

SECTION 8 GENERAL PERFORMANCE STANDARDS

The following General Performance Standards apply to all uses of land and structures within the Town of Boothbay.

8.1 Parking and Loading Requirements

Off-street parking shall be required for all new and expanded uses and shall be adequately sized for the proposed use. {DEP § 15 G(2)}

3.11.15.1 General

3.11.15.1.1 Parking areas shall meet the shoreline setback requirements for structures for the district in which such parking areas are located. {DEP § 15 G(1)} [**Shoreland Overlay Zone**]

3.11.15.1.2 Off-street parking shall be located on the same lot as the use for which the parking is required unless other arrangements are approved by the Planning Board.

3.11.15.1.3 No parking space shall serve more than one use unless the Planning Board finds that it is clearly demonstrated that the shared parking area will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

3.11.15.1.4 Except for parking for one and two family residential uses, including dwellings in a mobile home park, and home occupations, all parking shall be excluded from the area between the principal building and public and private way(s).

3.11.15.1.4.1 Section 3.11.15.1.4 does not apply in the Maritime Commercial District or Industrial Park District.

Commented [M1]: Need to update district references

3.11.15.1.5 Parking areas for all uses except for one and two family residential uses and any associated Home Occupations shall be designed so that vehicles can be turned around within the lot and are not required to back into public ways.

3.11.15.1.6 Loading facilities shall be located entirely on the same lot as the structure or use to be served. Loading facilities shall also be designed so that they do not interfere with customer traffic flows and parking.

3.11.15.2 Access Standards for other than one and two family residential uses Lots shall be designed with a limited number of access points. Normally a maximum of 2 shall be allowed regardless of the number of businesses served.

3.11.15.2.1 The Planning Board may approve variations from this requirement.

3.11.15.2.2 Access points shall be so located as to minimize traffic congestion and to avoid generating traffic on local streets of a primarily residential character.

3.11.15.2.3 Provision shall be made for vehicular access in such a manner as to safeguard against hazards to traffic and pedestrians in existing roads and within the lot, to avoid traffic congestion on any road, and to provide safe and convenient circulation on public roads and within the lot. This may require the provision of turning lanes, traffic directional islands, frontage roads, and traffic controls on existing and proposed

public or private roads.

3.11.1252.4 Access points for commercial uses shall be designed in profile, grading and location to provide the following minimum sight distance, measured in each direction. There are two steps in determining minimum sight distance. First, establishing the point from which the sight distance will be measured; second, measuring the sight distance from that point. Each is described below:

Step 1: The measurement point shall be at least 5 feet behind the curb line or edge of shoulder and 3 1/2 feet above the road surface.

Step 2: From this measurement point an object in the center of the outside travel lane of the roadway 4 1/2 feet above the pavement must be able to be seen at a distance determined by the legal speed limit of the roadway. This distance is 10 times the legal speed limit.

For example, if the legal speed limit is 30 miles per hour, the minimum sight distance is 300 feet in each direction.

3.11.15.2.4.1 The minimum site distance shall be 100 feet. The Planning Board may allow a shorter distance if the subdivider can show that no alternative exists.

3.11.15.2.5 Entrances and exits shall be clearly identified by the use of entrance and exit signs, curb cuts, and landscaping.

3.11.15.2.6 Where necessary to safeguard against hazards to traffic and pedestrians or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, and traffic controls within existing and proposed public roads.

3.11.15.3 Parking Area Standards for other than one and two family residential uses

3.11.15.3.1 Major interior travel lanes shall be designed to allow continuous and uninterrupted traffic movement. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, shall be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of on-coming pedestrians and vehicles. Entrance/exits shall be designed to allow adequate stacking in vehicle circulation lanes.

3.11.15.3.2 Access to parking stalls shall not be provided from major interior travel lanes.

3.11.15.3.3 Unless specifically approved by the Planning Board, parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

3.11.15.3.4 All parking spaces and access drives shall be at least 5 feet from any side or rear lot line. Where development is proposed adjacent to a one or two family residential use, the side and rear yard setback shall be observed for parking spaces and access drives. This area is to be used as a buffer zone and shall be landscaped so as to form a visual barrier.

3.11.15.3.4.1 Where commercial development is proposed adjacent to a residential use, parking spaces and access drives shall not be allowed in the side and rear setbacks and a visual buffer shall be required in accordance with the standards of Section 3.10.7.

Commented [M2]: Revise – property owner, developer

Commented [M3]: Should stacked parking be allowed for multifamily housing and townhouses

Commented [M4]: Check for conflict with development standards

Commented [M5]: Update reference

3.11.15.3.5 Parking spaces for a small number of vehicles shall each be approximately 10 feet wide and 20 feet long unless the Planning Board finds that it is clearly demonstrated that smaller parking spaces are appropriate. {DEP § 15 G(3)}

Commented [M6]: ??? Is this needed? If so what percentage?

3.11.15.3.6 Parking stalls and aisle layout shall conform to the following Parking Design Standards Table: {DEP § 15 G(3)}

Parking Design Standards Table

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9' - 0"		18' - 5"	24' - 0"
60°	8' - 6"	10' - 5"	18' - 0"	16' - 0" one way only
45°	8' - 6"	12' - 9"	17' - 5"	12' - 0" one way only
30°	8' - 6"	19' - 0"	17' - 0"	12' - 0" one way only

Commented [M7]: Should this be allowed?

