

To: Boothbay CPC  
From: Mark Eyerman  
Subject: Revised Chapter 6  
Date: December 31, 2014

Attached is an updated version of Chapter 6. This version incorporates the edits discussed at the last meeting. I added the language about protecting the well-water supply as part of the "good neighbor" standards in a couple of the land use designations where it seemed appropriate.

The update version also includes the revisions suggested by Sue Mello as revised by Jim. As I incorporated these into the text of Chapter 6 I did a little editing to make the language consistent with how we have handled similar things in other sections of Chapter 6.

We have also updated the Future Land Use map to limit the Coastal Residential Area to within 250' of the shoreline except in the Ocean Point area where I left the entire head of the peninsula in the Coastal Residential Area. As we shrunk the Coastal Residential Area, we expanded the adjacent designation. This was pretty straight forward in most areas but I made a couple of judgment calls where there was more than one designation involved so you should look at those places carefully. We also added a Coastal Residential strip along the shoreline adjacent to the Scenic Gateway area.

## Chapter Six: Land Use Objectives and Policies

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The Town's land use policies and related programs and regulations play a major role in shaping the future of Boothbay and our progress in achieving many aspects of our vision for the Town. While Chapter 5 addresses some land use policies in general terms, this chapter lays out the Town's land use policies in detail and outlines the land use regulations and programs that will be needed to carry out those policies and support the Town's land use ordinances. These policies generally reflect a ten- to fifteen-year timeframe recognizing that many of the desired changes will take time to occur. Once the Comprehensive Plan is approved by Town Meeting, the Town will need to revise the Zoning Ordinance to be consistent with these objectives and policies. All changes in the Zoning Ordinance must be approved by vote of the Town Meeting.

### A. Land Use Objectives

The land use policies and recommendations for the Town's land use regulations and related programs are based on a set of interrelated objectives. These objectives represent the core of the Town's land use planning program. The land use objectives are:

- 1. Encourage the preservation of designated resource conservation areas to retain the natural resource and scenic values of these areas (see Figure 6.1).*
- 2. Preserve the rural nature of the designated rural areas of the community where there are large contiguous areas of undeveloped land (see Figure 6.1) while accommodating traditional rural uses and small-scale nonresidential uses.*
- 3. Encourage the preservation of significant open space throughout the community in accordance with a community-wide open space plan.*
- 4. Encourage the development of a range of types and prices of housing to meet the needs of a diverse population.*
- 5. Encourage the majority of new development to occur in designated growth areas, and to a lesser extent, in limited growth areas as identified in the Future Land Use Plan (See Figure 6.1).*

6. *Carefully manage and limit use and development of land in the watersheds of Adams Pond and Knickerbocker Lake and in the vicinity of the former water supply wells for East Boothbay to protect the sources of supply for the public water system.*
7. *Carefully manage development especially in coastal residential areas and in former gravel pits to protect both the quality and quantity of the groundwater.*
8. *Reinforce the role of the area surrounding the Common as the community and service center for the Town and encourage its evolution to a pedestrian focused town center with additional residential activity.*
9. *Manage development in the Route 27 corridor to improve the visual environment of the corridor while accommodating good quality development and improving vehicular safety and flow in this area.*
10. *Promote light manufacturing and business-park development in the industrial park area.*
11. *Maintain the scenic character of the northern end of the Route 27 corridor from Hardwick Road to the town line and the portion of the Route 96 corridor from the town line to East Boothbay village while allowing well planned development.*
12. *Reinforce the character of East Boothbay as a mixed-use, marine village while accommodating limited expansion of traditional marine industries.*
13. *Accommodate a wide range of traditional rural and small-scale nonresidential activities in identified rural areas while maintaining the rural, open character of these areas.*
14. *Protect the ability of nonresidential uses that were established prior to the Town having zoning or that have been legally established to expand and modernize as the Town's land use regulations are updated.*

## B. Future Land Use Plan

The Future Land Use Plan (see Figure 6.2) shows graphically how the Town's land use policies apply to the land area of the Town of Boothbay and where and how growth should be accommodated over the next decade. The Future Land Use Plan is not a

zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. The intention is that this Future Land Use Plan will guide revisions to the Town's Zoning Ordinance and related zoning maps to assure that the land use regulations are consistent with the policies set forth in this Comprehensive Plan. The boundaries shown on the Future Land Use Plan are general. The boundaries of each land use designation should serve as guidelines as the zoning ordinance and zoning map are reviewed and revised.

## 1. Concept of Growth Areas, Limited Growth Areas, Rural Areas, and Resource Conservation Areas

The Future Land Use Plan embodies the concept that the Town should identify and designate "**growth areas**" or areas in which most of the anticipated non-residential and residential growth will be accommodated, "**limited growth areas**" or areas in which intensive development will be discouraged but modest development and redevelopment will be accommodated, "**rural areas**" where intensive development will be discouraged and a rural character maintained, and "**resource conservation areas**" where most development will be prohibited or carefully managed to preserve natural resource values. These four types of areas are defined as follows:

***Growth Areas*** – These are areas where the Town wants growth and development to occur. The anticipation is that most residential and non-residential development over the next ten years will occur in these growth areas. Growth Areas include areas with undeveloped land that is appropriate for development as well as developed areas where redevelopment or significant intensification of use is desired. Public sewer and year-round public water is available in some of the growth areas or may be able to be provided in the future. For example, the designated Growth Area includes the Village Fringe Area and the portion of the Route 27 corridor designated as the Commercial Corridor Area where public sewer could become available in the future.

***Limited Growth Areas*** – These are areas that have specific circumstances where the Town desires a limited amount of growth and development over the next ten years. Limited Growth Areas include the established coastal residential areas where the Town's objective is to carefully manage new development to protect the quality and quantity of the groundwater and the scenic portions of the Routes 27 and 96 corridors.

***Rural Areas*** – These are areas that are predominantly undeveloped, have large contiguous areas of open land with some commercial agriculture and forestry

activity, and are not serviced or likely to be serviced by year-round public water and/or sewerage in the foreseeable future. Therefore these areas are considered appropriate for small-scale, low-density development that is compatible with the rural landscape along with a continuation of traditional rural and non-residential uses.

*Resource Conservation Areas* – These are areas that have significant natural resource value or that are subject to state-imposed development limitations and therefore are not appropriate for significant development.

