

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
**MAINE LAND USE PLANNING COMMISSION**

## **Proposed Rule Revisions: Adjacency**

May 18, 2018 – Draft

The following amendments propose changes to Chapter 10, Land Use Districts and Standards for Areas within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections of Chapter 10, indicates additions in underline and deletions as ~~strikethrough~~, and relocations as double underline and ~~double strikethrough~~. Where necessary, further explanations of some changes have been included in [brackets]. These explanatory notes would not be included in the final rule.

# Adjacency Rulemaking Revisions

<b><u>SUB-CHAPTER I GENERAL PROVISIONS..... 3</u></b>	
<b>10.02</b>	<b>DEFINITIONS ..... 3</b>
<b>10.08</b>	<b>CRITERIA FOR ADOPTION OR AMENDMENT OF LAND USE DISTRICT BOUNDARIES..... 6</b>
A.	General Criteria .....6
B.	Location of development .....6
C.	Areas Adjacent to Lakes .....7
D.	Prospectively Zoned Areas .....7
<b>10.08-A</b>	<b>LOCATIONAL FACTORS FOR ADOPTION OR AMENDMENT OF LAND USE DISTRICT BOUNDARIES..... 8</b>
A.	Purpose .....8
B.	Rural Hubs .....8
C.	Primary and secondary Locations.....8
D.	Location-Dependent Activities.....9
E.	Legal Right of Access.....9
<b><u>SUB-CHAPTER II LAND USE SUBDISTRICTS ..... 11</u></b>	
<b>10.21</b>	<b>DEVELOPMENT SUBDISTRICTS ..... 11</b>
A.	Commercial Industrial Development Subdistrict (D-CI) .....11
C.	General Development Subdistrict (D-GN) .....17
F.	Low Density Development Subdistrict (D-LD) .....20
K.	Resource-Dependent Development Subdistrict (D-RD) .....23
M.	Residential Development Subdistrict (D-RS).....30
A.	General Management Subdistrict (M-GN) .....35
E.	Great Pond Protection Subdistrict (P-GP) .....36
L.	Shoreland Protection Subdistrict (P-SL) .....38
<b>10.25</b>	<b>DEVELOPMENT STANDARDS ..... 39</b>
Q.	Subdivision And Lot Creation .....39
<b>10.27</b>	<b>ACTIVITY-SPECIFIC STANDARDS ..... 39</b>

# Sub-Chapter I

## GENERAL PROVISIONS

### 10.02 DEFINITIONS

*[Explanation: Add or revise the following definitions; new definitions will be added in alphabetical order; the numbering of all subsequent definitions will be adjusted accordingly.]*

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**##. General Management Subdivision: See Subdivision.**

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**##. High Density Subdivision: See Subdivision.**

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**##. Low Density Subdivision: See Subdivision.**

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**##. Moderate Density Subdivision: See Subdivision.**

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**##. Natural Resource Extraction: The commercial development or removal of natural resources including, but not limited to, gravel, water, or peat, but excluding metallic mineral exploration and mining, wind energy development, or solar energy developments.**

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**##. Natural Resource Processing Facility: A facility or operation, and associated site improvements or buildings, that processes raw agricultural or forest products to reduce bulk and enable efficient transportation for sale or further processing. Natural resource processing facilities may include temporary or permanent structures, or mobile processing equipment, and may include bunkhouses or similar facilities for temporary worker housing. Natural resource processing facilities do not include agricultural management activities, forest management activities, permanent worker housing, or further processing beyond what is necessary to do close to the source of the raw materials.**

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**##. Permanent Trail: A trail that is owned, managed, and maintained by one or more organizations or public entities for the purpose of allowing public access, and the location of which may vary slightly, but generally remains in the same physical location within a designated corridor.**

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**##. Primary Location: Area identified within the primary location according to Section 10.08-A,C.**

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**##. Recreation Day Use Facility: Site improvements, a building, part of a building, or a group of buildings, not part of a recreational lodging facility, where recreational activities are offered to the public and the offered recreational activities depend on a topographical feature or natural resource that generally is not found in all locations.**

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**##. Recreation Supply Facility: A facility or operation that provides equipment rental, guide services, or pre-prepared food to the recreating public at or near the location of the recreational activity. Recreation supply facilities may be located in a permanent or temporary structure or in a parked vehicle or trailer and shall not include restaurants, general stores, repair shops, or other more intense uses.**

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**##. Recreation-based Subdivision: See Subdivision.**

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**##. Secondary Location: Area identified within the secondary location according to Section 10.08-A,C.**

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**206. Subdivision:**

Except as provided in 12 M.R.S.A. §682-B, “subdivision” means a division of an existing parcel of land into 3 or more parcels or lots within any five-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 five-year period. 12 M.R.S.A. §682(2-A).

Refer to Section 10.25,Q, “Subdivision and Lot Creation” for additional criteria on types of lots that are included or are exempt from this definition.

~~**Level 1 subdivision:** Any subdivision that does not meet the criteria of a level 2 subdivision is considered a level 1 subdivision.~~

~~**Level 2 subdivision:** Any subdivision that meets the criteria of Section 10.25,Q,2 is considered a level 2 subdivision.~~

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**##. Subdivision Density:**

Low Density Subdivision: A residential subdivision with a minimum lot size of 11 acres, maximum lot size of 25 acres, and an average lot size of greater than 15 acres.

Moderate Density Subdivision: A residential subdivision with a minimum lot size of one acre, maximum lot size of ten acres, and an average lot size between two and four acres.

High Density Subdivision: A residential subdivision with a minimum lot size of 20,000 square feet, maximum lot size of three acres, and an average lot size of less than two acres.

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##. **Subdivision, General Management:** A general management subdivision is a residential subdivision that meets the criteria of Section 10.25,Q.<sup>1</sup>

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##. **Subdivision, Recreation-based:** A recreation-based subdivision is a moderate density, residential subdivision designed to be integrated with a recreational resource, such as a lake or permanent trail.

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<sup>1</sup> [Explanation: Location of this provision in Section 10.25,Q is to be determined.]

