

**2013 MISCELLANEOUS AMENDMENTS TO THE ZONING ORDINANCE OF THE
TOWN OF BOOTHBAY**

The Zoning Ordinance of the Town of Boothbay shall be amended as follows (additions are underlined and deletions are ~~struck out~~); (←) denotes insert a single tab movement to the left; (↓) denotes insert a new paragraph):

1. Amend Section 2.2.1.5, regarding the Industrial Park Zoning District, as set forth below:

2.2 Establishment of Zoning Districts and Overlay Zones and Areas The Town of Boothbay is hereby divided into Zoning Districts and Overlay Zones to achieve this purpose.

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2.2.1.5 Industrial Park District The area ~~in the C2 District~~ designated as “Industrial Park District” on the Town of Boothbay Zoning Map. This District and the Maritime Commercial District are the two primary industrial districts.

2. Amend the Town of Boothbay Zoning Map, as provided under Section 2.2.3 of the Zoning Ordinance, to change those areas to be zoned Industrial Park District, C3, and Village, all as more particularly shown on the attached reduced copy of the Town of Boothbay Zoning Map. (The attached reduced copy of the zoning map is for general reference purposes only. The amended Town of Boothbay Zoning Map is available for review and inspection at the Town Clerk’s Office and will also be available at the Town Meeting.)
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3. Amend Section 3.9.3.3.2.1 regarding the C3 Zoning District, as set forth below:

3.9.3.3 Development and Performance Standards

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~~**3.9.3.3.2.1 Height** The maximum structure height shall be 34 feet.~~

~~**3.9.3.3.2.1.1** The above height limitation does not apply to chimneys, antennas and communications towers.~~

3.9.3.3.2.1 Height The maximum height of all structures and accessory support equipment shall be 34 feet, except the maximum height of structures and accessory support equipment located more than 1,000 feet from Route 27 and Pension Ridge Road shall be 54 feet. This limitation shall not apply to antennas, chimneys and communication towers.

4. Amend Section 3.5.4.3.3.4, regarding Application Review by the Planning Board, as set forth below:

3.5.4.3 Application Review

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3.5.4.3.3.4 If the Planning Board during its Completeness Review or Application Review requires the applicant to obtain written acceptance of proposed emergency vehicle turnaround areas from the Boothbay Fire Chief, the Planning Board shall not approve an application until such acceptance is obtained.

5. Amend Section 3.5.5.3, regarding Waivers and Variances, as set forth below:

3.5.5 Waivers and Variances

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3.5.5.3 When the Code Enforcement Officer or Planning Board grants a waiver, all deeds to waiver certificates shall be recorded at the Registry of Deeds by the applicant shall and indicate the waiver granted and the date on which it was granted.

6. Delete Section 3.5.9.2.1, regarding Code Enforcement Records, as set forth below:

3.5.9 Records

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~~**3.5.9.2.1** On a biennial basis, a summary of this record as it affects the Shoreland Overlay Zone shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection. *{DEP § 16-I(2)(e)}*~~

7. Amend Section 3.7.2.2, regarding Excessive Slope for New Developments, as set forth below:

←3.7.2.2 Excessive Slope New development is not permitted on vacant lots with no principal structure that have sustained slopes in excess of 30%. {38 § 488(5)(B)(6)}

←3.7.2.2.1 New development in the Resource Protection Area is not permitted on vacant lots with no principal structure that have sustained slopes in excess of 20%. {DEP § 16 E(3)(a)} [**Resource Protection Area**]

8. Amend Section 3.7.6.1, regarding Resumption of Non-conforming Uses Prohibited, as set forth below:

3.7.6 Non-conformance Except as specifically provided in Sections 3.10.20, 3.11.9.2 and 3.11.20.3, a non-conforming condition or use mayshall not become more non-conforming. {DEP §§ 12 A & D(1)}

3.7.6.1 Resumption Prohibited A lot or structure in or on which a non-conforming use is discontinued for a period exceeding ~~one~~two years, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period, for a maximum of a three year period total. This provision shall not apply to the resumption of a use of a residential building provided that the structure has been used or maintained for residential purposes during the preceding 5 year period. {DEP § 12 D(2)}

9. Amend Section 3.9.1.1.3.2, regarding C1 Land Use Table, as set forth below:

USE/ACTIVITY	Outside Overlay areas	Shoreland Overlay Zone	Resource Protection Area	Stream Protection Area 3.9.1.4.2.2.1	Supplemental Standards
RESIDENTIAL					3.9.1.3.1
Accessory Apartment	P	P	PB	PB	3.10.1
Dwelling, Multifamily	PB	PB			3.11.9.3.4
Dwelling, One Family	P	P	PB	PB	3.10.17
Dwelling, Two Family	P	P			
Lodging House	PB	PB			3.11.9.3.4
Retirement Facility	PB	PB			3.11.9.3.4

USE/ACTIVITY	Outside Overlay areas	Shoreland Overlay Zone	Resource Protection Area	Stream Protection Area 3.9.1.4.2.2.1	Supplemental Standards
COMMERCIAL and INDUSTRIAL					3.10.7
Agricultural Packaging and Storage	PB				
Agricultural Product Processing	PB				
Agriculture/Farming	A	PB	PB	PB	3.10.2
Animal Breeding or Care	PB	PB			3.10.3
Aquaculture (Land support for)	PB	PB	PB		
Bed & Breakfast	PB	PB			
Campground	PB	PB			3.10.4
Commercial Fishing Activities	A	PB			
Communications Tower	C ³				
Conference Center	PB	PB			
Convention Center	PB	PB			
Day Care Center	PB	PB			
Essential Services	PB ³	PB ³	PB ³	PB ³	3.10.10
Farm Stand	A				
Home Occupation (Homemaker/Office)	P	P		PB	3.10.11
Home Occupation (Other)	PB	PB		PB	3.10.11
Hotel/Motel	PB				
Indoor Theater	PB	PB			
Kennel	PB	PB			
Kiosk	P	P	PB	PB	
Laboratory, Research Facility	PB	PB			
Laundromat	C ^{2,5}				
Marina		PB			
Maritime Activities	PB	PB			
Mobile Home Park	PB				3.10.16
Neighborhood Store	PB	C			
Offices; Business, Professional	PB	PB			
Recreational Facility - Indoor	PB	PB			
Restaurant	PB ²	PB ²			
Retail Business	PB	PB			
Sawmill	C ³				
Service Business	PB	PB			
Small Engine Repair & Sales	PB	PB			
Veterinary Hospital	PB				

<u>Warehousing</u>	<u>PB</u>	<u>PB</u>			
Wood Processing	PB	PB			
USE/ACTIVITY	Outside Overlay areas	Shoreland Overlay Zone	Resource Protection Area	Stream Protection Area 3.9.1.4.2.2.1	Supplemental Standards
INSTITUTIONAL					3.10.7
Cemetery	C				
Church, Parish House	PB	PB			
Community Center, