



Town of Bowdoinham

13 School St • Bowdoinham, ME 04008

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www.bowdoinham.com

Memo:

To: Select Board
Cc: Planning Board

Date: April 4, 2022

From: Jenn Curtis, Director of Planning
& Development;

Reference Site Plan Review -
Renumbering

Basis Statement:

The approval criteria section of the Article 10 Site Plan Review ordinance doesn't align with the associated performance standard criteria. This proposed edit of the numbering would align the two, to streamline the review process.

History:

The Planning Board reviewed and unanimously voted in favor of the change in July 2021.

The Planning Board held a public hearing on the proposed changes at their meeting on January 27, 2022. No changes were recommended at that time.

At the Select Board meeting on February 22nd it was brought up that it might make the most sense to eliminate the "Natural Resources" sub-heading under performance standards and directly match numbers of performance standard headings to corresponding approval criteria headings.

The Planning Board Chairperson had no objection to the proposed edit, as it is consistent with the intent of the amendment to simplify the review process. Staff have incorporated the change into this latest version.



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- a. a narrative and/ or plan describing how the proposed development plan relates to the site inventory and analysis.
 - b. a stormwater drainage and erosion control program showing:
 - i. the existing and proposed method of handling stormwater runoff.
 - ii. the direction of flow of the runoff, through the use of arrows.
 - iii. the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
 - iv. engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency; this is required only if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces being proposed, and methods of controlling erosion and sedimentation during and after construction.
 - c. A groundwater impact analysis prepared by groundwater hydrologist for projects involving on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day.
 - d. The name, license number, and seal of the surveyor, architect, engineer, landscape architect and/ or similar professional who prepared the plan.
 - e. A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, cable TV, and any other utility services to be installed on the site.
 - f. A planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the site, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation.
 - g. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets, if the project or expansion will provide parking for fifty (50) or more vehicles or generate more than one hundred (100) trips during the a.m. or p.m. peak hour based upon the latest edition of the trip generator manual of the Institution of Traffic Engineers.
- d) Site Plan Amendment. The applicant shall submit ten (10) copies of the following:
- (A) the approved plan
 - (B) the proposed revised plan,
 - (C) supporting information to allow the Board to make a determination that the proposed revisions meet the applicable performance standards and approval criteria.

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C) Approval Criteria

The following criteria shall be used in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless it is determined that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant to produce evidence sufficient to warrant a finding that all applicable criteria have been met.

- 1) Vehicular Access – The proposed site layout will provide for safe access to and egress from public and private roads.
- 2) Internal Vehicular Circulation – The proposed site layout will provide for the safe movement of passenger, service, and emergency vehicles through the site.
- 3) Pedestrian Circulation – The proposed site layout will provide for safe pedestrian circulation both on-site and off-site.
- 4) Municipal Services – The development will not have an unreasonable adverse impact on municipal services, including municipal road systems, fire department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.
- 5) Visual Impact – The proposed development will not have an adverse effect on the scenic or natural beauty of the area, including water views and scenic views.
- 6) Lighting – 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.
- 7) Signage – The proposed signage will not detract from the design of the proposed development and the surrounding properties and will not constitute hazards to vehicles and pedestrians.
- 8) Buildings – The proposed structures will relate harmoniously to the terrain and to existing buildings in the vicinity, so as to have a minimally adverse effect on the environmental and aesthetic qualities of the neighboring areas.
- 9) Landscaping – The proposed development will provide adequate landscaping in order to define, soften, and/or screen the appearance of parking and developed areas as well as to enhance the physical design of the buildings and the overall development.
- 10) Buffering – The proposed development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas
- 11) Utilities – The proposed development will not impose an unreasonable burden on existing utilities.
- 12) Water Supply – The proposed development will be provided with an adequate supply of water.
- 13) Sewage Disposal – The proposed development will be provided with adequate sewage waste disposal.
- 14) Fire Protection – The proposed development will have adequate fire protection.

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15) Capacity of Applicant – The applicant has the capacity to carry out the proposed project.

~~16) Special Resources~~

a) ~~16)~~ Shoreland – The proposed development will be in compliance with the Town’s Shoreland Zoning Ordinance.

b) ~~17)~~ Floodplain – The proposed development will be in compliance with the Town’s Floodplain Management Ordinance.

e) ~~18)~~ Wetlands & Waterbodies – The proposed development will not have an adverse impact on wetlands and/or waterbodies, to the extent that is practicable.

d) ~~19)~~ Historic & Archaeological – The proposed development will not have an adverse effect on historic and/or archaeological sites.

e) ~~20)~~ Groundwater – The proposed development will not adversely impact either the quality or quantity of groundwater available to abutting properties or to public water supply systems.

f) ~~21)~~ Wildlife Habitat – The proposed development will not have an undue adverse effect on wildlife habitat.

g) ~~22)~~ Natural Areas – The proposed development will not have an undue adverse effect on rare and irreplaceable natural areas.