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## 10.08 CRITERIA FOR ADOPTION OR AMENDMENT OF LAND USE DISTRICT BOUNDARIES

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### A. GENERAL CRITERIA

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Pursuant to 12 M.R.S.A. §685-A(8-A), a land use district boundary may not be adopted or amended unless there is substantial evidence that:

1. 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 12 M.R.S.A., chapter 206-~~At this chapter~~; and
  2. The proposed land use district 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.
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### B. LOCATION OF DEVELOPMENT

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1. **Applicability.** This subsection, Section 10.08.B, applies to the adoption and amendment of the following development subdistricts, except within the prospectively zoned townships and plantations listed in Section 10.08.D: Commercial and Industrial Development (D-CI), General Development (D-GN), Low Density Development (D-LD), Maritime Development (D-MT), and Residential Development (D-RS). The adoption and amendment of development subdistricts in prospectively zoned townships and plantations is governed by Section 10.08.D. Criteria specific to the location of all other development subdistricts are contained in the individual subdistrict listings in Sub-Chapter II.
2. **Location of Development Criteria.** In order to satisfy the general criteria contained in 12 M.R.S. §685-A(8-A) and restated in Section 10.08.A, a petitioner proposing the adoption or amendment of a development subdistrict must demonstrate, among other things, that the proposed subdistrict is consistent with the Comprehensive Land Use Plan (CLUP). The CLUP addresses the location of development through multiple goals and policies that in aggregate are embodied in the adjacency principle. To demonstrate the adoption or amendment of a development subdistrict is consistent with the portions of the CLUP that address the location of development, the Commission must find that:
  - a. **Emergency Services.** The county, nearby municipality, or other service provider is willing to and will be able to provide fire and ambulance services, for the land uses allowed in the proposed subdistrict. For the purposes of this criterion, Lifelight is not considered an ambulance service. The Commission may waive this requirement for areas proposed as D-RS subdistrict that are either outside the primary and secondary locations, or are within the primary location but located on a Management Class 3 lake more than two miles from a public road, provided the petitioner demonstrates notice of the absence of emergency services will be provided to all subsequent owners of property within the area proposed for rezoning.

- b. Compatibility.** The land uses allowed in the proposed subdistrict shall be compatible with other uses and resources, and reduce or minimize land use conflicts.
- c. Character.** The land uses allowed in the proposed subdistrict shall not unreasonably alter the character of the area.
- d. Area for Development.** The proposed subdistrict shall be located in a primary or secondary location, in accordance with Section 10.08-A, unless the proposed subdistrict is: a D-MT subdistrict, or a D-CI subdistrict intended to accommodate a land use that requires access to three-phase power as provided in Section 10.08-A,D,3, or a D-RS subdistrict intended to accommodate a recreation-based subdivision as provided in Section 10.08-A,D,2.
- e. Access to Development.** The land within the proposed subdistrict shall be accessible from a public road by a legal right of access in accordance with Section 10.08-A,E. This criterion does not apply to proposed D-RS subdistricts intended to accommodate the creation of residential lots to be leased on an annual basis, provided lease payments do not exceed the fee for one year and at the time of annual renewal both the lessor and lessee have the legal right to not renew the lease, regardless of cause.

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## **BC. AREAS ADJACENT TO LAKES**

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The review standards listed in Section 10.25,A must be considered in applying the above criteria to proposed changes in subdistrict boundaries adjacent to lakes.

## **CD. PROSPECTIVELY ZONED AREAS**

### **1. ~~Additional~~ Approval Criteria:**

~~In addition to meeting the requirements of Section 10.08,A,1 and 2 above, fF~~ or areas that have been prospectively zoned by the Commission, a petition for adoption or amendment of a development district boundary shall not be approved unless the petitioner demonstrates the proposal meets the requirements of Section 10.08,A and B,2,a through c, as well as that:

- a.** the requested change is needed due to circumstances that did not exist or were not anticipated during the prospective zoning process;
- b.** the new development subdistrict is either contiguous to existing development subdistricts or within areas that are suitable as new growth centers; and
- c.** the change will better achieve the goals and policies of the Comprehensive Land Use Plan, including any associated prospective zoning plans.

List of plantations and townships that have been prospectively zoned by the Commission:

- Adamstown Township, Oxford County
- Dallas Plantation, Franklin County
- Lincoln Plantation, Oxford County
- Magalloway Plantation, Oxford County
- Rangeley Plantation, Franklin County
- Richardsontown Township, Oxford County
- Sandy River Plantation, Franklin County
- Township C, Oxford County
- Township D, Franklin County
- Township E, Franklin County

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## **10.08-A    LOCATIONAL FACTORS FOR ADOPTION OR AMENDMENT OF LAND USE DISTRICT BOUNDARIES**

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### **A.    PURPOSE**

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Locating most new subdistricts for commercial activities and residential subdivisions close to existing development and public services reduces public costs; improves the economic health of existing communities; protects important habitat; and minimizes interference with natural resource-based activities such as forestry, agriculture, and recreation. In some cases, land uses that must be conducted near a natural resource or are closely tied to a natural resource should be allowed to locate away from development to ensure a continued natural resource based economy and a reasonable opportunity for residential development in select locations.

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### **B.    RURAL HUBS**

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The following minor civil divisions are rural hubs: Anson, Ashland, Bethel, Bingham, Calais, Caribou, Carrabassett Valley, Dover-Foxcroft, Eastport, Ellsworth, Eustis, Farmington, Fort Kent, Gouldsboro, Greenville, Guilford, Houlton, Island Falls, Jackman, Jonesport, Kingfield, Lincoln, Lovell, Lubec, Machias, Madawaska, Medway, Milbridge, Millinocket, Milo, Newry, Oakfield, Old Town, Orono, Patten, Presque Isle, Princeton, Rangeley, Rockwood Strip T1 R1 NBKP, Rumfort, Saint Agatha, Sullivan, The Forks Plantation, Unity, Van Buren, Waterford, and Wilton.

