

Maine Land Use Planning Commission

Revised

MOOSEHEAD REGIONAL PLANNING PACKAGE



September 2, 2022

Contents

PART 1 - INTRODUCTION AND PROCESS OVERVIEW.....	3
A. Introduction.....	3
B. Planning Process Overview.....	3
PART 2 - SPECIFIC PROPOSED PROVISIONS AND BASIS FOR CHANGES.....	4
A. Proposed Zoning Changes.....	4
B. Proposed Revisions to Chapter 10, Section 10-08-A.....	5
1. Removing Primary and Secondary Locations from MCDs in the Moosehead Region.....	5
2. Indian Pond, Brassua Lake, and Long Pond.....	7
ATTACHMENTS.....	8
Attachment 1 - Proposed Development Locations.....	9
Attachment 2 - Location A.....	10
Attachment 3 - Location B.....	11
Attachment 4 - Location D.....	12
Attachment 5 - Location E.....	13
Attachment 6 - Location F.....	14
Attachment 7 - Location I.....	15
Attachment 8 - Existing Configuration of Primary and Secondary Locations.....	16
Attachment 9 - Proposed Configuration of Primary and Secondary Locations.....	17
Attachment 10. Proposed Amendments to Chapter 10 - Redline Version.....	18

Note: This proposal was produced for consideration by the Maine Land Use Planning Commission at its September 14, 2022 regular business meeting. See the [Project Website](#) for additional Commission documents, including the memorandum dated 9/2/2022, for more information about the planning project and process.

PART 1 – INTRODUCTION AND PROCESS OVERVIEW

A. Introduction

When the Moosehead Lake Region Concept Plan was terminated in July of 2020, the entire area subject to the Concept Plan, including identified development areas, were concurrently rezoned as general management zoning and resource-appropriate protection zoning. As part of the termination process, Weyerhaeuser Company and Weyerhaeuser NR Company, the property owner, agreed to provide an opportunity for residents and stakeholders to participate in planning for future land uses in these areas to help implement the community vision created through recent regional planning efforts. The goal was to seek input about what types of development would be suitable in certain areas and to ensure adequate protections for highly valued natural resources. Toward this end, it was agreed that LUPC staff, with stakeholder input, would design and lead a regional planning process to inform and guide Commission land use decisions for the former Concept Plan area, with a goal of final Commission approval of any zoning changes or rule revisions by the end of 2022.

This **Moosehead Regional Planning Package** outlines a series of proposals to implement a stakeholder-informed land use vision for the region. It seeks to incentivize development near Greenville and Rockwood by identifying appropriate development zones near those hubs. The package also proposes removing Primary and Secondary Locations¹ from some of the minor civil divisions (MCDs) located between regional hubs. Many participants in the process considered these areas to be unsuitable for future rezoning that would allow for more intensive types of development like residential subdivisions or commercial development. Both of these components are described in detail below (see Part 2).

B. Planning Process Overview

- Fall 2020 - Obtained initial feedback from the community on proposed regional planning process, geographic scope, community concerns, and areas appropriate for conservation or development
- Winter 2020/21 - Developed a map-based online survey to gather more in-depth information from the public and other stakeholders about locations that matter to them
- Spring 2021 - Used the initial feedback and survey data to develop four [Discussion Scenario Maps](#) representing a variety of future land use scenarios involving zoning changes and/or rule changes related to [locational criteria for development](#)
- Fall 2021 - Sought community feedback on the Discussion Scenario Maps by posting to the project website and hosting both in person and virtual public meetings in the Moosehead region
- Winter 2021/22 - Used feedback from comments and public meetings, combined with additional research and deliberation, to develop a draft Moosehead Regional Planning Package
- Summer 2022 - Sought community feedback on the draft package through written feedback, community meetings, and targeted outreach to landowners; Used this feedback to refine the proposals

¹ For background information on primary and secondary areas, which are a tool used by the Commission as an initial screen for locating new development subdistricts, visit [Location of Development in Maine's Unorganized Territories](#)

PART 2 - SPECIFIC PROPOSED PROVISIONS AND BASIS FOR CHANGES

A. Proposed Zoning Changes

Six new development zones in four MCDs are proposed as described in Table 1 below. General locations of the proposed subdistricts are shown on [Attachment 1, Proposed Development Areas](#), and specific locations are shown on Attachments 2-7. These locations were all designated as development areas under the former Concept Plan for the Moosehead Lake Region and are located near designated Rural Hubs. The areas are all presently zoned as General Management (M-GN) subdistricts and are in current Primary Locations.

Proposed development zoning for these areas includes both D-GN and D-RS subdistricts. As currently configured, the six development zones comprise a total of approximately 1,036 acres, or 6.1% of the 16,910 acres originally designated for development in the now-terminated Moosehead Lake Region Concept Plan².

Table 1. Locations for New Development Subdistricts (Refer to Attachment 1 for location)

Minor Civil Division	Location Designation	Proposed Subdistrict/ Size	Factors Considered/ Basis for Rezoning
Long Pond Township	Location A	D-RS (Residential) / ±15 acres	<ul style="list-style-type: none"> • Currently surrounded by D-RS zones (eliminates outlier) • Any development will still require permitting review to safeguard any significant resources such as vernal pools
Taunton and Raynham Academy Grant	Location B	D-RS (Residential) / ±160 acres (2 parcels)	<ul style="list-style-type: none"> • Near existing residential development and Rockwood • Broad support for concentrating development in or near Rockwood
Taunton and Raynham Academy Grant	Location D	D-RS (Residential) / ±118 acres ³	<ul style="list-style-type: none"> • Near existing residential development • Broad support for concentrating development in or near Rockwood
Big Moose Township	Location E	D-GN (General Development) / ±496 acres	<ul style="list-style-type: none"> • Size of area reduced from draft proposal based on site conditions (primarily slopes) and public feedback • Near existing development in Harford's Point and Greenville • Broad support for concentrating development near Greenville • Near Big Moose Ski Area
Beaver Cove	Location F	D-GN (General Development) / ±7.2 acres (2 areas)	<ul style="list-style-type: none"> • Size reduced from draft proposal in response to concern about wildlife habitat adjacent to Prong Pond • Broad support for this location and concentrating development near Beaver Cove and neighboring Greenville
Big Moose Township	Location I	D-RS (Residential) / ±240 acres	<ul style="list-style-type: none"> • Size of area reduced from draft proposal based on public and agency feedback • Balances the potential need for future residential development near Greenville and the ski area with the removal of Primary and Secondary Locations from Big Moose Township • The proposed zone configuration is based on wildlife considerations, proximity to Routes 6/15, and site conditions including slopes and elevation contour lines, information about soils and wetlands,⁴ and the presence of the railroad tracks.

² This is a reduction from the 1,797 acres (11%) proposed in the draft Regional Planning Package.

³ The draft Regional Planning Package noted ±100 acres. Size incidentally increased due to mapping considerations when identifying points on the parcel for zone boundaries.

⁴ Soils and wetland information obtained from documents submitted by Plum Creek as part of the application for the Concept Plan for the Moosehead Lake Region.

B. Proposed Revisions to Chapter 10, Section 10-08-A

1. Removing Primary and Secondary Locations from MCDs in the Moosehead Region

A. Proposed Action

This Package proposes removing Primary and Secondary Locations from ten minor civil divisions (MCDs) in the planning region as summarized in Table 2. Current and proposed Primary and Secondary Locations are shown on [Attachments 8 and 9](#), respectively. If the proposal goes forward and the changes to Chapter 10 are adopted:

- A total of approximately 73,207 acres are proposed for removal of both Primary and Secondary Locations.⁵
- Approximately 53,638 acres (73%) of the total 73,207 acres proposed for removal are already conserved.
- Approximately 19,569 acres (27%) of the total 73,207 acres proposed for removal are not conserved.
- Approximately 195 individual property owners with property one acre or greater in size would be affected by the proposed removal of Primary or Secondary locations⁶.

Table 2. Minor Civil Divisions Proposed to Be Removed from Primary and Secondary Locations

Minor Civil Division	Resources Present	Factors Considered/ Basis for Removal
Big Moose Township	Moosehead Lake, Big Moose Mountain, Burnham Pond, Indian Pond, Mountain View Pond, East Outlet, Eagle Rock Trail, Big Moose Trail	<ul style="list-style-type: none"> • Broad support for Discussion Scenario 2 • Current Primary and Secondary Locations include sensitive resources • Existing and proposed development zones provides areas for growth near Greenville, including for businesses serving visitors to the ski area • Limits the intensity of any future development on portions of the back side of the mountain • Some rezoning options remain available for the ski area (e.g., expanding the D-GN or rezoning to D-PD)
Bowdoin College Grant West	Upper Wilson Pond	<ul style="list-style-type: none"> • No public road access in existing Secondary Location • Limited area available for development
Lily Bay Township	Moosehead Lake, Lily Bay State Park, Burgess Brook, North Brook, Lily Bay Brook, Tussle Lagoon	<ul style="list-style-type: none"> • Broad support for Discussion Scenarios 2 and 4 • Broad support for limiting the potential for more intensive development in Lily Bay Township
Long Pond Township	Long Pond, Moose River, Mountain Brook, Twelvemile Bog, Fogg Pond, Churchill Stream, Northern Forest Canoe Trail	<ul style="list-style-type: none"> • Support for limiting development on the southeastern portion of Long Pond • Current Primary and Secondary Locations include sensitive resources (e.g., rare plants, and an extensive complex of wetlands) • Limited area available for development

⁵ In response to the draft package, Commissioners requested information regarding the number of acres proposed for removal and the number of affected property owners. This analysis was complex and based on the best available data, including landownership information maintained by the Maine Revenue Services. The statistics reported are approximate and were calculated using Geographic Information System (GIS) software.

⁶ Owners of lots less than one acre, or leaseholders, were not counted unless they also own other property in the affected area that is one acre or larger because the LUPC minimum lot size for development is one acre.

Minor Civil Division	Resources Present	Factors Considered/ Basis for Removal
Misery Township	North Branch Stream, Misery Stream, Misery Ridge	<ul style="list-style-type: none"> • Broad support for Discussion Scenario 2 • Limited area available for development
Misery Gore Township	West Outlet, Misery Stream, Misery Ridge	<ul style="list-style-type: none"> • Broad support for Discussion Scenario 2 • Limited area available for development
Rockwood T2R1 NBKP ⁷	Brassua Lake, Demo Pond, Twelvemile Bog, Stony Brook	<ul style="list-style-type: none"> • Limited access to existing Secondary Location • Remote location • Area unavailable for development
Sandwich Academy Grant	Brassua Lake, Moose River, Long Pond Mountain	<ul style="list-style-type: none"> • Removal of Primary and Secondary Locations in adjacent townships • Limited area available for development
Sapling Township	Moosehead Lake, East Outlet, Indian Pond, West Outlet, Misery Ridge, Churchill Stream	<ul style="list-style-type: none"> • Broad support for Discussion Scenario 2 • Limited area available for development
Taunton and Raynham Academy Grant	Blue Ridge, Brassua Lake, Moosehead Lake, West Outlet, Misery Stream	<ul style="list-style-type: none"> • Broad support for Discussion Scenario 2 • Current Primary and Secondary Locations include sensitive resources (Blue Ridge, West Outlet) • D-RS subdistricts proposed to incentivize new development near Rockwood

B. Policy Considerations Regarding Removal of Primary and Secondary Locations⁸

There was broad stakeholder support during the planning process for the removal of [Primary and Secondary Locations](#) from certain the minor civil divisions (MCDs) in the region. Staff evaluated the following factors in determining whether to include these removals in the final planning package:

1. The potential long-term impact of such an action on development in the region;
2. The fact that this action affects more than just property owned by Weyerhaeuser; and
3. The precedent this process sets and how it relates to the 2019 Adjacency and Subdivision Rulemaking process.

To provide an opportunity to weigh in on this component of the draft package, property owners potentially affected by the proposed removal of Primary and Secondary Locations (195 individual owners) were mailed a postcard notifying them of the planning process and proposed package. The postcard indicated that the proposed changes may affect their property and invited them to attend a landowner meeting to answer any questions or discuss concerns they might have. Two virtual landowner meetings were held July 14, 2022, and five individuals participated. None of the participants expressed concern about the proposal.

Ultimately, staff recommend the proposed removals of Primary and Secondary Locations for the following reasons:

- There was broad community support for this action in the regional planning process, and no affected property owners have commented in opposition
- The removals will minimize the intensity of future development in these locations and help concentrate development in the Rural Hubs as desired by the community

⁷ Rockwood consists of two MCDs, and the one proposed for removal is the western MCD

⁸ Additional discussion of these considerations is included in the attachment to the Commission memorandum dated 8/31/2022.

- Many of these areas (73%) are under conservation easement and unavailable for future development
- The Adjacency Basis Statement states that the Adjacency screen is “...a broad policy to cover most areas of the UT...” It further states “If residents, property owners, or a regional collaborative wish to work with the Commission to develop customized zoning that replaces or supersedes the typical application of the adjacency policy, such a targeted planning/rezoning effort is legally and logistically possible. What will be needed is community engagement and effort that is sufficient to really dive down into the details of what’s happening in that geographic area and what the local vision is for that place.” *Revised Application of the Adjacency Principle & Subdivision Standards, Basis Statement and Summary of Comments, Page 26*
- Consistent with the intent expressed in the Adjacency Basis Statement, the [proposed revisions to Chapter 10](#) have been included to limit any future adjustments to Primary and Secondary Locations to those proposed *as a result of a regional planning process that addresses the location of development through a balanced and comprehensive process, such as prospective zoning or community guided planning and zoning as described in the Comprehensive Land Use Plan and applicable Commission guidance documents.* Such a process would consider both the protection of natural resources and the need for growth and development. *Such a process would also include opportunity for landowner participation, so the results would be predictable and landowner needs would be considered.*
- Staff believe that though the Moosehead Regional Planning Project is not a traditional community-guided planning and zoning project, the planning process was robust and resulted in significant community engagement. A formal rulemaking process would provide an additional opportunity for public comments on the proposed removals.

2. Indian Pond, Brassua Lake, and Long Pond

A. Proposed Action

In addition to the MCDs noted above, staff propose the removal of Primary Locations around Indian Pond, Long Pond in Long Pond Township, and portions of Brassua Lake as part of the proposed rulemaking. Specific information about each of these lakes is presented in Table 3, and the current and proposed configurations of Primary and Secondary Locations are shown on [Attachment 8 and Attachment 9](#), respectively. The proposed amendments to Chapter 10, Section 10.08-A are provided in redline format in [Attachment 10](#).

Table 3. MC-3 Lakes Proposed to Be Removed from Primary Locations

Lake	MCDs included	Factors Considered/ Basis for Removal
Indian Pond (entire waterbody)	Big Moose Township, Chase Stream Township, Indian Stream Township, Sapling Township	<ul style="list-style-type: none"> • Critically important resource for remote recreational tourism • East and West Outlets converge in northeastern end • Limited area available for development • Wildlife value and diverse riparian area
Brassua Lake (portions of waterbody)	Brassua Township, Rockwood Strip T2 R1 NBKP, Sandwich Academy Grant	<ul style="list-style-type: none"> • Part of undeveloped “western room” • Wildlife habitat value • Limited area available for development
Long Pond (portion of waterbody in LUPC jurisdiction)	Long Pond Township	<ul style="list-style-type: none"> • Remote recreation value • Current Primary area includes sensitive resources (rare plants) • Wildlife habitat value • Limited area available for development

B. *Policy Considerations Regarding Removal of Primary Locations Around Management Class 3 Lakes*⁹

Various options were explored in response to stakeholder concerns about future development around Indian Pond, Brassua Lake, and Long Pond. Multiple stakeholders requested the removal of the Primary Locations around these three lakes. It was also suggested that these lakes be reclassified from MC-3 to MC-7 to minimize development potential. Any change to these Primary Locations or lake classification requires careful consideration and examination of the Commission's Comprehensive Land Use Plan (CLUP) policies and information regarding the Lakes Management Program as well as the considerations noted above in Part 2, B, 1 of this package.

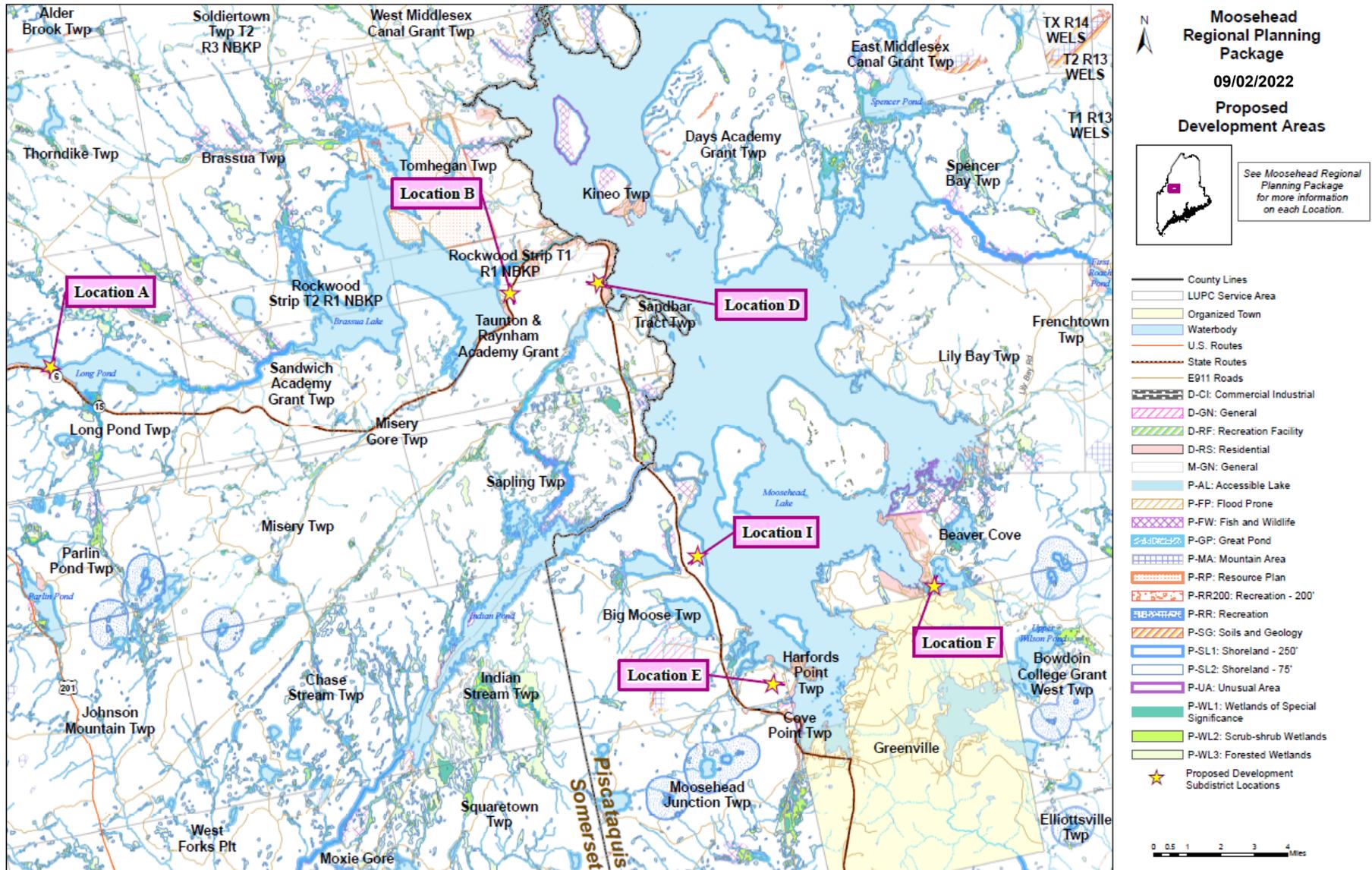
As proposed in the draft package, staff recommend amending Section 10.08-A,C of Chapter 10 to provide for the removal of Primary Locations around certain MC-3 lakes, or around portions of certain MC-3 lakes within designated MCDs, but only *as a result of a regional planning process that addresses the location of development through a balanced and comprehensive process, such as prospective zoning or community guided planning and zoning as described in the Comprehensive Land Use Plan and Commission guidance documents*. This approach does not require changing management classifications for these lakes and provides a framework for any proposed removals stemming from future regional planning efforts throughout the Commission's service area.

ATTACHMENTS

- [Attachment 1 – Proposed Development Locations](#)
- [Attachment 2 – Location A](#)
- [Attachment 3 – Location B](#)
- [Attachment 4 – Location D](#)
- [Attachment 5 – Location E](#)
- [Attachment 6 – Location F](#)
- [Attachment 7 – Location I](#)
- [Attachment 8 – Existing Configuration of Primary and Secondary Locations](#)
- [Attachment 9 – Proposed Configuration of Primary and Secondary Locations](#)
- [Attachment 10 – Proposed Amendments to Chapter 10, Section 10-08-A](#)

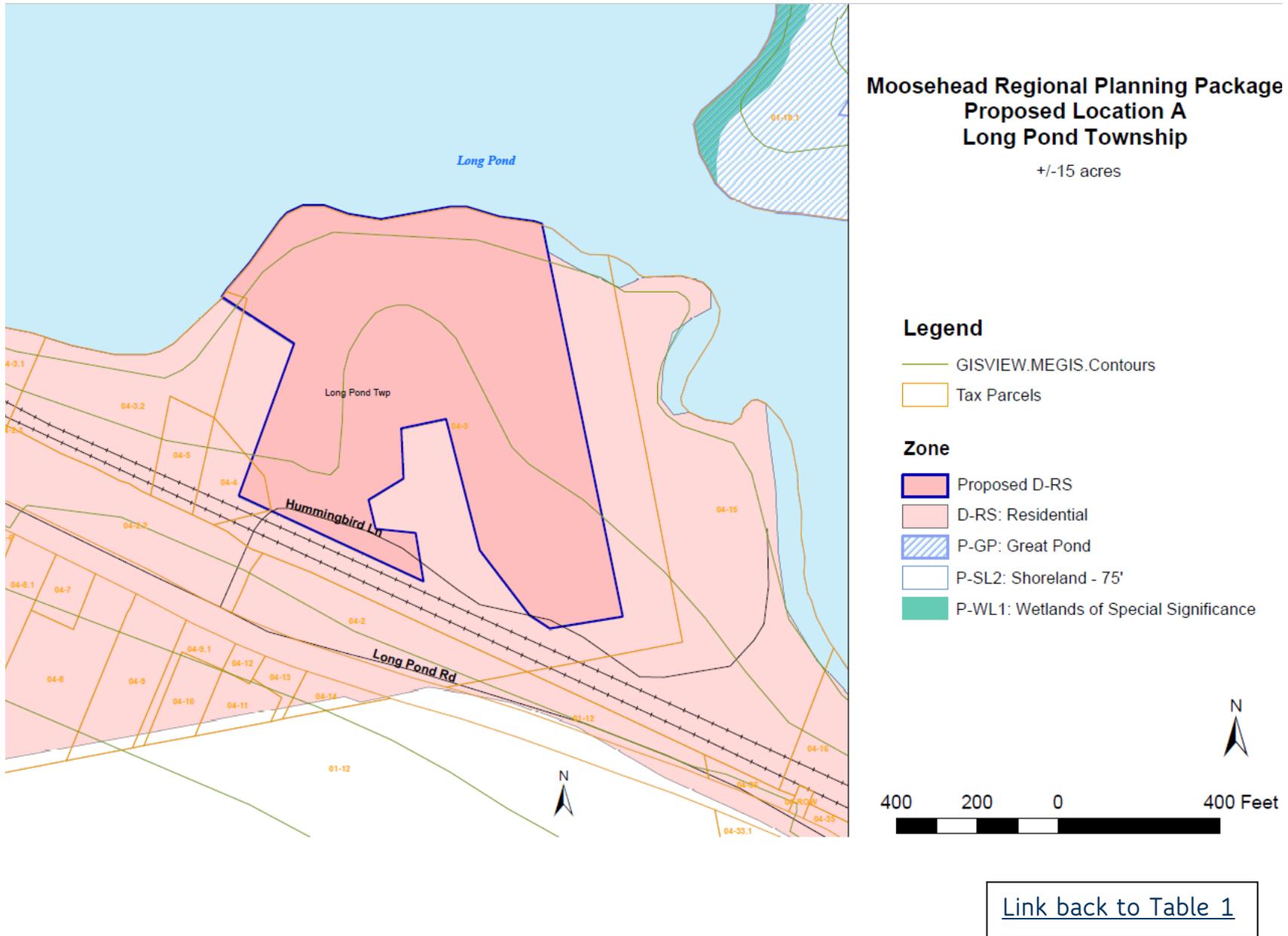
⁹ Additional discussion of these considerations is included in the attachment to the Commission memorandum dated 09/01/2022.

