



JANET T. MILLS  
GOVERNOR

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

AMANDA E. BEAL  
COMMISSIONER

STACIE R. BEYER  
EXECUTIVE DIRECTOR

January 24, 2023

Senator Henry Ingwersen, Senate Chair  
Joint Standing Committee on Agriculture, Conservation and Forestry  
Maine Senate  
3 State House Station  
Augusta, ME 04333

Representative William D. Pluecker, House Chair  
Joint Standing Committee on Agriculture, Conservation and Forestry  
Maine House of Representatives  
2 State House Station  
Augusta, ME 04333

***RE: 2022 Land Use Standards Rule Changes – Maine Land Use Planning Commission***

Dear Senator Ingwersen and Representative Pluecker:

Enclosed are changes to the Land Use Planning Commission's land use standards that went into effect in 2022. According to 12 M.R.S. §685-A(7-A)(B)(6): "Permanent land use standards adopted by the commission are effective immediately but must be submitted to the next regular or special session of the Legislature for approval or modification. If the Legislature fails to act, those standards continue in full force and effect."

A list of amendments to its land use standards adopted by the Commission in 2022 follows:

- 1) **Citizens' Rulemaking Petition:** Revisions to Chapter 10, *Land Use Districts and Standards* implementing a citizens' rulemaking petition<sup>1</sup> to prohibit certain marijuana-related businesses from the Community Center Development (D-GN2) Subdistrict within the Prospective Zoning Plan for the Rangeley Lakes Region. The adopted amendments include the prohibition of most medical marijuana and adult-use marijuana development involving cultivation, extraction, processing, manufacturing, testing, or sale within D-GN2 subdistricts.

Related revisions are illustrated on pages 1 through 3 within the attached document.

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<sup>1</sup> Pursuant to 5 M.R.S. § 8055.

- 2) **Moosehead Regional Planning Project Implementation:** Revisions to Chapter 10, *Land Use Districts and Standards* implementing actions stemming from the 2020-2022 Moosehead Regional Planning Process.<sup>2</sup> The revisions allow for modifying the Location of Development criteria as part of a regional planning process that addresses the location of development through a balanced and comprehensive process. Specifically, the revisions refine the Commission's application of the Location of Development criteria in the Moosehead Region by providing for the removal of ten minor civil divisions from primary and secondary locations, and for the removal of primary locations around certain Management Class 3 lakes in the region. The revisions also reorganize and clarify the section to better distinguish the primary and secondary locations designated based on applying the adjacency principle versus changes made as the result of a balanced and comprehensive regional planning process.

Related revisions are illustrated on pages 4 and 8 within the attached document.

- 3) **Solar Rulemaking – Phase I, Definitions and Use Listings:** Revisions to Chapter 10, *Land Use Districts and Standards*, to improve efficiency and clarity in siting, evaluating, and permitting solar energy generation facilities in response to increased solar development across the Commission's service area. The primary objectives of this rulemaking are to define size classes for solar energy generation facilities and to specify which land use subdistricts will allow solar energy generation facilities. Revisions also clarify existing definitions and standards related to solar energy facilities that qualify as accessory structures.

Related revisions are illustrated on pages 9 through 20 within the attached document.

Please feel free to contact me should you have questions about the rule revisions.

Sincerely,



Stacie R. Beyer, Executive Director  
Land Use Planning Commission

cc via e-mail only:

Everett Worcester, Chair, LUPC

Amanda Beal, Commissioner, DACF

Randy Charette, Deputy Commissioner, DACF

Judith East, Director of Bureau of Resource Information & Land Use Planning, DACF

Emily Horton, Director of Policy & Community Engagement, DACF

Enclosures: Adopted Chapter 10 rule revisions

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<sup>2</sup> More information about this regional planning process is available at:

[www.maine.gov/dacf/lupc/projects/moosehead\\_region\\_planning\\_project/moosehead\\_region\\_planning.html](http://www.maine.gov/dacf/lupc/projects/moosehead_region_planning_project/moosehead_region_planning.html)

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
**MAINE LAND USE PLANNING COMMISSION**

**Citizen Petition to Prohibit Certain Marijuana Uses  
in the D-GN2 Subdistrict**

*February 9, 2022 – Adopted Revisions*

These revisions proposed changes to Chapter 10, Land Use Districts and Standards for Areas within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections of Chapter 10 and indicates additions in underline, deletions with a ~~strikethrough~~.