~~17)23)~~ Environmental Impact – The landscape will be preserved in its natural state to the extent that is practical by minimizing tree removal, disturbance of soil and retaining existing vegetation.

a) ~~24)~~ Solid Waste Management – The proposed development will provide for adequate disposal of solid wastes.

b) ~~25)~~ Hazardous, Special & Radioactive Materials – The proposed development will handle, store, and use all materials identified as hazardous, special or radioactive in accordance with the standards of Federal and State agencies.

e) ~~26)~~ Air Quality – The proposed development will not result in undue air pollution or odors.

d) ~~27)~~ Water Quality – The proposed development will not result in water pollution.

e) ~~28)~~ Stormwater – The proposed development will provide for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other impervious surfaces, which must not have an adverse impact on abutting or downstream properties.

f) ~~29)~~ Sedimentation & Erosion Control – The proposed development will take adequate measures to prevent soil erosion and the sedimentation of watercourses and waterbodies.

~~18)30)~~ Noise – The proposed development will control noise levels so that it will not create a nuisance for neighboring properties.

~~19)31)~~ Compliance with Ordinances – The proposed development conforms with the provisions of this Land Use Ordinance and other ordinances and regulations of the Town of Bowdoinham.

~~20)32)~~ Town Plans & Vision Statements – The proposed development is consistent with the intent of the Town’s Plans, including but not limited to the Comprehensive Plan, Waterfront Plan, and Transportation Vision Statement.

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D) General Performance Standards

The performance standards in this article are intended to clarify and expand upon the approval criteria. Compliance with the performance standards of this section shall be considered to be evidence of meeting the appropriate approval criteria. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate the statutory criteria for approval and performance standards have been or will be met.

The Planning Board may waive any of the general performance standards based upon a written request of the applicant. Such request should be made at the time of the Site Inventory & Analysis review or at the initial review of the application if no Site Inventory & Analysis review. A waiver of any general performance standard may be granted only if the Board finds that the standard is not required for the proposed project to be in compliance with the approval criteria.

1) Vehicular Access –

- a) Adequacy of Road System - Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. A Traffic Impact Study may be required by the Planning Board if deemed necessary by the Director of Public Works or the Road Commissioner.
- b) Access into the Site - Vehicular access to and from the development must be safe and convenient.
 - (i) Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards.
 - (ii) Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.
 - (iii) The grade of any proposed drive or street must be not more than 3% for a minimum of forty (40) feet, from the intersection. The Planning Board may require a greater distance if deemed necessary by the Public Works Director.
 - (iv) Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.
- c) Accessway Location and Spacing -
 - (i) Private entrances/exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
 - (ii) Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

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2) Internal Vehicular Circulation –

- a) All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding areas of excessive grading and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.
- b) Proposed developments that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for the largest expected vehicles.
- c) Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).
- d) The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the parking lot.
- e) Off-street parking must conform to the following standards:
 - (i) Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.
 - (ii) All parking spaces, access drives, and impervious surfaces must be located at least ten (10) feet from any side or rear lot line, except where standards for buffers require a greater distance. This requirement may be reduced if the shape of the site does not allow conformance with this standard.
 - (iii) No parking spaces or asphalt type surface may be located within five (5) feet of the front property line; standards for buffers may require a greater distance.
 - (iv) Parking lots on adjoining lots may be connected by accessways not to exceed twenty-four (24) feet in width.
 - (v) Parking stalls must conform to the following standards:

Parking Angle	Stall Width	Skew Width	Stall Depth	Aisle Width
90°	9'-0"	-	18'-0"	24'-0" – 2-way
60°	8'-6"	10'-6"	18'-0"	16'-0" – 1-way
45°	8'-6"	12'-9"	17'-6"	12'-0" – 1-way
30°	8'-6"	17'-0"	17'-0"	12'-0" – 1-way

