

## **ARTICLE 10: GENERAL PERFORMANCE STANDARDS**

### **SECTION 10.01 APPLICABILITY AND PURPOSE**

These standards apply to all new or expanded uses of land and structures (unless otherwise specified) whether or not specific approval or a permit is required; in some cases, they apply to existing uses. The purposes of these standards are to help implement the Comprehensive Plan; to balance the rights of landowners to use their land with the rights of abutting landowners; and to protect the public's health, safety, and general welfare. If a landowner or applicant can meet the intent and purpose of the performance standard by an equivalent method, that equivalent method may be approved. The burden of proof as to whether the performance standard and the intent and purpose of the performance standard is met is that of the applicant or landowner. The Review Authority may waive the requirement to meet a standard if the applicant or landowner requests the waiver, in writing, and the Review Authority finds that, due to special circumstances, meeting the standard is not required in the interest of public health, safety, and general welfare, or is inappropriate. Waivers may be granted only in writing with written findings of facts and conclusions, and may be subject to conditions. Where the Section calls for review by, or allows a waiver by, the Planning Board such review or waiver may be by the Staff Review Committee if the Staff Review Committee is allowed to act on the application.

### **PART A PUBLIC FACILITY AND SAFETY PROTECTION**

#### **SECTION 10.02 ACCESS CONTROL AND TRAFFIC IMPACTS**

Except as otherwise noted, this section applies to new or expanded non-residential, Home occupation-B, and multi-family uses. The purpose of this section is to limit the number of conflict points that a vehicle may experience in its travel, separate conflict points as much as possible and remove slower turning vehicles which require access to the adjacent sites from the through-traffic lanes as efficiently as possible. [amended May 16, 2001 and August 6, 2003]

- A. Any lot shown on property tax maps of the City of Bath as of the date of the adoption of this section is permitted 1 access drive to any adjacent public street, notwithstanding other provisions of this section. This applies to all uses. [amended August 6, 2003]
- B. Access to lots is limited to 1 access drive for lots with less than 100 feet of frontage. Lots with more than 100 feet of frontage are limited to 1 access drive for each 250 feet of frontage or fraction thereof, and the access drives must be separated by at least 75 feet. This applies to all uses. [amended August 6, 2003]

- C. Access to parking spaces must be internal only. Other than the access drive all other areas must be closed off from potential access with curbing or similar materials. No access drive may be wider than 30 feet at the point of intersection of the street.
- D. The development must ensure safe interior circulation within its site by separating pedestrian and vehicular traffic and by providing parking and loading areas required in this Code.
- E. Unless otherwise approved by the Planning Board, if a lot has frontage on more than 1 street, the access drive must be located on the street that has the least potential for traffic congestion and for hazards to traffic and pedestrians. This applies to all uses.  
[amended August 6, 2003]
- F. Unless there is no other feasible means of access, an access drive may not be located in a residential district to provide access to uses other than those permitted in that residential district.
- G. The street to which an access drive connects and the streets that are expected to carry traffic to the use served by the access drive must have traffic-carrying capacity and be suitably improved to accommodate the amounts and types of traffic generated by the proposed use. A development may not reduce any street's or intersection's Level of Service to "E" or below.
- H. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provisions must be made for turning lanes, traffic directional islands, frontage streets, and traffic controls within the public streets.
- I. Access drives must be designed with enough on-site vehicular-stacking capacity so as to prevent queuing of entering vehicles on any street.
- J. Where topographic and other conditions allow, provisions must be made for circulation connections to adjoining lots of similar existing or potential use when such connections will enable the public to travel between 2 existing or potential uses without need to travel onto a street, and when such circulation connections are in the best interest of public safety. Such connections must be privately owned and maintained.
- K. Where an access drive meets a street it must be designed in profile and grading, and located, so as to provide 10 feet of sight distance for every mile per hour (mph) of posted speed. If the street is not posted, the posted maximum speed is assumed to be 25 mph. The measurement must be from the driver's seat of a vehicle standing on that portion of the driveway, with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3½ feet above the ground to the top of an object 4¼ feet above the pavement.

- L. Unless there is no other feasible means of access, an access drive may not be located less than 50 feet from the point of tangency of streets at an unsignalized intersection and less than 100 feet from the point of tangency of streets at any signalized intersection. This applies to all uses. [amended August 6, 2003]

### **SECTION 10.03 ACCESS DRIVE CONSTRUCTION**

- A. Except as otherwise noted this section applies to all new or expanded uses.
- B. Access drives that connect to public streets must be approved by the Public Works Director, the Fire Chief, and the Police Chief. Access drives must provide for safe vehicle, including emergency vehicle, access. The Public Works Director, the Fire Chief, and the Police Chief may approve an access drive with conditions attached to the construction of any buildings served by the access drive if such conditions are needed to provide for fire safety.
- C. Access drives must be designed and constructed so that stormwater drains to either side of the drive and not into the street nor down the drive from the street. Installation of a culvert may be required to carry stormwater from one side of the access drive to the other side. The size and location of the culvert must be approved by the Public Works Director.
- D. An access drive must be paved within the street right-of-way with at least 2 inches of bituminous concrete pavement over a gravel subbase at least 6 inches thick. An access drive serving a multi-family or non-residential use, regardless of access drive volume, must be paved with bituminous concrete pavement over a gravel subbase at least 6 inches thick within the street right-of-way and for a distance of 30 feet from the paved portion of the street right-of-way.
- E. For multi-family and non-residential uses the slope of an access drive may not exceed 3 percent for a distance of 40 feet from the point of intersection of a street, and may not have a slope in excess of 10 percent for the entire length.
- F. The angle of intersection between the access drive and the street must be as close to 90 degrees as possible. The radius for curbs into and out of the lot must be as close to 30 feet as possible.

#### **G. Additional Requirements in the Shoreland Zone.** [added October 28, 2009]

- 1. Access drives must be set back at least 75 feet, horizontal distance, from the normal high-water line of rivers, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the access drive setback requirement may be no less than 50 feet, horizontal distance, upon clear

showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. 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.

On slopes of greater than 20 percent the access drive setback must be increased 10 feet, horizontal distance, for each 5 percent increase in slope above 20 percent.

Section 10.03, G, does not apply to approaches to water crossings or to access drives that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Access drives providing access to permitted structures within the setback area must comply fully with the requirements of Section 10.03, G, except for that portion of the access drive necessary for direct access to the structure and necessary to meet the American's with Disabilities Act.

