

Town of Bowdoinham  
Land Use Ordinance

**ARTICLE 4: GENERAL PERFORMANCE STANDARDS**

**A) Access Management**

This section applies to new driveways and commercial entrances onto Town Roads.

1) Sight Distance Criteria

- a) All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the public way or to maneuver safely and without interference with traffic.
- b) Measurements to determine sight distance shall be made in the proposed entrance at a point ten (10) ft. from the edge of shoulder line with the height of eye three and one-half (3.5) ft. above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four and one quarter (4.25) ft. is first seen.
- c) Driveway placement shall be such that an exiting vehicle has an unobstructed sight distance according to the following schedule:

Highway Speed (MPH)	Recommend Sight Distance (in feet)	Minimum Sight Distance (in feet)
25	250	175
30	300	210
35	350	245
40	400	280
45	450	315
50	500	350
55	550	385

- d) Lots existing prior to the adoption of this Ordinance that cannot meet the Minimum Sight Distance may be able to have one driveway entrance that shall be located where best sight distance is available or at another location if approved by the Road Commissioner.

2) Geometry

- a) The entrance shall be designed such that the grade within the right-of-way does not exceed 10%.
- b) For uncurbed public ways the entrance shall in general slope away from the road surface at a rate of not less than one quarter (1/4) in./ft., nor more than one (1) in./ft. for a distance of not less than the prevailing width of the existing shoulder, but in no case less than four (4) ft. from the edge of pavement.
- c) No part of the entrance shall extend beyond the property lot frontage for the lot being served.

**Commented [JH1]:** So I struggle with this text because there is an exact Section in SPR that talks about General Performance Standards. Can we put them all in the same article? Or can we clarify here how to use this Article when you have other text in SPR that may/may not agree with these provisions?

**Commented [JH2R1]:** At very least, some explanation is needed to help the user understand what provisions take precedent when they are present in two or more places.

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- d) The entrance shall not be located close to an intersection and should be back at least fifty (50) ft.
- 3) Drainage
  - a) The applicant must provide at his/her expense suitable and approved drainage structures at all entrances.
  - b) Existing roadside drainage in gutter or ditch lines shall not be impeded by the applicant. The applicant shall be responsible for fixing any damage to existing roadside drainage in gutter or ditch lines.
  - c) Surface drainage shall be provided so that all surface water on the areas adjacent to the road shall be carried away from the roadway.
  - d) Where a drainage culvert is required to maintain roadside drainage the Road Commissioner or his/her designee must approve the pipe diameter/length and type pipe material prior to installation.
- 4) Construction
  - a) The owner is responsible for all construction and restoration of disturbed areas for the entrance within the limits of the Right-of-Way.
  - b) The entire portion of any entrance within the limits of the right-of-way shall be constructed with a minimum fifteen- (15) inch well-graded gravel base course (MDOT Type C).
- 5) Curb and Sidewalk
  - a) When a sidewalk or curb exists at the proposed entrance the applicant shall remove and replace such materials at the applicant's expense. Any granite curb to be removed by the applicant will remain the property of the Town.
  - b) Where the curb exists, curb tip-downs shall be provided at each side of a new entrance.
  - c) Where the sidewalk is removed to accommodate a new entrance, a new walk surface of equal type construction is to be provided. The sidewalk area at all entrances is to meet handicap accessibility requirements and conform to the American with Disabilities Act guidelines. In general sidewalks shall meet the following:
    - (i) The maximum sidewalk longitudinal transition slope is not to exceed one (1) vertical to twelve (12) horizontal.
    - (ii) The maximum sidewalk cross-slope is not to exceed two percent (2%).
    - (iii) No abrupt changes in grade are permitted.

**B) Accessory Dwelling**

An accessory dwelling shall meet the following standards.

- 1) An accessory dwelling unit shall be limited to a gross floor area of 1,600 sq. ft.
- 2) The Single-Family Dwelling and the accessory dwelling must comply with Maine Subsurface Wastewater Disposal rules.

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- 3) Either the single-family dwelling or the accessory dwelling unit must be occupied by the owner of the property. At least one of the units shall be occupied as a primary residence.
- 4) If the accessory dwelling unit is to be located within a non-conforming structure of record, the accessory dwelling unit must be constructed so that the structure is not made more non-conforming.
- 5) If the accessory dwelling unit is to be constructed separate from the single family dwelling it must meet all applicable setbacks.
- 6) If the accessory dwelling unit is to be in the shoreland zone and/or the floodplain, the accessory must be considered a dwelling unit and meet all applicable dimensional requirements.
- 7) An accessory dwelling unit shall be counted as a dwelling unit subject to State of Maine Subdivision law at M.R.S.A. § 4401 and Town of Bowdoinham Road Standards.