3.11.15.3.7 In paved parking areas, painted stripes shall be used to delineate parking stalls. Stripes shall be a minimum of 4 inches in width. Where double lines are used, they shall be separated a minimum of 1 foot on center.

3.11.15.3.8 In unpaved parking areas, appropriate markers shall be used to delineate parking stalls.

3.11.15.3.9 In aisles using diagonal parking, arrows shall be painted on the pavement to indicate proper traffic flow.

3.11.15.3.10 Bumpers or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, public ways and interior travel lanes; restrict pedestrian movement on adjacent walkways; or damage landscape materials.

3.11.15.3.11 All parking areas and driveways shall have a gravel sub-base at least 12 inches in thickness and 2 inches of finish gravel, bituminous plant mix grade C hot, or concrete, and shall have appropriate bumper or wheel guards where needed.

Commented [M8]: Does this mean all parking areas need to be paved?

3.11.15.3.12 Road and driveway surface drainage shall be directed to an unscarified buffer strip and shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip. {DEP § 15 H(7)} [Shoreland Overlay Zone, Watershed Overlay Zone]

Commented [M9]: Reference stormwater standard

3.11.15.4 Minimum Parking Requirements A minimum of two parking spaces shall be provided on each tract or parcel of land.

3.11.15.4.1 Uses other than one and two family residential shall provide at least one parking space for each nonresident employee on the largest work shift and one space for each dwelling unit, guest room, campsite, boat slip, mooring or office.

3.11.15.4.2 The Planning Board may grant waivers of the minimum number of spaces requirement and require additional spaces if it determines that such minimums are insufficient.

3.11.15.4.2.1 In determining the number of additional spaces required, the Planning Board shall use information provided by the applicant on actual parking demand of similar uses or the Institute of Traffic Engineers Parking Generation Manual.

Commented [M10]: Update reference

8.2 Traffic and Access Requirements

Section 3.11.16 shall apply to all roads including the roadway, shoulders, curbs, sidewalks, culverts, drainage system and other appurtenances. It shall also apply to driveways where specifically noted. In addition, it shall apply to any improvement or modification of a road external to the development as may be required. Road construction shall conform to good engineering practices and be suitable for the intended usage of the road. *{DEP § 15 H}*

3.11.16.1 General

3.11.16.1.1 Road and driveways shall meet the shoreline setback requirements for structures for the district in which such roads and driveways are located unless no reasonable alternative exists as determined by the Planning Board. If no reasonable alternative exists as determined by the Planning Board, the road and/or driveway setback requirement shall be not less than 50 feet upon a 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. *{DEP § 15 H(1)}* **[Shoreland Overlay Zone]**

Commented [M11]: Needs to exempt roads crossing a waterbody or wetland

3.11.16.1.2 Approval of an application by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the Town of Boothbay of any road or easement.

3.11.16.1.3 Detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed roads shall be required.

3.11.16.1.4 Roads and driveways shall be designed so as not to create through or “short cut” travel paths.

3.11.16.1.5 New roads and driveways are prohibited except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the area. A road or driveway may also be approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the area. When a road or driveway is permitted, the road or driveway shall be set back as far as feasible from all shorelines. *{DEP § 15 H(4)}* **[Resource Protection Area]**

Commented [M12]: In the RP District

3.11.16.1.5.1 In determining what is feasible, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site’s elevation in regard to the floodplain and its proximity to moderate-value and high-value wetlands rated by the Department of Inland Fisheries and Wildlife.

3.11.16.1.6 The Planning Board, upon recommendation of the Road Commissioner, may approve variations from the road requirements of Section 3.11.16.

Commented [M13]: Update Section reference

3.11.16.2 Drainage Standards Good drainage must be provided for all new or rebuilt roads and driveways. Section 3.11.13.2 standards are recommended but are not mandatory for driveways on one and two family residential properties outside the Shoreland Overlay Zone.

Commented [M14]: Reference stormwater standards

3.11.16.2.1 Road and driveway surface drainage shall be directed to an unscarified buffer strip and shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip. *{DEP § 15 H(7)}* [Shoreland Overlay Zone, Watershed Overlay Zone]

3.11.16.2.1.1 The unscarified buffer strip shall be at least 50 feet, plus two times the average slope, in width between the outflow point of the ditch or culvert and a shoreline. *{DEP § 15 H(7)}*

3.11.16.2.1.1.1 As an example, if the average slope between the shoreline and the proposed road is 30%, then the road setback at that location would be 50 feet plus 2 times 30 feet or 110 feet. *{Rich Baker e-mail 2/21/2007}*

3.11.16.2.2 Adequate ditches shall be provided for new and rebuilt roads if no other means are to be used for drainage. When ditches are used, the depth should be approximately 24 inches below the center of the road or driveway and should blend with the terrain of the land. It will be up to the discretion of the Road Commissioner as to what good drainage road requirements are in each case.

3.11.16.2.3 Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed for new roads and driveways 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: *{DEP § 15 H(8)}* [Shoreland Overlay Zone, Watershed Overlay Zone]

3.11.16.2.3.1 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:

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

3.11.16.2.3.2 Drainage dips may be used in place of ditch relief culverts only where the grade does not exceed 10%.

3.11.16.2.3.3 On sections having slopes greater than 10%, ditch relief culverts shall be placed at approximately a 30 degree angle down slope from a line perpendicular to the centerline of the road or driveway.