## 2. Land Use Designations

The Future Land Use Plan (see Figure 6.2) takes the parts of Boothbay that are within these four broad categories and divides them into “land use designations”. These land use designations cover the entire Town and incorporate the concepts set forth for the land use objectives discussed in section A. above. The Future Land Use Plan does not show the shoreland overlay districts which are intended to remain unchanged. As noted in the introduction to this section, the land use designations are not intended to be “zoning districts” per se. Rather they form the broad basis that must be reflected in the Town’s land use regulations including the zoning ordinance and zoning map. Following the adoption of this Plan by Town Meeting, the Town will need to review and revise the Zoning Ordinance to make it generally consistent with the concepts set out in the Future Land Use Plan. In the preparation of the revised zoning provisions, some of the designations may be combined or re-arranged or divided to create a workable number of zoning districts.

The following provides an outline of the various land use designations organized by growth designation:

### A. Growth Areas

1. Boothbay Village Center Area
2. Boothbay Village Fringe Area
3. Boothbay Village Mixed-Use Area
4. Commercial Corridor Area
5. Manufacturing/Business Area
6. East Boothbay Village Area
7. Maritime Commercial Area
8. Bigelow Laboratory Special District
9. Residential Areas

## **B. Limited Growth Areas**

1. Coastal Residential Areas
2. Scenic Gateway Areas

## **C. Rural Areas**

1. Rural Mixed-Use Areas

## **D. Resource Conservation Areas**

1. Resource Protection Areas
2. Water Reservoirs Protection Area
3. Wellhead Protection Area
- 3.4. Shoreland Overlay Area
- 4.5. Watershed Overlay District

The following sections provide a description of each of the land use designations. The locations of the various designations are shown on the Future Land Use Plan (see Figure 6.2). For each designation, a mini-vision for the area is set forth. The vision establishes, in broad terms, how growth and development should occur in this portion of the community. The general types of land uses that are appropriate in each designation are identified (this is not intended to be a complete list of allowed uses as would be found in the zoning ordinance). In those cases where the land use designation reflects an existing zoning district, the focus is on changes, if any, to the current requirements. The general development standards that are appropriate for each designation are also provided including the density of residential development and design considerations. Again these development standards are intended to be illustrative and are not specific ordinance provisions. The order of the land use designations matches the order in the outline above.

## **A. Growth Areas**

### **• Boothbay Village Center Area**

- *Vision* -- The area around the Common and along Route 27 toward Boothbay Harbor continues to evolve as a true community center. Traffic flow around the Common is improved and facilities for pedestrians and bicyclists are upgraded making this more of a pedestrian area and linking the Common to adjacent residential areas. The Boothbay Village Center continues to be the public heart of the community and is increasingly used

for community activities. Over time, the buildings in the Village Center are improved and limited new development occurs that reinforces the role of the Common Area as the community center.

- *Allowed Uses* -- The standards for this area allow for a wide variety of residential uses in both existing buildings and in newly constructed buildings. Allowed residential uses would include single and two-family homes, townhouses, multifamily housing, and residential units in mixed use buildings such as a building with a commercial or office use on the first floor with apartments upstairs. Allowed nonresidential uses in this area would include uses that contribute to the desired pedestrian-focused, town center environment while excluding uses that generate large amounts of traffic especially truck traffic. Appropriate nonresidential uses in this area include home occupations and home businesses, small-scale office, retail, and service uses (not more than 4,000-5,000 square feet), restaurants (without drive-through service), bed & breakfasts (B&Bs) and inns, and community uses such as municipal and government uses, daycare facilities, churches, and similar activities.
  
- *Development Standards* – The following development standards are intended to be a guide for the development of appropriate ordinance provisions. The standards for the Boothbay Village Center Area are intended to encourage the area around the Common to continue to evolve as a true village center with a mix of uses in buildings focused on the Common and adjacent streets. The basic residential density requirement in the Boothbay Village Center Area would be 20,000-30,000 square feet of lot area per dwelling unit. If residential units are served by the public sewer system and year-round public water, the density of development would be increased. Under this scenario, lots for single-family homes that are part of a new subdivision could be as small as 5,000 square feet with as little as 50 feet of street frontage. Other forms of housing such as two-family homes and multifamily units should be allowed at a density of 4,000-5,000 square feet of lot area per unit if served by public sewer and year-round public water. To encourage the development of a variety of housing in this area, small apartments with one bedroom would be counted as two-thirds of a dwelling unit for density purposes. The basic minimum lot size for nonresidential uses would be around 10,000 square feet with approximately 100 feet of road frontage.

The development standards for the Boothbay Village Center area would require that all new development as well as substantial renovation or redevelopment of existing buildings be carried out in a manner that reinforces the village character of this area with buildings clustered around and oriented toward the Common. New buildings or substantial additions to existing buildings should be located reasonably close to the street with the front wall of the building set back between 15 and 25 feet from the front property line. Buildings should be designed so that the main entrance is located and designed to promote pedestrian movement. The area between the front of the building and the street should be maintained as a lawn or landscaped area or as a pedestrian environment. Parking and service areas should be located to the side or rear of buildings. In addition, new development would be required to use Low Impact Development (LID) practices and other stormwater management practices to minimize stormwater runoff and protect the Adams Pond and Knickerbocker Lake watersheds.

#### **Boothbay Village Fringe Area**

- *Vision* -- Areas adjacent to the Common/Boothbay Village Center Area offer the potential for accommodating a variety of housing and compatible non-residential uses that can be served by the public sewer system and year-round public water. While there are constraints to development in this area, the private sector finds creative approaches for developing a limited amount of higher density housing and appropriate commercial uses that are served by public sewerage and year-round public water that is provided at the developer's expense. The new residential areas have a pedestrian-friendly village character. To complement this development, the Town works to enhance pedestrian and bicycle facilities to link this new housing to the Boothbay Village Center.
  
- *Allowed Uses* – The standards for this area allow a wide range of residential uses including single and two-family homes, townhouses, multifamily housing, residential units in mixed use buildings and retirement/senior housing. New nonresidential uses in this area should be limited to uses such as home occupations and home businesses, small-scale office, service, and retail uses, restaurants, hotels and inns, golf courses/country clubs, meeting and convention facilities, low-intensity outdoor recreational uses, and community uses such as municipal and government facilities, daycare facilities, churches, and similar activities.

