



STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
18 ELKINS LANE, 22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

JANET T. MILLS
GOVERNOR

AMANDA E. BEAL
COMMISSIONER

CERTIFICATION

Maine Department of Environmental Protection
Request for Site Law Certification
Allagash Timberlands LP

AMENDMENT A TO SITE LAW CERTIFICATION SLC 19

Findings of Fact and Determination

The Maine Land Use Planning Commission, through its staff, after reviewing the certification request and the supporting documents submitted by Allagash Timberlands LP for Amendment A to Site Law Certification SLC-19 and other related materials on file, pursuant to the Commission's Land Use Standards, finds the following facts:

1. Department Contact: Maine Department of Environmental Protection (DEP)
Attn: Keegan Feero, Project Manager
106 Hogan Road, Suite 6
Bangor, ME 04401
2. Applicant: Allagash Timberlands LP
Attn: Matthew Collin
300 Union Street
PO Box 5777
Saint John, NB, Canada E2L 4M3
3. Agent: Haley Ward Inc
Attn: Jon Whitten, Jr.
1 Merchants Plaza, Ste 701
Bangor, ME 04401
4. Date of Completed Application: December 21, 2023
5. Location of Proposal: Cross Lake Twp., Aroostook County, Maine
Maine Revenue Service Map AR031, Plan 01, Lots 53-58, 68, 76,
and Lots 106-108 (Subject Parcel)
Northern Aroostook County Registry of Deeds Book 1150, Page 158

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- 6. Zoning: Resource Plan Protection (P-RP) Subdistrict
- 7. Lot Size: Approximately 21,209 Acres (Owned)

INTRODUCTION

- 8. Title 12, § 685-B(1-A)(B-1) establishes that, except for projects in a planned subdistrict that was approved or accepted by the Commission for processing prior to September 1, 2012, a permit from the Commission is not required for a development of state or regional significance that may substantially affect the environment as defined in Title 38, § 482, subsection 2. A project meeting that definition is reviewed under Title 38, § 489-A-1. A person submitting a development proposal to the Department of Environmental Protection under Title 38, § 489-A-1 shall file a notice of the intent to develop and a map indicating the location of the proposed development with the Commission prior to or concurrently with submission of a development application to the Department of Environmental Protection. The Department of Environmental Protection must receive certification from the Commission that the proposed development is an allowed use within the subdistrict or subdistricts for which it is proposed; and the proposed development meets any land use standard established by the Commission that is not considered in the Department's review under Title 38, § 489-A-1, subsection 1 before issuing a permit.

The following Findings, Conclusions, and Conditions constitute the Commission's certification that the Allagash Timberlands LP (Applicant) development in Cross Lake Township, as proposed, meets the applicable Commission Land Use Standards that the DEP would not consider as part of its review under the Site Law.

ADMINISTRATIVE HISTORY

- 9. The Subject Parcel was originally developed with approximately 150 pre-Commission lease lots generally developed with single-family dwellings and accessory structures.
- 10. On September 26, 2019, Zoning Petition ZP 768 was approved by the Commission, rezoning the Applicant's ownership in six abutting townships to a Resource Plan Protection (P-RP) Subdistrict entitled the Fish River Chain of Lakes Concept Plan (Concept Plan, or Plan). Under the Concept Plan, three Residential Development (D-FRL-RS) zones were created in Cross Lake Township on the Subject Parcel and identified in the Concept Plan as Cross Lake A, B, and C. The Concept Plan also had the effect of freezing in time certain provisions of the Commission's Chapter 10 Land Use Districts and Standards and providing additional supplemental standards that apply only within the Plan area. The Plan also includes references to "LUPC Amendable Provisions," which are rules currently in effect everywhere within the Commission's service area, but that could potentially be changed over the life of the Plan by the Commission through routine technical rulemaking activity. These can be found in the Chapter 10 Addendum to the Fish River Concept Plan. In this decision document, standards not otherwise identified as Concept Plan standards are considered LUPC Amendable Provisions.
- 11. On October 25, 2023, the DEP submitted to the Commission a Request for Certification (SLC 19) for the Site Location of Development Act (SLODA) application submitted by the Applicant for the development of a residential subdivision in Cross Lake A. On November 8, 2023, the DEP returned the SLODA application as incomplete.