3.11.16.2.3.4 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.

3.11.16.2.4 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. *{DEP § 15 H(9)}*

3.11.16.2.4.1 A permit is not required for the replacement of an existing road or driveway culvert as long as:

- A. The replacement culvert is not more than 25% longer than the culvert being replaced;
- B. The replacement culvert is not longer than 75 feet; and
- C. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse. *{DEP § 16 B(1)}*

3.11.16.3 Location Standards Roads and driveways shall be located so as to avoid wetlands and rare species where feasible and to minimize the need for cuts and fills.

3.11.16.3.1 Roads and driveways shall be set back at least 100 feet from the shoreline of a great pond and 75 feet from any other shorelines unless no reasonable alternative exists as determined by the Planning Board. *{DEP § 15 H(1)}*

3.11.16.3.1.1 If no other reasonable alternative exists, the road or driveway setback requirement shall be no less than 50 feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the great pond, stream, outlet stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the great pond, stream, outlet stream or wetland.

3.11.16.3.1.2 On slopes of greater than 20% the road or driveway setback shall be increased by 10 feet for each 5% increase in slope above 20%.

3.11.16.3.1.3 The setback requirements of Section 3.11.16.3 shall 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 due to an operational necessity. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 3.11.16.3 except for that portion of the road or driveway necessary for direct access to the structure.

3.11.16.3.2 Road and driveway grades shall be not greater than 10% except for segments of less than 200 feet. *{DEP § 15 H(6)}*

3.11.16.3.3 Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a shoreline. *{DEP § 15 H(2)}*

3.11.16.4 Road Standards

3.11.16.4.1 General

3.11.16.4.1.1 The center line of the roadway shall be the center line of the right-of-

Commented [M15]: Conflict with above section

Commented [M16]: Duplicate?

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way.

3.11.16.4.1.2 Roads shall be constructed to their full width and length as shown on the site plan. Construction shall be completed to the intersection with an existing or proposed road and to the near lot line of the most distant lot.

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3.11.16.4.2 Emergency Vehicle Access A turnaround area on new roads and driveways shall be provided for emergency vehicles approximately every 500 feet. The turnaround area shall meet the standards for new roads. The location(s) and design(s) of the turnaround area(s) shall be agreed to by the Fire Chief.

3.11.16.4.2.1 New roads and driveways that are an extension of an approved road or whose end is more than 200 feet from an existing cross road, shall provide a turnaround area at the end of the road or driveway. If it is feasible that the new road could be extended in the future, the Plat Plan shall indicate the portion(s) of the turnaround area beyond the required road Right-of-Way that shall revert to the abutting properties.

3.11.16.4.3 Intersections Where new road intersections are proposed, they shall be designed in profile, grading, and location to provide the following sight distance, measured in each direction. There are two steps in determining sight distance. First, establishing the point from which the sight distance will be measured; second, measuring the sight distance from that point. Each is described below:

Step 1: The measurement point shall be at least 5 feet behind the curb line or edge of shoulder and 3 1/2 feet above the road surface.

Step 2: From this measurement point an object in the center of the outside travel lane of the roadway 4 1/2 feet above the pavement must be able to be seen at a distance determined by the legal speed limit of the roadway. This distance in feet is 10 times the legal speed limit.

3.11.16.4.3.1 The minimum site distance shall be 100 feet. The Planning Board may allow a shorter distance if the subdivider can show that no alternative exists.

3.11.16.4.3.2 Where necessary, corner lots shall be cleared of all growth and sight obstructions, and if necessary the ground excavated, to achieve the required visibility.

3.11.16.4.3.2.1 The limitations on clearing or removal of vegetation in Section 3.11.3 shall apply {DEP § 15 P} [Shoreland Overlay Zone, Watershed Overlay Zone]

3.11.16.4.4 Pavement

Commented [M19]: Does this mean that all new roads need to be paved?

3.11.16.4.4.1 Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B hot bituminous with an aggregate size no more than 1 inch maximum with the minimum thickness after compaction of 2 inches.

Commented [M20]: Update

3.11.16.4.4.2 Minimum standards for the surface layer of pavement shall meet the Maine Department of Transportation specifications for plant mix grade C hot bituminous with an aggregate size no more than 3/4 inch maximum with the

Commented [M21]: Update

minimum thickness after compaction of 1 1/2 inches.

3.11.16.4.4.3 Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

3.11.16.4.5 Preparation

3.11.16.4.5.1 Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at 50 foot intervals.

3.11.16.4.5.2 Organic materials, soils not suitable for roadways, rocks and boulders shall be removed to a depth of 2 feet below the subgrade of the roadway and replaced with material meeting the specifications for gravel aggregate sub-base.

3.11.16.4.5.3 Except in a ledge cut, road and driveway banks shall be no steeper than a slope of 2 1/2 feet horizontal to 1 foot vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 3.11.7. Where a cut results in exposed ledge, side slopes no steeper than 4 feet vertical to 1 foot horizontal are permitted. *{DEP §15 H(5)}*

3.11.13.4.5.4 Sub-base and Base Course

3.11.16.4.5.4.1 The aggregate sub-base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other substances with a minimum thickness after compaction of 24 inches. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading standard: Aggregate for sub-base shall contain no particles of rock exceeding 4 inches in any dimension.

Commented [M22]: Crushed gravel? Road Commissioner?