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## 10.21 DEVELOPMENT SUBDISTRICTS

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Pursuant to 12 M.R.S. §685-A and consistent with the Commission's Comprehensive Land Use Plan, the following development subdistricts are established:

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### D. COMMUNITY CENTER DEVELOPMENT SUBDISTRICT (D-GN2)

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#### 3. Land Uses

The provisions of the D-GN2 subdistrict will not apply to any applications that have been received and deemed complete for processing by the Commission staff on or before January 1, 2001.

##### a. Uses Allowed Without a Permit

The following uses are allowed without a permit from the Commission within D-GN2 subdistricts:

...

##### b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-GN2 subdistricts subject to the applicable requirements set forth in Sub-Chapter III and Section 10.21,D,3,e:

...

##### c. Uses Requiring a Permit

The following uses, and related accessory structures, may be allowed within D-GN2 subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III, and the limitations of Section 10.21,D,3,e, and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.25,A,2. Facilities allowed by permit may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,D,3,c may not be expanded.

...

- (4) Commercial: Commercial facilities having not more than 4,000 square feet of gross floor area, or as provided in Section 10.25,A,2,e that are compatible with residential uses, community centers, and foot traffic, specifically retail shops, restaurants, bed and

breakfasts, professional and financial services, trades such as cabinetry or shoe repair, artisan shops, and galleries. Generally, including:

...

**d. Special Exceptions**

The following uses, and related accessory structures, may be allowed within D-GN2 subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-A(10), the criteria of Sections 10.24,B,1 through 3, the applicable requirements set forth in Sub-Chapter III, and the limitations of Section 10.21,D,3,e, and where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.25,A,2. Facilities allowed with a permit by special exception may use legally existing structures that exceed dimensional requirements. However, structures exceeding the size limitations in Section 10.21,D,3,d may not be expanded.

(1) Commercial facilities that are compatible with residential uses, community centers, and foot traffic, specifically retail shops, restaurants, bed and breakfasts, professional services, trades such as cabinetry or shoe repair, artisan shops, and galleries.:

- (a) Commercial uses between 4,000 and 8,000 square feet in size, except as provided in Section 10.25,A,2,e; and
- (b) Commercial uses with a total of no more than 10,000 square feet of outdoor display or storage area combined; and

...

**e. Certain Marijuana Facilities and Uses Prohibited**

All medical marijuana and adult use marijuana development and activities involving cultivation, extraction, processing, manufacturing, testing, or sale, within or part of any land use regulated by Section 10.21,D, are prohibited within D-GN2 subdistricts, except:

- (1) licensed caregivers who sell or dispense marijuana pursuant to 22 M.R.S. § 2423-A solely out of the caregiver's primary residence on an incidental or by appointment basis only and does not involve regular business hours, provided such operation does not involve the processing or manufacturing of marijuana using chemicals or solvents, and does not involve signage;
- (2) the provision or dispensing of medical marijuana by a licensed or exempt caregiver as part of any hospice or long-term care facility, health care facility, or nursing home; and
- (3) all protections or privileges of 22 M.R.S. Chapter 558-C, or 28-B M.R.S., including but not limited to home cultivation of marijuana for personal use; and medical marijuana home cultivation by a qualifying patient or exempt caregiver.

**ef. Prohibited Uses**

All uses not expressly allowed, with or without a permit, notification, or by special exception are prohibited in a D-GN2 subdistrict.

MAINE DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
**MAINE LAND USE PLANNING COMMISSION**

**Draft 2022 Moosehead Regional Planning Chapter 10 Rulemaking**

*December 14, 2022, Adopted Revisions*

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.]**

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

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### A. PURPOSE

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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.

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### B. RURAL HUBS

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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.

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### C. PRIMARY AND SECONDARY LOCATIONS

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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, it~~ 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,c:~~ Argyle Twp., Andover West Surplus Twp., Carrying Place Town Twp., Dead River Twp., Elliotsville 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.  
Elliotsville 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.

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## **D. LOCATION-DEPENDENT ACTIVITIES**

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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.

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## E. LEGAL RIGHT OF ACCESS

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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.

