

*Note: This draft includes the changes made through the November 27, 2018 workshop of the Planning Board. The revised draft is shown in normal font. Suggested changes and additions to that revised draft are shown in underline-strike through format.*

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## **SECTION 7 ZONING DISTRICTS, ZONING MAPS, AND STANDARDS**

This section sets out the standards that govern development and the use of land within each of the land use or zoning districts within the Town. The location of the various land use or zoning districts is shown on the Official Zoning Map. The district standards are the core or basic standards with which all activities must comply. In addition to these district standards, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10. Certain uses and activities must also comply with Performance Standards for Specific Uses of Section 11.

### **7.1 Establishment of Districts**

The Town of Boothbay is divided into the following land use or zoning districts. The land use and development standards for each of these districts are set out in the sections below. These standards govern the establishment of new uses and activities as well as the construction and expansion of buildings and related facilities for conforming activities. In some case there are existing uses and buildings that do not conform to these standards. These nonconforming situations are governed by the provisions of Section 6.

#### **7.1.1 Residential Districts**

The following districts primarily allow residential and community uses but some commercial uses are also allowed:

**7.1.1.1 Residential District (R)**

**7.1.1.2 Coastal Residential District (R-C)**

#### **7.1.2 Mixed Use Districts**

The following districts allow residential, community, and a variety of commercial uses:

**7.1.2.1 Boothbay Village Center District (BVC)**

**7.1.2.2 Boothbay Village Fringe District (BVF)**

**7.1.2.3 Boothbay Village Mixed-Use District (BVMU)**

**7.1.2.4 East Boothbay Village District (EBV)**

**7.1.2.4 Scenic Gateway District (SG)**

**7.1.2.5 Rural Mixed-Use District (RMU)**

### 7.1.3 Commercial – Industrial Districts

The following districts primarily allow commercial, industrial, and community uses but residential uses are also allowed in some of the districts:

- 7.1.3.1 Commercial Corridor District (CC)
- 7.1.3.2 Manufacturing/Business District (MB)
- 7.1.3.3 Marine Commercial District (MC)

### 7.1.4 Natural Resource Districts

The following uses are intended to provide protection to significant natural resources in the community:

- 7.1.4.1 Resource Protection District (RP)
- 7.1.4.2 Water Reservoirs Protection District – Route 27 (WRP-27)
- 7.1.4.3 Water Reservoirs Protection District (WRP)
- 7.1.4.4 Wellhead Protection District (WP)

### 7.1.5 Overlay Districts

The following districts establish supplemental standards that apply to development and land use activities within the overlay district in addition to the standards of the underlying district:

- 7.1.5.1 Shoreland Overlay District (SO)
- 7.1.5.2 Watershed Protection Overlay District (WPO)

### 7.1.6 Contract Zones

The following special district was established as a contract zone subject to specific standards that apply only to that district:

- 7.1.6.1 Bigelow Laboratory District (BL)

## 7.2 Location of Districts – Zoning Map

The various land use or zoning districts are located and bounded as shown on the Official Zoning Map, entitled “Zoning Map of the Town of Boothbay, Maine” dated \_\_\_\_\_, 2018 or as most recently amended, and on file in the office of the Town Clerk. The Official Map shall be signed by the Town Clerk and Chairman of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment.

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7.2.1 The boundary lines shown on the Official Zoning Map are Town lines, property lines, and the centerlines of roads and non-vehicular rights-of-way except where otherwise specifically described.

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7.2.2 Boundaries which are indicated as following shorelines of ponds and saltwater bodies, streams, outlet streams, tributary streams and the upland edge of wetlands shall be construed to follow such shorelines, streams and edges as they exist on the ground. In the event of a natural change in the shoreline, stream or edge, the

boundaries shall be construed as moving with the actual shoreline, stream or edge.

**7.2.3** Boundaries indicated as being parallel to, or extensions of, features indicated in Sections 7.2.1 and 7.2.2 shall be so construed.

**7.2.4** The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.

**7.2.5** Where any textual description of a Zoning District is in conflict with the Official Zoning Map as to the boundaries of a Zoning District, the boundary as shown on the official zoning maps shall be used. However where the textual description of an overlay zone is in conflict with the Official Zoning Map as to the location of the overlay district, the boundary in the textual description shall be used.

**7.2.6** The boundary the Watershed Protection Overlay (WPO) District shall not move as a result of alterations to the topography or drainage patterns unless the boundary change is approved by vote of the Town Meeting.

### **7.3 Uncertainty as to the of Location of Boundaries**

Where physical or cultural features existing on the ground vary from those shown on the official zoning maps, or where other circumstances not covered by Section 7.2 exist, or where there is other uncertainty about the location of a district boundary, the Board of Appeals shall interpret the location of the district boundary. The interpretation of the Board of Appeals shall be the final Town authority as to location of the boundaries.

### **7.4 Boundaries Based on Natural Resources**

Where a zoning district boundary line is intended to be a natural resource such as a stream, wetland, or watershed divide or a line parallel or offset from such resource, the location of the boundary on the ground shall be determined by the actual physical location of the resource as determined by the Code Enforcement Officer. Where there is uncertainty as to the location of the resource or the district boundary, the Code Enforcement Officer may require an applicant to provide a determination of the location of the resource on the ground. Such determination shall be prepared by a competent professional such as a surveyor, soils scientist, or wetlands scientist as appropriate.

### **7.5 District Standards**

This section establishes the standards that govern development and the use of land within each of the land use or zoning districts set out in Section 7.1. The district standards are the core or basic standards with which all activities must comply.

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**7.5.1 Residential District (R)**

**7.5.1.1 PURPOSE (R)**

The Residential District is intended to continue to allow a moderate amount of residential development in these areas together with rural and community uses and a limited amount of nonresidential activity that is compatible with residential uses. New housing can be a variety of types and prices to meet the needs of a diverse population. The standards assure that new developments are well designed so they are positive additions to the community.

**7.5.1.2 ALLOWED USES (R)**

The uses allowed in the Residential (R) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5. A portion of the R District is located within the watersheds of Adams Pond and the Knickerbocker Lakes and is therefore subject to the provisions of the Watershed Protection Overlay (WPO) District. These provisions modify the allowed uses shown in the Table of Land Uses.

**7.5.1.3 SPACE AND BULK STANDARDS (R)**

<b>7.5.1.3.1</b>	Minimum developable lot area	40,000 SF
<b>7.5.1.3.2</b>	Minimum net developable lot area per dwelling unit	40,000 SF
<b>7.5.1.3.3</b>	Minimum lot width	150 feet
<b>7.5.1.3.4</b>	Minimum road setback	State - 50 feet Town - 33 feet Private way - 8 feet from the closest edge of the R-O-W
<b>7.5.1.3.5</b>	Maximum road setback	None
<b>7.5.1.3.6</b>	Minimum side property line setback	20 feet
<b>7.5.1.3.7</b>	Minimum rear property line setback	20 feet
<b>7.5.1.3.8</b>	Maximum building height	34 feet
<b>7.5.1.3.9</b>	Minimum building height	None
<b>7.5.1.3.10</b>	Maximum impervious surface area	30%
<b>7.5.1.3.11</b>	Minimum shoreland setback	Great ponds & associated wetlands - 100 feet Other resources - 75 feet
<b>7.5.1.3.12</b>	Minimum shoreland frontage - tidal	Residential - 150 feet Nonresidential - 200 feet
<b>7.5.1.3.13</b>	Minimum shoreland frontage - non-tidal	Residential - 200 feet Nonresidential - 300

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**7.5.1.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (R)**

Uses in the R District must conform to the following standards in addition to the Space and Bulk Standards:

**7.5.1.4.1** A dwelling unit with one bedroom in a two-family or multifamily dwelling or in a mixed use building shall be considered as two-thirds of a dwelling unit for purposes of the minimum lot area requirements as long as the dwelling unit has less than eight hundred (800) square feet of floor area.

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**7.5.1.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (R)**

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

**7.5.1.6 OTHER PERFORMANCE STANDARDS (R)**

In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.

**7.5.2 Coastal Residential District (R-C)**

**7.5.2.1 PURPOSE (R-C)**

The Coastal Residential District is intended to be an interim land use control that allows limited development in coastal areas 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 revise the ordinances appropriately. The standards allow a moderate amount of residential development in these areas together with rural and community uses and a limited amount of nonresidential activity that is compatible with residential uses. The standards address the management of water use and stormwater to reduce potential impacts on the groundwater.

**7.5.2.2 ALLOWED USES (R-C)**

The uses allowed in the Coastal Residential (R-C) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5.

**7.5.2.3 SPACE AND BULK STANDARDS (R-C)**

7.5.2.3.1	Minimum developable lot area	Existing lots of record and new residential lots that are not part of a subdivision that are used for a single-family home – 60,000 SF All other lots and uses – see 7.5.2.4.1 and 7.5.2.4.2
7.5.2.3.2	Minimum net developable lot area per dwelling unit	Existing lots of record and new residential lots that are not part of a subdivision that are used for a single-family home– 60,000 SF All other lots and uses– see 7.5.2.4.1 and 7.5.2.4.2
7.5.2.3.3	Minimum lot width	150 feet
7.5.2.3.4	Minimum road setback	State - 50 feet Town – 33 feet Private way – 8 feet

		from the closest edge of the R-O-W
<b>7.5.2.3.5</b>	Maximum road setback	None
<b>7.5.2.3.6</b>	Minimum side property line setback	20 feet
<b>7.5.2.3.7</b>	Minimum rear property line setback	20 feet
<b>7.5.2.3.8</b>	Maximum building height	34 feet
<b>7.5.2.3.9</b>	Minimum building height	None
<b>7.5.2.3.10</b>	Maximum impervious surface area	20%
<b>7.5.2.3.11</b>	Minimum shoreland setback	Great ponds & associated wetlands – 100 feet Other resources – 75 feet
<b>7.5.2.3.12</b>	Minimum shoreland frontage - tidal	Residential – 150 feet Nonresidential – 200 feet
<b>7.5.2.3.13</b>	Minimum shoreland frontage – non-tidal	Residential – 200 feet Nonresidential – 300 feet

**7.5.2.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (R-C)**

Uses in the R-C District must conform to the following standards in addition to the Space and Bulk Standards:

**7.5.2.4.1** Except for single-family homes on existing lots of record or new residential lots that are not part of a subdivision, single-family homes on lots in subdivisions approved after the date of adoption of this section and all new or expanded two-family dwellings, multifamily dwellings, or other residential or nonresidential uses that use an on-site water supply for any portion of the year must be located on a lot that has a minimum of thirty thousand (30,000) square feet of net developable lot area for every one hundred (100) gallons per day of sewage flow based on the State of Maine Subsurface Wastewater Disposal Rules.

**7.5.2.4.2** Except for single-family homes on existing lots of record or new residential lots that are not part of a subdivision, single-family homes on lots in subdivisions approved after the date of adoption of this section and all new or expanded two-family dwellings or multifamily dwellings or other residential or nonresidential uses that use public water year-round must be located on a lot that has a minimum of forty thousand (40,000) square feet of net developable lot area and a minimum of forty thousand (40,000) square feet of net developable lot area per dwelling unit.

**7.5.2.4.3** A dwelling unit with one bedroom in a two-family or multifamily dwelling or in a mixed use building shall be considered as two-thirds of a dwelling unit for purposes of the minimum lot area requirements as long as the dwelling unit has less than eight hundred (800) square feet of floor area.

**7.5.2.4.4** A new residential or nonresidential use must connect to the public water system (either year-round or seasonal) if a water main with adequate capacity to serve the use is available within three hundred (300) feet of the nearest point on the lot as measured along public or private streets or utility easements.

**7.5.2.4.5** An existing building or use that is located on a lot with less than sixty thousand (60,000) square feet of developable lot area that uses an on-site water supply for any portion of the year cannot be altered in a manner that increases its potential groundwater use. This determination shall be based on the design sewage flows set forth in the State of Maine Subsurface Wastewater Disposal Rules. In assessing the potential use of groundwater, the Code Enforcement Officer or Planning Board may take into account changes that will reduce the existing use of groundwater.

**7.5.2.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (R-C)**

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

**7.5.2.6 OTHER PERFORMANCE STANDARDS (R-C)**

In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.



**7.5.3 Boothbay Village Center District (BVC)**

**7.5.3.1 PURPOSE (BVC)**

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The Boothbay Village Center District is intended to facilitate the evolution of the area around the Common and along Route 27 toward Boothbay Harbor into a true community center while enhancing its character as a New England village center. Traffic flow around the Common is improved and facilities for parking and 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.

**7.5.3.2 ALLOWED USES (BVC)**

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The uses allowed in the Boothbay Village Center (BVC) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5. A portion of the BVC District is located within the watersheds of Adams Pond and the Knickerbocker Lakes and is therefore subject to the provisions of the Watershed Protection Overlay (WPO) District. These provisions modify the allowed uses shown in the Table of Land Uses.

**7.5.3.3 SPACE AND BULK STANDARDS (BVC)**

<b>7.5.3.3.1</b>	Minimum developable lot area	Residential – 20,000 SF or 6,000 SF with public sewer and year-round public water – Nonresidential – 10,000 SF
<b>7.5.3.3.2</b>	Minimum net developable lot area per dwelling unit	20,000 SF or 6,000 SF with public sewer and year-round public water
<b>7.5.3.3.3</b>	Minimum lot width	Residential– 100 feet or 60 feet with public sewer and year-round public water Nonresidential – 75 feet
<b>7.5.3.3.4</b>	Minimum road setback	10 feet from property line (see Section 7.5.3.4.3)
<b>7.5.3.3.5</b>	Maximum road setback	25 feet from property

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		line (see Section 7.5.3.4.4)
<b>7.5.3.3.6</b>	Minimum side property line setback	10 feet
<b>7.5.3.3.7</b>	Minimum rear property line setback	20 feet
<b>7.5.3.3.8</b>	Maximum building height	34 feet
<b>7.5.3.3.9</b>	Minimum building height	2 usable stories or 24 feet
<b>7.5.3.3.10</b>	Maximum impervious surface area	60%

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#### 7.5.3.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (BVC)

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Uses in the BVC District must conform to the following standards in addition to the Space and Bulk Standards:

**7.5.3.4.1** Single-family homes that are served by public sewer and year-round public water may be located on lots with a minimum developable lot area of at least 6,000 square feet and a minimum of sixty (60) feet of road frontage.

