creation of land management roads.

Traffic Control Sign or Device:

A route marker, guide sign, warning sign, sign directing traffic to or from a bridge, ferry or airport, or sign regulating traffic, which is not used for commercial or advertising purposes.

Trail:

A route or path other than a roadway, and related facilities, developed and used primarily for recreational activities including but not limited to hiking, backpacking, cross-country skiing and snowmobiling, which passes through or occurs in a natural environment. Related facilities may include but not be limited to subsidiary paths, springs, view points, and unusual or exemplary natural features in the immediate proximity of the trail which are commonly used or enjoyed by the users of the trail.

Trailer Ramp:

A shoreland alteration, including, but not limited to, an associated parking area, access road, and other similar related facilities to allow a trailer to be backed below the normal high water level of a water body in order to load or unload an item, including but not limited to a boat, personal watercraft, float plane, or dock float.

Transient Occupancy:

“Occupancy that does not exceed 90 consecutive days” 12 M.R.S.A. §682(18). For the purposes of the application of the Commission’s rules regarding campsites, the Commission considers occupancy to mean the length of time the tent, trailer, camper, recreational vehicle, or similar device used for camping is located on the site.

Unorganized and Deorganized Areas:

“Unorganized and deorganized areas includes all unorganized and deorganized townships, plantations that have not received commission approval under section 685-A, subsection 4 to implement their own land use controls, municipalities that have organized since 1971 but have not received commission approval under section 685-A, subsection 4 to implement their own land use controls and all other areas of the State that are not part of an organized municipality except Indian reservations.” 12 M.R.S.A. §682.

Utility Facilities:

Structures normally associated with public utilities, including without limitation: radar, radio, television, or other communication facilities; electric power transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; municipal sewage lines; gas, oil, water, slurry or other similar pipe lines or above ground storage tanks.

Wall Sign:

A sign which is attached flat to, painted on or pinned away from the wall of a building and does not project more than 15 inches from such wall.

Water Bar:

An obstruction placed across a roadway which effectively diverts surface water from and off the road.

Water-access Ways:

A structure consisting of a pair of parallel rails, tracks, or beams extending from above the normal high water mark to below the normal high water mark of a water body, and designed as the conveying surface from which an item, including but not limited to a boat, personal watercraft, float plane, or dock float, with or without a support cradle, is launched into or removed from the water body.

Water Crossing:

A roadway or trail crossing of any body of standing or flowing water (including in its frozen state) by means of a bridge, culvert, or other means.

Water-Dependent Uses:

Those uses that require for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal waters and which cannot be located away from these waters. These uses include commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, boat building facilities, navigation aides, basins and channels, uses dependent upon water-borne transportation that cannot reasonably be located or operated at an inland site and uses which primarily provide general public access to marine or tidal waters.

Water Impoundment:

Any water body created, or elevation of which is raised, by man through the construction of a dam.

Wetland Functions:

The roles wetlands serve which are of value to society or the environment including, but not limited to, flood water storage, flood water conveyance, ground water recharge and discharge, erosion control, wave attenuation, water quality protection, scenic and aesthetic use, food chain support, fisheries, wetland plant habitat, aquatic habitat and wildlife habitat.

Wetland Value:

The importance of a wetland with respect to the individual or collective functions it provides.

Wildlife:

All vertebrate species, except fish.

Wildlife Management District (WMD):

A geographic area identified by the Maine Department of Inland Fisheries and Wildlife to facilitate the management of wildlife. For purposes of these regulations, the boundaries of Wildlife Management Districts are as shown in Figure 10.23,D-1 and the area of a Wildlife Management District is based on land and water acreage within LURC jurisdiction.

Wildlife Management Practices:

Activities engaged in for the exclusive purpose of management of wildlife populations by manipulation of their environment for the benefit of one or more species. Such practices may include, but not be limited to, harvesting or removal of vegetation, controlled burning, planting, controlled hunting and trapping, relocation of wildlife, predator and disease control, and installation of artificial nesting sites, provided that such activities are specifically controlled and designed for the purpose of managing such species. This term does not include impounding water.

Winter Haul Road:

A route or travel way that is utilized for forest management activities conducted exclusively during frozen ground conditions. Winter haul roads must have the following characteristics:

- a. they are constructed with no significant soil disturbance;
- b. they do not make use of fill or surfacing material; and
- c. they are substantially re-vegetated by the end of the following growing season and are maintained in a vegetated condition.

Appendix 11

Previously submitted Lake Concept Plans:

A Concept Plan for Lands of Lowell & Co. Timber Associates in Attean Township and Dennistown, approved in July 1, 1993.

A Concept Plan for First Roach Pond, Plum Creek Land Company, Dec. 2001, by Kent Associates, Planning & Design Consultants.

A Concept Plan for Brassua Lake, Moosehead Wildlands, Inc., Sept. 2003, by AMES A/E.

Water Resources

Public Educational Access to Environmental Information in Maine, pearl website
<http://pearl.spatial.maine.edu/>

Wildlife and Fishery Resources

DIF&W Biologists, Douglas Kane and Paul Johnson, Greenville Office

DIF&W Biologist, Tom Hodgman, Bangor Office

DIF&W Reports, Wildlife Division, website
<http://www.state.me.us/ifw/wildlife/01report/wildlifeplanning.htm>

Maine Audubon Society, Volunteers to Count Maine's Loon Population, July 18, 2001 website
http://www.maineaudubon.org/whatsnew/in_the_news/010718.html

Soils

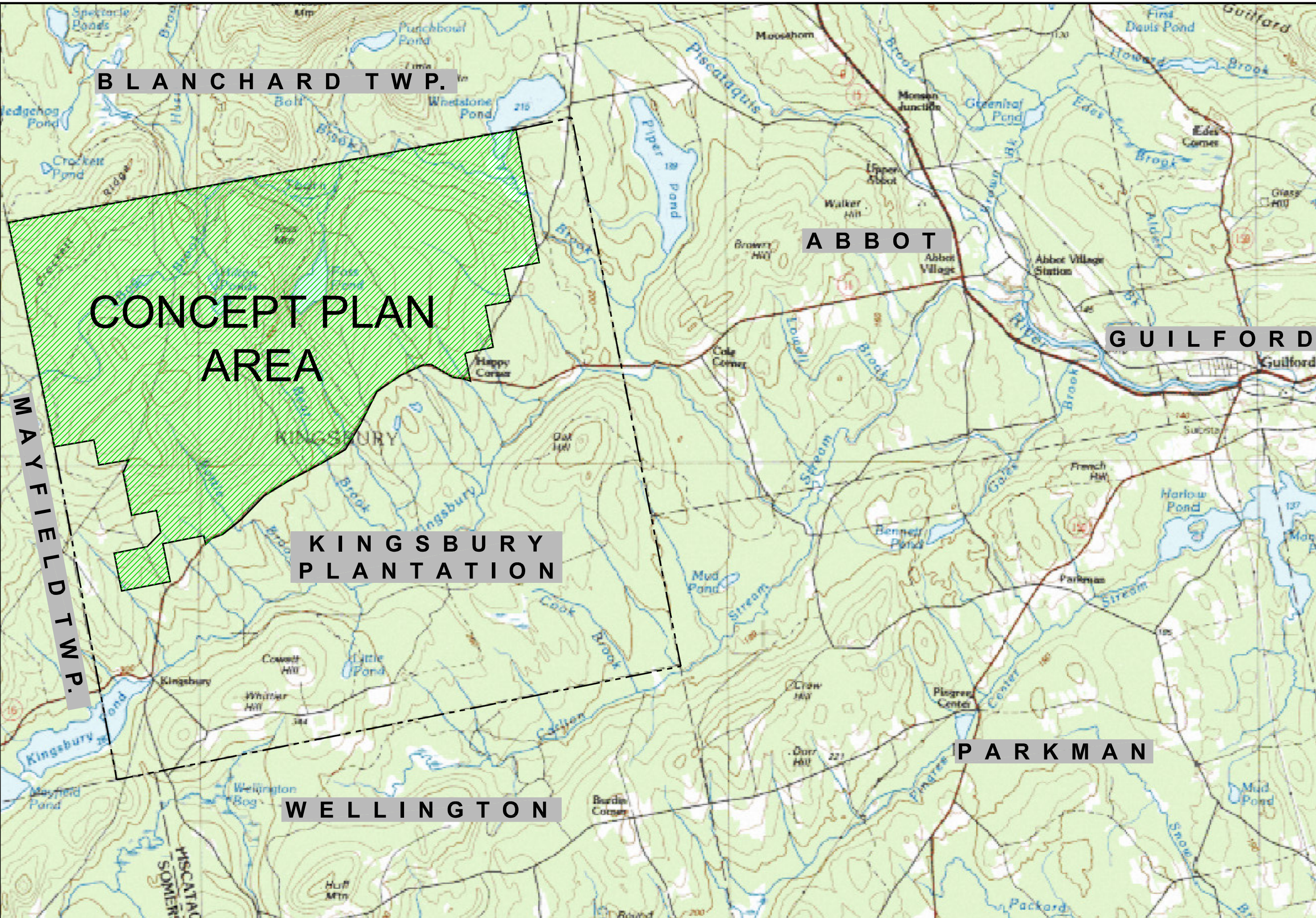
S.W. Cole Engineering, Inc., Stephen Howell, Soil Scientist

Phosphorus

Maine Department of Environmental Protection, Jeff Dennis, Division of Watershed Management

Land Use Standards

Land Use Regulation Commission Planning and Administration
Fred Todd, Division Manager
Sarah Giffen, Senior Planner
Chapter 10 Land Use Districts and Standards
Comprehensive Land Use Plan



BLANCHARD TWP.

MAYFIELD TWP.

CONCEPT PLAN AREA

KINGSBURY PLANTATION

ABBOT

GUILFORD

PARKMAN

WELLINGTON

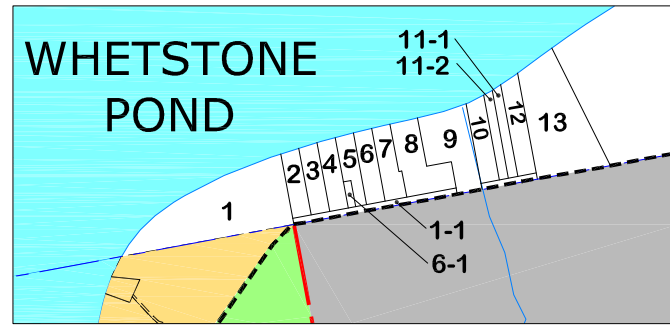
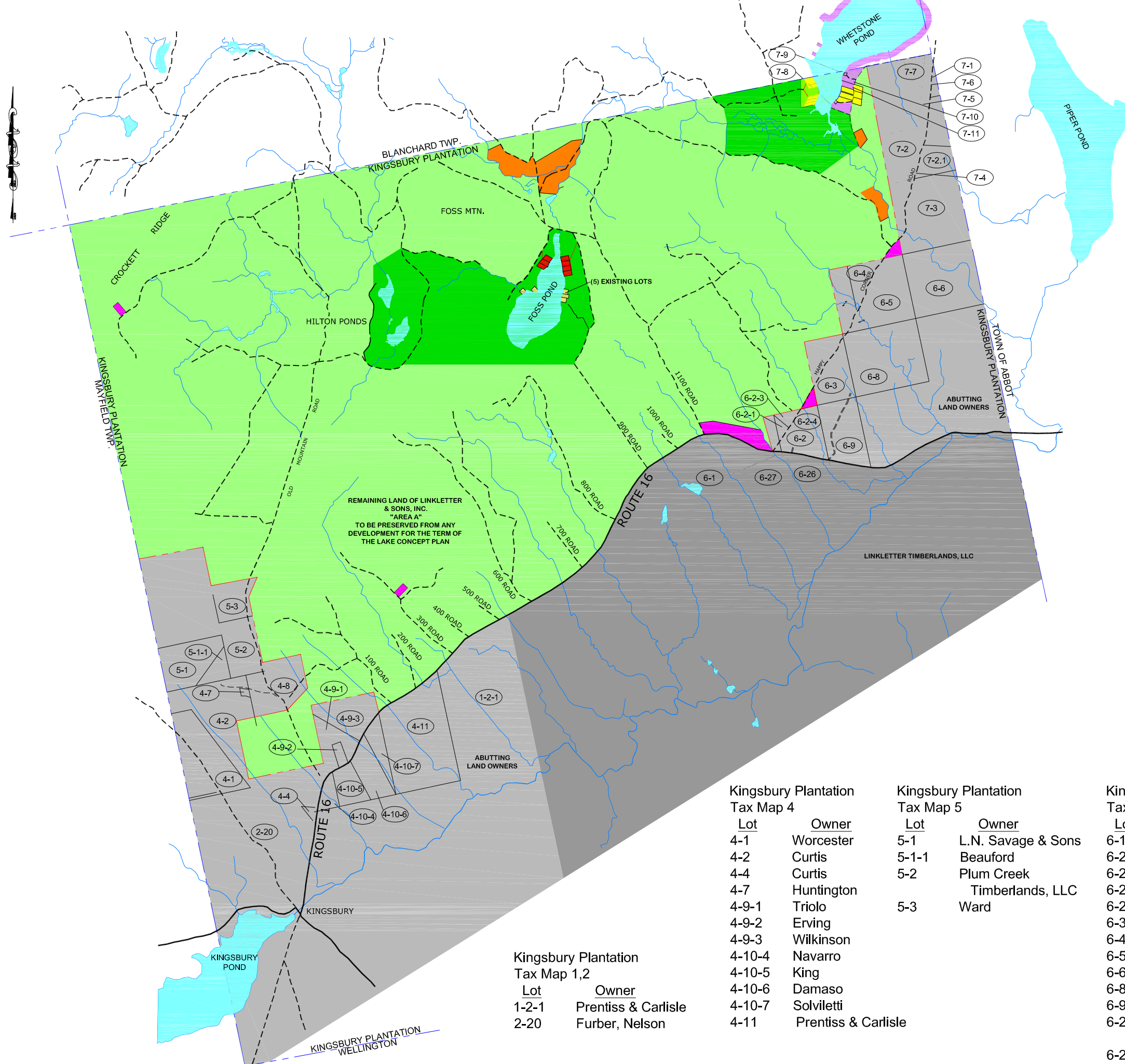
DATE: October 28, 2004

AMES A/E
 ARCHITECTS & ENGINEERS
 115 Main Street
 P.O. Box 2610
 Bangor, ME 04402-2610
 PHONE: 207-947-0153
 FAX: 207-941-1921
 www.amescorp.com

LOCATION MAP
 SCALE: 1 INCH = 1/2 MILE±

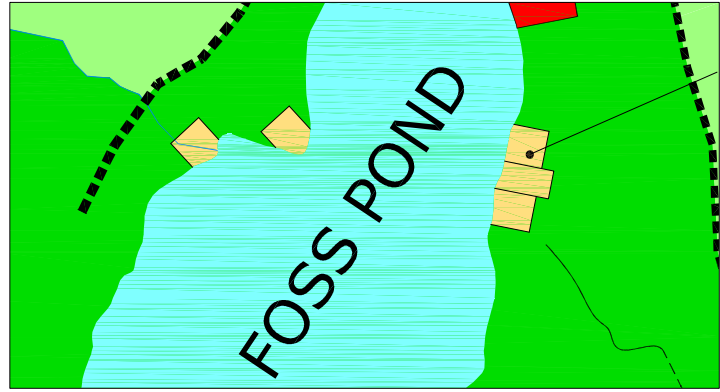
REV	DATE	DESCRIPTION

LINKLETTER & SONS, INC.
 ATHENS
 MAINE



Whetstone Pond Lots In Blanchard Township

Lot	Owner	Lot	Owner
1	Redmond	9	Woodward
2	Grice	10,11.2	Stinchfield
11.1,12	Haley	13	Lopes
3	Gass,Walker		
4, 6.1	Snowden		
5	Crosby		
6,7,8,1.1	Scales		



Foss Pond Lots In Kingsbury Plantation

Lot	Lessee
1	Harris
2	Dumont
3	Knowlton
4	Meatley
5	Jaeger

Kingsbury Plantation Tax Map 1,2

Lot	Owner
1-2-1	Prentiss & Carlisle
2-20	Furber, Nelson

Kingsbury Plantation Tax Map 4

Lot	Owner
4-1	Worcester
4-2	Curtis
4-4	Curtis
4-7	Huntington
4-9-1	Triolo
4-9-2	Erving
4-9-3	Wilkinson
4-10-4	Navarro
4-10-5	King
4-10-6	Damaso
4-10-7	Solviletti
4-11	Prentiss & Carlisle

Kingsbury Plantation Tax Map 5

Lot	Owner
5-1	L.N. Savage & Sons
5-1-1	Beauford
5-2	Plum Creek Timberlands, LLC
5-3	Ward

Kingsbury Plantation Tax Map 6

Lot	Owner
6-1	Mesaric
6-2	Murphy
6-2-1	Pensiero
6-2-3	Hewey
6-2-4	Butler
6-3	Rowell
6-4	Reed
6-5	O'Roak
6-6	Murphy
6-8	Murphy
6-9	Polinki
6-26	Carrier
6-27	Mesaric

Kingsbury Plantation Tax Map 7

Lot	Owner
7-1	Beamis
7-2	Richards
7-2-1	Kallgren
7-3	Thomas
7-4	Keller
7-5	Hardy
7-6	Gass,Walker
7-7	Clark
7-8	McCaffrey
7-9	McCaffrey
7-10	Grunder
7-11	DesJardines

Scale: Approx. 1"= 2000 ft.

MAINE

LINKLETTER & SONS, INC

ATHENS

Kingsbury Plantation Lake Concept Plan
Adjacent Owners within 1000'