12. On December 15, 2023, the DEP submitted to the Commission a Request for Certification for the Site Location of Development Act (SLODA) application resubmitted by the Applicant. The application includes Section 1, which presents a description of the project, additional information that addresses the Commission's criteria for certification, and engineering plans, which detail the exact dimensions and locations of the project's components. The Request for Certification asks that the Commission determine if the proposed project is an allowed use within the subdistricts in which it is proposed and if the Project meets the applicable Commission land use standards that are not considered in the DEP review.
13. On December 21, 2023, the Commission issued a Certification of Allowed Use to the DEP stating that the Request for Certification was accepted as complete for processing by the Commission on December 21, 2023 and that the Project, as proposed, is an allowed use within the P-RP subdistrict and the D-FRL-RS zone.
14. On January 10, 2025, the Applicant submitted to the DEP an application under the Natural Resource Protection Act (NRPA) for the Project as required by DEP.

PROPOSAL

15. The Applicant proposes to develop Cross Lake A (Project Area) of the Fish River Chain of Lakes Concept Plan with a 17-lot residential subdivision to be known as "Burnt Landing Camp Lots." The lots would be leased and include legal right of access to a water access site and a parking lot area. Development of the water access site for activities beyond pedestrian water access, by either the Applicant or the proposed tenants association, is not proposed in the current application.

REVIEW CRITERIA, ANALYSIS, AND COMMISSION FINDINGS

The Commission's Land Use Standards that are applicable to certifying compliance of the project, which are not considered in the DEP's review under Title 38, § 489-A-1, subsection 1, are evaluated in Findings #16 through #25 below.

16. Public Health, Safety, and General Welfare:

- A. Review Criteria: 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) and Chapter 10, § 10.24(A)(1).
- B. Analysis: In the application for Zoning Petition ZP 768, the Applicant previously provided information regarding public health, safety, and general welfare. The North Lakes Fire and Rescue and Ambulance Service, Inc. serves the Cross Lake area. In addition, the Aroostook County Sheriff's Office, Maine Department of Public Safety, and Maine State Police provide law enforcement services for Cross Lake Township. These service providers commented during the zoning process and none of them expressed any concerns about their ability to serve Cross Lake A.
- C. Finding: The Commission finds that the ability of North Lakes Fire and Rescue, Ambulance Service, Inc., the Aroostook County Sheriff's Office, and the Maine State

Police to provide emergency services to the Project Area meets the requirements of 12 M.R.S. § 685-B(4) and Chapter 10, § 10.24(A)(1).

17. Right, Title, or Interest:

- A. Review Criteria: 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) and Chapter 10, § 10.24(A)(1).
- B. Analysis: The Applicant has submitted a deed dated March 1, 1999, recorded in the Northern Aroostook County Registry of Deeds in Book 1150, Page 158. The applicant has simultaneously applied for the DEP's SLODA/NRPA permits and a Site Law certification from the Commission. The DEP accepted the SLODA application as complete for processing on January 24, 2024, and the NRPA application as complete for processing on January 13, 2025. When reviewing a site law certification, the Commission's analysis of an applicant's right, title, or interest is based on DEP's determination.
- C. Finding: Allagash Timberlands LP has simultaneously applied for the DEP's SLODA/NRPA permits and the Commission's Site Law Certification. Provided that the DEP finds in their review of the project that the Applicant has sufficient right, title, or interest, the Commission finds that Allagash Timberlands LP has met the requirements of 12 M.R.S. § 685-B(2)(D) and Chapter 10, § 10.24(A)(1).

18. Vehicular Circulation, Access, and Parking:

A. Review Criteria:

- 1) *General Circulation*. Provision shall be made for vehicular access to and within the project premises in such a manner as to avoid traffic congestion and safeguard against hazards to traffic and pedestrians along existing roadways and within the project area. Development shall be located and designed so that the roadways and intersections in the vicinity of the development will be able to safely and efficiently handle the traffic attributable to the development in its fully operational stage. Chapter 10, § 10.25(D)(1).
- 2) *Access Management*. Access onto any roadway must comply with all applicable Maine Department of Transportation safety standards. For subdivisions and commercial, industrial, and other non-residential development, the following standards also apply:
 - a. The number and width of entrances and exits onto any roadway must be limited to that necessary for safe entering and exiting.
 - b. Access must be designed such that vehicles may exit the premises without backing onto any public roadway or shoulder.
 - c. Shared road access must be implemented wherever practicable.

