

To: Boothbay Planning Board
From: Mark Eyerman
Subject: Alternative Approach for the BVMU District
Date: November 20, 2018

Here is an alternative approach for the BVMU District that tries to allow for possibility of some higher density residential development while protecting Adams Pond. As I said at the meeting there is probably a low probability that someone will try to develop this area but you never know. As we started to discuss at the last workshop, this alternative creates two sets of development standards for residential uses/development. The base standards would allow low density residential development similar to what is allowed in the proposed Residential District. The alternate standards would apply only to master planned developments that are served by the public sewer and year-round public water systems and that are designed to limit total phosphorous export to a maximum of 0.020 pounds per acre (the new DEP standard for Adams Pond). I have taken the version of the BVMU provisions from the draft and have marked them up to show the possible changes to accomplish this.

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 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.

7.5.5.3 SPACE AND BULK STANDARDS (BVMU)

7.5.5.3.1	Minimum developable lot area	Residential – 34 0,000 SF or 7,500-10,000 SF with public sewer and year-round public water 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
7.5.5.3.2	Minimum net developable lot area per dwelling unit	43 0,000 SF or 10,000 SF as part of a master planned development in accordance with 7.5.5.4.1 7,500 SF with public sewer and year-round public water
7.5.5.3.3	Minimum lot width	100 feet
7.5.5.3.4	Minimum road setback	State - 50 feet Town – 33 feet Private way – 8 feet from the closest edge of the R-O-W
7.5.5.3.5	Maximum road setback	None
7.5.5.3.6	Minimum side property line setback	10 feet
7.5.5.3.7	Minimum rear property line setback	20 feet
7.5.5.3.8	Maximum building height	34 feet
7.5.5.3.9	Minimum building height	None
7.5.5.3.10	Maximum impervious surface area	20% for residential uses that are not part of master planned development -- 54% for nonresidential uses and residential uses that are part of a master planned development

7.5.5.4 ZONE SPECIFIC DEVELOPMENT STANDARDS (BVMU)

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

7.5.5.4.1 A property may be developed for 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:

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7.5.5.4.1 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.

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

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

7.5.5.4.4 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.

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7.5.5.4.3 The development shall be designed and constructed to limit the export of Total Phosphorous to a maximum of 0.020 pounds per acre for the area included in the master plan and any new or upgraded road outside of the area included in the master plan in accordance with the procedures for determining phosphorous export in lake watersheds established by the Maine Department of Environmental Protection.

7.5.5.4.3 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.

~~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 seven thousand five hundred (7,500) square feet and a minimum of one hundred (100) feet of road frontage.~~

~~7.5.5.4.2 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 seven thousand five hundred (7,500) square feet of net developable lot area. A dwelling unit with one bedroom in a two-family or multifamily dwelling in a master planned development 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~~use 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 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.