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:

- 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.

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.