REV.	DATE	DESCRIPTION

DRAWN BY: DL
CHECKED BY: _____

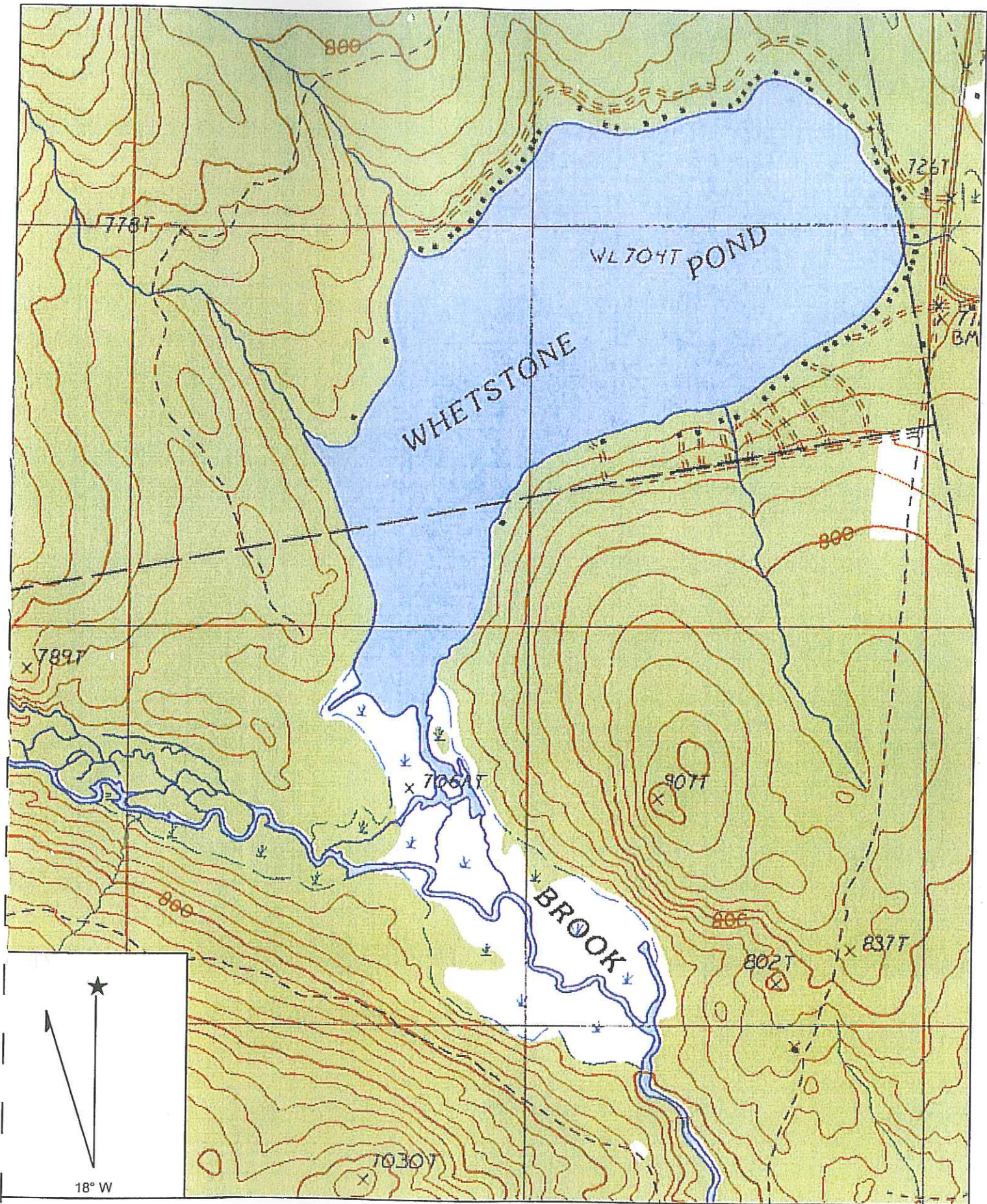
AMES A/E
ARCHITECTS & ENGINEERS

115 Main Street
P.O. Box 2610
Bangor, ME 04402-2610
PHONE: 207-947-0153
FAX: 207-941-1921
www.amescorp.com

DATE: October 28, 2004

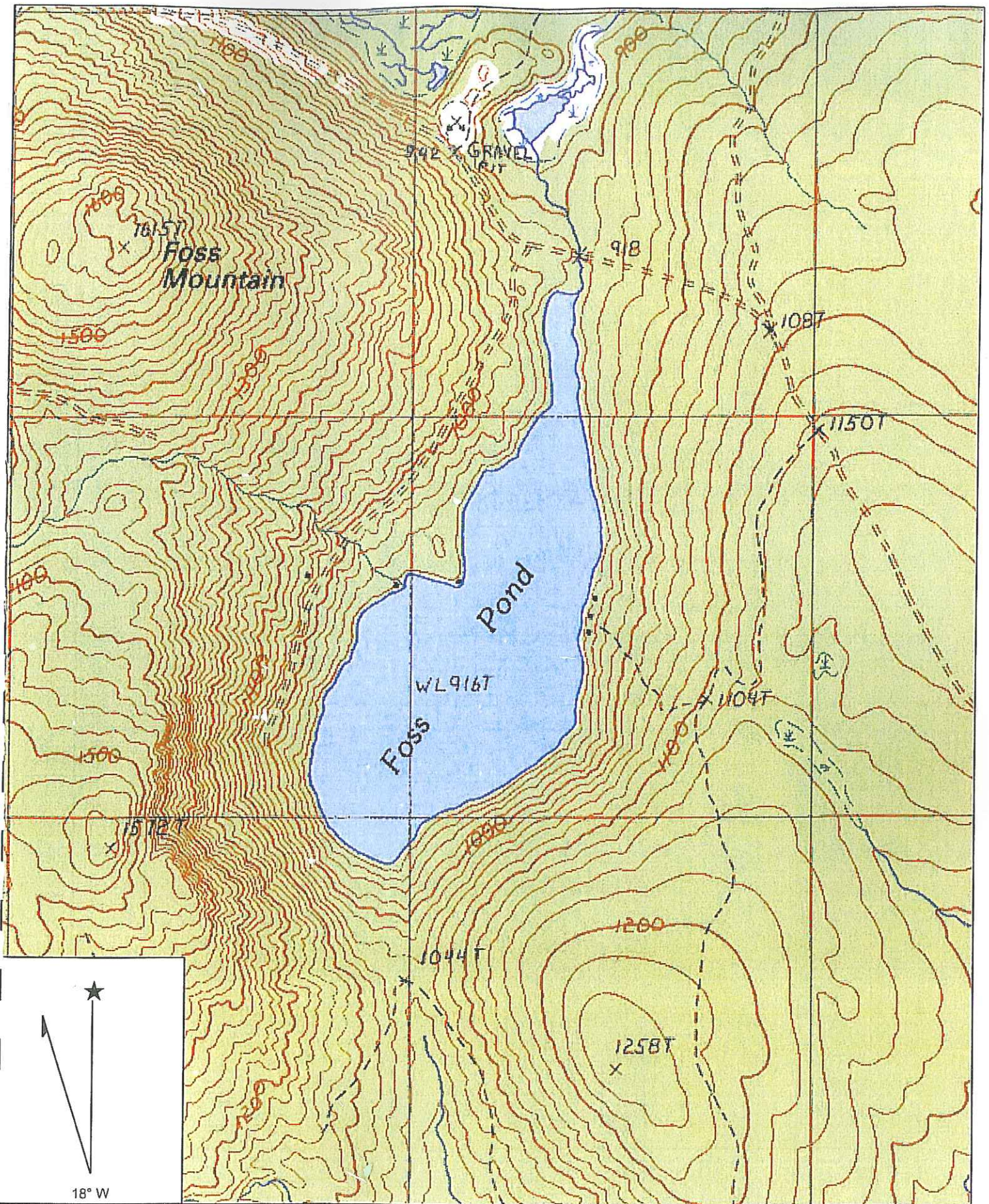
PROJECT NO. 02028.01

2



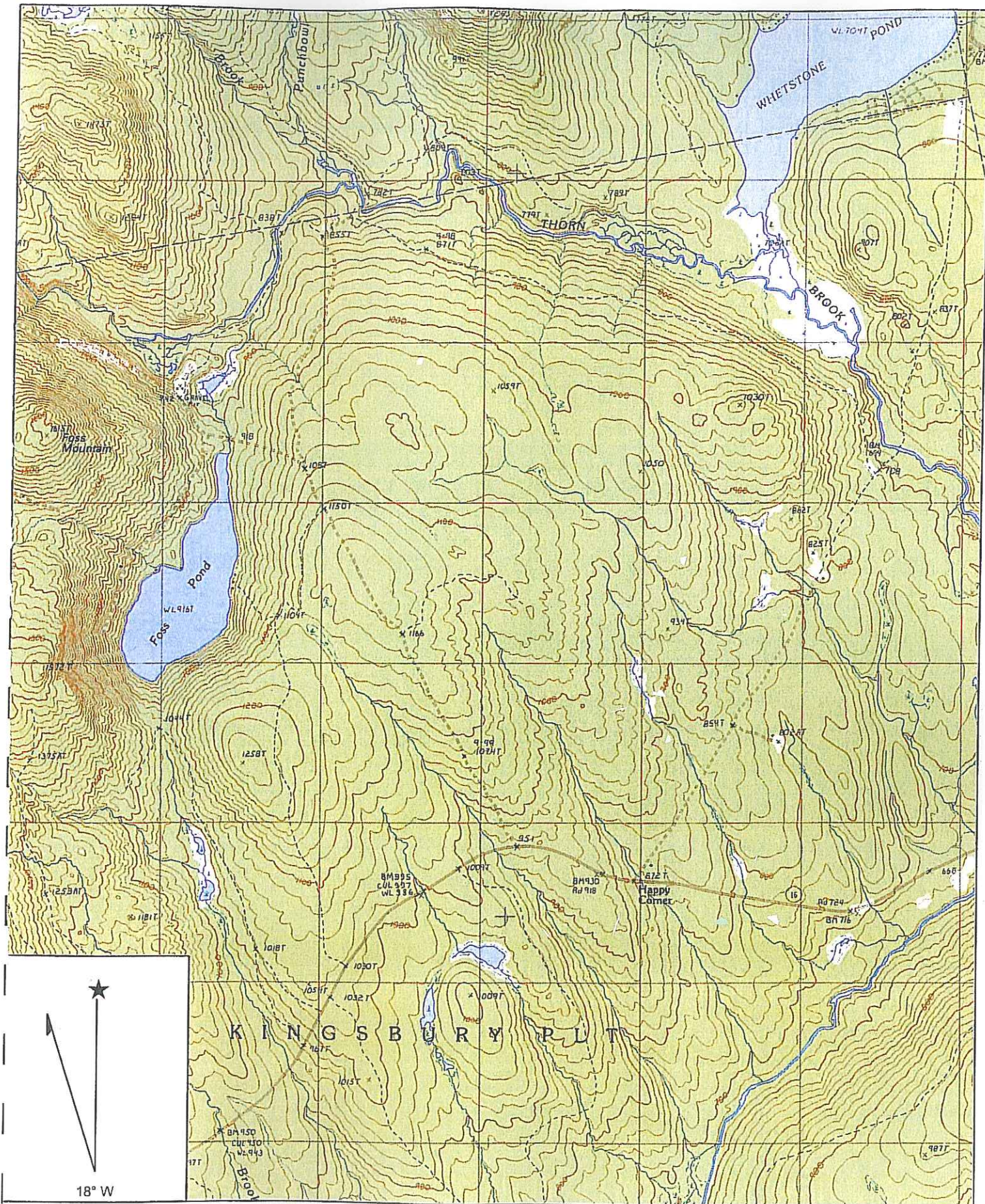
Name: WHETSTONE POND
 Date: 10/29/2004
 Scale: 1 inch equals 1000 feet

Location: 045° 12' 30.37" N 069° 33' 41.3" W
 Caption: Slopes Within Lake Concept Plan



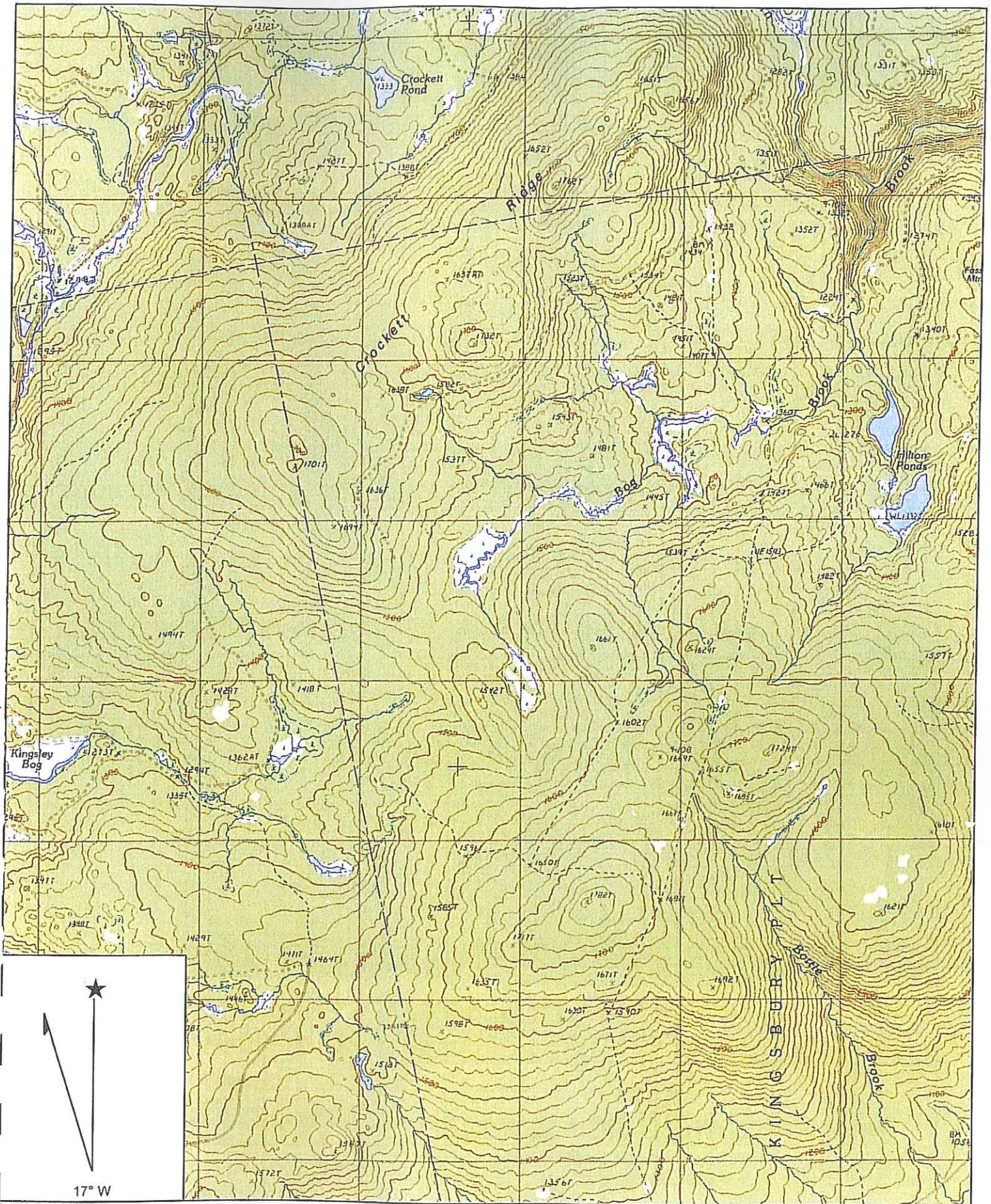
Name: WHETSTONE POND
 Date: 10/29/2004
 Scale: 1 inch equals 1000 feet

Location: 045° 11' 07.63" N 069° 36' 30.40" W
 Caption: Slopes Within Lake Concept Plan