- d. Access between the roadway and the property must intersect the roadway at an angle as near to 90 degrees as site conditions allow, but in no case less than 60 degrees. Chapter 10, § 10.25(D)(2).
- 3) *Subdivision and Development Roadway Design Specifications.* The following standards apply to Level B and Level C road projects.
- a) The Commission shall determine which roadway classification is most appropriate for a particular project. A Class 1 Roadway is generally appropriate for most projects surrounded by a relatively compact development pattern, for high-intensity commercial or industrial projects, and for residential subdivisions with 15 or more lots. Chapter 10, § 10.25(D)(4)(a).
 - b) To the fullest extent practicable, roadways must be designed to first fit the natural topography of the land such that cuts and fills are minimized, and then to minimize the overall length, minimize the use of ditching, and protect scenic vistas while preserving the scenic qualities of surrounding lands. Chapter 10, § 10.25(D)(4)(c)(1).
 - c) Roadways shall adhere to the applicable standards of Section 10.27(D) and Section 10.27(H) and the roadway specifications outlined in Table 10.25(D-1), below, unless the applicant utilizes site-specific best management practices and the Commission determines that proposed alternative roadway specifications will meet the needs of the development and will not cause erosion or safety problems. In accordance with Table 10.25(D-1), Class 1 Roadways must have a minimum roadway surface width of 18 feet or 14 feet with turnouts every 500 feet, on average; a minimum base (coarse gravel) of 18 inches; a minimum wearing surface of 3 inches fine gravel or 2.5 inches bituminous concrete; and a maximum sustained grade of 10 percent. Chapter 10, § 10.25(D)(4)(c)(3).
- 4) *Emergency Egress.* All subdivisions that include a new interior road exceeding one-quarter mile in length must include provisions for all lot owners to have at least two ways of emergency egress from the development. Emergency egress may include: (i) egress by water for subdivisions on water bodies, provided there is a legally enforceable right of egress off the water body such as a public boat ramp or dock, and (ii) may include existing motorized trails maintained for public access, provided all lot owners have a legally enforceable right to access that trail. Chapter 10, § 10.25(D)(4)(d)(1).
- 5) *New Entrances.* Subdivision access must be limited to no more than two new entrances onto an existing roadway within any one-half-mile section of the existing road. Also, where practicable for the proposed development site, subdivision roads must be designed such that new entrances onto existing roads are located directly across from existing entrances on the roadway, allowing for safe cross movement of traffic at the intersection. Chapter 10, § 10.25(D)(4)(d)(2).
- 6) *Road and Infrastructure Maintenance.* Subdivision designs must include a plan for long-term maintenance of the subdivision access roads and common infrastructure,

including but not limited to maintenance of drainage structures, water crossings, and road grading or resurfacing. The plan must include a list of inspection and maintenance tasks, recommended task frequency, and a responsible party.

If an association is proposed for maintenance of roads and common infrastructure, documents necessary for establishing the association must be created. The documents must require lot owner 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. The following governmental entities are not required to be members of road associations: the State; executive branch agencies of the State; counties; municipalities, townships, or plantations; or the federal government. Those governmental entities, however, should work with associations to create an agreement through which, subject to allocation by the Maine Legislature or applicable budgetary authority, the governmental entity would contribute a fair percentage of the minimum maintenance and repair costs through financial contributions or in-kind services. Chapter 10, § 10.25(D)(4)(d)(4).

B. Analysis:

- 1) *Vehicular Circulation and Access Management.* The Project Area would be accessed off Route 161 via the existing West Side Road and other existing gravel roadways. The proposed subdivision access road would intersect the existing roadway at a 90-degree angle and include a cul-de-sac, allowing vehicles to reverse direction and safely exit the Project Area without backing onto a roadway. As part of the review of the Concept Plan, the Maine Department of Transportation (MaineDOT) confirmed that the anticipated amount of new traffic generated from development allowed within the Plan Area would not have an unreasonable effect on the current level of service of these roads or traffic safety.
- 2) *Subdivision Roadway Design Specifications.* The Applicant proposes to construct a Class 1 Roadway to serve the 17-lot residential subdivision. The roadway would be 18 feet wide and approximately 2,425 feet long with the required base and surface materials. The sustained grade would not exceed 10 percent. The roadway is designed to fit the natural topography and would not be visible outside the Project Area. The road design includes the installation of several culverts in accordance with the standards in Section 10.27(D).
- 3) *Emergency Egress.* The Applicant proposes to construct a 10-foot-wide reinforced turf access trail as shown on the Subdivision Plan to provide a second means of emergency egress out of the development. The gravel base of the turf will provide sufficient support for a wide variety of recreational vehicles. All leaseholders would have a legal right to access the trail pursuant to Article II Property Rights of the Declaration of Rights, Covenants, Conditions, and Restrictions for the Burnt Landing Camp Lots Tenant Association.

