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GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
MAINE LAND USE PLANNING COMMISSION
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WALTER E. WHITCOMB
COMMISSIONER

PERMIT

DEVELOPMENT PERMIT DP 4959

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by David and Deena Burgess for Development Permit DP 4959 finds the following facts:

1. Applicants: David and Deena Burgess
P.O. Box 426
Rangeley, Maine 04970
2. Date of Completed Application: October 20, 2014
3. Location of Proposal: Sandy River Plantation, Franklin County
Lot #7 on Sandy River Plantation Tax Map #14
4. Zoning: (D-GN2) Community Center Development Subdistrict
5. Lot Size: 40,075 square feet (option to lease)
6. Existing Development: Single Family Dwelling to be Converted to Business Office
(28 ft. by 38 ft.)
with Entryway (10 ft. by 12 ft.)
Porch (6 ft. by 10 ft.)
Driveway (12 ft. by 80 ft.)
7. Proposed Development: Expanded Driveway (18 ft. by 75 ft.)
with Turnaround (12 ft. by 20ft.)
Parking Area (18 ft. by 25 ft.)
8. Sewage Disposal System: Existing Combined System

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Background

9. The subject property, owned by Kathleen Ferguson, is located along South Shore Drive and is developed with a pre-Commission single family dwelling with an attached entryway and porch. The dwelling with attached porch and entryway is set back 53 feet from South Shore Road and 50 feet from the nearest property boundary line. The dwelling is served by a combined sewage disposal system of unknown age. There is an existing 12 foot by 80 foot driveway that provides access to the dwelling. The applicants have obtained an option to lease the property

Proposal

10. The applicants propose to convert the dwelling to a business office for their construction and property maintenance business. Two full time employees would work at the office.

The applicants also propose to widen and lengthen the existing driveway to accommodate two parking spaces, with the parking spaces to be set back 75 feet from South Shore Road. The Maine Department of Transportation (MDOT) has issued an entrance permit for the change in use of the driveway to access a business office. The proposed driveway would include a 12 foot by 20 foot turnaround, as required by the MDOT entrance permit. The driveway, turnaround and parking spaces would all be set back at least 25 feet from the rear and side property boundary lines.

No structural changes are proposed to the dwelling.

11. The applicants propose to continue using the existing combined sewage disposal system to serve the proposed business office. The applicants have submitted an application (Form HHE-200) for a future replacement sewage disposal system should the existing one fail. The Form HHE-200 is by Licensed Site Evaluator Elizabeth Flynn and is dated July 9, 2013.

Review Criteria

12. Under the provisions of Section 10.21,D,3,c(4) of the Commission's Land Use Districts and Standards, commercial facilities having not more than 4,000 square feet of gross floor area are an allowed use within a (D-GN2) Community Center Development Subdistrict upon issuance of a permit from the Commission.
13. Under the provisions of Section 10.26,D,1 of the Commission's Land Use Districts and Standards, the minimum required lot size for commercial uses is 40,000 square feet and the minimum required road frontage is 200 feet.
14. Under the provisions of Section 10.26,D,2 of the Commission's Land Use Districts and Standards, the applicable minimum required setbacks for commercial structures are 75 feet from South Shore Drive and 25 feet from property boundary lines.
15. Under the provisions of Sections 10.26,D,5,b and c of the Commission's Land Use Districts and Standards, road setbacks for commercial buildings within a D-GN2 subdistrict may be

reduced to 50 feet where all parking areas are to be placed to the side or the rear of the structure provided that the existing character of the area will be maintained and the reduction in road setback will not adversely impact public safety.

Review Agency Comments

16. Local Plumbing Inspector Paul Ferguson-Packard comments that the existing combined sewage disposal system is designed for a flow rate of 180 gallons per day while the required minimum design flow for a business is only 12 to 20 gallons per day per employee. Therefore, the existing system should be able to handle the proposed change in use of the dwelling to a business office. However, should the current system show signs of malfunctioning in the future, a replacement system will need to be installed. Accordingly, Mr. Ferguson-Packard recommends that a condition of approval for the proposed business office require that the area shown for a future replacement system on the HHE-200 form be reserved for such purpose and not otherwise developed.
17. The facts are otherwise as represented in Development Permit Application DP 4959, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed use of the existing structure, having 2308 square feet of floor area, as a business office is allowed in the (D-GN2) Community Center Development Subdistrict under of Section 10.21,D,3,c(4) of the Commission's Land Use Districts and Standards.
2. The existing structure and the lot on which it is located conform to the Commission's minimum dimensional requirements for commercial uses under the provisions of Sections 10.26,D,1 and 2 of the Commission's Land Use Districts and Standards, except that the structure does not conform to the minimum 75 foot setback from South Shore Road for commercial structures.
3. The minimum required road setback for the proposed business office may be waived to 50 feet under the provisions of Sections 10.26,D,5,b and c of the Commission's Land Use Districts and Standards, in that the proposed parking area would be placed to the side of the existing structure. Furthermore, the the existing character of the area will be maintained in that the subject structure has been in place for over forty years, the proposed business office is a relatively light commercial use, and the reduction in road setback will not adversely impact public safety since the MDOT has issued an entrance permit and the applicants would construct the driveway with a turnaround as required by the MDOT.
4. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.