2. New access drives are prohibited in a Resource Protection Zone except that the Planning Board may grant a permit to construct an access drive to provide access to permitted uses within the zone. An access drive may also be approved by the Planning Board in a Resource Protection Zone, upon a finding that no reasonable alternative route or location is available outside the zone. When an access drive is permitted in a Resource Protection District the access drive must be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
3. Access drive side slopes may be no steeper than a slope of 2 horizontal to 1 vertical, and must be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 10.14.
4. Access drive grades may be no greater than 10 percent except for segments of less than 200 feet.
5. In order to prevent access drive surface drainage from directly entering water bodies, access drives must be designed, constructed, and maintained to empty onto an un-scarified buffer strip at least 50 feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage that is directed to an un-scarified buffer strip must be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
6. Ditch relief (cross drainage) culverts, drainage dips, and water turnouts must be installed in a manner effective in directing drainage onto un-scarified buffer strips

before the flow gains sufficient volume or head to erode the access drive or ditch. To accomplish this, the following criteria must be met:

- (a) Ditch relief culverts, drainage dips, and associated water turnouts must be spaced along the access drive at intervals no greater than indicated in the following table:

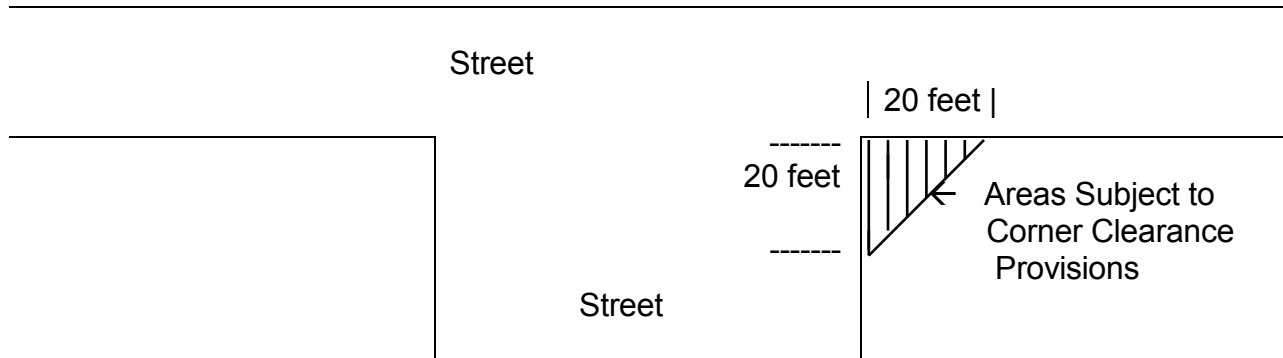
Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is 10 percent or less.
- (c) On sections having slopes greater than 10 percent, ditch relief culverts must be placed at approximately a 30 degree angle down slope from a line perpendicular to the centerline of the access drive.
- (d) Ditch relief culverts must be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends must be stabilized with appropriate materials.
7. Ditches, culverts, bridges, dips, water turnouts, and other storm water runoff control installations associated with access drive must be maintained on a regular basis to assure effective functioning.

## SECTION 10.04 CORNER CLEARANCES

This Section applies to existing as well as new or expanded uses.

On a corner lot in any district, no building or structure may be erected, and no fence, wall, hedge, or other planting other than shade trees may be erected, placed, or maintained above a height of 3 feet above the street surface within the three-sided area formed by the intersecting street lines and a line joining them at points that lie 20 feet distant from the point of intersection, measured at the edge of the street's pavement.



## SECTION 10.05 MULTIPLE PRINCIPAL BUILDINGS ON A LOT

This Section applies to all new or expanded uses.

Where a parcel of land will be occupied by more than 1 principal building, each principal building must be located so that each can meet the space and bulk regulations of the district in which it is located if the lot is ever divided, or the overall plan for the layout and development must receive Site Plan Approval from the Planning Board with a condition of approval being that the lot may not be divided in the future unless the space and bulk regulations of the district in which the lot is located are met. [amended August 6, 2003]

## SECTION 10.06 PARKING AND LOADING

### A. Off-street Parking, Number of Spaces Required

This Section applies to new or expanded uses.

1. Land may not be used and buildings and structures may not be erected, enlarged, or used unless the requirements of this section are met. Parking spaces can be provided by means of parking lot spaces or parking garage spaces.
2. The requirement to provide off-street parking does not apply in the C1 District.

3. Uses required to provide more than 100 parking spaces may request a reduction in the parking requirement if evidence is presented that programs such as car-pooling, van-pooling, bus service provided by the user, or similar activities result in a reduced demand for parking. The Planning Board may grant such a reduction but may require that land be reserved to provide additional parking, if experience shows that it is necessary.
4. The following minimum off-street parking must be provided and maintained in cases of new construction, expansions, or changes in use. In computing the number of spaces required, lots with 2 or more principal uses must meet the combined requirement of the different uses. Where the applicant or Planning Board finds that the following table is not appropriate for the proposed use, the applicant may provide the Planning Board with an analysis of parking consistent with recognized, appropriate methodology. Such an analysis should include, at a minimum, occupancy demand, duration and turnover, possibility of sharing parking with other land uses that have different time-of-day parking demand, and assessment of alternative uses. The Planning Board is not bound by the findings of an applicant's study and may provide its own evidence to the contrary.

LAND USE CATEGORY	PARKING REQUIREMENT
<b>1.0 Residential</b>	
1.1 Single-family dwelling	
1.1.1 Site-built	2 spaces per dwelling unit
1.1.2 Mobile home on individual lot	2 spaces per dwelling unit
1.2 Two-family dwelling	2 spaces per dwelling unit
1.3 Multi-family dwelling	1.75 spaces per dwelling unit
1.4 Cluster development	2 spaces per dwelling unit
1.5 In-home lodging	1 space per room rented
1.6 Home occupations	
1.6.1 Home occupation-A	No additional parking spaces required
1.6.2 Home occupation-B	the spaces for the dwelling unit plus 2 spaces, plus 1 space for each employee not living in the dwelling unit
<b>2.0 Sales or Rental of Goods, Merchandise, or Equipment</b>	
2.1 No storage and only incidental display of goods outside fully enclosed building	
2.1.1 High-volume traffic generation, no drive-up window	
2.1.1.1 Miscellaneous	
2.1.1.1.1 With less than 5,000 square feet of gross floor area	1 space per 200 square feet of building gross floor area
2.1.1.1.2 With 5,000 square feet or more of gross floor area	1 space per 300 square feet of building gross floor area
2.1.1.2 Convenience store	1 space per 100 square feet of building gross floor area
2.1.2 High-volume traffic generation, with drive-up window	1 space per 200 square feet of building gross floor area, plus queuing space for 5 cars per window or station
2.1.3 Low-volume traffic generation	1 space per 500 square feet of building gross floor area