- 4) *New Entrances*. Excluding the emergency egress trail, the subdivision access would be limited to one entrance. It is not practicable to locate the entrance directly across from existing entrances due to the location of the Project Area (as approved in the Concept Plan) and the existing road network.
 - 5) *Road and Infrastructure Maintenance*. The Applicant has provided long-term plans for inspection, maintaining, and repairing the subdivision access road and emergency egress trail. In addition, the Applicant has submitted documents for establishing the Burnt Landing Camp Lot Tenant Association. The access and trail would be maintained and accessible year-round pursuant to Article III of the Declaration of Rights, Covenants, Conditions, and Restrictions for the Burnt Landing Camp Lots Tenant Association.
- C. Finding: Provided the approved Declaration of Rights, Covenants, Conditions, and Restrictions implementing the plans for road and infrastructure maintenance are executed and recorded in the Registry of Deeds, the Commission finds that the Project meets the applicable requirements of Chapter 10, § 10.25(D) for vehicular circulation, access, and parking.

19. Land Division History and Lot Creation:

- A. Review Criteria: A person may not commence development of or construction on any lot, parcel or dwelling unit within any subdivision or sell or offer for sale any interest in any lot, parcel or dwelling unit within any subdivision without a permit issued by the Commission unless the lot, parcel or dwelling unit is exempt from subdivision requirements. 12 M.R.S. § 682-B, 12 M.R.S. § 685-B(1)(B), and Chapter 10, § 10.25(Q)(1)(g).
- B. Analysis: The analysis of the parcel's 20-year deed history concluded that the lot has not been divided in the past 20 years.
- C. Finding: Based on the information provided and existing deed records, the Commission finds that the proposed project meets the subdivision and lot creation requirements of 12 M.R.S. § 682-B, 12 M.R.S. § 685-B(1)(B), and Chapter 10, § 10.25(Q)(1)(g). There have been no illegal divisions of land stemming from the parent parcel that would have required subdivision approval from the Commission in the preceding 20 years.

20. Subdivision Layout and Design:

- A. Review Criteria.
 - 1) *General Standards for All Subdivision Layouts*. The following standards apply to subdivisions:
 - a) Locations and Layouts. Subdivisions must comply with the subdivision type, density, and general location and layout standards allowed within the

applicable subdistrict consistent with Table 10.25,Q-1, Location and Layout Overview¹. Chapter 10, § 10.25(Q)(3)(a).

- b) Harmonious Fit. Subdivisions shall be designed to harmoniously fit into the natural environment and shall cause no undue adverse impact on existing surrounding uses. When determining “harmonious fit”, the Commission shall consider the existing character of the surrounding area, potential for conflict with surrounding uses, proposed driveway and roadway locations, and proposed lot sizes, among other factors. Chapter 10, § 10.25(Q)(3)(b).
- c) Building Envelopes.
 - i. Building envelopes shall be identified on each lot, designating suitable areas where structural development and permanently maintained cleared openings may occur. Activities not counted as permanently maintained cleared openings include a single driveway for access to the building envelope, cleared areas that are mowed less than twice a year, areas used for agricultural management activities, and trails for recreational access. Chapter 10, § 10.25(Q)(3)(c)(1).
 - ii. Building envelopes shall be shown and labeled on the subdivision plat. In addition, building envelope requirements shall be included in deed covenants for each lot specifying that structural development and permanently maintained cleared openings shall be located within the building envelope as shown on the Commission approved subdivision plan, as it may be amended from time to time. Chapter 10, § 10.25(Q)(3)(c)(2).
 - iii. Building envelopes shall be located and sized to allow conformance with the Commission’s dimensional requirements in terms of minimum water body, road, and property line setbacks, and maximum lot coverage requirements, as provided in Section 10.26; and vegetation clearing standards for shorelines and public roads, as provided in Section 10.27. Chapter 10, § 10.25(Q)(3)(c)(3).
 - iv. Where practicable, building envelopes shall be arranged: (a) in groups, allowing for larger open areas between groups of building envelopes; (b) to avoid placement along ridgelines, on prime farm land soils, in wetlands, or drainage areas, on sustained slopes greater than 20 percent, or over any other topographic or natural feature important to the site; and (c) to maximize privacy afforded to each dwelling unit, such as providing sufficient buffering vegetation and staggering building envelopes. Chapter 10, § 10.25(Q)(3)(c)(4).
- d) Common Open Space.
 - i. Unless another configuration better achieves the Commission’s natural and cultural resource goals listed in Chapter 1 of the Comprehensive Land

¹ Allowed subdivision layouts for Inland areas: Basic, Clustered, FlexDesign and Rural Lot.

