

## **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.

#### **8.1.1 General**

**8.1.1.1** Parking areas in the Shoreland Overlay District shall meet the shoreline setback requirements for structures for the district in which such parking areas are located except as provided in **7.5.17.4.3**.

**8.1.1.2** 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.

**8.1.1.3** 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 the establishments sharing the parking.

**8.1.1.4** 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) unless such parking is provided for in the district standards. This requirement does not apply to parking in the Manufacturing/Business District and the Marine Commercial District

**8.1.1.5** 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.

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

**8.1.1.7** Any use that is required to provide more than ten (10) off-street parking spaces shall provide handicapped accessible parking facilities in accordance with the requirements of the Americans with Disability Act (ADA).

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

**8.1.2.1** The Planning Board may approve variations from this requirement if the lot has more than five hundred (500) feet of road frontage or access from more than one road.

**8.1.2.2** Access points shall be so located as to minimize traffic congestion and to avoid

generating traffic on local streets of a primarily residential character.

**8.1.2.3** Provision shall be made for vehicular access in such a manner as to safeguard against hazards to traffic and pedestrians on 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, and traffic controls on existing and proposed public or private roads.

**8.1.2.4** Access points for commercial uses shall be designed in profile, grading and location to provide the following minimum sight distance, measured in each direction in accordance with the following procedure. The sight distance must be measured from the access (at a point ten (10) feet back from the edge of the travel way) to the centerline of the opposing lane(s), assuming a height of eye of three and a half (3.5) feet and a height of object of four and one quarter (4.25) feet.

Posted Speed in Miles per Hour	Minimum Sight Distance in Feet
20	230
25	300
30	375
35	455
40	540
45	635
50	740

**8.1.2.4.1** The Planning Board may approve access points with less than the required sight distance if the property owner or applicant can show that no alternative exists and the design including any proposed improvements will allow safe use of the intersection or if the primary use of the access will not involve commercial vehicles.

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

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

**8.1.3.1** Major interior travel lanes within parking areas shall be designed to allow continuous and uninterrupted traffic movement. Enclosures, such as curbs, fences, walls, and landscaping, shall be used to identify circulation patterns within 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.

**8.1.3.2** Access to parking stalls shall not be provided from major interior travel lanes in parking areas with more than fifty (50) spaces.

**8.1.3.3** 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 without requiring the moving of any other motor vehicles. This requirement may be waived by the Planning Board for residential uses in which parking spaces are assigned to specific units.

**8.1.3.4** All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line unless the district standards establish a different requirement. Where development is proposed adjacent to a one or two family residential use, the minimum 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.

**8.1.3.5** The minimum size of parking spaces shall conform to the requirements of **8.1.3.6** except that at least twenty (20) percent of the spaces shall be a minimum of ten (10) feet wide and twenty (20) feet long unless the Planning Board finds that it is clearly demonstrated that smaller parking spaces are appropriate. The larger spaces shall be identified by appropriate signage or pavement markings.

**8.1.3.6** The layout of parking areas including the parking stalls and aisles shall conform to the following Parking Design Standards Table:

**Parking Design Standards Table**

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Skew Width</u>	<u>Stall Depth</u>	<u>Aisle Width</u>
90 <sup>o</sup>	9' - 0"		18' - 5"	24' - 0"
60 <sup>o</sup>	8' - 6"	10' - 5"	18' - 0"	16' - 0" one way only
45 <sup>o</sup>	8' - 6"	12' - 9"	17' - 5"	12' - 0" one way only

**8.1.3.7** 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.

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

**8.1.3.9** In parking area using diagonal parking, arrows shall be painted on the pavement to indicate proper traffic flow.

**8.1.3.10** 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.

**8.1.3.11** All parking areas and driveways shall have a gravel sub-base at least twelve (12) inches in thickness and a surface layer of two (2) inches of finish gravel or bituminous paving.

**8.1.3.12** Road and driveway surface drainage shall conform to the stormwater performance standards of **9.3**. Runoff 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.

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

**8.1.4.1** Uses other than one and two family residential shall provide at least one parking space per employee on the largest work shift that does not reside on the property and one space for each dwelling unit, guest room, campsite, boat slip, mooring or office.