2.2 With storage and display outside fully enclosed building	1 space per 250 square feet of building gross floor area
<b>3.0 Office, Clerical, Research, or Services</b>	
3.1 All operations conducted entirely within fully enclosed building	
3.1.1 Operations designed to attract and serve numerous customers or clients on the premises, such as the offices of attorneys, physicians, dentists, other professions, travel agents, banks, or government office buildings	1 space per 250 square feet of building gross floor area
3.1.2 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	1 space per 400 square feet of building gross floor area
3.2 Operations such as banks with drive-up windows	1 space per 200 square feet of building gross floor area, plus queuing space for 6 cars per window or station
<b>4.0 Manufacturing, Processing, Creating, Repairing, Renovating, or Assembling of Goods, Merchandise, or Equipment</b>	
4.1 All operations conducted entirely within fully enclosed building	1 space per 300 square feet of building gross floor area
4.2 Operations conducted within or outside fully enclosed building	1 space per 400 square feet of building gross floor area
<b>5.0 Painting or Cleaning of Goods, Merchandise, or Equipment</b>	1 space per 400 square feet of building gross floor area
<b>6.0 Educational and Cultural Use</b>	
6.1 Schools	
6.1.1 Public or private elementary or secondary schools	1.75 spaces per classroom for elementary schools; 5 spaces per classroom for secondary schools
6.1.2 Public or private post-secondary schools	5 spaces per classroom
6.1.3 Special-purpose schools	1 space per 2 students, based on maximum capacity
6.2 Libraries and museums, including associated educational and instructional activities	1 space per 300 square feet of building gross floor area
<b>7.0 Assembly or Meeting Facility</b>	
7.1 Private meeting facility	1 space per 400 square feet of building gross floor area
7.2 Function or assembly facility	1 space per 200 square feet of building gross floor area
7.3 Community activity center	1 space per 300 square feet of building gross floor area
7.5 Soup kitchen	1 space per 600 square feet of building gross floor area



<b>8.0 Recreation, Amusement, Entertainment</b>	
8.1 Activity conducted entirely within building or roofed structure	
8.1.1 Bowling alleys; indoor skating rink, swimming pool, or tennis court; billiard and pool halls; athletic and exercise facilities; and similar uses	1 space for every 3 persons that the facility is designed to accommodate when fully utilized, plus 1 space per 200 square feet of gross floor area used in a manner not subject to such calculation
8.1.2 Movie theater or live performance hall	1 space per 4 seats, based on maximum occupancy
8.2 Activity conducted primarily outside enclosed buildings or roofed structures	
8.2.1 Facilities such as athletic fields, golf courses, tennis courts, and swimming pools, not accessory to another use such as a school or residential use	1 space for every 3 persons that the facility is designed to accommodate when fully utilized, plus 1 space per 200 square feet of gross floor area used in a manner not subject to such calculation
8.2.2 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature-golf courses, waterslides, and similar uses	Miniature-golf course, waterslide, and similar uses: 1 space per 300 square feet of area, plus 1 space per 250 square feet of building gross floor area; driving range: 1 space per tee, plus 1 space per 250 square feet of building gross floor area; par 3 golf course: 2 spaces per golf hole, plus 1 space per 250 square feet of building gross floor area
8.2.3 Nonmotorized mountain bike, paint-ball course, ski area, or similar facility, operated as a business	1 space for every 3 persons that the facility is designed to accommodate when fully utilized, plus 1 space per 250 square feet of building gross floor area
8.2.4 Horseback-riding ring or stables, including the boarding or breeding of horses, operated as a business	1 space for every 3 persons that the facility is designed to accommodate when fully utilized, plus 1 space per 200 square feet of building gross floor area
<b>9.0 Institutional Residence, Care, Confinement Facilities</b>	
9.1 Hospitals	2 spaces per bed or 1 space per 150 square feet of gross floor area, whichever is greater
9.2 Nursing home, child-care facility, or assisted residential facility	For nursing home and child-care facility - 3 spaces for every 5 beds. For assisted residential facility – 1 space per employee on the largest shift, plus 1 space per 4 assisted residential units.
<b>10.0 Restaurants</b>	
10.1 Carry-out, delivery service, and consumption outside fully enclosed structure allowed. Service to customers remaining in vehicles not allowed.	1 space per 100 square feet of building gross floor area, plus 1 space for every 4 outside tables if applicable
10.2 Carry-out, delivery service, service to customers remaining in vehicles, and consumption outside fully enclosed structure allowed.	1 space per 100 square feet of building gross floor area, plus queuing space for 8 cars per drive-up window or station
10.3 A restaurant whose principal business is the sale of beverages, including liquor, at counters or tables and where food may or may not be served, and there is no carry-out or delivery service, no service to customers remaining in vehicles, no consumption outside fully enclosed structure	1 space per 100 square feet of building gross floor area

<b>11.0 Accommodations</b>	
11.1 Hotel, motel, inn, tourist cabins, or similar business providing overnight accommodations	
11.1.1 Those businesses that: may include accessory uses such as a restaurant, meeting facilities, a swimming pool, or exercise facilities; or have more than 40 rental rooms.	1.25 spaces for every room to be rented, plus spaces required for restaurant facilities as required in this table
11.1.2 Those businesses that do not include accessory uses that serve customers who are not also renting a room and have no more than 40 rental rooms.	1.2 spaces for every room to be rented.
11.4 Bed and Breakfast	1 space per rental bedroom, plus 2 spaces for the owner's dwelling unit
<b>12.0 Motor Vehicle-related Sales and Service Operations</b>	1 space per 250 square feet of building gross floor area, 1 space for every 3 employees on the maximum shift, queuing for 5 cars per washing operation, queuing space for 3 cars per pump
<b>13.0 Storage and Parking</b>	1 space for every 2 employees on the maximum shift
<b>15.0 Service and Businesses Related to Animals</b>	1 space per 200 square feet of building gross floor area
<b>16.0 Agriculture, Forestry, Mining</b>	
16.1 Agricultural operations and farming	1 space for every employee on the maximum shift
16.2 Timber-harvesting	1 space for every employee on the maximum shift
16.3 Mineral extraction, with or without on-site sales of products	1 space for every employee on the maximum shift
16.4 Sawmill	1 space for every employee on the maximum shift
16.5 Farmstand	1 space per 100 square feet of building gross floor area
<b>17.0 Transportation and Safety Facilities</b>	
17.1 Airport	1 space per 250 square feet of building gross floor area
17.2 Public works facilities	1 space for every employee on the maximum shift
17.3 Public safety facilities	1 space for every employee on the maximum shift
17.4 Transportation terminal	1 space per 400 square feet of building gross floor area
17.5 Truck terminal	1 space per 400 square feet of building gross floor area
<b>18.0 Dry Cleaner, Laundromat</b>	1 space per 250 square feet of building gross floor area
<b>19.0 Utility Facilities</b>	
19.2 Public sewage treatment facility	1 space for every employee on the maximum shift
19.3 Recycling or waste-transfer station, sanitary land fill	1 space for every employee on the maximum shift
<b>21.0 Open-air Market</b>	1 space per 500 square feet of area used for storage, display, or sales
<b>22.0 Funeral Home</b>	1 space per 100 square feet of building gross floor area

