

**AMENDMENT Y TO
DEVELOPMENT PERMIT DP 4131**

The staff of the Maine Land Use Planning Commission (Commission), after reviewing the application and supporting documents submitted by Arctaris Saddleback Real Estate, LLC for Amendment Y to Development Permit DP 4131, finds the following facts:

- 1. Applicant:** Arctaris Saddleback Real Estate, LLC
1330 Boylston Street
Chestnut Hill, MA 02467

- 2. Agent:** Thomas Federle
Federle Law
254 Commercial Street, Suite 103
Portland, ME 04101

- 3. Date of Completed Application:** June 19, 2021

- 4. Location of Proposal:** Dallas Plantation, Franklin County
Lots 2A and 2B on Tax Plan 01

Madrid Township, Franklin County
Lot 5 on Tax Plan 04

Redington Township, Franklin County
Lot 3 on Tax Plan 01

Sandy River Plantation, Franklin County
Part of Lot 1 on Tax Plan 03
Lots 2 and 3 on Tax Plan 03

- 5. Zoning:** (D-PD) Planned Development Subdistrict
(M-GN) General Management Subdistrict
(P-GP) Great Pond Protection Subdistrict
(P-MA) High Mountain Protection Subdistrict
(P-SL) Shoreline Protection Subdistrict
(P-WL) Wetland Protection Subdistrict

- 6. Lot Size:** 6,325 acres

- 7. Affected Waterbodies:** Saddleback Lake, Rock Pond, Midway Pond, Haley Brook, Rock Pond Stream, Geneva Bog Brook, and two unnamed streams. The Commission has identified Saddleback Lake as a management class 7, resource class 2, accessible, developed lake with significant fisheries resources. Haley Brook, Geneva Bog Brook, and Rock Pond Stream are Class A flowing waters.

8. **Notice of Filing:** Notice of filing of the application was properly made on May 4, 2021 to appropriate parties and the public as required pursuant to *Rules of Practice*, 01-672 C.M.R. Chapter 4 (last revised October 18, 2013).
9. **Plantation Review and Comment:** The proposal was sent out for review and comment to the Dallas Plantation and Sandy River Plantation town offices.
 - A. Dallas Plantation, Franklin County, reviewed the proposal on May 18, 2021 and did not provide comments regarding the proposal.
 - B. Sandy River Plantation, Franklin County, reviewed the proposal on May 26, 2021 and did not provide comments regarding the proposal.
10. **Public Hearing Requests and Public Comment:** No requests for a public hearing or written public comments were received on the application.

BACKGROUND

11. The Administrative History is provided in **Appendix A** to this permit.

PROPOSAL

12. **Employee and short term rental unit “Saddleback House”:** Arctaris Saddleback Real Estate, LLC (applicant or Saddleback) proposes a 24-room dormitory style house with shared bathrooms, common space and kitchen. Saddleback anticipates 30 to 40 employees will occupy the housing unit. If occupancy is available Saddleback will rent out rooms on a short term basis to guest of the mountain. This ski in/ ski out location has been previously permitted by the Commission for two buildings each with six attached homes just downhill from the existing Mountain Brook townhome buildings (see finding of fact number 13 below). A site locus is contained within **Appendix B**. A site plan is contained within **Appendix C**.
13. **Condominium subdivision “Parmachenee A-Frames”:** Saddleback also proposes a 4-acre subdivision with 22 units of detached single family A-Frame style dwellings and one maintenance shed. The subdivision would be located above the existing Mountain Brook Town homes and just below the existing South Branch condominiums. The Parmachenee A-Frame subdivision will replace the 24-unit planned condominium development illustrated in Section IV,A of the Saddleback D-PD development plan. The subdivision will use the FlexDesign layout pursuant to Chapter 10 § 10.25,Q,4,d. A site locus is contained within **Appendix B** and a site plan is contained within **Appendix D**.
14. **Parking Lots:** Two gravel parking areas, with a combined area of 31,300 sq. ft., are proposed between the Saddleback House and Quill Gordon Road providing 77 parking spaces for residents and visitors.

15. Partial surrender of development authorized by DP 4131-I: In July 2006, the Commission approved DP 4131-I¹. While most of the authorized development was completed, Mountain Brook I Building A (six condominium units), and the associated access road, parking, and related utilities were not initiated. Contingent upon permit approval of this DP 4131-Y, Saddleback is seeking to surrender permit approval for the six unbuilt condominium units and the associated infrastructure.

16. Wetland Alteration: As part of the A-frame development, the applicant proposes to fill 870 square feet of a forested freshwater wetland (P-WL3).

REVIEW CRITERIA, ANALYSIS, AND FINDINGS

In approving applications submitted to it pursuant to 12 M.R.S. § 685-A(10) and § 685-B, the Commission may impose such reasonable terms and conditions as the Commission may consider appropriate in order to satisfy the criteria of approval and purpose set forth in these statutes, rules and the Comprehensive Land Use Plan. 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. (*12 M.R.S. § 685-B(4), incorporated into Ch. 10 § 10.24*).

The Commission may not approve an application unless the proposal is otherwise in conformance with this chapter and the regulations, standards and plans adopted pursuant thereto. (*12 M.R.S. § 685-B(4)(E), incorporated into Ch. 10 10.24,E*).

17. Allowed Uses

A. Review Criteria

- (1) Pursuant to Chapter 10 §§ 10.21,H,3 and 9,d, and the Saddleback Development Plan § III,C², all uses approved in the Development Plan shall be allowed. No other use shall be allowed except where the Commission determines that such additional use is consistent with the development plan and with the purpose of the Planned Development Subdistrict (D-PD) subdistrict.

B. Analysis and Findings

- (1) The Saddleback D-PD Development Plan allows for staff housing and allows more condominium development than is currently proposed.
- (2) This proposal includes several elements which are not explicitly addressed by the development plan, specifically the short term rental of rooms in the manner intended, the location of the staff housing, and additional parking. However, the Commission finds that these proposals are consistent with the Development Plan as follows:

¹ DP 4131-I authorized 18 condominium units [referred to as Mountain Brook I] within three buildings, a five lot subdivision [Saddleback Estates], expansion of the subsurface wastewater disposal system, extension/relocation of ski trails, and increased snowmaking.

² Effective January 28, 2021.

- a. In light of development allowed by the development plan, additional parking to support that development is implicit – certainly 56 additional spaces.
- b. In this situation, the Commission has determined that the short-term rental of these rooms is sufficiently comparable to the use as staff housing; and
- c. The adjustment in location for the staff housing is not a material change.

None of these proposals cause or otherwise result in any of the five outcomes cited by Chapter 10 § 10.21,H,9,d.

- (3) Pursuant to the Saddleback D-PD Development Plan § III,C,1,a,e, the development proposed constitute uses allowed by permit.

18. Subdivision Layout and Design, Open Space, and Wildlife Passage

A. Review Criteria

- (1) **Pursuant to Chapter 10 § 10.25,Q,3a**, subdivisions must comply with the subdivision type, density, and layout allowed within the applicable subdistrict.
- (2) **Pursuant to Chapter 10 § 10.25,Q,4**, FlexDesign subdivisions must meet the Commission’s local scale subdivision design objectives and incorporate common open space that includes priority and supplemental conservation areas.

B. Analysis and Findings

- (1) The Parmachenee A-Frame condominiums meets each of the Commission’s local scale subdivision design objectives. The design is a good fit considering its location within an existing resort development and its modest size; it addresses limited resources by making efficient use of land by using existing infrastructure, using in-filling where development is already occurring, and keeping development removed from important resources; it meets the high value resource objective in that no high-value resources have been identified in the immediate project area; and provides for adequate infrastructure. The Commission finds that the proposal satisfies the recreational resources goal in that the subdivision design includes common open space within the subdivision for community gatherings and provides adequate access to existing off-site ski trails within the Saddleback resort. Access to ski trails is shown on the layout plan, and additional access trails will be established concurrent with development of the site.
- (2) The Commission also finds that the Parmachenee Village meets the Common Open Space provisions for FlexDesign subdivision layouts. In designing the subdivision, the applicant considered and did not identify any priority conservation areas or supplemental conservation areas within the 4-acre subdivision, other than areas for access to existing off-site ski trails, that would need to be designated as common open space. The Common Open Space Percentage standard allows, where site conditions indicate less common open space will meet the Commission’s local scale subdivision design objectives, a smaller percentage of common open space within a FlexDesign subdivision. As stated above, the subdivision as proposed meets the Commission’s local scale subdivision design objectives. Also, where another configuration better achieves the Commission’s local scale subdivision design objectives, the common open space does not need to be preserved

in large continuous blocks. The proposed common open space is labeled as such on the subdivision plat, and would be preserved in accordance with the Commission's standards for Common Open Space (Chapter 10, Section 10.25,S)

- (3) The subdivision proposal meets the requirements of Chapter 10, Sections 10.25,Q,3,a, and 4,d, and is allowed by the Saddleback D-PD Development Plan based on the proposed location within the resort development, modest size of the proposal, and lack of high value natural resources in the immediate area. However, the Commission recognizes that additional subdivision development is planned for the resort. Since the Saddleback D-PD Development Plan was intended to provide for well-planned development and the Commission's subdivision standards have changed since the Plan was last approved, the Saddleback D-PD Development Plan needs to be updated to provide a clearer, cohesive, and more predictable framework for future subdivision development, according to the new owner's goals for the property, through which the purposes of the D-PD and the Commission's subdivision standards can be achieved as part of all development at the site individually and collectively.