Attachment 1 - Proposed Development Locations

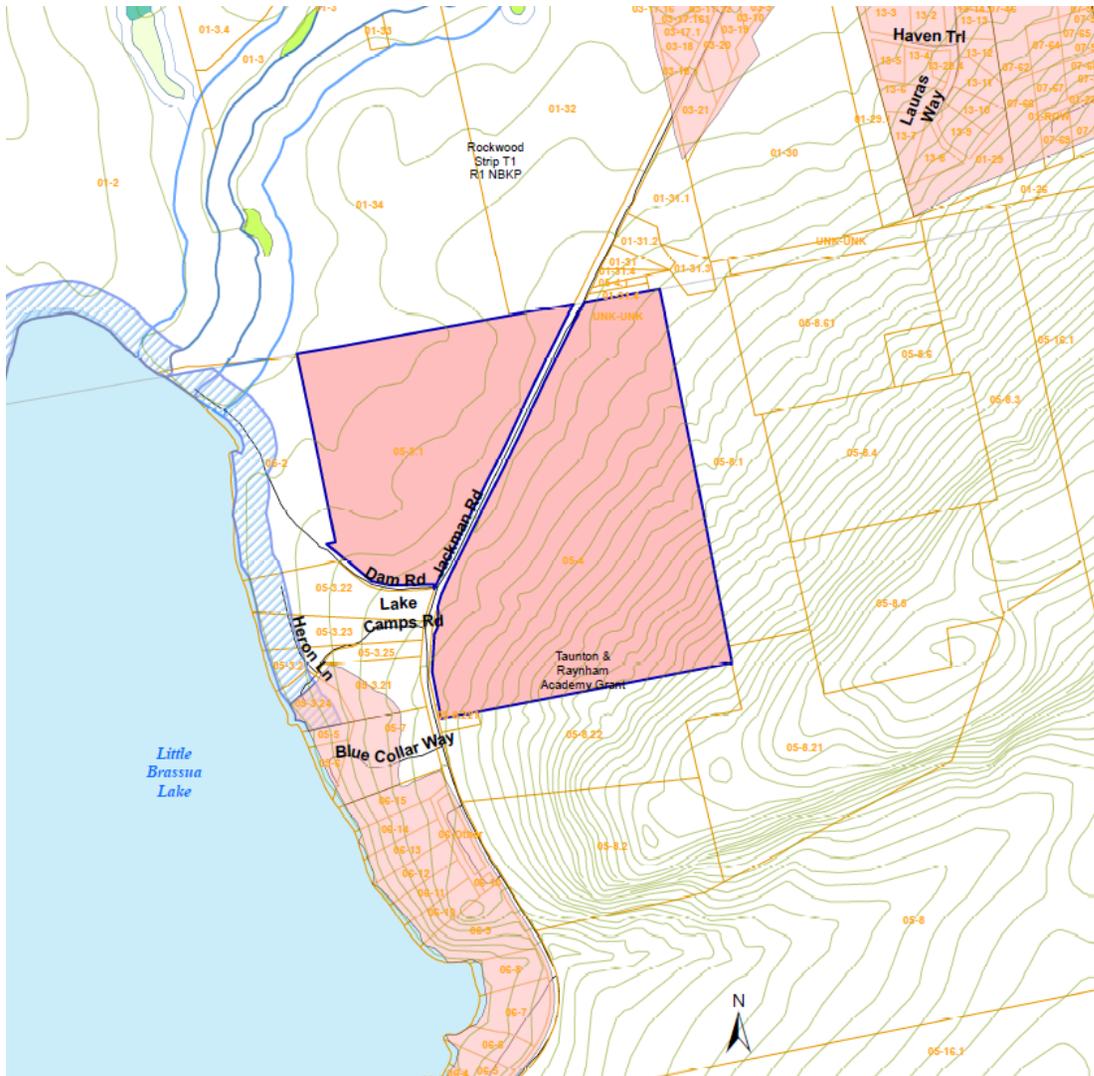


[Link back to Part 2](#)

Attachment 2 - Location A



Attachment 3 - Location B



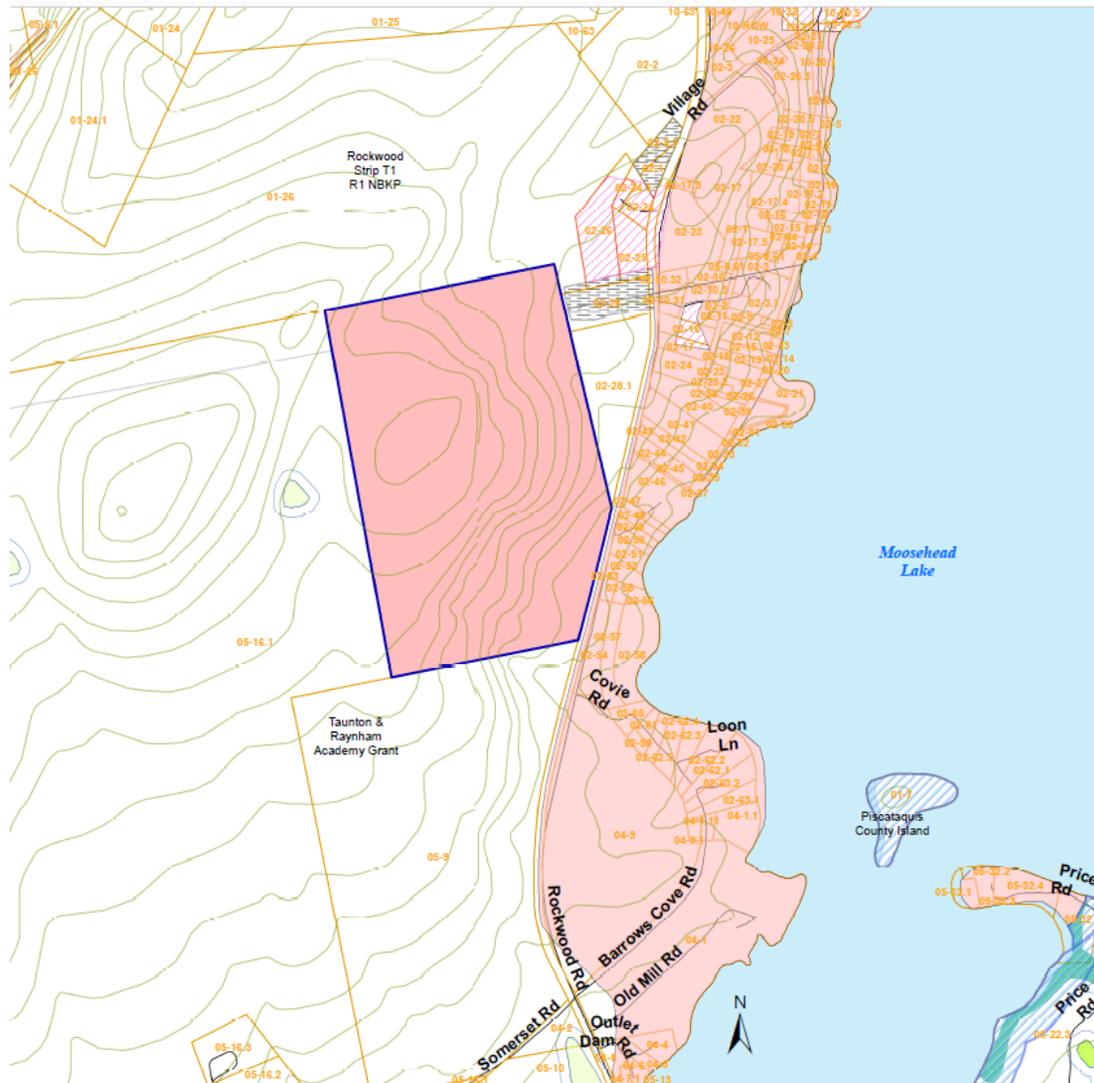
**Moosehead Regional Planning Package
Proposed Location B
Taunton & Raynham Academy Grant**
+/-160 acres