3.11.16.4.5.4.2 The aggregate base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other substances with a minimum thickness after compaction of 4 inches. The gradation of the part that passes a 3 inch square mesh sieve shall meet the following grading standard: Aggregate for the base shall contain no particles of rock exceeding 2 inches in any dimension.

Commented [M23]: Crushed gravel?

3.11.16.4.5.5 Underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

3.11.16.4.6 Size

3.11.16.4.6.1 The following standards apply to Private roads:

Commented [M24]: Are these reasonable?

Minimum Right-of-Way Width		50 feet
Minimum Pavement Width	Access for 1 – 5 lots	16 feet
	Access for 6 – 9 lots	18 feet
	Access for 10 or more lots	20 feet
Roadway Crown		¼ inch per foot
Minimum width of shoulders (each side)		3 feet

3.11.16.4.6.2 The following standards apply to roads that are to be considered by the Town of Boothbay for acceptance as Public roads:

Minimum Right-of-Way Width	50 feet
Minimum Pavement Width	20 feet
Roadway Crown	¼ inch per foot
Minimum width of shoulders (each side)	4 feet

8.3 Other Requirements

8.3.1 Development Next to Registered Farmland

Commented [M25]: Check current state requirements

The following uses shall be set back 100 feet from registered farmland, land that is held in common ownership with registered farmland or being considered for registration under 7 M.R.S.A.: {7 § 52(1)}:

- A. Commercial Food Establishments dispensing or selling food; {7 §§ 52 & 56}
- B. Residential Buildings; and {7 §§ 52 & 56}
- C. School buildings and any playgrounds, athletic fields or other school facilities designed for use by children in the vicinity of school buildings. {7 §§ 52 & 56}
- D. Private wells and drinking water springs shall be set back 100 feet from registered farmland. {7 §§ 52 & 56}

3.10.8.1 A variance permitting development or use of land for residential purposes may be granted if adherence renders a parcel of land subdivided prior to registration of the farmland unusable for residential purposes. Any variance granted for such a purpose shall be conditioned to provide the maximum feasible setback from the abutting registered farmland. {7 §§ 52, 56 and 57}

3.10.8.2 The setback requirement from registered farmland shall not apply to developments or uses exempted in 7 §§ 52 & 56.

8.3.2 Construction Standards

Commented [M26]: Are these standards needed? Covered by other codes?

It is particularly important that new structures meet the following minimum design criteria.

Commented [M27]: ??? Is this a standard or a recommendation?

3.11.4.1 The exterior walls shall be finished with a covering of wood, plastic, or metal clapboards; wood siding; or wood, asphalt, plastic, or metal shingles; masonry, brick or stone or other nationally advertised siding materials. Tarred paper or tarred felt or similar substances shall not be used unless completely hidden from view by previously prescribed finished exterior wall covering.

3.11.4.2 Every chimney shall be constructed of solid masonry units or materials prefabricated or otherwise approved by the National Board of Fire Underwriters.

3.11.4.3 All newly erected structures that are to be wired shall have an adequate and safe electrical service of at least 100 amperes and shall be wired in accordance with acceptable industry standards.

3.11.4.4 All buildings shall be set on masonry foundations in the form of masonry walls at least 6 inches thick, or masonry posts at least 6 inches in diameter which in turn rest on ledge or which extend into solid earth for 3½ feet, or a concrete slab at least 6 inches thick. Mobile home foundations need not be set to below the frost line if not on ledge. Buildings that do not exceed 400 square feet are exempt from this

requirement.

3.11.4.5 New commercial construction should be compatible with surrounding properties in terms of formal characteristics such as height, massing, roof shapes and window proportions. Where existing historic buildings surround new construction, building height and exterior materials shall be harmonious with those of adjacent properties.

8.3.3 Cuts and Fills

The top of a cut or bottom of a fill section shall not be closer than 10 feet to an adjoining property, unless otherwise approved by the Planning Board.

3.11.5.1 Except in a ledge cut, cuts and fills shall be no steeper than a slope of 2 1/2 feet horizontal to 1 foot vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 3.11.7. Where a cut results in exposed ledge, side slopes no steeper than 4 feet vertical to 1 foot horizontal are permitted. *{DEP §15 H(5)}*

3.11.5.2 There shall be no filling, dredging, or grading within 100 feet of the high-water line. **[Resource Protection Area]**

Commented [M28]: Check SO – should this be there?

8.3.4 Lots

3.11.12.1 General

3.11.12.1.1 Lots with multiple frontages are to be avoided whenever feasible. When lots have frontage on two or more right-of-ways, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less-traveled way.

3.11.9.1.1.1 The Planning Board may approve variations from this requirement.

3.11.12.1.2 Any side of a lot abutting a public or private way shall have the lot line in common with the right-of-way of the public or private way.

3.11.12.1.3 Lot configuration and structure location shall provide for adequate off-street parking and service facilities.

