

# I. SUMMARY

<b>Duration of Plan</b>	This Concept Plan applies to, and regulates, all land use within the Plan Area for 20 years from date of approval of the Plan by the Maine Land Use Regulation Commission. Conservation measures pursuant to the Plan apply in perpetuity.
<b>Area of Concept Plan<sup>1</sup></b>	The Concept Plan covers 1463 acres of land and 82,411 feet of shorefront under option from Plum Creek Maine Timberlands to Plum Creek Land Company. <sup>2</sup> The land surrounds most of First Roach Pond (which includes the adjacent North Inlet), a pond wholly within Frenchtown Township, lying to the east of Moosehead Lake and north of Greenville, Maine. The planning area includes 104,286 feet of shoreline, at least 500 feet back from the Mean High Water mark of the pond. This area (i.e., land immediately surrounding First Roach Pond) includes 7,900 feet of state-owned shorefront; and 13,975 feet in other, private ownership.
<b>Jurisdiction</b>	The entire Concept Plan area is subject to the regulatory provisions of the Maine Land Use Regulation Commission under 12 MRSA Section 681 <i>et seq.</i> because it lies within the Commission’s official jurisdiction.
<b>Existing Development</b>	About 26% of the First Roach Pond shorefront is currently in a development district; this D-RS/D-GN (development) district covers 27,000 feet of shoreline, practically all of which is owned by others. This shoreland is subdivided into 93 small lots containing about 111 structures, 108 of which are shorefront cabins. The small “village” of Kokadjo is located at the pond outlet, 15 miles from Greenville. Most of the existing cabins are in Kokadjo and on the south shore, off the County Road. There is a public boat launch at the outlet, and the State land offers cabins, camping, a beach, and boat launch area located on the southeast end of the pond. The state-owned frontage includes 32 cabins; the remaining 76 cabins are on private lots. Over 13 miles of good roads, suitable for two-wheel drive vehicles, surround the pond. This includes 7 miles of public road and 6.5 miles of private land management roads.
<b>First Roach Pond</b>	The 3270 acre, 6.7 mile long, pond is classified as a Management Class 3 lake under the Commission’s lake management classification system. This means it is “potentially suitable for development” because of its intrinsic, existing, characteristics. First Roach Pond has no ‘outstanding’ resources, but it is rated ‘significant’ for its fishery, scenery, shore character, botanic, and cultural features. This Concept Plan for First Roach Pond is consistent with the intent of Maine Land Use Regulation Commission’s Comprehensive Plan and Lake Management system.

<sup>1</sup> “Concept Plan Area” refers to that area, optioned by Plum Creek Land Company, which is to be designated a P-RP (Protection-Resource Plan) Subdistrict under LURC’s Concept Plan planning process. “Concept Plan Planning Area” refers to a larger area which includes the Plum Creek Land Company optioned land (i.e., the “Concept Plan Area”) and other ownerships immediately fronting on or in close proximity to First Roach Pond.

<sup>2</sup> Pursuant to the terms of Plum Creek Land Company’s Option Agreement with Plum Creek Maine Timberlands, L.L.C. (the current owner of the ±1463 acres on First Roach Pond), Plum Creek Land Company has the option to purchase in fee ±435 acres of the ±1463 acres. The 435 acres includes all the proposed subdivision lots (±275 acres) and Common Land with Deed Restrictions(±160 acres). Plum Creek Land Company also has the option to require Plum Creek Maine Timberlands to convey conservation easements over 525 acres directly to the Bureau of Parks and Lands within the Maine Department of Conservation. The remaining ±494 acres will be subject to Conservation Covenants held by the State of Maine and future purchasers of lots. For the sake of clarity, when this Application refers to the Applicant, it states the Applicant’s name in full, i.e., “Plum Creek Land Company.” When it refers collectively to Plum Creek Land Company and Plum Creek Maine Timberlands, it uses the shorthand reference of “Plum Creek.”