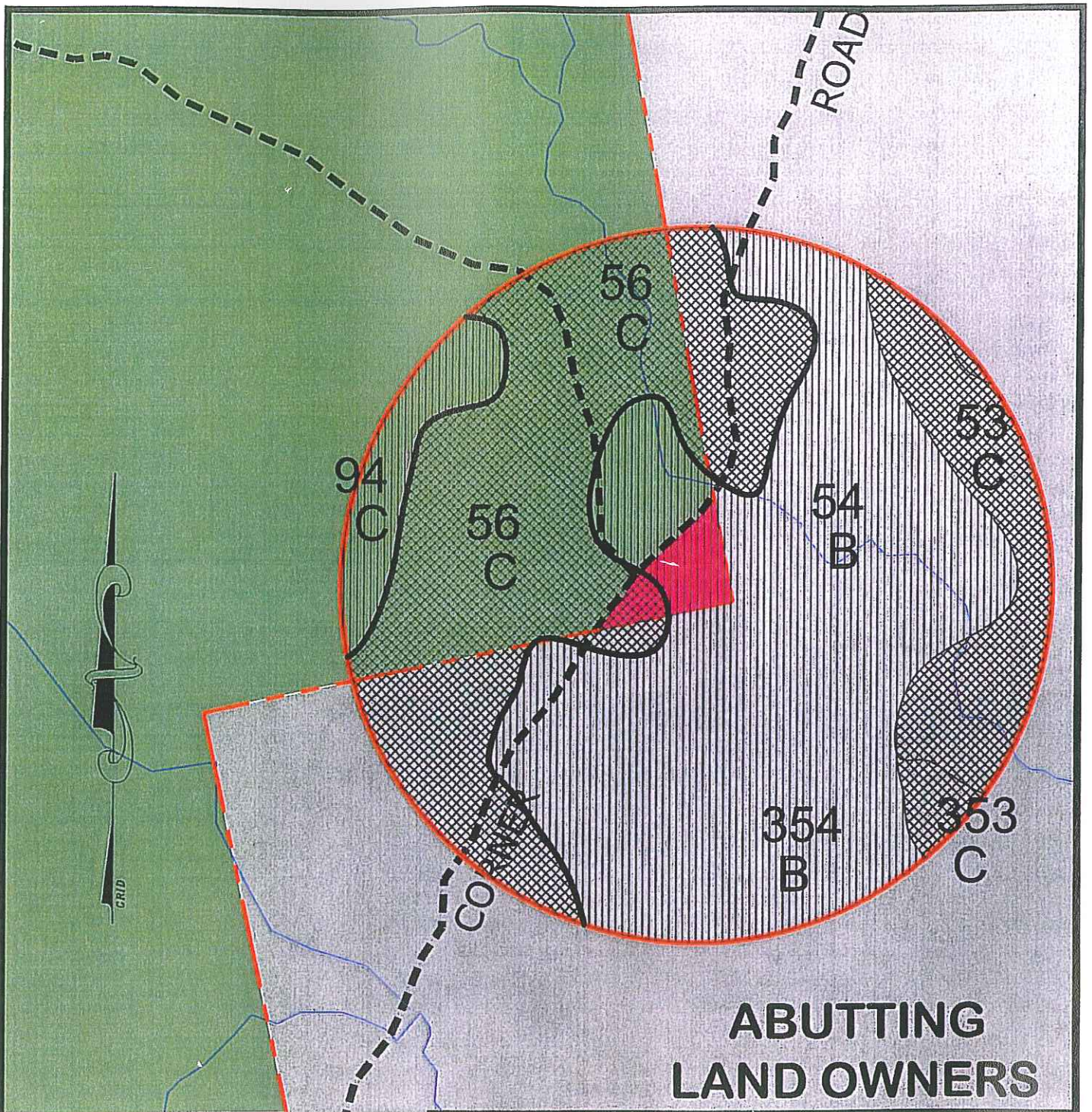
Name: WHETSTONE POND
 Date: 10/29/2004
 Scale: 1 inch equals 2500 feet

Location: 045° 11' 02.33" N 069° 35' 03.91" W
 Caption: Slopes Within Lake Concept Plan



Name: FOSTER RIDGE
 Date: 10/29/2004
 Scale: 1 inch equals 2500 feet

Location: 045° 10' 32.14" N 069° 39' 50.63" W
 Caption: Slopes Within Lake Concept Plan



**ABUTTING
LAND OWNERS**

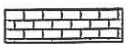
LEGEND



Medium Potential



Low Potential



Very Low Potential

NOTE :

Base map taken published soil survey U.S. Department of Agriculture Soil Survey Field Sheet #275-56.



S.W. COLE
ENGINEERING, INC.

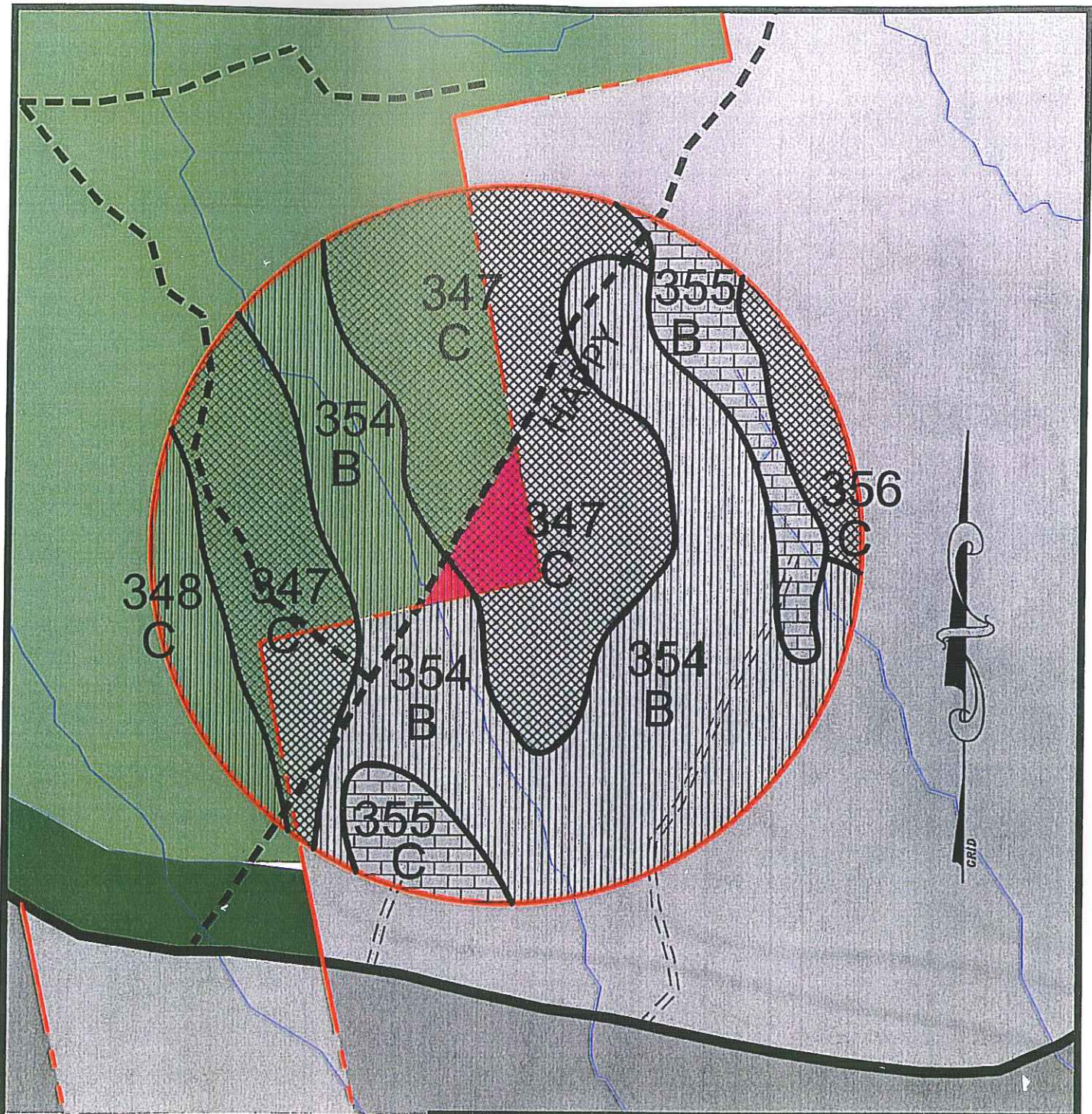
AMES A/E

GENERAL SOIL SUITABILITY MAP

Happy Corner Lots - North
Kingsbury Pt, Maine

Job No. 03-0023 D
Date : 04/10/03

Scale 1" = 1000'
Sheet 4A



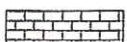
LEGEND



Medium Potential



Low Potential



Very Low Potential

NOTE :

Base map taken published soil survey U.S. Department of Agriculture Soil Survey Field Sheet #275-54.



S.W. COLE
ENGINEERING, IN

C.

AMES A/E

GENERAL SOIL SUITABILITY MAP

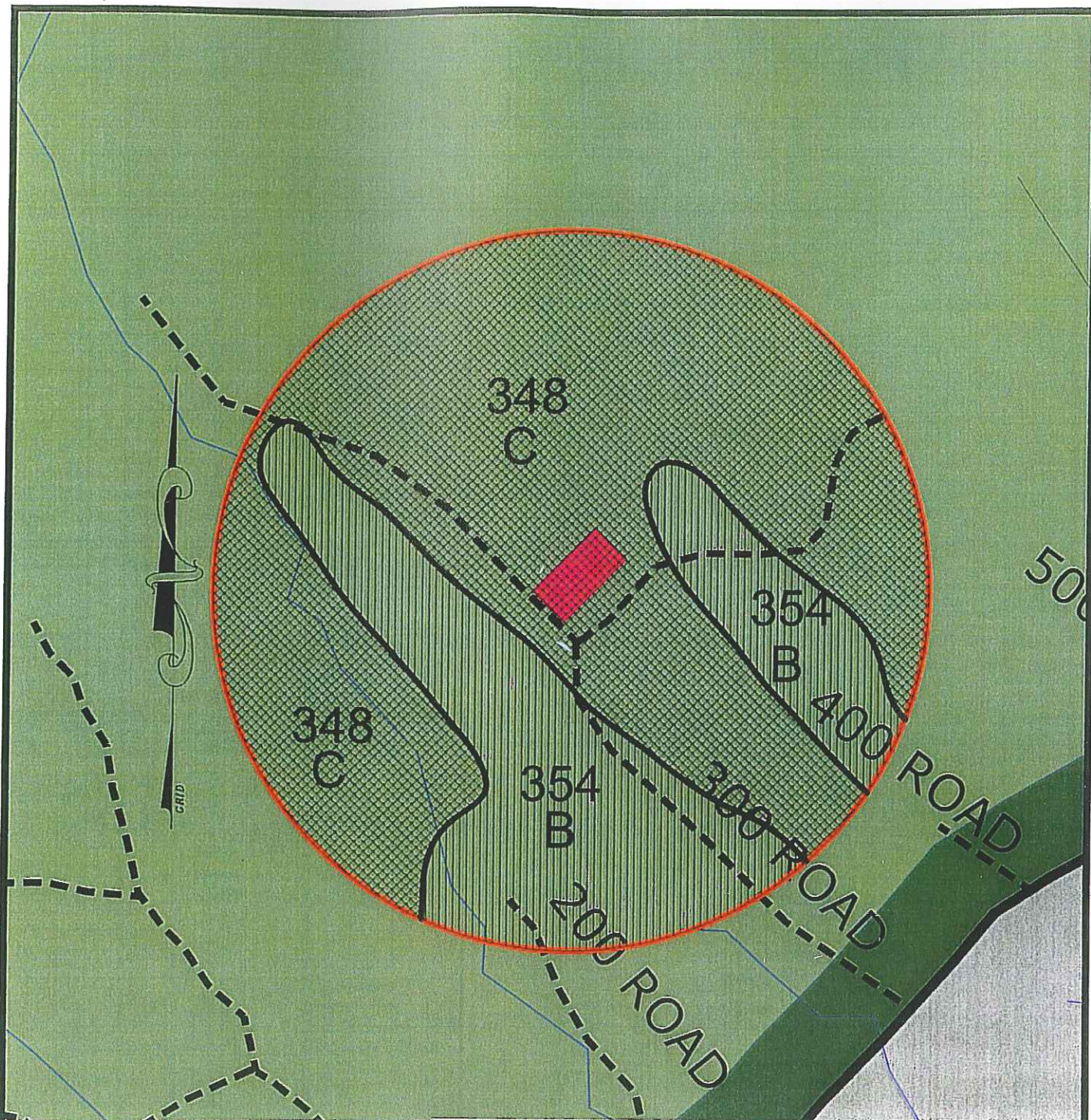
Happy Corner Lots - South
Kingsbury Pt, Maine

Job No. 03-0023 D

Date : 04/10/03

Scale 1" = 1000'

Sheet 4B



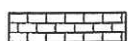
LEGEND



Medium Potential



Low Potential



Very Low Potential

NOTE :

Base map taken published soil survey U.S. Department of Agriculture Soil Survey Field Sheet #275-56.