Legend

- Contours
- Tax Parcels
- Zone**
- Proposed D-RS
- D-RS: Residential
- P-GP: Great Pond
- P-SL1: Shoreland - 250'
- P-SL2: Shoreland - 75'
- P-WL1: Wetlands of Special Significance
- P-WL2: Scrub-shrub Wetlands
- P-WL3: Forested Wetlands

[Link back to Table 1](#)

Attachment 4 - Location D¹⁰

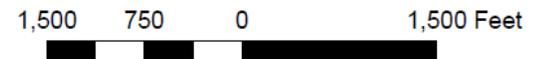


**Moosehead Regional Planning Package
Proposed Location D
Taunton & Raynham Academy Grant**

+/-118 acres

Legend

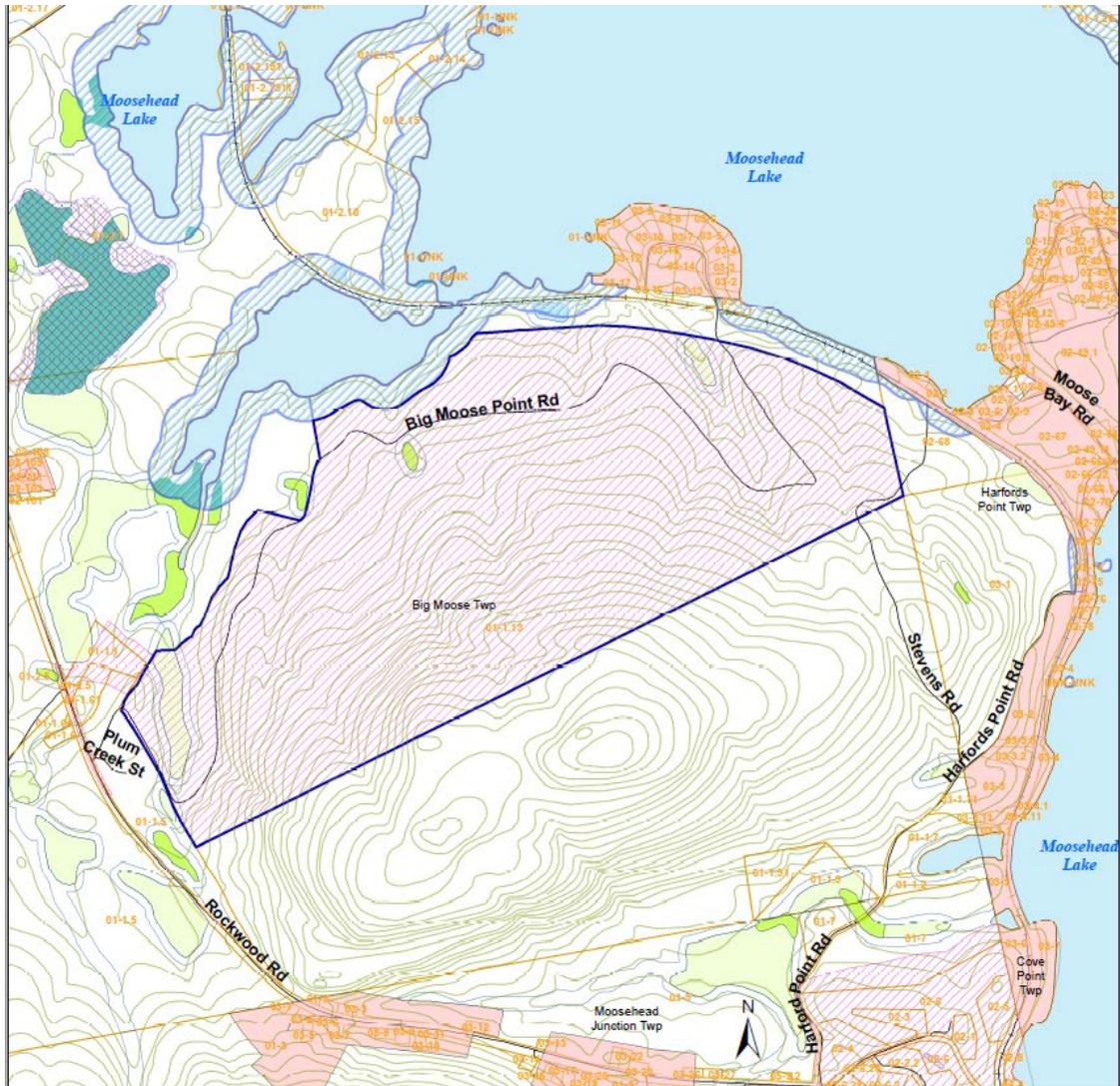
- Contours
- Tax Parcels
- Zone**
- Proposed D-RS
- D-CI: Commercial Industrial
- D-GN: General
- D-RS: Residential
- P-GP: Great Pond
- P-SG: Soils and Geology
- P-SL2: Shoreland - 75'
- P-WL1: Wetlands of Special Significance
- P-WL2: Scrub-shrub Wetlands
- P-WL3: Forested Wetlands



[Link back to Table 1](#)

¹⁰ The configuration shown relies on the parcel boundaries. The township boundaries may not be accurately represented.