~~**3.11.9.2 Non-conforming Lots** Development may occur without the need for a variance on a non-conforming lot of record that existed:~~

3.11.9.2.2 Variances shall not be granted for lot area, lot width or shore frontage. *{DEP § 12 E(1)}* **[Shoreland Overlay Zone]**

Commented [M29]: Move to variance provisions if needed

3.11.12.3 Size

3.11.12.3.1 Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971. *{30-A § 4401(6) and DEP § 15 A(3)}*

3.11.12.3.2 Land beneath roads serving more than two lots shall not be included towards calculating minimum lot area. *{DEP § 15 A(2)}*

3.11.12.3.3 Land below the high-water line of great ponds and associated wetlands,

streams, outlet streams or the upland edge of other wetlands shall not be included towards calculating minimum lot area. {DEP § 15 A(2)} [Shoreland Overlay Zone]

3.11.12.3.4 Lodging Houses, multifamily dwellings, retirement facilities and accessory apartment for other than one family residential dwellings shall have a minimum of 30,000 square feet per dwelling unit adjacent to tidal areas and 40,000 square feet per dwelling unit adjacent to non-tidal areas. {DEP § 15(A)(1)} [Shoreland Overlay Zone]

Commented [M30]: Check Sec 7 requirements

Commented [M31]: Is this needed here – should be in SO District

8.3.5 Outdoor Storage

All outdoor storage facilities for fuel, chemicals, or industrial wastes, and potentially harmful raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a 25 year storm. This requirement is intended to prevent harmful materials from spilling and seeping into the ground and contaminating the ground water. Storage tanks for “home heating oil” and diesel fuel, not exceeding 275 gallons in size, may be exempted from this requirement provided that there is no seasonal high-water table within 4 feet of the surface, and that rapidly permeable sandy soils are not involved.

Commented [M32]: Check vs WRP and SO requirements

3.11.14.1 Section 3.11.11 does not apply to one and two family dwellings.

8.3.6 Roadside Trees and Walls

3.11.17.1 Because roadside trees are extremely important to the character of Boothbay, removal of trees shall be minimized, especially along public ways. Shifting the site of the building, parking lot, or the entrance or exit drive can usually lessen removal of existing trees.

3.11.17.2 Where stone walls exist, care shall be taken to disturb these as little as possible, since they also act to retain the character of country roads.

8.3.7 Sanitation

3.11.18.1 General

3.11.18.1.1 New buildings and additions or remodeling of existing buildings designed for human habitation or use requiring new or additional plumbing facilities shall not be occupied anywhere in the Town unless they are connected to a municipal sewer district or equipped with either a septic tank and drainage field or a mechanical wastewater treatment facility installed in conformance with the *Maine Subsurface Wastewater Disposal Rules*. Approval by the Local Plumbing Inspector or the Maine Department of Health and Human Services Division of Health Engineering (in the case of a mechanical system not for overboard discharge) or the Department of Environmental Protection (in the case of overboard discharge of effluent from a mechanical system) is also required.

Commented [M33]: Do we need these standards – covered by Plumbing Code and Subsurface rules?

{Department of Health and Human Services 10-144 CMR 241 and DEP § 15 K(1)}

3.11.18.1.1 A holding tank for wastewater disposal is not permitted for a first-time residential use. *{DEP § 15 K(1)}*

3.11.18.1.2 Proposed uses requiring subsurface wastewater disposal, and commercial or industrial development and other similarly intensive land uses, shall require a soils report prepared by a state-certified professional based on an on site investigation. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation and presence of ledge, drainage conditions, and other pertinent data that the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist. *{38 § 439-A(3) and DEP § 15 R}*

3.11.18.1.2.1 On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be required as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

Commented [M34]: ????

3.11.18.1.2.2 In no instance shall a disposal area be permitted on soils or on a lot that requires a New System Variance from the *Maine Subsurface Wastewater Disposal Rules*. *{Department of Health and Human Services 10-144 CMR 241}*

Commented [M35]: ????

3.11.18.1.2.3 The Planning Board reserves the right to require that more than one test sample be provided for determining the ability of the land to support adequate subsurface wastewater disposal.

3.11.18.1.2.4 A soils report for the property to be developed that was previously prepared and submitted in connection with an approved subdivision and filed with the Lincoln County Registry of Deeds shall satisfy this requirement.

3.11.18.1.3 No wastewater treatment facility that services more than one dwelling unit shall be approved unless such facility is owned jointly by the owners of each dwelling unit.

3.11.18.1.4 Notwithstanding any of the requirements of Section 3.11.18, recycling gray-water from, including, but not limited to, baths and washing machines for outdoor uses shall be permitted.

3.11.18.2 Subsurface Wastewater Disposal

3.11.18.2.1 General

3.11.18.2.1.1 No person shall dispose of waste from any one family dwelling unit by means of subsurface wastewater disposal unless such lot of land on which such one family dwelling unit is located contains at least 20,000 square feet; and if the lot abuts a pond, stream, or tidal area, it shall further have a minimum frontage of 150 feet in the Shoreland Overlay Zone and 100 feet in all other areas. *{12 § 4807-A(1)}*