**8.1.4.2** The Planning Board may grant waivers to reduce the minimum number of spaces required if the property owner or applicant demonstrates that less parking is needed to serve the activity.

**8.1.4.3** The Planning Board may require additional parking spaces if it determines that the minimum parking provided for in **8.1.4.1** are insufficient to meet the parking demand of the activity. 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 most recent edition of the Institute of Traffic Engineers Parking Generation Manual.

## **8.2 Traffic and Access Requirements**

Section **8.2** 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.

### **8.2.1 General**

**8.2.1.1** Road and driveways within the Shoreland Overlay District shall meet the shoreline setback requirements set forth in **7.5.17.4.4.1**.

**8.2.1.2** 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.

**8.2.1.3** Detailed construction drawings showing a plan view, profile, and typical cross-section of any proposed roads shall be required as part of the application as set forth in Section 5. .

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

**8.2.1.5** New roads and driveways in the Resource Protection District are prohibited except as provided for in **1.5.17.4.4.1.3**.

**8.2.1.6** The Planning Board, upon recommendation of the Road Commissioner, may approve variations from the road requirements of this section.

**8.2.2 Drainage Standards** Appropriate drainage must be provided for all new or rebuilt roads and driveways in accordance with the stormwater performance standards of **9.3**. Drainage provisions for roads in the Shoreland Overlay District shall also conform to the standards of **7.5.17.4.4**.

**8.2.2.1** 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 twenty-four (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.

**8.2.2.2** 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.

**8.2.3 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.

**8.2.3.1** Road and driveway grades shall be not greater than ten (10) percent except for segments of less than two hundred (200) feet.

## **8.2.4 Road Standards**

### **8.2.4.1 General**

**8.2.4.1.1** The center line of the travelway shall be located at the center line of the right-of-way to the extent feasible.

**8.2.4.1.2** Roads shall be constructed to their full width and length as shown on the approved 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.

**8.2.4.1.3** Roads that are or are proposed to be Town roads shall be paved with bituminous paving in accordance with **8.2.4.4**. Roads that are or will be private roads and will not be maintained by the Town may have a gravel surface rather than a paved surface.

**8.2.4.2 Emergency Vehicle Access** If the length of a road (including new roads or extensions of existing roads) from the nearest intersection or fire protection water supply exceeds eight hundred (800) feet, a fire protection service area shall be provided adjacent to the road within eight hundred (800) feet of the intersection or water supply. An additional service area shall be provided for each additional eight hundred (800) feet of road length so that there is less than eight hundred (800) feet between service areas. The service area shall be designed to allow appropriate space for establishing a water transfer facility and turning of fire equipment. The location and design of the service area shall be approved by the Fire Chief. This requirement shall also apply to a private accessway or driveway that is more than eight hundred (800) feet in length from its intersection with the road providing access to the property.

**8.2.4.3 Termination of Roads** New roads and driveways that are an extension of an approved road or whose end is more than two hundred (200) feet from an existing cross road, shall provide a turnaround area at the end of the road or driveway. The turnaround shall be a T or hammerhead turnaround or other turn around approved by the Planning Board. The location and designed of the turnaround shall be reviewed and approved by the Fire Chief. A T or hammerhead turnaround shall provide turning legs that has a travel surface that is not less than eighteen (18) feet in width that

extends not less than thirty (30) feet from the edge of the travelway of the road or driveway unless an alternative design is approved by the Planning Board. If it is feasible that the new road could be extended in the future, the plan shall indicate the portion(s) of the turnaround area beyond the required road Right-of-Way that shall revert to the abutting properties.

**8.2.4.4 Pavement** Roads that are or are proposed to be Town roads shall meet the following paving standards.

**8.2.4.4.1** The minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for 19.0mm/D mix with a minimum thickness after compaction of 2 inches.

**8.2.4.4.2** The minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for 12.5mm/C mix with a minimum thickness after compaction of 1 1/2 inches.

**8.2.4.4.3** Where new pavement joins an existing pavement, the existing pavement shall be cut along a smooth line to form a neat, even, vertical joint.

**8.2.4.5 Preparation of Road Base**

**8.2.4.5.1** 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 fifty (50) foot intervals.

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

**8.2.4.5.3** 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. Where a cut results in exposed ledge, side slopes no steeper than 4 feet vertical to 1 foot horizontal are permitted.