Use Plan, any common open space proposed for the subdivision must be preserved in large, contiguous blocks that connect with off-site undeveloped land to form a continuous integrated open space system. Chapter 10, § 10.25(Q)(3)(d)(1).

- ii. The subdivision design shall include suitable common open space for wildlife passage, at least 500 feet in width, around or through the development. The wildlife passage shall be located along the side of flowing waters or wetlands, in a way that links high value wildlife habitats on or off the property, along the property line of any abutting conserved land, or adjacent to one of the boundary lines of the subdivision, to the extent practicable. In addition, lots shall be configured so that groups of lots are separated by at least 500 feet of undeveloped land such that lots within a group do not extend more than 1,320 feet along the existing access road or shoreline. Chapter 10, § 10.25(Q)(3)(d)(3).
 - iii. Common open space within the subdivision shall be preserved and maintained in accordance with the Commission's Chapter 10 rules, Section 10.25(S). Chapter 10, § 10.25(Q)(3)(d)(5).
- e) Legal Right of Access to Subdivision Lots. Any lot in a subdivision created after June 19, 2019 must be accessible from a public road by a legal right of access. The legal right of access may be by road or water.
- i. Leased Lot Exception. The legal right of access requirement for subdivision lots contained in Section 10.25(Q)(3)(f) does not apply to subdivision lots leased on an annual basis for fair market value consideration, and where both the lessor and lessee have the legal right to not renew the lease, subject to applicable statutory notice requirements, regardless of cause. However, as part of the sale of any such leased lot in a subdivision created after June 17, 2019, the seller shall grant the buyer a legal right of access that satisfies Section 10.25(Q)(3)(f)(1) or (2). Chapter 10, § 10.25(Q)(3)(f).
- 2) *Basic Subdivision Layouts.* For Basic subdivision layouts, building envelope size shall be limited to no greater than 40 percent of the size of each lot. Chapter 10, § 10.25(Q)(4)(a)(1).
- 3) *Supplemental Subdivision Standards under the Concept Plan.*
- a) Access to Subdivision. As part of any subdivision review, the applicant must demonstrate that roads will provide adequate access for emergency services, as appropriate given the character of the specific development area. The analysis will include access roads from the subdivision out to an existing public roadway, even if this extends beyond the boundaries of the subdivision being proposed. The level of such service shall be appropriate to the setting, and thus may vary throughout the Plan Area. Concept Plan, § 10.25(Q-FRL)(1).

- b) Subdivision Buffer. Where residential development areas in the D-FRL-RS zone are adjacent to lands in the M-FRL-GN zone, subdivisions shall be designed to provide the opportunity to incorporate sufficient buffers to provide visual separation and some sound attenuation from future forest management operations that may occur on the abutting land. The subdivision plan shall demonstrate that a sufficient buffer is being provided for the subdivision overall (e.g., incorporated buffers into open space or requiring vegetated buffers) or that individual building lots have suitable vegetation and area to allow homeowners the opportunity to preserve a sufficient buffer to provide separation between homes and potential forest management activities. Concept Plan, § 10.25(Q-FRL)(2).
- c) Inspections. Certain areas are subject to independent third-party inspections to determine compliance with standards regarding hillside resources referenced in Section 10.25(E-FRL) and regarding phosphorus control referenced in Section 10.32-FRL. Concept Plan, § 10.25(Q-FRL)(4).
- d) Residential Lots. Upon Commission approval, subdivisions shall be allowed minimal additional lots that, if created, shall be transferred and used only for development related administrative purposes (e.g., subdivision roads, septic systems, common lot, open space, water access site, etc.) Otherwise, the number of lots within any development area or infill will be limited to the number that is consistent with the unit caps in Section 10.28-FRL(C). Concept Plan, § 10.28-FRL(B)(3).
- e) Unit Caps. The maximum number of new residential development units may be distributed as follows, but in no case shall the applicable “Lake Cap” be exceeded in the aggregate. Cross Lake A: maximum of 30 new units with a Lake Cap of 125 units for Cross Lake. Concept Plan, § 10.28-FRL(C)(1).