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
**MAINE LAND USE PLANNING COMMISSION**

**Proposed Solar Rulemaking – Phase I: Definitions and Use Listings**

*December 14, 2022 – Draft Adopted*

The following amendments propose changes to Chapter 2, Definitions, and Chapter 10, Land Use Districts and Standards for Areas within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections of Chapter 2 and Chapter 10, and indicates additions in underline, deletions with a ~~strikethrough~~, and relocated text in double underline and double ~~strikethrough~~. Most revisions are self-evident. Where necessary, further explanations of some changes have been included in **[brackets]**. These explanatory notes would not be included in the final rule.

Department of Agriculture, Conservation and Forestry

**MAINE LAND USE PLANNING COMMISSION**

22 State House Station, Augusta, Maine 04333 Tel. (207) 287-2631

# **Definitions**

## **Chapter 2 of the Commission's Rules**

Effective: November 1, 2021

Amended Effective: [Not yet applicable / available]

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## 2.02 DEFINITIONS

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**1. Accessory Use or Accessory Structure:**

"A use or structure subordinate to a permitted or conditional use or structure and customarily incidental to the permitted or conditional use of the structure." 12 M.R.S. § 682. Accessory structures include but are not limited to garages, decks, porches, accessory solar energy generation facilities, and sheds.

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**221. Solar Energy Generation Facility:**

**a. Accessory Solar Energy Generation Facility.** A freestanding or standalone solar energy system that is intended to convert solar energy into electric or thermal energy for on-site or off-site use, and which has a project area of 750 square feet or less; excluding rooftop installations over existing footprint.

**b. Small-scale Solar Energy Generation Facility.** A solar energy system that is intended to convert solar energy into electric or thermal energy for on-site use or off-site use, and which has a project area of more than 750 square feet but not more than one acre.

**c. Mid-scale Solar Energy Generation Facility.** A solar energy system that generates electricity for on-site use or off-site use, and which has a project area of more than one acre but not more than ten acres.

**d. ~~Grid~~Large-scale Solar Energy Generation Facility.** A solar energy system that ~~generates electricity~~is primarily or solely intended to generate electricity for on-site use or commercial sale for off-site use, ~~occupies an area of one or more acres, and has a nameplate capacity of more than 250 Kilowatts~~and which has a project area of more than ten acres.

Project area includes, but is not limited to, all land area containing new access roads, internal roads, the solar energy generation system (e.g., panels, inverter, battery storage), electrical and communications infrastructure including generator lead lines, structures, parking, security fencing, and vegetation clearing; including shade management areas.

**222. Solar Energy System:** A device or structural design feature, or group of devices or structural design features, a substantial purpose of which is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

...

DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY  
**MAINE LAND USE PLANNING COMMISSION**

## **Use Listings**

### **Chapter 10 of the Commission's Rules**

Effective: March 29, 2022

Amended Effective: [Not yet applicable / available]

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## 10.21 DEVELOPMENT SUBDISTRICTS

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Pursuant to 12 M.R.S. §685-A and consistent with the Commission's Comprehensive Land Use Plan, the following development subdistricts are established:

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### A. COMMERCIAL INDUSTRIAL DEVELOPMENT SUBDISTRICT (D-CI)

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#### 3. Land Uses

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**[Revision Note:** This rulemaking proposes to make the following revision to each subdistrict in Sub-chapter II that currently includes "Accessory Structures" as a use allowed without a permit subject to standards, specifically the following subdistricts:

- (D-CI) Commercial and Industrial Development Subdistrict
- (D-ES) Extended Settlement Development Subdistrict
- (D-GN) General Development Subdistrict
- (D-GN2) Community Center Development Subdistrict
- (D-GN3) Rural Settlement Development Subdistrict
- (D-LD) Low-density Development Subdistrict
- (D-RB) Rural Business Development Subdistrict
- (D-RD) Resource-Dependent Development Subdistrict
- (D-RF) Recreation Facility Development Subdistrict
- (D-RS) Residential Development Subdistrict
- (D-RS2) Community Residential Development Subdistrict
- (D-RS3) Residential Recreation Development Subdistrict
- (M-GN) General Management Subdistrict
- (P-GP) Great Pond Protection Subdistrict]

#### b. Uses Allowed Without a Permit Subject to Standards

The following uses are allowed without a permit from the Commission within D-CI subdistricts subject to the applicable requirements set forth in Sub-Chapter III.

- (1) Accessory structures: New or expanded structures accessory to, and located on the same lot as, any legally existing principal structures and uses, in conformance with the requirements of Section 10.27,P;~~provided that:~~
  - (a) ~~The accessory structure is located in a subdistrict that allows the principal use;~~  
and
  - (b) ~~The total square footage of the footprint of all new or expanded accessory structures built on a lot within a two-year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;~~

...

