

ARTICLE 7 PERFORMANCE STANDARDS

Section 7.01 Development on Shorelands

The purposes of this Section is to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in Shoreland areas. This Section has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Applicability

This applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, river or saltwater body; within 250 feet, horizontal distance, of the upland edge of a coastal or freshwater wetland; and within 100 feet, horizontal distance of the normal high-water line of a stream. This also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland.

Amendments

Any amendments made to this Section, Section 7.01 Development on Shorelands, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted during the forty-five (45) day period shall be governed by that amendment, if such amendment is approved by the Commissioner.

Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Minimum Shoreland Frontage

New lots adjacent to great ponds, rivers, and streams shall have a minimum shore frontage of 200 feet, exclusive of areas located within the Village District, as identified on the Waterboro Zoning Map.

Districts and Official Shoreland Zoning Map

The areas to which this section of the ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made part of the ordinance:

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. Stream Protection
5. General development (Amended 5-13-04)

1. Establishment Of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the Shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973.
2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils. This district shall also include 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater

4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during normal spring high water.
5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District.

C. Limited Commercial District

The limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. Stream Protection District

The Stream Protection District includes all land areas within one hundred (100) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, river or saltwater body, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated Shoreland area is located within two-hundred and fifty (250) feet, horizontal distance of the above water bodies or wetlands, that land area shall be regulated under the terms of the Shoreland district associated with that water body or wetland.

E. General Development District

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - a. Areas devoted to manufacturing, fabricating or other industrial activities; and
 - b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities.
2. Areas otherwise discernable as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on the residential use. (Amended 5-13-04)

Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Land Use Table:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Requires permit issued by the Planning Board

CEO - Requires permit issued by the Code Enforcement Officer

LPI - Requires permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection

LC - Limited Commercial

LR - Limited Residential

SP - Stream Protection

GD – General Development

TABLE 1. LAND USES IN THE SHORELAND ZONE DISTRICTS

LAND USES	SP	RP	LR	LC
<u>GD</u>				
1. Non-intrusive recreational uses not requiring structures such as hunting, fishing and hiking	YES YES	YES	YES	YES
2. Motorized vehicular traffic on existing roads	YES YES	YES	YES	YES
3. Forest Management activities except for timber harvesting	YES YES	YES	YES	YES
4. Timber Harvesting	YES YES	CEO	YES	YES
5. Clearing of vegetation for approved construction and other allowed uses	CEO YES	CEO	YES	YES
6. Fire Protection activities	YES YES	YES	YES	YES
7. Wildlife management activities	YES YES	YES	YES	YES
8. Soil and water conservation practices	YES YES	YES	YES	YES
9. Mineral exploration	NO YES	YES	YES	YES
10. Mineral extraction including sand and gravel	NO PB	YES	YES	PB
11. Surveying and resource analysis	YES YES	YES	YES	YES
12. Emergency operations	YES YES	YES	YES	YES
13. Agriculture	YES YES	YES	YES	YES
14. Aquaculture	PB YES	PB	PB	YES
15. Principal structures and uses:				
A. One and two family residential	PB CEO	NO	CEO	CEO
B. Multi-unit residential	NO PB	NO	PB	PB
C. Commercial	NO PB	NO	NO	PB
D. Industrial	NO PB	NO	NO	NO
E. Governmental and Institutional	NO PB	NO	NO	PB
F. Small non-residential for educational, scientific or nature purposes	PB CEO	PB	CEO	CEO
16. Structures accessory to allowed uses	PB YES	PB	CEO	CEO
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high water line or within a wetland				
A. Temporary	CEO CEO	CEO	CEO	CEO
B. Permanent	PB PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI LPI	NO	LPI	LPI

19. Home Occupations	PB YES	NO	PB	CEO
20. Private sewage disposal systems for allowed uses	LPI LPI	NO	LPI	LPI
21. Essential services	PB PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	YES YES	YES	YES	YES
23. Public and Private recreational areas involving minimal structural development	PB CEO	PB	PB	CEO
24. Individual private campsites	CEO CEO	CEO	CEO	CEO
25. Campgrounds	NO PB	NO	NO	PB
26. Parking facilities	NO PB	NO	NO	PB
27. Marinas	PB PB	NO	PB	PB
28. Filling and earthmoving of <10 cubic yards	CEO YES	CEO	YES	YES
29. Filling and earthmoving of >10 cubic yards	PB CEO	PB	CEO	CEO
30. Signs	YES YES	YES	YES	YES
31. Use similar to allowed uses	CEO CEO	CEO	CEO	CEO
32. Uses similar to uses requiring a CEO permit	CEO CEO	CEO	CEO	CEO
33. Uses similar to uses requiring PB permit	PB PB	PB	PB	PB

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to Title 38 M.R.S.A., section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream, or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation, or other materials;**
- B. Draining or otherwise dewatering;**
- C. Filling, including adding sand or other material to a sand dune; or**
- D. Any construction or alteration of any permanent structure.**

2. Principal and Accessory Structures

- A. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of all water bodies, including great ponds classified GPA, rivers that flow to great ponds classified GPA, tributary streams or the upland edge of a wetland.

In addition:

1. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
3. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one 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 flood plain soils.
4. The total area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the Shoreland zone, including land area previously developed.
5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

B. Non-conforming Structures

1. Expansions: A non-conforming structure, primary or accessory, may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

Further Limitations:

- a) After January 1, 1989 if any portion of a structure is less than the required setback from the high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.
- b) Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided; that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in

Subsection 2, Relocation, below; that the complete foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.

- c) No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules , or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent., the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the code enforcement officer.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

4. Change of Use of a Non-conforming Structure: The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health

and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

3. Piers, Docks, Wharfs, Bridges And Other Structures And Uses Extending Over Or Beyond The Normal High-Water Line Of A Water Body Or Within A Wetland.

- A. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- B. The location shall not interfere with existing developed or natural beach areas.
- C. The facility shall be located so as to minimize adverse effects on fisheries.
- D. Pier, dock, and boat mooring facilities must not be constructed in a manner or location which causes erosion or poses a threat to beach, bathing, or fish spawning areas. Such facilities shall not extend into any waterbody perpendicular to the shore more than fifteen (15) feet or ten (10) percent of the width of the waterbody at that point, whichever is less. To the maximum extent possible, such facilities should be capable of seasonal removal.
- E. No new structure shall be built on, over or abutting a wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
- F. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

NOTE: Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C.

4. Individual Private Campsites

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the Shoreland zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

5. Commercial And Industrial Uses

The following new commercial and industrial uses are prohibited within the Shoreland zone adjacent to the great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- a. Auto washing facilities
- b. Auto or other vehicle service and/or repair operations, including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms.
- e. Commercial painting, wood preserving, and furniture stripping
- f. Dry cleaning establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing

- j. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- k. Photographic processing
- l. Printing

6. Storm Water Runoff

- A. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
- B. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

7. Essential Services

- A. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- B. The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists.

Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

8. Mineral Exploration And Extraction

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

- A. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph D below.
- B. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the of any ground area disturbed by such

extraction on land sloping toward the water shall be closer to the high water mark than the following:

Average slope of land Between Exposed Mineral Soil and Normal High Water Mark (percent)	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (Feet along surface of the Ground)
0-30	100
40	105
50	125
60	145
70	165

Extraction operations shall not be permitted within one hundred fifty (150) feet of any property line, without written permission of the owner of such adjacent property. If written permission of the abutter is obtained, a buffer strip of no less than 25 feet may be allowed. These buffer requirements may be waived with the abutters permission if the abutting property is in use as an extraction operation.

C. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than one hundred (100) feet and screened from the river by existing vegetation and must conform to the slope table in paragraph 2.

D. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

1. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The State of Maine Solid Waste Laws, Title 38, Maine Revised Statutes Annotated, Section 1310 and Chapter 404 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

2. The final graded slope shall be two to one (2:1) slope or flatter.

3. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- E. In keeping with the purposes of this Section, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

9. Agriculture

- A. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July, 1972.
- B. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within one hundred (100) feet horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the Shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.

- C. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the Shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.

- D. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within fifty feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- E. After the effective date of this ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-

water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

10. Timber Harvesting

- A. Within the strip of land extending 75 feet inland from the normal high-water line in a Shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.
- B. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:
 1. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - i. Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - ii. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.
 2. No accumulation of slash shall be left within fifty(50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.
 3. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - i. Surface waters are frozen; and

- ii. The activity will not result in any ground disturbance.
- 4. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- 5. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- 6. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

11. Clearing Of Vegetation For Development

- A. Within a Shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

- B. Except in areas as described in Paragraph 1, above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - 1. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond classified GPA, or stream or river flowing to a great pond classified GPA, the width of the foot path shall be limited to six (6) feet.

2. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a 25-foot by 25-foot square (625 square feet) area.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

3. In order to protect water quality and wildlife habitat, adjacent to great ponds classified GPA, and streams and rivers which flow to great ponds classified GPA, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in paragraphs 2 and 2a. above.
4. Pruning of tree branches, on the bottom 1/3 of the tree permitted.
5. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

- C. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten(10) year period, selective cutting of not more than forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for development, including but no limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed. This provision shall not apply to the General Development District.

- D. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.
- E. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

12. Erosion And Sedimentation Control

- A. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan.

The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

- 1. Mulching and revegetation of disturbed soil.
 - 2. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - 3. Permanent stabilization structures such as retaining walls or rip rap.
- B. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- C. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- D. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of rip rap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - 1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - 2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - 3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- E. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

13. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body.

14. Roads and Driveways

New roads, driveways, parking areas, and campsites within commercial campgrounds in designated shoreland areas shall set back a minimum of 100 feet from the normal high water line of great ponds, and 75 feet from river, stream, tributary streams, and the upland edge of freshwater wetlands unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 50 feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. 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.

This section shall not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located near to the shoreline due to an operational necessity. (AMENDED 6-3-95)

Section 7.02 Mobilehome Park Development:

A. Authority and Purpose

(1) Notwithstanding other provisions of this Ordinance, the Planning Board in reviewing and approving proposed mobile home park developments in the Residential Zone, shall apply the provisions of this section, as well as the requirements of the Waterboro Land Subdivision Regulations and Waterboro Mobile Home Park & Trailer Park Ordinance. Where the provisions of this Section conflict with specific provisions of the Town of Waterboro Land Subdivision Regulations and/or the Town of Waterboro Mobile Home Park & Trailer Park Ordinance, the provisions of this section shall prevail. (Amended 4/26/03)

(2) The purpose of this section shall be to accommodate the creation and expansion of mobile home park development in a manner that will encourage and provide for the:

- a) Preservation of open space;
- b) Creation of recreation areas;
- c) Preservation of environmentally sensitive areas;
- d) Preservation of natural features;
- e) Promotion of a more efficient use of the land through the use of smaller networks of utilities and streets; and
- f) Creation of Affordable housing units.

B. Performance Standards

All proposed mobile home park developments shall meet the following general requirements:

(1) Affordability -The developer of the proposed mobile home park shall submit evidence, and the Planning Board shall determine, that the sales and/or rents of at least 50% of the manufactured housing units or lots within the proposed mobile home park can be afforded by households at or below 80% of the Town's median household income (per figures published by the National Planning Data Corporation). In making a determination on the affordability of the units, the Planning Board shall find that "shelter expenses" do not exceed 30% of the 80% median household income figure. Shelter expenses shall include the following: mortgage and/or rental costs, taxes, homeowners/tenant insurance and utilities. Future sales and rents will be maintained at the rate approved by the Planning Board for at least 5 years after project completion and release of the performance guarantee, unless Planning Board approval of a modified rate is obtained.

(2) Location

a) Permitted Zones A mobile home park is permitted only in the following zoning districts:
1) Residential

b) Prohibited Overlay Zones No part of a mobile home park development shall be located in the Shoreland Area Overlay Zone.

c) No more than 20% of a mobile home park shall consist of very poorly drained soils.

(3) Ownership- The applicant must demonstrate to the Planning Board that he/she has sufficient right, title and interest in the site of the mobile home park to control and complete its development as approved.

(4) Permitted Uses The use of land in a mobile home park development shall be for a single family residential uses only. Each manufactured housing unit shall be used exclusively for single family residential use only.

(5) Density The overall area of a mobile home park shall be no less than the combined area of the individual lots as permitted pursuant to 7.02 B(6)a. of this ordinance plus:

a) The area located within the full width of the right-of-way of any proposed public or private street;

b) The area required for buffer strips pursuant to 7.02 C(6);

c) The area required for open space and storage pursuant to 7.02 B (7) which combined areas shall be no less than 10% of the combined areas of the individual lots;

Any mobile home park site which is divided by an existing road, water body, or similar physical condition which interrupts the continuity of the site, must independently meet the density requirements of this section for each of the portions so divided.

(6) Lot Size, Width and Setbacks - The dimensional requirements for individual lots within a mobile home park shall be as follows:

a.) Lots served by individual subsurface sewage disposal system:

Minimum lot area **20,000 sq. ft.**
Minimum lot width. **100 ft.**
Minimum setback (front, side, & rear) **Current Zoning**

b) Lots served by central subsurface wastewater disposal system:

Minimum lot area **12,000 sq. ft. with
overall density of
20,000 sq. ft.**
Minimum lot width. **.75 ft.**
Minimum setbacks **.20 ft.**

c) All structures in a mobile home park located adjacent to a public road shall be set back from the public road at least a distance equal to the setback requirements for other residential developments in the zone.

- d) All buildings on the lot, including accessory buildings and structures, shall not cover more than 50% of the lot area.

(7) Open Space

- a) An area of no less than 10% of the total area devoted to individual lots shall be set aside for open space. Such space shall be suitable for use as storage and recreation for park residents. Parking space, driveways, streets and buffer areas shall not be used to meet the 10% open space requirement.
- b) At least 50% of the required open space shall consist of land that is suitable for active recreation and storage.
- c) The developer shall submit, as part of his/her application, a copy of that portion of the proposed park rules and a plan which specify how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation and storage.