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**7.5.3.4.2** Except for one-bedroom units with less than eight hundred (800) square feet of floor area, a dwelling unit in a two-family or multifamily dwelling or in a mixed-use building that is served by public sewer and year-round public water shall be allowed at a density of one dwelling unit per 6,000 square feet of net developable lot area. A dwelling unit with one bedroom in a two-family or multifamily dwelling or in a mixed use building that is served by public sewer and year-round public water shall be allowed at a density of one dwelling unit per 4,000 square feet of net developable lot area as long as the dwelling unit has less than eight hundred (800) square feet of floor area.

**7.5.3.4.3** New buildings shall be located close to road. As part of the review of a project, the Planning Board may allow a building to be located closer to the front property line if the distance from the edge of the paved travel way is more than twenty-five feet from the required front setback line.

**7.5.3.4.4** As part of the review of a project, the Planning Board may allow a building to be located further from the front property line if one of the following conditions is met:

**7.5.3.4.4.1** The shape or physical condition of the portion of the parcel close to the road makes construction of the building in this area unreasonable, or

**7.5.3.4.4.2** The new building will be located behind a building that is close to the front property line.

**7.5.3.4.5** Buildings must have a minimum of two usable stories unless the Planning Board finds that a multistory building is not appropriate for the proposed use or the proposed site. If the Planning Board allows a one story building the building shall be designed so that the front façade facing the primary road frontage appears to be a multistory building through the use of architectural features such as dormers, roof lines, or parapets.

**7.5.3.4.6** New buildings and expansions of existing buildings that increase the gross floor area by more than fifty percent (50%) shall be designed in a manner that reinforces the New England village character of the district. This shall include the use where practical of pitched or shed roofs, traditional siding or materials that simulate traditional siding, and windows with a vertical orientation in which the height exceeds the width of the window.

**7.5.3.4.7** Buildings must be designed so that the main entrance is located and designed to promote pedestrian movement. If there is a sidewalk or other pedestrian way along the frontage of the lot, there must be a pedestrian connection between the sidewalk and the main entrance of the building.

**7.5.3.4.8** The space between the road right-of-way and the front wall of the building must be maintained as a lawn or landscaped area or as a pedestrian environment. No vehicular or service facilities or areas shall be located in this area.

**7.5.3.4.9** Parking and service areas must be located to the side or rear of the principal building. No parking shall be permitted in area in front of the front wall of the principal building for the full width of the lot.

#### **7.5.3.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (BVC)**

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

#### **7.5.3.6 OTHER PERFORMANCE STANDARDS (BVC)**

In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.

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**7.5.4 Boothbay Village Fringe District (BVF)**

**7.5.4.1 PURPOSE (BVF)**

The Boothbay Village Fringe District is intended to accommodate 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 district provides the private sector the opportunity to find 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.

**7.5.4.2 ALLOWED USES (BVF)**

The uses allowed in the Boothbay Village Fringe (BVF) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5. A portion of the BVF District is located within the watersheds of Adams Pond and the Knickerbocker Lakes and is therefore subject to the provisions of the Watershed Protection Overlay (WPO) District. These provisions modify the allowed uses shown in the Table of Land Uses.

**7.5.4.3 SPACE AND BULK STANDARDS (BVF)**

<b>7.5.4.3.1</b>	Minimum developable lot area	Residential – 20,000 SF or 4,000 SF with public sewer and year-round public water – Nonresidential – 10,000 SF
<b>7.5.4.3.2</b>	Minimum net developable lot area per dwelling unit	20,000 SF or 4,000 SF with public sewer and year-round public water
<b>7.5.4.3.3</b>	Minimum lot width	Residential – 100 feet or 60 feet with public sewer and year-round public water Nonresidential – 100 feet
<b>7.5.4.3.4</b>	Minimum road setback	State - 50 feet Town – 33 feet Private way – 8 feet from the closest edge

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<b>7.5.4.3.5</b>	Maximum road setback	None
<b>7.5.4.3.6</b>	Minimum side property line setback	10 feet
<b>7.5.4.3.7</b>	Minimum rear property line setback	20 feet
<b>7.5.4.3.8</b>	Maximum building height	34 feet <del>except 44 feet for structures located on Country Club Road within two hundred fifty (250) feet of Route 27</del>
<b>7.5.4.3.9</b>	Minimum building height	None
<b>7.5.4.3.10</b>	Maximum impervious surface area	50%

**7.5.4.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (BVF)**

Uses in the BVF District must conform to the following standards in addition to the Space and Bulk Standards:

**7.5.4.4.1** The creation of new residential lots fronting on Country Club Road is prohibited unless the Planning Board finds that the size, shape or physical characteristics of the site make this layout the most reasonable alternative. New residential lots should have their road frontage and vehicular access from interior roads when feasible.

**7.5.4.4.2** Single-family homes that are served by public sewer and year-round public water may be located on lots with a minimum developable lot area of at least four thousand (4,000) square feet and a minimum of sixty (60) feet of road frontage.

**7.5.4.4.3** Except for one-bedroom units with less than eight hundred (800) square feet of floor area, a dwelling unit in a two-family or multifamily dwelling or in a mixed-use building that is served by public sewer and year-round public water shall be allowed at a density of one dwelling unit per four thousand (4,000) square feet of net developable lot area. A dwelling unit with one bedroom in a two-family or multifamily dwelling or in a mixed use building that is served by public sewer and year-round public water shall be allowed at a density of one dwelling unit per two thousand five hundred (2,500) square feet of net developable lot area as long as the dwelling unit has less than eight hundred (800) square feet of floor area.

**7.5.4.4.4** Residential subdivisions and developments with multiunit housing should be developed as planned developments in accordance with the provisions of \_\_\_\_\_.

**7.5.4.4.5** Any new nonresidential use with frontage on Country Club Road must establish and maintain a vegetated buffer strip at least fifteen (15) feet in width along the Country Club Road frontage. The buffer strip shall meet the requirements of \_\_\_\_\_.

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#### **7.5.4.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (BVF)**

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

#### **7.5.4.6 OTHER PERFORMANCE STANDARDS (BVF)**

In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.

**7.5.5 Boothbay Village Mixed-Use District (BVMU)**

**7.5.5.1 PURPOSE (BVMU)**

The Boothbay Village Mixed-Use District is intended to allow the portion of the Route 27 corridor on the northerly approach to the Boothbay Village Center to evolve 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 allowed in master planned residential developments potentially increasing the range of housing options available in Boothbay.

**7.5.5.2 ALLOWED USES (BVMU)**

The uses allowed in the Boothbay Village Mixed-Use (BVMU) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5. A portion of the BVMU District is located within the watershed of Adams Pond and is therefore subject to the provisions of the Watershed Protection Overlay (WPO) District. These provisions modify the allowed uses shown in the Table of Land Uses.

**7.5.5.3 SPACE AND BULK STANDARDS (BVMU)**

<b>7.5.5.3.1</b>	Minimum developable lot area	Residential – 40,000 SF or 10,000 SF as part of a master planned development in accordance with 7.5.5.4.1 – Nonresidential – 20,000 SF or 10,000 SF with public sewer and year-round public water
<b>7.5.5.3.2</b>	Minimum net developable lot area per dwelling unit	40,000 SF or 10,000 SF as part of a master planned development in accordance with 7.5.5.4.1
<b>7.5.5.3.3</b>	Minimum lot width	100 feet
<b>7.5.5.3.4</b>	Minimum road setback	State - 50 feet Town – 33 feet Private way – 8 feet

		from the closest edge of the R-O-W
<b>7.5.5.3.5</b>	Maximum road setback	None
<b>7.5.5.3.6</b>	Minimum side property line setback	10 feet
<b>7.5.5.3.7</b>	Minimum rear property line setback	20 feet
<b>7.5.5.3.8</b>	Maximum building height	34 feet
<b>7.5.5.3.9</b>	Minimum building height	None
<b>7.5.5.3.10</b>	Maximum impervious surface area	20% for residential uses that are not part of a master planned development in accordance with 7.5.5.4.1 – 40% for nonresidential uses and residential uses that are part of a master planned development in accordance with 7.5.5.4.1

**7.5.5.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (BVMU)**

Uses in the BVMU District must conform to the following standards if applicable in addition to the Space and Bulk Standards:

**7.5.5.4.1** A property may be developed as a master planned development utilizing the alternative development standards set forth in **7.5.5.3** if the project meets all of the following additional requirements and is approved by the Planning Board in accordance with the applicable provisions of Section 5:

**7.5.5.4.1.1** The master plan addresses the development of a lot or portion of a lot that includes a minimum of five (5) acres or will result in the construction of ten (10) or more dwelling units.

**7.5.5.4.1.2** The master planned development will be served by the public sewer system.

**7.5.5.4.1.3** The master planned development will be served by the year-round public water system.

**7.5.5.4.1.4** The master planned development will be accessed from a public road via a road(s) that meets the road construction and stormwater management standards in effect at the time of approval of the project.

**7.5.5.4.1.5** The development shall be designed and constructed to limit the export of phosphorous from the area included in the master plan and any new or upgraded roads outside of the area included in the master plan. Phosphorous export shall be limited to the maximum allocation per acre established for Adams Pond in Appendix C Per Acre Phosphorous Allocations



for Selected Maine Lakes in Volume II Phosphorous Control Manual of the Maine Stormwater Management Design Manual. The calculation of phosphorous export shall be done in accordance with the procedures for determining phosphorous export in lake watersheds established by the Maine Department of Environmental Protection in the Volume II of the Stormwater Management Design Manual.

**7.5.5.4.1.6** The project will include a stormwater facility maintenance plan establishing a schedule for the regular inspection of all active stormwater BMPs within the development and for the maintenance and repair of the BMPs to assure that they function as designed.

**7.5.5.4.1.7** If any portion of the site is proposed to be left as open space to meet the phosphorous export limit, the development approval shall include permanent restrictions on the future use and development of this open space.

**7.5.5.4.2** A dwelling unit in a master planned development with one bedroom in a two-family or multifamily dwelling or in a mixed use building that is served by public sewer and year-round public water shall be allowed at a density of one dwelling unit per five thousand (5,000) square feet of net developable lot area as long as the dwelling unit has less than eight hundred (800) square feet of floor area.

**7.5.5.4.3** Any multifamily residential unit or nonresidential use that is served by a subsurface wastewater disposal system shall be limited to a maximum sewage flow of three hundred (300) gallons per day based on the design sewage flows set forth in the State of Maine rules for subsurface wastewater sewage disposal systems.

**7.5.5.4.4** Any new nonresidential use with frontage on Route 27 must establish and maintain a landscaped buffer strip at least ten (10) feet in width along the Route 27 frontage. The buffer strip shall meet the requirements of \_\_\_\_\_.

**7.5.5.4.5** Parking for nonresidential uses must be located to the side or rear of the principal building unless the Planning Board finds that this is not a reasonable requirement given the size, shape or physical characteristics of the site. If the Planning Board allows parking in front of the principal building, it must be designed to prevent the need to back into the road.

**7.5.5.4.6** Notwithstanding the allowed uses listed in the Table of Land Uses in Section 7.6, no new uses shall be permitted in the district that handle or store commercial volumes of materials that have the potential for contaminating the groundwater including fuels, chemicals, or solvents. For the purpose of this provision, commercial volume shall mean a volume greater than that normally stored or used on a similar sized premise for routine building operation and maintenance.

**7.5.5.4.7** Any existing use that handles or uses commercial volumes of materials that have the potential for contaminating the groundwater including fuels, chemicals, and solvents must provide for the safe handling and storage of these

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materials if any enlargement or change in the use is proposed in accordance with the provisions of the Watershed Overlay District.

**7.5.5.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (BVMU)**

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

**7.5.5.6 OTHER PERFORMANCE STANDARDS (BVMU)**

In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.

**7.5.6 East Boothbay Village District (EBV)**

**7.5.6.1 PURPOSE (EBV)**

The East Boothbay Village District is intended to allow East Boothbay to continue to evolve as a classic marine village with a mix of uses such as 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.

**7.5.6.2 ALLOWED USES (EBV)**

The uses allowed in the East Boothbay Village (EBV) District are shown in the Table of Land Uses in Section 7.6. Retail and restaurant uses are allowed only on lots with frontage on Ocean Point Road and School Street. Commercial uses allowed in the district are limited to a maximum of two-thousand five hundred (2,500) square feet of gross floor area unless the Planning Board determines that a larger occupancy will be compatible with and contribute to a pedestrian focused village environment. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5.

**7.5.6.3 SPACE AND BULK STANDARDS (EBV)**

<b>7.5.6.3.1</b>	Minimum developable lot area	Residential - 20,000 SF Nonresidential - 20,000 SF
<b>7.5.6.3.2</b>	Minimum net developable lot area per dwelling unit	20,000 SF – See 7.5.6.4.1
<b>7.5.6.3.3</b>	Minimum lot width	50 feet
<b>7.5.6.3.4</b>	Minimum road setback	10 feet from property line
<b>7.5.6.3.5</b>	Maximum road setback	See 7.5.6.4.2
<b>7.5.6.3.6</b>	Minimum side property line setback	10 feet
<b>7.5.6.3.7</b>	Minimum rear property line setback	20 feet
<b>7.5.6.3.8</b>	Maximum building height	34 feet – The maximum height for nonresidential or mixed-use buildings may be up to 45 feet in accordance with 7.5.6.4.8.
<b>7.5.6.3.9</b>	Minimum building height	None

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<b>7.5.6.3.10</b>	Maximum impervious surface area	40%
<b>7.5.6.3.11</b>	Minimum shoreland setback	Great ponds & associated wetlands – 100 feet Other resources – 50 feet
<b>7.5.6.3.12</b>	Minimum shoreland frontage - tidal	Residential – 100 feet Nonresidential – 100 feet
<b>7.5.6.3.13</b>	Minimum shoreland frontage – non-tidal	Residential – 100 feet Nonresidential – 100 feet

**7.5.6.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (EBV)**

Uses in the EBV District must conform to the following standards in addition to the Space and Bulk Standards:

**7.5.6.4.1** Buildings in existence on the date of the adoption of this section may fully utilize the gross habitable floor area of the building existing as of that date for residential uses or a mixed of residential and commercial uses without needing to meet the minimum lot area requirements of 7.5.6.3.1 and 7.5.6.3.2 provided that the sewage disposal system conforms to state requirements for the proposed occupancy. In addition the use must meet the parking requirements.

**7.5.6.4.2** New buildings or modifications to existing buildings that increase the gross floor area by more than fifty percent (50%) shall be sited to maintain the established pattern of setbacks existing on the same side of the street for up to three lots in either direction to the extent feasible with the reasonable use of the site.

**7.5.6.4.3** New buildings and expansions of existing buildings that increase the gross floor area by more than fifty percent (50%) shall be designed in a manner that reinforces the New England village character of the district. This shall include the use where practical of pitched or shed roofs, traditional siding or materials that simulate traditional siding and windows with a vertical orientation in which the height exceeds the width of the window.

**7.5.6.4.4** Nonresidential buildings must be designed so that the main entrance is located and designed to promote pedestrian movement. If there is a sidewalk or other pedestrian way along the frontage of the lot, there must be a pedestrian connection between the sidewalk and the main entrance of the building.

**7.5.6.4.5** The space between the road right-of-way and the front wall of the building must be maintained as a lawn or landscaped area or as a pedestrian environment. No vehicular or service facilities or areas shall be located in this area.

**7.5.6.4.6** Parking and service areas must be located to the side or rear of the principal building. No parking shall be permitted in area in front of the front wall of the principal building for the full width of the lot.

**7.5.6.4.7** Any proposal or the establishment or expansion of maritime activities must prepare and submit as part of their application for approval a neighborhood mitigation plan that documents how the facility will be designed and operated to minimize the adverse impacts on adjacent residential properties. This plan must address traffic and parking, buffering, and nuisance considerations including noise, exterior lighting, dust and fumes.

**7.5.6.4.8** The maximum building height for a nonresidential or mixed-use building may exceed thirty-four (34) feet up to a maximum of forty-five (45) feet if all of the following are met:

**7.5.6.4.8.1** The increased height of the building is approved in writing by the Fire Chief; and

**7.5.6.4.8.2** The area of the building above thirty-four (34) feet is not habitable space; and

**7.5.6.4.8.3** The building will setback from all side and rear property lines a minimum of twenty (20) feet.

#### **7.5.6.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (EBV)**

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

#### **7.5.6.6 OTHER PERFORMANCE STANDARDS (EBV)**

In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.

**7.5.7 Scenic Gateway District (SG)**

**7.5.7.1 PURPOSE (SG)**

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The Scenic Gateway District is intended to manage development in the Route 27 corridor from the Edgcomb town line to the intersection with Hardwick Road so that it 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 traditional coastal village. 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.

**7.5.7.2 ALLOWED USES (SG)**

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The uses allowed in the Scenic Gateway (SG) District are shown in the Table of Land Uses in Section 7.6. Allowed retail, restaurant, office and service uses are limited to a maximum of five thousand (5,000) square feet of gross floor area unless the Planning Board as part of the approval process determines that a larger building can be designed and sited to maintain the rural, scenic character of the corridor. Allowed uses indicated ~~by footnote 10 with an asterisk~~ in the Table of Land Uses in Section 7.6 are permitted only if they are located a minimum of one hundred (100) feet from the Route 27 or Route 96 right-of-way and are screened from view from the road. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5.

**7.5.7.3 SPACE AND BULK STANDARDS (SG)**

<b>7.5.7.3.1</b>	Minimum developable lot area	Residential - 40,000 SF –See 7.5.7.4.1 Nonresidential - 80,000 SF –
<b>7.5.7.3.2</b>	Minimum net developable lot area per dwelling unit	40,000 SF – See 7.5.7.4.1
<b>7.5.7.3.3</b>	Minimum lot width	State – 200 feet Other – 100 feet
<b>7.5.7.3.4</b>	Minimum road setback	State - 75 feet Town – 33 feet Private way – 8 feet from the closest edge of the R-O-W
<b>7.5.7.3.5</b>	Maximum road setback	None

<b>7.5.7.3.6</b>	Minimum side property line setback	Residential - 20 feet Nonresidential 30 feet – See 7.5.7.4.4
<b>7.5.7.3.7</b>	Minimum rear property line setback	20 feet
<b>7.5.7.3.87</b>	Maximum building height	34 feet – The maximum height for nonresidential or mixed-use buildings may be up to 45 feet in accordance with 7.5.7.4.5.
<b>7.5.7.3.9</b>	Minimum building height	None
<b>7.5.7.3.10</b>	Maximum impervious surface area	30%
<b>7.5.7.3.11</b>	Minimum shoreland setback	Great ponds & associated wetlands – 100 feet Other resources – 75 feet
<b>7.5.7.3.12</b>	Minimum shoreland frontage - tidal	Residential – 150 feet Nonresidential – 200 feet
<b>7.5.7.3.13</b>	Minimum shoreland frontage – non-tidal	Residential – 200 feet Nonresidential – 300 feet

#### 7.5.7.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (SG)

Uses in the SG District must conform to the following standards in addition to the Space and Bulk Standards:

**7.5.7.4.1** New residential lots that are within two hundred feet of the R-O-W of Route 27 must have minimum developable area and developable area per dwelling unit of sixty (60,000) square feet. To compensate for the additional size of these lots, lots created out of the same parent parcel or that are part of the same subdivision and more than two hundred (200) feet from Route 27 can be as small as thirty thousand (30,000) square feet as long as the average lot area for all lots created out of the parent parcel or in the subdivision is at least forty thousand (40,000) square feet.

**7.5.7.4.2** Any new nonresidential use with frontage on Route 27 or Route 96 must establish and maintain a landscaped buffer strip at least fifty (50) feet in width along the Route 27/96 frontage. The buffer strip shall meet the requirements of \_\_\_\_\_.

**7.5.7.4.3** Uses identified in 7.6 Table of Land Uses by Note 10 shall comply with the following additional standards:

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**7.5.7.4.3.1** All buildings, structures, parking lots, storage areas/facilities and similar improvements shall be located a minimum of one hundred fifty (150) from the centerline of Routes 27 or 96.

**7.5.7.4.3.2** The Planning Board may allow buildings, structures, parking lots, storage areas/facilities or similar improvements to be located closer to Route 27 or Route 196 if it finds that the shape or topography of the lot, existing vegetation, or the presence of existing or proposed building will effectively buffer these improvements from Route 27 or Route 96.

**7.5.7.4.3.3** All improvements shall be located on the lot to minimize their visibility from Route 27 or Route 96.

**7.5.7.4.3.4** If any improvements are or will be visible from Route 27 or Route 96, a natural or landscaped buffer meeting the requirements of \_\_\_\_\_ shall be established and maintained.

**7.5.7.4.4** Lots in a residential subdivision approved after the date of adoption of this section must have their required lot frontage on a road other than Route 27 or Route 96 unless the Planning Board determines that this is not feasible given the size, shape or physical characteristics of the parcel being subdivided.

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**7.5.7.4.5** The minimum side setback for nonresidential uses is thirty (30) feet. If the lot used for nonresidential purposes abuts a lot in residential use, a vegetated buffer strip at least twenty (20) feet in width meeting the requirements of Section \_\_\_\_ shall be established or maintained adjacent to all residential structures.

**7.5.7.4.6** The maximum building height for a nonresidential or mixed-use building may exceed thirty-four (34) feet up to a maximum of forty-five (45) feet if all of the following are met:

**7.5.7.4.6.1** The increased height of the building is approved in writing by the Fire Chief; and

**7.5.7.4.6.2** The area of the building above thirty-four (34) feet is not habitable space; and

**7.5.7.4.6.3** The building will setback from all side and rear property lines a minimum of forty-five (45) feet.

#### **7.5.7.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (SG)**

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Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

#### **7.5.7.6 OTHER PERFORMANCE STANDARDS (SG)**

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In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.



### 7.5.8 Rural Mixed-Use District (RMU)

#### 7.5.8.1 PURPOSE (RMU)

The Rural Mixed-Use District is intended to manage development so that the 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 are allowed in these areas over time but are done in a way that maintains the rural landscape.

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#### 7.5.8.2 ALLOWED USES (RMU)

The uses allowed in the Rural Mixed-Use (RMU) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5. A portion of the RMU District is located within the watersheds of Adams Pond and the Knickerbocker Lakes and is therefore subject to the provisions of the Watershed Protection Overlay (WPO) District. These provisions modify the allowed uses shown in the Table of Land Uses.

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#### 7.5.8.3 SPACE AND BULK STANDARDS (RMU)

<b>7.5.8.3.1</b>	Minimum developable lot area	Residential-30,000 SF Nonresidential - See 7.5.8.3.1
<b>7.5.8.3.2</b>	Minimum net developable lot area per dwelling unit	25,000 SF
<b>7.5.8.3.3</b>	Minimum lot width	125 feet
<b>7.5.8.3.4</b>	Minimum road setback	State - 75 feet Town - 60 feet Private way - 8 feet from the closest edge of the R-O-W
<b>7.5.8.3.5</b>	Maximum road setback	None
<b>7.5.8.3.6</b>	Minimum side property line setback	Residential - 20 feet Nonresidential -See 7.5.8.4.3
<b>7.5.8.3.7</b>	Minimum rear property line setback	Residential - 20 feet Nonresidential -See 7.5.8.4.3
<b>7.5.8.3.8</b>	Maximum building height	34 feet
<b>7.5.8.3.9</b>	Minimum building height	None
<b>7.5.8.3.10</b>	Maximum impervious surface area	30%
<b>7.5.8.3.11</b>	Minimum shoreland setback	Great ponds & associated wetlands - 100 feet Other resources - 75

		feet
<b>7.5.8.3.12</b>	Minimum shoreland frontage - tidal	Residential – 150 feet Nonresidential – 200 feet
<b>7.5.8.3.13</b>	Minimum shoreland frontage – non-tidal	Residential – 200 feet Nonresidential – 300 feet

#### 7.5.8.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (RMU)

Uses in the RMU District must conform to the following standards in addition to the Space and Bulk Standards:

**7.5.8.4.1** A lot that is used for a nonresidential use must have a minimum developable area of twenty thousand (20,000) square feet and conform to the maximum building area requirement of 7.5.8.4.2.

**7.5.8.4.2** The gross floor area of all buildings used for nonresidential purposes shall be less than ten percent (10%) of the developable lot area of the lot on which it is located.

**7.5.8.4.3** The side and rear setbacks for buildings used for nonresidential purposes shall be determined by the height of the tallest nonresidential building located within one hundred (100) feet of the property line as follows:

**7.5.8.4.3.1** If the tallest building is less than twenty (20) feet high, the minimum side and rear setbacks are forty (40) feet

**7.5.8.4.3.1** If the tallest building is less than twenty-five (25) feet high, the minimum side and rear setbacks are fifty (50) feet

**7.5.8.4.3.1** If the tallest building is less than thirty (30) feet high, the minimum side and rear setbacks are sixty (60) feet

**7.5.8.4.3.1** If the tallest building is less than thirty-four (34) feet high, the minimum side and rear setbacks are seventy (70) feet

**7.5.8.4.4** The total number of vehicle trips per day in association with a nonresidential use shall not exceed one hundred (100). Trips by vehicles with six (6) or more wheels shall not exceed ten (10) trips per day.

#### 7.5.8.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (RMU)

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

#### 7.5.8.6 OTHER PERFORMANCE STANDARDS (RMU)

In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the

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Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.

## 7.5.9 Commercial Corridor District (CC)

### 7.5.9.1 PURPOSE (CC)

The Commercial Corridor District is intended to allow this portion of the Route 27 corridor to continue 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.

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### 7.5.9.2 ALLOWED USES (CC)

The uses allowed in the Commercial Corridor (CC) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5. A portion of the CC District is located within the watersheds of Adams Pond and the Knickerbocker Lakes and is therefore subject to the provisions of the Watershed Protection Overlay (WPO) District. These provisions modify the allowed uses shown in the Table of Land Uses.

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### 7.5.9.3 SPACE AND BULK STANDARDS (CC)

<b>7.5.9.3.1</b>	Minimum developable lot area	40,000 SF
<b>7.5.9.3.2</b>	Minimum net developable lot area per dwelling unit	40,000 SF
<b>7.5.9.3.3</b>	Minimum lot width	100 feet
<b>7.5.9.3.4</b>	Minimum road setback	State - 75 feet Town - 60 feet Private way - 8 feet from the closest edge of the R-O-W
<b>7.5.9.3.5</b>	Maximum road setback	None
<b>7.5.9.3.6</b>	Minimum side property line setback	20 feet
<b>7.5.9.3.7</b>	Minimum rear property line setback	20 feet
<b>7.5.9.3.8</b>	Maximum building height	50 feet for any portion of the building that meets all setback requirements 34 feet for any portion of the building that does not meet all setback requirements
<b>7.5.9.3.9</b>	Minimum building height	None
<b>7.5.9.3.10</b>	Maximum impervious surface area	60%

### 7.5.9.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (CC)

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Uses in the CC District must conform to the following standards in addition to the Space and Bulk Standards:

**7.5.9.4.1** Any new use or development or any activity that expands the gross floor area of an existing building by more than fifty percent (50%) shall establish a landscaped buffer strip along the property line with any public street. The buffer strip shall be a minimum of ten (10) feet in width and shall meet the requirements of \_\_\_\_\_.

**7.5.9.4.1** Any non-residential building or use that is on a lot that abuts a lot that is located in a residential or mixed-use district shall maintain a landscaped buffer strip along that property line in accordance with the provisions of \_\_\_\_\_. The width of the buffer strip shall be determined by the height of the principal structure closest to the property line. For buildings with a height of twenty (20) feet or less, the width of the buffer strip shall be twenty (20) feet. For buildings taller than twenty (20) feet, the width of the buffer strip shall be the equivalent of the height of the building.

#### **7.5.9.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (CC)**

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

#### **7.5.9.6 OTHER PERFORMANCE STANDARDS (CC)**

In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.

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**7.5.10 Manufacturing/Business District (MB)**

**7.5.10.1 PURPOSE (MB)**

The Manufacturing/Business District is intended to allow the area in and around the current industrial park to continue 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.

**7.5.10.2 ALLOWED USES (MB)**

The uses allowed in the Manufacturing/Business (MB) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5.