<b>Proposed Development</b>	<p>Two types of lots are proposed for the Concept Plan: shore lots and back lots. The 89 new lots are to be developed in phases and sold during the next 5 to 10 years.</p> <ol style="list-style-type: none"> <li>1. <u>Shorefront Lots (shown in yellow on Concept Plan Map 11, Part IV)</u> <ol style="list-style-type: none"> <li>a. <i>Small Shorefront Lots</i>: 55 lots in clusters of 2 to 6 lots each; the lots are from 1.4 to 6.2 acres in size, most being about 2 acres in size, with about 200 feet of shore frontage each; the lots will be accessible by existing or new roads.</li> <li>b. <i>Mid-sized Shorefront Lots</i>: 7 lots of ± 11 acres each are proposed for the northeast “Peninsula” end of the pond; one of these lots has an existing log cabin on it; another has a boathouse; all will have new road access.</li> </ol> </li> <li>2. <u>Back Lots (shown in gold on Concept Plan Map 11, Part IV)</u> 27 lots in 6 clusters, set back from the lake shore on high ground; these lots range in size from 1.5 to 4.6 acres; they will be accessible by new roads or improved existing roads.</li> </ol>
<b>Phosphorus Impact</b>	<p>The proposed development has minimal impact. It would only result in a permitted phosphorus export (PPE) of 61.87 lbs/year, significantly less than that what is allowed.. The PPE allowed under the state’s rules is 139.9 lbs/year. No additional phosphorus controls are necessitated by the proposal. Nonetheless, prudent erosion control measures will be undertaken as part of this project.</p>
<b>Proposed Conservation</b>	<p>Permanent conservation measures are proposed for 75% of Plum Creek’s shorefront ownership comprising 11.7 linear miles. Conservation measures are proposed in three areas as follows:</p> <ol style="list-style-type: none"> <li>1. <u>In Perpetuity Shoreland Common Areas (8.8% of total shore and 11.2% of Plum Creek’s shore (“Deed Restrictions” on Concept Plan Map 11, Part IV)</u> Open space, associated with shoreland development clusters and transferred, over time, to homeowners associations, is to be permanently conserved by means of deed restrictions. Comprising 9,218 linear feet and 160 acres, these common areas will be available for use to association members.</li> <li>2. <u>Conservation Covenant Land (comprising 494 acres, 13% of total shore, and 16.57% of Plum Creek’s shore) (“Conservation Covenant” on Concept Plan Map 11, Part IV)</u> Shoreland and wooded buffer areas adjacent to developed back lots, within the Concept Plan area, will be conserved by “negative” conservation easements and managed for timber production by Plum Creek Maine Timberlands. This land, which includes 13,610 linear feet of the pond shore. This area will be placed in conservation in two phases. All north shore covenants shall take effect upon approval of any subdivision there. All south shore and west shore covenants shall be effective upon Commission approval of any subdivision on these shores.</li> <li>3. <u>In Perpetuity Shoreland Protection (37% of the total shore and 47.3% of Plum Creek’s shore) (“Conservation Easement” on Concept Plan Map 11, Part IV)</u> These areas, comprising 525 acres and 38,980 linear feet of shoreline, will be placed in permanent protection by means of conservation easements. These conservation easements will become effective on Commission approval of this Concept Plan.</li> </ol> <p>The Covenant and Easement areas, excluding the Common Areas, will prohibit all development along 52,590 feet of shoreline for a distance of at least 500 feet back from the shoreline, totaling 1019 acres. Further, timber harvesting will be limited, within 100 feet of the shore, so that the aesthetic, recreational and water quality values of the area remain. This standard exceeds LURC’s harvesting restrictions.</p>

<p><b>Proposed Conservation (cont.)</b></p>	<p>The conserved shoreland area includes:</p> <ol style="list-style-type: none"> <li>a. <i>The North Inlet Shore</i>: this shoreland comprises ± 17,080 feet, 500 feet deep, bordering North Inlet Pond (± 187 acres).</li> <li>b. <i>The North Shore</i>: ± 7,750 feet of shoreline, at least 500 feet deep, between the Pulp Road and the North Inlet Pond. (± 108 acres).</li> <li>c. <i>The South Shore</i>: ± 10,100 feet on the south and southwestern shore of the pond, varying in width from 500 to 1200 feet deep (± 324 acres).</li> <li>d. <i>The East Shore</i>: ± 16,250 feet of shoreland, 500 feet deep, located along the entire easterly shore. (± 190 acres).</li> </ol> <p>These areas will be open for public use for traditional, non-intensive, non-motorized recreation. An existing leased lot comprising 6.4 acres and 2400 feet of shorefront, adjacent to the State campground will continue to be leased for camping.</p> <p>4. <u>Lot Conservation Measures</u> Plum Creek Land Company will place deed restrictions on all development so that noise, setback, clearing, and materials are controlled, to minimize scenic and environmental impacts. These restrictions meet or exceed LURC's standards.</p>
<p><b>LURC Commitments</b></p>	<p>The intent of these commitments is to provide reasonable assurance to <u>Plum Creek Land Company</u>, its successors and assigns, as to how the Commission views future development and timber harvesting activities within the areas covered by this Concept Plan.</p> <ol style="list-style-type: none"> <li>1. LURC accepts the number and type of development units proposed as being approved-in-concept as specified herein.</li> <li>2. Development proposed herein within the context of a (P-RP) Resource Plan Protection Subdistrict under this Concept Plan for the subject areas will <u>not require zoning to a Development Subdistrict</u>. However, before proposed development may proceed, the landowner will need to submit information normally required for subdivision, building, and other applicable permit approvals, as appropriate, and will obtain such approvals.</li> <li>3. Relevant current standards of the Commission governing forest management activities are incorporated into the Concept Plan and will govern forest management activities in the area subject to the Plan for the life of the Plan, except where more stringent standards have been made part of this Plan.</li> </ol>
<p><b>The Applicant</b></p>	<p>The Applicant, Plum Creek Land Company, is a subsidiary of Plum Creek Timber Company, Inc. The Concept Plan property to be developed or conveyed to homeowners associations as common area is to be sold in fee to Plum Creek Land Company by Plum Creek Maine Timberlands;<sup>3</sup> Plum Creek Land Company will, upon receiving all necessary permit approvals, make lots available for sale to the general public. Plum Creek Land Company will contract with Plum Creek Maine Timberlands to undertake timber harvesting within the Concept Plan area and Plum Creek Maine Timberlands will grant rights-of-access to Plum Creek Land Company and subsequent purchases of land around First Roach Pond. Plum Creek Maine Timberlands, L.L.C. is a subsidiary of Plum Creek Timber Company, Inc.</p>