**8.2.4.6 Sub-Base and Base Course**

**8.2.4.6.1** 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 twenty-four (24) inches. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading standard: Aggregate for sub-base shall contain no particles of rock exceeding four (4) inches in any dimension.

**8.2.4.6.2** 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 four (4) inches. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the following grading standard: Aggregate for the base shall contain no particles of rock exceeding two (2) inches in any dimension.

**8.2.4.6.3** 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.

### **8.2.4.7 Road Design Standards**

**8.2.4.7.1** The following standards apply to Private Roads:

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

**8.2.4.7.2** 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**

All development and use of land on a parcel that abuts registered farmland in accordance with 7 M.R.S.A Chapter 2-B and 12 M.R.S.A Chapter 6-A shall conform to the requirements of state law to protect registered farmland from incompatible use and inconsistent development except as provided in **8.3.1.1**.

**8.3.1.1** The Board of Appeals may grant a variance permitting development or use of land for residential purposes if adherence to the state setback requirements renders a parcel of land unusable for residential purposes in accordance with the provisions of the state law. Any variance granted for such a purpose shall be conditioned to provide the maximum feasible setback from the abutting registered farmland.

### **8.3.2 Construction Standards**

New structures shall meet the following minimum design criteria.

**8.3.2.1** The exterior walls shall be finished with a covering of wood, vinyl, or metal clapboards; wood siding; or wood, asphalt, vinyl, 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.

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

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

**8.3.2.4** All buildings shall be set on masonry foundations in the form of masonry walls at least six (6) inches thick, or masonry posts at least six (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 six (6) inches thick. Foundations for mobile homes in approved mobile home parks are not required to meet these standards. Buildings that do not exceed four hundred (400) square feet are exempt from this requirement.

**8.3.2.5** 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 ten (10) feet to an adjoining property, unless otherwise approved by the Planning Board.

**8.3.3.1** 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. Where a cut results in exposed ledge, side slopes no steeper than 4 feet vertical to 1 foot horizontal are permitted.

### **8.3.4 Lots**

#### **8.3.4.1 General**

**8.3.4.1.1** 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. The Planning Board may approve variations from this requirement.

**8.3.4.1.2** 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.

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

#### **8.3.4.2 Lot Size**

**8.3.4.1** 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.

**8.3.4.2** Land beneath roads serving more than two lots shall not be included towards calculating minimum lot area.

**8.3.4.3** 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.

### **8.3.5 Outdoor Storage**

All outdoor storage facilities for uses other than one and two family dwelling 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.

### **8.3.6 Roadside Trees and Walls**

**8.3.6.1** Roadside trees are extremely important to the character of Boothbay. Removal of existing roadside trees shall be minimized, especially along public ways. To minimize the removal of roadside trees, the Planning Board may require that the location of the building, parking lot, or the entrance or exit drive be modified.

**8.3.6.2** Where stone walls exist, the development plan shall minimize any disturbance of the walls to retain the character of country roads.

### **8.3.7 Sanitation**

#### **8.3.7.1 General**

**8.3.7.1.1** 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 the municipal sewer district or equipped with a sewage disposal meeting the requirements of the Maine Plumbing Code and the *Maine Subsurface Wastewater Disposal Rules*. The provisions for sewage disposal must be approved by the Local Plumbing Inspector and/or the Maine Department of Health and Human Services Division of Health Engineering and state approval is required.

**8.3.7.1.2** 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.

#### **8.3.7.2 Subsurface Wastewater Disposal**

##### **8.3.7.2.1 General**

**8.3.7.2.1.1** All subsurface waste disposal systems shall be located, designed and installed in accordance with the requirements of the Maine Subsurface Wastewater Disposal Rules.

**8.3.7.2.1.2** 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 one hundred eighty (180) days preceding the date of transfer.

##### **8.3.7.2.2 Inspections**

**8.3.7.2.2.1** The Local Plumbing Inspector must make three inspections of any installation of a subsurface wastewater disposal system as follows:

**8.3.7.2.2.1.1 After site preparation:** An inspection must be made after site preparation to ascertain that the vegetation has been removed in the disposal field area, the area under the disposal field and backfill extensions has been roughened, a transitional horizon has been established, and the erosion and sedimentation control measures are in place.