**7.5.10.3 SPACE AND BULK STANDARDS (MB)**

<b>7.5.10.3.1</b>	Minimum developable lot area	20,000 SF with year-round public water and public sewer otherwise 40,000 SF
<b>7.5.10.3.2</b>	Minimum net developable lot area per dwelling unit	NA
<b>7.5.10.3.3</b>	Minimum lot width	100 feet
<b>7.5.10.3.4</b>	Minimum road setback	State – 75 feet Town – 8 feet from the edge of the R-O-W of the Industrial Park Road otherwise 33 feet for other Town roads Private way – 8 feet from the closest edge of the R-O-W
<b>7.5.10.3.5</b>	Maximum road setback	None
<b>7.5.10.3.6</b>	Minimum side property line setback	10 feet
<b>7.5.10.3.7</b>	Minimum rear property line setback	10 feet
<b>7.5.10.3.8</b>	Maximum building height	The maximum height of all structures and accessory support equipment shall be 50 feet provided that the building or structure conforms to all setback requirements otherwise 34 feet. This limitation shall

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		not apply to antennas, chimneys and communication towers.
<b>7.5.10.3.9</b>	Minimum building height	None
<b>7.5.10.3.10</b>	Maximum impervious surface area	100%

**7.5.10.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (MB)**

Uses in the MB District must conform to the following standards in addition to the Space and Bulk Standards:

**7.5.10.4.1** Buffers - Any non-residential building or use that is on a lot that abuts a lot that is located in a residential or mixed-use district shall maintain a landscaped buffer strip at least forty (40) feet in width along that property line in accordance with the provisions of \_\_\_\_.

**7.5.10.4.2** Educational Facilities - Educational Facilities shall be limited to vocational training.

**7.5.10.4.3** Function Rooms - Function Rooms where the use includes the participation of persons other than the owner, employees or customers shall be permitted only as an accessory use.

**7.5.10.4.4** Access to Residential Lots - Access to residential lots shall not be permitted via Industrial Park Road.

**7.5.10.4.5** Sex Related Businesses - Sex Related Businesses shall be located at least one thousand (1,000) feet from Route 27 and Pension Ridge Road.

**7.5.10.4.6** Existing Sewage Disposal Facilities - Existing properties using subsurface wastewater disposal facilities within the MB District shall be connected to a public sewer when the current sewage disposal system fails ~~if the~~ the sewer is located within two hundred (200) feet of the lot.

**7.5.10.4.6** Sewage Disposal for New Buildings - New buildings in the MB District shall connect to the public sewer system if the sewer is located within two hundred (200) feet of the lot.

**7.5.10.4.7** Temporary Business Housing - The Planning Board may approve the construction of a dwelling unit as an accessory use for short term housing.

Temporary Business Housing shall meet the following standards:

- A. The owners, employees, contractors, and customers of the principal use are the only persons authorized to use the dwelling unit;
- B. Occupancy shall only occur in connection with a project currently being worked on or during negotiations for a future project;
- C. Occupancy per use shall be for a maximum of one year or the duration of the project whichever is longer;
- D. The number of occupants is limited to two adults;
- E. Only one dwelling unit shall be permitted on a lot;
- F. The dwelling unit shall not be in a separate structure; and
- G. Two ways to enter/exit the dwelling unit shall be provided.

**7.5.10.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (MB)**

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Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

**7.5.10.6 OTHER PERFORMANCE STANDARDS (MB)**

In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.



### 7.5.11 Marine Commercial District (MC)

#### 7.5.11.1 PURPOSE (MC)

The Maritime Commercial District 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.

#### 7.5.11.2 ALLOWED USES (MC)

The uses allowed in the Marine Commercial (MC) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5.

#### 7.5.11.3 SPACE AND BULK STANDARDS (MC)

7.5.11.3.1	Minimum developable lot area	Marine and functionally water dependent uses – none Other uses – 20,000 SF
7.5.11.3.2	Minimum net developable lot area per dwelling unit	30,000 SF
7.5.11.3.3	Minimum lot width	50 feet
7.5.11.3.4	Minimum road setback	State – 25 feet except from Route 96 (see 7.5.11.4.3) Town – 25 feet
7.5.11.3.5	Maximum road setback	See 7.5.11.4.3
7.5.11.3.6	Minimum side property line setback	10 feet (See 7.5.11.4.1 and 7.5.11.4.2)
7.5.11.3.7	Minimum rear property line setback	20 feet (See 7.5.11.4.1 and 7.5.11.4.2)
7.5.11.3.8	Maximum building height	See 7.5.11.4.4
7.5.11.3.9	Minimum building height	None
7.5.11.3.10	Maximum impervious surface area	Marine and functionally water dependent use – 70% Other uses – 30%
7.5.11.3.11	Minimum shoreland setback	Marine related

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		activities – None Other activities – 25 feet
<b>7.5.11.3.12</b>	Minimum shoreland frontage - tidal	Residential – 150 feet Nonresidential – 100 feet
<b>7.5.11.3.13</b>	Minimum shoreland frontage – non-tidal	Residential – 150 feet Nonresidential – 200 feet

**7.5.11.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (MC)**

Uses in the MC District must conform to the following standards in addition to the Space and Bulk Standards:

**7.5.11.4.1** Any new non-residential building or use including parking or any expansion of an existing nonresidential building or use that increases the gross floor area or impervious surface area by more than fifty percent (50 %) that is on a lot that abuts a lot that is located in a residential or mixed-use district shall maintain a landscaped buffer strip at least forty (40) feet in width along that property line in accordance with the provisions of \_\_\_\_\_. The Planning Board may reduce the width of the buffer strip for uses that do not have significant impacts on adjacent properties.

**7.5.11.4.2** Any new or expanded marine use, or any new non-residential building or use including parking, or any expansion of an existing nonresidential building or use that increases the gross floor area or impervious surface area by more than fifty percent (50 %) that is on a lot that abuts a lot within the district that is used for residential purposes shall maintain a landscaped buffer strip at least twenty (20) feet in width along that property line in accordance with the provisions of \_\_\_\_\_. The Planning Board may reduce the width of the buffer strip for uses that do not have significant impacts on adjacent properties.

**7.5.11.4.3** New buildings or modifications to existing buildings located on lots that front on Route 96 that increase the gross floor area by more than fifty percent (50%) shall be sited to maintain the established pattern of setbacks and height existing on the same side of the street for up to three lots in either direction to the extent feasible with the reasonable use of the site. This requirement shall not apply to marina or maritime activities that require a location close to the shoreline.

**7.5.11.4.4** The maximum height of any structure or portion of a structure located within one hundred (100) feet of the centerline of Route 96 shall be limited to thirty-four (34) feet. The maximum height of structures or portions of structures located more than one hundred (100) feet from the centerline of Route 96 shall be limited to thirty-four (34) feet except for structures used for maritime related businesses. The maximum height for any manufacturing facility for a maritime related business, where access to the water is an operational necessity, shall be seventy-five (75) feet. The maximum height for other maritime related businesses

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shall be fifty (50) feet. The above height limitations do not apply to chimneys, antennas, and communications towers. Equipment specifically associated with an allowed use may be allowed to exceed the above height limitation with Planning Board approval.

**7.5.11.4.5 Temporary Business Housing** - The Planning Board may approve the construction of one or more dwelling unit as an accessory use for short term housing. Temporary Business Housing shall meet the following standards:

- A. The owners, employees, contractors, and customers of the principal business use are the only persons authorized to use the dwelling units;
- B. Occupancy shall only occur in connection with a project currently being worked on or during negotiations for a future project;
- C. Occupancy per use shall be for a maximum of the duration of the project; and
- D. Two ways to enter/exit each dwelling unit shall be provided.

**7.5.11.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (MC)**

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

**7.5.11.6 OTHER PERFORMANCE STANDARDS (MC)**

In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.

**7.5.13 Water Reservoirs Protection – Route 27 District (WRP-27)**

**7.5.13.1 PURPOSE (WRP-27)**

The Water Reservoirs Protection – Route 27 District includes the area on the easterly side of Route 27 that is within five hundred (500) feet of the high water line of Adams Pond or the upland boundary of associated wetlands. The goal of the district is to provide additional protection of nearshore areas to ensure the preservation of both the quality and quantity of the public water supply. The district standards limit development in this area to environmentally compatible uses while allowing for the development of new, small-scale uses and the reuse or redevelopment of existing developed lots provided that the activities meet the performance standards designed to reduce any potential negative impacts on watershed resources.

**7.5.13.2 ALLOWED USES (WRP-27)**

The uses allowed in the Water Reservoirs Protection – Route 27 (WRP-27) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5.

**7.5.13.3 SPACE AND BULK STANDARDS (WRP-27)**

<b>7.5.13.3.1</b>	Minimum developable lot area	2 acres except for lots existing as of April 1, 2019
<b>7.5.13.3.2</b>	Minimum net developable lot area per dwelling unit	2 acres
<b>7.5.13.3.3</b>	Minimum lot width	150 feet
<b>7.5.13.3.4</b>	Minimum road setback	State - 50 feet Town – 33 feet Private way – 8 feet from the closest edge of the R-O-W
<b>7.5.13.3.5</b>	Maximum road setback	None
<b>7.5.13.3.6</b>	Minimum side property line setback	20 feet
<b>7.5.13.3.7</b>	Minimum rear property line setback	20 feet
<b>7.5.13.3.8</b>	Maximum building height	34 feet.
<b>7.5.13.3.9</b>	Minimum building height	None
<b>7.5.13.3.10</b>	Maximum impervious surface area	20% of lot area or as approved by Planning Board in accordance with 7.5.13.4.3
<b>7.5.13.3.11</b>	Maximum area of lot that can be developed	20%; for existing lots less than one acre the PB may allow a

		greater percentage in accordance with 7.5.13.4.3
<b>7.5.13.3.12</b>	Minimum shoreland setback	100 feet (See 7.5.13.4.1)
<b>7.5.13.3.13</b>	Minimum shoreland frontage	NA

**7.5.13.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (WRP-27)**

Uses in the WRP-27 District must conform to the following standards in addition to the Space and Bulk Standards:

**7.5.13.4.1 Shoreland Setback:** The minimum shoreland setback requirement of 7.5.13.3.13 shall not apply to functionally water dependent fixtures owned and operated by a public utility which by functional necessity must be located closer to the water than the minimum setback otherwise allows. Functionally water-dependent fixtures include, but are not limited to, pumping stations, pumps, vaults, and hydrants and structures housing the same.

**7.5.13.4.2 Roads and Driveways:** New roads and driveways are prohibited except to provide access to permitted uses within the WRP-27 District. Construction of a new road or driveway must be approved by the Planning Board and must comply with the standards of **7.5.17.4.4** of the Shoreland Overlay District. The Planning Board shall approve such construction only if it determines that the road or driveway will be set back as far as feasible from all shorelines and will be located and designed to minimize the amount of clearing necessary.

**7.5.13.4.3 Maintenance or Increase of Impervious Surface Area:**

**7.5.13.4.3.1** Notwithstanding the provisions of **7.5.13.3**, the Planning Board shall allow the amount of impervious surface that exists as of the date of adoption of this ordinance that exceeds the applicable limitation to be maintained and to be improved provided the site conforms to the requirements of the WRP-27 District to the extent reasonable. Improvement of existing impervious surface may include the reconfiguration of the location of the impervious surface provided that the total impervious surface area is not increased.

**7.5.13.4.3.2** Notwithstanding the provisions of **7.5.13.3**, the Planning Board shall allow the amount of impervious surface on a lot existing as of April 1, 2019 with an area of less than one acre to exceed the twenty percent (20%) limitation if the Planning Board finds that there is no reasonable use of the property with the twenty percent (20%) limitation, the property shall be either connected to the public sewer system or served by a subsurface wastewater disposal system that conforms to the requirement of the state subsurface sewage disposal rules in effect at the time of the improvement; and a stormwater management plan meeting the requirements of **XX** has or will be implemented. The goal of the Planning Board in allowing such an increase is to minimize the amount of impervious surface and developed area within the WRPD-27 to the maximum extent feasible. In

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determining what is a reasonable use of the lot, the Planning Board shall consider site plan alternatives, the size of the lot, the slope of the land, the potential for soil erosion, the location of structures on the property relative to streams and water courses, the use of low impact development best management practices in site development and stormwater management, and the presence of an adequate natural vegetative buffer between developed areas and waterways. The Planning Board shall not authorize an expansion of impermeable surface area of existing uses in the Water Reservoirs Protection – Route 27 District if the total impervious surface area of all lot areas located in the WRPD-27 is greater than twenty percent (20%).

**7.5.13.4.4 Subsurface Wastewater Disposal Systems:** New or replacement subsurface wastewater disposal system shall conform to the following additional requirements:

**7.5.13.4.4.1** No substances other than domestic wastewater shall be discharged to any subsurface waste water disposal system or any other means of on-site sewage disposal.

**7.5.13.4.4.2** Not more than one thousand (1000) gallons per day of sewage shall be discharged to any new subsurface wastewater disposal system.

**7.5.13.4.4.3** If a lot is served by an existing subsurface wastewater disposal system that:

- a. is more than twenty-five (25) years old or is of unknown age and the system is located within one hundred (100) feet of the high water line of Adams Pond or the upland edge of any wetland associated with Adams Pond, or
- b. is less than twenty-five (25) years old and the system is located within fifty (50) feet of Adams Pond or the upland edge of any wetland associated with Adams Pond,

the property owner shall enter into a septic system maintenance agreement with the Town as a condition of receiving any Town permits or approvals for modifications or expansions to the principal building(s) on the lot. The maintenance agreement shall set forth a schedule for the periodic pumping of the septic tank and maintenance of the system based upon the typical occupancy of the property and shall be approved by the Plumbing Inspector. The property owner shall be responsible for maintaining written records of the required maintenance and shall provide the records to the Plumbing Inspector upon request.

**7.5.13.4.5 Storage of Heating Oil:** The following additional performance standards apply to the storage of heating oil:

**7.5.13.4.5.1** All new heating oil tanks shall be located a minimum of one hundred fifty (150) feet from the high water line of Adams Pond or the upland edge of any wetland associated with Adams Pond and seventy-five (75) feet from any mapped watershed tributary stream. If the size, shape or physical conditions of the lot make it unreasonable to meet these setbacks, the Code Enforcement Officer may,

after consultation with the Boothbay Region Water District, allow the tank to be located closer to the resource provided that all components of the system are located as far from the resource as possible given the physical limitations of the lot.

**7.5.13.4.5.2** Any existing single-walled steel heating oil tank that is determined by the CEO to be more than fifteen (15) years old shall be tested once a year using an ultrasonic inspection test (TankSure or similar) and the results of the test provided to the CEO and the Boothbay Region Water District. If the testing company, based on the test results, recommends the repair or replacement of the storage tank, the owner of the tank shall repair or replace the tank within one hundred eighty (180 days) of the determination.

**7.5.13.4.6 Storage of Petroleum or Hazardous Liquids:** The storage of petroleum products or other hazardous liquids that are a potential threat to the quality of the public water supply shall occur on an impervious surface. If the storage is more than fifty-five gallons of any material, the storage shall be located within secondary containment with the capacity to hold one hundred percent (100%) of the amount of the stored material.

