

To: Planning Board  
From: Mark Eyerman  
Subject: Draft WPO Standards  
Date: October 19, 2018

This is a slightly revised version of the development standards for the WPO District that I thought I sent out for the last workshop. Sue provided feedback on the draft and I have included some edits to address her comments/questions. I have imported this version into Section 7 in the appropriate place.

## **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)
- 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:





**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.

**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.