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- (vi) In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.
- (vii) Parking areas for nonresidential uses must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles. Double stack parking may be permitted for resident parking in conjunction with residential uses if both spaces in the stack are assigned to the occupants of the same dwelling unit.
- (viii) Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.
- (ix) Parking areas must be designed and landscaped to create a pedestrian-friendly environment. A landscaped border must be created around parking lots. There must be at least one (1) island for every twenty (20) spaces. Landscaping must screen the parking area from adjacent residential uses and from the street.
- (x) Parking lots should be located to the side or rear of the building. Parking should not be located between the building and the street.
- (xi) Whenever the area between the street and the front of the building is used for parking or vehicle movement, a vegetated buffer strip must be established along the edge of the road right-of-way. This buffer strip must soften the appearance of the site from the road and must create defined points of access to and egress from the site.
- (xii) Any establishment which caters to and/or offers its goods, facilities or services to the general public shall maintain at least one of its required parking spaces as an accessible space for handicapped persons.
- (xiii) At least one parking space shall be provided for each employee per shift.

3) Pedestrian Circulation –

- a) The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development.
- b) This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project.
- c) Where an existing or planned public sidewalk is interrupted by a proposed project driveway, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to distinguish it as a sidewalk.
- d) The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas.
- e) The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

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- f) The system shall be safely separated from vehicular traffic through landscape buffers and curbing.

4) Municipal Services –

A letter shall be requested from the appropriate Town Officials to address that the development will not have an unreasonable adverse impact on municipal services, including municipal road systems, fire department, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

5) Visual Impact –

- a) When a proposed development is located on a hillside that is visible from a public street, road, water body, or facility, the development must be designed so that it fits harmoniously into the visual environment when viewed by the public from public areas. In predominantly natural environments, site clearing must be minimized and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed environments, the appearance of the new development, when viewed by the public from public areas, must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent reasonable.
- b) When a proposed development is located within the viewshed of an identified view from a public street or facility, the development must be designed to minimize the encroachment of all buildings, structures, landscaping, and other site features on the identified view.

6) Lighting – 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.

- a) Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building facade illumination must be concealed.
- b) Building entrances may be illuminated using recessed lighting in overhangs and soffits, or by use of spotlighting focused on the building entrances with the light source concealed (e.g., in landscaped areas). Direct lighting of limited exterior building areas is permitted when necessary for security purposes.
- c) The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated.
- d) Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5 footcandles at the lot line or upon abutting residential properties.

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- e) All exterior lighting, except security lighting, must be turned off between 11 P.M. and 6 A.M. unless located on the site of a commercial or industrial use which is open for business during that period.
 - f) Wiring to light poles must be underground.
- 7) **Signage** – The proposed signage will not detract from the design of the proposed development and the surrounding properties and will not constitute hazards to vehicles and pedestrians.
- a) Signs should be placed at right angles to the street so as to be viewed from both directions. Simple, geometrically shaped signs set low to the ground must be used.
 - b) 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 if the business is open then the sign illumination may remain on during the hours of operation. No internal or flashing lights shall be permitted.
 - c) Business/Institutional name signs shall be limited to two (2) signs per property, except for a property that contains more than one business.
 - d) Properties which contain one business or institutional use.
 - (i) No name sign shall be greater than fifteen (15) square feet.
 - (ii) The total area of name signs on the property shall not exceed twenty-five (25) square feet.
 - e) Properties containing more than one business or institutional use.
 - (i) May have a directory sign, which contains a name sign for the complex, as well as name signs for the individual businesses or institutional uses. The name sign for the complex shall not exceed fifteen (15) square feet and the name signs for the individual businesses or institutional uses shall not exceed six (6) square feet. The total square footage for the directory sign shall not exceed sixty (60) feet.
 - (ii) Each individual business or institutional use may have a name sign not to exceed fifteen (15) square feet.
 - f) No free standing sign shall extend higher than twenty (20) feet above the ground.
- 8) **Buildings** – The proposed structures will relate harmoniously to the terrain and to existing buildings in the vicinity, so as to have a minimally adverse effect on the environmental and aesthetic qualities of the neighboring areas.
- a) New buildings should be compatible with the neighborhood such that they reflect the overall building bulk, square footage, dimensions, placement of the building on the lot, and rhythm of buildings and spaces along the street edge and minimize the visual impact on the neighborhood. The visual impact of a building shall be measured by its relationship to other buildings on the lot, design of the front of the building, and the rhythm of buildings and open spaces along the street. The Planning Board may require additional buffering to the road or abutting properties if the proposed building is not compatible with the neighborhood.

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- b) The architectural design of the building shall be consistent with the New England vernacular and shall include such features as pitched roofs, vertical rectangle windows, and the appearance of brick, stone, log, clapboard or shingle .
 - (i) The proposed development could be exempt from this standard if the development will be screened so that it is not visible from the road and abutting properties; or
 - (ii) Depending on the tier of the application, either the Planning Board or the Code Enforcement Officer may require additional landscaping and/or screening to the road and abutting properties.