(8) Alternative Site Design Approach

The Planning Board, upon finding that the proposed mobile home park plan meets the minimum requirements of Section 7.02 B (5), (6), and (7) of this ordinance, may permit submission of an alternative mobile home park lot layout and design which utilizes a more creative and environmentally sensitive site design approach. Such alternative mobile home park design shall meet the following standards:

- a) such alternative layout shall create more usable private yard areas and open space areas,
- b) such alternative layout shall avoid uniform setbacks,
- c) the minimum front yard setback, as outlined in Section 7.02B (6), shall be maintained,
- d) spacing between manufactured housing units shall be at least 20 feet, and
- e) the park design shall meet all of the Design Standards listed below.

C. Design Standards

Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Town of Waterboro Subdivision Regulations, the provisions of this section shall prevail.

(1) Manufactured Housing Unit Design

All manufactured housing units shall be designed to have a permanent foundation, "pitched, shingled roof", with overhang and exterior siding that is residential in appearance as herein defined.

(2) Road Design, Circulation and Traffic Impacts

All streets, roads, access drives and parking areas shall be designed to conform to reasonable safety standards. The road network shall provide for vehicular and pedestrian safety, emergency access, delivery and collection services and snow storage.

Street within a park shall be designed by a professional engineer, registered in the State of Maine.

- a) Streets which the applicant proposed to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the Town of Waterboro Street Design and Construction Standards Ordinance.
- b) Streets which the applicant proposed to remain private ways shall meet the following geometric standards:
 - (i) Minimum right-of-way width: 23 feet.
 - (ii) Minimum width of traveled way: 20 feet.
- c) Any mobile home park expected to generate average daily traffic of 200 trips per day (40 units) or more, shall have at least two street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more, shall have at least two street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.
- d) No individual lot within a park shall have direct vehicular access onto an existing public street.
- e) The intersection of any street within a park and the existing public street shall meet the following standards:
 - (i) Angle of intersection - The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
 - (ii) Maximum Grade within 75 feet of Intersection The maximum permissible grade within 75 feet of intersection shall be 2%.
 - (iii) Minimum Sight Distance - A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distance shall be measured from

the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of the object 4 1/4 feet.

(iv) Distance from other intersections - The centerline of any street within a park intersection and existing public street shall be no less than 125 feet from the centerline of any other street intersecting with that public street.

f) The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, 1987 edition, published by the Institute of Transportation Engineers.

If the park is projected to generate more than 400 trips per day (80 units), the application shall also include a traffic impact analysis, by a registered professional engineer with experience in transportation engineering.

(3) Utilities

Utilities may be located anywhere within the mobile home park development except that transformer boxes, meters, pumping stations, and other components of the utility system which may be located above ground shall not be located as not to be unsightly or hazardous to the public and shall be landscaped and buffered.

(4) Utilization of Parcel

The plan for the development shall reflect the natural capabilities of the site to support development. Buildings and support facilities shall be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas such as wetlands, steep slopes, floodplains and unique natural features shall be included as part of the open space area. Natural drainage areas shall be preserved to the maximum extent.

(5) Relationship of Residences to Open Spaces

The dwelling units and other improvements shall be located so that each unit has direct access to the open space and/or recreational facilities. The open space shall be located to enhance the living environment of each unit in the development.

(6) Landscaped Buffer

A strip of land not less than twenty-five (25) feet and not more than fifty (50) feet in width adjacent to any right-of-way and running along said right-of-way may be required to be set aside as a green belt, and the developer shall submit provisions for maintaining this area. (A conservation easement may be conveyed to the Town of Waterboro over said strip.) Said green belt shall be shown on the Preliminary and Final Plans.

For the purposes of this section, the definition of a greenbelt shall be identical to that defined in the Town of Waterboro Land Subdivision Regulations under section 8.8.

(7) Storage

At least 300 cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

(8) Pedestrian Circulation

The development plan shall provide for a system of pedestrian circulation within the development. The system shall connect with existing sidewalks, if any are adjacent to the property. The pedestrian access may be located either in the street right-of-way or outside the right-of-way in common open space. The system shall be designed to link residential units with recreation facilities, school bus stops and existing sidewalks in the neighborhoods. Pedestrian ways may take the form of sidewalks or walking paths.

(9) Parking

Two (2) off-street parking spaces shall be provided for each dwelling unit.

(10) Landscape and Buffer Plan

The development plan shall provide for adequate landscaping within the interior of the site and within the buffer areas of the project. The Planning Board shall require a landscape plan which includes a plant listing of size and location. The approved landscaping plan shall be considered an integral part of the Planning Board approval of the mobile home park development and the obligation to maintain the landscaping, including the replacement of any dead plant materials within one growing season, shall continue after approval.

(11) Vehicular Access to Units

All vehicular access to buildings and sites shall be from a street within the development and not from an existing public road.

(12) Unified Ownership

No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board and meeting the appropriate lot size, lot width, setback and other requirements of the new use. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

(a) The land within the park shall remain in a unified owner-ship and the individual ownership of lots or portions of lots shall not be transferred.

(b) No dwelling unit other than a manufactured housing unit shall be located within the park.

D. Approval Standard

(1) Approval Criteria

Prior to approving the mobile home park, the Planning Board shall find that:

(i) The plan is acceptable pursuant to this Section of the Zoning Ordinance and to the Town's Subdivision Regulations and is in accordance with state statute governing subdivision review, except for those standards which are in conflict with Maine's Mobile Home Park Law;

(ii) The plan protects environmentally sensitive areas;

(iii) The plan makes optimal utilization of site features by placing the buildings and lots in those areas of the site most suitable for development and protects natural drainage features and scenic resources;

(iv) The plan provides for the permanent preservation and maintenance of open space areas; and

(v) The plan creates a relationship between the developed portions of the site and the open spaces which benefits all units in the project.

(2) Approval Procedure

The Planning Board shall follow the approval procedures set forth in the Town of Waterboro Subdivision Regulations and any additional procedures required by this ordinance.

(3) Supplemental Submission Requirements

In addition to the materials required to be submitted under the Town's Subdivision Regulations, the following additional information shall be submitted to the Planning Board:

To be submitted with preliminary plan application:

(a) A detailed soil erosion and sedimentation plan.

(b) A site inventory plan identifying the major development opportunities, constraints and natural features of the site. This plan shall identify natural drainage features, environmentally sensitive areas, prime development areas, scenic vistas, soils, woodlands, general vegetation and other significant manmade and natural features of the site.

(c) A detailed site plan showing the mobile home park lots and the footprint and location of all buildings and structures, recreation facilities and service facilities.

- (d) A detailed landscaping plan showing the location, size and type of all landscaping proposed to be installed and areas to be left in their natural state.
- (e) The open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that the open space shall be permanently maintained as open space and that there shall be no division of open space.
- (f) In the case where an "alternative site design approach" is proposed, the applicant shall submit both conventional park design which meets the conventional mobile home park zoning standards of Section 7.02 B, and a plan showing the alternative approach desired.
- (g) Evidence that Section 7.02 B (1) affordability has been met.