**8.3.7.2.2.1.2 Prior to covering the system:** An inspection must be made after installation of the systems components, including stone, pipes or proprietary devices, tanks, hay, filter fabric, and fill beneath and beside of the disposal area before back filled is placed above the disposal system components. This inspection must include any curtain drain, diversion ditches, berms or other measures outlined on the design to improve the function of the system.

**8.3.7.2.2.1.3 Prior to signing off on the permit:** An inspection must be made after the system has been covered with fill and loam to confirm the finished grade elevation, that seed, hay, and mulch have been placed on all disturbed areas, and fill extensions are installed correctly per the Site Evaluator’s plan that was permitted.

## **8.3.8 Signs**

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

**8.3.8.1.1** “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 three (3) square feet in area;

**8.3.8.1.2** One or two signs not over three (3) square feet in area that identify the occupants of a residential property;

**8.3.8.1.3** Signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, code, or other regulation;

**8.3.8.1.4** Signs relating to trespassing and hunting, not exceeding two (2) square feet in area; and

**8.3.8.1.5** Brass, or similar metallic material, plaques of a personal nature not exceeding one square foot in area.

**8.3.8.1.6** Wayfinding signs installed in accordance with a community or regional wayfinding sign plan that has been approved by the Board of Selectmen.

## **8.3.8.2 Prohibited Signs**

**8.3.8.2.1** 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.

- 8.3.8.2.2** Flashing signs, roof signs, signs containing moving parts, and signs containing reflective elements that sparkle or twinkle in the sunlight are not permitted. This prohibition shall not apply to electronic changeable display signs permitted in accordance with **8.3.8.8**.
- 8.3.8.2.3** Signs advertising or identifying a business, organization, occupants or goods or services that is either defunct or no longer located or available on the premises.
- 8.3.8.2.4** Signs larger than thirty-two (32) square feet in sign area except in the Resource Protection District where signs are limited to a maximum of six (6) square feet. This limit shall not apply to Directory Signs in the Manufacturing/Business District.
- 8.3.8.2.5** 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.
- 8.3.8.2.6** Internally illuminated signs except as provided in **8.3.8.9**.
- 8.3.8.2.7** Illuminated signs where the source of illumination is visible beyond the property boundary.
- 8.3.8.2.8** More than two signs per premise in the Resource Protection District.

### **8.3.8.3 Placement Standards**

- 8.3.8.3.1** No signs other than directional signs allowed in accordance with **8.3.8.5** may be located:
  - 8.3.8.3.1.1** within thirty-three (33) feet of the center line of any public way if the highway/right-of-way is less than sixty-six (66) feet in width;
  - 8.3.8.3.1.2** within twenty (20) feet from the outside edge of the paved portion of any public way with more than two (2) travel lanes and a total paved width in excess of twenty-four (24) feet; or
  - 8.3.8.3.1.3** within the full width of the right-of-way of any public way.
- 8.3.8.3.2** 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.
- 8.3.8.3.3** 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).
- 8.3.8.3.4** No projecting sign shall extend into a vehicular public way, nor be less than ten (10) feet above a pedestrian way.
- 8.3.8.3.5** No sign or supporting framework shall extend to a height above the maximum building height permitted in the district in which it is located except in the Shoreland Overlay District.
  - 8.3.8.3.5.1** In the Shoreland Overlay District no sign shall extend higher than twenty (20) feet above the ground.

### **8.3.8.4 Nonresidential Signs**

**8.3.8.4.1 General Signs** other than directory signs allowed under **8.3.8.4.3** and directional signs allowed under **8.3.8.5** shall be placed on the same lot as the nonresidential use or activity, shall not obstruct motorists' vision on any abutting road or in parking areas, and shall conform to the following standards:.

**8.3.8.4.1.1** The longest dimension of any sign shall not be over eight (8) feet.

**8.3.8.4.1.2** One stand-alone sign, visible from each direction, shall be allowed for each road abutting the property. This sign(s) may be a directory sign in accordance with **8.3.8.4.3**. Lots with more than three hundred (300) feet of frontage shall be permitted to have a second freestanding sign on that road.