Provisions should be included to allow the continuation and possible expansion of other legally existing businesses that would otherwise not be permitted in this area.

- *Development Standards* – The following development standards are intended to be a guide for the development of appropriate ordinance provisions. The standards for the Boothbay Village Fringe Area are intended to create incentives for the development of higher-density, village-style residential uses that are served by public sewerage and year-round public water. The basic residential density requirement in the Village Fringe Area is 30,000-40,000 square feet of lot area per dwelling unit. If residential units are served by the public sewer system and year-round public water, the density of development would be increased. Under this scenario, lots for single-family homes that are part of a new subdivision could be as small as 7,500 square feet with as little as 50 feet of frontage on an interior street. Other forms of housing such as two-family homes and multifamily units could be allowed at a density of 5,000-6,000 square feet of lot area per unit if served by public sewer and year-round public water. To encourage the development of a variety of housing in this area, small apartments with one bedroom would be counted as two-thirds of a dwelling unit for density purposes. The basic minimum lot size for nonresidential uses would be around 20,000 square feet.

The development standards for the Boothbay Village Fringe Area should provide property owners and developers with flexibility in the design of new housing to permit development constraints to be accommodated in the layout of the project. As such, all subdivisions and other developments would be required to be designed in a manner that considers that opportunities and constraints of the site, that is harmonious with the natural environment, and that protects the water quality of Adams Pond. The development standards would also require that new housing be designed to create a neighborhood environment with appropriate pedestrian facilities to link the development to the Boothbay Village Center and community facilities. In addition, new development should be required to use Low Impact Development (LID) practices and other stormwater management practices to minimize stormwater runoff and protect the Adams Pond and Knickerbocker Lake watersheds.

#### **Boothbay Village Mixed-Use Area**

- *Vision* -- The portion of the Route 27 corridor on the northerly approach to the Boothbay Village Center evolves into an attractive gateway to the Village Center while it continues to be an area with a mix of uses including auto-orientated uses that are not appropriate in the Village Center. Over time, uses that involve the handling or storage of petroleum or other chemicals are phased out, and the visual environment of this portion of the corridor improves as do provisions for access and stormwater management. Since much of this area has access to the public sewer system and is served by year-round public water, a variety of higher density housing is developed increasing the range of housing options available in Boothbay.
  
- *Allowed Uses* – The standards for the Village Mixed-Use Area allow for the development of single-family and two-family homes. If a residential development is served by the public sewer system and year-round public water, the allowed uses would be expanded to include townhouses, multifamily housing, dwelling units as part of a mixed use building and retirement or other age-restricted housing. Nonresidential uses in this area should be limited to activities that generate a small amount of wastewater such as municipal facilities and small office and service uses unless the use will be connected to the public sewer and water systems. With public sewer and year-round public water service, a much wider range of nonresidential uses should be allowed in this portion of the corridor. This includes hotels/motels, B&Bs and inns, retail uses, restaurants (without drive-through service), recreational and entertainment uses, small-scale, low-intensity light manufacturing and assembly uses, and community facilities. Uses that have a significant potential for groundwater contamination such as automotive services and repair, industrial uses, distribution facilities and other facilities that handle large quantities of potential contaminants would not be allowed in this area due its proximity to Adams Pond.
  
- *Development Standards* – The following development standards are intended to be a guide for the development of appropriate ordinance provisions. The standards for the Boothbay Village Mixed-Use Area are intended to manage development in this portion of the Route 27 corridor to improve its visual quality, vehicular access provisions, and stormwater management while encouraging the development of higher-density, village-style residential uses that are served by public sewerage and year-round public water. The basic residential density requirement in the

Village Mixed-Use Area would be 30,000-40,000 square feet of lot area per dwelling unit. If residential units are served by the public sewer system and year-round public water, the density of development would be increased. Under this scenario, lots for single-family homes in a new subdivision could be as small as 10,000 square feet with as little as 75 feet of frontage on an interior street. Other forms of housing such as two-family homes and multifamily units should be allowed at a density of 5,000-7,500 square feet of lot area per unit if served by public sewer and year-round public water. To encourage the development of a variety of housing in this area, small apartments with one bedroom would be counted as two-thirds of a dwelling unit for density purposes. Consideration should be given to including density bonuses that allow retirement or age restricted housing to be built at a somewhat higher density than other housing types. The basic minimum lot size for nonresidential uses would be around 20,000 square feet without public sewer and 10,000 square feet if the property is served by the public sewer system.

The major focus of the development standards in the Boothbay Village Mixed-Use Area should be on improving the visual appearance of this portion of the Route 27 corridor, managing curb cuts and access to Route 27 to improve traffic flow and safety, and upgrading the management of stormwater and the protection of Adams Pond. As part of any new development in the Mixed-Use Area or the substantial renovation or expansion of existing buildings, the property owner would be required to establish and maintain a landscaped buffer strip along the front of the lot adjacent to the public right-of-way. Building would be required to be setback a limited distance from the front property line (a maximum of 20-25 feet). Parking should be encouraged to be located at the side or rear of the building. Limited parking between the building and the street should be allowed only if there is no other option and the parking will be designed to prevent any backing into the street. All service and storage areas should be located to the side or rear of buildings and screened from public view. In addition, new development or substantial renovations or expansions of existing buildings would be required to use Low Impact Development (LID) practices and other stormwater management practices to minimize stormwater runoff and protect Adams Pond. New uses that involve the handling or storage of commercial volumes of material that have a potential for contaminating the groundwater such as fuel, chemicals, or solvents should not be permitted in this area. Existing uses

that involve the handling or storage of commercial volumes of material that have a potential for contaminating the groundwater such as fuel, chemicals, or solvents should be required to provide appropriate facilities that include containment provisions if necessary.