To be submitted with final plan application:

- (h) Legal documents relating to the ownership, use, management and maintenance of all mobile home park facilities, including open space, recreation facilities, utilities, roads and parking areas and structures. Legal documents shall also restrict sites from being sold to individuals unless the use of the property as a mobile home park is discontinued or abandoned and an alternative use is approved pursuant to ordinances and laws then in effect.
- (i) A copy of the proposed park rules and regulations.

E. Filing of Approved Plan

The approved plan for mobile home park development, including any legal documents relating to the ownership and management of common facilities, shall be filed by the applicant in the York County Registry of Deeds within 90 days of Planning Board approval, unless the filing period is extended by the Planning Board upon written request for extension made before the expiration of the 90 days. If the plan is not so recorded, Planning Board approval shall expire, without prejudice to the resubmission of the plan.

F. Development According to Approved Plan

All development activities, including site work, clearing, construction of buildings and utilities and landscaping shall be in accordance with the approved plan.

G. Amendment

No variation from or modification of the approved plan (including the addition of any structures not approved as part of the park plan) shall be allowed unless first reviewed by the Planning Board under this section and approved as an amendment to the originally approved plan.

H. Effective Date

The effective date of this amendment shall be September 25, 1990.

Section 7.03 Campground Developments (AMENDED 9/25/90)

Every campground providing temporary space for recreational vehicles must (unless the provisions of a particular zoning district impose more stringent requirements) have access to public roads over roadways (public or private) which are no less than fifty (50) feet wide. Campgrounds must also maintain an internal all weather road system with all roads being 50 feet in width, well drained, and lighted at an intensity of not less than two (2) foot candles. Internal roads should not dead-end, but if this is unavoidable, a turnaround area at least one hundred (100) feet in diameter must be provided.

Campgrounds must provide a safe water supply for each recreational vehicle and camping space at a rate of no less than fifty (50) gallons per day for each recreational vehicle and campground space. Campgrounds must provide an internal sewage collection system to which all suitable equipped recreational vehicles and any other toilet, washing or shower facilities in the park or campground shall be connected. A waste water treatment and sewage disposal system approved by the State of Maine Department of Environmental Protection and Department of Human Services must also be provided. All waste water collection and disposal, must meet state and town plumbing codes and be installed and maintained by the campground operator.

Campgrounds are required to provide a suitable system for the storage, periodic collection, and ultimate disposal of solid waste and garbage. Containers must be covered, rodent proof, and mounted on or in racks or holders to prevent ripping. Such facilities must be within one hundred and fifty (150) feet of each recreational vehicle or camping space.

Campgrounds are required to provide each recreational vehicle space with electricity of one hundred and ten (110) volts per recreational vehicle. All installations shall meet state and town electrical codes, be capable of functioning in all weather and be maintained by the campground operator. Unless such electrical system is installed underground, sufficient overhead wire clearance, no less than fourteen (14) feet from the ground, shall be maintained.

Campgrounds which reserve areas for recreational vehicles or tent campers must provide at least five thousand (5000) sq. ft. for each vehicle or camping space. In addition, a permanent all weather structure, meeting all setbacks, suitably divided to provide urinal facilities for men and women and hot and cold water for shower, lavatory, and washing machine (including drying) facilities, must also be provided for at a ratio of one (1) of each of the above facilities for every four (4) vehicle or camping spaces. Several structures providing the described facilities may need to be located at convenient points within the campground, however, no individual structure shall have less than one (1) of each of the above facilities and pieces of equipment.

Section 7.04 Home Occupations (AMENDED 9-25-90 & 3-8-97)

In addition to the limitations contained in the definition a home occupation, "home occupations" shall be subject to The following performance standards;

- A.** The home occupation shall be carried on primarily by a member or members of the family residing in the dwelling unit and shall not alter the residential character of the property from its principal use as a residence.
- B.** The Home Occupation or professional activity shall be carried on wholly within the principal and/or accessory structure. No equipment or materials used in a home occupation may be stored or stacked out of doors.
- C.** No mechanical, electrical, or other equipment which produces a nuisance, noise, vibrations, smoke, dust odors, magnetic interference or electrical disturbance to the exterior of the building inconsistent with a residential neighborhood may be used.
- D.** In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.
- E.** One sign, no larger than nine (9) square feet including supporting structure, (excluding post) may be erected on the premises. No illumination of signs after 9:00 p.m.

Section 7.05 Wheelchair Ramp Which Does Not Meet Town Setback Requirements

1. Built according to BOCA and Life Safety Building Codes.
2. It shall not be wider than 6 feet at any point.
3. It shall be constructed of wood or some other material which may be removed when the need for the ramp no longer exists.
4. The applicant shall present to the Planning Board written evidence that someone who has resided in the house has become handicapped and needs the ramp.
5. The applicant shall present to the Planning Board written evidence that it cannot be constructed within configuration of the property and location of the structure being accessed.
6. The applicant shall present to the Planning Board a written statement as to when the ramp will be removed. If no date can be given, then the statement shall include a

statement of events which shall lead to removal. In no case can the property be transferred to a new owner until the ramp has been removed.

Section 7.06 Well-Head Protection District WHPD(AMENDED 6-5-93, AMENDED by Selectmen vote 8-23-11)

Subsection 7.06.01 General - The purpose of this district is to establish a protection district for wells intended to serve potable water on a town or regional scale. The creation of the Wellhead District is intended to protect the quality and quantity of the present and future water resources of the communal potable water systems, by regulating activities and land use practices within the well recharge area. This protection is vital to preserving the health, safety, and general welfare of the households serviced by potable water systems and the other residents of the Town.

The Wellhead Protection district shall be an overlay zoning district and therefore compliance with all the requirements of the underlying zoning district(s) which the Wellhead Protection district covers shall be maintained.

The Wellhead Protection districts shall consist of all land delineated within that zone on the Town of Waterboro Wellhead Protection Zone Map, as amended.

Subsection 7.06.02 Permitted Uses and Structures - Any permitted uses and structures allowed within the underlying zoning district(s) (which the individual Wellhead Protection district overlays), subject to the provisions of Section 7.06.

Subsection 7.06.03. Establishment of Zones

The Wellhead Protection District consists of two (2) zones that are shown on the official Town of Waterboro Zoning Map or official Wellhead Protection District Map. The two zones are defined as:

A. Zone 1: Immediate Recharge Area

Zone 1 includes the area immediately recharging the water supply, as shown on the official Town of Waterboro Zoning Map or official Wellhead Protection District Map.

B. Zone 2: Primary Recharge Area

Zone 2 includes the primary recharge area shown on the official Town of Waterboro Zoning Map or official Wellhead Protection District Map.

C. Land Use Table

Any proposed land use listed below is subject to the requirements of this section and applicable performance standards. This section excludes residential activities except in instances that meet applicable performance standard thresholds or where specific reference is made to residential activity.