**8.3.8.4.1.3** No more than two signs relating to activities on the premises shall be permitted for all nonresidential uses in the Shoreland Overlay District.

**8.3.8.4.2 Identification Signs** Two identification signs per lot are permitted. Such signs shall not exceed six (6) square feet with the maximum dimension of three (3) feet.

**8.3.8.4.3 Directory Signs** One freestanding directory sign, visible from each direction, shall be allowed for nonresidential uses in the Boothbay Village Center, Boothbay Village Fringe, Boothbay Village Mixed-Use, East Boothbay Village, Commercial Corridor, and Manufacturing/Business Districts.

**8.3.8.4.3.1** The directory sign shall be of an integrated and uniform design.

**8.3.8.4.3.2** The maximum size of a directory sign shall be thirty-two (32) square feet except in the Manufacturing/Business District and the Shoreland Overlay District. In the Manufacturing Business District the maximum size shall be one hundred forty-four (144) square feet. The maximum size of a directory sign in the Shoreland Overlay District shall be six (6) square feet.

**8.3.8.4.3.3** The maximum size of a sign for individual uses shall be four (4) square feet.

**8.3.8.4.3.4** The directory sign shall be located at the entrance to the lot or development in the vicinity of the road, accessway or driveway providing the primary vehicular access. If the directory sign will be located within the right-of-way of a public road, the location must be approved by the Board of Selectmen.

**8.3.8.4.3.5** Within the Manufacturing/Business District one additional directory sign not exceeding thirty-two (32) square feet in area shall be permitted at each interior road intersection.

**8.3.8.4.3.5.1** The directory sign shall be of an integrated and uniform design.

**8.3.8.4.3.5.2** The maximum size of a sign for individual uses shall be four (4) square feet.

**8.3.8.4.4 Wall Signs** A lot shall have an aggregate area of all wall signs on the lot of not more than 1 1/2 square feet for each lineal foot of building face parallel to a street lot line, or ten (10) percent of the wall area to which it is attached, whichever is less. Where a lot fronts on more than one street, the maximum

aggregate sign area facing each street frontage shall be calculated separately.

**8.3.8.4.4.1** Where two (2) or more wall signs are affixed to one wall, the gross display area shall be the sum total area of all signs.

**8.3.8.4.4.2** Wall signs shall not obscure architectural features of the building, including, but not limited to, arches, sills, mountings, cornices, and transoms.

**8.3.8.4.4.3** No part of a wall sign, including the display surface, shall extend beyond the ends of the wall on which it is located or more than six (6) inches from the building surface.

**8.3.8.4.4.4** The size of signs attached to buildings may be increased in area by twenty five (25) percent for every one hundred (100) feet of building setback beyond one hundred (100) feet. The increase may be prorated according to the actual setback distance.

**8.3.8.4.5.** Signs indicating an entrance or exit, or a combined entrance/exit, shall be limited to two (2) at each driveway. Such signs shall contain no advertising material, shall be no more than three (3) square feet in area, and shall not extend higher than three (30 feet above ground level.

### **8.3.8.5 Off-Premise Directional Signs**

**8.3.8.5.1 General** Off-Premise 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, organization or other nonresidential use to a maximum of four (4) signs within the Town for the nonresidential use.

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

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

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

**8.3.8.5.1.3** The Town shall provide posts for mounting. Each owner shall provide, maintain, and replace his own sign. The owner shall pay a fee to the Town in an amount established by the Board of Selectmen for each sign. The Town may remove a sign if it is not properly maintained or if use to which the sign relates ceases operation or moves.

**8.3.8.6 Nonconforming Signs and Sign Structures** Signs not in conformance with the provisions of this section shall be allowed to remain except as qualified below:

**8.3.8.6.1** Other than sign maintenance, no nonconforming sign shall be reconstructed, remodeled, relocated, or changed in size unless such action will make the sign conforming to the greatest extent practicable. The existing sign face may be

changed provided that it is not enlarged or made more nonconforming with any provisions of this section.

**8.3.8.6.2** Nothing in Section **8.3.8.6.1** shall be deemed to prevent keeping in good repair a nonconforming sign, including sign maintenance, repainting, and replacement of broken or deteriorated parts of the sign itself.