### **Commercial Corridor Area**

- *Vision* -- This portion of the Route 27 corridor continues to develop as a commercial center including larger-scale commercial uses that are not appropriate in other portions of the Route 27 corridor. Over time, the visual environment of this portion of the corridor improves as do provisions for access and stormwater management.
- *Allowed Uses* -- The standards for the Commercial Corridor Area would allow single and two-family residential uses but should limit other types of residential activities until public sewerage becomes available. A wide variety of nonresidential uses should be allowed in this portion of the corridor but should be more limited than the current provisions of the C2 zone. Allowed use should include municipal and government facilities, retail and service uses, marine businesses, business and professional offices, hotels/motels, B&Bs and inns, restaurants, service stations and convenience stores, recreational and entertainment activities, and community uses but should exclude new automotive, warehousing, manufacturing and similar uses with an industrial character. Existing legal uses of these types should continue to be treated as permitted uses and allowed to change, modernize, and expand.
- *Development Standards* -- The following development standards are intended to be a guide for the development of appropriate ordinance provisions. The major focus of the development standards in the Commercial Corridor Area would be on improving the visual appearance of this portion of the Route 27 corridor, managing curb cuts and access to Route 27 to improve traffic flow and safety, and upgrading the management of stormwater and the protection of Adams Pond. The minimum lot size for residential uses will be 40,000 square feet per unit. If public sewerage becomes available in the future, consideration should be given to increasing the density of residential use. As part of new development in the Commercial Corridor Area or the substantial renovation or expansion of existing buildings, the property owner should be required to establish and maintain a landscaped buffer strip along the

front of the lot adjacent to the public right-of-way. Buildings should be required to be setback a limited distance from the front property line (20-25 feet). All service and storage area should be screened from public view. New development, the substantial expansion of an existing building, or a change of use on a lot that abuts a residential area should be required to establish a landscaped buffer strip along that boundary. In addition, new development or substantial renovations or expansions of existing buildings should be required to use Low Impact Development (LID) practices and other stormwater management practices to minimize stormwater runoff and protect the Adams Pond watershed if the site is within that watershed. Uses that involve the handling or storage of commercial volumes of material that have a potential for contaminating the groundwater such as fuel, chemicals, or solvents should not be permitted in this area.

### **Manufacturing/Business Area**

- *Vision* -- The area in around the current industrial park continues to develop as a location for a wide range of nonresidential uses. Over time, the type of businesses located in this area evolves into businesses that provide well-paying jobs while expanding the Town's tax base.
- *Allowed Uses* – A wide-range of nonresidential uses will be allowed in the Manufacturing/Business Area similar to the current Industrial Park zone. Residential uses and retail activities not related to uses in the district will continue to be prohibited.
- *Development Standards* – The basic development standards in the Manufacturing/Business Area will be similar to the current standards in the Industrial Park zone. In addition, development involving new buildings or the substantial expansion of existing buildings or impervious surface area will be required to use LID approaches for managing stormwater. Any development in areas where earth material removal has previously occurred will be required to meet standards for the protection of the groundwater in conjunction with the redevelopment of any portion of the site.

### **East Boothbay Village Area**

- *Vision* – East Boothbay Village continues to evolve as a classic marine village with a mix of uses including residential uses, small-scale retail, office, and service uses, and smaller-scale marine uses. Facilities for pedestrians and bicyclists are upgraded making this more of a pedestrian area and linking East Boothbay to Ocean Point and to the remainder of the peninsula. East Boothbay Village continues to be the heart of the East Boothbay community and is increasingly used for community activities. Over time, the buildings in the Village are improved and limited new development occurs that reinforces the role of the East Boothbay as a traditional marine village while protecting established residential uses.
- *Allowed Uses* -- The standards for this area allow for a wide variety of residential uses in both existing buildings and in newly constructed buildings. Allowed residential uses would include single and two-family homes, accessory apartments, townhouses, multifamily housing, and residential units in mixed use buildings such as a building with a commercial or office use on the first floor with apartments upstairs. Allowed nonresidential uses in this area would include uses that contribute to the desired pedestrian-focused, village environment while excluding uses that generate large amounts of traffic especially truck traffic. Appropriate nonresidential uses in this area include home occupations and home businesses, small-scale office and service uses (with less than 2,000-4,000 square feet of floor area), B&Bs and inns, and community uses such as municipal and government uses, daycare facilities, churches, and similar activities. Small retail and restaurant uses would also be allowed but only on properties that front on Ocean Point Road (Route 96) or School Street. In addition, marine-related activities would be allowed based on case-by-case review to assure that the scale and character of the use is compatible with the Village.
- *Development Standards* – The following development standards are intended to be a guide for the development of appropriate ordinance provisions. The standards for the East Boothbay Village Area are intended to encourage the area to continue to evolve as a true village center with a mix of uses in buildings focused on the streets. The basic residential density requirement in the East Boothbay Village Area would be 20,000-30,000 square feet of lot area per dwelling unit. The floor area within existing residential buildings within the Village Area would be allowed to be reconfigured for a different residential use or for mixed residential and commercial use (if otherwise allowed) provided a septic

system conforming to the Maine State Plumbing Code that is sized appropriately for the proposed use exists or will be installed and the building will be served by year-round public water. The basic minimum lot size for nonresidential uses would be around 20,000 square feet with approximately 75 feet of road frontage.

The development standards for the East Boothbay Village Area would require that all new development as well as substantial renovation or redevelopment of existing buildings be carried out in a manner that reinforces the village character of this area with buildings oriented toward the street. New buildings or substantial additions to existing buildings should be located reasonably close to the street with the front wall of the building set back to maintain the pattern of adjacent buildings. Where existing buildings are close to the street, new buildings should be similarly located but when neighboring buildings are set back from the street, this pattern should be respected. The area between the front of the building and the street should be maintained as a lawn or landscaped area or as a pedestrian environment except for residential driveways. Parking and service areas for non-residential uses should be located to the side or rear of buildings. In addition, new development would be required to use Low Impact Development (LID) practices and other stormwater management practices to minimize stormwater runoff and protect water quality.

In addition, special standards would be established to assure that any new or expanded marine activities are good neighbors and minimize the impact on adjacent residential properties through good design and buffering.

### **Maritime Commercial Area**

- *Vision* – The Maritime Commercial Area continues to support a variety of marine activities that serve as an employment center for the community. As needed, the marine-related uses expand especially along the waterfront south of School Street where the topography allows for this growth without encroaching on the village. If expansion occurs, development is carried out in a manner that effectively buffers it from the adjacent neighborhood.

- *Allowed Uses* -- The standards for this area allow primarily for marine and marine-related uses such as boatbuilding and repair, marinas, marine-related sales and service uses, commercial fishing activities, fish and seafood processing and sales, boat storage facilities, and other functionally water-dependent uses. In addition, uses similar to the existing uses within the Maritime Commercial Area would be allowed including municipal and government facilities, restaurants, B&Bs, inns/motels, small retail uses, government facilities, labs and research facilities, and similar uses. Parking to support an allowed use would be permitted even if it is not contiguous with the allowed use. New residential uses are not permitted but existing residential uses could continue and be modified or expanded.
- *Development Standards* – The following development standards are intended to be a guide for the development of appropriate ordinance provisions. The standards for the Maritime Commercial Area are intended to allow marine businesses to intensively utilize the land within this designation but to do it in a manner that minimizes any negative impacts on the remainder of East Boothbay. To accommodate this objective, there would be no minimum lot size for marine and water-dependent uses. The minimum lot size for other uses would be 20,000-30,000 square feet. Marine and water-dependent uses would not be subject to any shoreline setback and would be allowed to cover up to 75% of the lot with impervious surface. Other uses in this area would need to be set back a minimum of twenty-five feet from the shoreline and would be limited to 30% of impervious surface coverage.

Existing residential buildings within the Maritime Commercial Area would be able to continue to be used for residential purposes. These properties would be allowed to be reconfigured for a different residential use or for mixed residential and commercial use provided a septic system conforming to the Maine State Plumbing Code that is sized appropriately for the proposed use exists or will be installed and the building will be served by year-round public water. If any existing residential property is converted to a marine use or parking to support a marine use, a vegetated buffer must be created to reduce the impact on adjacent residential properties including those located across a public street.

- *Vision* -- The Bigelow Laboratory will continue to grow and evolve as set forth in the special district previously created for this facility.
- *Allowed Uses* – Uses in this area are limited to the facilities of Bigelow Laboratory and related uses as set forth in existing special district created for this facility.
- *Development Standards* – The development standards for this area will continue to be the standards and requirements set forth in the existing special district created for this facility.

### **Residential Areas**

- *Vision* -- The Residential Areas continue to see a moderate amount of residential development. New housing is of a variety of types and prices to meet the needs of a diverse population. New developments are well designed so they are positive additions to the community.
- *Allowed Uses* -- The standards for this area allow for a wide variety of residential uses. Allowed residential uses would include single and two-family homes, accessory apartments, townhouses, multifamily housing, mobile home parks, and residential units in mixed use buildings. Allowed nonresidential uses in this area would include uses that are compatible with adjacent residential uses and that do not generate large amounts of traffic especially truck traffic. Appropriate nonresidential uses in this area include home occupations and home businesses, agricultural activities, small-scale office and service uses (with less than 2,000-4,000 square feet of floor area), contractors, small B&Bs and inns, and government and community uses such as daycare facilities, churches, and similar activities. In addition, marine-related activities would be allowed based on standards to assure that the scale and character of the use is compatible with the surrounding neighborhood. All legally existing nonresidential uses as of the date of adoption of revised zoning provisions for the Residential Area would continue to be allowed uses and could be modified or expanded in the future.
- *Development Standards* -- The following development standards are intended to be a guide for the development of appropriate ordinance provisions. The standards for the Residential Areas are intended allow for the development of a wide range of housing in areas that are not served or

likely to be served by the public sewer system in the foreseeable future. The basic minimum lot size requirement in Residential Areas will continue to be 40,000 square feet per dwelling unit. To encourage the development of a variety of housing in this area, small apartments with one bedroom would be counted as two-thirds of a dwelling unit for density purposes. The basic minimum lot size for nonresidential uses would also continue to be 40,000 square feet.

New development or substantial renovations or expansions of existing buildings would be required to use Low Impact Development (LID) practices and other stormwater management practices to minimize stormwater runoff and protect the quality and quantity of the groundwater.

Given the current development pattern of many of the neighborhoods within the Residential Areas, new or expanded nonresidential uses will be required to meet "good neighbor" standards dealing with things like parking, landscaping, noise, and exterior lighting and the protection of well-water supplies.

## B. Limited Growth Areas

### Coastal Residential Area

- *Vision* – As an interim measure, the Coastal Residential Areas experiences limited development until the Town is able to undertake and complete a detailed groundwater study to better understand the capability of these areas to support additional building without adversely impacting both the quality and quantity of the groundwater and the ordinances revised appropriately. The management of water use and stormwater on existing lots is improved to reduce potential impacts on the groundwater.
- *Allowed Uses* -- The standards for this area allow for a wide variety of residential uses. Allowed residential uses would include single and two-family homes, accessory apartments, townhouses, multifamily housing, and residential units in mixed use buildings such as a building with a commercial or office use on the first floor with apartments upstairs. Allowed nonresidential uses in this area would include uses that have a low demand for water use and that do not generate large amounts of traffic especially truck traffic. Appropriate nonresidential uses in this area

include home occupations and home businesses, small-scale office and service uses (with less than 2,000-4,000 square feet of floor area), contractors, small B&Bs and inns, and government and community uses such as daycare facilities, churches, and similar activities. In addition, marine-related activities would be allowed based on standards to assure that the scale and character of the use is compatible with the surrounding neighborhood. All legally existing nonresidential uses as of the date of adoption of revised zoning provisions for the Coastal Residential Area would continue to be allowed uses and could be modified or expanded in the future.

- *Development Standards* -- The following development standards are intended to be a guide for the development of appropriate ordinance provisions. The standards for the Coastal Residential Areas are intended to limit intensive or large-scale development in these areas until the Town develops improved groundwater protection standards based on a detailed groundwater study. Therefore the standards outlined here are intended to be interim standards until such a study is completed.

Existing lots of record and new single-family residential lots that are not part of a subdivision will continue to be governed by the current 40,000 square foot minimum lot size requirement for single-family homes. Newly created lots in a subdivision as well as residential uses other than single-family homes and all nonresidential uses will be governed by a variable minimum lot size provision based on the amount of water used. This standard would require approximately 30,000 square feet of lot area for every 100 gallons per day of water use based on the state plumbing code. This translates into a minimum lot size of approximately two acres for a single-family home. Activities that use less water could be located on a smaller lot while those that use more than a home would require a larger lot. If the subdivision or other use subject to the variable minimum lot size provision uses year-round public water or if the property owner demonstrates that the proposed use will not adversely impact groundwater quality or quantity, the current minimum lot size requirements of 40,000 square feet would apply.