19. Fire, and Rescue Services

A. Pursuant to Chapter 10 § 10.24, applicants must demonstrate that local fire and rescue services are available and have the capacity to provide services.

B. Analysis and Findings

- (1) Michael Bacon, Fire Chief, Rangeley Fire Rescue, stated in two letters, each dated June 9, 2021 "*...that the Rangeley Fire and Rescue Department is accessible to the proposed location for the Saddleback A Frame Project and the Saddleback House... in Sandy River Plantation, Maine. In case of an emergency, our Fire and Rescue Department would be able to rapidly respond. Rangeley Fire Rescue would request that during the construction of said project a safety briefing be held to discuss proper fire suppression procedures and to address any safety concerns.*"
- (2) Mike Senecal, NorthStar Director, Emergency Preparedness Director, in an email on June 8, 2021, stated that "*Northstar Ambulance a department of Franklin Memorial Hospital provides Emergency Medical Services to the Rangeley region. We are aware of Saddleback's pending applications with the Land Use Land Use Planning Commission for a 22 unit A-frame development and a 24 room employee housing project. Northstar has ample capacity to serve this, and future, developments at Saddleback.*"
- (3) Pursuant to Chapter 10 § 10.24, the applicant submitted letters demonstrating that local fire and rescue services are available and have the capacity to provide services.

20. Right, Title and Interest, Technical and Financial Capacity:

A. Review Criteria

- (1) 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. § 685-B(2)(D), incorporated into Chapter 10 § 10.24*).

- (2) The Commission may not approve an application unless 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 489-E, and the natural resource protection laws, Title 38, sections 480-A to 480-Z. (*12 M.R.S. § 685-B(4)(A), incorporated into Ch. 10 § 10.24,A*).
- (3) The applicant shall retain qualified consultants, contractors, and staff to design and construct proposed improvements, structures, and facilities in accordance with approved plans. (*Chapter 10 § 10.25,C,1*).
- (4) 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. (*Chapter 10 § 10.25,C,2*).

B. Analysis and Findings

- (1) In accordance with the deed recorded on February 3, 2020 in Book 4161 Page 172 of the Franklin County Registry of Deeds, Saddleback Land & Timber Corporation conveyed approximately 6,350 acres of land by deed to Saddleback Community Loan Company, LLC.
- (2) A letter was submitted to the Commission dated April 13, 2021 by Derek DeAndrade of Arctaris Impact Investors, LLC stating that Arctaris Saddleback is fully committed to funding development of the Parmachenee A-Frame and the Saddleback House and has the current financial capacity to do so. A letter dated April 8, 2021 from PNC Bank states that the combined deposit account balance of the Arctaris Partners and the related companies totaled \$69,166,049.79 as of April 7, 2021. The investment account balance totaled \$68,041,526.77 as of April 6, 2021, and that the line of credit availability is \$10,000.
- (3) The applicant stated they will be using the services of its Mountain Operations team, Mainland Development Consultants Inc., Barret Made Design Build, and Federle Law. Additional consultants and sub-contractors used will be licensed and insured.
- (4) The applicant has demonstrated evidence of sufficient right, title or interest to all of the property, and has demonstrated access to adequate financial and technical resources pursuant to Chapter 10 § 10.24.

21. Natural Character, Scenic Character, and Harmonious Fit

A. Review Criteria

- (1) The Commission may not approve an application unless adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure 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. (*12 M.R.S. § 685-B(4)(C), incorporated into Chapter 10 § 10.24,C*).

- (2) The design of proposed development must take into account the scenic character of the surrounding area. Structures must be located, designed, and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways, with attention to designated scenic byways; major water bodies; coastal wetlands; permanent trails; or public property. (*Chapter 10 § 10.25,E,1,a*).
- (3) To the extent practicable, proposed structures and other visually intrusive development must be placed in locations least likely to block or interrupt scenic views as seen from existing roadways, with attention to designated scenic byways, major water bodies, coastal wetlands, permanent trails, or public property. (*Chapter 10 § 10.25,E,1,b*).

B. Analysis and Findings

- (1) The intention of the proposed development is to support existing development with needed lodging within the existing core of the resort to allow for residents and employees to access the resort without having to rely on use of a car, while avoiding sprawling development. The proposed locations of the Saddleback House and the Parmachenee A-frame condominiums are sites with existing road access, sewer, water, power and telecommunications infrastructure. Given that the project is small in scope, located within the existing development for the Saddleback resort, and is not located in a high mountain area of the site, the Commission finds that provisions have been made for a harmonious fit, proposed structures will be located, designed and landscaped to minimize their visual impact; and proposed structures will be placed in locations least likely to interrupt scenic views.

22. Historic Resources

A. Review Criteria

- (1) If any portion of a subdivision or commercial, industrial or other nonresidential 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. (*Chapter 10 § 10.25,E,3*).

B. Analysis and Findings

- (1) The Maine Historic Preservation Commission reviewed the proposal on May 25, 2021 and did not provide comments regarding the proposal. A significant archeological site or structures are not known to be located in the immediate area.

23. Natural Resources

A. Review Criteria

- (1) If a proposed activity requires a permit and will alter 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." U.S. Army Corps of Engineers. (1987) and the "Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region." U.S. Army Corps of Engineers. (Version 2.0, January 2012). (*Chapter 10 § 10.25,P,2,a,(1),(a)*).

- (2) 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 must 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 community or species for such designation. (*Chapter 10 § 10.25,P,4*).
- (3) Pursuant to Chapter 10 § 10.25,2,a,(1),(b) in determining the area of wetland alteration or overall land alteration, all components of a proposal activity, including all phases of a multiphased project, are treated together as constituting one single and complete project.
- (4) Pursuant to Chapter 10 § 10.25,P,2,a,(2),(a), Tier 1 wetland alteration reviews apply to projects altering 4,300 up to 15,000 square feet of P-WL2 wetlands, P-WL3 wetlands, or P-WL1 wetlands where the wetland is included as a P-WL1 wetland of special significance solely on the basis of its containing an S1 or S2 natural community.
- (5) Pursuant to Chapter 10 § 10.25,P,2,b,(1),(a), projects requiring Tier 1, Tier 2, or Tier 3 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.
- (6) Pursuant to Chapter 10 § 10.25,P,2,b,(2), 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.
- (7) The Commission may not approve an application unless adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure 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. (Chapter 10 § 10.24).

B. Analysis and Findings

- (1) The Maine Department of Inland Fisheries and Wildlife (MDIFW) reviewed the proposal and commented on May 28, 2021. MDIFW stated that "*Minimal impacts to wildlife are anticipated for this project.*"
- (2) The Maine Natural Areas Program (MNAP) commented on the proposal May 14, 2021, and stated that "*According to our current information, there are no rare botanical features that will be disturbed within the project site. This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural*

Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site. You may want to have the site inventoried by a qualified field Biologist to ensure that no undocumented rare features are inadvertently harmed.”

- (3) Atlantic Environmental, LLC completed a Wetland Delineation within the proposed Parmachenee A-Frame site on May 4, 2021. One wetland was delineated within the project boundary and was identified as an isolated Palustrine Forested Wetland (PFO) totaling 870 sq. ft. and meets the LUPC definition of a forested freshwater wetland (P-WL3). No streams or vernal pools were identified within the project area.
- (4) Cumulative wetland impacts pursuant to Chapter 10 § 10.25,2,a,(1),(b) including the proposed 870 sq. ft. and past alteration is 27,924 sq. ft.
- (5) The proposal to fill the existing forested wetland meets standards pursuant to Chapter 10 § 10,25,P. The 870 sq. ft. wetland is a small isolated forested wetland and does not have significant wetland functions and values. Critically imperiled (S1) or imperiled (S2) natural communities or plant species were not identified by MNAP and the MDIFW anticipates minimal impacts to wildlife. The location of the Parmachenee A-frame condominiums was chosen for its location within the core of the resort adjacent to existing development with easy access to all amenities of Saddleback, without needing vehicular transportation. The area proposed for development has immediate access to an access road, water, power, sewer, and telecommunications infrastructure, avoiding the disturbance of bringing the infrastructure to the proposed development. Existing development to the north and south of the proposed development and streams located to the east and west of the site create a scenario where avoiding the wetland to develop this area is unavoidable.
- (6) Based on the above facts, the Commission finds that the proposal will not have an undue adverse impact on natural resources.