S.W. COLE
ENGINEERING, INC.

AMES A/E

GENERAL SOIL SUITABILITY MAP

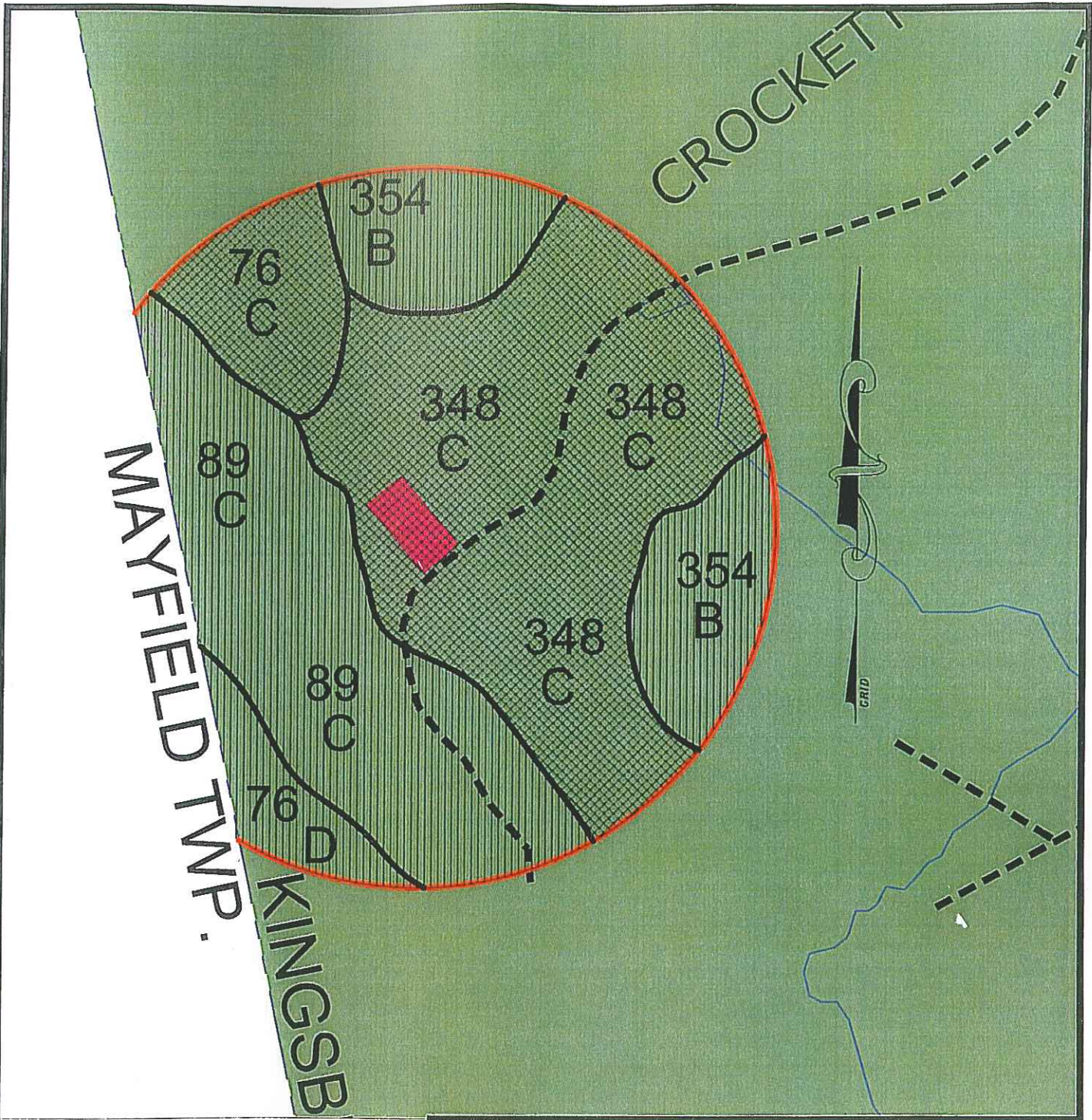
300 Road Lot
Kingsbury Plt, Maine

Job No. 03-0023 D

Date : 04/10/03

Scale 1" = 1000'

Sheet 4C



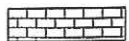
LEGEND



Medium Potential



Low Potential



Very Low Potential

NOTE :

Base map taken published soil survey U.S. Department of Agriculture Soil Survey Field Sheet #275-54.



S.W. COLE
ENGINEERING, INC.

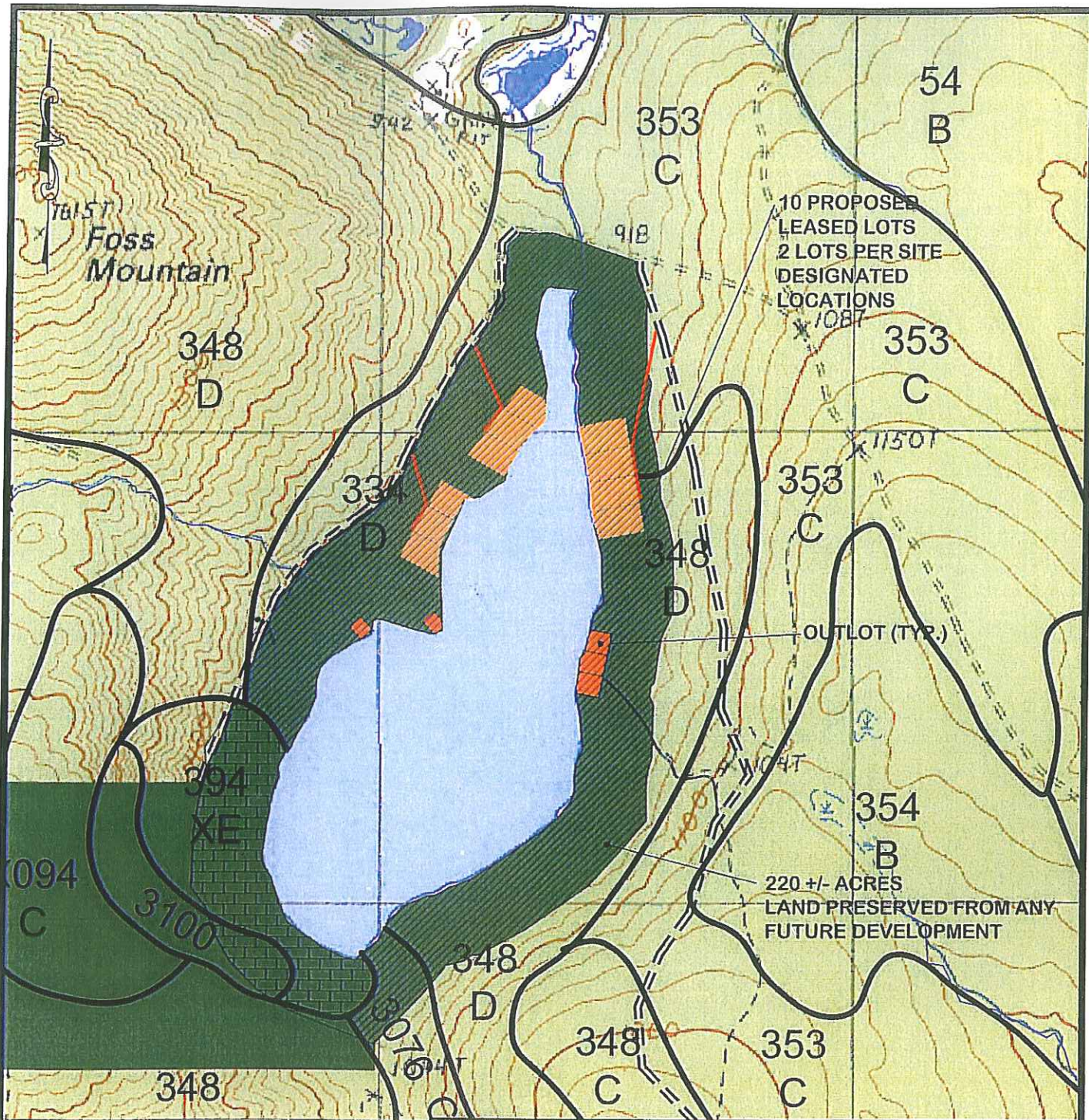
AMES A/E

GENERAL SOIL SUITABILITY MAP

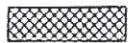
Crockett Ridge Lot
Kingsbury Plt, Maine

Job No. 03-0023 D
Date : 04/10/03

Scale 1" = 1000'
Sheet 4D



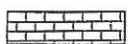
LEGEND



Medium Potential



Low Potential



Very Low Potential

NOTE :

Base map taken published soil survey U.S. Department of Agriculture Soil Survey Field Sheet #275-58.



S.W. COLE
ENGINEERING, INC.

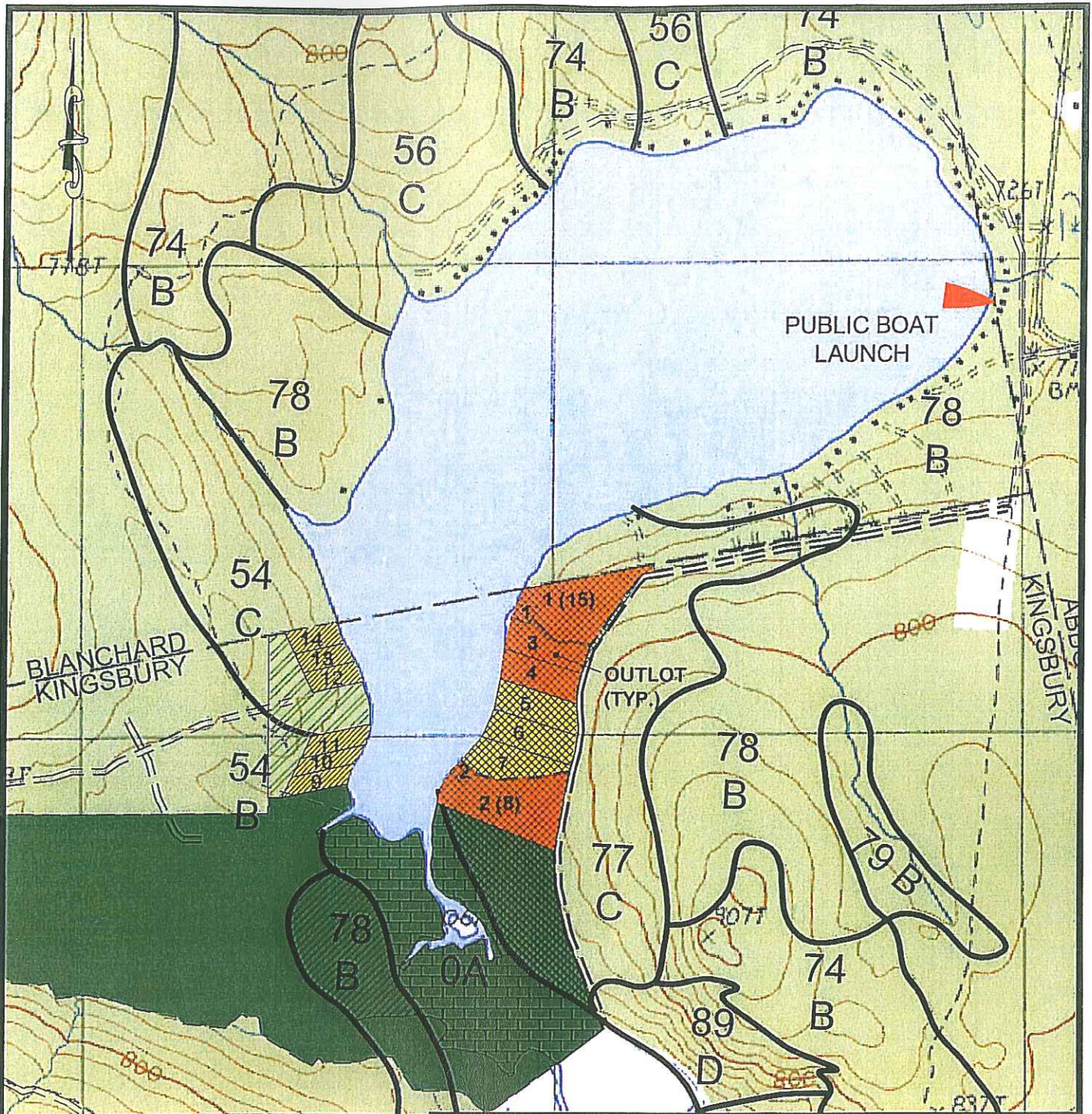
THE AMES CORPORATION

GENERAL SOIL SUITABILITY MAP

Foss Pond
Kingsbury Pt, Maine

Job No. 03-0023 D
Date : 01/30/03

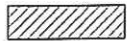
Scale 1" = 1000'
Sheet 4E



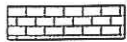
LEGEND



Medium Potential



Low Potential



Very Low Potential

NOTE :