All new uses in the Coastal Residential Area will be required to connect to and use the public water supply system (both seasonal and year-round) if it is reasonably available. To protect both the quality and quantity of the groundwater, all new development and any changes that increase the total

impervious surface on an existing developed lot will have to be done in accordance with LID standards for stormwater management (see Objective F.5 in Chapter 5). In addition, existing buildings on lots that have less than 40,000 square feet of area will not be allowed to expand or be otherwise altered in a manner that increases their potential well-water use based on the state plumbing code but can be modified if their water use is managed to maintain current levels of use by employing techniques to reduce their well-water use such as the collection of rainwater, use of desalination for water supply, separation and use of gray water, or similar techniques.

Given the current development pattern of many of the neighborhoods within the Coastal Residential Areas, new or expanded nonresidential uses will be required to meet “good neighbor” standards dealing with things like parking, landscaping, noise, and exterior lighting and the protection of well-water supplies.

### Scenic Gateway Areas

- *Vision* -- The Route 27 corridor from the Edgecomb town line to the intersection with Hardwick Road continues to be an attractive and scenic entrance to Boothbay and the Boothbay-Boothbay Harbor region while the Route 96 corridor from the Boothbay Harbor town line to the intersection with Ship Builder Lane continues to provide separation between East Boothbay village and the commercial development in Boothbay Harbor and reinforces East Boothbay’s image as a special place. This corridor continues to be an attractive and scenic entrance to East Boothbay and Ocean Point. The character of these two portions of these corridors continues to appear to be primarily rural and undeveloped. New buildings have a small, rural character and are well set back from the road. A vegetated buffer is maintained along the road to enhance the visual character of the roadway and to soften the appearance of buildings that are visible from the road.
- *Allowed Uses* – Residential uses are limited to single-family and two-family homes and accessory apartments as well as mobile home parks. Nonresidential uses in the Scenic Gateways are limited to small-scale uses (generally with less than 5,000 square feet of floor area) that do not generate significant volumes of peak hour traffic. This includes business and professional offices, service business, retail uses, inns and B&Bs, and

community uses. Uses such as contractors and rural businesses such as wood processing should be allowed when located away from Routes 27 and 96 and screened from view from the road. Provisions could be included for allowing larger non-residential buildings or other types of nonresidential uses such as warehousing, boat storage, marine-related businesses, and similar activities if they are located and designed so they are not readily visible from the road. In addition, agriculture and related uses should be allowed. Uses that involve drive-thru services should not be allowed in the Scenic Gateways.

- *Development Standards* – The following development standards are intended to be a guide for the development of appropriate ordinance provisions. The standards for the Scenic Gateway Areas are intended to retain and enhance the scenic quality of these portions of the corridors by encouraging any additional development to be located away from Routes 27 and 96 and sited and designed in a manner that minimizes its impact on the visually quality of the corridors. The basic density standard for individual residential lots would be 40,000 square feet for a single-family home. To encourage homes in new subdivisions to be located away from Routes 27 and 96, lots in residential subdivisions in which the building sites will be located within three hundred feet of Route 27 or Route 96 will be required to have a minimum lot area of 80,000 square feet while lots that are further from these main roads will only be required to have 40,000 square feet. New residential lots would be required to have a minimum of 250-350 feet of road frontage if they front on Route 27 or Route 96 but only 100-150 feet of frontage if they front on other roads or private ways. The minimum lot size for nonresidential uses would be 80,000 square feet with 250-350 feet of frontage on Routes 27 and 96 and 100-150 feet on other roads. New buildings would be required to be set back significantly from both Routes 27 and 96 unless they are located on a shallow lot. The front setback should be a minimum of approximately one hundred feet from the property line adjacent to the road unless the lot is shallow (less than two hundred and fifty deep) in which case the front setback would be reduced. The front setback of buildings fronting on roads or private ways other than Routes 27 and 96 would be 20-30 feet.

The development standards in the Scenic Gateway would discourage the creation of new lots that front directly on Routes 27 and 96. To this end, the development standards would require that lots in new or expanded

subdivisions have their frontage and vehicular access from a road or private way other than these main roads where this is feasible.

The development standards would also carefully manage the creation of new access points and curb cuts on Routes 27 and 96 to maintain the rural character of the corridor. The standards should limit lots of record as of April 1, 2015 to one curb cut on Route 27 or Route 96 unless the lot has more than one thousand feet of frontage in which case it can have a maximum of two curb cuts. The standards should also require that a future vehicular access plan be prepared and approved by the Planning Board for lots of record as of April 1, 2015 prior to any development on parcels with more than ten acres. This plan should show how and where access will be provided to serve the entire parcel in the future. This plan should be approved prior to the issuance of any permits or approvals for development on these parcels.

The development standards would require that new buildings be sited on a lot to minimize its impact on the scenic character of Routes 27 and 96. Where possible, new buildings should be located in wooded portions of a lot or screened from view from these main roads. The standards would also require the establishment and/or maintenance of a vegetated buffer strip at least fifty feet in width along the Route 27 or Route 96 right-of-way. This buffer strip should maintain the rural landscape along the road and soften the appearance of new buildings or activities. Within this buffer strip, parking and access drives (other than the access drive to the street), buildings, storage or service areas, and other improvements would not be allowed.

Given the current development pattern within the Scenic Gateway Areas, new or expanded nonresidential uses will be required to meet "good neighbor" standards dealing with things like parking, landscaping, noise, and exterior lighting and the protection of well-water supplies.

## C. Rural Areas

### Rural Mixed-Use Area

- *Vision* -- These portions of Boothbay that are away from the coast and the major roads remain primarily open, rural areas with limited development. Small-scale rural and nonresidential enterprises develop in these areas

over time but are done in a way that maintains the rural landscape. Limited residential development occurs in these areas but large subdivisions are discouraged.