24. Soil suitability

A. Review Criteria

- (1) The Commission may allow the use of U.S.D.A. Natural Resources Conservation Service (NRCS) Soil Survey published mapping in lieu of any Class C soil survey required in Sections 10.25,G,1,a through c when the published mapping indicates the map unit(s) in the project area is rated with a medium or high potential for low density development. (*Chapter 10 § 10.25,G,1,e,(1)*).
- (2) 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. (*Chapter 10 § 10.25,G,1,e,(4)*).

B. Analysis and Findings

- (1) The U.S.D.A Natural Resource Conservation Service Soil Survey mapped the areas proposed for development as Telos-Chesuncook Association.

- (2) Although soils mapped by U.S.D.A. within the areas of both the Parmachenee A-Frame condominium development and the Saddleback House are mapped as having very low potential for low density development, adjacent condominium developments (South Branch condominiums and Mountain Brook Townhomes), were successfully developed with no issues related to soil conditions.

25. Erosion and Sedimentation Control

A. Review Criteria

- (1) According to the Commission's erosion control standards, 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. (*Chapter 10 § 10.25,M,1,a*).
- (2) Permanent and temporary erosion and sedimentation control measures shall meet the standards and specifications of the "Maine Erosion and Sediment Control Practices Field Guide for Contractors". Maine Department of Environmental Protection (2015) or other equally effective practices. Areas of disturbed soil shall be stabilized according to the "Guidelines for Vegetative Stabilization" or by alternative measures that are equally effective in stabilizing disturbed areas. (*Chapter 10 § 10.25,M,2,a*).
- (3) 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. (*Chapter 10 § 10.25,M,2,b*).
- (4) Permanent soil stabilization shall be completed within one week of inactivity or completion of construction. (*Chapter 10 § 10.25,M,2,g*).
- (5) 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. (*Chapter 10 § 10.25,M,2,h*).

B. Analysis and Findings

- (1) The applicant provided an Erosion and Sediment Control Plan dated April 12, 2021. The plan sufficiently details erosion control methods that would be used to contain sediments to the immediate project site.

26. Subsurface Wastewater Disposal and Water Supply

A. Review Criteria

- (1) Pursuant to Chapter 10 § 10.25,I, no permit may be issued for a project with subsurface wastewater disposal unless an acceptable plan to construct the absorption area is prepared. Where wastewater is to be disposed on-site by a subsurface wastewater system, the system must be designed by a licensed site evaluator or a Maine Licensed Professional Engineer, in accordance with the Subsurface Wastewater Disposal Rules.
- (2) Pursuant to Chapter 10 § 10.25,J,4, for subdivision, the applicant must demonstrate that there is sufficient healthful water supply to serve the needs of the project.

B. Analysis and Findings

- (1) Both the Saddleback House and the Parmachenee A-Frame condominiums would be served by the designed and approved subsurface wastewater system permitted under DP 4131-I.
- (2) A letter sent via electronic mail submitted by Bruce Lancaster, Director, Facility and Property Management, dated April 15, 2021, stated that *“Our current system provides sufficient capacity to service our existing needs including the anticipated needs of the Parmachenee A-Frame development and the Saddleback House Development”* The letter outlined planned upgrades for this year that include: 1) installing a backup generator to protect the system for pressure and prime in the event of an extended power outage. 2) replace aging pump controls with VFD (variable frequency drives), soft start controls and manual controls to better protect them from loss, and 3) increase daily usage capacity by 1000 percent.
- (3) Water quality results from water tests on April 1, 2021 by the Maine Department of Health and Human Services, for the presence of coliform and nitrate, showed negative results for both.

27. Solid Waste Disposal

A. Review Criteria

- (1) Pursuant to Chapter 10 § 10.25,H for all subdivisions, provision shall be made for the regular collection and disposal of site-generated solid waste at a state approved landfill or transfer station, and for the legal disposal of all construction debris, stumps, brush, wood wastes, asphalt and pavement products.

B. Analysis and Findings

- (1) The applicant submitted a letter from Archie’s Inc. dated April 8, 2021, stating that they currently remove solid waste from the Saddleback development and that the company has more than sufficient capacity to handle the additional solid waste generated by the proposed Saddleback House and Parmachenee A-frame condominiums.

28. Phosphorus Control

A. Review Criteria

- (1) Pursuant to Chapter 10 § 10.25,L, subdivisions located within the direct watershed of a body of standing water 10 acres or greater in size must 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.

B. Analysis and Findings

- (1) Discussions between Main-Land Development Consultants (Maine-Land) and Jeff Dennis of the Watershed Management Unit, Maine Department of Environmental Protection, led to a revised version of the Phosphorus Control Summary report, dated June 14, 2021, and revised drainage plans for the Saddleback House and Parmachenee A-Frames, both dated June 11, 2021, submitted by Main-Land. The June 14, 2021 Phosphorus Control Summary report³ considered development that has occurred since 1989 and included calculations for the proposed Parmachenee A-frame condominium development, the Saddleback House, and the mid-mountain lodge, a pending application submitted to the Commission on February 12, 2021. The conclusions of the report found an annual allowed phosphorus export for the Saddleback ownership to be 14.335 pounds. The existing and proposed phosphorus export was found to be 13.7982 pounds annually, thus leaving a balance, if the three pending applications are approved as proposed of 0.5368 pounds. In an email dated June 15, 2021, Jeff Dennis stated that “...*the estimate of phosphorus export from the 6/14/21 revision of this project is as accurate as the model allows and will not exceed the site’s phosphorus budget. I do not have further issues with the phosphorus Control Plan for these 2 development proposals but have not confirmed the accuracy of the remaining amount of phosphorus in Saddleback Mountain’s phosphorus budget.*”
- (2) The proposed Saddleback House and Parmachenee A-Frame development will not exceed the allowable per-acre phosphorus allocation for Saddleback Lake.

29. Vehicular Circulation, Access and Parking and Condominium Association

A. Review Criteria

- (1) Pursuant to Chapter 10 § 10.25,D,1, provisions must 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 must 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 attributed to the development in its fully operational stage.
- (2) Pursuant to Chapter 10 § 10.25,D,4,(4),(b), if an association is proposed for maintenance of roads and common infrastructure, documents necessary for establishing the association must be drafted and implemented. The documents must provide for mandatory lot owner

³ The report appropriately excludes the phosphorus previously allocated for Mountain Brook I Building A, which is being surrendered through this permit.

or lessee membership, lot owner or lot lessee rights and privileges, association responsibilities and authority, operating procedures, proper capitalization to cover operating costs, and the subdivision developer's responsibilities until development sufficient to support the association has taken place. Responsibilities of the association must include the maintenance of common property, infrastructure, or facilities; assessing annual charges to all owners or lessees to cover expenses; and the power to place liens on property of members who fail to pay assessments.

B. Analysis and Findings

- (1) Parmachenee A-Frame condominiums: The existing access road from the Parmachenee Road is approximately 14-18 feet wide. The internal loop road will branch off of the existing access road and will be 14 feet wide and approximately 1,200 feet long. The internal loop road will be a one way traffic flow and will flow in a counterclockwise direction to avoid traffic congestion.
- (2) Saddleback House: The existing Quill Gordon Road, an approximately 20 ft. wide gravel road informally called the maintenance road leads to the proposed Saddleback House access road which is proposed to be an 18 ft. wide crowned gravel two way road which is approximately 250 ft. in length.
- (3) Adequate provisions have been made for safe and efficient vehicular access to and within the proposed development areas.
- (4) The applicant has provided a draft of association bylaws for the Parmachenee A-Frame Condominiums, which meets the standards pursuant to Chapter 10 § 10.25,D,4,(4),(b).

30. Structure Setbacks

A. Review Criteria

- (1) Pursuant to Chapter 10 § 10.26,G,1, dimensional requirements applicable to D-PD subdistricts must be established by the Commission pursuant to the provisions of section 10.21, provided that the shoreline setback requirements hereof must not be reduced.

B. Analysis and Findings

- (1) The current Saddleback D-PD Development Plan does not establish particular setbacks, however, numerous prior permits within the D-PD have established a 25 foot minimum structure setback from interior access roads, 50 feet from other secondary roads, and 75 feet from the Saddleback Mountain Road, 75 feet from streams, and 25 feet from property side and rear property lines.
- (2) The Parmachenee A-Frame dwellings will be greater than 75 feet from streams and greater than 25 feet from access roads and side lot lines. The related maintenance building will meet the 75 foot setbacks from streams and side lot lines but would be less than 5 feet from an existing land management road. Provided that the land management road is re-routed or the maintenance building is either reduced in size, reconfigured, or located so the land management road and the proposed maintenance building are more

than 25 feet, the Commission finds that the proposal will comply with Commission setback requirements.