Base map taken published soil survey U.S. Department of Agriculture Soil Survey Field Sheet #275-54.



S.W. COLE
ENGINEERING, INC.

THE AMES CORPORATION

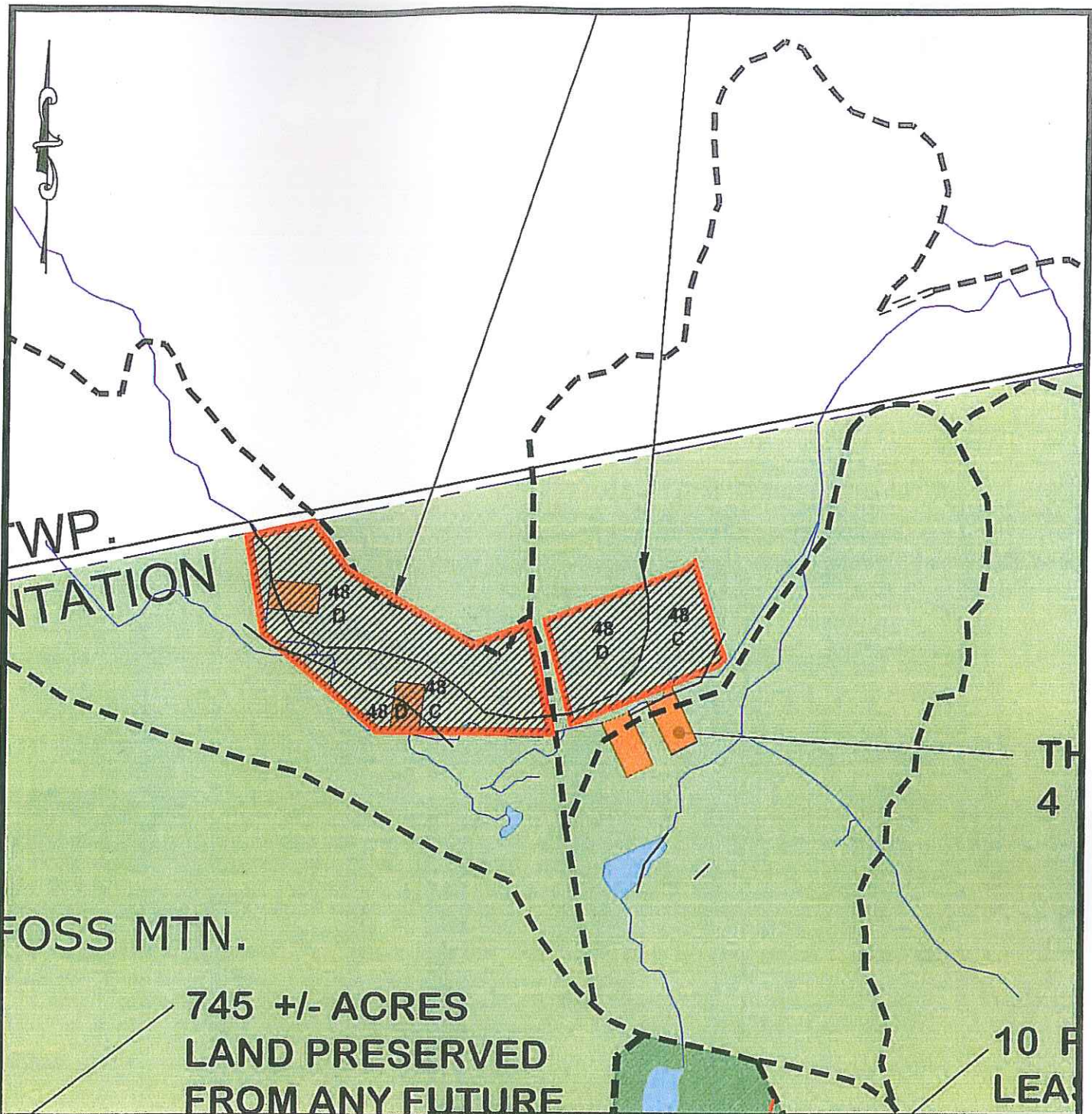
GENERAL SOIL SUITABILITY MAP

Whetstone Pond
Kingsbury Pt, Maine

Job No. 03-0023 D
Date : 01/30/03

Scale 1" = 1000'
Sheet 4F

F:\PROJECTS\2003\03-0023 Thorn Brook Sites.dwg, SUITABILITY, 9/20/2004 3:38:24 PM, D:\Rev, Letter (8.5 x 11 in.), 1:1



**745 +/- ACRES
LAND PRESERVED
FROM ANY FUTURE**

LEGEND



Low Potential

NOTE :

Base map taken published soil survey U.S. Department of Agriculture Soil Survey Field Sheet #275-58.



S.W. COLE
ENGINEERING, INC.

THE AMES CORPORATION

GENERAL SOIL SUITABILITY MAP

Thorn Brook West
Kingsbury Plt, Maine

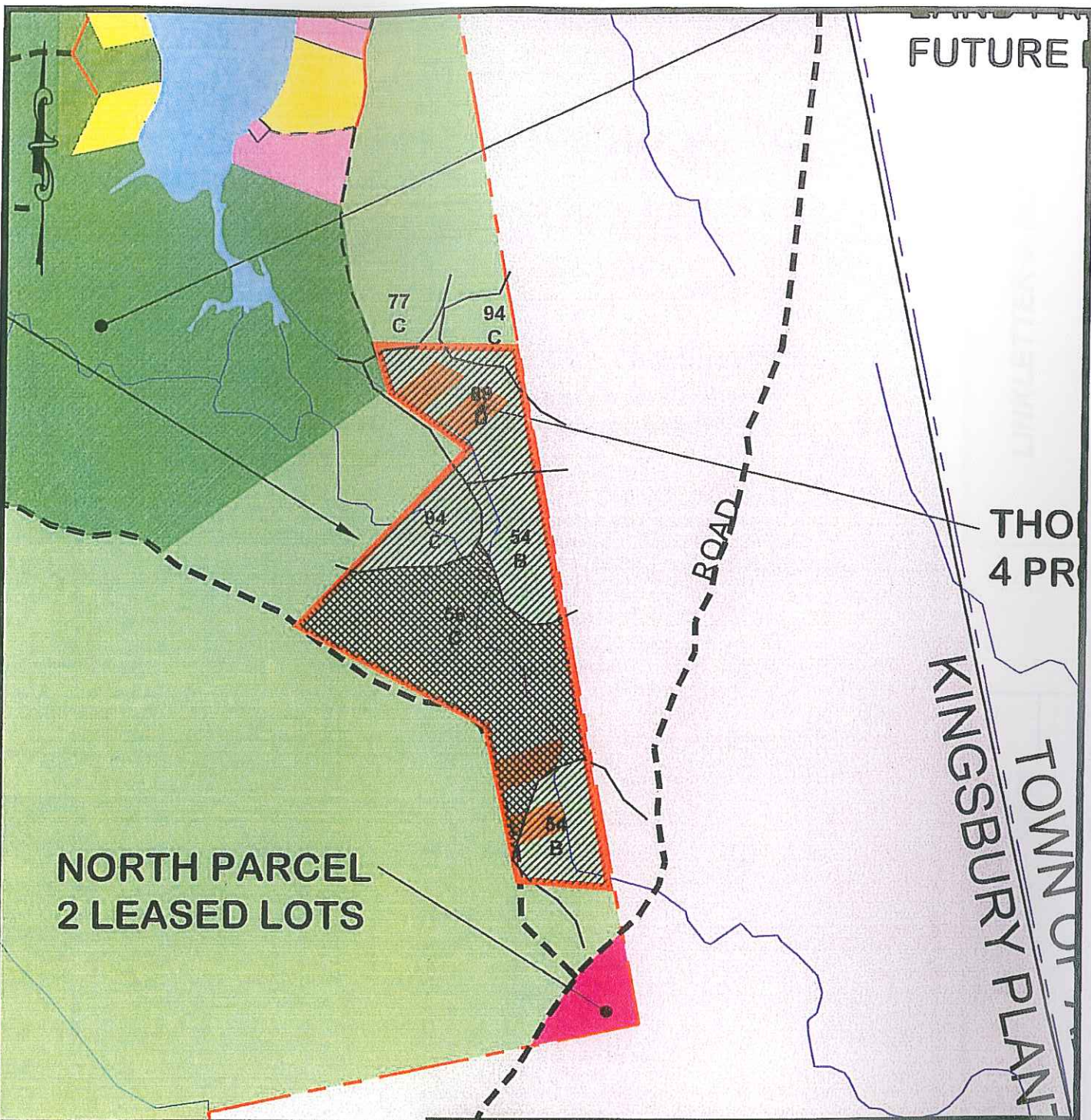
Job No. 03-0023 D
Date : 09/15/04

Scale 1" = 1000'
Sheet 46

FUTURE

THO
4 PR

TOWN OF
KINGSBURY PLAN



**NORTH PARCEL
2 LEASED LOTS**

LEGEND



Medium Potential



Low Potential

NOTE :

Base map taken published soil survey U.S. Department of Agriculture Soil Survey Field Sheet #275-58.



S.W. COLE
ENGINEERING, INC.