B. Analysis.

1) *General Standards for All Subdivision Layouts.*

- a) The Applicant’s proposed residential subdivision is located inland. A moderate-density subdivision with a basic layout is proposed consistent with the Table 10.25(Q-1). The subdivision design includes buffering along roads to minimize conflict with surrounding uses, such as forest management activities.
- b) The Applicant submitted a plat that identifies building envelopes sized to comply with the Commission’s dimensional requirements. The subdivision does not abut any public roads. Building envelope requirements have been included in the proposed Declaration of Rights, Covenants, Conditions, and Restrictions, specifying that structural development and permanently cleared areas must be located within the building envelope.
- c) Common open space has been included as a large contiguous block from the northern to southern boundaries of the subdivision. The open space is 500 feet in width, includes a large wetland complex, and is located such that it

separates the groups of lots so that they each do not extend more than 1,320 feet along the road. This common open space would be permanently preserved under the Declaration of Rights, Covenants, Conditions and Restrictions.

- d) The Applicant proposes to lease the subdivision lots on an annual basis; therefore, no deeded right of access is required. Every Tenant would have non-exclusive right of access over and through the roads, in common with the landowner, other tenants, and other third parties, for ingress and egress by pedestrian and vehicular means under the Declaration of Rights, Covenants, Conditions, and Restrictions.
- 2) *Basic Subdivision Layouts.* The proposed subdivision design includes building envelopes no greater than 40 percent of the size of each lot. The subdivision plan includes a table with the lot sizes, building envelope sizes, and percentages.
- 3) *Supplemental Subdivision Standards under the Concept Plan.* The Applicant proposes to upgrade the existing camp road to allow adequate access for emergency services to access the subdivision from Route 161. The subdivision design includes a 50-foot buffer along the southern boundary of the subdivision adjacent to the existing road, and building envelopes are separated from each other by at least 30 feet. The subdivision is not located on a hillside. The proposed 17-lot subdivision includes three additional lots for administrative purposes, a subdivision road, common open space, and a water access site. The number of lots is less than the unit cap of 30 lots for Cross Lake A.
- C. Finding. Provided the approved Site Law Certification, Subdivision Plat, and Declaration of Rights, Covenants, Conditions, and Restrictions are recorded in the Registry of Deeds, and building envelopes and open space are implemented as proposed, the Commission finds that the Project meets the applicable requirements of Chapter 10, § 10.25(Q) and the Concept Plan, § 10.28-FRL.

21. Dimensional Requirements:

A. Review Criteria.

- 1) The minimum lot size for commercial, industrial, and other non-residential uses involving one or more buildings is 40,000 square feet. Concept Plan, § 10.26-FRL(A)(1).
- 2) The minimum lot size for water access sites must be 20,000 square feet, except for water access sites serving more than 20 boats and public trailered ramps, which shall have a minimum lot size of 40,000 square feet. Concept Plan, § 10.26-FRL(A)(4).
- 3) For lots fronting on a standing body of water 10 acres or greater in size, the minimum shoreline frontage must be 100 feet for a lot that contains a hand carry launch. Concept Plan, § 10.26-FRL(B)(2)(d).
- 4) The minimum road frontage must be 100 feet per dwelling for residential uses involving one or more buildings. Concept Plan, § 10.26-FRL(C)(1)(a).

- 5) The minimum road frontage must be 100 feet for a lot that contains a hand carry launch. Concept Plan, § 10.26-FRL(C)(1)(d).
 - 6) For residential principal and accessory structures, the minimum setbacks for structures are 30 feet from roadways in the D-RS-FRL subdistrict; and 15 feet from side and rear property lines. Concept Plan, § 10.26-FRL(D)(2).
- B. Analysis. All proposed residential subdivision lots would be at least 40,000 square feet in size with at least 100 feet of road frontage. None of the residential subdivision lots have frontage on a waterbody. The water access site, which would have to serve less than 20 boats, would be approximately 30,492 square feet in size with 180 feet of frontage on Cross Lake. The building envelopes on the proposed residential lots are set back at least 30 feet from roadways and 15 feet from property lines.
- C. Finding. Provided the building envelopes are implemented as proposed, the Commission finds that the Project meets the dimensional requirements of Concept Plan, § 10.26-FRL(A) through (D).

22. Water Access Sites:

- A. Review Criteria. The number of common water access sites for Cross Lake A is limited to one site to include a hand-carry launch; mooring structures; permanent on-shore structures to secure docks and moorings; facilities for temporary storage of canoes, kayaks, and other small boats; picnic shelter; bulletin boards; pathways; restroom facilities' storage sheds; and similar small-scale accessory structures. Concept Plan § 10.27(L-FRL)(1)(a).
- B. Analysis. The Applicant has identified a common water access site located on the shoreline within the D-FRL-RS zone designated for Cross Lake A. Although the Applicant proposes to provide rights for tenants of the subdivision for pedestrian access to the site, development of the common water access site and parking lot has not been proposed at this time. Should the Applicant or the proposed tenant association decide to develop the water access site and associated parking lot, prior approval of the DEP and Commission would be required.
- C. Finding. The Commission finds that the Project meets the applicable requirements of Chapter 10, § 10.27(L-FRL), provided that all necessary permits are issued prior to any development activities occurring for the water access site and the approved Declaration of Rights, Covenants, Conditions, and Restrictions are recorded in the Registry of Deeds which includes language limiting the tenant rights to pedestrian water access only until development of the water access site is approved and constructed.