**7.5.13.4.7 Use of Fertilizer:** Fertilizer use within one hundred (100) feet of the high water line of Adams Pond and the upland edge of any wetland associated with Adams Pond and any mapped tributary stream shall be limited to manure or fertilizers containing slow-release nitrogen and zero phosphorous. This limitation shall not apply where there is a naturally vegetated buffer strip adjacent to the resource that meets the water supply buffer requirements and is at least fifty (50) feet in width.

**7.5.13.4.8 Use of Pesticides:** The following additional performance standards apply to the use of pesticides:

**7.5.13.4.8.1** Pesticide use within one hundred (100) feet of the high water line of Adams Pond and the upland edge of any wetland associated with Adams Pond and any mapped tributary stream shall be limited to applications in which the pesticide(s) is injected directly in the plant or adjacent soil. Broadcast application or spraying within this area is not permitted unless specifically approved in writing by the CEO and is limited to hand powered methods.

**7.5.13.4.8.2** The standards of the Maine Pesticides Control Board that apply within fifty (50) feet of a water resource shall apply within one hundred (100) feet of the high water line of Adams Pond and the upland edge of any wetland associated with Adams Pond and any mapped tributary stream.

**7.5.13.4.9 Reuse or Redevelopment of an Existing Developed Lot:** The limits on the size and intensity of a use set forth in the Table of Land Uses shall not apply to the reuse or expansion of a building existing as of the date of the adoption of this provision or to the redevelopment of a lot that was improved with one or more buildings and/or structures as of the date of adoption of this provision provided that all the following requirements are met:

**7.5.13.4.9.1** The total amount of impervious surface area located within the WRP-27 District after the improvement shall be equal to or less than the total impervious surface area existing as of the date of adoption of this provision;

**7.5.13.4.9.2** The property shall be either connected to the public sewer system or served by a subsurface wastewater disposal system that conforms to the requirement of the state subsurface sewage disposal rules in effect at the time of the improvement; and

**7.5.13.4.9.3** A stormwater management plan meeting the requirements of **XX** has or will be implemented.

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**7.5.13.4.10 Snow Dumping:** No snow removed from a property located outside of the WRP-27 District shall be dumped on a lot located within the WRP-27 District.

**7.5.13.4.11 Steep Slopes:** New development is not permitted on sites with sustained slopes in excess of twenty percent (20%) if the lot is vacant with no principal structure.

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#### **7.5.13.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (WRP-27)**

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

#### **7.5.13.6 OTHER PERFORMANCE STANDARDS (WRP-27)**

Activities within the WRP-27 District are subject to the provisions of the Shoreland Overlay (SO) District. Activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10 in addition to the standards of this section.



## 7.5.14 Water Reservoirs Protection District (WRP)

### 7.5.14.1 PURPOSE (WRP)

The Water Reservoirs Protection District includes the area within five hundred feet of the high water line of Adams Pond (portion of Tax Map U-19) and Knickerbocker Lakes (portion of Tax Map R-4), the pond to the west of Adams Pond (portion of Tax Map R-4) and Knickerbocker Lake Marsh (portion of Tax Map R-4) excluding the area included in the WPR-27 District on the east side of Adams Pond. The goal of the district is to provide additional protection of nearshore areas to ensure the preservation of both the quality and quantity of the public water supply. The district standards limit development in this area to environmentally compatible uses.

### 7.5.14.2 ALLOWED USES (WRP)

The uses allowed in the Water Reservoirs Protection (WRP) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5.

### 7.5.14.3 SPACE AND BULK STANDARDS (WRP)

7.5.14.3.1	Minimum developable lot area	4 acres w/o public sewer, 2 acres w/public sewer, except for lots existing as of April 1, 2019
7.5.14.3.2	Minimum net developable lot area per dwelling unit	4 acres w/o public sewer, 2 acres w/ public sewer
7.5.14.3.3	Minimum lot width	150 feet
7.5.14.3.4	Minimum road setback	State - 50 feet Town – 33 feet Private way – 8 feet from the closest edge of the R-O-W
7.5.14.3.5	Maximum road setback	None
7.5.14.3.6	Minimum side property line setback	20 feet
7.5.14.3.7	Minimum rear property line setback	20 feet
7.5.14.3.8	Maximum building height	34 feet
7.5.14.3.9	Minimum building height	None
7.5.14.3.10	Maximum impervious surface area	20% of lot area or as approved by Planning Board in accordance with 7.5.14.4.3
7.5.14.3.11	Maximum area of lot that can be developed	20%; for existing lots less than one acre the

		PB may allow a greater percentage in accordance with 7.5.14.4.3
<b>7.5.14.3.12</b>	Minimum shoreland setback	100 feet (see 7.5.14.4.1)
<b>7.5.14.3.13</b>	Minimum shoreland frontage	200 feet

**7.5.14.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (WRP)**

Uses in the WRP District must conform to the following standards in addition to the Space and Bulk Standards:

**7.5.14.4.1 Shoreland Setback:** The minimum shoreland setback requirement of **7.5.14.3.12** shall not apply to functionally water dependent fixtures owned and operated by a public utility which by functional necessity must be located closer to the water than the minimum setback otherwise allows. Functionally water-dependent fixtures include, but are not limited to, pumping stations, pumps, vaults, and hydrants and structures housing the same.

**7.5.14.4.2 Roads and Driveways:** New roads and driveways are prohibited except to provide access to permitted uses within the WRP District. Construction of a new road or driveway must be approved by the Planning Board and must comply with the standards of **7.5.17.4.4** of the Shoreland Overlay District. The Planning Board shall approve such construction only if it determines that the road or driveway will be set back as far as feasible from all shorelines and will be located and designed to minimize the amount of clearing necessary.

**7.5.14.4.3 Maintenance or Increase of Impervious Surface Area:**

**7.5.14.4.3.1** Notwithstanding the provisions of **7.5.14.3**, the Planning Board shall allow the amount of impervious surface that exists as of the date of adoption of this ordinance that exceeds the applicable limitation to be maintained and to be improved provided the site conforms to the requirements of the WRP District to the extent reasonable. Improvement of existing impervious surface may include the reconfiguration of the location of the impervious surface provided that the total impervious surface area is not increased.

**7.5.14.4.3.2** Notwithstanding the provisions of **7.5.13.3**, the Planning Board shall allow the amount of impervious surface on a lot existing as of April 1, 2019 with an area of less than one acre to exceed the twenty percent (20%) limitation if the Planning Board finds that there is no reasonable use of the property with the twenty percent (20%) limitation, the property shall be either connected to the public sewer system or served by a subsurface wastewater disposal system that conforms to the requirement of the state subsurface sewage disposal rules in effect at the time of the improvement; and a stormwater management plan meeting the requirements of **XX** has or will be implemented. The goal of the Planning Board in allowing such an increase is to minimize the amount of impervious surface and developed area within the WRP District to the maximum extent feasible. In

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determining what is a reasonable use of the lot, the Planning Board shall consider site plan alternatives, the size of the lot, the slope of the land, the potential for soil erosion, the location of structures on the property relative to streams and water courses, the use of low impact development best management practices in site development and stormwater management, and the presence of an adequate natural vegetative buffer between developed areas and waterways. The Planning Board shall not authorize an expansion of impermeable surface area of existing uses in the Water Reservoirs Protection District if the total impervious surface area of all lot areas located in the WRP District is greater than twenty percent (20%).

**7.5.14.4.5 Subsurface Wastewater Disposal Systems:** New or replacement subsurface wastewater disposal system shall conform to the following additional requirements:

**7.5.14.4.5.1** No substances other than domestic wastewater shall be discharged to any subsurface waste water disposal system or any other means of on-site sewage disposal.

**7.5.14.4.5.2** Not more than one thousand (1000) gallons per day of sewage shall be discharged to any new subsurface wastewater disposal system.

**7.5.14.4.5.3** If a lot is served by an existing subsurface wastewater disposal system that:

- a. is more than twenty-five (25) years old or is of unknown age and the system is located within one hundred (100) feet of the high water line of Adams Pond or Knickerbocker Lakes or the upland edge of any wetland associated with Adams Pond or Knickerbocker Lakes, or
- b. is less than twenty-five (25) years old and the system is located within fifty (50) feet of Adams Pond or Knickerbocker Lakes or the upland edge of any wetland associated with Adams Pond or Knickerbocker Lakes,

the property owner shall enter into a septic system maintenance agreement with the Town as a condition of receiving any Town permits or approvals for modifications or expansions to the principal building(s) on the lot. The maintenance agreement shall set forth a schedule for the periodic pumping of the septic tank and maintenance of the system based upon the typical occupancy of the property and shall be approved by the Plumbing Inspector. The property owner shall be responsible for maintaining written records of the required maintenance and shall provide the records to the Plumbing Inspector upon request.

**7.5.14.4.6 Storage of Heating Oil:** The following additional performance standards apply to the storage of heating oil:

**7.5.13.4.6.1** All new heating oil tanks shall be located a minimum of one hundred fifty (150) feet from the high water line of Adams Pond or Knickerbocker Lakes or the upland edge of any wetland associated with Adams Pond or Knickerbocker Lakes and seventy-five (75) feet from any mapped watershed tributary stream. If the size, shape or physical conditions of the lot make it unreasonable to meet

these setbacks, the Code Enforcement Officer may, after consultation with the Boothbay Region Water District, allow the tank to be located closer to the resource provided that all components of the system are located as far from the resource as possible given the physical limitations of the lot.

**7.5.14.4.6.2** Any existing single-walled steel heating oil tank that is determined by the CEO to be more than fifteen (15) years old shall be tested once a year using an ultrasonic inspection test (TankSure or similar) and the results of the test provided to the CEO and the Boothbay Region Water District. If the testing company, based on the test results, recommends the repair or replacement of the storage tank, the owner of the tank shall repair or replace the tank within one hundred eighty (180 days) of the determination.

**7.5.14.4.7 Storage of Petroleum or Hazardous Liquids:** The storage of petroleum products or other hazardous liquids that are a potential threat to the quality of the public water supply shall occur on an impervious surface. If the storage is more than fifty-five gallons of any material, the storage shall be located within secondary containment with the capacity to hold one hundred percent (100%) of the amount of the stored material.

**7.5.14.4.8 Use of Fertilizer:** Fertilizer use within one hundred (100) feet of the high water line of Adams Pond or Knickerbocker Lakes and the upland edge of any wetland associated with Adams Pond Lakes or Knickerbocker Lakes and any mapped tributary stream shall be limited to manure or fertilizers containing slow-release nitrogen and zero phosphorous. This limitation shall not apply where there is a naturally vegetated buffer strip adjacent to the resource that meets the water supply buffer requirements and is at least fifty (50) feet in width.

**7.5.14.4.9 Use of Pesticides:** The following additional performance standards apply to the use of pesticides:

**7.5.14.4.9.1** Pesticide use within one hundred (100) feet of the high water line of Adams Pond or Knickerbocker Lakes and the upland edge of any wetland associated with Adams Pond or Knickerbocker Lakes and any mapped tributary stream shall be limited to applications in which the pesticide(s) is injected directly in the plant or adjacent soil. Broadcast application or spraying within this area is not permitted unless specifically approved in writing by the CEO and is limited to hand powered methods.

**7.5.14.4.9.2** The standards of the Maine Pesticides Control Board that apply within fifty (50) feet of a water resource shall apply within one hundred (100) feet of the high water line of Adams Pond or Knickerbocker Lakes and the upland edge of any wetland associated with Adams Pond or Knickerbocker Lakes and any mapped tributary stream.

**7.5.14.4.10 Snow Dumping:** No snow removed from a property located outside of the WRP District shall be dumped on a lot located within the WRP District.

**7.5.14.4.11 Steep Slopes:** New development is not permitted on sites with sustained slopes in excess of twenty percent (20%) if the lot is vacant with no principal structure.

**7.5.14.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (WRP)**

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

**7.5.14.6 OTHER PERFORMANCE STANDARDS (WRP)**

Activities within the WRP District are subject to the provisions of the Shoreland Overlay (SO) District. Activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10 in addition to the standards of this section,

### 7.5.15 Wellhead Protection District (WP)

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#### 7.5.15.1 PURPOSE (WP)

The Wellhead Protection (WP) District includes the area surrounding the former public water supply wells for the East Boothbay Water District that are now owned by the Boothbay Regional Water District as a backup source of water supply. The standards of the WP District are intended to assure that this area remains primarily undeveloped and that any new development is limited to uses and activities that will not create a threat of contamination or a significant reduction of the available groundwater.

#### 7.5.15.2 ALLOWED USES (WP)

The uses allowed in the Wellhead Protection (WP) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5.

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#### 7.5.15.3 SPACE AND BULK STANDARDS (WP)

7.5.15.3.1	Minimum developable lot area	80,000 square feet
7.5.15.3.2	Minimum net developable lot area per dwelling unit	80,000 square feet
7.5.15.3.3	Minimum lot width	150 feet
7.5.15.3.4	Minimum road setback	State - 50 feet Town - 33 feet Private way - 8 feet from the closest edge of the R-O-W
7.5.15.3.5	Maximum road setback	None
7.5.15.3.6	Minimum side property line setback	20 feet
7.5.15.3.7	Minimum rear property line setback	20 feet
7.5.15.3.8	Maximum building height	34 feet
7.5.15.3.9	Minimum building height	None
7.5.15.3.10	Maximum impervious surface area	20% of lot area
7.5.15.3.11	Maximum area of lot that can be developed	20% of lot area
7.5.15.3.12	Minimum shoreland setback	75 feet
7.5.15.3.13	Minimum shoreland frontage	200 feet

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#### 7.5.15.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (WP)

Uses in the WP District must conform to the following standards in addition to the Space and Bulk Standards:

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**7.5.15.4.1 Roads and Driveways:** New roads and driveways are prohibited except to provide access to permitted uses within the WP District. Construction of a new road or driveway must be approved by the Planning Board. The Planning Board shall approve

such construction only if it determines that the road or driveway will be set back as far as feasible from the wellheads and will be located and designed to minimize the amount of clearing necessary.

**7.5.15.4.2 Subsurface Wastewater Disposal Systems:** New or replacement subsurface wastewater disposal system shall conform to the following additional requirements:

**7.5.15.4.2.1** No substances other than domestic wastewater shall be discharged to any subsurface waste water disposal system or any other means of on-site sewage disposal.

**7.5.15.4.2.2** Not more than one thousand (1000) gallons per day of sewage shall be discharged to any new subsurface wastewater disposal system.

**7.5.15.4.3 Use of Fertilizer:** Fertilizer use within the WP District shall be limited to manure or fertilizers containing slow-release nitrogen and zero phosphorous.

**7.5.15.4.4 Use of Pesticides:** The use of pesticides within the WP District shall conform to the standards of the Maine Pesticides Control Board that apply to a wellhead protection district.

**7.5.15.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (WP)**

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

**7.5.15.6 OTHER PERFORMANCE STANDARDS (WP)**

In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.

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### 7.5.16 Resource Protection District (RP)

#### 7.5.16.1 PURPOSE (RP)

The Resource Protection (RP) District is intended to preserve areas with significant natural resource value in a predominantly undeveloped condition while allowing limited use of these areas that is consistent with their natural resource value. These uses include activities such as farming and forestry along with low-intensity recreational uses. The RP District includes the following areas:

- Areas within two hundred fifty (250) feet of the upland edge of freshwater wetlands, salt marshes, and wetlands associated with great ponds that are rated “moderate” or “high” value waterfowl and wading bird habitat,
- The area within two hundred fifty (250) feet of the upland edge of coastal wetlands associated with Cross River (portions of Tax Maps R-2, R-3, R-5, and R-6), Wiley Pond (portion of Tax Map R-3), and Big Meadow (portion of Tax Maps R-7 and R-8),
- The area within the two hundred fifty (250) feet of the upland edges of coastal wetlands on Big Huckleberry Island, Damariscove Island, Fisherman’s Island, Fort Island, Green Island, Inner Ram Island, Little Huckleberry Island, Miles Island, Outer Heron Island, Perch Island, Pumpkin Island, Ram Island, Tibbetts Island, and White Islands #5 and #6,
- Areas of two or more contiguous acres with sustained slopes of 20% or greater, and
- Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland and which are not surficially connected to a pond, stream or tributary stream during the period of normal high water.

#### 7.5.16.2 ALLOWED USES (RP)

The uses allowed in the Resource Protection (RP) District are shown in the Table of Land Uses in Section 7.6. If the use is allowed in the district, the table also indicates if a review is required for the use. If review is required, the procedures and standards for each type of review are set out in Section 5.

#### 7.5.16.3 SPACE AND BULK STANDARDS (RP)

<b>7.5.16.3.1</b>	Minimum developable lot area	80,000 square feet
<b>7.5.16.3.2</b>	Minimum net developable lot area per dwelling unit	80,000 square feet
<b>7.5.16.3.3</b>	Minimum lot width	150 feet

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<b>7.5.16.3.4</b>	Minimum road setback	State - 50 feet Town – 33 feet Private way – 8 feet from the closest edge of the R-O-W
<b>7.5.16.3.5</b>	Maximum road setback	None
<b>7.5.16.3.6</b>	Minimum side property line setback	20 feet
<b>7.5.16.3.7</b>	Minimum rear property line setback	20 feet
<b>7.5.16.3.8</b>	Maximum building height	34 feet
<b>7.5.16.3.9</b>	Minimum building height	None
<b>7.5.16.3.10</b>	Maximum impervious surface area	20% of lot area
<b>7.5.16.3.11</b>	Maximum area of lot that can be developed	20% of lot area
<b>7.5.16.3.12</b>	Minimum shoreland setback	75 feet
<b>7.5.16.3.13</b>	Minimum shoreland frontage	200 feet

**7.5.16.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (RP)**

Uses in the RP District must conform to the following standards in addition to the Space and Bulk Standards:

**7.4.16.4.1 Shoreland Performance Standards:** All activities within the RP District are subject to the standards of the Shoreland Overlay District.

**7.4.16.4.2 One Family Dwellings:** New one family dwellings are permitted in the RP District only in accordance with the provisions of XXX.

**7.5.16.5 PERFORMANCE STANDARDS FOR SPECIFIC USES (RP)**

Section 11 Performance Standards for Specific Uses establishes additional requirements for a group of specific uses. If any of those uses are proposed, the activity must comply with those standards in addition to the standards of this section.

**7.5.16.6 OTHER PERFORMANCE STANDARDS (RP)**

In addition to the standards of this section, activities must also comply with the applicable standards of the General Performance Standards of Section 8, the Environmental Performance Standards of Section 9, and the Good Neighbor Performance Standards of Section 10.

## **7.5.17 Shoreland Overlay District (SO)**

### **7.5.17.1 PURPOSE**

The Shoreland Overlay District is intended to assure that land use activities and development in close proximity to water bodies and wetlands including the entire areas within the WRP-27 and WRP Districts and areas within seventy-five (75) feet of mapped tributary streams are carried out in a manner that protects the quality of those resources. To this end, the standards of the district apply an additional set of performance standards to these activities and development.

### **7.5.17.2 ALLOWED USES**

The uses, review requirements and size and intensity limitations for the underlying zoning districts shall apply unless the use is specifically prohibited by the following provisions.

### **7.5.17.3 SPACE AND BULK STANDARDS**

The space and bulk standards of the underlying zoning district shall apply to land use activities and development within that district.

### **7.5.17.4 ZONE SPECIFIC DEVELOPMENT STANDARDS**

Land use activities and development within the Shoreland Overlay (SO) District shall conform to the following additional standards unless the standards of the underlying zoning district and/or the performance standards of Sections 8, 9, 10, and 11 are more restrictive:

#### **7.5.17.4.1 Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and Shoreline Stabilization**

**7.5.17.4.1.1** No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage required for the district in which it is located, a second structure may be allowed and may remain as long as the lot is not further divided.

**7.5.17.4.1.2** Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

**7.5.17.4.1.3** The location shall not interfere with existing developed or natural beach areas.

**7.5.17.4.1.4** The facility shall be located so as to minimize adverse effects on fisheries.

**7.5.17.4.1.5** The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

**7.5.17.4.1.6** No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

**7.5.17.4.1.7** New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.

**7.5.17.4.1.8** No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

**7.5.17.4.1.9** Except for structures that are part of Maritime Activities, Marinas, or functionally water-dependent uses, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

**7.5.17.4.1.10** Vegetation may be removed in excess of the standards in **7.5.17.4.6** of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

**7.5.17.4.1.10.1** When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

**7.5.17.4.1.10.2** Revegetation must occur in accordance with **7.5.17.4.8**.

**7.5.17.4.2 Prohibited Commercial and Industrial Uses.** The following new commercial and industrial uses are prohibited within the SO District adjacent to great ponds classified GPA and streams which flow to great ponds classified GPA:

**7.5.17.4.2.1** Auto washing facilities

**7.5.17.4.2.2** Auto or other vehicle service and/or repair operations, including body shops

**7.5.17.4.2.3** Chemical and bacteriological laboratories

**7.5.17.4.2.4** Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

**7.5.17.4.2.5** Commercial painting, wood preserving, and furniture stripping

**7.5.17.4.2.6** Dry cleaning establishments

**7.5.17.4.2.7** Electronic circuit assembly

**7.5.17.4.2.8** Laundromats, unless connected to a sanitary sewer

**7.5.17.4.2.9** Metal plating, finishing, or polishing

**7.5.17.4.2.10** Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

**7.5.17.4.2.11** Photographic processing

**7.5.17.4.2.12** Printing

**7.5.17.4.3 Parking Areas.** Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that parking areas that serve Maritime Activities, Marinas, or functionally water-dependent uses, shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

**7.5.17.4.4 Roads and Driveways.** The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features within the SO District unless there are more restrictive requirements in the underlying district or the performance standards of Sections 8, 9, 10 and 11.

**7.5.17.4.4.1** Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of Adams Pond, Knickerbocker Lakes or any great pond classified GPA and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

**7.5.17.4.4.1.1** On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

**7.5.17.4.4.1.2** Section **7.5.17.4.4.1** does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of **7.5.17.4.4.1** except for that portion of the road or driveway necessary for direct access to the structure.

**7.5.17.4.4.1.2** Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

**7.5.17.4.4.1.3** New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

**7.5.17.4.4.1.4** Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for the erosion and sedimentation control performance standard.

**7.5.17.4.4.1.5** Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

**7.5.17.4.4.1.6** In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

**7.5.17.4.4.1.7** Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

**7.5.17.4.4.1.7.1** Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

<b>Grade (Percent)</b>	<b>Spacing (Feet)</b>
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

**7.5.17.4.4.1.7.2** Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

**7.5.17.4.4.1.7.3** On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

**7.5.17.4.4.1.7.4** Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

**7.5.17.4.4.1.8** Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning

**7.5.17.4.5 Septic Waste Disposal.** All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

**7.5.17.4.6 Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting**

**7.5.17.4.6.1** In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

**7.5.17.4.6.2** Except in areas as described in **7.5.17.4.6.1**, above, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a Adams Pond, Knickerbocker Lakes or any great pond classified GPA or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

**7.5.17.4.6.2.1** There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.

**7.5.17.4.6.2.2** Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this section, a "well-distributed stand of trees" adjacent to Adams Pond, Knickerbocker Lakes or any great pond classified GPA shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

<b>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</b>	<b>Points</b>
2 - < 4 in.	1
4 - <8 in.	2
8-< 12 in.	4
12 in. or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

**7.5.17.4.6.2.2.1** The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

**7.5.17.4.6.2.2.2** Each successive plot must be adjacent to, but not overlap a previous plot;

**7.5.17.4.6.2.2.3** Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

**7.5.17.4.6.2.2.4** Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;

**7.5.17.4.6.2.2.5** Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of **7.5.17.4.6.2.2** “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot. Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

**7.5.17.4.6.2.3** In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in **7.5.17.4.6.2**.

**7.5.17.4.6.2.4** Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

**7.5.17.4.6.2.5** In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species, unless existing new tree growth is present.

**7.5.17.4.6.2.6** In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of **7.5.17.4.6.2**.

**7.5.17.4.6.3** At distances greater than one hundred (100) feet, horizontal distance, from Adams Pond, Knickerbocker Lakes or any a great pond classified GPA and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.



In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development or Commercial Fisheries/Maritime Activities Districts.

**7.5.17.4.6.4** Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

**7.5.17.4.6.5** Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of **7.5.17.4.6**.

**7.5.17.4.7 Exemptions to Clearing and Vegetation Removal Requirements** The following activities are exempt from the clearing and vegetation removal standards set forth in **7.5.17.4.6**, provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

**7.5.17.4.7.1** The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of **7.5.17.4.6** apply;

**7.5.17.4.7.2** The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements are not applicable;

**7.5.17.4.7.3** The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

**7.5.17.4.7.4** The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all agricultural performance standards of **11.1** are complied with;

**7.5.17.4.7.5** The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:

**7.5.17.4.7.5.1** A coastal wetland; or

**7.5.17.4.7.5.2** A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.

**7.5.17.4.7.6** The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

**7.5.17.4.7.6.1** If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

**7.5.17.4.7.6.2** Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and

**7.5.17.4.7.6.3** If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

**7.5.17.4.7.7** The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

**7.5.17.4.8 Revegetation Requirements** When revegetation is required in response to violations of the vegetation standards set forth in **7.5.17.4.6**, to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

**7.5.17.4.8.1** The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

**7.5.17.4.8.2** Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:

**7.5.17.4.8.3** If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the

expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

**7.5.17.4.8.4** Revegetation activities must meet the following requirements for trees and saplings:

- (a) All trees and saplings removed must be replaced with native noninvasive species;
- (b) Replacement vegetation must at a minimum consist of saplings;
- (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
- (d) No one species shall make up 50% or more of the number of trees and saplings planted;
- (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
- (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

**7.5.17.4.8.5** Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

**7.5.17.4.8.5.1** All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

**7.5.17.4.8.5.2** Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

**7.5.17.4.8.5.3** If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

**7.5.17.4.8.5.4** No one species shall make up 50% or more of the number of planted woody vegetation plants; and

**7.5.17.4.8.5.5** Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

**7.5.17.4.8.6** Revegetation activities must meet the following requirements for ground vegetation and ground cover:

**7.5.17.4.8.6.1** All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

**7.5.17.4.8.6.2** Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

**7.5.17.4.8.6.3** Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

#### **7.5.17.4.9 Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal**

**7.5.17.4.9.1** Hazard trees in the Shoreland Overlay District may be removed without a permit after consultation with the Code Enforcement Officer (CEO) if the following requirements are met:

**7.5.17.4.9.1.1** Within the shoreline buffer established in **7.5.17.4.6**, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

**7.5.17.4.9.1.2** Outside of the shoreline buffer established in **7.5.17.4.6**, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

**7.5.17.4.9.1.3** The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

**7.5.17.4.9.1.4** The CEO may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

**7.5.17.4.9.1.5** The CEO may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

**7.5.17.4.9.2** Storm-damaged trees in the Shoreland Overlay District may be removed without a permit after consultation with the CEO if the following requirements are met:

**7.5.17.4.9.2.1** Within the shoreline buffer established in **7.5.17.4.6**, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

- (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
- (ii) Stumps from the storm-damaged trees may not be removed;
- (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
- (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

**7.5.17.4.9.2.2** Outside of the shoreline buffer established in **7.5.17.4.6**, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

## **7.5.18 Watershed Protection Overlay District (WPO)**

### **7.5.18.1 PURPOSE**

The Watershed Protection Overlay District is intended to assure that the land use activities and development in the watersheds of Adams Pond and Knickerbocker Lakes preserve the quality and quantity of the public water supply by modifying the allowed uses and development standards in the underlying zoning districts and by imposing additional performance standards that apply throughout the watersheds.

### **7.5.18.2 ALLOWED USES**

The uses, review requirements and size limitations for the underlying zoning districts shall apply unless the use, review requirement or size limitation for a specific use in a specific zoning district are modified by the following provisions. If service by the public sewer system is required by the underlying district standards, that requirement is not modified by these provisions. The zoning districts within which each limitation applies are shown in parenthesis:

**7.5.18.2.1** The following uses are not allowed in the WPO District even if they are allowed in the underlying district:

- Commercial Fishing Activities (R,BVMU,RMU,CC,MB)
- Mineral Extraction (RMU,CC,MB)
- Mobile Home Park (R,RMU)
- Amusement Park (CC)
- Auto, Rec. Vehicle Sales & Service (RMU)
- Automobile Repair (RMU,MB)
- Automobile Service Station
- Bus Terminal (CC)
- Campground (R,RMU,CC)
- Car Wash
- Conference/Convention Center (R, BVF,BVMU,CC)
- Hotel/Motel (BVF,BVMU,CC)
- Indoor Theater (BVC,BVF,BVMU,CC)
- Junkyard
- Kennel (RMU,CC)
- Laundromat (BVC,BVF,BVMU,CC)
- Marina (RMU)
- Maritime Activities (R,RMU,CC,MB)
- Parking Facility (BVC,BVF,BVMU,CC,MB)
- Recreational Facility – Indoor (R, BVC,BVF,BVMU,CC)
- Recreational Facility – Outdoor (R,BVF,BVMU,RMU,CC)
- Retail Fuel Distributor (MB)
- Adult-Use Marijuana Establishments (CC,MB)
- Shopping Center (CC)
- Small Engine Repair & Sales (RMU,CC,MB)
- Manufacturing (BVMU,RMU,MB)

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- Recycling Operations (BVMU,MB)
- Sawmill (RMU,MB)
- Terminal for Bulk Oil and Gas (CC,MB)
- Trucking Distribution Terminal (MB)
- Warehousing (BVMU,RMU,MB)
- Waste Disposal/Landfill (BVF)
- Waste Transfer Facility (BVF)
- Wholesale Business (RMU,CC,MB)
- Wood Processing (RMU,MB)
- Cemetery (R,BVC,BVF,BVMU,RMU,CC)

**7.5.18.2.2** The following uses are allowed in the WPO District with review but only if connected to the public sewer system:

- Dwelling, Multifamily (R,BVC,BVF,BVMU,RMU,CC)
- Dwelling, Townhouse (R,BVC,BVF,BVMU,RMU,CC)
- Dwelling Unit in a Mixed-Use Building (R,BVC,BVF,BVMU,RMU,CC)
- Housing for Seasonal Workers (R,BVC,BVF,BVMU,RMU,CC,MB)
- Lodging House (R,BVC,BVF,BVMU,CC)
- Retirement Facility (R,BVC,BVF,BVMU,RMU,CC)
- Bed & Breakfast (R,BVC,BVF,BVMU,CC)
- Day Care Center (R,BVC,BVF,BVMU,RMU,CC,MB)
- Inn (BVC,BVF,BVMU,RMU,CC)
- Nursing Home (BVC,BVF,BVMU,CC)

**7.5.18.2.3** The following uses are allowed in the WPO District with review but only if connected to the public sewer system subject to the limits for small-scale limited uses:

- Agricultural Packaging and Storage (R,BVF,BVMU,RMU,CC,MB)
- Agricultural Product Processing (R,BVF,BVMU,RMU,CC,MB)
- Restaurant (R)

**7.5.18.2.4** The following uses are allowed in the WPO District with review but only if connected to the public sewer system subject to the limits for medium-scale limited uses:

- Aquaculture (Land support for) (R,BVMU,RMU,CC,MB)
- Congregate Housing/Assisted Living (R,BVC,BVF,BVMU,CC)
- Funeral Home (BVF,BVMU,CC)
- Laboratory, Research Facility (BVC,BVF,BVMU,RMU,CC,MB)
- Medical Facilities (BVC,BVF,BVMU,CC)
- Restaurant (BVC,BVF,BVMU,CC,MB)
- Retail Business (BVC,BVF,BVMU,CC,MB)
- Veterinary Hospital (BVF,BVMU,RMU,CC)
- Church, Parish House, Place of Worship (R,BVC,BVF,BVMU,RMU,CC)
- Community Center, Club (R,BVC,BVF,BVMU,CC,)

- Educational Facility other than the Coastal Maine Botanical Garden which is subject to a consent decree with the Town (R,BVC,BVF,BVMU,CC)
- Library (R,BVC,BVF,BVMU,CC)
- Museum (R,BVC,BVF,BVMU,CC)
- Public Facility (R,BVC,BVF,BVMU,RMU,CC,MB)

**7.5.18.2.5** The following uses are allowed in the WPO District with review subject to the limits for small-scale limited uses:

- Roadside Stand (BVC,BVF,BVMU,RMU,CC)
- Sex Related Business (MB)

**7.5.18.2.6** The following uses are allowed in the WPO District with review subject to the limits for medium-scale limited uses:

- Neighborhood Store (BVC,BVF,BVMU,CC)
- Offices; Business, Professional (BVC,BVF,BVMU,RMU,CC)
- Service Business (BVC,BVF,BVMU,RMU,CC,MB)
- Storage Facility/Structure (BVMU,RMU,MB)
- Firewood Processing (RMU,CC,MB)

**7.5.18.2.7** The following uses are allowed in the WPO District with review by the CEO:

- Agriculture/Farming (R,BVC,BVF,BVMU,RMU,CC,MB)
- Animal Breeding or Care (R,CC,MB)
- Clearing of Vegetation (R,BVC,BVF,BVMU,RMU,CC,MB)
- Forest Management Activities (R,BVC,BVF,BVMU,RMU,CC,MB)

**7.5.18.3 SPACE AND BULK STANDARDS**

The space and bulk standards of the underlying zoning district shall apply to land use activities and development within that district except as modified by this section:

**7.5.18.3.1** The maximum impervious surface area in the following zoning districts shall be limited as follows:

- |                 |                            |
|-----------------|----------------------------|
| • R District    | Twenty percent (20%)       |
| • BVC District  | Fifty percent (50%)        |
| • BVF District  | Forty percent (40%)        |
| • BVMU District | Forty percent (40%)        |
| • CC District   | Sixty percent (60%)        |
| • MB District   | Seventy-five percent (75%) |

**7.5.18.4 ZONE SPECIFIC DEVELOPMENT STANDARDS**



Land use activities and development within the Watershed Protection Overlay (WPO) District shall conform to the following additional standards unless the standards of the underlying zoning district are more restrictive:

**7.5.18.4.1 Subsurface Wastewater Disposal Systems:** Subsurface wastewater disposal systems shall conform to the following additional requirements:

**7.5.18.4.1.1** Any activity involving the construction of a new building that has plumbing or the expansion or change of use of an existing building that increases the design sewage flow based on the Maine Subsurface Wastewater Disposal Rules that is located on a lot that is within three hundred (300) feet of a public sewer shall connect to the public sewer.

**7.5.18.4.1.2** Any existing building or use that is served by a subsurface wastewater disposal system that needs to be replaced and which is located on a lot that is within three hundred (300) feet of a public sewer shall connect to the public sewer.

**7.5.18.4.1.3** If the use of an existing building served by a subsurface wastewater disposal system changes from one type of use to another or if the design sewage flow based on the Maine Subsurface Wastewater Disposal Rules increases, the sewage disposal system shall conform the requirements of the Maine Subsurface Wastewater Disposal Rules. If the property is served by a sewage disposal system that does not conform to the current state rules, the system must be brought into conformance with the applicable state rules.

**7.5.18.4.1.4** The treatment tank(s) and disposal field(s) of any new or replacement subsurface wastewater disposal system shall be located a minimum of two hundred (200) feet from the high water line of Adams Pond or Knickerbocker Lakes and the upland edge of any wetland associated with Adams Pond or Knickerbocker Lakes and a minimum of one hundred and fifty (150) feet from any mapped tributary stream. If the size, shape or physical conditions of the lot make it unreasonable to meet these setbacks, the CEO may, after consultation with the Boothbay Region Water District, allow the facilities to be located closer to the resource provided that all components of the system are located as far from the resource as possible given the physical limitations of the lot.

**7.5.18.4.1.5** Prior to the start of construction of a new or replacement subsurface wastewater disposal system, the system installer shall provide the CEO/Plumbing Inspector with at least three (3) business days notice of the date and time at which work on the system will begin to allow the CEO to inspect the site prior to construction and to monitor the installation of the system.

**7.5.18.4.1.6** Any holding tank installed as part of a sewage disposal system shall conform to the state's Subsurface Wastewater Disposal Rules.

**7.5.18.4.2 Storage of Heating Oil:** The storage of heating oil shall conform to the following requirements:

**7.5.18.4.2.1** The Code Enforcement Officer and the Boothbay Regional Water District shall be notified at least three (3) business days prior to the installation or replacement of any heating oil tank. In emergency situations involving the

replacement of a leaking or failed tank, the CEO shall be notified prior to the installation of the replacement tank.

**7.5.18.4.2.2** Any heating oil tank or interconnected system of oil tanks is limited to a maximum capacity of one thousand three hundred twenty (1,320) gallons unless the owner of the tank(s) has a Spill Retention, Control, and Countermeasures (SRCC) Plan that has been approved by the Maine DEP or the U.S. EPA and the approved plan is on file with the CEO and the Boothbay Fire Department.

**7.5.18.4.2.3** All new or replacement heating oil tanks shall be double-walled or secondary containment tanks approved by the Maine DEP for use in a wellhead protection district unless the CEO determines that the physical characteristics of an existing structure do not allow the installation of a tank meeting these requirements.

**7.5.18.4.2.4** Any new or existing heating oil tank that is located outside of a building or structure must comply with the regulations of Maine Fuel Board for protection against snow and ice damage and must be located on a support system meeting the state requirements.

**7.5.18.4.3 Water Supply Buffers:** Any land use activity or development that creates more than one thousand (1000) square feet of impervious surface area in any five (5) year period shall conform to the water supply buffer requirements of XXX.

**7.5.18.4.4 Chlorides Management Plan:** Any nonresidential development or subdivision that creates more than five thousand (5,000) square feet of impervious surface in any five (5) year period shall submit a chlorides management plan meeting the requirements of XXX as part of the application for the approval of the activity.

**7.5.18.4.5 Open Space Subdivisions:** Any residential subdivision or modification to an existing residential subdivision that creates five (5) or more lots in any five (5) year period shall be designed and developed as an “Open Space Subdivision” in accordance with the standards of XXX.

## 7.6 Table of Land Uses

The following table establishes the uses that are allowed in each zoning district. For each use, its status in a particular zone is indicated by one of the following designations:

- N means the use is not allowed in that zone
- Y means that the use is allowed and does not need a permit
- C means that the use is allowed and that it needs review and approval by the Code Enforcement Officer in accordance with Section 6
- PR means that the use is allowed and that it needs review and approval. Based on the criteria set out in Section 5 and the specifics of a project, the review could be Site Plan Review, Planning Board Review, or Code Enforcement Officer Review
- SD means that the use requires review and approval by the Planning Board under the standards for subdivisions
- MH means the use requires review and approval by the Planning Board under the standards for mobile home parks
- NA means not applicable

If a use is not specifically listed in the Table of Land Uses and the Planning Board determines that it is substantially similar to and compatible with a use that is listed in the Table of Land Uses, it shall be regulated in the same manner as such use.

The Watershed Protection Overlay (WPO) District is an overlay district that modifies the uses allowed in the districts or portions of districts covered by the overlay. The WPO district overlays all or a portion of the following districts:

- R
- BVC
- BVF
- BVMU
- RMU
- CC
- MB
- WRP-27
- WRP

The modifications to the allowed uses set forth in the following table are listed in **7.5.18**. The modifications to the allowed uses listed in **7.5.18** supersede the indications in the following table.

### Legend

The column headings in the table identify the various land use districts using the following abbreviations:

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- **Residential Districts**
  - R Residential District
  - R-C Coastal Residential District
- **Mixed Use Districts**
  - BVC Boothbay Village Center District
  - BVF Boothbay Village Fringe District
  - BVMU Boothbay Village Mixed-Use District
  - EBV East Boothbay Village District
  - SG Scenic Gateway District
  - RMU Rural Mixed-Use District
- **Commercial – Industrial Districts**
  - CC Commercial Corridor District
  - MB Manufacturing/Business District
  - MC Marine Commercial District
- **Natural Resource Districts**
  - RP Resource Protection District
  - WRP Water Reservoirs Protection District
  - WP Wellhead Protection District

<b>USE/ACTIVITY - DISTRICT</b>	<b>R</b>	<b>R-C</b>	<b>BVC</b>	<b>BVF</b>	<b>BVMU</b>	<b>EBV</b>	<b>SG</b>	<b>RMU</b>	<b>CC</b>	<b>MB</b>	<b>MC</b>	<b>WRP-27</b>	<b>WRP</b>	<b>WP</b>	<b>RP</b>
<b>RURAL - RESOURCE - AGRICULTURAL USES</b>															
Agricultural Packaging and Storage	PR <sup>1</sup>	N	N	PR	PR <sup>6</sup>	N	PR <sup>10</sup>	PR	PR	C	PR	N	N	N	N
Agricultural Product Processing	PR <sup>1</sup>	N	N	PR	PR <sup>6</sup>	N	PR <sup>10</sup>	PR	PR	C	PR	N	N	N	N
Agriculture/Farming	PR	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y
Animal Breeding or Care	PR <sup>3</sup>	N	N	N	N	PR	PR	C	C	C	N	N	N	N	N
Farm Stand	C <sup>1</sup>	C <sup>1</sup>	C	C	C	C <sup>1</sup>	C <sup>2</sup>	C	C	C	C	C <sup>1</sup>	C <sup>1</sup>	N	C
Aquaculture (Land support for)	PR <sup>4</sup>	PR <sup>4</sup>	N	N	PR	PR <sup>4</sup>	PR <sup>10</sup>	PR	PR	C	PR	N	N	PR	PR
Commercial Fishing Activities	PR	PR	N	N	PR	C	C	C	C	C	C	N	N	N	PR
Firewood Processing	N	N	N	N	N	N	PR <sup>10</sup>	PR	PR	PR	N	N	N	N	N
Mineral Extraction	N	N	N	N	N	N	PR <sup>10</sup>	PR	PR	PR	N	N	N	N	N
Timber Harvesting	C	C	N	C	C	N	C	C	C	C	N	PR	PR	PR	PR
<b>RESIDENTIAL USES</b>															
Accessory Apartment	C	C	C	C	C	C	C	C	C	N	C	C	C	C	C
Congregate Housing/- Assisted Living	PR	PR	PR	PR	PR <sup>6</sup>	PR	N	N	PR <sup>6</sup>	N	N	N	N	N	N
Dwelling, Multifamily	PR	PR	PR	PR	PR <sup>6</sup>	PR	PR <sup>10</sup>	PR	PR <sup>6</sup>	N	N	N	N	N	N
Dwelling, One Family	C	C	C	C	C	C	C	C	C	N	N	C	C	C	PR <sup>15</sup>