<sup>3</sup> For an explanation of Plum Creek Land Company's Option Agreement with Plum Creek Maine Timberlands, the current owner of the Concept Plan area, see footnote 2, page 1.

## KEY STATISTICAL INFORMATION, BY AREA<sup>4</sup>

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Area	Ownership	Acres	Shorefrontage	Miles	% of Total Shorefront
Kokadjo	Plum Creek	0	0	0	0
	Other	102.82	3,925	0.74	3.75
	State	46.72	100	0.02	0.10
	Subtotal	149.54	4,025	0.76	3.85
1	Plum Creek	423.76	20,050	3.79	19.18
	Other	9.62	2,200	0.42	2.11
	Subtotal	433.38	22,250	4.21	21.29
2	Plum Creek	144.96	9,000	1.70	8.61
	Other	0	0	0	0
	Subtotal	144.96	9,000	1.70	8.61
3	Plum Creek	456.40	38,057	7.21	36.42
	Other	0	0	0	0
	Subtotal	456.40	38,057	7.21	36.42
4	Plum Creek	170.61	5,304	1.00	5.08
	Other	0	0	0	0
	Subtotal	170.61	5,304	1.00	5.08
5	Plum Creek	267.53	10,200	1.93	9.76
	Other	36.35	7,850	1.49	7.51
	State	72.14	7,800	1.48	7.47
	Subtotal	376.02	25,850	4.90	24.74
Totals	Plum Creek	1463.26	82,411	15.61	79.02
	Other	148.79	13,975	2.65	13.40
	State	118.85	7,900	1.50	7.56
	Total	1730.90	104,286	19.75	100 <sup>5</sup>

<sup>4</sup> First Roach Pond and North Inlet Pond include, for planning purposes, five subareas plus the Kokadjo area. An option to this land is held by Plum Creek Land Company; the remaining land is held by other private owners and the State.

<sup>5</sup> The total includes shorefront on both First Roach Pond and North Inlet Pond. (The 3720 acre measurement for First Roach Pond includes North Inlet Pond.)

# SUMMARY BY AREA

## *Proposed Development by Area*

		Approximate Acres <sup>6</sup>	Shorefront
Area 1	29 ± 2 acre shore lots (with ± 200 ft. frontage on each)	54	6,925
	12 ± 3 acre back lots (with ± 250 ft. lot width each)	37	
Area 2	16 ± 3 acre shore lots (with ± 240 ft. frontage each)	36	3,861
Area 3	7 ± 11 acre shore lots (with ± 500 ft. frontage each)	78	4,527
Area 4	5 ± 2 acre shore lots (with ± 200 ft. frontage each)	23	1,590
	9 ± 2 to 3 acre back lots (with ± 250 ft. lot width each)	21	
Area 5	5 ± 2 acre shore lots (with ± 200 ft. frontage each)	10	1,100
	6 ± 3 acre back lots (with ± 250 ft. lot width each)	16	
Total		275	18,003

*Note: One developed leased lot in Area 1 with 2 acres and 200 feet of frontage will be sold. Another in Area 3 will be sold as part of a large house lot or may be sold to the current leasee separately as a 2 acre lot with 200 feet of frontage.*