**c. Uses Requiring a Permit**

The following uses, and related accessory structures, may be allowed within D-CI subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 lakes, subject to the applicable requirements of Section 10.25,A,2 and 3:

...

- (16) Solar energy generation facility: ~~grid-scale energy generation facility~~Facilities of the following size classes not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils;
  - (a) Small-scale;
  - (b) Mid-scale; and
  - (c) Large-scale;

...

**d. Special Exceptions**

The following uses, and related accessory structures, may be allowed within D-CI subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,3 and 9, and the applicable requirements set forth in Sub-Chapter III:

- (1) Solar energy generation facility: ~~grid-scale energy generation facility~~Facilities of the following size classes located on soils recognized by the U.S. Department of Agriculture as prime farmland soils;
  - (a) Small-scale;
  - (b) Mid-scale; and
  - (c) Large-scale.

...

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**C. GENERAL DEVELOPMENT SUBDISTRICT (D-GN)**

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**3. Land Uses**

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**c. Uses Requiring a Permit**

The following uses, and related accessory structures, may be allowed within D-GN subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet



of Management Class 2 lakes or within 250 feet of Management Class 4 lakes, subject to the applicable requirements of Section 10.25,A,2:

...

(21) Solar energy generation facility: Facilities of the following size class not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:  
(a) Small-scale;

...

**d. Special Exceptions**

...

The following uses, and related accessory structures, may be allowed within D-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,3 and 9, and the applicable requirements set forth in Sub-Chapter III:

(9) Solar energy generation facility: Facilities of the following size class located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:  
(a) Small-scale;

...

**J. RURAL BUSINESS DEVELOPMENT SUBDISTRICT (D-RB)**

(Applies only to certain locations within Aroostook County and Washington County)

...

**3. Land Uses**

...

**c. Uses Requiring a Permit**

The following uses, and related accessory structures, may be allowed within D-RB subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.25,A,2:

...

(21) Solar energy generation facility: Facilities of the following size class not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:  
(a) Small-scale;

...

**d. Special Exceptions**

...

The following uses, and related accessory structures, may be allowed within D-RB subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,3 and 9, and the applicable requirements set forth in Sub-Chapter III:

- (9) Solar energy generation facility: Facilities of the following size class located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:  
(a) Small-scale;

...

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## K. RESOURCE-DEPENDENT DEVELOPMENT SUBDISTRICT (D-RD)

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### 1. Purpose

The purpose of the D-RD subdistrict is to allow for resource-dependent development in locations near natural resources that would not be suitable for other types of commercial development. Resource-dependent development may be located near raw materials to facilitate extraction, processing, or refinement to reduce bulk before transportation, or near recreational resources, provided development does not result in undue adverse impacts to existing uses or resources. The D-RD subdistrict is designed to allow for the location of recreation supply facilities, recreation day use facilities, ~~mid-scale and grid~~ large-scale solar energy facilities; natural resource extraction, or natural resource processing facilities in areas that are distant from other development, but where the location of such a land use (i) will not unreasonably interfere with existing uses, such as forestry and agricultural activities, or with fish and wildlife habitat or other recreation opportunities, and (ii) will not substantially increase the demand for public services.

### 2. Description

The D-RD Subdistrict must include:

- a.** Areas the Commission determines meet the applicable criteria for redistricting to this subdistrict in Section 10.08, are generally suitable for the development activities proposed, and are proposed for one of the following land uses meeting the associated locational requirements:

...

- (4) Mid-scale or Grid ~~Large~~-scale solar energy facilities in an area:
- (i) accessible from a public road by a legal right of access satisfying Section 10.08-A,E;
  - (ii) located a reasonable distance from emergency service providers to allow for adequate response in the event of an emergency; and

- (iii) within one mile of the proposed point of interconnection with the existing transmission grid if no other area suitable for the facility and closer to a point of interconnection is reasonably available to the applicant seeking to establish a D-RD subdistrict, unless the applicant demonstrates that redistricting an area no more than three miles from the point of interconnection would result in a project location that is compatible with current land uses and does not expand the pattern of development beyond already developed areas.

...

**3. Land Uses**

...

**c. Uses Requiring a Permit**

The following uses, and related accessory structures, may be allowed within D-RD subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, subject to the applicable requirements set forth in Sub-Chapter III, and if within 250 feet of Management Class 4 lakes, subject to the applicable requirements of Section 10.25,A,2:

...