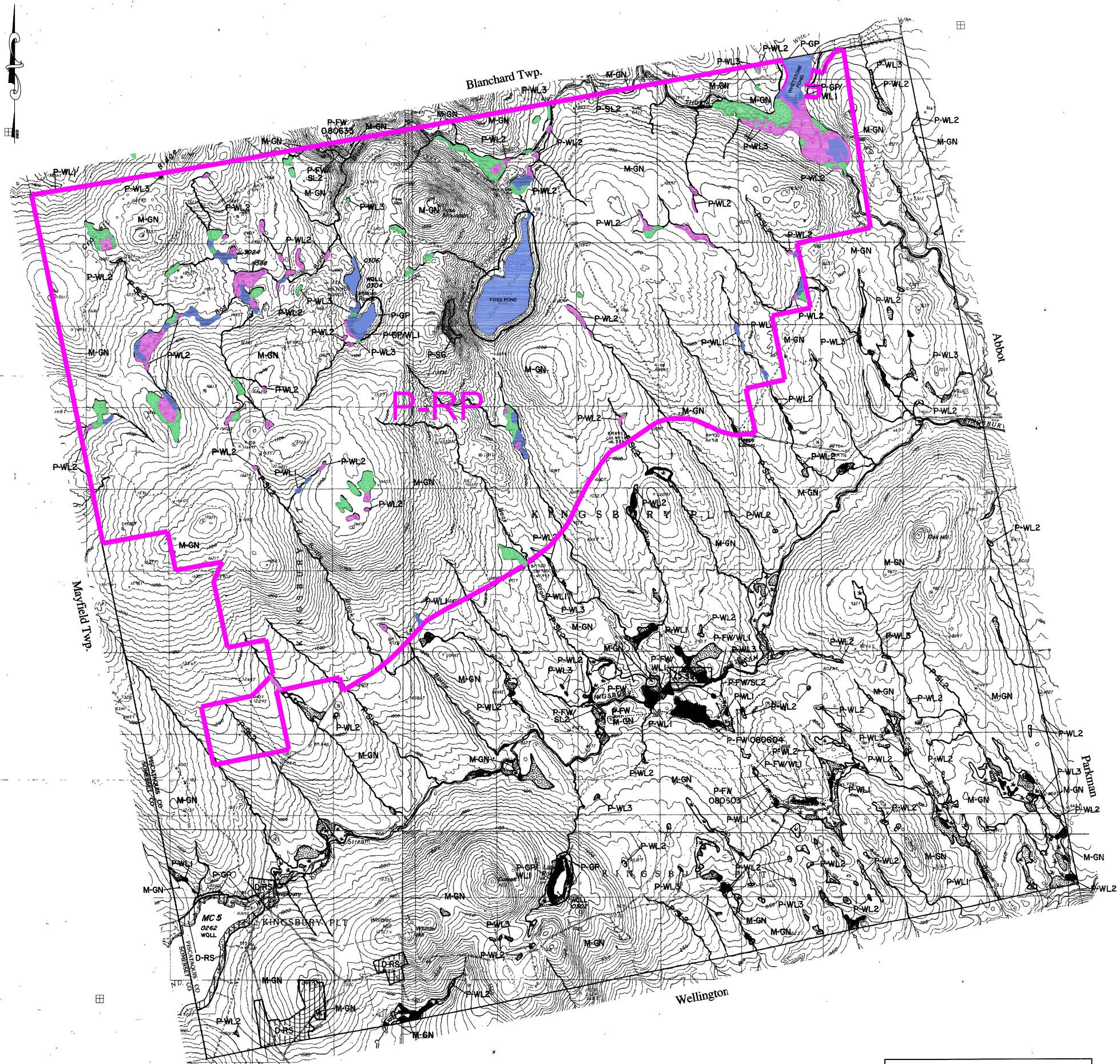
THE AMES CORPORATION

GENERAL SOIL SUITABILITY MAP

Thorn Brook East
Kingsbury Plt., Maine

Job No. 03-0023 D
Date : 09/15/04

Scale 1" = 1000'
Sheet 4H



Kingsbury Pt.

T3 R2 BKP EKR

Piscataquis County



Land Use Guidance Map

Maine Department of Conservation
Land Use Regulation Commission

Legend

- | | | | |
|---------------------------------|------------------|--------------------------------|--|
| DEVELOPMENT SUBDISTRICTS | | PROTECTION SUBDISTRICTS | |
| D-CI Commercial Industrial | D-GN General | P-AL Accessible Lake | P-AR Aquifer Recharge |
| D-PD Planned | D-RS Residential | P-FP Flood Prone | P-FW Fish and Wildlife |
| D-MT Maritime | | P-GP Great Pond | P-MA Mountain Area |
| | | P-RR Recreation | P-RR Resource Plan |
| | | P-RT River Transition | P-SG Soils and Geology |
| | | P-SL1 250' Shorelands | P-SL2 75' Shorelands |
| | | P-UA Unusual Area | P-WL1 Wetlands of Special Significance |
| | | | P-WL2 Scrub Shrub Wetlands |
| | | | P-WL3 Forested Wetlands |

Zone boundaries are shown as a solid line (—), where possible. When one protection subdistrict overlaps another protection subdistrict, a dashed line (- - -) is used. For complete descriptions of these areas included within the various subdistricts, and regulations pertaining thereto, refer to the Land Use Districts and Standards for the Plantations and Unorganized Townships of the State of Maine, Maine Land Use Regulation Commission, Department of Conservation. Where any inconsistencies exist between the district boundaries, as shown on this map and those as described by the Commission's Land Use Districts and Standards, the latter shall govern.

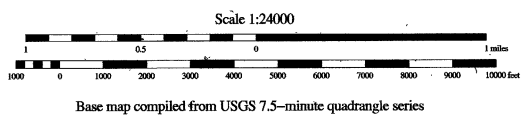
WQLL Water Quality Limiting Lake - Refer to Section 10.16.D.3.e of the Commission's Land Use Districts and Standards.
MC1 - MC6 Lake Management Classes - Refer to Section 10.02 (Definitions) of the Commission's Land Use Districts and Standards.

For simplicity, this map does not show the Wetland Protection Subdistricts for areas identified pursuant to Section 10.16.K.2 such as the beds of rivers, lakes, and other water bodies, and freshwater wetlands within 25 feet of stream channels, which areas are nevertheless within P-WL Subdistricts. Also, this map does not show the Shoreland Protection Subdistricts along stream channels flowing through wetlands, which areas are nevertheless within P-SL.2 Protection Subdistricts.

If the locations of standing and flowing bodies of water existing on the ground are at variance with those shown on the map, then pursuant to 12 M.R.S.A., §685-A(2)(G), P-GP, P-RR, P-SL, P-WL and other subdistrict boundaries which are based upon the location of such waters shall, as appropriate, be deemed to follow the flowing or standing body of water existing on the ground.

This Land Use Guidance Map was adopted by the Maine Land Use Regulation Commission on Sept. 16, 1999 and became effective on Oct. 1, 1999. This map is certified to be a true and correct copy of the official land use guidance map of the Maine Land Use Regulation Commission.

By: *Dan Sullivan* Director, Maine Land Use Regulation Commission This 13th day of SEPT. 1999



Point at which a river drains 25 square miles symbol points upstream (12 MRSA Sec. 682.2)
9999 Midas number: Unique number assigned to each standing body of water in Maine.

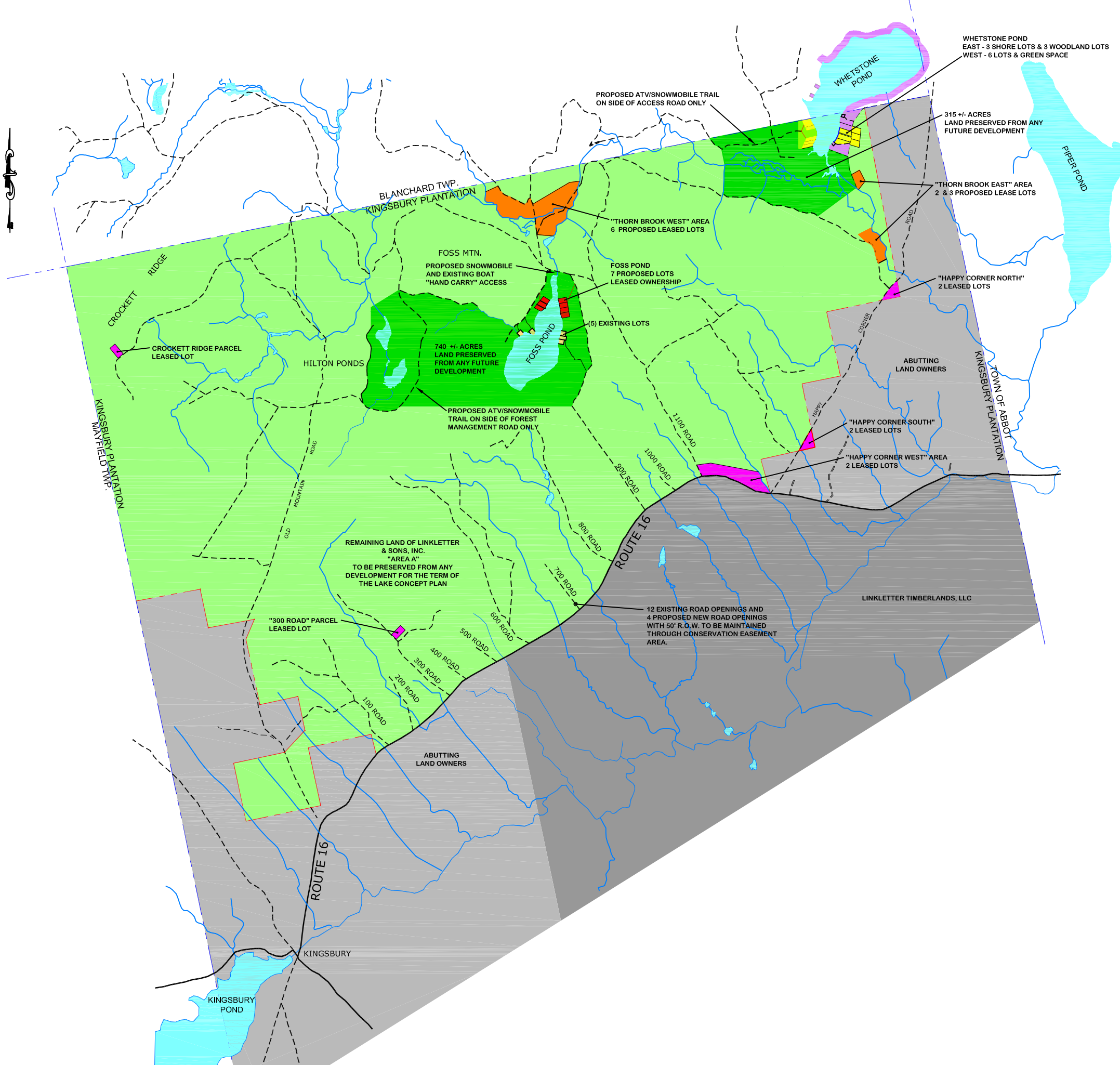
KINGSBURY PLANTATION EXISTING ZONING MAP & PROPOSED CHANGE

AMES A/E ARCHITECTS & ENGINEERS
115 Main Street
P.O. Box 2610
Bangor, ME 04402-2610
PHONE: 207-947-0153
FAX: 207-941-1921
www.amescorp.com

DATE: October 28, 2004
PROJECT NO. 02028.01
5

LINKLETTER & SONS, INC.
ATHENS
MAINE

Location	Zoning Permit	Amended Date	Remarks	Attested to by:



Legend

- EXISTING GRAVEL ROAD
- EXISTING CAMP DRIVE
- EXISTING PAVED ROAD
- NEW CAMP ROAD
- - - TOWN LINE
- - - PROPERTY LINE LINKLETTER & SONS, INC.
- 1,055 ± ACRES PERMANENT CONSERVATION
- 10,770 ± ACRES - CONSERVATION AREA "A"
- 25 ± ACRES LAND PROPOSED AS FEE LOTS
WHESTSTONE POND - 9 LOTS
WOOD LAND - 3 LOTS
- 9 ± ACRES LAND PROPOSED AS COMMON OPEN GREEN SPACE
- 11 ± ACRES LAND PROPOSED AS LEASED LOTS
FOSS POND - 7 LOTS
- 30 ± ACRES LAND PROPOSED AS LEASED LOTS
THORN BROOK WEST - 6 LOTS
THORN BROOK EAST - 5 LOTS
REMAINING LAND TO BE PLACED IN CONSERVATION AREA "A"
- 20 ± ACRES LAND PROPOSED AS LEASED LOTS WOODLAND AREAS - 6 LOTS
REMAINING LAND TO BE PLACED IN CONSERVATION AREA "A"
- EXISTING LOTS - IN LINKLETTER OWNERSHIP
- LINKLETTER TIMBERLAND, LLC
- OTHER LOTS
NON LINKLETTER & SONS, INC. OWNERSHIP
- OTHER SHOREFRONT LOTS
NON LINKLETTER & SONS, INC. OWNERSHIP

Summary

Description	Area (Ac.)	Pond Shorefront (ft.)
Linkletter & Son's, Inc. Ownership	11,920	21,620 (100%)
Permanent Conservation	1,055	17,220 (80%)
Proposed Development (38 units)	95	3030 (14%)
15 Year Conservation	10,770	---
Existing Development	5	1060 +/-

Scale: Approx. 1" = 2000 ft.