## *Proposed Conservation by Area*

		Shorefront	Acres <sup>6</sup>
Area 1	Conservation Easements	0	0
	Deed Restrictions	5,175	105.78
	Conservation Covenants	7,750	226.14
	Subtotal	12,925	331.92
Area 2	Conservation Easements	3,400	90.23
	Deed Restrictions	1,739	18.63
	Conservation Covenants	0	0
	Subtotal	5,139	108.86
Area 3	Conservation Easements	33,330	377.08
	Deed Restrictions	0	0
	Conservation Covenants	0	0
	Subtotal	33,330	377.08
Area 4	Conservation Easements	0	0
	Deed Restrictions	1,404	21.98
	Conservation Covenants	2,310	104.42
	Subtotal	3,714	126.40
Area 5	Conservation Easements	2,250 <sup>7</sup>	57.94
	Deed Restrictions	900	13.85
	Conservation Covenants	3,550	163.79
	Subtotal	6,700	235.58
Totals	Conservation Easements	38,980	525.25
	Deed Restrictions	9,218	160.24
	Conservation Covenants	13,610	494.35*

*\*Note: This may be reduced by up to 15 acres if small portions are sold to adjacent, existing, campowners for the sole purpose of improving their septic fields.*

<sup>6</sup> This includes road rights-of-way within "common land" and "backland" areas.

<sup>7</sup> This excludes 2400 feet of existing leased shorefront comprising 6.4 acres on which there are 14 campsites.

## **BENEFIT TO LANDOWNER**

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As “Landowner,” Plum Creek Land Company, through this Concept Plan, will receive approval-in-concept for 89 lots, assuming technical site requirements can be met. Preliminary soils data submitted by Plum Creek Land Company indicate that proposed locations for development units are generally suitable for development. If such locations are determined by the Commission to be unsuitable, or otherwise would not meet the Commission’s minimum dimensional requirements in effect at the time of permit application, the proposed lots may be relocated to other mutually agreeable areas in the Plan that are suitable for development or the lot boundaries or dimensions may be modified. These modifications would be subject to applicable dimensional and other standards, provided the total amount of shoreland conservation area is not reduced and the purposes and intent of the Plan are maintained. As such, the benefit to Plum Creek Land Company is as noted below:

1. Predictability of Development Potential: Approval-in-concept minimizes the uncertainty normally associated with rezoning and development proposals. Through this Plan, Plum Creek Land Company or a subsequent landowner or lessee may pursue development of 89 lots on the subject property over the next 20 years without having to go through the entire regulatory process (i.e., rezoning for subdivision) and with near certainty that these units will be approved as long as site conditions allow.
2. Enhanced Credibility: By taking the “high road” and preparing a comprehensive plan for its First Roach Pond ownership (rather than undertaking piecemeal development), Plum Creek Land Company hopes to demonstrate its commitment to quality, limited, development that fits with the Commission’s and the public’s broad goals for the jurisdiction, as laid out in the agency’s Comprehensive Plan.

## **BENEFIT TO THE PUBLIC**

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Through this Concept Plan, Plum Creek Land Company proposes several types of natural resource conservation measures. The conservation measures must be viewed in the context of their value to the public recognizing that, **absent this Concept Plan, there is reasonable potential for limited development but little potential for permanent shoreline protection.** The public gains the following under this proposal.

1. Directing Development: Directing development to the most suitable areas and away from areas less appropriate for development, has clear benefits to the public. It assures that development will occur only in a fashion that will strike a reasonable and publicly beneficial balance between appropriate development and long-term conservation of First Roach Pond’s scenic and other natural resources.
2. Predictability of Amount of Development: This Plan provides predictability and thus removes the uncertainty as to how much development can be expected on the shorelands covered by this Plan. This is of particular benefit to the public which uses this pond and especially those who currently own or lease land on First Roach Pond. With this Plan there is certainty that no other development will occur beyond what is proposed herein.

3. Permanent Shoreland Protection: The public gains permanent conservation protection for 52,590 feet and 1019 acres of shoreline on First Roach Pond. Further, some 160 acres of common land is permanently protected. This includes an additional 9218 feet of shoreline protected as common land within the proposed development sites. Altogether, 11.7 miles of shorefront is protected.
4. Public Access: Under this Plan Plum Creek Land Company will guarantee public access for camping, snowmobiling, fishing, hunting, and hiking and other primitive outdoor activities within those areas of shore designated for public use.
5. Commitment to the Region. Plum Creek Land Company's Option Agreement with Plum Creek Maine Timberlands includes a provision wherein Plum Creek Maine Timberlands states its intention to manage the surrounding lands as a working forest, managed for forest products, which in turn, will provide local employment opportunities.
6. Benefit to the Local Economy. The construction and sale of seasonal homes at First Roach Pond and the continuing services needed by the owners of these homes will benefit the local economy by providing additional employment opportunities to local residents.
7. Provision of Seasonal Home Opportunities to Maine's Residents. Of the over 300 inquiries Plum Creek Land Company has received to date about the availability of seasonal home lots, over 90% have been from individuals and families already residing in Maine. The availability of such lots will benefit those Maine residents who wish to have a seasonal home in Maine.