<b>23.0 Cemetery and Crematorium</b>	
23.3 Crematorium	0.25 space per seat of chapel capacity, plus 0.33 space per employee
<b>24.0 Day-care Uses</b>	1 space per 300 square feet of building gross floor area devoted to the day-care use
<b>25.0 Temporary Uses</b>	Spaces as required by the Reviewing Authority or CEO
<b>26.0 Commercial Greenhouse Operations</b>	
26.1 No on-premises sales	1 space per employee
26.2 With on-premises sales	1 space per 200 square feet of building gross floor area
<b>27.0 Camping Areas</b>	1 space per campsite, plus 1 space for every employee on the maximum shift
<b>28.0 ATM, Not Attached to a Bank or Other Building</b>	Queuing space for 8 cars per drive-up station
<b>29.0 Marina</b>	1 space per 2 boat slips or moorings, plus 1 space per 250 square feet of building gross floor area
<b>30.0 Art Studio</b>	2 spaces
<b>31.0 City Park</b>	As determined by the Planning Board based on need and intended use.

(Note: Where these calculations result in fractions of a space, the required number of spaces is the next higher whole number.)

[Off-street Parking, Number of Spaces Required Table amended May 16, 2001, September 22, 2010 and September 25, 2013]

## **B. Parking Lot Construction and Layout**

Unless specified otherwise below, this Section applies to new or expanded non-residential and multi-family uses. Parking lots must conform to the following standards: [amended May 16, 2001]

1. Appropriate access drives from streets, as well as maneuvering areas, must be provided.
2. The surface of access drives, maneuvering areas, and parking areas must be uniformly graded, with a subgrade consisting of well-compacted gravel or equivalent materials at least 6 inches deep.
3. The access drive, maneuvering areas, and parking areas must be paved with at least 2 inches of bituminous concrete.
4. Where the Planning Board deems it necessary, a stormwater management plan for parking areas must be submitted. The plan must utilize TR55 or a similar analytical process and must plan for the 2- and 25-year storm events, establish

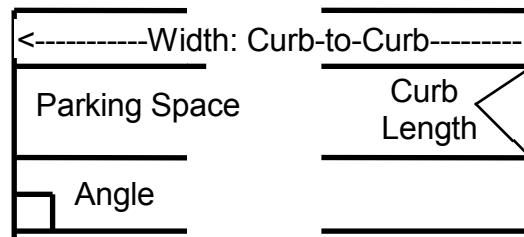
whether there is capacity in area drainage systems, establish whether the stormwater requires treatment for contaminants.

5. The parking lot is required to have minimum slopes of 1 percent for all surfaces.
6. The Planning Board may waive the requirement of Items 1 through 5 for accessory parking lots of 5 or fewer vehicles.
7. No new parking space, lot, or area may be located in a Yard Area or buffer zone required by this Code, except that parking for a single- or 2-family dwelling may be located in an access drive in a front Yard Area. This applies to all new or expanded uses. [amended May 16, 2001]
8. Except in the C4, C5, I, and GC districts, and as allowed in 7, above, parking spaces may not be located closer to any street on which the lot has frontage than any portion of the principal building. This applies to all new or expanded uses. [amended May 16, 2001, and August 6, 2003]
9. Parking-lot spaces and parking-lot aisle layout for all new or expanded uses must conform to the following curb length and curb-to-curb width standards: [amended May 16, 2001, and August 6, 2003]

LAYOUT	PARKING ANGLE	CURB LENGTH	WIDTH, CURB-TO-CURB
one-/two-way, double-loaded aisles	90 degrees	9.00 feet	60.00 feet
one-/two-way, single-loaded aisles	90 degrees	9.00 feet	42.00 feet
two-way, double-loaded aisles	60 degrees	10.50 feet	59.00 feet
two-way, single-loaded aisles	60 degrees	10.50 feet	40.00 feet
One-way, double-loaded aisles	60 degrees	10.50 feet	53.50 feet
one-way, single-loaded aisles	60 degrees	10.50 feet	34.50 feet
two-way, double-loaded aisles	45 degrees	12.75 feet	56.50 feet
two-way, single-loaded aisles	45 degrees	12.75 feet	38.50 feet
one-way, double-loaded aisles	45 degrees	12.75 feet	48.50 feet

one-way, single-loaded aisles	45 degrees	12.75 feet	30.00 feet
two-way, double-loaded aisles	30 degrees	15.00 feet	51.00 feet
two-way, single-loaded aisles	30 degrees	15.00 feet	35.50 feet
one-way, double-loaded aisles	30 degrees	15.00 feet	43.00 feet
one-way, single-loaded aisles	30 degrees	15.00 feet	27.50 feet

Diagram of Terms Used in Item 9



10. Access drives are permitted to cross Yard Areas only to provide access to parking areas. Internal circulation within a parking area may not be located in a Yard Area. This applies to all new or expanded uses. [amended May 16, 2001]
11. There must be adequate queuing distance between the City street and any parking lot such that vehicles can enter the parking lot quickly and efficiently without creating a point of conflict within the parking lot or on the street.
12. Acceleration and/or deceleration lanes are required on a street that provides access to a parking lot if, in the judgment of the Planning Board, the volume and speed of the traffic on that street require such lanes for highway safety.
13. The Planning Board, where safety requires, may require shared access with neighboring properties.
14. To provide for safe movement of vehicles as well as pedestrians, islands and landscaped median strips are required for any parking lot with 25 or more spaces.
15. The parking-lot layout and management plan must provide for storage of snow plowed from the lot. This may be accomplished by a storage location either on-site or off-site. Plowed-snow must be stored so that it does not damage the parking-lot landscaping, buffering, or screening. The parking-lot stormwater management plan must consider stored-snow melt water.