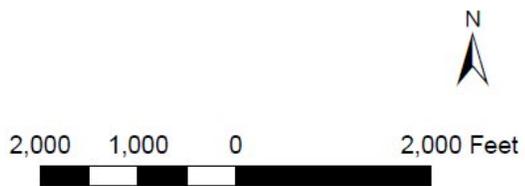
Attachment 5 - Location E



**Moosehead Regional Planning Package
Proposed Location E
Big Moose Township**
+/-496 acres

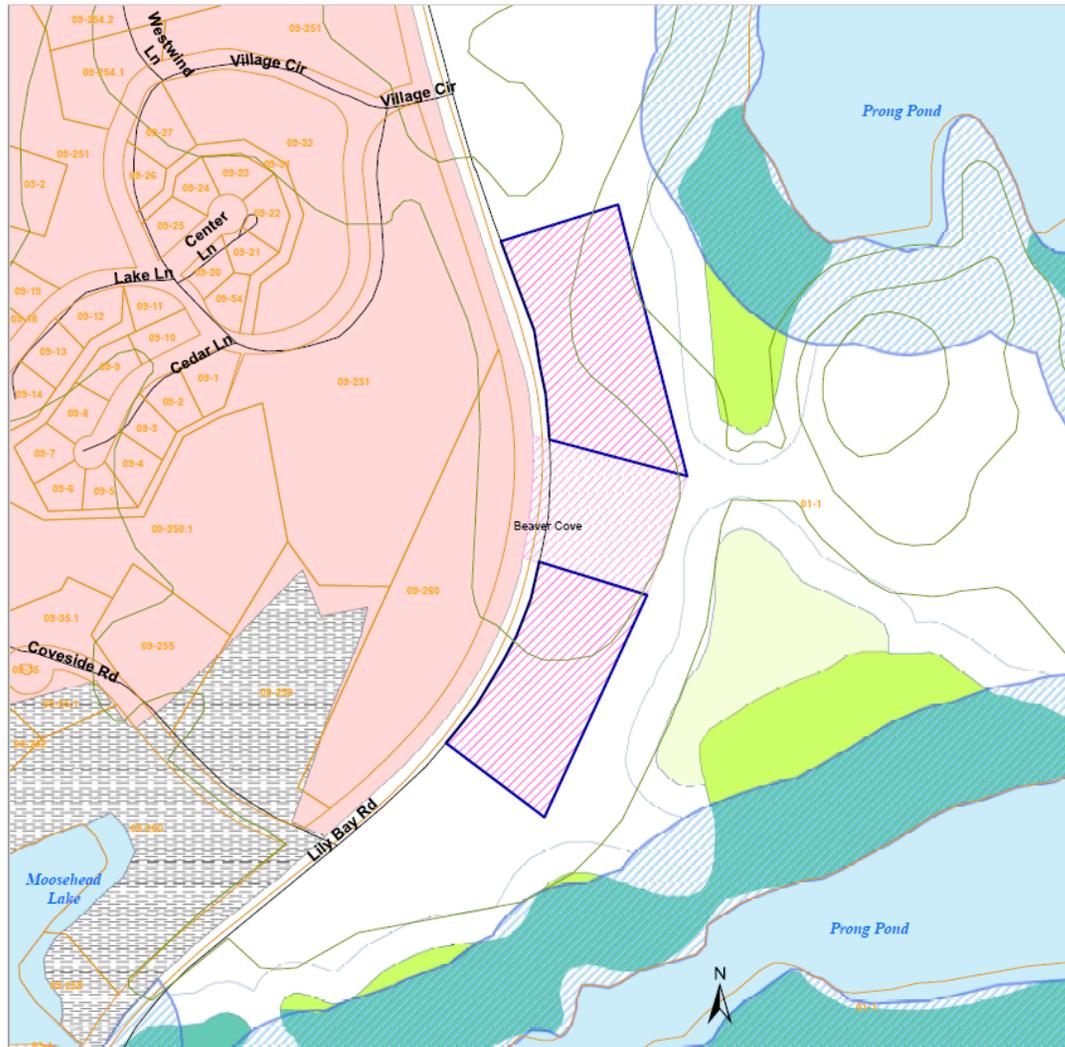
Legend

- Contours
- Tax Parcels
- Zone**
- ▨ Proposed D-GN
- ▨ D-GN: General
- ▨ D-RS: Residential
- ▨ P-FW: Fish and Wildlife
- ▨ P-GP: Great Pond
- P-SL2: Shoreland - 75'
- ▨ P-WL1: Wetlands of Special Significance
- ▨ P-WL2: Scrub-shrub Wetlands
- ▨ P-WL3: Forested Wetlands



[Link back to Table 1](#)

Attachment 6 - Location F



**Moosehead Regional Planning Package
Proposed Location F
Beaver Cove**
+/-7.2 acres (2 areas)

Legend

— GISVIEW.MEGIS.Contours

□ Tax Parcels

Zone

▨ Proposed D-GN

▨ D-CI: Commercial Industrial

▨ D-GN: General

▨ D-RS: Residential

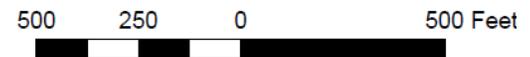
▨ P-GP: Great Pond

▨ P-SL2: Shoreland - 75'

▨ P-WL1: Wetlands of Special Significance

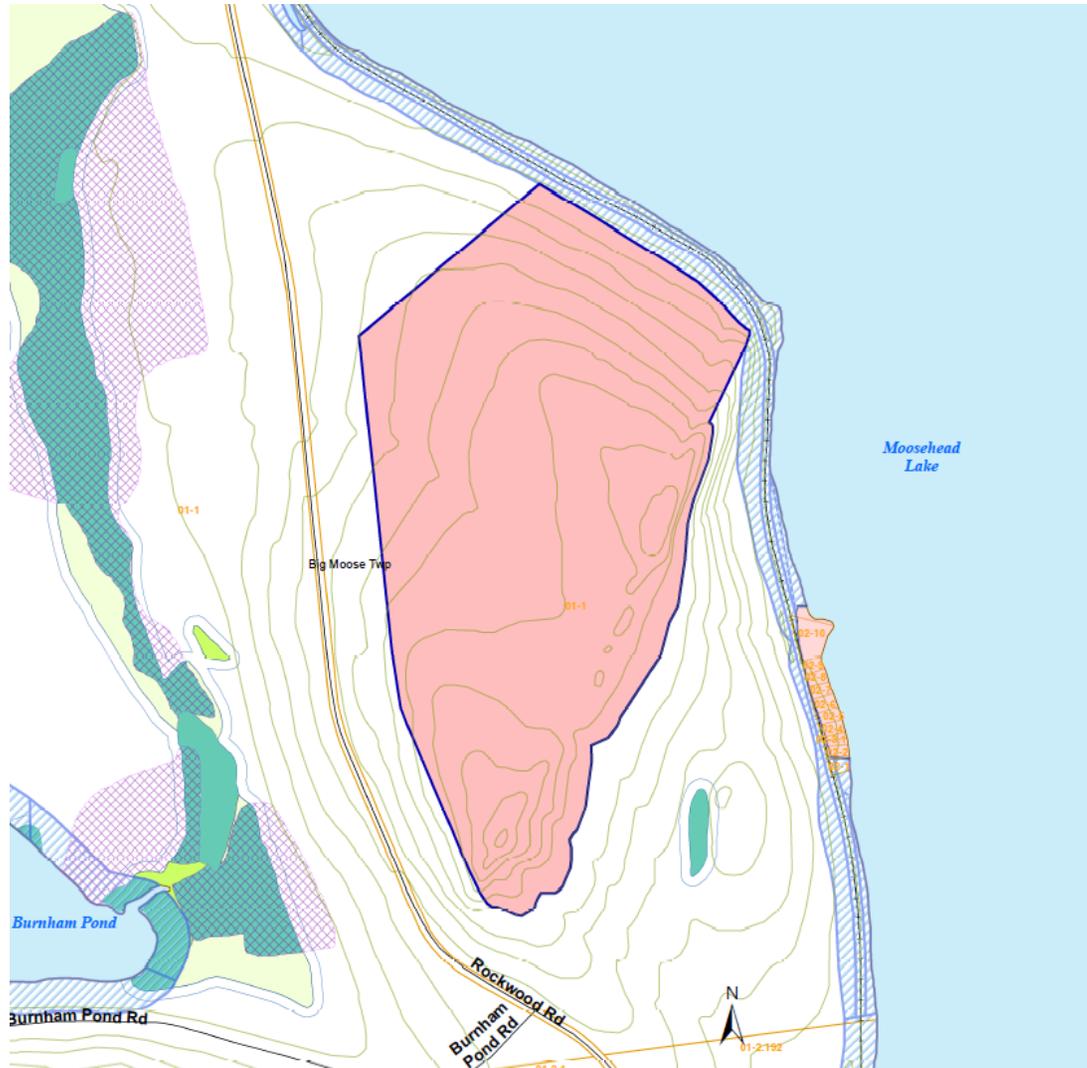
▨ P-WL2: Scrub-shrub Wetlands

▨ P-WL3: Forested Wetlands



[Link back to Table 1](#)