## **THE CONCEPT PLAN AND LURC STANDARDS**

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This Concept Plan is designed to meet all applicable LURC standards, as explained below and expanded upon in Part IV.

### ***Suitability for Development***

First Roach Pond is a Class 3 Lake designated by the Commission as potentially suitable for development, based on such factors as water quality, access, no conflicting uses, shoreland availability, water level fluctuation, location, regional considerations and special planning needs. LURC's Comprehensive Plan states that the Commission "supports additional responsible development around Class 3 lakes" and waives the adjacency criterion so long as there are no water quality problems and there are suitable soils. (Ch. 50, III, D., Lake Planning Efforts.)

In designating First Roach Pond as a Class 3 Lake, the Commission has already found that First Roach Pond meets the following criteria (see Ch. 50, 04-061):

- a) the water quality can sustain development of the remaining undeveloped shoreline at the rate of one dwelling unit per 400 feet of frontage or a total of a theoretical 258 units (103,500 ft. ÷ 400 ft.). (The proposed Concept Plan is well below this maximum standard; with 111 existing shoreland

structures and 62 new dwelling units proposed, the shorefront to dwelling unit frontage will be 598 feet (103,500 ft. ÷ 173 units));

- b) it is located within two townships of the organized portion of the State or within existing settlements with public services;
- c) it is accessible by 2 wheel drive motor vehicle in the summer to within 1/4 mile of the normal high water mark of the lake;
- d) there is no conflicting use, such as major or unavoidable conflict with critical species or habitats, or with recreational activities requiring an undeveloped setting;
- e) the undeveloped shore area is adequate for 10 or more dwelling units and has greater than 10 acres of surface area per existing dwelling unit (the proposed Concept Plan substantially exceeds this minimum standard--the 111 existing and 62 proposed shorefront lots combined yields 21.5 acres of lake surface area per lot);
- f) there is no extreme water level fluctuation which makes the shoreline unsuitable for development;
- g) as compared to other large water bodies, it is least sensitive to water quality degradation; closest to paved, all-season roads; closest to existing development centers; and has the least conflict between development and its resource significance;
- h) it does not have special planning needs such as “outstanding” resource values.

### ***LURC’s Rezoning Criteria (12 MRSA Chapter 685.A(8-A))***

This Concept Plan meets the Commission’s rezoning criteria, which may apply<sup>8</sup> because, under the “Concept Plan” approach, the Commission, upon approval, designates the Plan area as a P-RP subdistrict.<sup>9</sup> It should be noted, however, that the Commission’s “adjacency” criteria do not apply in the case of Concept Plans on Class 3 lakes. Nevertheless, were they to apply, all proposed lots are within one mile of a D-RS subdistrict.

The Concept Plan is wholly consistent with the LURC Comprehensive Plan. The Comprehensive Plan encourages the concept plan approach for entire lakes, such as is proposed here, and as a matter of policy, advocates for responsible development on the fringe of the jurisdiction, close to organized towns. The Concept Plan meets this requirement.

Although “adjacency” is not required, this Concept Plan is designed to fit with existing patterns of development around First Roach Pond.<sup>10</sup> There are several residential development subdistricts around the Pond, and the proposed development is almost all within ¾ of a mile of these existing subdistricts.<sup>11</sup> Indeed, over 70% of all proposed lots are within ½ mile of an existing development district.<sup>12</sup>

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<sup>8</sup> Under the Commission’s regulations regarding concept plans, it appears that the “rezoning” standards do not apply to concept plan applications. See, e.g., Ch. 50C (Lake Concept Plans). However, in case the Commission interprets its regulations differently in this regard, this Concept Plan Application also addresses rezoning standards.

<sup>9</sup> See *Implementation: Proposed Development: Rezoning and Subdivision Provisions*.

<sup>10</sup> See *Summary: Existing Development; Inventory: Existing Development; Implementation: Proposed Development*.

<sup>11</sup> See *Map No. 10, Part II*

<sup>12</sup> See *Map No. 11, Part IV*

The Commission’s rezoning criteria pose the question of “need.” According to Moosehead region real estate agents there continues to be a strong market for second home sites.<sup>13</sup> Over the last 25 years this region has seen some of the highest growth rates within the Commission’s jurisdiction,<sup>14</sup> and Greenville expects to see steady growth in seasonal housing demand, at a rate of about 10 units/year. Further, with substantial commitments to the conservation of hundreds of thousands of acres, where “no development” agreements are being negotiated, the demand for lots in areas deemed suitable for development is bound to expand.