- 3.11.18.2.1.2** No person shall dispose of wastewater by means of subsurface wastewater disposal from any dwelling unit, other than a one family unit, or any other land use activity which may generate wastewater in excess of the waste disposal requirements of normal one family dwelling units, unless such multiple unit dwelling units or other land use activity is located on a lot of a size and minimum frontage which complies with the requirements of the State Minimum Lot Size law, 12 §§ 4807-4807-G for multiple unit housing or other land use activities. *{12 § 4807-A(2)}*
- 3.11.18.2.1.3** Lots with less area or frontage than required in Sections 3.11.15.2.1.1 and 3.11.15.2.1.2 may be approved for subsurface wastewater disposal by the Maine Department of Health and Human Services. *{12 §§ 4807-B(2) & 4807-C}*
- 3.11.18.2.1.4 Exemptions**
- 3.11.18.2.1.4.1** The restrictions of Section 3.11.18.2.1.1 for a lot for one family residential purposes shall not apply to one family residential dwelling unit on any lot which, prior to January 1, 1970, was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with law, prior to January 1, 1970; provided that contiguous lots in the same ownership on or after October 3, 1973 shall be considered as one lot for the purpose hereof. *{12 § 4807-D}*
- 3.11.18.2.1.4.2** The restrictions of Sections 3.11.18.2.1.1 and 3.11.18.2.1.2 shall not apply to any building in existence and in place on or before October 3, 1973, which then or theretofore disposed of wastewater by means of subsurface wastewater disposal; except that no person shall reduce the size of the lot upon which such building is located to a size or frontage less than that allowed unless approved in accordance with Section 3.11.18.2.1.3. *{12 § 4807-D}*
- 3.11.18.2.2** Replacement subsurface wastewater disposal systems shall meet the standards for replacement systems as contained in the *Maine Subsurface Wastewater Disposal Rules*. *{Department of Health and Human Services 10-144 CMR 241}*
- 3.11.18.2.3** Any person transferring property on which a subsurface wastewater disposal system is located shall provide the transferee with a written statement by the transferor as to whether the system has malfunctioned during the 180 days preceding the date of transfer. *{30-A § 4216}*
- 3.11.18.2.4** Clearing or removal of woody vegetation necessary for a new subsurface wastewater disposal system and any associated fill extensions shall not extend closer than 75 feet from the high-water line of a great pond, stream, outlet stream or the upland edge of a wetland. *{DEP § 15 K}* [**Shoreland Overlay Zone**]
- 3.11.18.2.5** First time subsurface wastewater disposal systems shall not be installed on sites having an original ground slope greater than 20%.

3.11.1.2.6 The minimum setback for new subsurface wastewater disposal systems shall comply with the *Maine Subsurface Wastewater Disposal Rules*, shall not be reduced by variance, and be no less than 100 feet from the high-water line of a great pond, stream, outlet stream or the upland edge of a wetland. {*Department of Health and Human Services 10-144 CMR 241 and DEP § 15 K Note*}

3.11.18.2.6.1 Sanitation The minimum setback from the high-water line of a great pond or stream shall be no less than 200 feet. [**Resource Protection Area**]

3.11.18.2.6.2 The minimum setback for new subsurface wastewater disposal systems shall be no less than 100 feet from wells.

3.11.18.2.6.3 Side and rear yard setback requirements shall not apply to subsurface wastewater disposal systems except for commercial development next to residential uses where the requirement for visual buffering of Section 3.10.7 shall apply.

3.11.18.2.7 Existing properties where a subsurface wastewater disposal facility is located, or partially located, in the Watershed Overlay Zone shall be connected to a public sewer within three years from the date a “Ready to serve” fee is applicable. [**Watershed Overlay Zone**]

8.3.8 Signs

3.11.20.1 Exemptions For purposes of Section 3.11.20, the term “sign” shall not include and no permit shall be required for:

- A. “FOR SALE”, “FOR RENT” and “FOR LEASE” signs that have been placed on the property with the owner’s permission for the purpose of advertising that property or item for sale, rent or lease. Permitted signs shall include the small stand alone signs normally used by real estate agencies and other signs not over 3 square feet in area; {*DEP § 15 I(3)*}
- B. One or two signs that identify a residential property owner that meet the requirements of Section 3.11.20; {*DEP § 15 I(2)*}
- C. Signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, code, or other regulation; {*DEP § 15 I(5)*}
- D. Signs relating to trespassing and hunting, not exceeding 2 square feet in area; and {*DEP § 15 I(4)*}
- E. Brass, or similar metallic material, plaques of a personal nature not exceeding one square foot in area.

3.11.20.2 Prohibited Signs

- A. Billboards, streamers, pennants, ribbons, spinners or other similar devices shall not be constructed, posted or erected in any area in Town, except of a temporary nature for a festival or celebration.
- B. Flashing signs, roof signs, signs containing moving parts, and signs containing reflective elements that sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time or temperature are permitted provided they meet all other provisions of Section 3 except as provided in Sections 3.11.20.10.2 and 3.11.20.10.3.

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- C. Signs advertising or identifying a business, organization, goods or services that is either defunct or no longer located or available on the premises. *{DEP § 15 I(1)}*
- D. Signs larger than 32 square feet.
- E. Signs larger than 6 square feet. *{DEP §§ 15 I(1)& (2)}* [**Resource Protection Area, Stream Protection Area**]
- F. Signs, except for a traffic, regulatory, or informational sign, using the words “stop”, “caution”, or “danger”, or incorporating red, amber, or green lights resembling traffic signals, or resembling “stop” or “yield” signs in shape and color.
- G. Internally illuminated signs except as provided in Section 3.11.20.11.
- H. Illuminated signs where the source of illumination is visible beyond the property boundary. *{DEP § 15 I(7)}*
- I. More than two signs per premise. [**Resource Protection Area, Stream Protection Area**]

3.11.20.3 Placement Standards

3.11.20.3.1 No signs other than directional signs may be located:

- A. within 33 feet of the center line of any public way if the highway/right-of-way is less than 66 feet in width;
- B. within 20 feet from the outside edge of the paved portion of any public way with more than 2 travel lanes and a total paved portion in excess of 24 feet in width; or
- C. within the full width of the right-of-way of any public way.