**C) Back Lots**

A back lot must meet the following standards.

- 1) The lot must be able to contain a circle, which has a diameter that is equal to or greater than the required Lot Frontage for the base District the lot is located in.
- 2) The lot shall be connected to a public street by a Right-of-Way having a minimum width of thirty (30) ft. for the total length of the Right-of-Way. A minimum Right-of-Way width of fifty (50) ft. is recommended.
  - a) The property owner may have free ownership of the Right-of-Way area that is required or recommended.
- 3) The Right-of-Way shall be constructed for the safe passage for fire engines.
- 4) No buildings shall be located within the Right-of-Way.

**D) Erosion and Sedimentation Control**

Soil erosion and sedimentation of watercourses and water bodies must be minimized by an active program meeting the requirements of the Maine Erosion and Sediment Control Best Management Practices Manuals current at time of application.

**E) Farm Stand**

- 1) A permanent farm stand must meet the setbacks requirements, whereas a temporary and movable farm stand may be located within the front lot line setback.
- 2) A farm stand shall not be larger than 250 sq. ft.

**Commented [JH3]:** I'd like to get rid of this here. It is also present in SPR under the use-specific provisions.

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**F) Home-based Business**

- 1) Home-based businesses are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structures and which are compatible with the districts in which they are located.
- 2) The use of a dwelling unit or its accessory structure for a home-based business shall clearly be incidental and subordinate to its use for residential purposes.
- 3) A home-based business must be carried on wholly within a dwelling unit or a structure customarily accessory to a dwelling unit.
- 4) A home-based business must be conducted by a member or members of the family residing in the dwelling unit.
- 5) A home-based business may not have more than the equivalent of three full-time employees, for a total of 120 hours per week.
- 6) A home-based business must not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes.
- 7) A home-based business shall be allowed to have one name sign, which shall be no larger than ten (10) sq. ft. The signs may be illuminated only by shielded, non-flashing lights. Any sign illumination must be turned off from 10 p.m. to 6 a.m., except that if the business is open the sign illumination may remain on during the hours of operation. No internal or flashing lights shall be permitted.
- 8) Exterior storage of materials or variation from the residential character of the building shall be buffered from abutting properties and the roadway.
- 9) Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or any activity at unreasonable hours shall not be permitted of a home-based business.
- 10) 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 the maximum number of users a home-based business may attract during peak operating hours.
- 11) A home-based business may involve the provision of professional, technical or business services, individual or small group private instruction, or the sale of products.
- 12) A home-based business shall not create greater traffic than normal for the area in which it is located or generate more than 20 vehicle trips/day.

**Commented [JH4]:** I would like to move this to SPR under use-specific provisions.

**G) Lighting**

- 1) It is the purpose of this standard to encourage the use of lighting systems that reduce light pollution while increasing nighttime safety, utility, security, and productivity. **All exterior lighting will be designed to avoid undue glare, adverse impact on neighboring properties and Rights-of-Ways, and the unnecessary lighting of the night sky.**
- 2) All flood light fixtures shall be located in such a manner to prevent direct glare onto a roadway and to minimize impact on abutting properties.

**Commented [JH5]:** There is lighting here and in SPR. Can these be combined?

**Commented [JH6R5]:** Maybe not since this is general. I'm ok leaving it here.

**Commented [JH7]:** I added this here from SPR.

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- 3) No laser source light or any similar high intensity light shall be projected above the horizon. No moving lights or searchlights for advertising purposes shall be installed in any District, except where approved on a temporary basis. The use of search lights for any business shall be limited to not more than four (4) events per calendar year. During any one event, the use of search lights shall be limited to five (5) days consecutively and shall not be used between the hours of 10:30 p.m. and sunrise.
- 4) This standard does not prohibit the following:
  - a) the use of temporary outdoor lighting used during customary holiday seasons;
  - b) the use of temporary outdoor lighting used for civic celebrations and promotions;
  - c) lighting required by a government agency for the safe operation of airplanes, or security lighting required on government buildings or structures; and
  - d) emergency lighting by police, fire and rescue authorities.

**H) Pools**

In-ground pools and above ground pools that remain up year-round must meet the buildings setbacks found in Article 5. Pools that are put up and taken down on a seasonal basis should meet the building setbacks, if possible.