With respect to the Commission’s “no undue adverse impact” criteria, this Concept Plan:

- commits 74.8 % of the shorefront ownership to conservation, in perpetuity;<sup>15</sup>
- limits harvesting within 100 feet of the shore;<sup>16</sup>
- places restrictions on outdoor lighting, noise, and clearing on all lots;<sup>17</sup>
- establishes land use standards and restrictions that surpass the Commission’s own strict standards;<sup>18</sup>
- surpasses the Commission’s phosphorus standards and makes a commitment to best storm water management practices.<sup>19</sup>

## ***Development and Conservation Standards***

This Concept Plan meets the Commission’s standards for concept plans; it strikes a reasonable and publicly beneficial balance between development and the conservation of lake resources,<sup>20</sup> and, taken as a whole, it is at least as protective of the natural environment as what is allowed based on the present zoning districts.<sup>21</sup> (*Ch. 50.IV.C*) Furthermore, the proposed Resource Plan Land Use Standards are more restrictive than the Commission’s standards.

First Roach Pond already has a fair amount of residential development along its shores, and some commercial activity.<sup>22</sup> The total frontage now zoned for development is 26.1%. The total frontage proposed for new development is 18.9%. With this additional development, half the Pond would still be undeveloped, which is a reasonable balance between development and conservation. The proposed 62 shorefront lots, together with the 111 structures currently located on the lakefront, yields a total of 173 units, which is substantially less than the Commission’s build-out limit of 258 units.<sup>23</sup>

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<sup>13</sup> See Summary: *Benefit to the Public*.

<sup>14</sup> See Inventory: *Existing Development*.

<sup>15</sup> See Implementation: *Proposed Conservation; Appendix (Conservation Easement Area and Conservation Covenant Area)*

<sup>16</sup> *Id*; Appendix(*Option Agreement*).

<sup>17</sup> See Implementation: *Proposed Development: Specific Development Provisions*.

<sup>18</sup> See Summary: *Development and Conservation Standards; Implementation: Proposed Development; and Land Use Standards Applicable to the Concept Plan in the Appendix*.

<sup>19</sup> See Summary: *Phosphorus Impact; Implementation: Impact of Concept Plan on Phosphorus Levels in First Roach Pond*; Appendix (*Preliminary Phosphorus Evaluation for First Roach Pond*); Implementation: *Proposed Development: General Provisions*.

<sup>20</sup> See Summary: *Benefit to Landowner: Benefit to the Public*. See also Inventory; *Proposed Development; Proposed Conservation; Forest Management Standards in the Concept Plan Area*.

<sup>21</sup> See Appendix (*Land Use Standards Applicable to the Concept Plan*).

<sup>22</sup> See Summary: *Existing Development; Inventory: Existing Development*.

<sup>23</sup> See *The Concept Plan and LURC Standards: Suitability for Development listing criteria for Class 3 Lakes*.

The proposed Concept Plan includes deed restrictions and other conservation measures over a substantial portion of the Pond, even though First Roach Pond is a Class 3 lake;<sup>24</sup> it preserves 11.5 miles of undeveloped and scenic shoreland, including 3.1 contiguous miles, along the eastern end, and generally locates lots near existing residential development.<sup>25</sup> The time span for the proposed Concept Plan of 20 years exceeds the Commission’s 10 year minimum.<sup>26</sup> (See also *Ch. 10.16, F, 8*).

## ***Subdivision and Development Standards***

The lots proposed in the Concept Plan meet the Commission’s standards for subdivisions and development, including the principal standard that the lots fit “harmoniously into the existing natural environment in order to assure there will be no undue adverse effect on existing uses, scenic character, and natural and historic resources in the area likely to be affected by the proposal.” (*Ch. 10.13.B.; 12 M.R.S.A. Sec. 685-B (Development Criteria)*).<sup>27</sup>

The 108 existing dwelling units and 3 commercial structures on the lakefront have already established First Roach Pond as a developed lake,<sup>28</sup> although the proposed lots are typically sited and screened to have little impact on the lake’s scenic character.<sup>29</sup> There is already access by road to most of the proposed lots, further minimizing additional impact.<sup>30</sup>

The Concept Plan also meets the subdivision standards for “structures adjacent to lakes” (*Ch. 10.13-B (2)*), including no adverse effect on natural<sup>31</sup> and cultural<sup>32</sup> resource values, water quality,<sup>33</sup> impact on traditional uses,<sup>34</sup> regional diversity,<sup>35</sup> natural character,<sup>36</sup> and consistency with lake management goals.<sup>37</sup> The standard of landowner equity is met because most of the shorefront is owned or will be owned by Plum Creek.<sup>38</sup> (LURC’s Appendix C Table indicates that First Roach Pond is relatively accessible and relatively developed, and that it is a lake of statewide significance.)

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<sup>24</sup> See *Proposed Conservation*; Appendix (*Conservation Easement and Conservation Covenant*).

<sup>25</sup> See *Map 11, Part IV*

<sup>26</sup> See *Description: Duration of Plan; Implementation: Proposed Development*

<sup>27</sup> See *Inventory; Description: Area to be Included; Implementation; and Appendix*

<sup>28</sup> See *Inventory: Existing Development*.

