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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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PERMIT

GREAT PONDS PERMIT GP 3434

The Maine Land Use Planning Commission (LUPC or Commission), through its staff, after reviewing the application and supporting documents submitted by Downeast Lakes Land Trust (Applicant or Permittee) for Great Ponds Permit GP 3434, finds the following facts:

1. Applicant: Downeast Lakes Land Trust
4 Water Street
Grand Lake Stream Plantation, ME 04668
2. Date of Completed Application: June 06, 2016
3. Location of Proposal: Sakom Township, Washington County, Maine
Maine Revenue Service Map WA016; Plan 01; Lot 2.2
4. Zoning: Great Pond Protection Subdistrict (P-GP)
5. Lot Size: 12,152[±] Acres
6. Proposed Development: Commercial Trailered Ramp and Associated Appurtenances
7. Affected Waterbody: Fourth Machias Lake

The Commission has identified Fourth Machias Lake as a management class 7, resource class 1B, accessible, undeveloped lake with the following resource ratings: outstanding fisheries resources, significant wildlife resources, significant cultural resources.

PROPOSAL SUMMARY

8. The Applicant proposes to construct a commercial trailered ramp and associated appurtenances on Fourth Machias Lake in Sakom Township, Washington County Maine.

SUMMARY OF KEY REVIEW CRITERIA

9. A Commercial Trailered Ramp, Hand-Carry Launch, or Dock is defined as: A trailered ramp, hand-carry launch, or dock, including an associated parking area and access road, that is

privately owned and operated, and open to all members of the public, with or without a fee, but not meeting the definition of a public trailered ramp, hand-carry launch, or dock. (*Ch. 10.02,35*)

10. Commercial trailered ramps may be allowed within a P-GP subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, and subject to the applicable requirements set forth in Sub-Chapter III. (*Ch. 10.23,E,3,c,(18)*)
11. Where a permit is required, the proposal must meet the general Criteria for Approval, Section 10.24, and the Criteria for Wetland Alterations, Section 10.25,P, in addition to any applicable requirements set forth in these rules. (*Ch. 10.27,L*)
12. Every application for a permit, or permit by special exception for a new or replacement trailered ramp or hand-carry launch, or expansion thereof, must contain a description of the procedures the applicant will follow to maintain the facility on an ongoing basis in compliance with the standards of Section 10.27,L,5, to minimize erosion, sedimentation, and transport of phosphorus into the water body. (*Ch. 10.27,L,3*)
13. Unless otherwise stated, the following standards apply to trailered ramps and hand-carry launches that are subject to the notification provisions in Section 10.27,L,4, and to all commercial or private trailered ramps and hand-carry launches. (*Ch. 10.27,L,5*)
 - A. Eroded soil or fill material from disturbed areas must be prevented from entering a water body. Properly installed erosion control measures, such as staked hay bales and silt fence, must be in place before the project begins. These erosion control measures must remain in place, functioning as intended, until the project area is permanently stabilized. Erosion and sedimentation control measures must comply with “Maine Erosion and Sediment Control BMPs,” Maine Department of Environmental Protection, March 2003. (*Ch. 10.27,L,5,a*)
 - B. No portion of a ramp or related facilities may be located in, on, or over wetlands, other than the water body being accessed, identified as P-WL1 on the Commission’s zoning map for the project area. Parking areas, access roads, and paths must not be located in a stream, wetland designated as P-WL1, or other water body, except that an access roadway may cross a stream if requirements of Section 10.27,D, pertaining to water crossings, are met. (*Ch. 10.27,L,5,b*)
 - C. Trailered ramps, hand-carry launches, and associated facilities must be designed to minimize disturbance to the water body’s vegetated buffer. A vegetated buffer zone at least 25 feet wide for public facilities (100 feet for private facilities) must be maintained or established between any parking area and the water body. In the case of private trailered ramps, if the lot does not have a well-established vegetated buffer consisting of trees, shrubs and woody or herbaceous ground cover within 100 feet of the normal high water mark of the water body, the applicant must propose to enhance the existing shoreland buffer to compensate for the loss of vegetated buffer due to construction of the ramp. (*Ch. 10.27,L,5,c*)
 - D. Parking areas, access roads, and paths must divert runoff away from the ramp or launch to an area where it will infiltrate into the ground or pass through a sedimentation basin before reaching the water body. For private facilities, the total land area above the normal high water mark that drains directly into the water body along the approach or from cut slopes

must be no greater than 200% of the area of the ramp or launch lane above the normal high water mark. (*Ch. 10.27,L,5,d*)