### **C. Parking Lot Landscaping**

This Section applies to new or expanded non-residential and multi-family uses.

1. Islands and landscaped median strips are required to provide for clear traffic movement and to break up parking areas in any parking lot with more than 25 spaces. The median strip must have plantings of sufficient density and volume to provide a filtered screening effect. [amended August 6, 2003]
2. Parking lots with 5 or more spaces must be screened from any abutting residential use or residential zone and from the public streets. Screening may be accomplished by evergreen shrubs, fences, earthen berms, or a combination of these. The purpose of the screening is to soften the view of the parked vehicles, not necessarily to totally eliminate any view of the vehicles.

### **D. Off-street Loading Standards**

This Section applies to new or expanded non-residential uses. It does not apply in the C1 Zone.

1. The following minimum off-street loading bays or berths must be provided and maintained in the case of new construction, alterations, and changes of use:
  - (a) Land Use Categories 3.0 and 11.1 with a gross floor area of more than 100,000 square feet: 1 bay
  - (b) Land Use Categories 2.0 and 4.0 with a gross floor area of more than 5,000 square feet:
    - 5,001 to 40,000 square feet: 1 bay
    - 40,001 to 100,000 square feet: 2 bays
    - 100,001 to 160,000 square feet: 3 bays
    - 160,001 to 240,000 square feet: 4 bays
    - 240,001 to 320,000 square feet: 5 bays
    - 320,001 to 400,000 square feet: 6 bays
2. Each loading bay must have minimum dimensions of 70 by 14 feet and may be located either within a building or outside and adjoining an opening in the building. Every part of the loading bay must be located completely off the street. In the event that trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay usually serve the building, additional space must be provided so that these vehicles may park or stand completely off the street.
3. The provisions of this section for off-street loading are not to be construed as prohibiting incidental curbside business deliveries, dispatches, or services,

provided they are in compliance with all applicable state and local traffic regulations.

**E. Additional Requirements in the Shoreland Zone.** [added October 28, 2009]

1. Parking areas must meet the shoreline and tributary stream setback requirements for buildings for the district in which such areas are located, except that in the C5 and I Zones parking areas must be set back at least 25 feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in zones other than C5, C1, and I Zones may be no less than 50 feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
2. Parking areas must be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

**SECTION 10.07 PEDESTRIAN CIRCULATION**

This Section applies to new or expanded non-residential and multi-family uses.

A site plan must provide for a system of pedestrian walkways within the development appropriate to the type and scale of development. This system must connect the major building entrances and exits with parking areas and with existing or planned sidewalks in the vicinity of the development. The pedestrian walkway network may be located either in or outside the street right-of-way. The system must be designed to link the use with residential, recreational, and commercial facilities; schools; bus stops; and sidewalks in the neighborhood.

**SECTION 10.08 SETBACKS FROM FUTURE STREETS**

This Section applies to new or expanded uses.

When the City or state has identified the need for a new road to serve existing or future vehicular movement and the location of the proposed right-of-way has been established and can be located on the ground, development that encroaches on the proposed right-of-way will not be permitted unless:

- A. The development is set back from the proposed right-of-way as if it were an established public street; or
- B. The City or State is offered the opportunity to purchase the right-of-way and declines to purchase the right-of-way. The offer to sell must provide the City or state with at

least 60 days to accept or reject the offer. If the City or state does not purchase the land, the development may be located within the proposed right-of-way.

Nothing in this Section diminishes the power of the City or State to exercise its right of eminent domain.

## **SECTIONS 10.09-10.13 RESERVED**

## **PART B ENVIRONMENTAL AND HEALTH PROTECTION**

### **SECTION 10.14 EROSION AND SEDIMENTATION CONTROL**

This section applies to existing as well as new or expanded non-residential and multi-family uses in non-Shoreland Zone areas, and to all existing as well as new or expanded uses in the Shoreland Zone. [amended May 16, 2001]

- A. A person may not perform any act or use any land in a manner that would cause substantial or avoidable erosion or create a public nuisance.
- B. All activities that require a permit and involve filling, grading, excavation, or other similar activities that result in unstabilized soil conditions require a written soil erosion and sedimentation control plan. The plan must be submitted as part of a Site Plan Review application and must include, where applicable, provisions for the following:
  - 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 riprap
- C. To create the least potential for erosion, development must be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be necessary are to be avoided. Natural contours should be followed as closely as possible, except where site conditions require and no alternative sites are possible.
- D. Erosion and sedimentation measures must be in operation during all stages of the activity. The amount of exposed soil at every phase of construction must be minimized to reduce the potential for erosion.
- E. Any exposed ground area must be temporarily or permanently stabilized within 1 week from the time it was actively worked by use of riprap, sod, seed, mulch, or other



effective measures. In all cases, permanent stabilization must occur within 9 months of the initial date of exposure. In addition, the following requirements apply:

1. Where mulch is used, it must be applied at a rate of 1 bale per 500 square feet and must be maintained until a catch vegetation is established.
  2. Anchoring the mulch with netting, peg and twine, or another suitable method may be required to maintain the mulch cover.
  3. Additional measures may be taken where necessary to avoid siltation into any water body, including the use of staked hay bales and/or a silt fence.
- F. Natural and manmade drainageways and drainage outlets must be protected from erosion caused by water flowing through them. Drainageways must be designed and constructed to carry water from a 25-year storm or greater, and must be stabilized with vegetation or lined with riprap.

## **SECTION 10.15 HAZARDOUS OR DANGEROUS WASTES AND MATERIALS**

This Section applies to existing as well as new or expanded non-residential uses.

The handling, storage, and use of all materials identified by the standards of a federal or state agency as hazardous, special, or radioactive must comply with the standards of those agencies. Flammable or explosive liquids, solids, or gases may not be stored in bulk within 75 feet of any lot line if stored aboveground, nor within 40 feet of any lot line if stored underground. All materials must be stored in a manner and location that are in compliance with applicable rules and regulations of the Maine Department of Public Safety and any other appropriate federal, state, and local regulations.