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### **C.    PRIMARY AND SECONDARY LOCATIONS**

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- 1. Primary Location.** Each of the following areas within the unorganized and deorganized areas of the State, is within the primary location:
  - a.** Land within 10 miles of the boundary of a rural hub that also is within two miles of a public road;
  - b.** Land within a township listed in Section 10.08-A,C,3, town, plantation, or rural hub that also is within two miles of a public road; and
  - c.** Land within 700 feet of a Management Class 3 lake where the lake has no existing or potential water quality problems and soils are suitable for development.
- 2. Secondary Location.** The following area within the unorganized and deorganized areas of the State is within the secondary location:
  - a.** Land in a rural hub, or in a town, township, or plantation bordering a rural hub, that also is within five miles of a public road and outside the primary location;
- 3. Measuring Distance.** Measurements from a rural hub are made in a straight line from the boundary of the minor civil division. Measurements from a public road are made in a straight line



from the edge of the traveled surface. Neither straight line measurements are made across water bodies, major flowing waters, or interstate highways.

- 4. Area Within Primary Location.** Land within two miles of a public road within the following townships is within the primary location: Kingman Twp., Oxbow North Twp., Prentiss Twp., and Silver Ridge Twp.
- 5. Area Outside Primary and Secondary Locations.** Notwithstanding any provision to the contrary, land within the Prospective Zoning Plan for the Rangeley Lakes Region shall not be eligible for inclusion in the primary or secondary area. Additionally, land within the following townships shall not be eligible for inclusion within the primary or secondary location under Section 10.08-A,C,1,a or 2,a: Bald Mountain Twp., Bowtown Twp., Carrying Place Town Twp., Dead River Twp., Herseytown Twp., Johnson Mountain Twp., Pierce Pond Twp., Soldiertown Twp., T2 R9 WELS Twp., T3 R3 WELS Twp., and T3 R4 WELS Twp..

#### **D. LOCATION-DEPENDENT ACTIVITIES**

- 1. Resource-dependent commercial activity.** Subdistricts for resource dependent commercial activities may be located in areas described in the subdistrict description in Section 10.21.K.
- 2. Recreation-based residential activity.** D-RS subdistricts for recreation-based subdivisions may be located within one-half mile of the following:
  - a. Management Class 4 or 5 lakes;**
  - b. Management Class 7 lakes that have at least one existing dwelling unit per 50 acres of surface area and one existing dwelling unit per one-half mile of shoreline; or**
  - c. Permanent trails.**
- 3. Three-phase power dependent activity.** D-CI subdistricts for commercial or industrial facilities that require three-phase power for operation may be established in any location that is consistent with the locational criteria of Section 10.08,B,2.

#### **E. LEGAL RIGHT OF ACCESS**

When land proposed for rezoning is required to be accessible from a public road by a legal right of access, a petitioner must demonstrate a legally enforceable right to access the land by road or by water.

- 1. Road Access.** A legal right of access by road exists when the land proposed for rezoning:
  - a. Abuts a public road or is part of a larger parcel in common ownership that abuts a public road; or**
  - b. Benefits from an easement, appurtenant to the land, that provides for vehicular access.**

Under either option, if the road over which legal access is provided does not exist, it must be reasonable that the road could be built. Additionally, the access must be sufficient to support the

land uses allowed in the proposed subdistrict, including any associated construction, maintenance and use of structures, and decommissioning. An easement providing for vehicular access may contain reasonable provisions to minimize the burden on the underlying fee owner, such as provisions that: allow for closure of the road during spring mud conditions; allow for closure during the winter to avoid snow plowing, provided pedestrian and snowmobile access is allowed; and establish road standards and reasonable maintenance expectations and responsibilities.

- 2. Access by water.** A legal right of access by water exists when the land proposed for rezoning reasonably may be accessed by boat from a public or private boat launch.

# Sub-Chapter II

## LAND USE SUBDISTRICTS

### 10.21 DEVELOPMENT SUBDISTRICTS

Pursuant to 12 M.R.S. §685-A and consistent with the Commission's Comprehensive Land Use Plan, the following development subdistricts are established:

#### A. COMMERCIAL INDUSTRIAL DEVELOPMENT SUBDISTRICT (D-CI)

##### 1. Purpose

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

##### 2. Description

The D-CI subdistrict shall include:

- a. Areas having existing commercial, industrial or other buildings, structures or uses, that are incompatible with residential uses, including the following:
  - (1) Areas of 2 or more acres devoted to intensive, commercial and/or industrial buildings, structures or uses; except that saw mills and chipping mills and structures devoted to composting of septage, sludge or other residuals affecting an area of 5 acres or less in size shall not be included in this subdistrict unless such areas are part of a larger pattern of development which otherwise meets the criteria for redistricting to this subdistrict D-CI zoning;
  - ~~(2) Areas of 2 or more acres devoted to the commercial extraction of minerals including, but not limited to, borrow pits for sand, fill or gravel, peat extraction and the mining of metals and rock;~~
  - ~~(3)~~(2) Areas of 2 or more acres devoted to refuse disposal including, but not limited to, dumps and sanitary land fill operations;
  - ~~(4)~~(3) Areas used for aircraft landing and takeoff and the storage and maintenance of aircraft;
  - ~~(5)~~(4) Areas of 2 or more acres used for the storage of junk, oil products, or industrial or commercial materials or inventory;
  - ~~(6) Areas of 1 or more acres devoted to operation of a grid scale solar energy generation facility;~~
  - ~~(7)~~(5) Areas of 2 or more acres devoted to buildings, structures or uses similar to those listed in Section 10.21,A,2,a,(1) through ~~(45)~~ that are incompatible with residential uses; and

~~(8)(6)~~ Areas where one or more existing principal buildings exist within a 500 foot radius and where the gross floor area of all such principal building(s) is more than 8,000 square feet provided the uses thereof are incompatible with residential uses.

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

- b.** Areas the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08, are proposed for development that is consistent with the purposes of this subdistrict, and are generally suitable for the development activities proposed.