E. Trailered Ramps. (*Ch. 10.27,L,5,e*)

- 1) Private trailered ramps shall not be hard surfaced. Private sites shall be limited to those areas where the portion of the ramp below the normal high water mark is composed of natural sand, gravel or cobble bottoms. (*Ch. 10.27,L,5,e,(2)*)
- 2) The portion of the ramp used by the towing vehicle may not have a slope that exceeds 15% within 100 feet of the normal high water mark. The portion of the ramp used by the trailer only may not have a slope that exceeds 20%. (*Ch. 10.27,L,5,e,(3)*)
- 3) The width of the ramp lane must not exceed 20 feet for public or commercial trailered ramps, or 10 feet for private trailered ramps. (*Ch. 10.27,L,5,e,(4)*)
- 4) The uppermost 6 inches of the base must consist of crushed rock or screened gravel having 5% or less material passing a 200 mesh sieve. (*Ch. 10.27,L,5,e,(5)*)
- 5) Cut or filled slopes at or below the normal high water mark must be protected with riprap; cut or filled slopes above the normal high water mark must be protected by vegetation or riprap so they do not erode. (*Ch. 10.27,L,5,e,(6)*)and
- 6) The total area disturbed in the construction of private facilities shall not exceed 1,000 square feet within 50 feet of the normal high water mark. (*Ch. 10.27,L,5,e,(7)*)

F. Geoweb cellular confinement system must not be used below or within two vertical feet above the normal high water mark of the water body. (*Ch. 10.27,L,5,h*)

G. Machinery may enter the water traveling or operating only on newly placed material or temporary mats and only when necessary to excavate or place material below the water level. (*Ch. 10.27,L,5,l*)

H. Any debris generated during the work must be prevented from washing into the water and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Solid Waste Law, 38 M.R.S.A. §1301 et seq. (*Ch. 10.27,L,5,m*)

I. The dimensional requirements in Section 10.26 apply. (*Ch. 10.27,L,5,n*)

14. The dimensional requirements for a commercial use include: a minimum lot size of 40,000 square feet; a minimum shoreline frontage of 300 feet; a minimum road frontage of 200 feet; and minimum setbacks for parking areas for trailered ramps of 75 from minor flowing waters and P-WL1 wetlands, 100 feet from body of standing water 10 acres or greater in size, 50 feet from the traveled portion of all roadways, and 15 feet from side and rear property lines. (*Ch. 10.26*)

15. Notwithstanding the provisions of Section 10.11, structures necessary for disabled persons to gain access to buildings or facilities may be greater than the allowable size or located less than

the standard setback distance from a shoreline, road and property line to the minimum extent necessary when the following criteria are met: a. A person with a disability as defined in 5 M.R.S.A. §4553 resides in or regularly uses the dwelling or facility; b. The encroachment into the standard setback distance or exceeding of the allowable size applies only to the installation of equipment or construction of structures necessary for access to or egress from the dwelling or facility by the person with the disability; c. The access structure is necessary to create an accessible route; d. The access structure cannot reasonably or feasibly be created without exceeding the allowable size or encroachment into the standard setback distance; and e. The design of the access structure minimizes the need for exceeding the allowable size or encroachment into the standard setback distance. (*Ch. 10.26,G,9*)

16. Tier 3 reviews apply to projects altering any area of P-WL1 wetlands except as otherwise provided in Section 10.25,P,2,a,(2),(a), or one acre or more of PWL2 or P-WL3 wetlands.

Alterations of P-WL1 wetlands may be eligible for Tier 1 or 2 review if the Commission determines, at the applicant's request, that the activity will not have an unreasonable negative affect on the freshwater wetlands or other protected natural resources present. In making this determination, consideration shall include but not be limited to, such factors as the size of the alteration, functions of the impacted area, existing development or character of the area in and around the alteration site, elevation differences and hydrological connection to surface water or other protected natural resources. (*Ch. 10.25,P,2,a,(2),(c)*)

17. The following standards apply to all Tier 1 projects:

- A. *Avoidance*. Projects requiring Tier 1 review must avoid alteration of wetland areas on the property to the extent feasible considering natural features, cost, existing technology and logistics based on the overall purpose of the project. (*Ch. 10.25,P,2,b,(1)(a)*)
- B. *Minimal Alteration*. Projects requiring Tier 1 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project. (*Ch. 10.25,P,2,b,(2)*)
- C. *Review Standards for Determinations of No Unreasonable Impacts*. Tier 1 review applicable standards are limited to:
- 1) Soil Erosion. The activity will not cause unreasonable erosion of soil or sediment or unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment. (*Ch. 10.25,P,1,b*)
 - 2) Harm to Habitats; Fisheries. The activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life. In determining whether there is unreasonable harm to significant wildlife habitat, the Commission may consider proposed mitigation if that mitigation does not diminish the overall value of significant wildlife habitat and species utilization of the habitat in the vicinity of the proposed activity and if there is no specific biological or physical feature unique to the habitat that would be adversely affected by the proposed activity.