23. Associations:

- A. Review Criteria. Common infrastructure, such as roads, open space, water access sites, and stormwater management structures may be managed by a road association or an owner's association. Concept Plan § 10.29-FRL.

- B. Analysis. The Applicant proposes to establish the Burnt Landing Camp Lots Tenant Association pursuant to the Nonprofit Corporation Act, 13-B M.R.S. §§101 et. seq. The Applicant has submitted the Bylaws for the Association as well as the Declaration of Rights, Covenants, Conditions, and Restrictions.
- C. Finding. The Commission finds that, provided a tenant association is incorporated and the approved Bylaws recorded in the Registry of Deeds, the Project meets the applicable requirements of Chapter 10, § 10.29-FRL.

24. Phosphorus Budgets

A. Review Criteria.

- 1) A flexible program to manage total phosphorus export from development activities in Development Areas of the Concept Plan is outlined in the Plan. It also establishes a total phosphorus limit for all activities in both Development Areas and non-development areas within the watershed of Cross Lake. The purpose of the program is to protect water quality by establishing a total phosphorus budget for development activities around each of the four major lakes in the Plan area. Concept Plan § 10.32-FRL(A).
 - 2) *Cross Lake.* The total phosphorus budget for Cross Lake for all activities in the Plan Area within the lake's watershed, including development and new or upgraded land management roads or landings, is 82.16 pounds per year (the "Cross Lake Phosphorus Budget"). All new development in the Cross Lake Development Areas, together with any road construction or upgrades that are intended to facilitate access to the Cross Lake Development Areas, shall not collectively exceed a maximum phosphorus export of 44.00 pounds per year (the "Cross Lake Development Area Phosphorus Budget"). Of this allocation, a minimum of 4.00 pounds per year shall be reserved for allocation within CD-3 or CD-4, and shall not be traded to other Cross Lake Development Areas, though additional allocations to CD-3 and CD-4 can be made. The difference between the Cross Lake Phosphorus Budget and the Cross Lake Development Area Phosphorus Budget is the "Remaining Cross Lake Phosphorus Budget." The remaining budget covers forest management activities and land management roads in the Plan Area within the lake's watershed and any development activities outside the Cross Lake Development Areas except road construction or upgrades noted above in this paragraph, which shall be covered by the Development Area Phosphorus Budget, and development activities on camp lots and back lots. Concept Plan § 10.32-FRL(B)(1)(c).
- B. Analysis. The Applicant has submitted a Cross Lake Development Area Phosphorus Budget Scorecard stating that 4.677 pounds per year of the total 40 pounds per year left in the phosphorus budget for Cross Lake Development Areas would be allotted to Cross Lake A. This amount includes the development of the subdivision, road upgrades for emergency egress, and the future development of the common water access site and an associated parking lot. This project allocation brings the total pounds per year left in the phosphorus budget for Cross Lake Development Areas to 35.323 pounds per year. The details of the phosphorus control plan will be reviewed by DEP per the requirements of their Chapter 500 rules.

- C. Finding. Based on the Applicant's Cross Lake Development Area Phosphorus Budget Scorecard, the Commission finds that the Project meets the applicable phosphorus budget requirements of Chapter 10, § 10.32-FRL.

25. The facts are otherwise as represented in the certification request and the supporting documents submitted by Allagash Timberlands LP for Amendment A to Site Law Certification SLC-19.

FINAL CONCLUSION

Based on the findings set forth above and in addition to the conditions set forth below, the Commission concludes that, with respect to the proposed Project, Allagash Timberlands LP has met its burden of demonstrating that the Project conforms with the applicable Commission statutory and regulatory requirements and plans adopted pursuant to 12 M.R.S Chapter 206-A and meets the Commission's Land Use Standards applicable to the Project that are not considered in the DEP review.