<sup>29</sup> See *Implementation: Specific Development Provisions*.

<sup>30</sup> See *Inventory: Site description – An Overview: Roads and Access; Maps 1, 4 and 5*.

<sup>31</sup> See *Inventory, including Water Quality, The Fishery; Scenic Resources; Soils; Wetlands; Plants and Wildlife; Description: Area to be Included; and Implementation: Proposed Development; Impact of Concept Plan on Phosphorus Levels in First Roach Pond; Proposed Conservation; Forest Management Standards in the Concept Plan Area*.

<sup>32</sup> See *Inventory: Cultural Resources; Implementation: Proposed Conservation*.

<sup>33</sup> See *Inventory: Water Quality; Implementation: Impact of Concept Plan on Phosphorus Levels in First Roach Pond; Appendix (Preliminary Phosphorus Evaluation for First Roach Pond)*.

<sup>34</sup> See *Inventory: History; Existing Development; Implementation: Proposed Development*.

<sup>35</sup> See *Inventory: Adjacent Regional Development; Implementation: Proposed Development*.

<sup>36</sup> See *Inventory including Site Description-Overview: Natural Features; Scenic Resources; Plants and Wildlife; and Implementation: Proposed Development and Proposed Conservation*.

<sup>37</sup> See *Inventory, including Site Description-Overview: Natural Features; Scenic Resources; Plants and Wildlife; and Implementation: Proposed Development and Proposed Conservation*.

<sup>38</sup> See *Summary: The Applicant; Inventory: Site Description: An Overview: Ownership*.

## ***Compliance with State Environmental Laws***

The Concept Plan lots will comply with the State’s environmental laws, (*see Ch. 10.13-B (1)(A)*), including minimum lot size (the smallest proposed lot is 1.4 acres), site location,<sup>39</sup> protection of natural resources,<sup>40</sup> and adequate provision for solid waste and sewage disposal,<sup>41</sup> and maintaining a healthful water supply.<sup>42</sup> The land where most of the proposed lots are located have already been soils tested and have been found to be adequate.<sup>43</sup> Such natural resources as the undeveloped easternmost shore, and the North Inlet off of the Pond are left undeveloped.<sup>44</sup>

The Concept Plan meets the Site Location of Development standards set forth in 38 M.R.S.A. Secs. 481-490, including the requirement that the development will fit harmoniously into the existing natural environment and will not adversely affect existing uses, scenic character, air quality, water quality or other natural resources.<sup>45</sup>

The Concept Plan meets the Natural Resource Protection Act standards set forth in 38 M.R.S.A. Secs. 480-A to 480-Z, including the requirement that the activity will not unreasonably interfere with existing scenic, aesthetic, recreational or navigational uses, and will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, aquatic habitat, travel corridor, or marine fisheries or other aquatic life.<sup>46</sup>

The Concept Plan meets the Minimum Lot Size requirements set forth in 12 M.R.S.A. Sec. 4807-4807G including the requirement that the lots on which single family residential units will be located contain at least 20,000 sq. feet, and have a minimum lake frontage of 200 feet.<sup>47</sup>

## ***Benefits to the Economy***

Section 685-B(4) of Title 12 M.R.S.A. states that the Commission “shall permit the applicant to provide evidence on the economic benefits of the proposal...”, which relates to the requirement that approval of the Concept Plan will adequately protect “the public’s health, safety and general welfare”. The home construction and need for services arising from development of the lots, such as maintenance services, cleaning, repair, and similar seasonal services, will provide long-term employment opportunities for the area’s year round residents, and will benefit the area.<sup>48</sup>

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<sup>39</sup> See *Inventory: Site Location*

<sup>40</sup> See *Implementation: Proposed Development; Proposed Conservation; and Forest Management Standards in the Concept Plan Area.*

<sup>41</sup> See *Implementation: Proposed Development: Specific Development Provisions; Inventory: Existing Development: Solid Waste Disposal; and Soils.*

<sup>42</sup> See *Inventory: Water Supply; Implementation: Proposed Development; and Impact of Concept Plan on Phosphorus Levels in First Roach Pond.*

