

From: [Kaczowski, Debra](#)
To: [Matthew Dieterich](#)
Subject: LUPC Development Permit DP3639-F, Big Moose Ski Resort
Date: Wednesday, May 5, 2021 5:07:00 PM
Attachments: [10.27J_10-01-20.pdf](#)
[ShorelandAlteration_ver1994.pdf](#)

Hi Matt,

I have a few more questions/requests on the application for Phase 1 of the Big Moose Ski Resort.

1. Upper Zipline. The Upper Zipline Station is within the (P-MA) Mountain Area Protection Subdistrict. Under the provisions of Section 10.23,G,3,d(4), structures related to downhill skiing and other mountain related recreation facilities may be allowed within P-MA subdistricts as special exceptions 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, **provided that the applicant shows by substantial evidence that (a) there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant; (b) the use can be buffered from those other uses and resources within the subdistrict with which it is incompatible;** and (c) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan.

You will need to address the 'no alternative site' and 'use can be buffered from uses and resources'. Is the applicant agreeable to the MNAP recommendation of no additional clearing upslope of the zipline summit station in order to protect the nearby Subalpine Fir Forest?

2. Signs. All of the proposed signs, other than the Directional Sign, are not in conformance with the Commission's standards, Section 10.27,J (see attached), i.e. size. Under the provisions of Section 10.21,C,3,c,(20) and Section 10.22,A,3,c(20), signs which are not in conformance with the standards of Section 10.27,J may be allowed within a D-GN and M-GN subdistrict, respectively, 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.

Under the provisions of Section 10.27,J, 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. § 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.**

Please address the above highlighted sections

- Sign Lighting. Under the provisions of Section 10.27,J,2,d, no sign may be erected or maintained which 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. Please address the type of lighting that will be used for the signs.

Sign Setbacks. There were no setbacks included in the application for the signs. I will need setbacks to road, property line, and any streams and/or wetlands that are nearby.

Northern & Southern Entrance Sign. The application states the Northern Entrance Sign will be within an existing easement, is there a copy of the easement agreement? The Southern Entrance Sign does not say it is

located within an existing easement, does the applicant have Right, Title or Interest at that location to construct a sign there? Will both signs be outside of the Rte 6/15's right of way?

3. Constructed Pond. The application does not state what size pond/wastewater lagoon is currently existing, however, it is greater than 4,300 square feet.

Under the provisions of Section 10.21,C,3,c(6), creation, alteration or maintenance of constructed ponds 4,300 square feet or greater in size which are not fed or drained by flowing waters, or of such ponds less than 4,300 square feet in size which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a 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.

In order to permit this, I would basically need information that a Shoreland Alteration Permit would require (see attached). This may also require DEP input since it is an abandoned wastewater treatment pond. I'm not sure if you can put something together fairly quickly or not. If not, I can cite the Commission's rules that it is an allowed use and that it would require a shoreland alteration permit. If you can get Shoreland Alteration Permit application to me within a reasonable time, I can permit the constructed pond as part of the current Development Permit. The other option would be to remove the proposal from this application.

Thanks!

Debbie

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