All solid waste must be disposed of at a licensed disposal facility with adequate capacity to accept the development's wastes.

## **SECTION 10.16 REFUSE DISPOSAL**

This Section applies to new or expanded non-residential and multi-family uses.

Owners or occupants must provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. Dumpsters may not be located in Yard Areas or parking spaces and must be screened from abutting properties, public streets, and the Kennebec River. The Planning Board must consider the impact of particular industrial or chemical wastes or byproducts on the City's facilities in terms of volume, flammability, and/or toxicity, and may require the applicant to dispose of such wastes elsewhere. The Planning Board may require the applicant to specify the amount

and exact nature of all industrial or chemical wastes to be generated by the proposed operation. The Planning Board may require the applicant to institute a recycling plan.

## **SECTION 10.17 SEWAGE DISPOSAL**

This Section applies to existing as well as new or expanded uses. Any building or structure that generates sewage waste must be connected to an approved sewage-disposal system in accordance with provisions of the Maine State Plumbing Code.

## **SECTION 10.18 STORMWATER MANAGEMENT**

This Section applies to new or expanded non-residential and multi-family uses in non-Shoreland Zone areas, and to all existing as well as new or expanded uses in the Shoreland Zone. Adequate provisions must be made for the collection and disposal of all stormwater that runs off driveways, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance plan. The stormwater drainage system and maintenance plan must prevent adverse impacts on abutting or downstream properties, and the City's stormwater or sanitary sewer system. [amended May 16, 2001]

- A. To the extent possible, the development must retain stormwater on-site using natural features of the site.
- B. Unless the discharge is directly to the Kennebec River, 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, or that the applicant 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 may 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 stormwater drainage system must take into account the upstream runoff that must pass over or through the site to be developed and must provide for this movement.

- G. The biological and chemical properties of the receiving waters may not be degraded by 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.

## **SECTION 10.19 WATER QUALITY PROTECTION**

This Section applies to existing as well as new or expanded non-residential and multi-family uses in non-Shoreland Zone areas, and to all existing as well as new or expanded uses in the Shoreland Zone. [amended May 16, 2001]

- A. A person or activity may not 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 water 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 MEDEP and the State Fire Marshall's Office.
- C. No activity may 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. [added October 28, 2009]

## **SECTION 10.20 ADEQUATE WATER SUPPLY**

This Section applies to existing as well as new or expanded uses. There must be an adequate water supply available for the use.

## **SECTIONS 10.21-10.25 RESERVED**

## **PART C NEIGHBORHOOD PROTECTION**

### **SECTION 10.26 ACCESS TO BACK LOTS** [entire Section amended May 16, 2001]

- A. Except as otherwise noted this section applies to all new or expanded uses.

- B. A single lot of record legally existing as of August 9, 2000, may be used for uses allowed in the district, whether or not the lot has frontage on a street, or whether or not it has the district required lot width as measured along a street, provided that:
1. The lot is connected to a street by an access drive.
  2. The access drive is either over a portion of the lot or is over a right-of-way serving the lot.
  3. If over a right-of-way, the right-of-way is a permanent easement to the lot served by the access drive.
  4. The land encumbered by the right-of-way is not used to meet the minimum lot area of the lot served by the access drive nor the lot encumbered by the right-of-way.
  5. The access drive is constructed so that it is passable by City of Bath emergency vehicles and is approved by the Director of Public Works Department and the Fire Chief.
- C. Any single lot of record legally existing as of August 9, 2000, any portion of which is in the R3 district, may be divided once and the new lots need not have frontage on a street and need not have frontage that is equal to the R3 lot width as measured along a street, provided that: [amended August 6, 2003]
1. The lot has a length and width large enough to allow a rectangle to be placed inside the boundaries of the lot, one side of the rectangle being equal to the minimum lot width in the R3 District and the other side of the rectangle being equal to the minimum area of the R3 District divided by the minimum lot width of the R3 District. [Amended October 3, 2001]
  2. The lot is connected to a street by an access drive.
  3. The access drive is over a portion of the lot or is over a right-of-way serving the lot, which is at least 20 feet wide.
  4. If the access drive is over a right-of-way, the right-of-way is a permanent easement to the lot served by the access drive. [amended August 6, 2003]
  5. The land encumbered by the right-of-way is not used to meet the minimum lot area of the lot served by the access drive nor the lot encumbered by the right-of-way.
  6. The access drive is constructed so that it is passable by City of Bath emergency vehicles, has an adequate turn-around, and is approved by the Director of Public Works Department and the Fire Chief.

If an additional lot is created from either of the lots existing after the first division, the access drive must meet the street standards of Article 13, regardless of when said additional lot is created.

- D. In all districts other than the R3 District, lots that are created after August 9, 2000, must have frontage, which is equal to the lot width requirement of the district, on a street.

## **SECTION 10.27 EXTERIOR LIGHTING**

- A. This Section applies to new or expanded non-residential and multi-family uses.
- B. Any land use may have adequate exterior lighting to provide for safety during nighttime hours. Lighting may be used that serves security, safety, and operational needs but that would not directly or indirectly affect abutting properties or that 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 adjacent dwellings, and so that they do not unnecessarily light the night sky. Direct or indirect illumination may not exceed 0.2 foot-candles at the lot line.
- C. 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 non-residential use that is open for business during that time frame.
- D. Wiring to light poles must be underground unless site conditions make it impractical.

## **SECTION 10.28 HISTORIC AND ARCHEOLOGICAL RESOURCES**

This Section applies to new or expanded non-residential and multi-family uses.

If any portion of a site being proposed for development has been identified as potentially containing historic or archeological resources, the applicant must notify the Maine Historic Preservation Commission. The development must include appropriate measures for protecting these resources, including but not limited to modifying the proposed design of the site, timing of construction, and limiting the extent of excavation.

## **SECTION 10.29 LANDSCAPING AND SCREENING** [entire Section amended May 26, 2010]

### **A. Applicability**

This Section applies to new or expanded multi-family and non-residential uses.