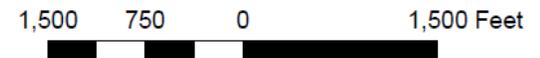
Attachment 7 - Location I



**Moosehead Regional Planning Package
Proposed Location I
Big Moose Township**
+/-240 acres

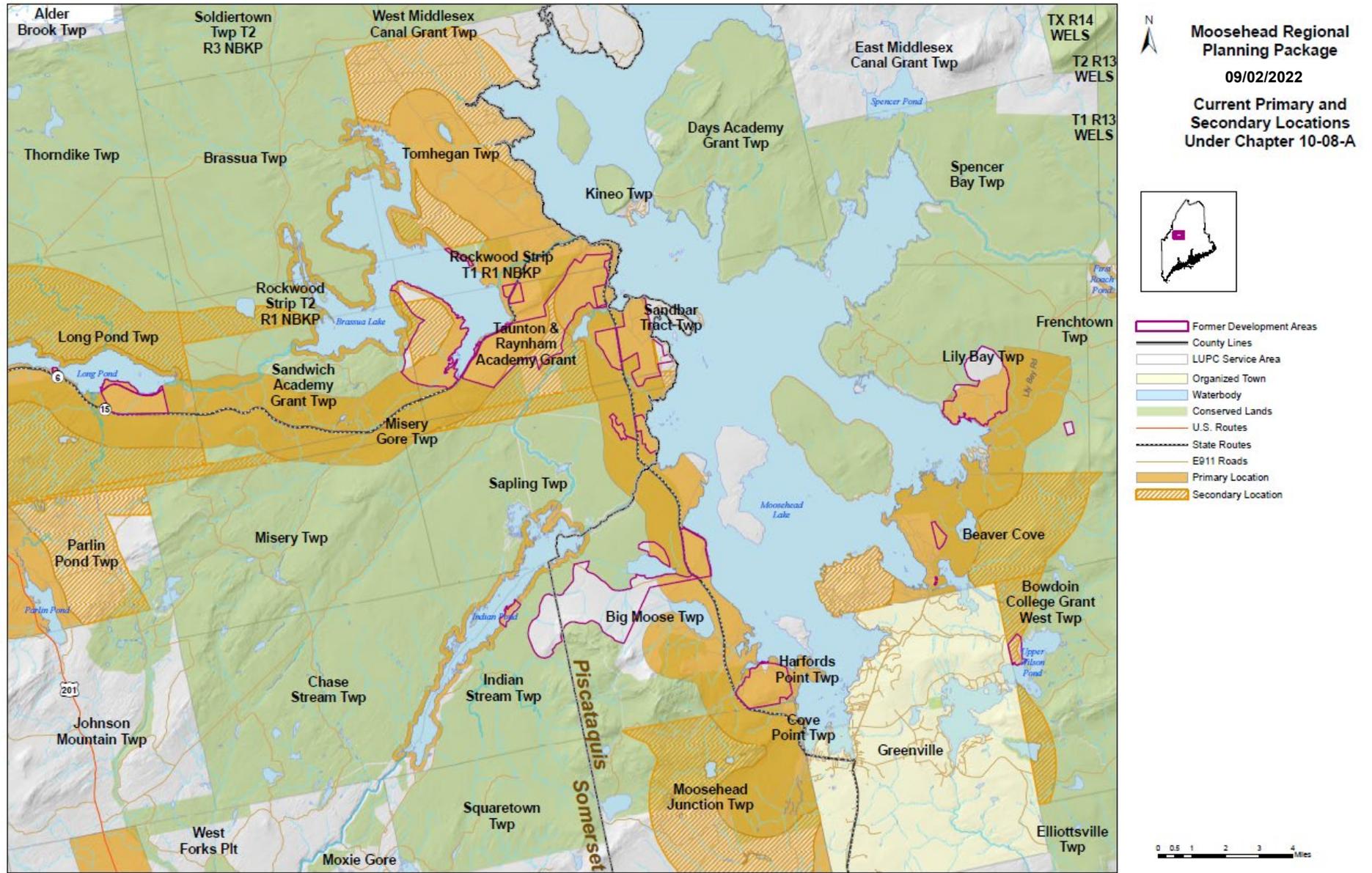
Legend

- Contours
- Tax Parcels
- Zone**
- Proposed D-RS
- D-RS: Residential
- P-FW: Fish and Wildlife
- P-GP: Great Pond
- P-SL2: Shoreland - 75'
- P-WL1: Wetlands of Special Significance
- P-WL2: Scrub-shrub Wetlands
- P-WL3: Forested Wetlands

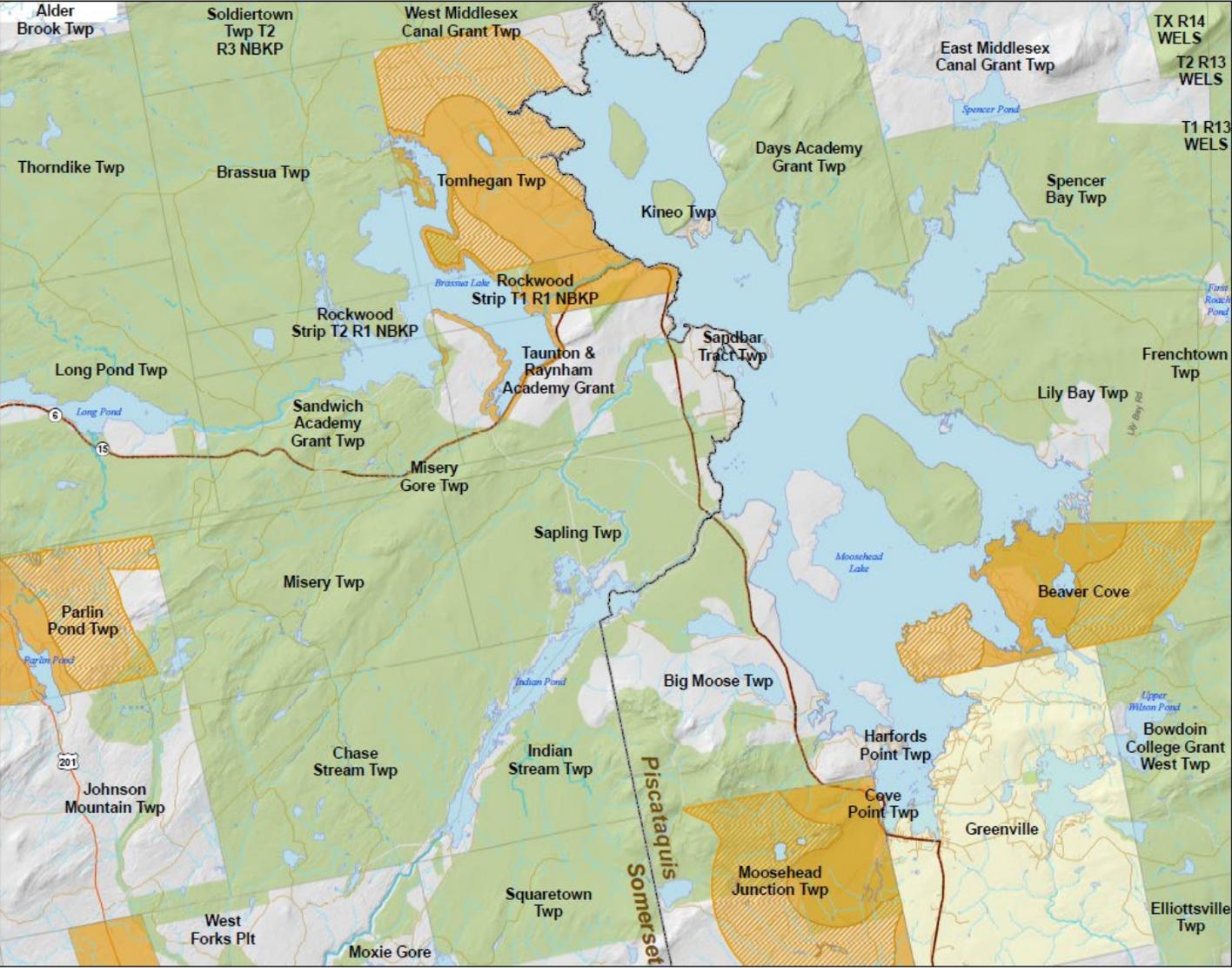


[Link back to Table 1](#)

Attachment 8 - Existing Configuration of Primary and Secondary Locations



Attachment 9 - Proposed Configuration of Primary and Secondary Locations



N
**Moosehead Regional
 Planning Package**
 09/02/2022
**Proposed Primary and
 Secondary Locations
 Under Chapter 10-08-A**



- County Lines
- LUPC Service Area
- Organized Town
- Waterbody
- Conserved Lands
- U.S. Routes
- State Routes
- E911 Roads
- Primary Location
- ▨ Secondary Location

[Link back to
 Proposed Revisions](#)



MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

MAINE LAND USE PLANNING COMMISSION

Draft 2022 Moosehead Regional Planning Chapter 10 Rulemaking

September 2, 2022 Draft

Proposed changes are shown in strikeout and underline format with additions in underlined text, deletions as ~~striketroughs~~, and relocations within the same chapter as double underline and double ~~striketroughs~~.