**8.3.8.6.3** A nonconforming sign or sign structure that is destroyed or damaged by any means may be restored within six (6) months after such destruction only after the owner has shown that the damage did not exceed fifty (50) percent of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty (50) percent of its appraised value 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. .

### **8.3.8.7 Temporary Signs**

**8.3.8.7.1** Temporary signs for business openings, commercial, community and other 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 fourteen (14) consecutive days or forty-two (42) days per calendar year. The applicant shall remove said signs upon termination of the activity. Street banners shall be no larger than fifty (50) square feet in area. No temporary sign, other than a street banner, shall be larger than twenty-four (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, organization 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.

**8.3.8.1.1** “FOR SALE”, “FOR RENT” and “YARD/GARAGE SALE” signs are exempt from **8.3.8.6.7.1**.

### **8.3.8.8 Electronic Changeable Display Signs**

**8.3.8.8.1** Electronic changeable display signs are permitted only for the following uses in the following locations:

**8.3.8.8.1.1** A nonresidential use that is located in the Commercial Corridor District;

**8.3.8.8.1.2** A time and temperature display in accordance with **8.3.8.8.8**; or

**8.3.8.8.1.3** A governmental use in all land use districts other than the Resource Protection District.

**8.3.8.8.2** Only one electronic changeable display sign may be located on a lot. The changeable display may be part of a freestanding sign or a wall sign.

**8.3.8.8.3** Electronic changeable display signs must change as rapidly as technologically practicable with no phasing, rolling, scrolling, flashing, streaming

or blending.

**8.3.8.8.4** Electronic changeable display signs may only consist of alphabetical or numeric text including punctuation, characters or symbols found on a standard keyboard on a plain or colored background and shall not include any graphic, pictorial or photographic images. The background may not be white or a bright primary color. The sign cannot display letters or numbers in more than two (2) colors at any time

**8.3.8.8.5** The area of the electronically changeable area shall not exceed sixteen (16) square feet.

**8.3.8.8.6** The electronically changeable area must be incorporated into a larger sign and may not be more than sixty (60) percent of the total sign area.

**8.3.8.8.7** The illumination level of the display must be regulated by an automatic dimming control to limit the maximum luminance level from one-half hour before sunset to one-half hour after sunrise to seven hundred fifty (750) cd/m<sup>2</sup> or Nits.

**8.3.8.8.8** Signs indicating the current time or temperature are permitted in all commercial, industrial and mixed-use districts provided that the time and temperature display is incorporated into a larger sign and the area of the electronic display is not more than twelve (12) square feet.

### **8.3.8.9 Sign Illumination**

**8.3.8.9.1** Externally illuminated signs shall conform to the following standards:

**8.3.8.9.1.1** Any sign for a nonresidential use in any land use district except the Resource Protection District may be externally illuminated.

**8.3.8.9.1.2** The sign shall only be illuminated by steady white lights.

**8.3.8.9.1.3** The light source must be shielded to prevent beams or rays of light from being directed at any portion of the public way. Any signs found to cause roadside glare shall be removed.

**8.3.8.9.1.4** 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.

**8.3.8.9.1.5** Wall signs shall only be illuminated by light fixtures mounted on the building or structure.

**8.3.8.9.1.6** Signs shall only be illuminated between 6:00 am and 8:00 pm. A sign may be illuminated outside of this period if the use is open for business. In this situation, the sign shall be turned off one-half hour after the use closes and may be turned on one-half hour before the use opens.

**8.3.8.9.2** Internally illuminated signs shall conform to the following standards:

**8.3.8.9.2.1** Internally illuminated signs are only permitted for nonresidential uses in the Commercial Corridor District.

**8.3.8.9.2.2** A lot in the Commercial Corridor District shall be limited to one internally illuminated free-standing sign and one internally illuminated wall

sign. If a sign includes an electronic changeable display, it shall count as one of the allowed internally illuminated signs.

**8.3.8.9.2.3** The illumination of an internally illuminated sign shall be constant and shall not cause the appearance or color of the sign to change or move.