## **B. When Required**

1. Landscaping must be provided and maintained for all uses that require Site Plan Review. The landscaping must be part of an overall design of the site, integrating the various elements of site design, and preserving and enhancing the identity of the site. The landscaping must be located on the lot requiring Site Plan Review. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials and annuals, and other materials such as rocks, water, sculpture, art, walls, and fences. Landscaping along public ways must be kept trimmed so as to not interfere with pedestrian or motor vehicle travel, safety, or snowplowing. Landscaping must not interfere with above- or below-ground utilities. A landscaping plan prepared by a landscape architect licensed in the State of Maine must be submitted as part of the Site Plan Review application. The plan must identify existing and proposed landscaping features, where they are or will be located, and the species, and size of plant materials at planting and at maturity. Functional maturity of plant materials must be achieved with 3 years. The plan also must include proposed methods of protecting existing landscaping during construction and long-term care of both existing and proposed landscaping, including care during snowplowing. The plan must also comply, if applicable, with the Bath Street Tree Ordinance.
2. The type of screening depends on the land use for which a parcel is intended, and its impact on adjacent properties and their uses. A screening plan prepared by a landscape architect licensed in the State of Maine must be submitted as part of the Site Plan Review application. The plan must identify existing and proposed screening elements, where they are or will be located, and the species, and size of plant materials at planting and at maturity. Functional maturity of plant materials must be achieved with 3 years. The plan also must include proposed methods of protecting existing plant materials during construction and long-term care of both existing and proposed plantings, including care during snowplowing. Screening must not interfere with above- or below-ground utilities. The plan must comply, if applicable, with the Bath Street Tree Ordinance. One or more of the following types of screening will be required.

## **C. Full Screen Landscaping.**

1. The purpose of Full Screen Landscaping is to act as a visual barrier.
2. Full Screen Landscaping is required between non-residential uses and residential uses or lots zoned for residential use.
3. Full Screen Landscaping must consist of the following:
  - (a) A solid wooden fence at least 6 feet in height; and/or

- (b) A mix of primarily evergreen trees and shrubs interspersed throughout the landscape strip, spaced to form a continuous screen;
- (c) At least 90 percent of this landscaping must consist of a mix of evergreen trees planted at the rate of one tree per ten-linear-feet of landscape strip; and
- (d) Evergreen shrubs provided at the rate of one shrub per four-linear-feet of landscape strip.
- (e) Or the screening plan must explain how other materials can be used as outlined in B, 1, above, to provide the same degree of screening and how such materials will be maintained.

#### **D. Filtered Screen Landscaping**

- 1. The purpose of Filtered Screen Landscaping is to provide a visual separator.
- 2. Filtered Screen Landscaping is required between multi-family residential uses and two- or single-family residential uses; and between any public street and loading bays, product or equipment outdoor storage areas including propane tanks, or waste storage areas.
- 3. Filtered Screen Landscaping must consist of the following:
  - (a) A mix of evergreen and deciduous trees and shrubs interspersed throughout the landscape strip and spaced to create a filtered screen;
  - (b) At least 70 percent of this landscaping must consist of evergreen trees planted at the rate of one tree per 20 linear-feet of landscape strip; and
  - (b) Shrubs provided at the rate of one shrub per four-linear-feet of landscape strip.
  - (c) Or the screening plan must explain how other materials can be used as outlined in B, 1, above, to provide the same degree of screening and how such materials will be maintained.
  - (d) Or the screening plan must explain how other materials can be used as outlined in B, 1, above, to provide the same degree of screening and how such materials will be maintained.

#### **E. See-through Screen Landscaping**

- 1. The purpose of See-through Screen Landscaping is to provide a partial visual separator and to soften the appearance building elevations.

2. See-through Screen Landscaping is required along street frontages and side and rear property lines of multi-family residential developments and non-residential developments, and between any public street and parking lots with 5 or more parking spaces.
3. See-through Screen Landscaping must consist of the following:
  - (a) A mix of evergreen and deciduous trees and shrubs interspersed throughout the landscape strip and spaced to create a continuous canopy;
  - (b) At least 70 percent of this landscaping must consist of evergreen trees planted at the rate of one tree per 25 linear-feet of landscape strip; and
  - (c) Shrubs provided at the rate of one shrub per four-linear-feet of landscape strip.
  - (d) Or the screening plan must explain how other materials can be used as outlined in B, 1, above, to provide the same degree of screening and how such materials will be maintained.

**F. Surface Parking Area Landscaping.**

1. Surface parking lots with 5 or more parking spaces require Surface Parking Area Landscaping to provide shade and to diminish the visual effect of large paved areas. Non-residential uses must be provided with Surface Parking Area Landscaping at the rate of 20 square feet of landscaping per parking space. Such planting areas must have a minimum of 20 cubic feet of root space, at least 24 inches deep.
2. Trees are required and must be distributed throughout the parking area at the following rate:
  - (a) For parking lots accessory to residential uses, one tree for every ten parking spaces;
  - (b) For parking lots accessory to non-residential uses, one tree for every five parking spaces.
  - (c) In addition to the requirements in (a) and (b), above, the maximum distance between any parking space and landscaping may be no more than 100 feet. Permanent curbs or structural barriers are required to protect the plantings from vehicles.
  - (d) The types and dimensions of required landscaping are as follows:
    - (i) Canopy-type deciduous trees, evergreen trees, evergreen shrubs, and ground covers planted in islands or strips are required;



- (ii) At least 70 percent of the trees must be deciduous;
  - (iii) At planting, evergreen trees must be at least 10 feet tall and deciduous trees must be at least 2-inch caliper.
  - (iv) Shrubs may not exceed a height of 36 inches at maturity;
  - (v) Planting islands or strips are required in areas of at least 100 square feet each, with dimensions of no less than five feet; and
  - (vi) Planting beds must be constructed with an underground piping system for plant watering and aeration.
- (e) Or the screening plan must explain how other materials can be used as outlined in B, 1, above, to provide the same degree of screening and how such materials will be maintained.

## SECTION 10.30 NOISE

This Section applies to new or expanded non-residential uses.

- A. The maximum permissible sound-pressure level of any continuous, regular, or frequent source of sound produced by any activity must be limited by the period listed as follows. Sound levels will be measured at least 4 feet aboveground at the lot line of the noise source.

