

Article 4:

Shall an ordinance entitled, “An Ordinance to Amend the Town of Bowdoinham Land Use Ordinance to Add and Amend Provisions Regarding General Performance Standards and Use-Specific Performance Standards” be enacted?

**NOTE: Proposed additions to existing Code sections are underlined.
Proposed deletions of existing Code sections are ~~crossed-out~~.
Other sections of the Ordinance are unchanged.**

ARTICLE 10: SITE PLAN REVIEW

E) General Performance Standards

23) 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.

25) 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.
 - 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.

F) Use-Specific Performance Standards

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:

- a) The proposed use must be screened so that it is not visible from the road and neighboring properties.
- b) A vehicle containing fluids may not be stored within 100 feet of any body of water or freshwater wetland.
- c) A vehicle may not be dismantled or stored within 500 feet of a school, church, cemetery or public playground or park that existed on the date the permit was issued.
- d) A vehicle may not be dismantled or stored over a sand and gravel aquifer or aquifer recharge area.
- e) A vehicle containing fluids may not be dismantled or stored within the 100-year flood plain.
- f) A vehicle may not be dismantled or stored within 300 feet of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling business or the owner or operator's abutting residence.
- g) A vehicle may not be located or dismantled closer than 20 feet from any lot line, unless the operator has notarized written permission from the abutting property owner.

- h) Dismantling of a vehicle must be performed in accordance with the following standards.
- i. Batteries must be removed.
 - ii. All fluids, including but not limited to engine lubricant, transmission fluid, brake
 - iii. fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal and state laws, rules and regulations.
 - iv. Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.
 - v. Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations.
 - vi. A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed.
 - vii. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power within 180 days of acquisition.
 - viii. All fluids, refrigerant, batteries and mercury switches must be removed from vehicles before crushing or shredding.

4) Automobile Repair Garage

- a) A vehicle may not be repaired within 100ft of any body of water or freshwater wetland
- b) A vehicle may not be repaired in the 100-year flood plain
- c) The proposed use shall conform with the Wellhead Protection Act under Title 38, Chapter 13-D, as may be amended.
- d) Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.
- e) 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.
- f) Pollution insurance may be required to ensure the automobile repair facility has the resources necessary to clean up any possible pollution due to hazardous, or special materials.

This Ordinance shall take effect upon adoption by the Town Meeting.

Given under our hands this ____ day of _____, 2021.

BOARD OF SELECTMEN OF THE TOWN OF BOWDOINHAM:

David Engler, Chair

Tony Lewis

Jeremy Cluchey, Vice Chair

Mark Favreau

Thomas Walling