- c) Where there is a reasonably uniform relationship between the front walls of buildings and the street, new buildings must be placed on a lot in conformance with the established relationship. For buildings on corner lots, the setback relationship of both streets should be maintained.

- d) The main entrance to the building should be oriented to the street unless the parking layout or the grouping of the buildings justifies another approach, and should be clearly identified as such through building and site design, landscaping, and/or signage.

- e) In rural, uncongested areas buildings should be set back from the road so as to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

- f) The site design should avoid creating a building surrounded by a parking lot.

- g) The building height shall not exceed 40 feet.

- 9) **Landscaping** – The proposed development will provide adequate landscaping in order to define, soften, and/or screen the appearance of parking and developed areas as well as to enhance the physical design of the buildings and the overall development.
 - a) Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character.
 - b) The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

- 10) **Buffering** – The proposed development will provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas.
 - a) Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof.
 - b) Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse

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must have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

- c) All dumpsters or similar large collection receptacles for trash or other wastes must be screened by fencing or landscaping.
- d) The Planning Board may require buffering from impervious areas located adjacent to residential uses.
- e) The Planning Board may require buffering to reduce the impact on abutters and the public.

11) Utilities – The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

12) Water Supply –

- a) If the project is to be served by a public water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to provide needed domestic and fire protection flows.
- b) The proposed development shall connect to public water, unless the applicant can show that it is economically unfeasible.

13) Sewage Disposal –

- a) The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code and the Subsurface Wastewater Disposal Rules.
- b) When two (2) or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

14) Fire Protection – The proposed development will have adequate fire protection as determined by the Fire Chief and State Fire Marshal's Office.

15) Capacity of Applicant – The applicant meets the following criteria:

- a) Right, Title and Interest in Property – The applicant must demonstrate that they have the right, title and interest in the property.
- b) Financial Capacity – The applicant must demonstrate that they have the capacity to carry out the project in accordance with this ordinance and the approved plan.

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- c) Technical Ability – The applicant must demonstrate that they have the technical capacity to carry out the project in accordance with this ordinance and the approved plan.

~~16) Special Resources –~~

- a) ~~16) Shoreland~~ – The proposed development will be in compliance with the Shoreland Zoning provisions of Article 5 and 7 of this ordinance if located within the Shoreland Zone.
- b) ~~17) Floodplain~~ – If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Floodplain Management provisions of Article 8 of this ordinance.
- e) ~~18) Wetlands & Waterbodies~~ – The proposed development will not have an adverse impact on wetlands and/or waterbodies, to the extent that is practicable.
- (i) ~~a) The development must not adversely affect the water quality or shoreline of any adjacent water body, to the extent practicable. The development plan must provide for access to abutting navigable water bodies for the use of the occupants of the development as appropriate.~~
- (ii) ~~b) When a proposed development is immediately visible from a river, or stream, the development must be designed so that it fits harmoniously into the visual environment when viewed from the water body. In predominantly natural environments, site clearing must be minimized, natural vegetation must be maintained adjacent to the shoreline to soften the appearance of the development, and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed shoreland environments, the appearance of the new development when viewed from the water must be compatible with the existing visual character in terms of scale, massing, and height to the maximum extent possible. Storage and service areas must be screened or landscaped to minimize their visual impact.~~
- (iii) ~~c) Activities within 250 feet of vernal pools shall meet requirements set by Maine Department of Environmental Protection’s Natural Resources Protection Act.~~

~~17) 19) Historic & Archaeological –~~

- a) If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.
- b) Proposed developments which include or are adjacent to buildings or sites on the National Register of Historic Places, Maine Historic Preservation Commission or when the Comprehensive Plan has identified as being of historical significance, shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures shall be similar to the historic structures. The Board may require the applicant to seek the advice of the Maine Historic Preservation Commission.

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~~18~~20) Groundwater –

Projects that involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

~~19~~21) Wildlife Habitat –

- a) If any portion of a property lies within areas identified and mapped by the Department of Inland Fisheries and Wildlife, the applicant shall demonstrate that there shall be minimal impacts on the habitat and species it supports. The plan shall provide for protection of the identified resource in a manner acceptable to the Maine Department of Inland Fisheries and Wildlife or in accordance with the recommendations of a wildlife biologist with demonstrated experience with the wildlife resource being impacted and approved by the Board. In the latter situation, the report prepared by the wildlife biologist shall assess the potential impact of the development on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the development will have minimal impacts on the habitat and the species it supports. These areas include:
- (i) Habitat for species appearing on the official state or federal lists of endangered or threatened species;
 - (ii) High and moderate value waterfowl habitats, including nesting and feeding areas; or
 - (iii) A high or moderate value deer wintering area.