- (3) The Saddleback House will be greater than 75 feet from streams and greater than 25 feet from side lot lines. The setback from the access road will be approximately 300 feet.

CONCLUSIONS

1. The proposal meets the requirements of Chapter 10, Section 10.21,H,3, because the proposed expansion of the Saddleback resort development is consistent with the Commission approved Development Plan for the Saddleback D-PD subdistrict.
2. The proposal meets 12 M.R.S. § 685-B(4)(A), Section 10.24,A, and Sections 10.25,C,H,I, and J regarding technical and financial capacity, solid waste and sewage disposal, controlling offensive odors, and sufficient healthful water supply based on the information provided by the applicant as discussed in Findings 20, 26, and 27 of this decision document.
3. The proposal meets the requirements of 12 M.R.S. § 685-B(4)(B) and Sections 10.24,B and 10.25,D regarding vehicular access and traffic circulation because the existing and proposed interior access roads comply with the Commission's standards for Class 1 and 2 roadways and the applicant has provided for sufficient parking. The proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries.
4. The proposal meets the requirements of 12 M.R.S. § 685-B(4)(C) and Sections 10.24,C, 10.25,E, and 10.25,Q,3,d,(1) regarding harmonious fit, existing uses, scenic character, and natural and historic resources provided that a safety briefing is held with the Rangeley Fire and Rescue Department to discuss fire suppression procedures and to address any other safety concerns, and, prior to Commission approval of any additional on-site subdivisions, a program to achieve suitable common open space connectivity and wildlife passage through or around on-site development consistent is approved by the Commission.
5. The proposal meets the requirements of 12 M.R.S. § 685-B(4)(D) and Sections 10.24,D,10.25,G, and 10.25 M regarding soil erosion, reduction in the capacity of the land to adsorb and hold water, and suitable soils, based on the erosion control plan provided by the applicant and the successful development that has already occurred on the property.
6. In conformance with 12 M.R.S. § 685-B(4)(F) and Section 10.24,F, the proposed development is not located on a lot in a subdivision requiring approval of the Commission based on the Commission's review of the administrative history for the resort parcel.
7. In further conclusion, if carried out in compliance with the conditions below, the Commission concludes that the proposal is otherwise in conformance with the Commission's statutes and the regulations, standards, and plans adopted pursuant thereto, provided that the land management road near the proposed location of the maintenance building the Parmachenee Village is relocated to meet the Commission's dimensional requirements. 12 M.R.S § 685-B(4)(E) and Section 10.24,E.

Therefore, the staff approves the application of Saddleback Community Loan Company, LLC for Amendment Y to Development Permit DP 4131, with the following conditions:

1. All conditions of Development Permit DP 4131 (as amended) and Zoning Petition ZP 372-C shall remain in effect, except as superseded or modified by subsequent amendments.
2. The proposed maintenance shed for the Parmachenee A-frame condominiums must be moved or the land management road needs to be moved to meet the 25 foot setback from the existing land management road.
3. Any transfer of interest in any portion of the property subject to this or other permitting by the Commission must specifically include reference to the Saddleback D-PD and the related Development Plan, and any other applicable permits. The transferee must comply with all conditions of any such permit as they may pertain to the property interest transferred.
4. Before the transfer of individual units within the Parmachenee condominium subdivision, the developer must first obtain a certificate of compliance (COC) from the Commission. Upon request the Commission will issue partial COC's for individual units as soon as such units are completed to a stage such that LUPC can be reasonably assured that the final completion will be in compliance with permit requirements. Before issuance of a partial or full certificate of compliance, the loop road must be constructed, the individual unit(s) must be constructed, and a final subdivision plat and association By-Laws have been registered in the Franklin County Registry of deeds. The final copy of the registered By-Laws must provide for mandatory lot owner or lessee membership, unit owner membership, unit owner or lessee rights and privileges, association responsibilities and authority, operating procedures, proper capitalization to cover operating costs, and the subdivision developer's responsibilities until development sufficient to support the association has taken place. Responsibilities of the association must include the maintenance of infrastructure, assessing annual charges to all owners or lessees to cover expenses; and the power to place liens on the property of members who fail to pay assessments.
5. During construction, a safety briefing must be held with the Rangeley Fire and Rescue Department to discuss fire suppression procedures and to address any other safety concerns. The applicant must maintain evidence that this safety briefing occurred and make that evidence available to the Commission upon request.
6. Temporary and permanent sedimentation control measures must be implemented to effectively stabilize all areas of disturbed soil and to trap sediment from runoff before it leaves the construction site. Erosion and sediment control measures must follow the approved erosion and sedimentation control plan.
7. Construction activities authorized in this permit must be substantially started within two years of the effective date of this permit and substantially completed within five years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
8. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to,

natural resources protection and air and water pollution control regulations and the Subsurface Wastewater Disposal Rules of the Maine Department of Environmental Protection and the Maine Department of Human Services.

9. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
10. The permittee shall not advertise Land Use Planning Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.
11. Prior to Commission approval of any additional subdivisions at Saddleback, a program to achieve suitable common open space connectivity and wildlife passage through or around on-site development consistent with Section 10.25, Q, 3, d, (4), (d) must be approved by the Commission.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Use Regulation law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT WILTON, MAINE, THIS 24th DAY OF JUNE, 2021.



By: Joshua Brown, Senior Regional Representative
For Judy East, Executive Director

Appendix A

Administrative History

Appendix A: Administrative History

Development Existing Prior to the Planned Development Subdistrict

1. Prior to September 23, 1971, the Saddleback Mountain ski resort was developed with two base lodges, a maintenance garage, two accessory structures, a snowmaking pump house, four ski lifts, and 18 ski trails. The first base lodge was constructed in 1959, and the second base lodge was constructed in 1968. After construction of the second base lodge, the older lodge building was used as an indoor resting, picnic, and locker area for skiers. An accessory structure in the base lodge area that housed the original sewage disposal system for the White Birch Condominiums is now used for storage.
2. After September 23, 1971, but prior to the establishment of the (D-PD) Planned Development Subdistrict, the Rock Pond I and the White Birch Condominium Complexes (Reference Development Permit (DP) 287 and Subdivision Permit (SP) 3123), and various expansions and modifications to existing ski area facilities were developed on the site. During this period the Maine Department of Environmental Protection also issued a Site Location permit for the facilities at the Saddleback ski resort. All 33 permitted Rock Pond I Condominiums, permitted under SP 3123 as amended, have been constructed and sold.

Development Authorized under Zoning Petition ZP 372, which established the Planned Development Subdistrict, and DP 4131

3. In February of 1989 the Commission approved Zoning Petition (ZP) 372 and the associated Development Plan¹. This decision established a D-PD Subdistrict on 1960 acres of the 11,750 acres owned by Saddleback Mountain, Inc. and Franklin Timberlands, Inc. and approved a Development Plan to create a "destination" ski resort. The Development Plan granted preliminary approval for condominium and apartment development, and ski trail expansions with associated ski lifts and snowmaking facilities, subject to certain conditions and limitations.
4. Public hearings on ZP 372 and Amendment A to ZP 372 were held in August of 1988 and November of 1991, respectively. Intervenor status was granted to the Appalachian Mountain Club, Appalachian Trail Club, Appalachian Trail Conference, Maine Appalachian Trail Club, Maine Audubon Society, Natural Resources Council of Maine, and Wilderness Society. The National Park Service participated as a government agency.
5. In October of 1994 the Commission approved Amendment A to ZP 372, authorizing additional land uses and development activities in the Development Plan. Section VII of the Development Plan authorized a time extension until April 30, 2004 for approval of the Development Permit.

¹ Note: Until September 2018 the Commission's rules, ZP 372, and DP 4131 referred to "Preliminary Development Plan" and "Final Development Plan" which caused confusion. Following a 2018 revision of Chapter 10, subsequent zoning decision documents and permits now refer to "Development Plan" and "permit approval." While ZP and DP decision documents use the terminology in use at the time, this administrative history employs the current terminology throughout.

*Appendix A: Administrative History
Regarding ZP 372 and DP 4131*

6. In April of 1991, Saddleback Mountain, Inc. and Franklin Timberlands, Inc. submitted an application to the Commission for DP 4131 for permit approval for the list of uses allowed within the D-PD Subdistrict. At the same time Amendment A to DP 4131 was submitted for the first phase of development. The request for Amendment A was withdrawn in February of 1995, but the request for the DP 4131 was subsequently put on hold, pending resolution of certain outstanding issues, including discussions with the National Park Service regarding the potential for impact to the Appalachian Trail and financial capacity.
7. In September of 2003, Saddleback Mountain Inc. and Franklin Timberlands, Inc. sold 8,087 acres of their 11,750 acre parcel to Saddleback Land and Timber Corporation, including the entire 1960 acre D-PD Subdistrict.
8. In February of 2004, Saddleback Land and Timber Corporation and Saddleback, Inc. submitted a revised proposal for the first phase of the DP 4131. The proposal requested permit approval for Sections VI,A,1,2, and 3; B; C; and D of the Development Plan [‘Activities and Uses Allowed Without a Permit’, ‘Activities and Uses Allowed by Notification with Annual Reporting’, and ‘Existing Uses and Structures’]; clearing of the trees for six new trails; and an 18-month time extension to gain permit approval. The request was approved by the Commission on March 31, 2004, with changes in the language to accommodate activities that could have the potential for an adverse impact on the Appalachian Trail, and activities approved under previous development permits that would expire.
9. In April of 2004, staff approved Amendment B to DP 4131 authorizing the reconstruction and expansion of the existing base lodge (built in 1968 at elevation 2,450 feet) at the same location. The existing Ski Patrol Building and existing original base lodge (built in 1959) were removed and those facilities were incorporated into the expanded lodge. The total increase in base lodge area buildings footprint was 5,795 square feet. An assessment of the user capacity and water use of the base lodge was completed. The services offered by the base lodge remained the same but were expanded. The water use was estimated to be less than half the 93 gallons per minute combined capacity of the two wells serving the Rock Pond I Condominium Complex, and that an adequate water source was available if additional water was needed. However, the White Birch Spring has continued to have an adequate supply for the base lodge. The Division of Health Engineering approved the expanded base lodge’s interim use of the existing Rock Pond Condominium combined sewage disposal system until a new, large engineered system to serve the ski resort could be constructed.
10. In July of 2004, the Commission approved Amendment C to DP 4131 authorizing an expansion of the snowmaking facilities, as follows: upgrade of existing above-ground piping along ski trails, installation of new above and below ground piping along ski trails; 12,600 linear feet of buried feeder pipe; pump house #2 near Saddleback Lake; and a water intake pipe into Saddleback Lake. In conjunction with the expanded snowmaking capacity, the Commission authorized the water withdrawal from Saddleback Lake as a snowmaking water source to replace the use of a small constructed pond near the base lodge and Rock Pond. The feeder pipe, pump house #2, and the intake pipe are located outside of the D-PD Subdistrict boundaries.
11. In August of 2004, staff issued Amendment D to DP 4131 authorizing a large engineered system to serve the base lodge and a new maintenance facility; an underground and above-

*Appendix A: Administrative History
Regarding ZP 372 and DP 4131*

ground utility line expansion; replacement and expansion of two ski lifts; completion of the six ski trails that were cleared under DP 4131; expansion of the Silver Doctor Ski Trail (Trail #9); a new maintenance facility; a gravel secondary road to access the new maintenance facility; and a parking area in the location of the old maintenance facility. The old maintenance facility is scheduled to be removed by fall of 2005, after which time the area will be converted to a parking lot.

12. In November of 2004, staff issued Amendment E to DP 4131 authorizing a privately owned and maintained, above-ground, 34.5 kVA, 3-phase electric utility line, extending 3.3 miles from Route 16 to a point at least 12 feet from pump house #2 near Saddleback Lake. Beyond the pump house, the utility line is underground and follows the route approved under Amendments C and D (also the route of the buried snowmaking intake pipe and gravity feed sewage disposal pipe).
13. In July of 2005, the Commission approved Amendment F to DP 4131 which included:
 - A. The Rock Pond II Condominium Complex, consisting of 30 condominium units, an access road, driveways and parking areas on an 8.36 acre parcel abutting the west side of the Rock Pond I Condominium Complex;
 - B. The South Branch Townhouse Apartments, consisting of 24 condominium units, a driveway, and parking areas on a 3.11 acre parcel abutting the northwest side of the White Birch Condominium complex;
 - C. Two new downhill ski trails and relocation of a portion of an existing ski trail located within the area of the existing downhill ski trail system; and
 - D. Additional snowmaking capacity on four ski trails (Trail #23, Red Devil, Warden's Worry, and Dusty Miller), including a total of 8,800 linear feet of new piping. The extent of the drawdown of Saddleback Lake for snowmaking would remain the same as the level approved under Amendment C.

All approved development would be located within the boundaries of the D-PD Subdistrict, and set back more than 400 feet from the subdistrict boundary. For the condominium complexes, no more than 20,000 square feet (footprint) would be under construction at any one time.

14. In November of 2005, the Commission approved Amendment G to DP 4131 which was jointly issued to the Rangeley Lakes Cross Country Ski Club and the Saddleback Land & Timber Corporation. Amendment G authorized a cross-country ski facility, to be owned and operated by the Rangeley Lakes Cross Country Ski Club, which included a base lodge located along the Saddleback Mountain Road and a network of cross-country ski trails, some of which are in a Mountain Area Protection (P-MA) Subdistrict. Amendment G also authorized the addition of a 5 acre parcel to the D-PD Subdistrict to accommodate the facility. A public hearing was held on the proposal on October 4, 2005 in Sandy River Plantation.
15. In September of 2005, the Commission approved Amendment H to DP 4131 granting an extension of the deadline to October 1, 2006 for Development Plan approval of all components of the Development Plan that were approved under Amendment A to ZP 372 in 1994 (see #3 to #9, above). By October 1, 2006, the applicants were required to determine which of the

*Appendix A: Administrative History
Regarding ZP 372 and DP 4131*

activities approved in the Development Plan under ZP 372-A would be included in the Development Plan, and which would be dropped.

16. In July of 2006, the Commission approved Amendment I to DP 4131 authorizing construction of five house lots and one timeshare condominium complex with associated utilities and wastewater disposal; expansion of the large engineered subsurface waste water disposal system located near Saddleback Lake; extension and relocation of two ski trails; and expansion of the snowmaking infrastructure, including increased water withdrawal. The development authorized was “substantially started” within the required 24 months of approval; the authorization to construct the remaining units is still valid.
17. In September of 2006, the Commission approved Amendment J to DP 4131 modifying Condition #1 of Amendment H requiring the applicants to submit for processing an amended Development Plan prior to October 1, 2006 as opposed to submittal of a development permit application.
18. In July of 2007, the Commission approved Amendment B to ZP 372 amending the Development Plan and rezoning an additional 1,898 acres of the applicants’ parcel from M-GN, P-GP, P-WL, P-MA, P-RR, and P-SL Subdistricts to D-PD Subdistrict. The revised plan provided a comprehensive 10- year schedule for expansion of the ski resort. Additional activities granted approval in the revised Development Plan included, but are not limited to: condominium development, house lot development, a number of facilities to provide amenities, and additional ski trails and ski lifts. The ten-year development plan was proposed to be constructed in at least four phases. A public hearing was held on the proposal on April 11, 2007 in Sandy River Plantation.
19. In April of 2008, the Commission approved Amendment K to DP 4131 for the East Magalloway Subdivision consisting of 22 privately owned house lots, and for the removal of Condition #36 of the revised Development Plan (ZP 372-B) which restricted construction to no more than 20,000 sf at any one time.
20. In April of 2008, pursuant to Section B,7 of the Development Plan, the applicant provided notice to the Commission regarding the replacement of the Kennebago T-bar lift with a quad chair lift.
21. In May of 2008, the Commission approved Amendment L to DP 4131 for Group Two of the South Branch Townhouse Condominium Apartments, Group Two of the Mountain Brook Timeshare Condominium Complex, six new ski trails (3 False Peak and 3 Magalloway Trails), to cut the Magalloway Lift Line, and additional snowmaking pipe on two of the Magalloway Trails with the associated increase in water withdrawal. The Commission also granted approval for the applicants’ wastewater disposal system monitoring plan; and surface water and groundwater use monitoring plans, with the condition that the applicants review their plans with the other two major users in the watershed, Nestle Waters North America, and the Rangeley Water District, and adjust the monitoring plans to best coordinate with these other users. The development was not initiated, and Amendment L has since expired.
22. In August of 2008, staff approved Amendment M to DP 4131 to change the structure setback to streams for the house lots in the East Magalloway Subdivision [reference Amendment K to DP