~~(0) Mineral Extraction. Where such an area is not adjacent to a D-CI subdistrict and redistricted for the purpose of allowing for commercial mineral extraction, once such operations are complete the D-CI subdistrict designation shall automatically revert to the prior subdistrict designation.~~

~~(0) Grid scale solar energy facility. A person petitioning the Commission to establish a D-CI subdistrict for the purpose of allowing a grid scale solar energy facility, establishes a presumption that the area proposed for redistricting is consistent with the portions of the Comprehensive Land Use Plan related to the location of development, upon demonstrating the area to be redistricted is:~~

- ~~(a) Accessible from a public road by a legal right of access that would allow construction, operation, maintenance, and decommissioning of the facility;~~
- ~~(b) Located within one mile of the proposed point of interconnection with the existing transmission grid and no other area suitable for the facility and closer to a point of interconnection is reasonably available to the petitioner, unless the petitioner demonstrates that redistricting an area no more than three miles from the point of interconnection would result in a project location that is compatible with current land uses and does not expand the pattern of development beyond already developed areas; and~~
- ~~(c) Located a reasonable distance from emergency service providers to allow for adequate response in the event of an emergency.~~

~~If no presumption is established, the proposed redistricting will be reviewed for consistency with the portions of the Comprehensive Land Use Plan related to the location of development in a manner similar to other commercial and industrial uses.~~

~~Where an area is redistricted for the purpose of developing a grid scale solar energy facility, the area shall not provide the basis for subsequent redistricting of the area to another development subdistrict, nor shall the area serve to satisfy those requirements for redistricting surrounding areas to development subdistricts pursuant to Section 10.08. Additionally, the D-CI subdistrict shall automatically revert to the prior subdistrict designation if the facility is not developed within a reasonable period or, if built, upon decommissioning of the facility.~~

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

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

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

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

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

- (1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, provided that:
  - (a) The accessory structure is located in a subdistrict that allows the principal use; and
  - (b) The total square footage of the footprint of all new or expanded accessory structures built on a lot within a two-~~(2)~~-year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities;
- (3) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Filling and grading;
- (5) Hand-carry launches: Commercial and private hand-carry launches;
- (6) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
- (7) Road projects: Level A road projects;
- (8) Service drops;
- (9) Signs;
- (10) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
- (11) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

The following uses, and related accessory structures, may be allowed within D-CI subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 ~~and~~

~~Management Class 5~~ lakes, subject to the applicable requirements of Section 10.21,A,3,f,~~g~~ and ~~hg~~ below:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Commercial and industrial: Any commercial and industrial uses, except natural resource extraction;
- (3) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Draining or altering the water table or water level for other than mineral extraction;
- (5) Driveways;
- (6) Filling and grading, which is not in conformance with the standards of Section 10.27,F;
- (7) Hand-carry launches addressed in Section 10.21,A,3,b which are not in conformance with the standards of Section 10.27,L;
- (8) Land application of septage, sludge and other residuals, and related storage and composting activities and structures;
- (9) Land management roads;
- (10) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C, and Level B mineral exploration activities;
- ~~(11) Mineral extraction including the use of mineral processing equipment and associated structural development;~~
- ~~(12) Peat extraction, including the use of any related processing equipment;~~
- ~~(13)~~(11) Recreational lodging facilities:
  - (a) Level C;
  - (b) Level C – Expanded Access;
  - (c) Level D;
  - (d) Level D – Expanded Access; and
  - (e) Level E;
- ~~(14)~~(12) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,A,3,b;
- ~~(15)~~(13) Shoreland alterations, excluding water crossings of minor flowing waters, trailered ramps and hand-carry launches;
- ~~(16)~~(14) Signs which are not in conformance with the standards of Section 10.27,J;
- ~~(17)~~(15) Solar energy generation facility: grid-scale solar energy generation facility not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils;
- ~~(18)~~(16) Solid waste disposal;
- ~~(19)~~(17) Subdivisions: Commercial and industrial subdivisions for uses permitted in this subdistrict;
- ~~(20)~~(18) Timber harvesting;
- ~~(21)~~(19) Trailered ramps: Commercial and private trailered ramps;
- ~~(22)~~(20) Utility facilities, excluding service drops, and wire and pipe line extensions which do not meet the definition of service drops;
- ~~(23)~~(21) Water access ways;
- ~~(24)~~(22) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- ~~(25)~~(23) Water impoundments;

- ~~(26)~~(24) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S.A. §682(19); offshore wind power projects, as defined in 38 M.R.S.A. §480-B(6A); and wind energy development in accordance with 35-A M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- ~~(27)~~(25) Other structures, uses or services that are essential to the uses listed in Section 10.21,A,3,a through c; and
- ~~(28)~~(26) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

**d. Special Exceptions**

The following uses, and related accessory structures, may be allowed within D-CI subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) upon decommissioning of the facility all structures and materials associated with the development will be removed, and affected soils will be replaced or restored to a state such that they could be utilized for active agricultural production; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Solar energy generation facility: grid-scale solar energy generation facility located on soils recognized by the U.S. Department of Agriculture as prime agricultural soils.

**e. Prohibited Uses**

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

**f. Water Quality Limiting Lakes**

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

~~**g. Management Class 2 Lakes (Accessible, Undeveloped, High Value Lakes) as shown on the Commission's Land Use Guidance Maps.**~~

~~With respect to single family dwelling proposals within 500 feet of the normal high water mark of Management Class 2 Lakes, the Commission will require an average density per landownership of no more than one dwelling unit per shore mile.~~

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

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

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

information regarding the applicant's land ownership on the lake:

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

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

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

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

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



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


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**3. Land Uses**

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

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**(3) Commercial:**

(d) Recreation supply facilities that do not involve structural development, are not within one-quarter mile of Management Class 1, 2, or 6 lakes, and that are in conformance with the requirements for such activities in Section 10.27,S;

*[Renumber all subsequent use listings accordingly.]*

**c. Uses Requiring a Permit**

The following uses, and related accessory structures, may be allowed within D-GN subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 ~~and~~ ~~Management Class 5~~ lakes, subject to the applicable requirements of Section 10.21,C,3,g, ~~and h-and-i~~<sup>2</sup> below:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Campsites, Residential;
- (4) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- (5) Commercial and industrial:
  - (a) Facilities having not more than 2,500 square feet of gross floor area including facilities offering food and beverages prepared on the premises, retail stores and services, and laundromats but excluding auto service stations or repair garages and uses which may create a nuisance or unsafe or unhealthy conditions or are otherwise incompatible with residential uses;
  - (b) Recreation supply facilities that do not involve structural development, are not within one-quarter mile of Management Class 1, 2, or 6 lakes, and that are not in conformance with the requirements for such activities in Section 10.27,S; and