LINKLETTER & SONS, INC

ATHENS

MAINE

Kingsbury Plantation
Lake Concept Plan

REV	DATE	DESCRIPTION

AMES A/E

ARCHITECTS & ENGINEERS

115 Main Street
P.O. Box 2610
Bangor, ME 04402-2610

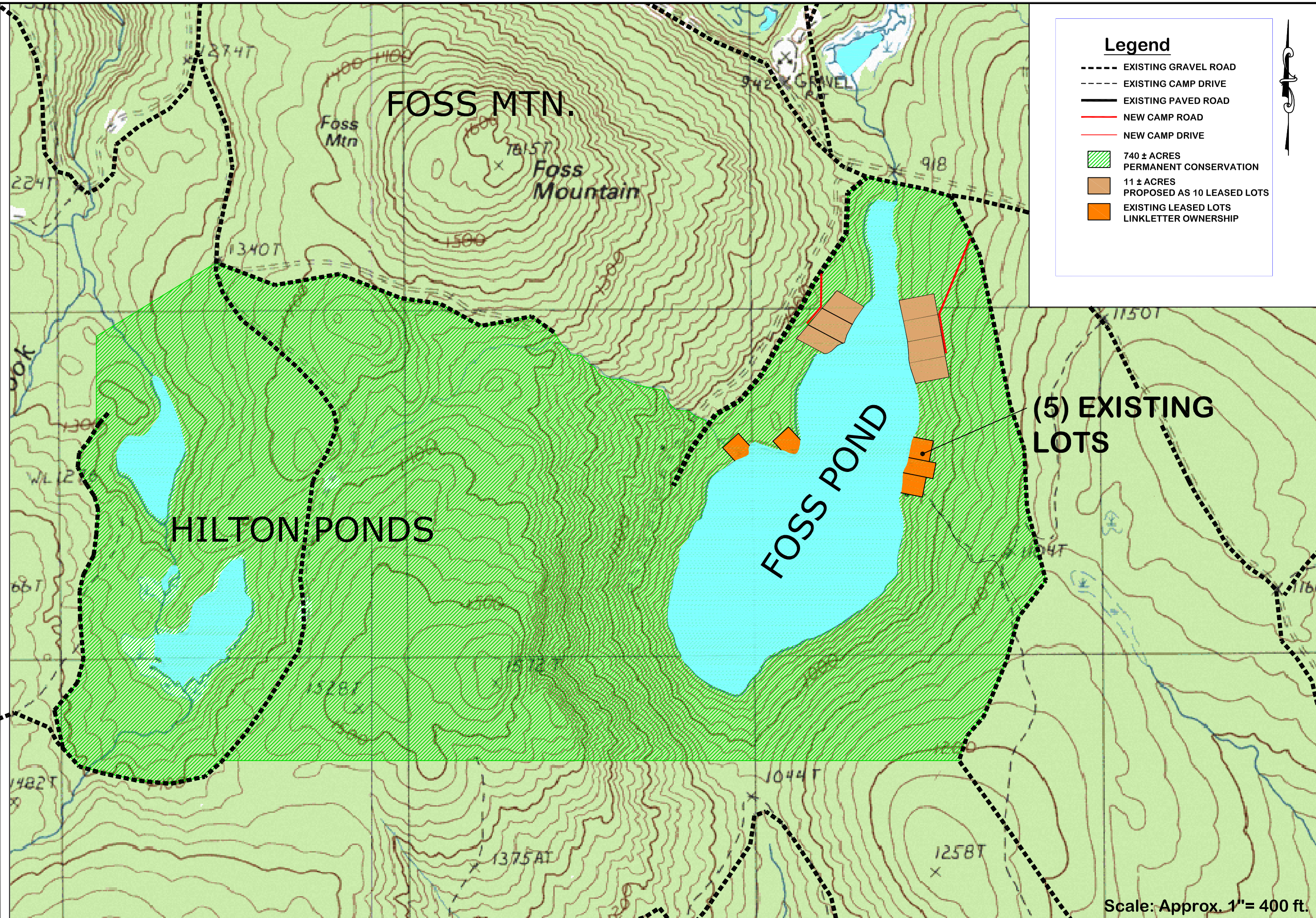
PHONE: 207-947-0153
FAX: 207-941-1921
www.amescorp.com

DRAWN BY: DL
CHECKED BY:

DATE: April 22, 2005

6

PROJECT NO. 02029.01



Legend

- EXISTING GRAVEL ROAD
- - - EXISTING CAMP DRIVE
- EXISTING PAVED ROAD
- NEW CAMP ROAD
- NEW CAMP DRIVE
- 740 ± ACRES PERMANENT CONSERVATION
- 11 ± ACRES PROPOSED AS 10 LEASED LOTS
- EXISTING LEASED LOTS LINKLETTER OWNERSHIP

(5) EXISTING LOTS

Scale: Approx. 1" = 400 ft.

LINKLETTER & SONS, INC.
ATHENS MAINE

**FOSS POND & HILTON PONDS
PROPOSED DEVELOPMENT AREA
PROPOSED CONSERVATION AREA**

REV	DATE	DESCRIPTION

DRAWN BY: DL CHECKED BY:

AMES A/E
ARCHITECTS & ENGINEERS

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Bangor, ME 04402-2610

PHONE: 207-947-0153
FAX: 207-941-1921
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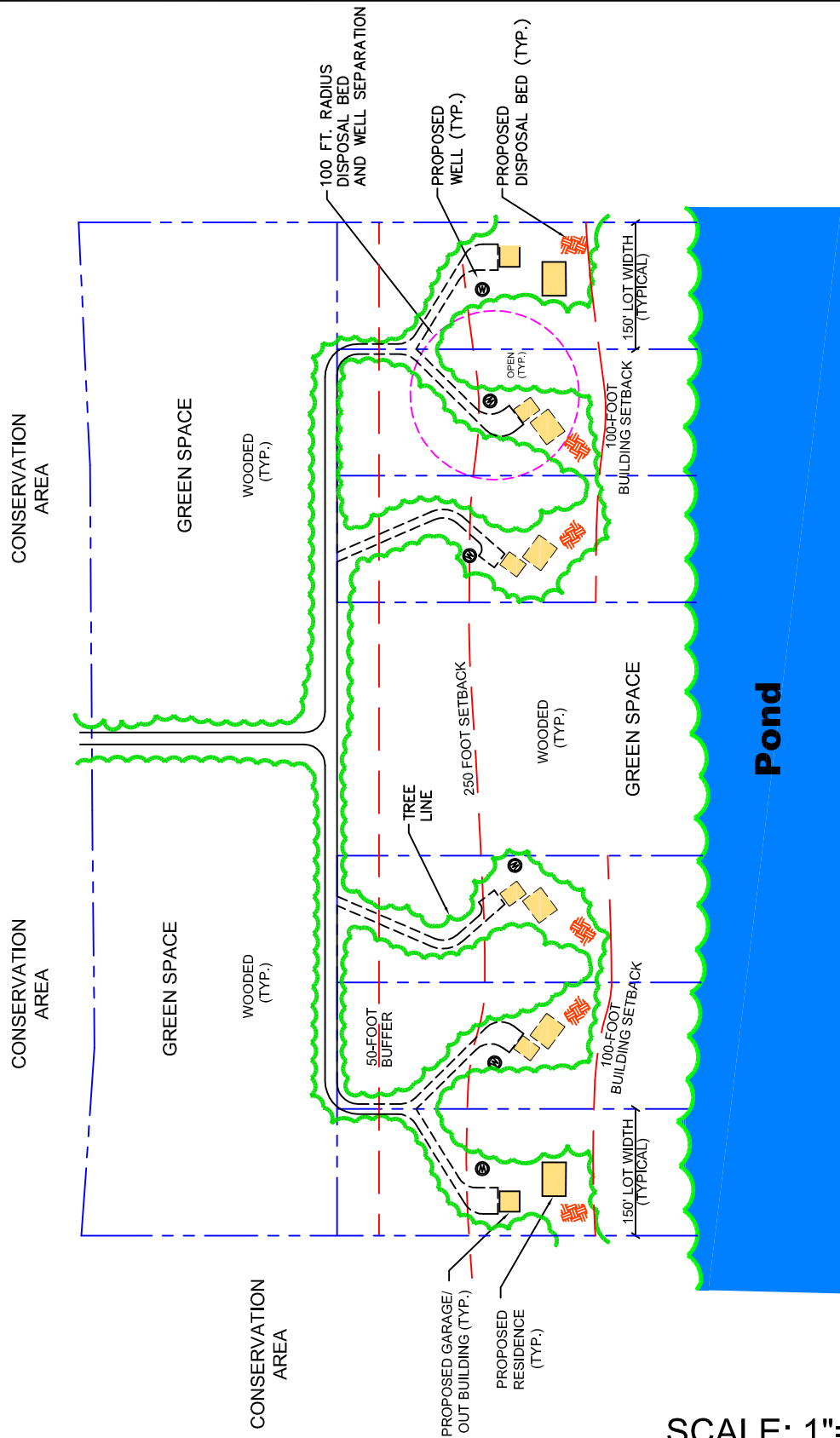
DATE: March 15, 2005

8

PROJECT NO. 02029.01

LOT SPECIFICATIONS:

- TYPICAL LOT SIZE - 1.0 TO 1.5 ACRES
- LOT WIDTH @ SHORELINE - 150+ FEET
- SHARED DRIVES - 100 FEET
- MINIMUM BUILDING SETBACK - 100 FEET FROM HIGH WATER MARK
 - 50 FEET FROM ACCESS ROAD
 - 15 FEET FROM SIDE LOT LINE
- CLEARING LIMIT - 10,000 SQ. FT. BETWEEN HIGH WATER MARK AND 250 FT. SETBACK



SCALE: 1" = 200'



PHONE: 207-947-0153
 FAX: 207-941-1921
 www.amescorp.com

115 Main Street
 P.O. Box 2610
 Bangor, ME. 04402-2610

Example - Lot Arrangement
 Whetstone Pond
 Kingsbury Plantation
 Linkletter & Sons, Inc.



Clearing and Drive

Approx. 9500 sq. ft. shown

Structures

Main Building Footprint
1000 sq. ft. shown
Accessory Structure
480 sq. ft. shown

Clearing

Per Development Restrictions
and Appendix 5

SCALE: 1" = 60'



PHONE: 207-947-0153
FAX: 207-941-1921
www.amescorp.com

115 Main Street
P.O. Box 2610
Bangor, ME. 04402-2610

Example - Lot Clearing
Foss Pond or Whetstone Pond
Kingsbury Plantation
Linkletter & Sons, Inc.