**Commented [JH8]:** I think these are in article 5, and not in Article 4. I changed it.

**I) Road Standards**

<b>Design Standards</b>		
Description	Roadways Serving Less than 10 dwelling units.	Roadways Serving 10 or more dwelling units.
Minimum Right-of-Way Width <sup>1</sup>	50 ft.	50 ft.
Minimum Traveled Way	18 ft.	22 ft.
Minimum Grade	1%	2%
Maximum Grade	12%	10% <sup>2</sup>
Roadway Crown	1/4"/ft.	1/4"/ft.
Minimum Shoulder Width	2 ft.	3ft.
Maximum grade at intersection	3% for 75'	3% for 100'
Minimum curb radii at intersections	15 ft.	20 ft.
Aggregate Sub base Course	12"	15"
Crushed Aggregate Base Course	5"	6"

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<sup>1</sup>For roads constructed prior to June 10, 2009, if the minimum width of the right of way is at least 49.5 feet (three rods), then this design standard will be deemed to be met.

<sup>2</sup>The maximum grade may be increased up to 12% for a distance of 150 feet or less.

**J) Subsurface Wastewater Disposal**

Subsurface wastewater disposal systems shall be in conformance with the State of Maine's Subsurface Wastewater Disposal Rules.

**K) Signs**

The following provisions shall govern the use of signs in all districts, except for municipal signs and state signs, or as may be allowed/permitted in other sections of this Ordinance:

- 1) A sign shall not exceed 6 square feet in size.
- 2) If the sign is illuminated, the lighting shall be exterior, shielded and non-flashing lights, which shall be turned off from 10 p.m. to 6 a.m.

**L) Solar Energy Systems**

1) Visual Impacts

- a) When a proposed development is visible from a public street, road, water body, or facility, the plan shall incorporate vegetation as a visual screen that must provide year-round screening to minimize the visual intrusion of the development.
- b) Screening must be a minimum width of 10 ft.
  - (i) If less than 25 ft wide, the screening must be comprised largely or entirely of evergreen trees and/or shrubs, which must be a minimum of 4 ft. high and average of at least 6 ft. high at planting, with at least two rows of planting at off-set spacing to fill in the gaps between plants in a single row.
  - (ii) If the vegetated screen is at least 25 ft. wide, it may be a mix of evergreen and deciduous trees and/or shrubs. Larger trees may be required for screening of larger projects with structures that differ significantly from those on adjacent properties, or that produce significant visual impacts.

2) Utility Connections

- a) Utilities shall be installed underground in order to minimize the visual impact of the solar energy system. Electrical transformers and other components directly related to utility interconnection may be aboveground if required by the utility provider. Aboveground utility connections may be approved by the Planning Board if they will not have an undue adverse impact due to the setting of the solar energy system, or if there are natural or physical constraints to the site that require aboveground utilities.

**Commented [JH9]:** Part of these performance requirements are here, and others are in SPR in a use-specific requirement (that largely deals with decommissioning). I'd like to combine these sections. They probably fit better under use-specific provisions.

**Commented [JH10]:** Reformatted this without changing text

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**M) Temporary Buildings & Non-Permanent Structures**

Temporary buildings and non-permanent structures shall meet the minimum setbacks as required in this Ordinance.

**N) Timber Harvesting**

- 1) Timber harvesting activities shall comply with the Erosion & Sedimentation Control performance standard within this Ordinance.
- 2) Timber harvesting activities shall comply with all applicable State Laws, Rules, and Standards.

**O) Vernal Pools**

Any activity within 250 ft. of a vernal pool shall comply with all applicable State Laws, Rules, and Standards.

**P) Water Quality Protection**

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, toxicity, or temperature that run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant or aquatic life.

**Q) Windmills**

- 1) The windmill shall meet the minimum setbacks as required in this Ordinance.
- 2) The windmill shall be located so that the distance it is setback from the property line is equal to or greater than its height, as measured to its highest part.
  - a) In order for this setback to be reduced, the property owner/applicant must obtain an easement from any property owner(s) whose property(s) would be located within this setback distance, which is a radius equal to the height of the windmill measured from the outer base of the windmill.
  - b) In order for this setback to be reduced towards a roadway, the property owner/applicant must obtain written permission from the owner of the roadway.

**Commented [JH11]:** So in the case of a town road, we require a town vote? Seems like this should be delegated to the Planning Board.