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<sup>2</sup> *[Explanation: This proposed change would also be carried out in additional development subdistricts where provisions related to lake management classifications and clustering of development are included at the end of the section. For the purposes of this document, this proposed change is demonstrated in the D-CI, D-GN, D-RF, and D-RS subdistricts. Cluster subdivisions and their location will be addressed as part of the Commission's review of its subdivision layout and design standards.]*

(c) Recreation supply facilities that may involve structural development and are not within one-quarter mile of Management Class 1, 2, or 6 lakes;

- (6) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (7) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
- (8) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (9) Filling and grading which is not in conformance with the standards of Section 10.27,F;
- (10) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.21,C,3,b which are not in conformance with the standards of Section 10.27,L;
- (11) Home occupations: Major home occupations;
- (12) Land management roads;
- (13) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities which are not in conformance with the standards for such activities in Section 10.27,C, and Level B mineral exploration activities;
- (14) Public and institutional: Places of worship and other religious institutions; public, private and parochial schools, public and other institutional buildings such as, but not limited to, libraries, fire stations, post offices, and day nurseries;
- (15) Recreation facilities: Public or private recreation facilities including, but not limited to, parks, playgrounds, and golf courses;
- (16) Recreational lodging facilities:
  - (a) Level B;
  - (b) Level C;
  - (c) Level C – Expanded Access; and
  - (d) Level D (inside the primary geographic allowance area);
- (17) Residential: Single family dwellings, two-family dwellings, and multi-family dwellings;
- (18) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,C,3,b;
- (19) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (20) Signs which are not in conformance with the standards of Section 10.27,J;
- (21) Subdivisions:
  - (a) Residential subdivisions: High and moderate density subdivisions, and
  - (b) Commercial and industrial subdivisions ~~for uses permitted in this subdistrict;~~

*[Renumber all subsequent use listings accordingly.]*

- g. Management Class 2 Lakes** (Accessible, Undeveloped, High Value Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to single family dwelling proposals within 500 feet of the normal high water mark of Management Class 2 Lakes, the Commission will require an average density per landownership of no more than one dwelling unit per shore mile.

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

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

- (1) With respect to subdivisions and commercial, industrial, and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
- (a) area and shoreline length;
  - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
  - (c) development proposed or anticipated, if any.

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

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

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

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

...

*[Explanation: Insert the following new subdistrict in alphabetical order, renumber all subsequent subdistricts, and update all cross-references to the affected portions of Section 10.21 throughout Chapter 10. This document only reflects the adjustment of those sections which include other revisions.]*

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## **F. LOW DENSITY DEVELOPMENT SUBDISTRICT (D-LD)**

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### **1. Purpose**

The purpose of the D-LD subdistrict is to allow for development of well-designed, low density subdivisions in suitable locations. Low density subdivisions are compatible with settings that have patterns of dispersed residential development and do not include sensitive fish or wildlife habitats or exceptional recreation resources. The D-LD subdistrict is designed to allow for the location of low density subdivisions in areas that are easily accessible from towns and villages, but are not within the growth areas of towns or villages, or in other areas where land is in high demand, such as near bodies of standing water greater than 10 acres or major flowing waters.

### **2. Description**

The D-LD subdistrict shall include:

Areas that are proposed for development activities that are consistent with the purposes of this subdistrict; meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08; and are generally suitable for development of the type associated with the uses allowed in the subdistrict when considered in light of the standards of 12 M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto.

Areas within one-half mile of a body of standing water 10 acres or greater, a major flowing water, or the boundary of a rural hub as described in Section 10.08-A,B, shall not be included within the D-LD subdistrict.

### **3. Land Uses**

#### **a. Uses Allowed Without a Permit**

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

- (1) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (2) Forest management activities, except for timber harvesting;
- (3) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (4) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, 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.

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

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

- (1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, provided that:
  - (a) The accessory structure is located in a subdistrict that allows the principal use; and
  - (b) The total square footage of the footprint of all new or expanded accessory structures built on a lot within a two-year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities;
- (3) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size that are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Home occupations: Minor home occupations;
- (7) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
- (8) Road projects: Level A road projects;
- (9) Service drops;
- (10) Signs;
- (11) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
- (12) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

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

- (1) Agricultural management activities that are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Campsites, Residential;
- (4) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- (5) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size that are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size that are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
- (7) Driveways associated with non-residential uses; driveways associated with residential uses that are not in conformance with the standards of Section 10.27,H;
- (8) Filling and grading that is not in conformance with the standards of Section 10.27,F;
- (9) Home occupations: Major home occupations;
- (10) Land management roads;

- (11) Mineral exploration activities: Access ways for Level A mineral exploration activities; Level A mineral exploration activities that are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;
- (12) Residential: Single and two-family dwellings;
- (13) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21,F,3,b;
- (14) Shoreland alterations, including water crossings of minor flowing waters;
- (15) Signs that are not in conformance with the standards of Section 10.27,J;
- (16) Subdivisions,
  - (a) Residential: low density subdivisions;
- (17) Timber harvesting;
- (18) Utility facilities compatible with residential uses other than service drops; and wire and pipe line extensions that do not meet the definition of service drops;
- (19) Water crossings of minor flowing waters that are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (20) Water impoundments;
- (21) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S.A. §682(19); offshore wind power projects, as defined in 38 M.R.S.A. §480-B(6A); and wind energy development in accordance with 35-A M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- (22) Other structures, uses or services that are essential to the uses listed in Section 10.21,F,3,a through c; and
- (23) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

**d. Special Exceptions**

The following uses, and related accessory structures, may be allowed as special exceptions, either singly or in combination, provided the applicant shows by substantial evidence, that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; (c) that there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility; and (d) that surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected:

- (1) Recreational lodging facilities:
  - (a) Level A; and
  - (b) Level B.