For purposes of Section 10.25,P,1,c, “mitigation” means any action taken or not taken to avoid, minimize, rectify, reduce, eliminate or compensate for any actual or potential adverse impact on the significant wildlife habitat, including the following: (1) Avoiding an impact altogether by not taking a certain action or parts of an action; (2) Minimizing an impact by limiting the magnitude, duration or location of an activity or by controlling the timing of an activity; (3) Rectifying an impact by repairing, rehabilitating or restoring the affected environment; (4) Reducing or eliminating an impact over time through preservation and maintenance operations during the life of the project; or (5) Compensating for an impact by replacing the affected significant wildlife habitat. (*Ch. 10.25,P,1,c*)

- 3) Lower Water Quality. The activity will not violate any state water quality law, including those governing the classification of the State's waters. (*Ch. 10.25,P,1,e*)
18. The [C]ommission may not approve an application, unless: “Adequate provision has been made for loading, parking and circulation of land, air and water traffic, in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods.” (*12 M.R.S. § 685-B(4)(B), which is incorporated into Ch. 10.24,B*)

SUMMARY OF PROPOSAL INFORMATION

19. The Applicant proposes to construct a commercial trailered ramp and associated appurtenances on the west side of Fourth Machias Lake off of the Finnegan Point Road. The trailered ramp would replace an existing trailered ramp at the north-west end of the lake which, because of its shallow slope, is difficult to achieve a draft to launch a boat without driving the entire vehicle into the waterbody. Launching at the existing location is causing unreasonable soil erosion to enter the lake; the existing trailered ramp would be decommissioned once the new commercial trailered ramp is constructed. The construction specification include:
- A. *Disabled Parking Area and Pathway*. A single, 16 foot by 45 foot Americans with Disabilities Act (ADA) compliant parking area set back 25 feet from the normal high water mark of Fourth Machias Lake with one, 6 foot by 25 foot ADA compliant pathway to the ramp lane and normal high water mark of the lake would be constructed. The parking area and path would be constructed with a 4 inch⁺ stone base topped with a 4 inch⁻ screened material with stone dust surface. This parking area would be designed to direct storm-water runoff into a vegetated natural filter area. With the exception of the pathway, a 25 foot vegetated buffer would be maintained between the parking area and the lake. A sign would be installed to designate the ADA parking.
 - B. *Parking Area*. The Applicant proposes to construct an irregularly shaped approximately 50 foot wide by 85 foot deep parking area which would accommodate up to 4 “rigs”. The parking area would be constructed with 4 inch⁻ screened material applied 6 inches deep. This parking area would be designed to direct storm-water runoff into a vegetated natural filter area. To limit vehicle traffic through the parking area to only the camp owner beyond the trailered ramp, rock shoulders and a sign would be placed on the Finnegan Point Road just after the parking area. The sign would read “Camp Access, Foot Traffic Welcome”.

- C. *Turning Spur*. The Applicant proposes a 15 foot by 45 foot trailer turnaround which would be located at least 50 feet from the normal high water mark of Fourth Machias Lake and at least 75 feet from the nearby P-WL1 wetland of special significance.
- D. *Ramp*.
- 1) Vehicle Lane. The Applicant proposes to construct a 10 foot wide by 170 foot long vehicle lane to be used by the towing vehicle which would have a maximum slope not to exceed 15% within 100 feet of the normal high water mark of Fourth Machias Lake. This portion of the ramp would be constructed with a base layer of 4 inch⁺ stone of varying depth depending upon topography, followed by approximately one (1) foot of clean bank run gravel, topped with 4 inch⁻ screened gravel applied 6 inches deep. The final surface would have a 0.5 foot crown slope. One broad based dip would be installed along the vehicle lane; the vehicle lane would be slope graded such that storm water would not flow directly down the lane and into the lake.
 - 2) Trailer Lane. The Applicant proposes to construct a 10 foot wide trailer lane to be used by the trailer only which would have a maximum slope not to exceed 20%. The portion of the trailer lane above the normal high water mark of the lake would be constructed of angular crushed rock and washed stone of varying sizes. The area below the normal high water mark of the lake currently consists of gravel and rock cobble which would remain undisturbed. The trailer lane would provide 3.5 feet of draft at 42 inches lakeward of the normal high water mark.
- E. *Maintenance and Erosion Control*. No streams or wetlands would be disturbed constructing the proposal. A minimal amount of trees, shrubs and stumps would be removed to construct the ramp, turning spur and parking areas. Excess organic material would be removed from the site and any exposed mineral soil would be seeded and mulched. The Applicant would maintain the erosion control devices and the commercial trailered ramp and associated appurtenances so that no soil erosion would enter the lake.
- F. *Finnegan Point Road Upgrade*. The current width of the Finnegan Point Road is 10-14 feet, including ditching. The Applicant proposes to install two, 20 inch culverts and ditch for 300 feet along a portion of the road; all disturbed ditches would be hayed and seed with conservation “Wagner” mix. Brushing along the road would be accomplished using hand tools and approximately 700 feet of screened gravel would be applied to the road surface as needed.