	<b>7 a.m. - 8 p.m.</b>	<b>8 p.m. - 7 a.m.</b>
Sound-pressure-level Limits (measured in dB [a] scale)	60	50

- B. The levels specified may be exceeded by 10 dBA for a single 15-minute period per day. Noise will be measured by a meter set on the A-weighted response scale, fast response. The meter must meet the American National Standards Institute's (ANSI S1.4-1961) *American Standards Specifications for General Purpose Sound Level Meters*.
- C. The following uses and activities are exempt from this sound-pressure-level regulation:
1. noise created by building or facility construction, forestry, agricultural, and temporary maintenance activities between 7:00 a.m. and 8:00 p.m.
  2. the noises of safety signals, warning devices, emergency pressure-relief valves, and any other emergency activity

3. traffic noises on public streets

### **SECTION 10.31 SETBACK REDUCTION PLAN**

- A. Applies to new and expanded uses in C2 and C3 districts.
- B. The purpose of the Setback Reduction Plan is to allow the Setback and Yard Area to be reduced if a plan for establishing a landscaped buffer is agreed to by the applicant and approved by the Planning Board.
- C. The landscaped buffer must meet the following criteria:
  1. The plan must be prepared by a landscape architect registered in the state of Maine.
  2. The buffer may include plant materials such as trees or shrubs, walls or fences, and earthen berms, or a combination thereof.
  3. The buffer must be sufficient in density and height so as to screen noise, vibration, light, or other visual nuisances in a manner exceeding that of the Setback or Yard Area required without a Setback Reduction Plan.
  4. The buffer must be visually pleasing and effective year-round.
  5. The buffer must be maintained.
  6. The burden of proving that these criteria are met is that of the applicant.
- D. The Setback Reduction Plan will be reviewed by the Planning Board as part of the Site Plan Review.

### **SECTION 10.32 EXCEPTION TO SPACE AND BULK REGULATIONS**

#### **A. Applicability**

These exceptions apply to new or expanded uses and structures.

#### **B. Height Exception**

Maximum building height of the space and bulk regulations does not apply to any flagpole, domestic television-receiving antenna, domestic radio receiving or transmitting antenna, spire or cupola, chimney, elevator or stair bulkhead, parapet, railing, or any similar structure, provided that the structure is firmly attached to the roof or side of a

building and covers no more than 10 percent of the roof area. This provision does not allow satellite dishes that are more than 3 feet in diameter.

### **C. Setback Exception**

The following may encroach from the side of a building into a Setback: air-conditioning unit; stairs; uncovered stoop or porch that leads from a doorway to stairs, provided the stoop or porch is no larger than 16 square feet in area; fire escape; chimney; awning; home-use fuel tank; and ramp to accommodate a disabled person.

### **D. Yard Area Exceptions**

Notwithstanding other requirements of the Code, shared parking lots, which are accessory to the uses on the abutting lots, may abut the common property line. If at anytime the parking lot is no longer shared by the uses on the abutting lots, the parking lot must meet the Space and Bulk Regulations of the Code. [Amended October 3, 2001]

## **SECTION 10.33 VIEWSHED PROTECTION PLAN**

- A. Applies to new or expanded uses in the C1 district.
- B. The purpose of the Viewshed Protection Plan is to allow the Floor Area Ratio in the C1 District to be increased if a plan for protecting views of the Kennebec River from public buildings and public parks is agreed to by the applicant and is approved by the Planning Board.
- C. The Viewshed Protection Plan must be designed to mitigate the encroachment of all buildings, structures, landscaping, and other site features on views of the Kennebec River.

## **SECTION 10.34 R1 SETBACK PLAN** [Section added December 1, 2004]

- A. This Section applies to new or expanded uses, other than single- and two-family uses, in the R1 Zone.
- B. The purpose of the R1 Setback Reduction Plan is to allow certain uses to be built or expanded closer to a property line if certain standards are met or certain conditions are agreed to by the applicant/landowner and said R1 Setback Reduction Plan is approved by the Planning Board.
- C. The R1 Setback Reduction Plan for the Setback dimension must meet the following criteria as determined by the Planning Board:

1. Any new building or addition to an existing building must be less than 30 feet in height and have siding such as clapboards, shingles, shakes or brick, including synthetic or metal siding manufactured to closely resemble clapboards, shingles, or shakes; and a pitched, shingled or metal roof.
  2. The relationship of solid wall to voids—windows and doors—in the façade of any new building or addition to an existing building must be compatible in design with that of buildings to which the new building or addition are visually related.
  3. No new building or addition to an existing building may block any vehicular sight distance associated with any access drive or public or private way.
  4. The distance between the façade of any new building or addition to an existing building and the property line must be similar with those of buildings to which the new building or addition are visually related. However, in no case may this distance be less than 10 feet.
- D. The R1 Setback Reduction Plan for the Yard Area dimension must meet the following criteria as determined by the Planning Board:
1. In the reduced Yard Area the applicant must construct a landscaped buffer that will mitigate any noise and visual nuisance between the lot of the applicant seeking the setback reduction and the abutting property.
  2. The buffering must be accomplished by plant materials such as trees or shrubs. The Board may also require walls, fences, or earthen berms if such measures are needed to accommodate the planting and to assist in mitigating noise and visual nuisances.
  3. If the use on the lot of the applicant seeking the setback reduction is accessory parking, the trees used as part of the landscaped buffer must be both dense and high enough to soften and make less visible the view not only from the first floor of adjacent buildings but also from the second floor of adjacent buildings, of any vehicles parked within 15 feet of the property line.
  4. If walls, fences, or earthen berms are used there must be plant materials including shade trees and evergreen shrubs planted between the wall, fence, or earthen berm and the abutting property line.
  5. The amount of planting must be such that 50% screening coverage is achieved in 5 years, based on crown spreads predicted in accepted reference manuals such as the *Manual of Woody Landscape Plants: Their Identification, Ornamental Characteristics, Culture, Propagation, and Uses*, by Michael A. Dirr; or *Forest Trees of Maine*, Maine Forest Service.

6. The buffer must include existing, natural vegetation insofar as feasible if this vegetation meets the requirements of the criteria herein, except if the existing, natural vegetation is comprised of species designated by the USDA as non-native invasive.
7. The landscape plan must be prepared by a landscape architect registered in the State of Maine.
8. In reviewing the R1 Setback Reduction Plan for the Yard Area the Board must take into consideration the buffer's width, density, and height; the selection of plant materials; and the type and height of fences, walls, or berms.
9. The plan must include a plan for the establishment of new plant materials as well as the preservation of existing, natural vegetation if it is being maintained together with a written plan for the continued maintenance, repair, and replacement of all buffer materials. This plan must be recorded at the Sagadahoc County Registry of Deeds as a covenant running with the land for the use for which the setback reduction is approved. The covenant must also include the obligation of the applicant and successors and/or assigns to submit, on an annual basis, proof that the buffer plan and any buffer materials are in compliance with the approval granted by the Board hereunder.
10. This buffer area may not be used for the storage of plowed snow.

**SECTIONS 10.35-10.38 RESERVED**

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