USE/ACTIVITY - DISTRICT	R	R-C	BVC	BVF	BVMU	EBV	SG	RMU	CC	MB	MC	WRP-27	WRP	WP	RP
Dwelling, Two Family	C	C	C	C	C	C	C	C	C	N	N	N	N	C	N
Dwelling, Townhouse	PR	PR	PR	PR	PR <sup>6</sup>	PR	PR <sup>10</sup>	PR	PR <sup>6</sup>	N	N	N	N	N	N
Dwelling Unit in a Mixed-Use Building	PR	PR	PR	PR	PR <sup>6</sup>	PR	PR	PR	PR <sup>6</sup>	N	PR <sup>4</sup>	PR	N	N	N
Housing for Seasonal Workers	PR	PR	PR <sup>3</sup>	PR <sup>3</sup>	PR <sup>6</sup>	PR	PR	PR	PR	PR	PR	PR <sup>3,13</sup>	PR <sup>3,13</sup>	PR <sup>3</sup>	N
Lodging House	PR	PR	PR <sup>3</sup>	PR <sup>3</sup>	PR <sup>3,6</sup>	PR <sup>3</sup>	N	N	PR <sup>6</sup>	N	PR	N	N	PR <sup>3</sup>	N
Mobile Home Park	MH	N	N	N	N	N	MH	MH	N	N	N	N	N	N	N
Retirement Facility	PR	PR	PR <sup>3</sup>	PR <sup>3</sup>	PR <sup>3,6</sup>	PR <sup>3</sup>	N	N	PR <sup>6</sup>	N	N	N	N	N	N
Temporary Business Housing	N	N	N	N	N	N	N	N	PR	PR	PR	N	N	N	N
<b>COMMERCIAL USES</b>															
Amusement Park	N	N	N	N	N	N	N	N	PR	N	N	N	N	N	N
Auto, Rec. Vehicle Sales & Service	N	N	N	N	N	N	N	PR	N	N	N	N	N	N	N
Automobile Repair	N	N	N	N	N	N	N	PR	N	C	N	N	N	N	N
Automobile Service Station	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Bed & Breakfast	PR	PR	PR	PR	PR <sup>6</sup>	PR	PR	PR	PR	N	PR	PR <sup>3,12</sup>	N	PR	N
Bus Terminal	N	N	N	N	N	N	N	N	PR	N	N	N	N	N	N
Campground	PR	N	N	N	N	N	PR <sup>10</sup>	PR	PR	N	N	N	N	N	N

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USE/ACTIVITY/DIS TRICT	R	R-C	BVC	BVF	BVMU	EBV	SG	RMU	CC	MB	MC	WRP-27	WRP	WP	RP
Car Wash	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Conference/Convention Center	PR <sup>5</sup>	PR <sup>5</sup>	N	PR	PR <sup>6</sup>	N	N	N	PR	N	N	N	N	N	N
Day Care Center	PR <sup>3</sup>	PR <sup>3</sup>	C	C	C	C	C	C	C	C <sup>9</sup>	C	PR <sup>2,6,12</sup>	N	N	N
Flea Market/Tent Sale	N	N	C <sup>8</sup>	N	N	N	N	PR	PR	N	N	N	N	N	N
Funeral Home	N	N	N	PR <sup>6</sup>	PR <sup>6</sup>	N	N	N	PR	N	N	N	N	N	N
Gambling	N	N	N	N	N	N	N	N	N	PR	N	N	N	N	N
Home Occupation	C	C	C	C	C	C	C	C	C	N	C	C	C	C	C
Home Business	PR	PR	PR	PR	PR	PR	PR	PR	PR	N	PR	PR <sup>2</sup>	PR <sup>1</sup>	PR <sup>1</sup>	N
Hotel/Motel	N	N	N	PR	PR <sup>6</sup>	N	N	N	PR	N	PR	N	N	N	N
Indoor Theater	N	N	PR	PR	PR <sup>6</sup>	N	N	N	PR	N	N	N	N	N	N
Inn	N	N	PR	PR	PR <sup>6</sup>	PR	PR					N	N	N	N
Junkyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Kennel	N	N	N	N	N	N	PR <sup>10</sup>	PR	PR	N	N	N	N	N	N
Laboratory, Research Facility	N	N	PR <sup>2</sup>	PR	PR <sup>6</sup>	PR	PR <sup>10</sup>	PR	PR	C	PR	N	N	N	N
Laundromat	N	N	PR <sup>2</sup>	PR	PR <sup>6</sup>	N	N	N	PR	N	N	N	N	N	N
Marina	N	PR	N	N	N	PR	N	PR	N	N	PR	N	N	N	N

Commented [M1]: Should they be allowed somewhere

Commented [M2]: Should all be required to be connected to the public sewer

<b>USE/ACTIVITY - DISTRICT</b>	<b>R</b>	<b>R-C</b>	<b>BVC</b>	<b>BVF</b>	<b>BVMU</b>	<b>EBV</b>	<b>SG</b>	<b>RMU</b>	<b>CC</b>	<b>MB</b>	<b>MC</b>	<b>WRP-27</b>	<b>WRP</b>	<b>WP</b>	<b>RP</b>
Maritime Activities	PR	PR	N	N	N	PR	PR <sup>10</sup>	PR	PR	C	PR	N	N	N	N
Medical Facilities	N	N	PR	PR	PR <sup>6</sup>	PR	N	N	PR	N	PR	PR <sup>2,6,12</sup>	N	N	N
Neighborhood Store	PR <sup>1</sup>	PR <sup>1</sup>	PR	PR	PR	PR	PR	N	PR	N	PR	PR <sup>2,12</sup>	N	N	N
Nursing Home	PR	N	PR	PR	PR <sup>6</sup>	N	N	N	PR <sup>6</sup>	N	N	N	N	N	N
Offices; Business, Professional	PR <sup>2</sup>	PR <sup>2</sup>	PR	PR	PR	PR	PR	PR	PR	C	PR	PR <sup>2,12</sup>	N	N	N
Parking Facility	N	N	PR	PR	PR	PR	N	N	PR	C	PR	N	N	N	N
Recreational Facility - Indoor	PR <sup>2</sup>	N	PR	PR	PR <sup>6</sup>	N	PR <sup>10</sup>	N	PR	N	N	N	N	N	N
Recreational Facility - Outdoor	PR <sup>2</sup>	N	N	PR	PR	N	PR <sup>10</sup>	PR	PR	N	N	N	N	N	PR <sup>2</sup>
Restaurant	PR <sup>2</sup>	N	PR	PR	PR <sup>6</sup>	PR <sup>4</sup> <sub>11</sub>	PR	N	PR	PR	PR <sup>2</sup>	PR <sup>2,12</sup>	N	N	N
Retail Business	N	N	PR	PR	PR	PR <sup>3</sup> <sub>11</sub>	PR	N	PR	PR	PR <sup>2</sup>	PR <sup>2,12</sup>	N	N	N
Retail Fuel Distributor	N	N	N	N	N	N	N	N	N	PR	N	N	N	N	N
Adult-Use Marijuana Establishments	N	N	N	N	N	N	N	N	PR	PR	N	N	N	N	N
Roadside Stand	C <sup>1</sup>	C <sup>1</sup>	C	C	C	C <sup>1</sup>	C <sup>2</sup>	C	C	N	C	C <sup>1</sup>	C <sup>1</sup>	C	C
Service Business	PR <sup>2</sup>	PR <sup>1</sup>	PR	PR	PR	PR	PR	PR	PR	C	PR <sup>5</sup>	PR <sup>2,12</sup>	N	PB <sup>2</sup>	N
Sex Related Business	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N



<b>USE/ACTIVITY - DISTRICT</b>	<b>R</b>	<b>R-C</b>	<b>BVC</b>	<b>BVF</b>	<b>BVMU</b>	<b>EBV</b>	<b>SG</b>	<b>RMU</b>	<b>CC</b>	<b>MB</b>	<b>MC</b>	<b>WRP-27</b>	<b>WRP</b>	<b>WP</b>	<b>RP</b>
Shopping Center	N	N	N	N	N	N	N	N	PR	N	N	N	N	N	N
Small Engine Repair & Sales	N	N	N	N	N	N	PR <sup>10</sup>	PR	PR	C	N	N	N	N	N
Storage Facility/Structure	N	N	N	N	PR	N	PR <sup>7,10</sup>	PR	N	C	N	N	N	N	N
Veterinary Hospital	N	N	N	PR	PR <sup>6</sup>	N	PR	PR	PR	N	N	N	N	N	N
<b>INDUSTRIAL – MANUFACTURING – DISTRIBUTION USES</b>															
Communications Tower	PR	PR	N	PR	PR	N	PR	PR	PR	PR	PR	PR	PR	N	PR
Manufacturing	N	N	N	N	PR <sup>6</sup>	N	PR <sup>10</sup>	PR	N	C	PR	N	N	N	N
Recycling Operations	N	N	N	N	PR <sup>3,6</sup>	N	N	N	N	C	N	N	N	N	N
Sawmill	N	N	N	N	N	N	PR <sup>10</sup>	PR	N	C	N	N	N	N	N
Terminal for Bulk Oil and Gas	N	N	N	N	N	N	N	N	PR	PR	N	N	N	N	N
Trucking Distribution Terminal	N	N	N	N	N	N	N	N	N	C	N	N	N	N	N
Warehousing	N	N	N	N	PR <sup>6</sup>	N	PR <sup>10</sup>	PR	N	C	PR	N	N	N	N
Waste Disposal/Landfill	N	N	N	PR	N	N	N	N	N	N	N	N	N	N	N
Waste Transfer Facility	N	N	N	PR	N	N	N	N	N	N	N	N	N	N	N
Wholesale Business	N	N	N	N	N	N	PR <sup>10</sup>	PR	PR <sup>7</sup>	C	N	N	N	N	N
Wood Processing	N	N	N	N	N	N	PR <sup>10</sup>	PR	N	C	N	N	N	N	N

INSTITUTIONAL USES															
USE/ACTIVITY - DISTRICT	R	R-C	BVC	BVF	BVMU	EBV	SG	RMU	CC	MB	MC	WRP-27	WRP	WP	RP
Cemetery	PR	N	Y	Y	Y	Y	Y	Y	PR	N	PR	N	N	N	PR
Church, Parish House, Place of Worship	PR	PR	PR	PR	PR <sup>6</sup>	PR	PR	PR	PR	N	PR	N	N	PR	N
Community Center, Club	PR	PR	PR	PR	PR <sup>6</sup>	PR	PR	N	PR	N	N	N	N	N	N
Educational Facility	PR <sup>3,16</sup>	PR <sup>2</sup>	PR	PR	PR <sup>6</sup>	PR <sup>3</sup>	PR	N	PR	PR <sup>4</sup>	PR <sup>12</sup>	N	N	PR	PB <sup>1</sup>
Library	PR <sup>3</sup>	N	PR	PR	PR <sup>6</sup>	PR	N	N	PR	N	N	N	N	N	N
Museum	PR <sup>3</sup>	N	PR	PR	PR <sup>6</sup>	PR	N	N	PR	N	N	N	N	N	PR <sup>1</sup>
Public Facility	PR	PR	PR	PR	PR <sup>6</sup>	PR	PR	PR	PR	PR	PR	PR <sup>2,14</sup>	PR <sup>2,14</sup>	PR	PR <sup>2</sup>
Camp	PR	PR	N	N	N	N	PR	PR	N	N	N	N	PR	N	← N
Clearing of Vegetation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	C	C	C	Y
Dock - Temporary	PR	PR	NA	NA	NA	PR	PR	PR	NA	NA	PR	N	PR	PR	PR
Dock - Permanent	PR	PR	NA	NA	NA	PR	PR	PR	NA	NA	PR	N	PR	N	PR
Earth Moving/Filling <50 cubic yards	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Earth Moving/Filling >50 yards	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR
Essential Services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Forest Management Activities	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NA	C	C	C	C

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<b>USE/ACTIVITY - DISTRICT</b>	<b>R</b>	<b>R-C</b>	<b>BVC</b>	<b>BVF</b>	<b>BVMU</b>	<b>EBV</b>	<b>SG</b>	<b>RMU</b>	<b>CC</b>	<b>MB</b>	<b>MC</b>	<b>WRP-27</b>	<b>WRP</b>	<b>WP</b>	<b>RP</b>
Mineral Exploration	N	N	N	N	N	N	Y	Y	Y	Y	NA	N	N	N	N
Individual Private Campsite	C	C	N	N	N	N	Y <sup>10</sup>	Y	N	N	N	N	N	N	C
Sign	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Wharf/Pier	PR	PR	NA	NA	NA	PR	PR	PR	NA	NA	PR	N	PR	NA	PR
Wind Turbines - Up to 60 feet in height	PR	PR	PR	PR	PR	PR	PR	PR	PR	C	PR	PR	PR	N	PR
Wind Turbines - Over 60 feet in height	N	N	N	PR	N	N	PR <sup>10</sup>	PR	PR	PR	PR	PR	PR	N	N
Use similar to uses "permitted with CEO Review" – C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Use similar to uses "permitted with review" – PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR

**Notes to the Table of Land Uses:**

1. Only very small-scale limited uses
2. Only very small and small-scale limited uses
3. Only very small, small and medium-scale limited uses
4. Only very small, small, medium and larger-scale limited uses
5. Only as an accessory to an existing nonconforming hotel/motel
6. Allowed only if served by the public sewer system
7. All storage shall occur completely inside of a building
8. Allowed only on the Town Common in accordance with the provisions of the Administrative Code
9. Allowed only as an accessory use to an allowed use
10. Allowed only if the use and development conforms to the Zone Specific Development Standards of **7.5.7.4**
11. Only on lots that front on Ocean Point Road or School Street
12. The size and intensity limits shall not apply to the reuse or expansion of an existing building or to the redevelopment of a lot containing one or more buildings as of the date of adoption of this section provided that the reuse, expansion or redevelopment meets the standards of **X.X.X**
13. Allowed as reuse of an existing building only if served by the public sewer system or a subsurface wastewater disposal system meeting current state requirements as of the date of reuse
14. The size and intensity limits do not apply to facilities owned or operated by the Town of Boothbay, the Boothbay Regional Water District or the Boothbay Harbor Sewer District.
15. Allowed only in accordance with the performance standards for single-family homes in the RP District.
16. The size and intensity limits do not apply to uses that are subject to a consent decree.
17. Allowed only if marine related.

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**PUNCH LIST**

- Review how height is measured

- Definition of developable lot area
- Definition of impervious surface area
- Treatment of timber harvesting
- Housing for seasonal workers
- Review definition of service businesses
- How to treat mobile food trucks, etc.
- Review definitions of junkyards and recycling facilities
- Where does the YMCA fit
- Treatment of accessory uses

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