CONDITIONS

Therefore, the Commission CERTIFIES that Amendment A to Site Law Certification SLC 19, submitted by Allagash Timberlands LP for a 17-lot residential subdivision with legal rights to a water access site, complies with the relevant provisions of the Commission's Land Use Standards, subject to the findings of fact and conclusions contained herein, and the following conditions:


1. *Right, title, or interest.* The DEP finds in its SLODA/NRPA permitting decision that Allagash Timberlands LP possesses sufficient right, title, or interest to develop the Project.
2. *Certification and Plat Recording.* The Applicant must record and cross-reference in the Aroostook North County Registry of Deeds this Site Law Certification, SLC 19-A, including the Conditions and the final subdivision plat signed by the Director of the Commission, within 30 days of the date of issuance of the Site Location of Development Act Permit by DEP. Upon such recording of the permit and plat, the Applicant must promptly submit to the Commission a copy of the recorded plat; the book, page, and file numbers for the certificate and plat; and the date of such recordings.
3. *Tenant Association.* Prior to the lease of any subdivision lot, the Applicant must incorporate a tenant association for this subdivision. The incorporated association shall be maintained in perpetuity and may not be dissolved without prior approval from the Land Use Planning Commission. The approved association Bylaws and Declaration of Rights, Covenants, Conditions and Restrictions must be recorded and cross-referenced in the Aroostook North Registry of Deeds. Upon such recording, the Applicant must promptly submit to the Commission a copy of the Recorded documents; the book and page numbers, and the date of such recording. The Declaration of Rights, Covenants, Conditions and Restrictions must include the following language.
 - a. All dwellings, structures, improvements and associated utility services located on the Property, whether by Tenant or by the Association, shall be located, constructed, maintained, repaired and replaced from time to time in accordance with this Declaration, the Subdivision Plan (including design standards set forth thereon

regarding setbacks), the Permits, the Concept Plan, and all other applicable laws, regulations, rules and building codes and permits and approvals issued pursuant thereto.

- b. Dwellings and any other structural development and permanently maintained cleared openings on a Lot shall be located within the building envelope specified for such Lot as depicted on the Subdivision Plan; provided that a single driveway for access to a building envelope and cleared areas that are mowed less than twice a year are not considered permanently maintained cleared openings and therefore not subject [to] the foregoing.
4. *Lot Development.* Except for structures allowed without a permit in compliance with Maine Land Use Planning Commission standards, no structures, buildings or other such construction may be undertaken on any lot, without first obtaining an approved building permit from the Maine Land Use Planning Commission.
5. *Building Envelopes.* All structural development and permanently maintained cleared openings on a Lot shall be located within the building envelope specified for such Lot as depicted on the Subdivision Plan; provided that a single driveway for access to a building envelope and cleared areas that are mowed less than twice a year are not considered permanently maintained cleared openings and therefore not subject to the foregoing.
6. *Water Access Site and Parking Area.* No development of the water access site and associated parking area may be undertaken without first obtaining all required permits from the Maine Department of Environmental Protection and the Maine Land Use Planning Commission.
7. *Open Space.* Open space, including the property line buffer and wildlife corridor, must be conserved and maintained as proposed and shown on the Subdivision Plan.
8. *Monumentation.* All subdivision and lot boundary corners and angle points must be marked by suitable, permanent monumentation in accordance with rules adopted by the Board of Licensure for Professional Land Surveyors, 02-360 CMR 90, Standards of Practice.
9. *Certificate of Compliance.* Prior to the lease of any subdivision lot, the Applicant must obtain a Certificate of Compliance from the Commission in accordance with Section 10.25(Q)(5)(c)(3) of the Commission's Land Use Standards.
10. *Sale of Lease Lots.* Lease lots authorized under this action must not be subsequently sold without first obtaining all required permits from the Maine Land Use Planning Commission and from the Maine Department of Environmental Protection.

Pursuant to Chapter 4 § 4.05(F)(1)(f), a Commission determination to approve or deny a request for certification of a Site Law application pending before the Maine Department of Environmental Protection (DEP) is not a final agency action and is not appealable except as part of the Department of Environmental Protection permitting decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 22ND DAY of JANUARY, 2025.

By: 
Stacie R. Beyer, Executive Director

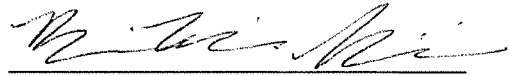
STATE OF MAINE

County of Kennebec, ss,

Date: 1/22/2025

Personally appeared the above named Stacie R. Beyer, in her capacity as Executive Director of the Land Use Planning Commission, and acknowledged the foregoing to be her free act and deed in her said capacity and the free act and deed of the Land Use Planning Commission.

Before me,



Notary Public

BRIANNA MARIE PARISIEN
Notary Public - State of Maine
My Commission Expires June 30, 2029