**e. Prohibited Uses**

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

*[Insert the following new subdistrict in alphabetical order, renumber all subsequent subdistricts, and update all cross-references to the affected portions of Section 10.21 throughout Chapter 10. This document only reflects the adjustment of those sections which include other revisions.]*

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## **K. RESOURCE--DEPENDENT DEVELOPMENT SUBDISTRICT (D-RD)**

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### **1. Purpose**

The purpose of the D-RD subdistrict is to allow for resource--dependent development in locations near natural resources that would not be suitable for other types of commercial development. Resource--dependent development may be located near raw materials to facilitate extraction, processing, or refinement to reduce bulk before transportation, or near recreational resources, provided development does not result in undue adverse impacts to existing uses or resources. The D-RD subdistrict is designed to allow for the location of recreation supply facilities, recreation day use facilities, grid-scale solar energy facilities; natural resource extraction, or natural resource processing facilities in areas that are distant from other development, but where the location of such a land use (i) will not unreasonably interfere with existing uses, such as forestry and agriculture activities, or with fish and wildlife habitat or other recreation opportunities, and (ii) will not substantially increase the demand for public services.

### **2. Description**

The D-RD Subdistrict shall include:

- a. Areas the Commission determines meet the applicable criteria for redistricting to this subdistrict in Section 10.08, are generally suitable for the development activities proposed, and are proposed for one of the following land uses meeting the following locational requirements:
  - (1) Natural resource extraction or natural resource processing, except that no area shall be designated a D-RD subdistrict for either of these uses if the area is less than one-half mile from: (i) the normal high-water mark of any lake, pond, or river; or (ii) four or more dwellings within a 500-foot radius.
  - (2) Recreation day use facilities near a topographic feature on which the facility depends or within one-quarter mile of a Management Class 4, 5, or 7 lake, and not within one-quarter mile of a Management Class 1, 2, or 6 lake.
  - (3) Recreation supply facilities within one-quarter mile of a water access point on a Management Class, 4, 5, or 7 lake or within one-quarter mile of an access point to a permanent trail, and not within one-quarter mile of a Management Class 1, 2, or 6 lake.
  - (4) Grid-scale solar energy facilities in an area (i) accessible from a public road by a legal right of access satisfying Section 10.08-A,E; (ii) located a reasonable distance from emergency service providers to allow for adequate response in the event of an emergency; and (iii) within one mile of the proposed point of interconnection with the existing transmission grid if no other area suitable for the facility and closer to a point of interconnection is reasonably available to the petitioner seeking to establish a D-RD subdistrict, unless the petitioner demonstrates that redistricting an area no more

than three miles from the point of interconnection would result in a project location that is compatible with current land uses and does not expand the pattern of development beyond already developed areas.

- b.** Reversion of Subdistrict. Once a D-RD subdistrict is no longer used for the land use for which it was created, the subdistrict shall automatically revert to the prior subdistrict(s), unless otherwise rezoned in conformance with 12 M.R.S.A. §685-A(8-A) and the Commission's rules.

### **3. Land Uses**

#### **a. Uses Allowed Without a Permit**

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

- (1) Docking structures: Temporary docking structures for non-commercial use;
- (2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (3) Forest management activities, except for timber harvesting;
- (4) Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S.A. §13: Maine Hazardous Waste, Septage and Solid Waste Management Act;
- (5) Motorized vehicular traffic on roads and trails, and snowmobiling;
- (6) 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;
- (7) Surveying and other resource analysis;
- (8) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (9) Wildlife and fishery management practices.

#### **b. Uses Allowed Without a Permit Subject to Standards**

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

- (1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, provided that:
  - (a) The accessory structure is located in a subdistrict that allows the principal use; and
  - (b) The total square footage of the footprint of all new or expanded accessory structures built on a lot within a two-year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities, including cranberry cultivation; the construction, alteration or maintenance of farm or livestock ponds that are not fed or drained by a flowing water; and the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural management activities;
- (3) Campsites;
- (4) Checkpoint buildings;



- (5) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.21,K,3,b above, less than 1 acre in size that are not fed or drained by flowing waters, in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Driveways associated with residential uses;
- (7) Filling and grading;
- (8) Forest management activities, except for timber harvesting, involving 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;
- (9) Hand-carry launches: Commercial and public hand-carry launches;
- (10) Home occupations: Minor home occupations;
- (11) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
- (12) Mineral extraction operations, less than 5 acres in size;
- (13) Road projects: Level A and B road projects;
- (14) Service drops;
- (15) Signs;
- (16) Trailer ramps: Public trailer ramps;
- (17) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
- (18) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

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

- (1) Campsites, Residential;
- (2) Commercial and industrial:
  - (a) Natural resource extraction;
  - (b) Natural resource processing facilities that may involve structural development, in conformance with the requirements for such activities in Sections 10.27,R and S;
  - (c) Recreation day use facilities that may involve structural development; and
  - (d) Recreation supply facilities that may involve structural development and are not within one-quarter mile of Management Class 1, 2, or 6 lakes;
- (3) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.21,K,3,b, above, that are 1 acre or more in size, or such ponds less than 1 acre that are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with non-residential uses; driveways associated with residential uses that are not in conformance with the standards of Section 10.27,H;
- (5) Filling and grading that is not in conformance with the standards of Section 10.27,F;
- (6) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.21,K,3,b that are not in conformance with the standards of Section 10.27,L;
- (7) Home occupations: Major home occupations;

- (8) Land management roads;
- (9) Mineral exploration activities: Access ways for Level A mineral exploration activities, Level A mineral exploration activities that are not in conformance with the standards of Section 10.27,C, and Level B mineral exploration activities;
- (10) Portable mineral processing or rock crushing equipment;
- (11) Road projects: Level C road projects;
- (12) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (13) Signs that are not in conformance with the standards of Section 10.27,J;
- (14) Solar energy generation facility: grid-scale solar energy generation facility not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils;
- (15) Structures: Non-commercial structures utilized for educational, scientific, or nature observation purposes; structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size; and structures devoted to the storage of sand or salt;
- (16) Timber harvesting;
- (17) Trailered ramps: Commercial trailered ramps and trailered ramps addressed in Section 10.21,K,3,b that are not in conformance with the standards of Section 10.27,L;
- (18) Truck and equipment storage in accordance with Sections: 10.27,R,1.a,(6); 10.27,R,1.b,(6); and 10.27,R,1.c,(6);
- (19) Utility facilities, excluding service drops; and wire and pipe line extensions that do not meet the definition of service drops;
- (20) Water crossings of minor flowing waters that are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (21) Water impoundments;
- (22) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S.A. §682(19); offshore wind power projects, as defined in 38 M.R.S.A. §480-B(6A); and wind energy development in accordance with 35-A M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- (23) Other structures, uses, or services that are essential to the uses listed in Section 10.21,K,3,a through c; and
- (24) Other structures, uses, or services that the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect, and are of similar type, scale and intensity as other allowed uses.

