



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
Hammond Ridge Development Company, LLC

SITE LAW CERTIFICATION SLC 21

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 Hammond Ridge Development Company, LLC for Site Law Certification SLC 21 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
Attn: Jessica Damon, Project Manager
106 Hogan Road, Suite 6
Bangor, ME 04401
2. Applicant: Hammond Ridge Development Company, LLC
P.O. Box 669
Millinocket, ME 04462
3. Agent: Haley Ward, Inc.
One Merchants Plaza
Suite 701
Bangor, ME 04401
4. Date of Completed Application: January 22, 2025
5. Location of Proposal: T1 R8 WELS, Penobscot County, Maine
T1 R9 WELS, Piscataquis County, Maine
Maine Revenue Service Map PE021, Plan 01, Lot 1.2 and
Map PI010 Plan 01 Lot 1.2 (Subject Parcel)

BENJAMIN GODSOE
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Penobscot County Registry of Deeds Book 10256, Page 1 and
Piscataquis County Registry of Deeds Book 1713, Page 208

6. Zoning: Planned Development (D-PD) Subdistrict
7. Lot Size: 1,424 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 (DEP) 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 portion of Hammond Ridge Development Company, LLC's (Applicant) development in T1 R8 WELS and T1 R9 WELS, as proposed, meets the applicable Commission Land Use Standards that would not be considered by the DEP as part of any review under the Site Law.

ADMINISTRATIVE HISTORY

9. *Zoning History.* Zoning Petition 710 was previously approved by the Commission on June 6, 2007, which rezoned 244 acres of the Parcel from General Management Subdistrict (M-GN) to General Development Subdistrict (D-GN). Subsequently, Amendment A to ZP 710, submitted in November of 2018, was approved by the Commission to allow for relocation of the Operations Center and the new Event Center. Amendment B to Zoning Petition ZP 710 approved an approximately 1,409-acre Planned Development (D-PD) subdistrict on the Parcel. The purpose of the D-PD subdistrict is to allow for the development of a range of complementary recreational, agricultural, cultural, and residential uses, utilizing an existing network of interconnected recreational trails, and proximity to Millinocket Lake and regional recreational assets. The D-PD subdistrict establishes three subareas for the project, integrating previous plans and balancing development, recreation, and open space on the property.

Amendment C to Zoning Petition ZP 710 approved an 18-month extension for filing a permit application with the Commission or the MDEP to complete the work of previous amendments to the zoning petition, expiring on January 12, 2025.

10. *Permitting History.* Several permits authorizing activities or structural development have been issued for this Parcel. These include Forest Operations Permit FOP 851 (May 15, 2008) for a 95-acre timber harvest; Road Construction Permit RP 3250 (November 17, 2008) for construction of a new forest management road inside the D-GN subdistrict; Utility Line Permit ULP 432 (November 30, 2009) for construction of a communication tower, overhead utility lines, a gravel access road, and structural development; Utility Line Permit ULP 460 (September 30, 2019) for the reconstruction of a communication tower, upgrades to the Hammatt Ridge Road, a new access road, a new transmission line, and two equipment sheds at the tower site; Development Permit DP 5060 (October 30, 2019) for a solar array; Amendment A to DP 5060 (October 20, 2020) authorizing construction of an Activity Center, Event Center, and associated infrastructure; and Utility Line Permit ULP 462 (November 22, 2021) for additional transmission lines and telephone lines to serve the Activity Center.
11. On January 14, 2025, the DEP submitted to the Commission a Request for Certification for the Site Location of Development Act (SLODA) application submitted by the Applicant. 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.
12. On January 31, 2025, 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 and that the Project, as proposed, is an allowed use with the D-PD subdistrict and respective subdistricts established in the approved Hammond Ridge Development Plan. A copy of the Commission-approved Development plan is attached to this Certification for reference.

PROPOSAL

13. The Applicant proposes to subdivide and develop 41 single-family residential lots, eight mixed-use lots for multi-family rental units and small-scale commercial use, one open community space lot with a small-scale amphitheater and seating, and one commercial/operations use lot for a maintenance building and laundry facility, for a total of 51 lots. The proposed subdivision would include the construction of multiple access roads with associated utility lines. All of the development would be located in T 1 R 8 WELS, Penobscot County.

REVIEW CRITERIA, ANALYSIS, AND COMMISSION FINDINGS

The Commission's Land Use Standards, revised August 11, 2023, 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 #14 through #21 below.