- (17) Solar energy generation facility: ~~grid-scale energy generation facility~~Facilities of the following size classes not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  - (a) Small-scale;
  - (b) Mid-scale; and
  - (c) Large-scale;

...

**d. Special Exceptions**

The following uses, and related accessory structures, may be allowed within D-RD subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Section 10.24,B,9, and subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Solar energy generation facility: ~~grid-scale energy generation facility~~Facilities of the following size classes located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  - (a) Small-scale;
  - (b) Mid-scale; and
  - (c) Large-scale.

...

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**L. RECREATION FACILITY DEVELOPMENT SUBDISTRICT (D-RF)**

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...

**3. Land Uses**

**c. Uses Requiring a Permit**

The following uses, and related accessory structures, may be allowed within D-RF subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. § 685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 lakes, subject to the applicable requirements of Section 10.25,A,2:

...

- (13) Solar energy generation facility: Facilities of the following size class not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  - (a) Small-scale;
  - (b) Mid-scale

...

**d. Special Exceptions**

...

The following uses, and related accessory structures, may be allowed within D-RF subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,3 and 9, and the applicable requirements set forth in Sub-Chapter III:

- (8) Solar energy generation facility: Facilities of the following size class located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  - (a) Small-scale;
  - (b) Mid-scale

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**10.22 MANAGEMENT SUBDISTRICTS**

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**A. GENERAL MANAGEMENT SUBDISTRICT (M-GN)**

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...

**3. Land Uses**

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**c. Uses Requiring a Permit**

The following uses, and related accessory structures, may be allowed within M-GN subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III:

...

- (21) Solar energy generation facility: Facilities of the following size classes not located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  - (a) Small-scale; and
  - (b) Mid-scale;

...

**d. Special Exceptions**

...

The following uses, and related accessory structures, may be allowed within M-GN subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S. §685-A(10), the criteria of Sections 10.24,B,3 and 9, and the applicable requirements set forth in Sub-Chapter III:

- (5) Solar energy generation facility: Facilities of the following size classes located on soils recognized by the U.S. Department of Agriculture as prime farmland soils:
  - (a) Small-scale; and
  - (b) Mid-scale.

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**10.27 ACTIVITY-SPECIFIC STANDARDS**

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**P. ACCESSORY STRUCTURES**

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Section 10.27,P applies to new or expanded accessory structures allowed without a permit subject to

standards. For the purposes of this section, accessory structures include but are not limited to garages, decks, porches, accessory solar energy generation facilities, and sheds, whether attached or detached. Section 10.27,P does not apply to structures identified separately in the use listings in Sub-Chapter II, such as docks or signs.

- 1.3. The accessory structure is located in a subdistrict that allows the principal use;
2. The total square footage of the footprint of all new or expanded accessory structures built on a lot within a two-year period is not more than 750 square feet, except that freestanding accessory solar energy generation facilities are limited to not more than 750 square feet in total;
- 3.3. Be accessory to a legally existing principal structure or use;
- 2.4. Meet the definition of accessory structure in Chapter 2 of the Commission’s rules;
- 3.5. Conform with the General Criteria for Approval in Section 10.24,A;
- 4.6. Meet the development standards in Sections 10.25, B, F, H and M, as applicable; and the activity specific standards in Section 10.27, as applicable;
- 5.7. Conform with any applicable permit conditions, ~~and~~/or deed restrictions recorded for the property;
- 6.8. Meet all of the applicable dimensional requirements in Section 10.26,D- through F;
- 7.9. Have unfinished interiors and not be used for human habitation;
- 8.10. Have no internal plumbing and not be supplied with water other than for a hose bib (exterior hose faucet);
- 9.11. Not be used for a home-based business;
- 10.12. Not be located in a flood prone area as defined in Chapter 2 of the Commission’s rules and described in Section 10.23,C;
- 11.13. Neither use in construction nor produce any hazardous or toxic materials or substances;
- 12.14. Be consistent with the use of the principal structure and not add a new activity to those currently permitted at the site or facility; and
- 13.15. Not cause the total development on a property to exceed any gross floor area limitation related to the type of use.
- 14.16. If the accessory structure is a non-residential greenhouse, lighting must be fully shielded between sunset and sunrise and must not illuminate exterior areas or otherwise make the greenhouse appear to glow.