SUMMARY OF AGENCY COMMENTS

20. The Maine Natural Areas Program reviewed the application and searched the Natural Areas Program’s Biological and Conservation Data System files for rare or unique botanical features in the vicinity of the proposed site and indicated that according to their current information there are no rare botanical features that would be disturbed within the project sites.
21. The Maine Historic Preservation Commission reviewed the application and indicated that the agency has no concerns regarding historic or archaeological resources on the property and that no additional survey is required.

22. The Maine Inland Fisheries and Wildlife Department (MDIFW) reviewed the application and indicated:

- A. *Wildlife Considerations.* MDIFW states that a portion of the access road is located within a mapped Inland Waterfowl and Wading Bird Habitat (IWWH) MDIFW and recommends that any road work within the mapped IWWH, including clearing of vegetation, ditching or surfacing not occur during the nesting season, April 15-July 31. They state that if the work is performed outside the nesting season, then minimal impacts to wildlife are anticipated from the project.
- B. *Fisheries Considerations.* The MDIFW did not indicate any fisheries concerns.
- C. *Other Considerations.* MDIFW indicated that a turning spur installed at a 45 degree angle to the vehicle land with a length of 50 feet and a 12 foot wide vehicle lane would provide more space for boaters to position and back their trailer into the water.

23. The facts are otherwise as represented in Great Ponds Permit application GP 3434 and supporting documents.

Based upon the above FINDINGS, the Commission CONCLUDES that if carried out in compliance with the CONDITIONS below, the proposal will comply with the applicable requirements of the Commission's Standards and will meet the Criteria for Approval, § 685-B(4) of the Commission's Statutes, 12 M.R.S.

Therefore, the staff APPROVES the application of Downeast Lakes Land Trust for a commercial trailered ramp and associated appurtenances with the following CONDITIONS:

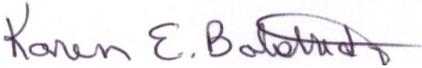
1. **Prior to construction**, the Permittee shall submit to the Commission written approval from Sweet Water Trust to construct the commercial trailered ramp and associated appurtenances as outlined in this permit.
2. **Prior to construction**, the Permittee shall submit to the Commission written approval from the State of Maine Department of Agriculture, Conservation and Forestry to construct the commercial trailered ramp and associated appurtenances as outlined in this permit.
3. The *Standard Conditions of Approval for all Shoreland Alteration Permits*, version 04/04, a copy of which is attached.
4. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively

implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.

5. Upgrade (including clearing of vegetation, ditching or surfacing) of that a portion of the Finnegan Point Road which is located within a mapped Inland Waterfowl and Wading Bird Habitat (IWWH) shall **not** occur during the nesting season, April 15-July 31.
6. All authorized development must be constructed in the locations proposed.
7. With the exception of the disabled pathway, a 25 foot vegetated buffer shall be maintained between the disabled parking area and Fourth Machias Lake.
8. To limit vehicle traffic past the parking area to only the camp owner beyond the commercial trailered ramp, rocked shoulder barriers and a sign shall be placed on the Finnegan Point Road just past the parking area which clearly limits **vehicle access** beyond that point.
9. All signs associated with the project, including but not limited to disabled parking signs, locational signs and barrier signs, shall be in compliance with Section 10.27,J, version May 09, 2016, a copy of which is attached.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated CONDITIONS, and remains valid only if the permittee complies with all of these CONDITIONS. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. 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 BANGOR, MAINE, THIS 14TH DAY OF JUNE, 2016.

By: 
_____ *for* Nicholas D. Livesay, Executive 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 SHORELAND ALTERATION PERMITS

1. The permit certificate must be posted in a visible location on your property during performance of the activities 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, permits required under the Natural Resources Protection Act administered by the Maine Department of Environmental Protection.
5. 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.
6. All areas of exposed mineral soil above the normal high water line or wetland boundary shall be promptly seeded and mulched so as to avoid soil erosion and lake sedimentation. Rocks and trees which are holding the shoreline and preventing erosion shall not be removed.
7. Unless otherwise specified in this permit, all work must be conducted at periods of low water when the water level is lower than the work area.
8. Unless otherwise specified in this permit, no mechanical equipment, machinery or vehicles shall be operated below the normal high water line or wetland boundary.
9. If pressure treated wood is to be used, such wood must be allowed to cure, away from the waterbody or wetland, for a minimum of three weeks prior to installation.
10. Once the activity is completed, 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.