Where necessary, further explanations of some changes have been included in [brackets]. These explanatory notes will not be included in the final rule.

[REVISION NOTE: The following edits both implement actions stemming from the 2020-2022 Moosehead Regional Planning Process and reorganize the section to better distinguish primary and secondary locations designated based on original core adjacency principles versus changes made for other reasons. Consistent with the provisions of Section 10.08,B,3,b, these edits also stipulate that any future changes to primary and secondary areas may only occur in response to a regional planning process that is comprehensive and balanced, and must not occur on a township by township basis.]

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

A. PURPOSE

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

B. RURAL HUBS

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

C. PRIMARY AND SECONDARY LOCATIONS

1. **Primary Location.** Each of the following areas within the unorganized and deorganized areas of the State, is within ~~the a~~ primary location, except as modified pursuant to Section 10.08-A,C,4:
 - a. Land within seven miles of the boundary of a rural hub that also is within one mile of a public road;
 - b. Land within a town, plantation, or rural hub within one mile of a public road;
 - b.c. Land within a township listed in Section 10.08-A,C,4,a, ~~town, plantation, or rural hub~~ that also is within one mile of a public road; and
 - e.d. Land within 700 feet of a Management Class 3 lake where the lake has no existing or potential water quality problems and soils are suitable for development.
2. **Secondary Location.** The following area within the unorganized and deorganized areas of the State is within ~~the a~~ secondary location, except as modified pursuant to Section 10.08-A,C,4:

- a. Land within a rural hub, or in a town, township, or plantation bordering a rural hub, that is also within three miles of a public road and outside the primary location;

3. **Measuring Distance.** Measurements from a rural hub are made in a straight line from the boundary of the minor civil division. Measurements from a public road are made in a straight line from the edge of the traveled surface. Neither straight line measurement is made across major waterbodies, or interstate highways, except as follows. Measurements are made across major waterbodies, or interstate highways when the resulting primary or secondary location on the other side of such features is either directly connected by a public road that crosses the feature, or contiguous with the respective primary or secondary location.

4. **Inclusions and Exclusions to Primary and Secondary Locations.** New additions to and removals from primary and secondary locations must result from a regional planning process that addresses the location of development through a balanced and comprehensive process, such as prospective zoning or community guided planning and zoning as described in the Comprehensive Land Use Plan and applicable Commission guidance documents.

a. **Additional Land Included In Area Within Primary Locations.**

- (1) Land within one mile of a public road within the following townships is within the primary location: Benedicta Twp., Blanchard Twp., E Twp., East Moxie Twp., Greenfield Twp., Kingman Twp., Madrid Twp., Marion Twp., Moxie Gore Twp., Oxbow North Twp., Prentiss Twp., Silver Ridge Twp., T9 R5 WELS, and T9 SD BPP.

5.b. **Area Outside Land Excluded from Primary and Secondary Locations.**

- (1) Areas not eligible. Notwithstanding any provision to the contrary, IL and within the Prospective Zoning Plan for the Rangeley Lakes Region shall not be is not eligible for inclusion in the primary or secondary locations.
- (2) Areas removed or excluded. The following minor civil divisions are removed or excluded from primary and secondary locations. Land within 700 feet of Management Class 3 lakes is considered separately and included in primary locations pursuant to Section 10.08-A,C,1,d, unless excluded pursuant to Section 10.08-A,C,4,b,(3). Additionally, land within the following townships shall not be eligible for inclusion within the primary or secondary location under Section 10.08 A,C,1,a or 2,a, except that land around a Management Class 3 lake is included pursuant to Section 10.08-A,C,1,e: Argyle Twp., Andover West Surplus Twp., Carrying Place Town Twp., Dead River Twp., Ellitsville Twp., Johnson Mountain Twp., Lexington Twp., Mount Abram Twp., North Academy Grant Twp., Pierce Pond Twp., Redington Twp., T1 R5 WELS, T1 R6 WELS, T3 R3 WELS, T3 R4 BKP WKR, T3 R7 WELS, T4 R7 WELS, T7 SD BPP, and Upper Molunkus Twp.

[REVISION NOTE: The following table represents the list of minor civil divisions currently listed in Section 10.08-A,C,5 (in paragraph format); edits illustrated otherwise are shown as 'tracked changes.']

Aroostook County

North Yarmouth Academy Grant Twp.
T1 R5 WELS
T3 R3 WELS
Upper Molunkus Twp.

Piscataquis County

Big Moose Twp.
Bowdoin College Grant West Twp.
Ellitsville Twp.
Lily Bay Twp.

Franklin County
Mount Abram Twp.
Redington Twp.

Hancock County
T7 SD BPP

Oxford County
Andover West Surplus Twp.

Penobscot County
Argyle Twp.
T1 R6 WELS
T3 R7 WELS
T4 R7 WELS

Somerset County
Carrying Place Town Twp.
Dead River Twp.
Johnson Mountain Twp.
Lexington Twp.
Long Pond Twp.
Misery Twp.
Misery Gore Twp.
Pierce Pond Twp.
Rockwood Strip T2 R1 NBKP
Sandwich Academy Grant Twp.
Sapling Twp.
Taunton & Raynham Academy
Grant
T3 R4 BKP WKR

Table 10.08-A-1. Areas removed or excluded from primary and secondary locations.

(3) Primary locations around MC3 lakes. Land within 700 feet of the following lakes as described below, are excluded from primary locations:

(a) The portions of Brassua Lake (#4120) in Brassua Twp., Rockwood Strip T2 R1 NBKP, and Sandwich Academy Grant Twp.;

(b) Indian Pond (#4090) in Big Moose Twp., Chase Stream Twp., Indian Stream Twp., and Sapling Twp.; and

(c) The portion of Long Pond (#2536) in Long Pond Twp.

D. LOCATION-DEPENDENT ACTIVITIES

Notwithstanding Section 10.08-A,C, certain location dependent activities may be located in accordance with the following:

- 1. Resource-dependent Commercial Activity.** Subdistricts for resource dependent commercial activities may be located in areas described in the D-RD subdistrict description in Section 10.21,K.
- 2. Recreation-based Residential Activity.** D-RS subdistricts for recreation-based subdivisions shall be located within one-half mile of the following:
 - a.** Management Class 4 or 5 lakes;
 - b.** Management Class 7 lakes that have at least five existing dwelling units, at least one existing dwelling unit per 50 acres of surface area, and at least one existing dwelling unit per one-half mile of shoreline; or
 - c.** Trailheads serving permanent trails that support motorized vehicles, non-motorized vehicles, or equestrian use, and have an appropriately-sized parking area and sufficient additional user capacity to serve users from the proposed residential use.

3. **Three-phase Power Dependent Activity.** D-CI subdistricts for commercial or industrial facilities that require three-phase power for operation may be established in any location that is consistent with the locational criteria of Section 10.08,B,2.

E. LEGAL RIGHT OF ACCESS

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

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

Under either option, if the road over which legal access is provided does not exist, it must be reasonable that the road could be built. Additionally, the access must be sufficient to support the land uses allowed in the proposed subdistrict, including any associated construction, maintenance and use of structures, and decommissioning. An easement providing for vehicular access may contain reasonable provisions to minimize the burden on the underlying fee owner, such as provisions that: allow for closure of the road during spring mud conditions; allow for closure during the winter to avoid snow plowing, provided pedestrian and snowmobile access is allowed; and establish road standards and reasonable maintenance expectations and responsibilities.

2. **Access by Water.** An enforceable right of access by water exists when the land proposed for rezoning reasonably may be accessed by boat from a public or private boat launch or ramp, provided the boat launch or ramp is accessible by road access consistent with Section 10.08-A,E,1 above. Additionally provided, when the subdivision land will be accessed by boat from a private boat launch or ramp, all lot owners will have a legally enforceable right to use and ensure continued maintenance of the boat launch or ramp.