Land Use	Zone 1	Zone 2	Applicable Performance Standards
Agricultural chemical spreading or spraying	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying
Agricultural use of residuals	N	PB	Chemical Spreading/Spraying
Agriculture	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying
Animal husbandry	N	PB	Chemical Storage Wastewater and Solid Waste
Auto parts/supply	N	PB	Chemical Storage
Auto repair/body shop	N	PB	Chemical Use Chemical Storage
Beauty parlor	N	PB	Chemical Use Wastewater and Solid Waste
Boat builders, refinisher, maintenance	N	PB	Chemical Storage Chemical Use
Bulk Fuel Oil Storage >275 gallons	N	PB	Chemical Storage
Car wash	N	PB	Chemical Use Wastewater and Solid Waste
Commercial vehicular storage or parking; maintenance and refueling of vehicles and equipment ¹	N	PB	Vehicular Use and Storage
Concrete, asphalt, tar, coal company	N	PB	Chemical Storage Chemical Use
Dry cleaner	N	PB	Chemical Storage Chemical Use
Essential operations of the Water District	Y	Y	
Furniture stripper	N	PB	Chemical Storage Chemical use

Land Use	Zone 1	Zone 2	Applicable Performance Standards
Golf course	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying
Graveyard/cemetery	N	PB	Chemical Spreading/Spraying
Herbicide/Pesticide/Fertilizer application ²	N	PB	Chemical Storage Chemical Use Chemical Spreading/Spraying
Herbicide/Pesticide/Fertilizer dealer	N	PB	Chemical Storage
Hoop houses and greenhouses	N	PB	Chemical Use Chemical Spreading/Spraying
Junk or salvage yard	N	PB	Wastewater and Solid Waste Chemical Storage
Laundromat	N	PB	Chemical Use Wastewater and Solid Waste
Machine shop	N	PB	Chemical Storage Chemical Use
Medical, dental, veterinarian office	N	PB	Wastewater and Solid Waste
Mining (Sand & Gravel, Rock)	N	PB	Mining
Mortuary/funeral parlor	N	PB	Chemical Storage Chemical Use
Multi-unit/family housing	N	PB	Wastewater and Solid Waste
Municipal wastewater treatment plant	N	PB	Wastewater and Solid Waste
Nursery or garden shop	N	PB	Chemical Use Chemical Spreading/Spraying
Oil pipeline	N	PB	Chemical Use Chemical Spreading /Spraying
Painters, finishers	N	N	Chemical Use
Parking lot	N	PB	Stormwater Road maintenance
Photo processor	N	PB	Chemical storage Chemical use
Printer	N	PB	Chemical storage Chemical use
Railroad yard or line	N	PB	Chemical storage Chemical use

Land Use	Zone 1	Zone 2	Applicable Performance Standards
Recycling or processing center (other than beverages)	N	PB	Chemical storage Chemical use Wastewater and Solid Waste Storm water Fill
Research laboratory	N	PB	Chemical storage Chemical use Wastewater and Solid Waste
Rust proofer	N	PB	Chemical storage Chemical use Wastewater and solid waste
Salt pile or sand and salt pile (uncovered)	N	PB	Chemical storage
Septic system New >1,000 gpd New <1,000 gpd Replacement < 1,000 gpd	N N CEO ³	N CEO ³ CEO ³	Wastewater and solid waste
Sewer lines	PB	PB	Waste water Solid waste
Small engine repair shop	N	PB	Chemical use
Storm water impoundment or run-off area	N	PB	Storm water Road maintenance
Utility Transmission Lines	PB	PB	Chemical Spreading/Spraying
Wastewater treatment plant, discharge	N	PB	Wastewater and solid waste
Notes	<p>¹ – Short-term overnight parking may be allowed in connection with other activities receiving a CEO or PB permit. For example, short-term overnight parking of construction vehicles on new permitted construction projects.</p> <p>² – Unless a greater public health concern warrants pesticide application. For example, Browntail Moth control.</p> <p>³ – With notification made to the appropriate public water supplier(s): the Waterboro Water District and/or the Lake Arrowhead Association Department of Public Works.</p>		

Land use key

Y= permitted

N= not permitted

PB= permitted subject to Planning Board Review and use of Best Management Practices that pertain to the application

CEO= permitted subject to CEO Review and use of Best Management Practices that pertain to the application

Subsection 7.06.04 Conditional Uses - Any conditional uses allowed within the underlying zoning district(s) (which the individual Wellhead Protection district overlays), and not specifically prohibited in subsection 7.06.03, shall be conditional uses in this district and subject to Planning Board review pursuant to Article 4 of this Ordinance.

Subsection 7.06.05 Conflict - If the provisions of this Article conflict with other requirements in this zoning ordinance, or with requirements found in other ordinances of the Town of Waterboro, the stricter requirements shall govern.

Subsection 7.06.06 Lot Specifications

A. Minimum Lot Size

Zone	Land Area per Dwelling Unit
1	160,000 sq. ft.
2	80,000 sq. ft.

Areas served by public water have a minimum lot size of 40,000 square feet per dwelling unit.

B. Maximum Lot Coverage

For portions of lots within the Wellhead Protection District, the maximum lot area that can be covered by impervious surfaces including parking areas, shall be as follows:

Zone	Maximum lot Coverage
1	30%
2	50%

Notwithstanding other provisions of the ordinance, lot coverage that exists as of the date of adoption of this ordinance that equal or exceed the applicable percentage limitation may be continued and may be expanded with Planning Board approval. Expansions of lot coverage shall be limited to no more than ten percent (10%) of the portion of the lot located in the Wellhead Protection District. However, the Planning Board shall not authorize expansion of impervious surfaces of existing uses if the total coverage of all lot areas located in the Wellhead Protection

District is greater than fifty percent (50%) in Zone 1 or greater than sixty-five percent (65%) in Zone 2.

Subsection 7.06.07. Application Requirements

The Planning Board may modify or waive any of the following submission requirements if it determines that, because of the size or nature of the project or circumstances of the site such requirement(s) would not be applicable or would be an unnecessary burden upon the applicant and would not affect or conflict with the purposes of this ordinance.

A. All Applications

All applications shall follow submission criteria set forth in Section I. D. of the Site Plan Review Ordinance.

B. Independent Review and Advice

1. Professional Services

The Planning Board or CEO may require an attorney or consultant to review one or more aspects of an application for compliance or non-compliance with this ordinance and to advise. The attorney or consultant shall first estimate the cost of such review and the applicant shall deposit, with the Town the full estimated cost, which the Town shall place in an escrow account. The Town shall pay the attorney or consultant from the escrow account and reimburse the applicant if funds remain after payment. The Town shall bill the applicant if the actual cost exceeds the estimated cost. A certificate of occupancy will not be issued until all costs associated with the project have been paid by the applicant.

2. Additional Studies

The Planning Board or CEO may require the applicant to undertake any study they deem reasonable and necessary to determine whether a proposed activity meets the requirements of this ordinance. The costs of such studies shall be borne by the applicant.

C. Additional Application Requirements for Planning Board Review for Certain Activities within the Wellhead Protection District

More than one of the categories listed below may apply to a particular use. Applicants should request assistance from the Town Planner should there be questions as to which categories apply.