3.11.20.3.2 No person shall erect a sign that is affixed to a utility pole. Only signs that identify the property owner may be affixed to a tree, shrub, rock, or other natural object.

3.11.20.3.3 Signs shall not be mounted on roofs or extend above the roof line (unless mounted on a parapet wall that extends above the roof line, in which case the sign shall not extend above the top of the parapet).

3.11.20.3.4 No projecting sign shall extend into a vehicular public way, nor be less than 10 feet above a pedestrian way.

3.11.20.3.5 No sign or supporting framework shall extend to a height above the maximum building height permitted in a District.

3.11.20.3.5.1 No sign shall extend higher than 20 feet above the ground. *{DEP § 15 I(6)}* [**Shoreland Overlay Zone**]

3.11.20.4 Business Display Advertising Signs

3.11.17.4.1 General Signs shall be placed on the same lot as the business and shall not obstruct motorists’ vision on any abutting road or in parking areas.

3.11.20.4.1.1 The multiple sign concept of Section 3.11.20.4.3 shall be used on lots with signs for 4 or more businesses or services.

3.11.20.4.1.2 The longest dimension shall not be over 8 feet.

3.11.20.4.1.3 One stand-alone sign, visible from each direction, shall be allowed for each road abutting the property.

3.11.20.4.1.4 No more than two signs relating to goods and services sold on the premises shall be permitted. {DEP § 15 I(1)} [Shoreland Overlay Zone]

3.11.20.4.2 Identification Signs Two identification signs per professional business or for a building under construction by a contractor are permitted on the premises of the same. Such signs shall not exceed 6 square feet with the maximum dimension of 3 feet.

3.11.20.4.3 Multiple Signs. Signs other than Wall Signs advertising several occupants of the same building, building complex or business park shall be combined on a single free-standing display board. Multiple signs shall be used at any complex of 4 or more businesses.

3.11.20.4.3.1 The display board shall be of an integrated and uniform design.

3.11.20.4.3.2 The maximum size of the display board shall be 32 square feet and the maximum size of each business or office sign shall be 4 square feet.

3.11.20.4.3.2.1 The maximum size of the display board shall be 6 square feet. {DEP § 15 I(1)} [Shoreland Overlay Zone]

3.11.20.4.3.3 Complexes with over 300 feet of frontage will be permitted 2 free-standing signs.

3.11.20.4.4 Wall Signs Shall have an aggregate area not exceeding 1 1/2 square feet for each lineal foot of building face parallel to a street lot line, or 10% of the wall area to which it is attached, whichever is less. Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.

3.11.20.4.4.1 Where 2 or more wall signs are affixed to one wall, the gross display area shall be the sum total area of all signs.

3.11.20.4.4.2 Signs shall not obscure architectural features of the building, including, but not limited to, arches, sills, mountings, cornices, and transoms.

3.11.20.4.4.3 No part of a sign, including the display surface, shall extend beyond the ends of the wall or more than 6 inches from the building surface.

3.11.20.4.4.4 The size of signs attached to buildings may be increased in area by 25% for every 100 feet of building setback beyond 100 feet. The increase may be prorated according to the actual setback distance.

3.11.20.5 Directional Signs

3.11.20.5.1 General Directional signs shall be limited to one at each intersection where travelers must change direction from one public way to another to reach a particular business, to a maximum of 4 within the Town for the business.

3.11.20.5.1.1 Such signs shall be uniform in size and type of lettering and shall conform to the following specifications:

Width	36 inches
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Height	8 inches
Letter Height	maximum of 4 inches
Sign Face	white with black lettering
Rear Face	painted dark green
Material	1/2 inch to 3/4 inch wood board.

3.11.20.5.1.2 Directional information, including one arrow figure only, shall be provided on each sign.

3.11.20.5.1.3 The Town shall provide posts for mounting. Each owner shall provide, maintain, and replace his own sign. The Town may remove a sign if it is not properly maintained or if business operations cease.

3.11.20.5.2 Service clubs and fraternal organizations may include the emblem in color.

3.11.20.5.3 Directional signs indicating an entrance or exit, or a combined entrance/exit, shall be limited to 2 at each driveway. Such signs shall contain no advertising material, shall be no more than 3 square feet in area, and shall not extend higher than 3 feet above ground level.

3.11.20.6 Institution Signs

3.11.20.6.1 Two identification signs per church, museum, library, educational facility, or similar public structure shall be allowed. Such signs shall not exceed 6 square feet with the maximum dimension of 3 feet.

3.11.20.6.2 A bulletin board or similar sign not exceeding 32 square feet in display area, in connection with any church, museum, library, educational facility, or similar public structure, provided that the top of such sign shall not be more than 8 feet above ground level, and provided that it does not possess any of the characteristics listed under “Prohibited Signs”.

3.11.20.6.2.1 The bulletin board or similar sign shall not exceed 6 square feet.
{DEP § 15 I(1)} [Shoreland Overlay Zone]

3.11.20.7 The Planning Board may approve more than 2 signs on a lot identifying a property owner, business, institution or service for locations outside the Shoreland Overlay Zone.