14. Public Health, Safety, and General Welfare:

- A. Review Criteria: Under the provisions of 12 M.R.S. § 685-B(4) and Chapter 10, § 10.24(A)(1), 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.
- B. Analysis: The Applicant has provided information regarding public health, safety, and general welfare. The current facility is served by the Penobscot County Unorganized

Territory Administration, which contracts with the Town of Millinocket for fire, EMS, and solid waste, located approximately 8 miles from the project area. In addition, the Penobscot County Sheriff's Office provides law enforcement services for the development.

- C. Finding: The Commission finds that the ability of the Penobscot County Unorganized Territory Administration, Town of Millinocket, and Penobscot County Sheriff's Office sufficient 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).

15. Right, Title, or Interest:

- A. Review Criteria: Under the provisions of 12 M.R.S. § 685-B(2)(D) and Chapter 10, § 10.24(A)(1), the applicant must demonstrate evidence of sufficient right, title or interest in all of the property that is proposed for development or use.
- B. Analysis: The Applicant has submitted a deed dated December 28, 2005, and recorded in the Penobscot County Registry of Deeds in Book 10256, Page 1.
- C. Finding: Hammond Ridge Development, LLC 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 Hammond Ridge Development, LLC has met the requirements of 12 M.R.S. § 685-B(2)(D) and Chapter 10, § 10.24(A)(1).

16. Land Division History and Lot Creation:

- A. Review Criteria: Under the provisions of 12 M.R.S. § 682-B, 12 M.R.S. § 685-B(1)(B), and Chapter 10, § 10.25(Q)(1)(g), 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.
- B. Analysis: An analysis of the 20-year deed history of the Parcel found that the lot has been divided five times in the past 20 years. In the last 5 years, the lot has been divided twice. The divisions in this timeframe both occurred in 2022 to divide and transfer land to Twin Pine Camps, LLC, also owned by the Applicant. Since these divisions, which split off a 15-acre lot and a 9-acre lot for the Activity Center lot in 2022, both qualify for the Commission's retained lot exemption (as Twin Pine Camps, LLC is owned by the Applicant), a Subdivision Permit was not required by LUPC. However, now that further division of the original parent lot is proposed as part of the current Project, the retained lot exemption no longer applies, and Applicant is including one of the 2022 split lots in the application pursuant to requirement by the Commission and to be in conformance with 12 M.R.S. and Chapter 10 § 10.25.(Q)(1)(g).
- 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.

17. 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) *Parking Layout and Design.* Sufficient parking must be provided to meet the parking needs of all non-residential developments. Chapter 10, § 10.25(D)(3).
- 4) *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).
- 5) *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).
- 6) *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).
- 7) *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.*

- a. Driveways and parking areas will be reviewed by the DEP with regard to stormwater runoff and erosion control standards. The Subject Parcel would continue to be accessed from Katahdin View Road (primary access) and Black Cat Road (secondary access). Four roadways, labelled as Roadway A (2,447 ft. in length), Roadway B (1,878 ft. in length), Roadway C (706 ft. in length), and Roadway D (645 ft. in length), are also proposed to circulate vehicular traffic through the new residential and commercial development areas. No work is proposed within the existing State-owned right-of-way.
- b. The Maine Department of Transportation (MaineDOT) reviewed a Preliminary Traffic Evaluation submitted by Gorrill Palmer on behalf of the Applicant and determined that a Traffic Movement Permit would be required for Katahdin View Drive because the proposed and existing development was forecasted to generate more than 100 peak-hour trips ends. On August 28, 2025, the Applicant filed the application for the Traffic Movement Permit with the MaineDOT and a final permit Reg. 05-00027-A-N was issued on November 13, 2025. This permit requires vegetation maintenance, the installation of signage, apron paving, and overhead lighting per Maine DOT standards at the intersection of Millinocket Lake Road.