1. Non-agricultural chemical use, storage and handling, (including petroleum products)

- a. Type and volume of chemical compounds handled and/or stored.
- b. Site plan showing all storage, handling and use areas for raw materials and wastes.
- c. For outside areas, details to contain spills including:
 - i. drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site;
 - ii. provisions to collect chemicals should they enter the drainage system;
 - iii. provisions to segregate underground systems to insure that there are no cross connections;
 - iv. provisions to prevent accidental containment breach by collisions;

- v. statement of emergency measures which can be implemented for surface drainage systems;
- d. For inside areas, details to contain spill including the:
 - i. design of dikes around rooms;
 - ii. the location of floor drains and floor drains outlets;
 - iii. the location of separators, holding tanks and/or drain outlets;
 - iv. the specific location and design of underground storage structures;
 - v. the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
- e. A spill prevention and control and countermeasure (SPCC) plan detailing:
 - i. materials and equipment to be available;
 - ii. a training plan and schedule;
 - iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
 - iv. an inspection schedule.
- f. A report by an industrial engineer or other competent professional detailing:
 - i. steps which have been taken to reduce the use of hazardous material;
 - ii. actions which have been taken to control the amount of wastes generated;
 - iii. any reports to provide information on the design theory or methodology for the above features.

2. Agricultural chemical use, storage and handling

- a. Type and volume of chemical compounds handled and/or stored.
- b. Intended use.
- c. An Integrated Pest Management Plan.
- d. An on-site soils evaluation to assess nutrient holding capacity and leachability of the soils.
- e. Plans for control of surface water run-off and erosion in areas where chemicals will be applied.
- f. Detailed report on type of chemical applied and rate of application.
- g. Site plan showing all storage, handling and use areas for raw materials and wastes.
- h. For outside storage, details to contain spills including:
 - i. drainage and contour information to prevent the flow of runoff from entering;
 - ii. the storage area and which keep leaks or spills from flowing off site;
 - iii. provisions to collect chemicals should they enter the drainage system;
 - iv. provisions to segregate underground systems to insure that there are no cross connections;
 - v. provisions to prevent accidental containment breach by collisions;
 - vi. statement of emergency measures which can be implemented for surface drainage systems.
 - i. For inside storage, details to contain spill including the:
 - i. design of dikes around rooms;
 - ii. the location of floor drains and floor drains outlets;
 - iii. the location of separators, holding tanks and/or drain outlets;
 - iv. the specific location and design of underground storage structures;
 - v. the location and design of piping systems for wash are discharged and that wastes are discharged to appropriate sewers or treatment systems.
 - j. A spill prevention and control and countermeasure (SPCC) plan detailing:

- i. materials and equipment to be available;
 - ii. a training plan and schedule;
 - iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
 - iv. an inspection schedule.
- k. A report by an industrial engineer or other competent professional detailing:
- i. steps which have been taken to reduce the use of hazardous material;
 - ii. actions which have been taken to control the amount of wastes generated;
 - iii. any reports to provide information on the design theory or methodology for the above features.

3. Vehicular use and storage

- a. A site plan, drawn to scale, showing locations and designs of secondary containment for fuel and storage and refueling pads.

4. Mining (Sand, Gravel and Rock)

- a. A location map and site plan, drawn to scale, showing property boundaries, stockpile areas, existing reclaimed and unreclaimed lands, proposed maximum acreage of all affected lands, erosion and sedimentation control all applicable private drinking water supplies or public drinking water sources and all existing or proposed solid waste disposal areas.
- b. A detailed report by a Maine Certified Geologist with experience in hydrogeology attesting to the depth of the seasonal water table, and plan showing benchmarked elevations for depth of excavation.

5. Subsurface injection

- a. Subsurface Wastewater Disposal
 - i. Soil evaluator's report and septic system design.
 - ii. For sites/uses producing >800 gallons of sewage, a hydrogeologic analysis of nitrate concentrations at the property line.
- b. Sewage Disposal
 - i. Evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer or the sewer system superintendent.
- c. Subsurface Injection
 - i. Provisions and designs for all floor drains, grease traps, and holding tanks.

6. Stormwater Management

- a. Narrative describing site layout, and on-site and off-site watershed hydrology, including all new and existing buildings and facilities, which may be affected by the site runoff. Provide total amount of impervious area created by the project.
- b. Drainage plans showing all topographic features, such as buildings and other facilities, drainageways, cover types, roads, drainage easements and subcatchment boundaries for pre-construction and post-construction conditions must be shown on the plan. Show all hydrologic flow lines and hydrologic soil groups boundaries on a plan and identify each subcatchment, reach and pond consistent with the runoff model. For post construction conditions, show all new stormwater management structures and changed to the hydrologic condition.
- c. Stormwater runoff calculations for measured designed to meet the standards listed in Section 5(G).

d. Designs, construction details and technical specifications for each stormwater management measure that will be constructed, installed or managed on the site.

7. Utility Corridors

- a. Type and volume of chemical compounds applied, handled or stored.
- b. Site plan showing all areas of use areas for chemical compounds.
- c. A spill prevention and control and countermeasure (SPCC) plan detailing:
 - i. materials and equipment to be available;
 - ii. a training plan and schedule;
 - iii. a list of contacts (EPA/DEP/local fire officials) with phone numbers;
 - v. an inspection schedule.
- d. A report by an industrial engineer or other competent professional detailing:
 - i. steps which have been taken to reduce the use of hazardous material;
 - ii. actions which have been taken to control the amount of wastes generated;
 - iii. any reports to provide information on the design theory or methodology for the above features.

Subsection 7.06.08 . Performance Standards

A. General Provisions

All development located within the Wellhead Protection District shall comply with the Performance Standards established in this section to protect the quality and quantity of the public water supply.

B. Performance Standards for Chemical Use

1. The use of chemicals or residuals shall not cause or contribute to the cumulative, calculated or actual levels of any contaminants in the groundwater at the Water District's property line to exceed 50% of the allowable Primary Public Drinking Water Standards as defined by the Federal Safe Drinking Water act, as amended.
2. Only fertilizers containing predominantly slow release nitrogen and manure are allowed. Fertilizers shall be applied at an agronomic rate based on annual soil test results. Permit applications must be on an annual basis. Permit applications shall include application materials and rates.
3. Only land application of pesticides with low leachability by Maine licensed applicators is allowed. Provisions shall be made for control of surface run-off and erosion in areas where pesticides are being applied. Permit applications shall be submitted on an annual basis and shall include copies of the pesticide labels and materials safety data sheets and the proposed rate of application. In addition to a comprehensive Integrated Pesticide Management Plan certified by a groundwater hydrologist as having no unreasonable adverse effects on groundwater. Annual reports detailing the type and amount of substance reports as well as date and specific location of application shall be submitted to the CEO annually.