**d. Special Exceptions**

The following uses, and related accessory structures, may be allowed within D-RD subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that (a) upon decommissioning of the facility all structures and materials associated with the development will be removed, and affected soils will be replaced or restored to a state such that they could be utilized for active agricultural production; and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Solar energy generation facility: grid-scale solar energy generation facility located on soils recognized by the U.S. Department of Agriculture as prime agricultural soils.

**e. Prohibited Uses**

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

**f. Water Quality Limiting Lakes**

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

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

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

- (1) With respect to recreation day use, or recreation supply facilities, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
  - (a) area and shoreline length;
  - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
  - (c) development proposed or anticipated, if any.

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

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## **JL. RECREATION FACILITY DEVELOPMENT SUBDISTRICT (D-RF)**

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### **3. Land Uses**

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#### **c. Uses Requiring a Permit**

The following uses, and related accessory structures, may be allowed within D-RF subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 ~~and~~ ~~Management Class 5~~ lakes, subject to the applicable requirements of Section 10.21,J,3,g, ~~and~~ ~~h~~ ~~and i~~ below:

...

#### **d. Special Exceptions**

The following uses, and related accessory structures, may be allowed as special exceptions, either singly or in combination, provided the applicant shows by substantial evidence, that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; (c) that there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility; and (d) that surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected:

(1) Commercial:

(a) Recreation supply facilities that are not within one-quarter mile of Management Class 1, 2, or 6 lakes;

*[Renumber all subsequent use listings accordingly.]*

...

#### **g. Management Class 2 Lakes** (Accessible, Undeveloped, High Value Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to proposals for development units within 500 feet of the normal high water mark of Management Class 2 Lakes, the Commission will require an average density per landownership of no more than one development unit per shore mile as provided for in Section 10.23,A,3.

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

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

- (1) With respect to subdivisions and recreation facilities, recreation lodging facilities, and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
  - (a) area and shoreline length;
  - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
  - (c) development proposed or anticipated, if any.

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

~~(1) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.~~

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

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

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**~~K-M~~. RESIDENTIAL DEVELOPMENT SUBDISTRICT (D-RS)**

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**1. Purpose**

The purpose of the D-RS subdistrict is to set aside certain areas for residential and other appropriate uses so as to provide for residential activities apart from areas of commercial development. The intention is to encourage the concentration of residential type development ~~in and adjacent to existing residentially developed areas~~ in locations where public services may be provided efficiently or that have a close connection to a recreational resource that is suitable for additional use associated with proximate residential development.

**2. Description**

The D-RS subdistrict shall include:

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

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

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

### 3. Land Uses

#### a. Uses Allowed Without a Permit

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

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

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

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

- (1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, provided that:
  - (a) The accessory structure is located in a subdistrict that allows the principal use; and
  - (b) The total square footage of the footprint of all new or expanded accessory structures built on a lot within a two-~~(2)~~-year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities;
- (3) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Driveways associated with residential uses;
- (5) Filling and grading;
- (6) Hand-carry launches: Public hand-carry launches except on Management Class 1 and 2 lakes;
- (7) Home occupations: Minor home occupations;
- (8) Mineral exploration activities: Level A mineral exploration activities, excluding associated access ways;
- (9) Road projects: Level A road projects;
- (10) Service drops;
- (11) Signs;
- (12) Trailered ramps: Public trailered ramps except on Management Class 1 and 2 lakes;
- (13) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
- (14) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

The following uses, and related accessory structures, may be allowed within D-RS subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 ~~and Management Class 5~~ lakes, subject to the applicable requirements of Section 10.21, ~~K~~M, 3, g, ~~and h and i~~ below:

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Campsites, Residential;
- (4) Cemeteries, and family burying grounds in accordance with 13 M.R.S.A. §1142;
- (5) Constructed ponds: Creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Draining, dredging, or alteration of the water table or water level for other than mineral extraction;
- (7) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (8) Filling and grading which is not in conformance with the standards of Section 10.27,F;
- (9) Hand-carry launches: Hand-carry launches addressed in Section 10.21, ~~K~~M, 3, b which are not in conformance with the standards of Section 10.27,L;
- (10) Home occupations: Major home occupations;
- (11) Land management roads;
- (12) Mineral exploration activities: Access ways for Level A mineral exploration activities; Level A mineral exploration activities which are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;
- (13) Public and Institutional: Places of worship, public, private and parochial schools, day nurseries, and public parks and recreation areas;
- (14) Residential: Single and two-family dwellings;
- (15) Road projects: Level B and C road projects, except for water crossings as provided for in Section 10.21, ~~K~~M, 3, b;
- (16) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (17) Signs which are not in conformance with the standards of Section 10.27,J;
- (18) Subdivisions, Residential:
  - (a) Moderate density subdivisions;
  - (b) High density subdivisions in primary and secondary locations
- (19) Timber harvesting;
- (20) Trailered ramps: Trailered ramps addressed in Section 10.21, ~~K~~M, 3, b which are not in conformance with the standards of Section 10.27,L;
- (21) Utility facilities compatible with residential uses other than service drops; and wire and pipe line extensions which do not meet the definition of service drops;
- (22) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;



- (23) Water impoundments;
- (24) Wind projects: Community-based offshore wind energy projects, as defined in 12 M.R.S.A. §682(19); offshore wind power projects, as defined in 38 M.R.S.A. §480-B(6A); and wind energy development in accordance with 35-A M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- (25) Other structures, uses or services that are essential to the uses listed in Section 10.21, ~~K-M~~, 3,a through c; and
- (26) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources and uses they protect, and are of similar type, scale and intensity as other allowed uses.

**d. Special Exceptions**

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

(1) Commercial:

(a) Recreation supply facilities that do not involve structural development and are not within one-quarter mile of Management Class 1, 2, or 6 lakes;

~~(1)(2)~~ Docking structures: New or expanded permanent docking structures;

~~(2)(3)~~ Hand-carry launches: Public hand-carry launches on Management Class 1 and 2 lakes;

~~(3)(4)~~ Marinas;

~~(4)(5)~~ Residential: Multi-family dwellings;

~~(5)(6)~~ Trailered ramps: Commercial and private trailered ramps, and public trailered ramps on Management Class 1 and 2 lakes; and

~~(6)(7)~~ Water-access ways.