Therefore, the staff approves the amendment request of David and Deena Burgess with the following conditions:

1. The Standard Conditions (ver. 04/04), a copy of which is attached.

2. Upon final execution of the permittees' lease, the permittees shall submit a copy of such lease for Commission records.
3. The permitted driveway, turnaround and parking spaces must be set back a minimum of 25 feet from side and rear property boundary lines. The permitted parking spaces must be set back a minimum of 75 feet from South Shore Drive
4. The expanded driveway, turnaround and parking spaces must be located and constructed so that:
 - (a) they will not erode or create any undue restriction or disruption of existing surface water drainage ways; and (b) it will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland or roadway.
5. All areas of disturbed soil must be reseeded and stabilized with mulched within one week of inactivity or completion of construction. Reseeded and mulched areas shall be maintained in a vegetated state to prevent soil erosion. In areas where re-vegetation is not initially successful, additional measures to control erosion and sedimentation must be undertaken as often as necessary to be effective.
6. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
7. All signs for the permitted business office must comply with the Commission's sign standards, Section 10.27,J, a copy of which is attached.
8. The area on the subject lot designated as suitable for a replacement sewage disposal system, as shown on the Form HHE-200 by Licensed Site Evaluator Elizabeth Flynn and dated July 9, 2013, shall not be developed other than for a replacement sewage disposal system.

This permit is approved only upon the above stated conditions and remains valid only if the permittees comply with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 31ST DAY OF OCTOBER, 2014.

By: *Sara L. Brink*
for Nicholas D. Livesay, Director



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

STANDARD CONDITIONS OF APPROVAL
FOR ALL DEVELOPMENT PERMITS

1. The permit certificate must be posted in a visible location on your property during development of the site and construction of all structures approved by this permit.
2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.
3. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (5) years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
4. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, natural resources protection and air and water pollution control regulations and the Subsurface Wastewater Disposal Rules of the Maine Department of Environmental Protection and the Maine Department of Human Services.
5. Setbacks of all structures, including accessory structures, from waterbodies, roads and property boundary lines must be as specified in conditions of the permit approval.
6. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and advised of the conditions of approval. The new owner or lessee must contact the Land Use Planning Commission to have the permit transferred into his/her name and to reflect any changes proposed from the original application and permit approval.
7. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
8. The permittee shall not advertise Land Use Planning Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.
9. Once construction is complete, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

Administrative Policy Revised 04/04

J. SIGNS

Signs not in conformance with the standards of this section may be allowed upon issuance of a permit from the Commission provided that such types of activities are allowed in the subdistrict involved. An applicant for such permit shall show by a preponderance of the evidence that the proposed sign, which is not in conformance with the standards of this section, shall be erected and maintained in a manner which produces no undue adverse impact upon the resources and uses in the area.

1. Signs Not Requiring a Permit.

The following signs do not require a permit from the Commission, provided such signs are in conformance with the requirements of Section 10.27,J,1 and 2, below. The following limitations may be exceeded only under the provisions of a permit from the Commission:

- a. Signs identifying stops or fare zone limits of common carriers;
- b. Signs erected and maintained outside the highway right-of-way, by a governmental body, showing places of interest (other than commercial establishments), the place and time of services or meetings of churches and civic organizations. Not more than two such signs may be erected and maintained which are readable by traffic proceeding in any one direction on any one highway in any one township;
- c. Residential directional signs, each of which does not exceed 4 square feet in area, along roadways other than limited access highways;
- d. Traffic control signs or devices;
- e. Signs displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas, property boundaries, trails, fire precautions, campsites, or the like, with a total surface area not exceeding 12 square feet. This exemption shall not apply to signs visible from any public roadway promoting or advertising commercial enterprises;
- f. Signs to be maintained for not more than six weeks announcing an auction, public supper, lawn sale, campaign drive or other like event of a public, civic, philanthropic or religious organization;
- g. Memorial signs or tablets;
- h. Signs erected by county fairs and expositions for a period not to exceed six weeks;
- i. Directional signs visible from a public roadway with a total surface area not to exceed 4 square feet providing directions to places of business offering for sale agricultural products harvested or produced on the premises where the sale is taking place;
- j. Signs displayed in building windows, provided that the aggregate area of such signs does not exceed 25% of the area of the window; and
- k. Official business directional signs as defined and authorized by 23 M.R.S.A. §21.
- l. Sign kiosks near trail intersections that do not exceed 128 square feet of surface area used for the placement of multiple individual signs including those advertising a place of business. No more than one sign kiosk may be located near any trail intersection and