C. Performance Standards for Chemical Storage

1. New installation of underground storage tanks are prohibited within the Wellhead Protection District.

2. All chemicals must be stored under cover and on an impervious surface, without floor drains.
3. Secondary containment of liquid chemicals equaling 110% of the stored product must be provided.
4. Tanks for liquid chemical storage must be equipped with automatic shut-off valves and high level alarms.
5. Any above-ground piping must be designed to prevent line breakage due to collision.
6. All containers and piping must be constructed of corrosion resistant materials.
7. All containers must be clearly labeled with the chemical name and date of purchase.
8. A Spill Prevention, Control and Countermeasures Plan (SPCC) must be submitted to the CEO, Fire Department and the Water District.

D. Performance Standards Chemical Spreading/Spraying

1. Pesticide and herbicide application should be the option of last resort. Any activity requiring the use of herbicides or pesticides must develop an Integrated Pest Management Plan that details the conditions under which agricultural chemicals are to be used. All pesticides shall be applied in accordance with label directions and the regulations of the Maine Board of Pesticides Control.
2. Herbicides and pesticides must be applied only by certified applicators, who must be informed regarding the delineated area of wellhead protection.
3. A Nutrient Management Plan must be provided for all agricultural activities within the WHPD.
4. All agricultural fertilizers shall be applied in accordance with label directions, and must be applied in accordance with an approved Nutrient Management Plan
5. Fertilizer applications are to be tailored to the specific needs of the crop, as determined by soil suitability analyses. Use of slow-release fertilizers is preferred.
6. Irrigation schedules shall be coordinated with pesticide and nutrient application to minimize the possibility of leaching. Pesticides and nutrients shall not be applied to frozen ground, or applied immediately before storm events.
7. Notice of intent to apply agricultural chemicals shall be given to the CEO and public water supplier prior to application.
8. Only Class "A" composted residuals may be used within WHPD. These residuals must have an approved Program License from the Maine Department of Environmental Protection, and must be used in strict accordance with all license provisions. Any non-composted residual or a residual not meeting the Class "A" pathogen reduction standard should not be spread within the WHPD.
9. Manures must be composted to Class "A" standards. Manure may be used within the WHPD, and must be applied in accordance with the nutrient management plan.
10. Residuals and manures shall not be applied over very shallow soils (less than 1 foot) or exposed bedrock.
11. Residuals and manure shall not be applied on frozen ground, or immediately before storm events.

E. Performance Standards for Non-Residential Vehicular Use and Storage

1. When draining oils or fluids from vehicles, precautionary measures such as portable drip pans, must be taken to ensure that no spills occur.

2. All fuel oil, waste oil, lubricants, antifreeze, or other potential contaminants must have permanently installed secondary containment equal to 110% of the liquid volume stored, be covered by a permanent roof and be on a surface with no floor drains.
3. No vehicle washing may occur.
4. Refueling vehicles must be equipped with a shovel, an impermeable container with a volume of no less than 35 gallons and a tight fitting lid, and at least two absorbent pads or pillows. An absorbent pad or portable drip catch must be in place beneath the fill tube at all times during the refueling operation.
5. Refueling must occur on a concrete pad or other impermeable surface.

F. Performance Standards for Vehicular Parking and/or Storage

Any vehicle (both on- and off-road) with externally mounted fuel tanks in excess of 45-gallons must be on an impervious surface with no floor drains.

G. Performance Standards for Mining (Sand, Gravel and Rock)

1. Separation must be maintained between any excavation and any public drinking water source as follows: (1) For systems serving a population of 500 persons or less, the minimum separation must be 300 feet; (2) For systems serving a population of 501 persons up to 1,000 persons, the separation must be 500 feet; (3) For systems serving a population of more than 1,000 persons, the separation must be 1,000 feet; and (4) For any system that holds a valid filtration waiver in accordance with the federal Safe Drinking Water Act, the separation must be 1,000 feet
2. Excavation may not extend below 5 feet above the seasonal high water table without the submission of detailed findings of the depth of the water table.
3. No equipment debris, junk, or other material is permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith must be removed within 30 days following completion of active extraction operations.
4. Within 6 months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, ground levels and grades must be established in accordance with the approved plans.
5. All debris, stumps, boulders, and similar materials must be removed or disposed of in an approved location or buried and covered with a minimum of two feet of soil.
6. The extent and type of fill must be appropriate to the use intended. The applicant must specify the type and amount of fill to be used.
7. At least 4 inches of topsoil or loam must be retained or obtained to cover all disturbed areas, which must be reseeded and property restored to a stable condition adequate to meet the provisions of the "Erosion and Sediment Control, Best Management Practices," published by the Maine Department of Environmental Protection.
8. Disused gravel pits within the Wellhead Protection District shall be reclaimed according to plans submitted to the Municipality.
9. Gravel mining activities in Wellhead Protection District must have emergency spill response plans.
10. Storage of fuels is prohibited within WHPD.
11. Rock crushers are prohibited within WHPD.

12. There shall be no overnight storage of vehicles within the WHPD unless parked over a secondary containment area.

H. Performance Standards for Wastewater and Solid Waste

1. Municipal wastewater disposal facilities, chemical waste disposal sites of any kind, spreading of biosolids and incinerator ash except Class "A" residuals as described in Section 7.06.08 of this Ordinance, solid waste landfills, log storage yards and lumber yards, and other direct discharges shall be prohibited in WHPD.
2. All new and replacement subsurface wastewater disposal systems shall submit evidence of site suitability prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules and for systems producing > 800 gallons of sewage, a hydrogeologic analysis of nitrate/nitrite impact study, with nitrate/nitrite concentrations limited to 5mg/L at the property line.
3. Sewer pipes shall be gasketed when buried within Zone 1 of the WHPD.

I. Performance Standards for Stormwater Management

1. Stormwater management system must include treatment measures that will mitigate for the increased frequency and duration of channel erosive flows due to runoff from smaller storms, provide for effective treatment of pollutants in stormwater and mitigate potential temperature impacts. This shall be achieved by using one or more of the methods listed in this section to control runoff from no less than 95% of the impervious area and no less than 80% of the developed area associated with a project that is impervious or landscaped. The Planning Board may, on a case-by-case basis, consider alternate treatment measures to those described in this section. An alternate treatment measure must provide at least as much pollutant removal as the measures described in this section and, unless otherwise approved by the Planning Board, as much channel protection and temperature control.
 - a. *Wetpond with detention above the permanent pool.* A stormwater management system using detention to control runoff must detain, above a wetpond's permanent pool, a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's landscaped area. The detained runoff must be discharged solely through an underdrained vegetated gravel filter having a single outlet having a diameter no greater than eight inches. A wetpond must have a storage volume below the permanent pool elevation at least equal to 1.5 inches times the subcatchment's impervious area plus 0.6 inch times the subcatchment's non-impervious developed area, a mean depth of at least three feet, and a length to width ratio of 2:1 or greater.
 - b. *Filter.* A detention structure using filters to control runoff must detain a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's developed area that is landscaped and discharge it solely through an underlined vegetated soil filter having a single outlet with a diameter no greater than eight inches, or through a proprietary filter system approved by the Planning Board.