- *Allowed Uses* – The Rural Mixed-Use Area is intended to accommodate a wide range of residential uses as well as agricultural and rural uses and a range of nonresidential uses. Allowed residential uses will include single and two-family homes as well as small multifamily uses and mobile home parks. Allowed nonresidential activities will include uses such as marine and marine-related uses, office and service uses, contractors, warehousing and storage, light manufacturing and assembly uses, automotive services, community and government facilities and similar uses. Consumer driven uses such as retail stores and restaurants will not be allowed as the primary use of a property but would be allowed if they are accessory to another use. For example, a business that processes lobster meat could have a takeout business or a repair garage could sell parts.
  
- *Development Standards* -- The following development standards are intended to be a guide for the development of appropriate ordinance provisions. The basic residential density would be a minimum lot area of 40,000 square feet per unit with provisions for small apartments at a somewhat higher density. The frontage requirement would be around 125' with a significant front setback to retain the rural character in this area. The lot standards for non-residential uses would be tied to the size of the building and the amount of impervious surface area. A use would be required to have 40,000 square feet of lot area for every 3,000-4,000 square feet of building footprint or 8,000-10,000 square feet of impervious surface so that the bigger the building is, the larger the lot will need to be. Similarly, the setbacks and buffering requirements would be tied to the size of the building and impervious area – the bigger the building, the greater the setbacks and the more intensive the buffering that would be required. All non-residential uses would be required to have a limited number of designated curb cuts and maintain/establish a vegetated buffer strip along the road. In addition, development involving new residential or nonresidential buildings or the substantial expansion of existing buildings or impervious surface area will be required to use LID approaches for managing stormwater. Any development in areas where earth material removal has previously occurred will be required to meet standards for groundwater protection as part of the development.

- ⊖ Given the current development pattern of many of the neighborhoods within Rural Mixed-Use Areas, new or expanded nonresidential uses will be required to meet “good neighbor” standards dealing with things like parking, landscaping, noise, and exterior lighting and the protection of well-water supplies.

## D. Resource Conservation Areas

### **Resource Protection Area**

- *Vision* -- The areas designated as Resource Protection will continue to be predominantly undeveloped in which the natural environment and related natural resources are preserved. Activities within these areas are limited to natural resource related uses such as farming and forestry along with low-intensity recreational uses.
- *Allowed Uses* – The allowed uses in the Resource Protection Areas will be limited to natural resource related activities such as agriculture, aquaculture and forestry, low-intensity recreational uses such as trails, and land conservation and management activities. One single-family home may be allowed on an existing lot that is located entirely within a Resource Protection Area or on a lot partially with the area if there is no other suitable location for the home outside of the Resource Protection Zone,
- *Development Standards* – The development standards in the Resource Protection Areas should be similar to the current Resource Protection standards and be consistent with state Shoreland Zoning requirements.

### **Water Reservoirs Protection Area**

- *Vision* -- In the area within five hundred feet of Adams Pond and Knickerbocker Lake, the current restrictions on development will remain in place until detailed studies of the two watersheds are completed, and new performance-based standards for the Watershed Overlay Zone are developed and adopted by the Town. During this interim period, expansions or modifications to buildings that have been historically used for commercial purposes or that are occupied by existing nonconforming uses will be allowed but only if the potential impact on the waterbodies will be similar to or less than the current use and provisions for protecting

the two waterbodies will be enhanced. Once the Watershed Overlay Zone is upgraded, the provisions of the Water Reservoirs Protection District will be re-evaluated and revised as necessary.

- Allowed Uses – Within this area, the allowed uses will continue to be limited to the uses allowed in the current Water Reservoirs Protection District. These uses include natural resource-based activities and public and governmental uses. Single-family home will continue to be allowed on large individual lots meeting the development standards of the District. Provisions for the modification or expansion of buildings that have been historically used for commercial purposes or that are occupied by existing nonconforming should be included but only if the potential impact on the waterbodies will be similar to or less than the current use and provisions for protecting the two waterbodies will be enhanced. These provisions should allow for a change in the use of the building to a commercial use that is otherwise not allowed provided the water protection standards are met.
  
- Development Standards – The basic standards in this area during the interim period while the provisions of the Watershed Overlay Zone are being revised shall be similar to the current standards in the Water Reservoirs Protection District.

#### **Wellhead Protection Area**

- Vision – The area around the former public water supply wells for the East Boothbay water system remains primarily undeveloped and new development is limited to uses and activities that will not create a threat of contamination of the groundwater.
  
- Allowed Uses – The allowed uses in this area will continue to be the uses currently allowed in the Well Head Protection zoning district.
  
- Development Standards – The development standards in this area will continue to be the standards that apply in the current Well Head Protection zoning district.

#### **Shoreland Overlay Area**

- *Vision* – All development in the Shoreland Overlay Area will occur in accordance with performance standards to maintain the natural and scenic character of these areas while accommodating development.
- *Allowed Uses* – The allowed uses in the Shoreland Overlay Area will be the allowed uses of the underlying zoning classification.
- *Development Standards* – All activities in the Shoreland Overlay Area will be subject to performance standards similar to the current ordinance provisions and the requirements of the state.

### Watershed Overlay District

- *Vision* — Retaining natural undeveloped areas in the Adams Pond and Knickerbocker Lakes watersheds is key to the long-term protection of the Boothbay region's water supply. All development in the Watershed Overlay District will occur in a manner that minimizes the impact of land use activities on the watersheds and the water quality of Adams Pond and Knickerbocker Lake. Development and land use within the watersheds will be managed in accordance with performance standards based upon sound information on the movement and distribution of water, key habitats, sources of point and non-point source pollution, topography, soils, existing land uses, and impervious cover so that future ordinance revisions, zoning standards, and other land use decisions are made with the best available information.
- *Allowed Uses* -- The allowed uses in the Watershed Overlay Area will be the allowed uses of the underlying zoning classification except no new or expanded land uses that store, generate or produce contaminants in volumes greater than necessary for the operation of a typical use allowed in the underlying zone will be allowed. However the ordinance should include provisions that allow the Planning Board to permit a greater volume of potential contaminants to be handled or stored on a particular site if the applicant can demonstrate that the risk of handling/storing the substance has been appropriately addressed to ensure no contamination/spills within the watersheds. Uses such as auto repair facilities, car washes, fuel distributors, bulk oil and gas terminals, truck distribution terminals, auto/recreational vehicle sales or service, mineral exploration or extraction, sawmills, cemeteries, and waste disposal and

transfer facilities will be generally prohibited in the Watershed Overlay District even if allowed in the underlying zoning district.

- *Development Standards* -- All activities in the Watershed Overlay Area will be subject to performance standards to be developed by the Town in coordination with the Boothbay Region Water District to minimize the impact of land use and development on the watershed and water quality. In revising the existing watershed protection ordinances, the Planning Board will evaluate the need for Watershed Overlay District development standards, such as maximum lot coverage limits, minimum open/undisturbed space requirements, percent of impervious surface limits, vegetated buffer requirements, and other low impact development options. In the review of development proposals within the Watershed Overlay District, the ordinance should allow the Planning Board to permit modifications in the lot size, road width, parking requirements, front and side setbacks, and other development standards in those cases where such modifications will foster better protection of the riparian areas, reduce the disturbance of sensitive areas, reduce the total impervious surface area, and better protect water quality. The Town and the Boothbay Region Water District should explore creating incentives for developers who include enhanced provisions for water quality protection as part of a development.

## C. Other Land Use Policies

Section B addresses, on a geographic basis, most of the major land use policy issues facing the Town. There are a number of important land use issues that do not fit into this format and therefore are addressed in this section.

### 1. Improvements in the Common Area

The area around the Town Common creates the opportunity to create a true community center. This will require a partnership between the Town and the property owners and potential developers in the Boothbay Village Center Area as well as the Village Fringe and Route 27 Mixed-Use Areas as well as the utility districts. In addition to putting in place the appropriate land use regulations envisioned above, the Town will need to take the lead in developing and implementing a plan for improving traffic flow around the Common and expanding facilities for pedestrians and bicyclists making this more of a pedestrian area and linking the Common to adjacent residential areas.

## 2. Manufactured Housing

State law requires that all Maine municipalities provide for mobile home parks and the location of manufactured housing units on individual residential lots. The Town currently treats mobile homes meeting HUD standards as a single-family home and allows them on residential lots in accordance with the standards for such a home. The Town also allows mobile home parks in most zoning districts with the development standards based primarily on the state minimum requirements. This plan proposes that the Town continue to treat all state defined manufactured housing including newer mobile homes and modular homes as single-family homes. It also proposes that the Town continue to allow mobile home parks in accordance with the state minimum requirements in at least the Residential, Rural Mixed-Use, and Scenic Gateway Areas. In addition, mobile home parks would be allowed in the Route 27 Mixed-Use Area but only if served by public sewerage and year-round public water.

## 3. Development Review Requirements

As part of the updating of the Town's land use regulations, Boothbay should adopt site plan review provisions that require larger development projects such as multifamily housing and nonresidential uses to be reviewed and approved based on a clear set of objective development standards. These standards should address the overall utilization of the site, basic site design issues such as vehicular and pedestrian access, circulation, and facilities, environmental considerations including stormwater management, erosion control, groundwater protection, protection of natural, scenic, historic, and archeological resources, site design considerations including buffering and landscaping, and features such as lighting, noise, and other potential nuisance factors.

## 4. Development Transfer Provisions

The recommended development standards for residential development served by public sewer and year-round public water (including development in the Boothbay Village Center Area, Village Fringe Area, and Route 27 Mixed-Use Area) will allow a property owner to construct more dwelling units than are allowed under the current zoning provisions. To take advantage of this increase in the number of units, a developer may need to make a significant expenditure in upgrading and/or extending the sewer or water system. Notwithstanding this investment, the proposed land use provisions could increase the value of land within these areas. As part of the process of developing the new zoning requirements for residential development, the Town should explore the creation of a development transfer fee for a developer to take advantage of the highest allowed density. Under this system, a property owner or developer would pay a fee for additional units above a certain number reflecting the additional property

value created by the ordinance change. The money collected from any such fees would then go into a special account to be used to purchase open space especially in the Scenic Gateway Areas.

## 5. Protection of Existing Nonresidential Uses

Boothbay developed with a mix of uses throughout the community. Adoption of town-wide zoning years ago resulted in making some of these traditional nonresidential uses nonconforming. Revising the Zoning Ordinance to be consistent with the Future Land Use Plan including the land use designations and the related uses and standards set out above will potentially make some uses, especially nonresidential uses, in some areas of the community that are currently operating in conformance with the current zoning ordinance “nonconforming”. It is the intention of the Town in adopting this Comprehensive Plan that these uses that were existing when the Town adopted town-wide zoning or that are currently legal be treated as legal uses in the future and be allowed to modernize and expand over time as well as to transition to other similar non-residential uses. Therefore, any subsequent amendments to the Town’s zoning or other land use regulations should be drafted in such a way that these uses existing as of the date of adoption of the changes be treated as legal uses with all of the rights that confer to such a use.

## 6. Handling of Unique Land Use Situations

Like many older communities, much of the built environment in Boothbay was in place long before the Town enacted zoning or other land use regulations. In some cases, the use of these older properties does not conform to current development standards and/or the Town’s long-range development plans. The Town has tried to accommodate some of these situations in its current zoning requirements but with limited success. The Town has recognized that there are special situations that require flexibility in how they are treated for zoning and other purposes – this was the case in the creation of a special district to accommodate the Bigelow Laboratory development. This plan proposes that the Town recognize that there are special situations that cannot be appropriately addressed through the normal zoning and land use regulations and that the Town be open to developing flexible and creative solutions to allow for the innovative reuse and/or redevelopment of these properties. This might involve the creation of special districts such as the Bigelow Lab zone or the inclusion of flexible or special provisions within the ordinance to address the particular needs of these properties.

## 7. Buffering of Residential Uses

The existing land use pattern in Boothbay involves a mix of residential and

nonresidential uses throughout the community. The proposed Future Land Use Plan proposes to continue to allow a mix of residential and nonresidential in many areas of the town. This pattern has raised concerns about the compatibility of some nonresidential activities adjacent to residential uses. To address this concern, the Town will adopt buffering and good neighbor standards that apply to nonresidential activities that are located adjacent to an established residential use. These standards will require the creation or maintenance of a buffer strip along property boundaries adjacent to residential uses as well as conformance to standards for factors such as noise, dust, exterior lighting, storage on materials, and similar factors that can create a nuisance for the adjoining residential use.