3.11.20.8 Non-conforming Signs and Sign Structures Signs not in conformance with the provisions of Section 3.11.20 shall be allowed to remain except as qualified below:

3.11.20.8.1 Other than sign maintenance, no non-conforming sign shall be reconstructed, remodeled, relocated, or changed in size or content to show a new trade name, different words, letters or numbers, new design, different colors or different logo, unless such action will make the sign conforming to the greatest extent practicable..

3.11.20.8.2 Nothing in Section 3.11.20.8 shall be deemed to prevent keeping in good repair a non-conforming sign, including sign maintenance, repainting, and replacement of broken or deteriorated parts of the sign itself.

3.11.20.8.3 A non-conforming sign or sign structure that is destroyed or damaged by any means may be restored within 6 months after such destruction only after the owner has shown that the damage did not exceed 50% of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding 50%, it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming to the greatest extent practicable. .

3.11.20.9 Temporary Signs

3.11.20.9.1 Temporary signs for business openings, commercial and non-commercial special events may be posted in any place in Town upon a written permit from the Code Enforcement Officer. The Code Enforcement Officer shall only grant such a permit after presentation of evidence that the authorities controlling the proposed location of the sign have approved its posting. A temporary sign shall be posted for a period not to exceed 14 consecutive days or 42 days per calendar year. The applicant shall remove said signs upon termination of the activity. Street banners shall be no larger than 50 square feet in area. No temporary sign, other than a street banner, shall be larger than 24 square feet in area. Complete liability for any damage resulting from the placement of a banner across the public way shall be provided, in writing, by the person, firm, or corporation hanging the banner before the issuance of a permit for such banner. Such liability shall be acknowledged upon the application for the permit.

3.11.20.9.1.1 “FOR SALE”, “FOR RENT” and “YARD/GARAGE SALE” signs are exempt from Section 3.11.20.9.1.

3.11.20.9.2 Real estate “FOR SALE” signs shall be limited to one at each intersection location where travelers must change direction from one public way to another to reach a particular property for sale, to a maximum of 4 within the Town per property for sale. 3.11.20.10 Changeable Display Signs

3.11.20.10.1 Changeable display signs are permitted at businesses providing retail fuel sales to display the price of fuel only.

3.11.20.10.2 Changeable display signs must change as rapidly as technologically practicable with no phasing, rolling, scrolling, flashing, streaming or blending.

3.11.20.10.3 Changeable display signs may consist of alphabetical or numeric text on a plain or colored background and shall not include any graphic, pictorial or photographic images.

3.11.20.11 Sign Illumination

3.11.20.11.1 Internally illuminated signs shall only be permitted at businesses providing retail fuel sales along the Route 27 corridor.

3.11.20.11.2 Only steady white lights are allowed on internally or externally illuminated signs; any such signs found to cause roadside glare shall be removed.

3.11.20.11.3 Lighting may not be of such intensity or brilliance as to cause glare or impair the vision of any operator of any motor vehicle or in any way interfere with the driver's operation of a motor vehicle.

3.11.20.11.4 Lighting must be shielded to prevent beams or rays of light from being directed at any portion of the public way.

3.11.20.11.5 Signs must comply with the provisions of Section 3.11.11.

8.3.9 Snow Removal

No dumping of snow from outside the Zone. **[Watershed Overlay Zone]**

8.3.10 Structures

3.11.23.1 General

3.11.23.1.1 No more than one principal structure shall be placed on one lot unless:

- A. The minimum lot area and shore frontage standards, without variance, are met for each principal structure; and
- B. The placement of the principal structures will allow division of the lot in conformance with all requirements of Section 3 including the required minimum setbacks between principal and accessory structures on abutting lots. *{DEP § 15 A(5)}*

3.11.23.1.2 Accessory structures shall meet the standards for approval of a principal structure except for minimum lot area.

3.11.23.1.3 Lawfully created lot coverage that exceeds that allowed in a Zoning District may be continued and maintained but cannot be further increased. *{DEP § 12 A}*

3.11.23.2 Location

3.11.23.2.1 New structures shall be sited with respect to significant natural features such as wetlands or designated unique or critical areas to minimize adverse impacts on these features on or off the property.

3.11.23.2.1.1 New structures other than one and two family residential dwellings and their associated structures shall be sited so that obstruction of views from the

Commented [M37]: Covered in WRP or SO District?

Commented [M38]: Commercial developments with multiple buildings?

public ways will be minimized. This can be achieved by taking advantage of topographic changes or existing vegetation.

3.11.23.2.2 The lowest floor elevation or openings of all structures, including basements shall be elevated at least 1 foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils. The development shall be in compliance with the Town of Boothbay Floodplain Management Ordinance. *{38 § 440 and DEP § 15 B(3)}*

3.11.23.2.2.1 All proposed developments and uses shall provide evidence that the development or use will not increase the 100-year flood elevation. *{38 § 440}*

3.11.23.2.3 Structures that require direct access to the water as an operational necessity; such as piers, docks and retaining walls; or other functionally water-dependent uses are exempt from shoreline setback requirements. *{DEP § 15 B(1)(a)}* [**Shoreland Overlay Zone**]

3.11.23.2.3.1 Recreational boat storage structures are not functionally water-dependent. *{DEP § 17}*

3.11.23.2.4 Structures unless functionally water related shall be located outside the velocity zone in areas subject to tides. The Federal Emergency Management Agency's Flood Insurance Rate Maps shall be used to determine these areas. [**Shoreland Overlay Zone**]

3.11.23.3 Non-conforming Structures