- c. *Infiltration.* A stormwater management system using infiltration to control runoff must retain a runoff volume equal to 1.0 inch times the subcatchment's impervious area plus 0.4 inch times the subcatchment's developed area that is landscaped and infiltrate this volume into the ground. Pre-treatment of stormwater must occur prior to discharge to the infiltration area. The infiltration area must minimize discharge of soluble pollutants to groundwater, and must be maintained to assure that its capacity for infiltration and pollutant removal is unimpaired.
- d. *Buffers.* A stormwater management system using buffers to control runoff must meet the design criteria listed in the Maine Department of Environmental Protection Stormwater Rules, 06-96 CMR 500, as amended.

J. Performance Standards for Road Maintenance

1. Cover all sand, salt or sand/salt piles with a roofed structure capable of preventing both contact with water and leaching of salt into groundwater. Tarps are not an acceptable means to cover a sand, salt or sand/salt pile.
2. Prohibit snow dumps and/ or snow storage in all wellhead protection areas.

K. Performance Standards for Fill

1. Use only inert material (loam, sand, gravel, clay, rocks, bricks or concrete).
2. Use only clean fill (no non-natural odors, no staining, and not originating at a known spill site).
3. Implement erosion and sedimentation control measures.

Subsection 7.06.09. Control of Existing Threats

A. Inspection

The CEO shall follow the guidelines outlined in Article 2 of this ordinance.

B. Monitoring

Whenever the CEO finds that a use existing as of the date of adoption of this amendment (June 11, 2011), is located within a Wellhead Protection District designated by this ordinance and poses an actual or potential threat to the safety or quality of a public groundwater supply, the CEO shall inform the appropriate Water District official. The CEO may request the municipal officers to authorize legal measures in conjunction with the appropriate Water District to require the installation of monitoring wells and testing. In cases where testing indicates that the use is found to cause or contribute to reduction of eighty percent 80% or more of the State Primary Drinking Water Standards at the Water District property line, the property owner shall reimburse the town or Water District for all expenses incurred for installations, testing and monitoring.

C. Enforcement

If any contamination is found or reported within the Wellhead Protection District, the CEO shall notify the Water District or Public Works Director along with any and all appropriate State or Federal agency. The CEO will enforce this section in accordance with Article 2 section 2.05 of this ordinance.

Section 7.07 Adult Businesses (AMENDED 6-5-93)

- 1) Planning Board may impose reasonable time, place, and manner restrictions on the operation of so-called "Adult Businesses".
- 2) Planning Board review under this Ordinance shall be limited to the impacts and effects of the proposed use as determined by applying the conditional use standards. The Planning Board shall not deny approval for the proposed use on the basis of the content of the materials sold, rented, exhibited or displayed and shall not restrict or limit the content of such materials. Notwithstanding anything to the contrary in the Waterboro Zoning Ordinance. Planning Board decisions under this Ordinance shall not be appealed to the Waterboro Board of Appeals. Any appeals under this Ordinance may be taken directly to the Superior Court pursuant to M.R. Civ. P. 80B.
- 3) No materials or devices displaying or exhibiting specified sexual activities shall be visible from the exterior of the building in which the Adult Business is located
- 4) No Adult Business shall be located in any location where the customer entrance to the adult business would be closer than 1,000 feet, measured in a straight line without regard to intervening structures or objects, to the nearest point on the boundary of any property which is:

- i. occupied by a residence, school, park, playground, church or public building,
- ii. located in a residential zone, or
- iii. occupied by another adult business.

7.08 Special Requirements for Apartment Conversions

Apartment Conversions shall be subject to all requirements of Article 4. Expansion of the structure for conversion purposes shall be allowed only if the following criteria are met: 1) the existing square footage of the house, accessory structure, and expansion will not cover in excess of 50% of the entire lot, and 2) the minimum lot size requirement is met. In reviewing the Apartment Conversion, the Applicant must meet the following density requirements of each zoning district:

Density Requirements:

	<u>1 Unit</u>	<u>2 Units</u>	<u>3 Units</u>
Village	40,000 sq. ft.	60,000 sq. ft.	80,000 sq. ft.
Residential	40,000 sq. ft.	60,000 sq. ft.	80,000 sq. ft.
Agricultural & Residential	80,000 sq. ft.	120,000 sq. ft.	160,000 sq. ft.

Forest & Agricultural

5 Acres

7.5 Acres

10 Acres

7.09 Special Requirements for Office/Office Complex

In addition to the conditional use requirements of Article 4, the following performance standards shall be used by the Planning Board in reviewing Office/Office Complexes.

Setbacks:

All applicable setbacks as outlined in each zoning district must be met.

Building Height:

No structure shall be built, or expanded to exceed the 35 ft. height restriction.

Density Requirements:

For the purpose of Office/Office Complex the following densities shall be defined as the "base lot" in each described zoning district:

Village	20,000 sq. ft.
Residential	40,000 sq. ft.
Agriculture/Residential	80,000 sq. ft.

For the purposes of an Office/Office Complex, one or more professional offices will be allowed on a base lot provided that all performance standards outlined in this section are met to the Planning Board's satisfaction.

Hydrogeological Study:

An applicant must provide proof through a Hydrogeological Study that the proposed Office/Office Complex meet the nitrate nitrogen concentration standards of no more than 5 mg/l of nitrate nitrogen at the property line of the proposed Office/Office Complex.

If a proposed project cannot meet these standards the applicant is provided two remedies:

- a. Reduce the project scope to meet the nitrate nitrogen concentration standards; or
- b. Increase the area of the base lot in 10,000 square foot increments until all hydrogeological impacts are within Town of Waterboro guidelines and approved by the Planning Board.

If sufficient proof is provided by the applicant that the project will not produce more than 5mg/l of nitrate nitrogen, the Planning Board may waive the hydrogeological study.

The Planning Board reserves the right to hire outside professionals to evaluate a proposal or design's compliance with this Ordinance, with the expense of the review borne by the applicant. The estimated cost of the consultant's fees shall be paid by the applicant to the Planning Board at the time the conditional use application is viewed. The remaining balance due, if any, shall be paid prior to the issuance of a conditional use permit for the office complex.

Maximum Lot Coverage:

The Applicant's proposed project shall not cover the lot by more than 50%. For the purpose of this section lot coverage shall be defined as the combination of all improvements contained on the lot including:

- a. Building (principal & accessory) footprint;
- b. Parking lot area; and
- c. Septic System area.

Should the applicants project exceed the 50% lot coverage limit, then the area requirements shall be increased by 10,000 sq. ft. intervals until the criteria is met or the project shall be reduced in scope and size.

Parking:

The proposed project shall conform to all the requirements outlined in Article 5 of this ordinance. The Parking area shall provide sufficient maneuvering area to permit vehicles to turn around precluding the need to back out onto any roadway.

Landscape Buffer:

The Planning Board may condition the project by allowing for a landscape buffer strip 15 feet in width along the roadway.

The landscaped buffer strip shall be used and maintained only as a suitable planting area for lawns with trees, shrubs or other landscape materials. The septic system and well construction within this area shall be allowed if placed and constructed in conformance with all state regulations.

No building or structure shall be constructed or placed on or under any portion of the buffer strip with the exception of a sign.