

SECTION 10 GOOD NEIGHBOR PERFORMANCE STANDARDS

The following Good Neighbor Performance Standards apply to all uses of land and structures within the Town of Boothbay where appropriate.

10.1 Buffering

10.1.1 Visual Buffers Adjacent to Public Streets or Roads.

10.1.1.1 Any new use or development or any activity that expands the gross floor area of an existing building by more than fifty (50) percent shall establish a landscaped buffer strip along the property line with any public street or road when required by the land use district specific requirements of the district in which the use or activity is located.

10.1.1.2 The width of the buffer strip shall be determined based on the district specific requirements for the district in which the use or activity is located.

10.1.1.3 The buffer strip shall be maintained as a vegetated area and shall not be used for parking, storage, display of materials, and placement of dumpsters or similar items. A visual buffer shall be established within the buffer strip by landscaping, grading or fencing.

10.1.1.4 The Planning Board or Code Enforcement Officer may waive the requirement for a buffer strip if the applicant can demonstrate that the proposed development or the circumstances of the lot provide for adequate visual buffering from a public street or road.

10.1.2 Buffering of Residential Uses from Adjacent Nonresidential Activity

10.1.2.1 When a new or expanded nonresidential use or activity is adjacent to a residential use as defined in **10.1.2.1.2** a buffer shall be created and maintained within the required side and/or rear setbacks adjacent to the residential use to minimize the visual impacts of the nonresidential use on the residential activity.

10.1.2.1.1 This requirement shall apply when:

10.1.2.1.1.1 A new nonresidential use or nonresidential activity is established on a lot, or

10.1.2.1.1.2 The gross floor area of an existing building used for nonresidential activity is increased by more than fifty (50) percent, or

10.1.2.1.1.3 The area of an existing parking area serving a nonresidential use or activity is increased by more than fifty (50) percent.

10.1.2.1.2 This standard shall apply where the non-residential use abuts:

10.1.2.1.2.1 An existing residential use,

10.1.2.1.2.2 A lot where a Building Permit for a residential building has been

obtained from the Code Enforcement Officer,

10.1.2.1.2.3 A lot created as part of a residential subdivision, or

10.1.2.1.2.4 A lot in the Residential or Coastal Residential District.

10.1.2.2 Temporary or permanent structures, including but not limited to, driveways and parking areas, dumpsters and storage shall not be allowed in the setback area. Subsurface wastewater disposal facilities may be installed in the buffer area but the required visual barrier shall still be required

10.1.2.3 The buffer shall consist of landscaping, fencing or a berm or a combination thereof. The Planning Board or Code Enforcement Officer may approve buffers consisting of existing vegetation if it will provide adequate buffering.

10.1.2.4 The buffer shall be designed and maintained to screen on a year-round basis areas used for parking and for outside activities including storage and service associated with the nonresidential activity from the adjacent residential use.

10.1.2.5 The buffer shall be created in accordance with these provisions and inspected by the Code Enforcement Officer prior to the issuance of a Certificate of Occupancy for the project.

10.1.2.6 The property owner shall be responsible for maintaining the buffer. Any vegetation that dies or is damaged or removed and any fencing that is damaged or removed shall be repaired or replaced.

10.1.3 Screening

10.1.3.1 Dumpsters and other storage facilities or areas for wastes shall be screened from view from public streets and abutting lots that are in residential use.

10.1.3.2 The screening may be composed of fencing or landscaping or a combination thereof. The Planning Board may approve other methods of screening providing the intent of this section is met.

10.2 Exterior Lighting

10.2.1 Exterior lighting for nonresidential and multifamily residential uses shall be shielded so that the source of illumination is not visible beyond the property boundary.

10.2.2 Where there is a mix of residential and commercial uses, exterior lights associated with commercial uses are restricted to a maximum of twenty (20) feet in height.

10.2.3 In addition, all lighting (except for security purposes) shall be turned off between 11 p.m. and 6 a.m. Lighting between 11 p.m. and 6 a.m. will be allowed for the period a business is operating with Planning Board approval.

10.3 Emissions

10.3.1 Plans for new or expanded nonresidential and multifamily residential uses shall show the location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapors, odors, scents or aromas with a description of the source materials.

10.3.2 The submission shall include details on any proposed measures to minimize the impact of the air emissions on neighboring properties and the greater Boothbay community.

10.4 Noise

10.4.1 Nonresidential and multifamily residential uses as well as residential uses that include a home business or home occupation shall conform to the following standards:

10.4.1.1 Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.

10.4.1.2 The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by **10.4.1** shall be as established by the time period and type of District listed below. Sound pressure levels shall be measured at all lot lines, at a height of at least 4 feet above the ground surface.

10.4.1.2.1 Sound from any source regulated by **10.4.1** shall not exceed the following limits at the property line of said source between the hours of 9 p.m. and 7:00 a.m.:

Land Use District	Sound Pressure Level Limits Measured in dBA's
Boothbay Village Mixed-Use, Commercial Corridor, Manufacturing/Business, and Marine Commercial Districts	65
Scenic Gateway, Boothbay Village Center, Boothbay Village Fringe, East Boothbay Village Center and Water Reservoirs Protection - 27 Districts	55
All other districts	45

10.4.1.2.2 Where the emitting and receiving premises are in different districts, the limits governing the stricter district shall apply.

10.4.1.2.3 The levels specified in **10.4.1.2.1** may be exceeded by ten (10) dBA for a single period, no longer than 15 minutes in any one day.

10.4.1.2.4 The Planning Board may permit sound pressure levels that exceed the standards of **10.4.1.2.1** by not more than ten (10) dBA for construction, repair or non-routine maintenance if the property owner demonstrates that there is no other reasonable alternative to completing the work during the regulated time period. In its motion, the Planning Board shall establish the duration of its approval.