**e. Prohibited Uses**

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

**f. Water Quality Limiting Lakes**

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

**g. Management Class 2 Lakes** (Accessible, Undeveloped, High Value Lakes) as shown on the Commission's Land Use Guidance Maps.

With respect to single family dwelling proposals within 500 feet of the normal high water mark of Management Class 2 Lakes, the Commission will require an average density per landownership of no more than one dwelling unit per shore mile.

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

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

- (1) With respect to subdivisions and commercial and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:
  - (a) area and shoreline length;
  - (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
  - (c) development proposed or anticipated, if any.

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

~~(1) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.~~

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

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

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**A. GENERAL MANAGEMENT SUBDISTRICT (M-GN)**


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**3. Land Uses**

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

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

...

**(5) Commercial:**

- a. Natural resource processing facilities that do not involve structural development, in conformance with the requirements for such activities in Section 10.27,S;**

*[Renumber all subsequent use listings accordingly.]*

...

**c. Uses Requiring a Permit**

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

**(1) Campsites, Residential;****(2) Commercial Development:**

- a. Natural resource processing facilities that do not involve structural development, not in conformance with the requirements for such activities in Section 10.27,S;**  
**b. Natural resource processing facilities that may involve structural development, in conformance with the requirements for such activities in Sections 10.27,R and S;**  
**and**  
**c. Recreation supply facilities that do not involve structural development and are not within one-quarter mile of Management Class 1, 2, or 6 lakes;**

*[Renumber all subsequent use listings accordingly.]*

...

**(2021) Subdivisions: ~~Level 2~~General management subdivisions;**

*[Renumber all subsequent use listings accordingly.]*

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**E. GREAT POND PROTECTION SUBDISTRICT (P-GP)**


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**3. Land Uses**

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

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

- (1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, provided that:
  - (a) The accessory structure is located in a subdistrict that allows the principal use; and
  - (b) The total square footage of the footprint of all new or expanded accessory structures built on a lot within a two-~~(2)~~-year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities;
- ~~(3)~~ (3) **Commercial:**
  - ~~(a)~~ (a) Recreation supply facilities that do not involve structural development, are not within one-quarter mile of Management Class 1, 2, or 6 lakes, and that are in conformance with the requirements for such activities in Section 10.27,S;
- ~~(3)~~(4) Constructed ponds: Creation, alteration or maintenance of constructed ponds of less than 4,300 square feet in size which are not fed or drained by flowing waters, provided they are constructed and maintained in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- ~~(4)~~(5) Driveways associated with residential uses;
- ~~(5)~~(6) Filling and grading;
- ~~(6)~~(7) Hand-carry launches: Commercial and public hand-carry launches;
- ~~(7)~~(8) Home occupations: Minor home occupations;
- ~~(8)~~(9) Mineral exploration activities: Level A mineral exploration activities, including associated access ways;
- ~~(9)~~(10) Road projects: Level A road projects;
- ~~(10)~~(11) Service drops;
- ~~(11)~~(12) Signs;
- ~~(12)~~(13) Trails, provided that any associated vegetation clearing or filling and grading are in conformance with the standards of Section 10.27,B,1,b and c,2, and 4 and Section 10.27,F, and provided the trails are constructed and maintained so as to reasonably avoid sedimentation of water bodies;
- ~~(13)~~(14) Trailered ramps: Public trailered ramps; and
- ~~(14)~~(15) Water crossings of minor flowing waters, except for water crossings of minor flowing waters on/for land management roads.

**c. Uses Requiring a Permit**

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

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A;
- (2) Campsites;
- (3) Campsites, Residential;
- (4) Commercial:
  - (a) Recreation supply facilities that do not involve structural development, are not within one-quarter mile of Management Class 1, 2, or 6 lakes, and that are not in conformance with the requirements for such activities in Section 10.27,S;

*[Renumber all subsequent use listings accordingly.]*

...

**d. Special Exceptions**

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

- (4)(5) Commercial:
- (a) Recreation supply facilities that may involve structural development and are not within one-quarter mile of Management Class 1, 2, or 6 lakes;
  - (b) Retail stores and restaurants in Primary Locations, as described in Section 10.08-A,C, with a gross floor area of no more than 2,000 square feet; and

*[Renumber all subsequent use listings accordingly.]*

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**L. SHORELAND PROTECTION SUBDISTRICT (P-SL)**


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**3. Land Uses**

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

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

- (1) Agricultural management activities;
- (2) Commercial:
  - (a) Recreation supply facilities that do not involve structural development, are not within one-quarter mile of Management Class 1, 2, or 6 lakes, and that are in conformance with the requirements for such activities in Section 10.27,S;

*[Renumber all subsequent use listings accordingly.]*

...

**c. Uses Requiring a Permit**

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

- (1) Agricultural management activities which are not in conformance with the standards of Section 10.27,A and cranberry cultivation;
- (2) Campsites;
- (3) Campsites, Residential;
- (4) Commercial:
  - (a) Recreation supply facilities that do not involve structural development, are not within one-quarter mile of Management Class 1, 2, or 6 lakes, and that are not in conformance with the requirements for such activities in Section 10.27,S;

*[Renumber all subsequent use listings accordingly.]*

...

**d. Special Exceptions**

The following uses, and related accessory structures, may be allowed within P-SL subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-

Chapter III, provided that the applicant shows by substantial evidence that (a) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible, and (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Commercial and industrial:
  - (a) Commercial and industrial structures of less than 8,000 square feet which rely on the water resource for their existence; and
  - (b) Recreation supply facilities that may involve structural development and are not within one-quarter mile of Management Class 1, 2, or 6 lakes;

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**10.25 DEVELOPMENT STANDARDS**

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**Q. SUBDIVISION AND LOT CREATION**

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*[This section will be revised in the subdivision standards rulemaking.]*

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**10.27 ACTIVITY-SPECIFIC STANDARDS**

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*[Please see the attached activity standards outline.]*