individual signs (other than maps) on such kiosks shall not exceed 4 square feet in size. No other signs advertising a place of business shall be located at such intersections. Such kiosks shall not be visible from a public roadway.

- m. Signs containing only a symbol or design identifying gas, food or lodging services and the distance and/or direction to such services at trail intersections without a sign kiosk. Such signs are not to exceed 4 square feet in size.
- n. Signs identifying a particular place of business offering gas, food, or lodging at the intersection of a local feeder trail leading directly to that place of business. Such signs are not to exceed 4 square feet in size and shall not be visible from a public roadway.
- o. **On-Premise Signs.** Owners or occupants of real property may erect and maintain on-premise signs, except roof signs, advertising the sale or lease thereof or activities being conducted thereon. Such signs shall be subject to the following requirements and the regulations set forth in Section 10.27,J,2 below:

- (1) On-premise signs shall not exceed in size the area limitations set forth below:

Subdistricts	Maximum Size for Each Individual Sign (square feet)	Maximum Aggregate Area of all Signs for Facility Being Advertised (square feet)
D-CI, D-ES, D-GN, D-GN2, D-GN3, D-MT, D-PD, M-GN, M-HP	32	64
D-RS, D-RS2, D-RS3, M-NC and All Protection Subdistricts	8	16

Table 10.27,J-1. Size limitations for on-premise signs.

- (2) On-premise signs shall not be located more than 1,000 feet from the building or other particular site at which the activity advertised is conducted;
- (3) Signs advertising the sale or lease of real estate by the owner or his agent shall not have an area of more than 6 square feet, except signs advertising a subdivision which shall be limited in size as provided by Section 10.27,J,1,o,(1);
- (4) On-premise signs, other than wall or projecting signs, shall not extend more than 15 feet above ground level, and shall not have a supporting structure which extends more than two feet above such sign;
- (5) Projecting signs must be at least 9 feet above pedestrian level and may project no more than 2 feet from the building; and
- (6) Signs attached to a wall shall not extend above the top of the wall.

On-premise signs which are not in conformance with the preceding requirements and all roof signs may be allowed only under the provisions of a permit from the Commission.

2. Regulations Applying to All Signs.

Notwithstanding any other provisions of this chapter, no sign may be erected or maintained which:

- a. Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt, to direct the movement of traffic;
- b. Prevents the driver of a motor vehicle from having a clear and unobstructed view of official traffic control signs and approaching or merging traffic;
- c. Contains, includes, or is illuminated by any flashing, intermittent or moving light, moves or has any animated or moving parts, except that this restriction shall not apply to a traffic control sign;
- d. Has any lighting, unless such lighting is shielded so as to effectively prevent beams or rays of light from being directed at any portion of the main traveled way of a roadway, or is of such low intensity or brilliance as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof;
- e. Is in violation of, or at variance with, any federal law or regulation, including, but not limited to, one containing or providing for conditions to, or affecting the allocation of federal highway or other funds to, or for the benefit of, the State or any political subdivision thereof;
- f. Is in violation of, or at variance with, any other applicable State law or regulation;
- g. Advertises activities which are illegal under any state or federal law applicable at the location of the sign or of the activities;
- h. Is not clean or in good repair; or
- i. Is not securely affixed to a substantial structure.

Any sign which is a combination of exempt and/or non-exempt signs shall be regulated by the most protective standards applicable.

3. Criteria for Sign Approval.

In approving, conditionally approving, or denying any application for a sign permit, the Commission shall require that the applicant demonstrate that the proposed sign complies with those criteria set forth in 12 M.R.S.A. §685-B(4) as well as the following:

- a. That the sign is compatible with the overall design of the building height, color, bulk, materials and other design and occupancy elements;
- b. That the color, configuration, height, size, and other design elements of the sign will fit harmoniously into the surrounding natural and man-made environment;
- c. That the sign will not constitute a hazard to the flow of traffic; and
- d. That the applicant sufficiently demonstrates the need for any non-conformity with the size, height, and other limitations set forth in Section 10.27,J,1.