**8.3.8.9.2.4** The background of the sign face shall not be white.

**8.3.9.9.2.5** Signs including any electronic changeable display that is part of the sign shall only be illuminated between 6:00 am and 8:00 pm. A sign may be illuminated outside of this period if the use is open for business. In this situation, the sign shall be turned off one-half hour after the use closes and may be turned on one-half hour before the use opens.

### **8.3.8.10 Sign Materials**

The face of the sign including a sign composed of channel letters shall conform to the following standards:

**8.3.8.10.1** The face of the sign shall not be or include any elements that are reflective or that have a high gloss surface such that it creates a distraction to motorists on adjacent roads or to abutting property owners including the owner of a lot directly across a road.

**8.3.8.10.2** In the Residential, Coastal Residential, Boothbay Village Center, Boothbay Village Fringe, Boothbay Village Mixed-Use, East Boothbay Village, Watershed Protection, Watershed Protection – 27, and Resource Protection Districts the face of the sign shall be made of wood, stone, metal or other natural materials or of materials that simulate the appearance of wood, stone, metal, or natural materials.

### **8.3.8.1.1 Calculation of the Sign Area**

The area of each sign shall be determined based on the following procedures depending on the type of sign.

**8.3.8.1.1.1 General Standard** The area of a sign shall include the effective sign area of the sign including all lettering, wording, and accompanying design symbols, together with the background whether open or enclosed, on which they are displayed, including sections between paneled signs. Minimal supporting bracing or framework shall be excluded from the calculation of the area of a sign, but any decorative structure shall be included in the area.

**8.3.8.1.1.2 Two-Sided Signs** Only one side of a two-sided sign shall be counted when determining the sign area of such a sign.

**8.3.8.1.1.3 Signs with a Sign Board** When a sign consists of a sign board in which the lettering, wording, graphics and similar features are on a separate sign board such as a wall sign attached to a building, a projecting sign, or a ground-mounted sign, the entire area of the sign board shall be counted in the area of the sign.

**8.3.8.1.1.4 Applied Signs** When the lettering, wording, graphics and similar features are applied directly to a surface such as in an awning sign, canopy sign, channel letter sign, or a wall sign painted/applied directly on the wall surface and there is a



distinctive background behind the features that sets it apart from the rest of the surface, the entire area within the distinctive background shall be counted in the area of the sign. When there is no distinctive background behind the features such as in a channel letter sign, the area of the sign shall be calculated by the area of the smallest square, rectangle, circle, ellipse, or triangle that can enclose the effective sign area of the sign.

**8.3.8.1.1.5 Complex Signs:** When the lettering, wording, graphics and similar features are located on a larger surface such as in a pylon sign, only the area including the effective sign area that encompasses lettering, wording, graphics and similar features shall be included in the area of the sign. If these features are not located on a distinctive background that creates an identifiable sign face, the area of the sign shall be calculated by the area of the smallest square, rectangle, circle, ellipse, or triangle that can enclose the effective sign area of the sign.

**8.3.8.1.1.6 Changeable Display Signs:** When a sign incorporates either a manual or electronic changeable display, the entire area of the area that can display changeable copy shall be included in the area of the sign together with any border or framing.

### **8.3.9.1 General**

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

**8.3.9.1.1.1** The minimum lot area and shore frontage standards, without variance, are met for each principal structure; and

**8.3.9.1.1.2** The placement of the principal structures will allow division of the lot in conformance with all requirements of this ordinance including the required minimum setbacks between principal and accessory structures on abutting lots.

**8.3.9.1.1.3** The Planning Board may waive or modify the requirements of **8.3.9.1.1.1** and **8.3.9.1.1.2** multi-structure developments that are not located in the Shoreland overlay District.

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

**8.3.9.1.3** Lawfully created lot coverage that exceeds that allowed in a Zoning District may be continued and maintained but cannot be further increased.

### **8.3.9.2 Location**

**8.3.9.2.1** 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.

**8.3.9.2.1.1** New structures other than one and two family residential dwellings and their associated structures shall be sited so that obstruction of views from the public ways will be minimized. This can be achieved by taking advantage of topographic changes or existing vegetation.

**8.3.9.2.2** 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.

**8.3.10.2.2.1** All proposed developments and uses shall provide evidence that the development or use will not increase the 100-year flood elevation.

**8.3.9.2.3** 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.

**8.3.9.2.4** 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.