- 2) *Parking Layout and Design.* The Applicant has included plans for adequate parking for up to 8 vehicles associated with the proposed maintenance building on Commercial/Operational Use Lot 1.
- 3) *Subdivision Roadway Design Specifications.* The Applicant proposes to construct four new roadways, qualifying as a “Road Project Level C” to serve the 41-lot residential and commercial subdivision. The roadways would be 18 feet wide and vary in length between 645 feet and 2,447 feet, 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.
- 4) *Emergency Egress.* In addition to the four interconnected roadways serving the development, the Applicant proposes to utilize existing trail access, which can support trucks in the Summer and ATV or UTV vehicles in the Winter, as shown on the Subdivision Plan, to provide a second means of emergency egress out of the development. All leaseholders would have a legal right, via easements, to access the trail pursuant to Part III, Common Easements, of the Declaration of Protective Covenants, Common Easements, and Road Maintenance Agreement for the Hammond Ridge Development Association.
- 5) *New Entrances.* The subdivision access would be limited to two new entrances for Roadways A and B from Katahdin View Drive, which internally connect to Roadways C and D. No other roadways or right-of-ways are proposed or anticipated

in the area, which might otherwise require geometric alignment and connection to or across from Roadways A and B along Katahdin View Drive.

- 6) *Road and Infrastructure Maintenance.* The Applicant has indicated it intends to maintain the roads until the Association is established. The Association will be established by the provided draft Declaration of Protective Covenants, Common Easements, and Road Maintenance Agreement and includes long-term plans for inspection, maintaining, and repairing the subdivision access road and emergency egress trail.

C. Finding: The Commission finds that the Project meets the applicable requirements of Chapter 10, § 10.25(D) for vehicular circulation, access, and parking.

18. 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 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).

B. Analysis.

1) General Standards for All Subdivision Layouts.

- a.* The Applicant's proposed subdivision is located in an area identified as "Subarea I – Mixed Use/General Development" within the Development Plan. §4(C)(10) and §4(C)(18)(a, b) of the Development Plan state that mixed use buildings, commercial subdivisions, recreational facilities, and high density residential subdivision are uses allowed in this subarea upon issuance of a permit from the Commission. The proposal for the residential area of the subdivision meets the Commission's definition of a "high-density" subdivision, with an average lot size of less than two acres, minimum lot size of 20,000 sq. f.t, and a maximum lot size of 3 acres. The proposed mixed-use lots intended for multi-family rental units and small-scale commercial uses constitute a commercial subdivision for uses allowed in the subdistrict. Commercial subdivisions are an allowed use upon issuance of a permit by the Commission in the Subarea I Mixed Use/General Development area of the subdistrict.
- 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 Protective Covenants, Common Easements, and Road Maintenance Agreement, 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 western boundaries of the subdivision. Additionally, open space exists 500 feet in width through the entire eastern area of the development via the previously approved wildlife corridor. The open space and wildlife corridor is located such that it separates the groups of lots so that they each do not extend more than 1,320 feet along any road. This common open space would be permanently preserved under the Declaration of Protective Covenants, Common Easements, and Road Maintenance Agreement, and is also subject to the provided Habitat Management Plan prepared by David Irving, Maine Licensed Forester 3429, USDA TSP 12-8087, located in Bangor, Maine.
- d.* The Applicant proposes to create an Association via the draft Declaration of Protective Covenants, Common Easements, and Road Maintenance Agreement. The Declaration states every property owner in the development would have right of access over and through the roads via easements, in common with the landowner, other tenants, and other third parties, for ingress and egress by pedestrian and vehicular means under the Declaration of Protective Covenants, Common Easements, and Road Maintenance Agreement.

- C. Finding.** Provided the approved Site Law Certification, Subdivision Plat, and Declaration of Protective Covenants, Common Easements, and Road Maintenance Agreement 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 Development Plan.

19. Lighting:

- A. Review Criteria: In considering the land use standards, the Commission requires compliance with standards for exterior light levels, glare reduction, and energy conservation for any proposed lighting. Chapter 10, § 10.25(F)(2).
- B. Analysis: The Applicant has provided a lighting plan stating that the exterior lighting for the Project would be full-cut-off and would be designed and installed in compliance with the Commission's standards for lighting in Chapter 10, § 10.25(F)(2).
- C. Finding: The Commission finds that the proposed lighting meets the requirements of Chapter 10, § 10.25(F)(2).