*Appendix A: Administrative History
Regarding ZP 372 and DP 4131*

- 4131] from 100 ft. to 75 ft., the minimum setback for residential structures required by the Commission in Section 10.26,D,1,a of the Commission's Land Use District and Standards.
23. In August of 2008, pursuant to Section B,3 of the Development Plan, the applicant provided notice to the Commission regarding the widening of the ski trail "the Pass".
 24. In September of 2008, pursuant to Section B of the Development Plan, the applicant provided notice to the Commission regarding the erection of a temporary communications tower at the top of the Kennebago Lift.
 25. In October of 2008, pursuant to Section B of the Development Plan, the applicant provided notice to the Commission regarding the moving and upgrading of a utility cabinet for telephone services.
 26. In November of 2008, staff approved Amendment N to DP 4131 for the installation of snowmaking infrastructure and associated expanded water withdrawals from Saddleback Lake for snowmaking.
 27. In January of 2014, staff approved Amendment O to DP 4131 for a 28 unit recreational vehicle park. The development was not initiated, and the permit has since expired.
 28. In October of 2009, staff approved Amendment P to DP 4131 for the construction of a yurt at the base of the Kennebago quad chair lift.
 29. In February of 2012, staff approved Amendment Q to DP 4131 for a 30-acre timber harvest above 2,700 ft. in elevation.
 30. In July of 2012, staff approved Amendment R to DP 4131 for construction of six condominium units at the Rock Pond I condominium complex. The development authorized was "substantially started" within the required 24 months of approval; the authorization to construct the remaining unit is still valid.
 31. At the close of the 2015 ski season, Saddleback Resort closed operations.
 32. In May of 2017, pursuant to Section B,7 of the Development Plan, the applicant provided notice to the Commission regarding the replacement of the Rangeley Lift and Cupsuptic T-bar.
 33. In July of 2017, pursuant to Section B,7 of the Development Plan, the applicant provided an amended notice to the Commission regarding the replacement of the Rangeley Lift and Cupsuptic T-bar. However, removal and replacement did not commence until the summer of 2020.
 34. In January of 2020, Saddleback Land & Timber Corporation, and Saddleback, Inc. sold the parcel to Saddleback Community Loan Company, LLC (also known as Arctaris Saddleback Company LLC), including the entire 1,960 acre D-PD Subdistrict and related development rights.
 35. In February of 2020, staff approved Amendment T to DP 4131 for the transfer from Saddleback Land & Timber Corporation, and Saddleback, Inc. to Saddleback Community Loan

*Appendix A: Administrative History
Regarding ZP 372 and DP 4131*

Company, LLC, all Commission approved permits and zoning approvals, including without limitation, DP 4131 (including all permits consolidated into DP 4131 and all amendments thereto), GP 3225, and zoning petition ZP 372 (including all amendments thereto).

Amendment T included the first phase to demonstrate financial capacity and technical ability regarding duties and responsibilities, including: i) compliance and monitoring requirements of existing permits relating to safety, stormwater control, waste water management, drinking water quality, and water level and quality monitoring of Saddleback Lake; ii) testing of facility systems and equipment; iii) the removal of above ground portions of the Rangeley Chair Lift and the Cupsuptic T-Bar lines; iv) minor interior remodeling of the base lodge; and v) limited short-term operation of lower lifts as part of the permittee's community outreach.

The applicant committed to suspend or not initiate other explicit and implicit permit approvals or uses allowed by notice regarding the subsequent phases until the Commission approves any future demonstration of financial capacity and technical ability.

36. In June 2020, staff approved Amendment U to DP 4131 confirming the applicant's demonstration of financial capacity and technical ability regarding all remaining authorizations and responsibilities under the Development Plan (i.e., for phase 2 of the permit transfer), therefore removing the temporary limitations proposed by the applicant and approved by the Commission in Amendment T of DP 4131.
37. In July 2020, application for Amendment U to DP 4131 was submitted for reconstruction of the warming hut near the upper terminal of the Rangeley Chairlift; however, the application was withdrawn later that month because the applicant determined that the structure needs to be more than a warming hut in order to accommodate the volume of skier traffic anticipated from the new detachable quad lift being installed to replace the Rangeley Chairlift.
38. In December 2020, Saddleback Resort reopened and resumed operations.
39. In January of 2021, the Commission approved Amendment C to ZP 372 which amended the Development Plan and rezoned an additional 1,090 acres of the applicants' parcel from M-GN, P-SL, and P-WL Subdistricts to D-PD Subdistrict. The additional acreage included existing uses and an area related to an anticipated solar energy generation facility. The revised Development Plan added and removed several uses allowed with or without a permit, and added statements required by Chapter 10. The Development Plan was also reorganized and reformatted for user convenience.

Intervenor status was granted to the Maine Appalachian Trail Club. A virtual public hearing on Amendment C to ZP 372 was held in October of 2020.

40. In February of 2021, staff approved Amendment W to DP4131 approving a 32 acre, 4.9 MW(AC) Grid-Scale Solar Generating Facility, to provide energy to Saddleback Mountain Operations.

Appendix B

Site Locus

Proposed Parmachenee A-Frame Village Condominiums

Proposed Employee Housing



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**Saddleback Mountain
DP 4131-Y**

20210427

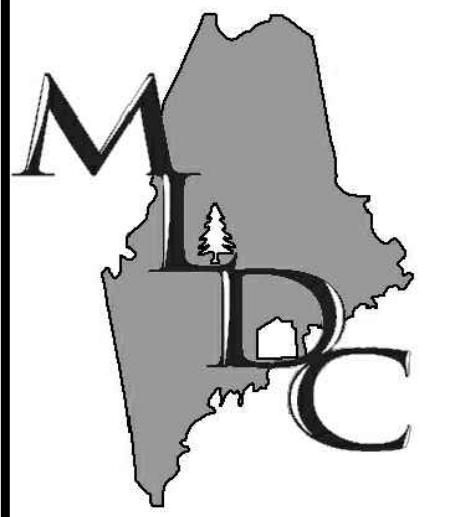


Appendix C

Saddleback House Site And Drainage Plans

NOTES

1. ALL BEARINGS ARE REFERENCED TO MAINE STATE GRID, WEST ZONE, NAD83.



MAIN-LAND
DEVELOPMENT
CONSULTANTS, INC.

69 MAIN ST. LIVERMORE FALLS, MAINE
367 US ROUTE 1 FALMOUTH, MAINE
PH: (207) 897-6752 FAX: (207) 897-5404
WWW.MAIN-LANDDC.COM

PROJECT

**SADDLEBACK STAFF
HOUSING**

SADDLEBACK SKI RESORT

OWNER OF RECORD

**ARCTARIS IMPACT
FUND, LLP**

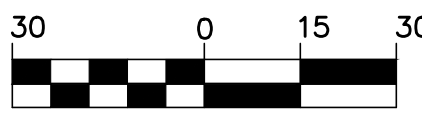
1330 BOYLSTON STREET, SUITE 600
CHESTNUT HILL, MA 02467

MADE FOR

**ARCTARIS
SADDLEBACK REAL
ESTATE, LLC**

254 COMMERCIAL STREET, SUITE 103
PORTLAND, MAINE 04101

DRAWING SCALE:



(IN FEET)
1 INCH = 30 FT

SUBMISSION NOTES:
SUBMISSION 1: 2021-05-21 RWD
FOR LUPC REVIEW

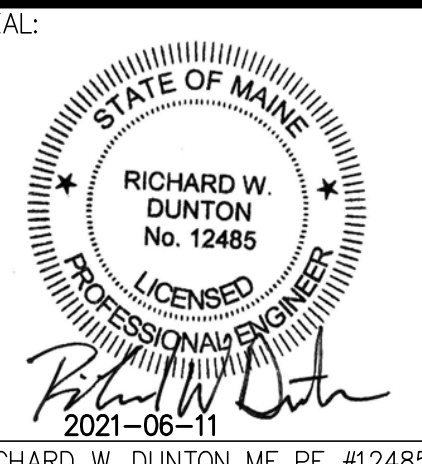
SUBMISSION 2: 2021-05-24 RWD
FOR LUPC REVIEW. ADDITION OF
DRIPSTRIP FILTER.

SUBMISSION 3: 2021-06-11 RWD
FOR LUPC REVIEW. DEP PHOS
COMMENT REVISIONS.

PROJ. MGR: RWD
DRAWN BY: RWD
CHECKED BY: TRD
SUBMISSION NO. 3
SURVEY DATE: N/A
SUBMISSION DATE: 2021-06-11
SUBMITTED FOR: REVIEW

NOT FOR CONSTRUCTION

DRAINAGE PLAN

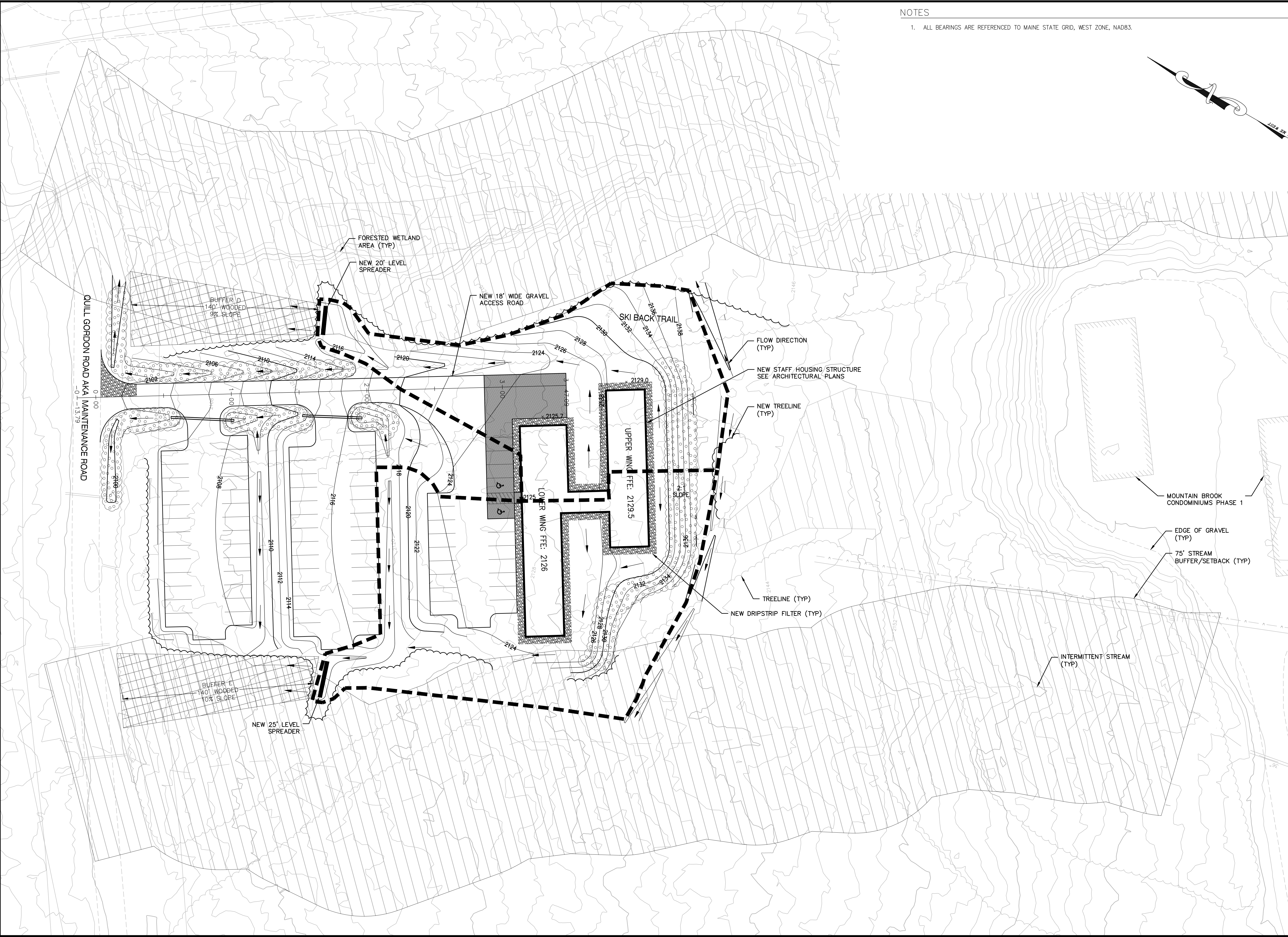
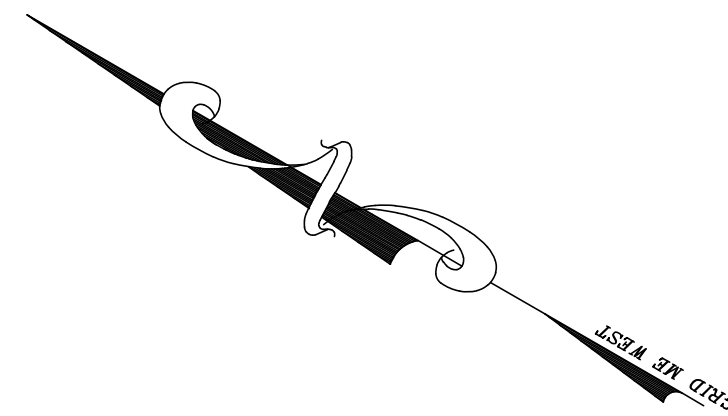


RICHARD W. DUNTON ME PE #12485

DRAWING NO.

D2.1

MLDC NO. 21-073



FORESTED WETLAND
AREA (TYP)

NEW 20' LEVEL
SPREADER

NEW 18' WIDE GRAVEL
ACCESS ROAD

SKI BACK TRAIL

FLOW DIRECTION
(TYP)

NEW STAFF HOUSING/ STRUCTURE
SEE ARCHITECTURAL PLANS

NEW TREELINE
(TYP)

UPPER WING FFE: 2129.5

LOWER WING FFE: 2126

TREELINE (TYP)

NEW DRIPSTRIP FILTER (TYP)

MOUNTAIN BROOK
CONDOMINIUMS PHASE 1

EDGE OF GRAVEL
(TYP)

75' STREAM
BUFFER/SETBACK (TYP)

INTERMITTENT STREAM
(TYP)

BUFFER D
140' WOODED
9% SLOPE

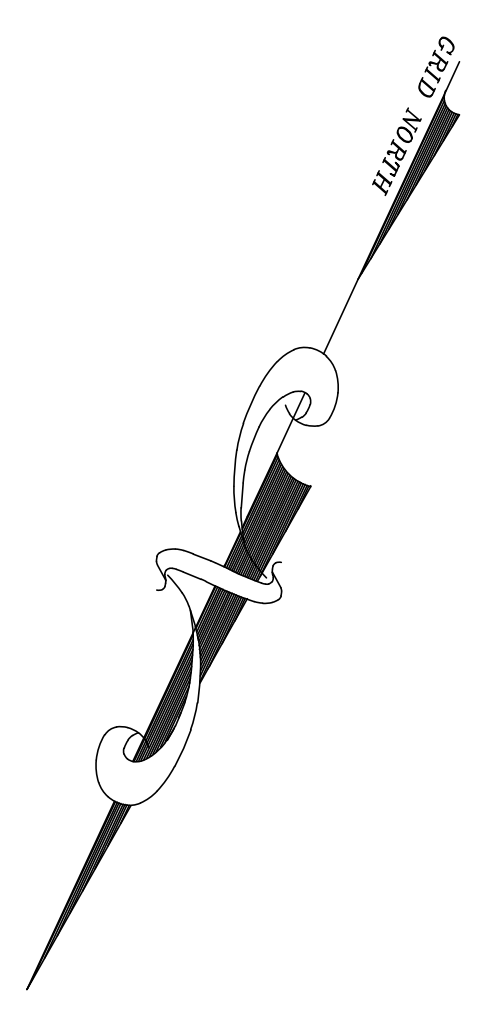
BUFFER E
140' WOODED
10% SLOPE

NEW 25' LEVEL
SPREADER

QUILL GORDON ROAD AKA
MAINTENANCE ROAD

Appendix D

Parmachenee A-Frame Site And Drainage Plans



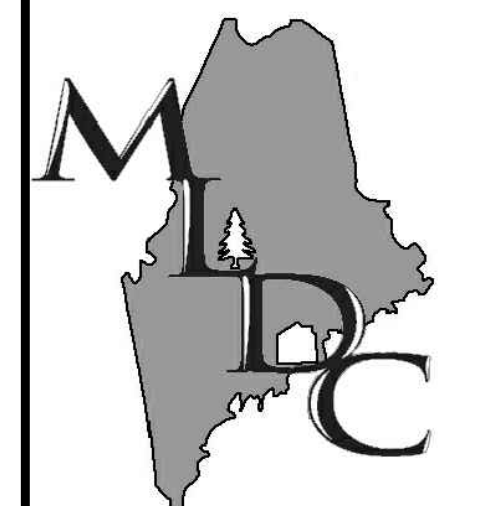
SKI TRAIL



NEW 6" OF LOAM SEED AND MULCH TO ALL DISTURBED AREAS UNLESS OTHERWISE NOTED. PROVIDE EROSION CONTROL MESH ON ALL SLOPES 6:1 OR STEEPER

NOTES

1. ALL BEARINGS ARE REFERENCED TO MAINE STATE GRID, WEST ZONE, NAD83 OR MAGNETIC NORTH 2020.
2. ADD 6" LOAM, SEED AND MULCH TO DISTURBED AREAS UNLESS OTHERWISE NOTED. PROVIDE EROSION CONTROL MESH ON ALL SLOPES 6:1 OR STEEPER, AND ALONG DITCH CHANNELS.
3. GRADE SURFACES TO DRAIN AWAY FROM BUILDINGS. PUDDLING OF WATER IS NOT ACCEPTABLE EXCEPT FOR AREAS DESIGNATED AS PONDS.
4. MAINTAIN TEMPORARY EROSION CONTROL MEASURES FOR THE FULL DURATION OF CONSTRUCTION. INSPECT WEEKLY AND AFTER EACH STORM AND REPAIR AS NEEDED. REMOVE SEDIMENTS FROM THE SITE, PLACE IN AREA OF LOW EROSION POTENTIAL, AND STABILIZE WITH SEED AND MULCH.
5. PLACE TEMPORARY SOIL STABILIZATION WITHIN 7 DAYS OF INITIAL DISTURBANCE. PLACE PERMANENT SOIL STABILIZATION WITHIN 7 DAYS OF FINAL GRADING.



MAIN-LAND

DEVELOPMENT CONSULTANTS, INC.

69 MAIN ST. LIVERMORE FALLS, MAINE
367 US ROUTE 1 FALMOUTH, MAINE
PH: (207) 897-6732 FAX: (207) 897-5404
WWW.MAIN-LANDDC.COM

PROJECT

SADDLEBACK PARMACHENEES A FRAME VILLAGE

SADDLEBACK SKI RESORT

OWNER OF RECORD

ARCTARIS IMPACT FUND, LLP

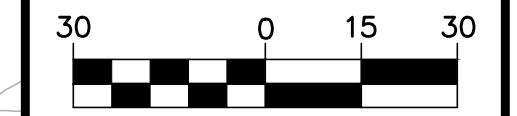
1330 BOYLSTON STREET, SUITE 600
CHESTNUT HILL, MA 02467

MADE FOR

ARCTARIS SADDLEBACK REAL ESTATE, LLC

254 COMMERCIAL STREET, SUITE 103
PORTLAND, MAINE 04101

DRAWING SCALE:



1 INCH = 30 FT

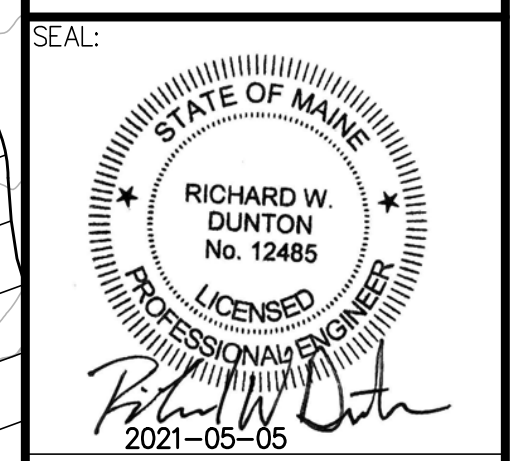
SUBMISSION NOTES:

- SUBMISSION 1: 2020-03-31 RWD FOR CLIENT REVIEW
- SUBMISSION 2: 2020-04-07 RWD FOR CLIENT REVIEW
- SUBMISSION 3: 2020-04-12 RWD FOR LUPC SUBMISSION
- SUBMISSION 4: 2020-04-14 RWD FOR LUPC SUBMISSION
- SUBMISSION 5: 2020-05-03 RWD FOR LUPC RE-SUBMISSION
- SUBMISSION 6: 2020-05-03 RWD FOR LUPC RE-SUBMISSION UPDATED WETLAND INFO

PROJ. MGR:	RWD
DRAWN BY:	RWD
CHECKED BY:	TRD
SUBMISSION NO.:	6
SURVEY DATE:	N/A
SUBMISSION DATE:	2020-05-05
SUBMITTED FOR:	REVIEW

NOT FOR CONSTRUCTION

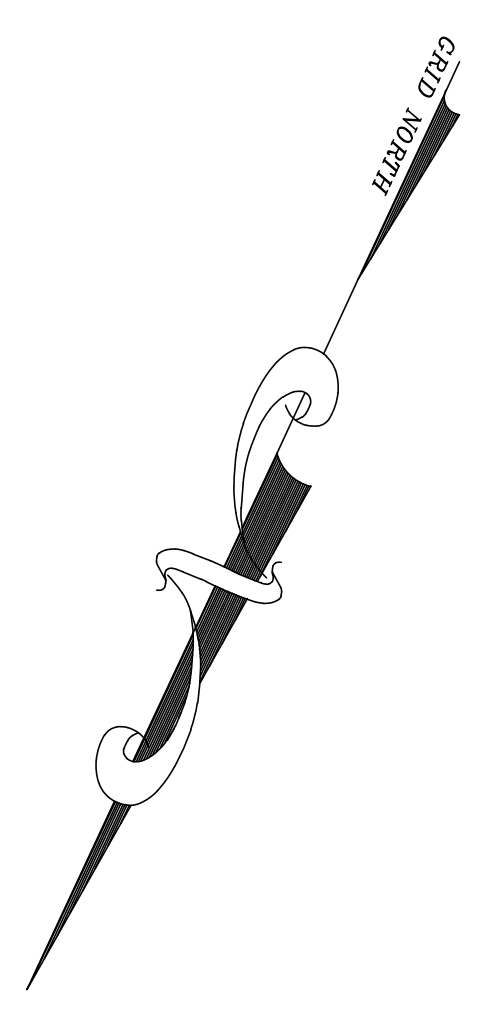
LAYOUT PLAN



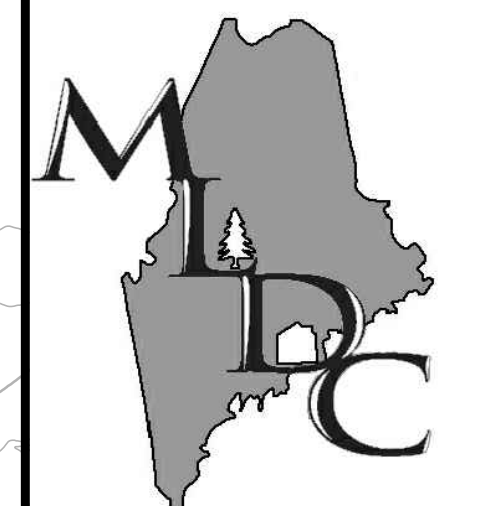
RICHARD W. DUNTON ME PE #12485

DRAWING NO.

C2.1
MLDC NO. 21-073



NOTES
1. ALL BEARINGS ARE REFERENCED TO MAINE STATE GRID, WEST ZONE, NAD83 OR MAGNETIC NORTH 2020.



MAIN-LAND
DEVELOPMENT
CONSULTANTS, INC.
69 MAIN ST. LIVERMORE FALLS, MAINE
367 US ROUTE 1 FALMOUTH, MAINE
PH: (207) 897-6752 FAX: (207) 897-5404
WWW.MAIN-LANDDC.COM

PROJECT
**SADDLEBACK
PARCHENE E A
FRAME VILLAGE**
SADDLEBACK SKI RESORT

OWNER OF RECORD
**ARCTARIS IMPACT
FUND, LLP**
1330 BOYLSTON STREET, SUITE 600
CHESTNUT HILL, MA 02467

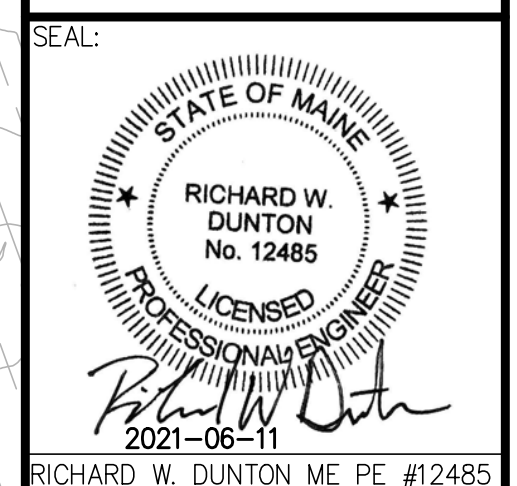
MADE FOR
**ARCTARIS
SADDLEBACK REAL
ESTATE, LLC**
254 COMMERCIAL STREET, SUITE 103
PORTLAND, MAINE 04101

DRAWING SCALE:
40 0 20 40
(IN FEET)
1 INCH = 30 FT

SUBMISSION NOTES:
SUBMISSION 1: 2021-05-21 RWD
FOR LUPC REVIEW
SUBMISSION 2: 2021-05-24 RWD
FOR LUPC REVIEW. ADDITION OF
APPROXIMATE LOCATION OF
EXISTING CULVERT
SUBMISSION 3: 2021-06-11 RWD
FOR LUPC REVIEW. DEP PHOS.
COMMENT REVISIONS

PROJ. MGR: RWD
DRAWN BY: RWD
CHECKED BY: TRD
SUBMISSION NO. 3
SURVEY DATE: N/A
SUBMISSION DATE: 2021-06-11
SUBMITTED FOR: REVIEW
NOT FOR CONSTRUCTION

DRAINAGE PLAN



RICHARD W. DUNTON ME PE #12485
DRAWING NO.
D2.2
MLDC NO. 21-073