<sup>43</sup> See *Inventory: Soils*

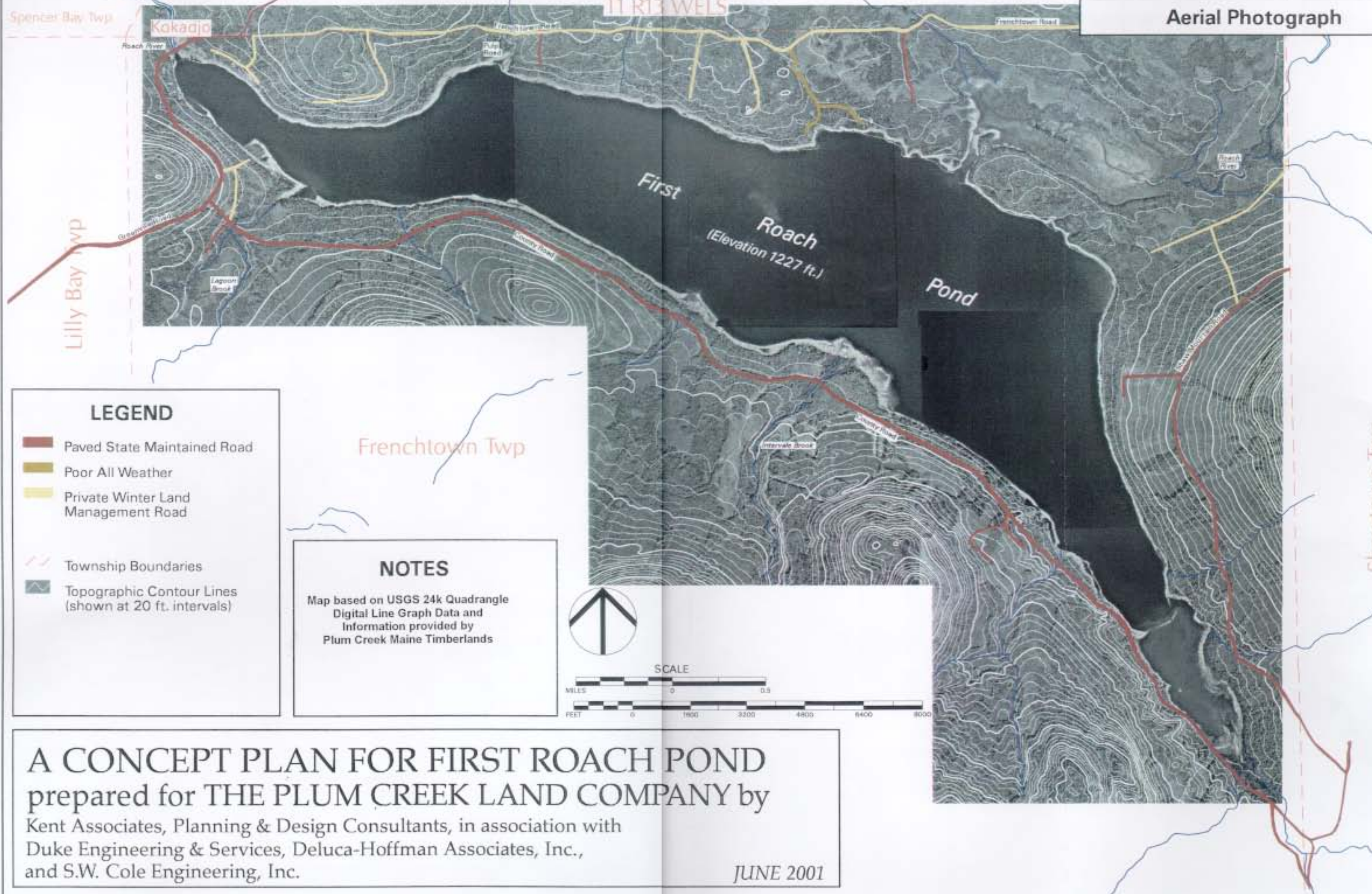
<sup>44</sup> See *Appendix (Conservation Easement Area and Conservation Covenant Area).*

<sup>45</sup> See *Inventory; Description: Area to be Included; Implementation; and Appendix*

<sup>46</sup> *Id.*

<sup>47</sup> See *Implementation: Proposed Development.*

<sup>48</sup> See also *Benefit to the Public.*



**LEGEND**

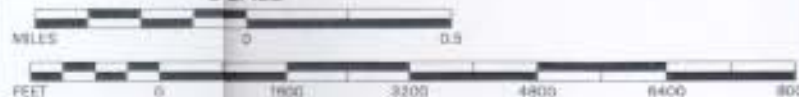
-  Paved State Maintained Road
-  Poor All Weather
-  Private Winter Land Management Road
-  Township Boundaries
-  Topographic Contour Lines (shown at 20 ft. intervals)

**NOTES**

Map based on USGS 24k Quadrangle Digital Line Graph Data and Information provided by Plum Creek Maine Timberlands



**SCALE**



**A CONCEPT PLAN FOR FIRST ROACH POND**  
prepared for THE PLUM CREEK LAND COMPANY by

Kent Associates, Planning & Design Consultants, in association with Duke Engineering & Services, Deluca-Hoffman Associates, Inc., and S.W. Cole Engineering, Inc.

JUNE 2001