20. Dimensional Requirements:

A. Review Criteria.

- 1) The minimum lot size in Subarea I – Mixed-Use/General Development is 20,000 square feet pursuant to §7(A)(1) of the Development Plan.
- 2) For residential and mixed-use structures, the minimum road frontage is 50 feet. For Non-residential structures, the minimum road frontage is 100 feet pursuant to § 7(A)(2) of the Development Plan.
- 3) Minimum setbacks from a roadway are 20 feet, and minimum setbacks from the side and rear property lines are 10 feet, pursuant to § 7(A)(3) of the Development Plan.
- 4) Maximum structure height is 35 feet for residential and mixed-use structures, and 75 feet for commercial and recreational lodging facilities, pursuant to § 7(A)(4) of the Development Plan.
- 5) Maximum lot coverage for attached and detached, single family uses, as well as multifamily, mixed use, and commercial buildings is 50%, pursuant to § 7(A)(5) of the Development Plan.

B. Analysis. The proposed lots range in size from 0.5 acres (21,780 sq. ft.) to 8.2 acres. As proposed, the road setbacks are all 20 ft., the side and rear setbacks are 10 ft., and road frontage of the lots ranges from 57 feet to 1,780 feet. Structure heights are all 35 feet, and building coverage shown as a maximum of 50% meeting the requirements of the Development Plan for Subarea I - Mixed Use/General Development.

C. Finding. The Commission finds that the Project meets the dimensional requirements pursuant to § 7(A) of the Development Plan.

21. The facts are otherwise as represented in the certification request and the supporting documents submitted by Hammond Ridge Development Company, LLC for Site Law Certification SLC 21.

FINAL CONCLUSION FOR THE CERTIFICATION OF COMPLIANCE WITH THE COMMISSION'S LAND USE STANDARDS

Based on the findings set forth above, the Commission concludes that, with respect to the proposed Project, Hammond Ridge Development Company, LLC has met its burden of demonstrating that the Project conforms with the applicable 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 any DEP review.

CONDITIONS

Therefore, the Commission CERTIFIES that Site Law Certification SLC 21, submitted by Hammond Ridge Development Company, LLC, for a 51-lot mixed-use subdivision 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 Hammond Ridge Development Company, LLC possesses sufficient right, title or interest to develop the Project.
2. *Parking requirement.* The parking lot must comply with the applicable requirements of Chapter 10, § 10.25(D) of the Commission's Land Use Standards.
3. *Certification and Plat Recording.* The Applicant must record and cross-reference in the Penobscot County Registry of Deeds this Site Law Certification, SLC 21, 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 certification 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.
4. *Association.* Prior to the lease of any subdivision lot, the Applicant must incorporate an 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 Declaration of Protective Covenants, Common Easements, and Road Maintenance Agreement must be recorded and cross-referenced in the Penobscot 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 Protective Covenants, Common Easements, and Road Maintenance Agreement must include the following language.
 - a. *No Division.* No Lot may be further divided; provided, however, that a conveyance to the owner of an abutting Lot may be permitted in the event that the portion of the Lot being transferred merges with and becomes a part of the title to the abutting Lot, and such transfer is permitted pursuant to the Laws and Approvals.
 - b. All dwellings, structures, improvements, and associated utility services located on any one or more Lot shall be located, constructed, maintained, repaired, and replaced in accordance with this Declaration, the Master Plan, the Approvals, and the Laws, as may be applicable. Any dwellings, structures, or other improvements, and any permanently

maintained cleared openings on a Lot shall be located wholly within the Building Envelope specified for such Lot, as depicted on the Master Plan; provided, however, that each Lot may maintain a single driveway for access to the Building Envelope together with utility services benefitting the Lot (which, to the greatest extent possible, shall be collocated with the driveway) outside of the Building Envelope. Any cleared areas mowed less than twice a year shall not be considered “permanently maintained cleared openings” and, therefore, are not prohibit by this restriction.

5. *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.
6. *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.
7. *Open Space.* Open space, including the property line buffer and wildlife corridor, must be conserved and maintained as approved under the Development and Subdivision Plans.
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 sale or 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. *Dimensional requirements.* All project structures, both temporary and permanent, must be designed and located in accordance with the requirements of the Development Plan.
11. *Lighting.* All project lighting, including temporary lighting, must comply with the requirements of Chapter 10, § 10.25(F)(2) of the Commission’s Land Use Standards.
12. *Vegetative Clearing.* The DEP finds in its SLODA/NRPA permitting decision that the project would not cause an undue adverse impact on existing resources.
13. The Project is otherwise designed, constructed, and operated as proposed in the materials submitted to the Commission.

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 24TH DAY OF NOVEMBER 2025.

By: Billie J. Thoriault
for Benjamin Godsoe, Acting Executive Director