~~20~~22) Natural Areas –

- a) If any portion of the property is located within an area designated as a unique natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation. The Board may require the applicant to seek the advice of the Maine Natural Areas Program.
- b) The Planning Board may require a survey from a qualified professional of the area in question if it has not been previously surveyed.

~~21~~23) Environmental Impact –

- a) The landscape will be preserved in its natural state to the extent that is practical by minimizing tree removal, disturbance of soil and retaining existing vegetation.
- b) Extensive grading and filling must be avoided as far as possible.
- c) The proposed development will not cause a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

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~~22)~~24) Solid Waste Management – The proposed development will provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project’s wastes.

~~23)~~25) Hazardous, Special & Radioactive Materials –

- a) Hazardous, Special and Radioactive Materials - The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.
- b) No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line, or forty (40) feet in the case of underground storage. For the purposes of this section, bulk storage shall be considered one thousand (1,000) gallons or greater. All materials must be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.
- c) A Spill Prevention, Control, and Countermeasure Plan (SPCC) or Hazardous Waste Prevention Plan may be required to:
 - (i) Ensure materials are handled according to State & Federal rules and best management practices;
 - (ii) Minimize spills and contamination; and
 - (iii) To ensure prompt clean-up.
- d) The Planning Board may require Pollution Insurance to ensure the proposed development has the resources necessary to clean-up any possible pollution due to hazardous, special and/or radioactive materials.

~~24)~~26) Air Quality –

- a) The proposed development will meet the Maine Department of Environmental Protection and U.S. Environmental Protection Agency standards.
- b) The proposed development will not negatively impact abutters or the public with undue odors.

~~25)~~27) Water Quality –

- a) No proposed development shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwater 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.
- b) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

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- (i) A Spill Prevention, Control, and Countermeasure Plan (SPCC) may be required to ensure every effort is made to prevent spills and clean them up promptly once they occur.
- c) If the project is located within the direct watershed of a 'body of water most at risk from development' or 'a sensitive or threatened region or watershed' as identified by the Maine Department of Environmental Protection (DEP), and is of such magnitude as to require a stormwater permit from the DEP, the project must comply with the standards of the DEP with respect to the export of total suspended solids and/or phosphorous. If the project does not require a stormwater permit from the DEP, it must be designed to minimize the export of phosphorous from the site to the extent reasonable with the proposed use and the characteristics of the site.

~~26~~28) Stormwater – Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan, which must not have adverse impacts on abutting or downstream properties.

- a) To the extent possible, the plan must retain stormwater on the site using the natural features of the site.
- b) Unless the discharge is directly to the ocean or major river segment, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.
- c) The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.
- d) All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.
- e) The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.
- f) The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.
- g) The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

~~27~~29) Sedimentation & Erosion Control –

- a) All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites

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must be terraced to avoid undue cut and fill, and/or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.

- b) 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 Handbook for Construction: Best Management Practices, dated March 2003.

~~28)30)~~ Noise –

- a) Noise levels on a site abutting any residential use shall be kept to a minimum between the hours of 9 p.m. and 6 a.m.
- b) The Planning Board may specify an activity or business's hours of operation to address the level of noise, if necessary.

E) Use-Specific Performance Standards

The performance standards in this article are intended to clarify and expand upon the approval criteria. Compliance with the performance standards of this section shall be considered to be evidence of meeting the appropriate approval criteria. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate the statutory criteria for approval and performance standards have been or will be met.

The Planning Board may waive any of the use-specific performance standards based upon a written request of the applicant. Such request must be made at the time of the Site Inventory & Analysis review or at the initial review of the application if there is no Site Inventory & Analysis review. A waiver of any use-specific performance standard may be granted only if the Board finds that the standard is not required for the proposed project to be in compliance with the approval criteria.

1) Asphalt/Concrete Plant/Fabrication –

- a) The proposed use must be screened so that it is not visible from the road and neighboring properties, to the greatest extent practicable.
- b) Must maintain a minimum buffer of 100 ft to the property lines and to any waterbody.

2) Automobile Graveyard & Junkyard -

The proposed use must be screened so that it is not visible from the road and neighboring properties.

3) Automobile Recycling Business

The applicant must demonstrate that the proposed use complies with Title 30-A M.R.S. § 3755-A, as may be amended, and that: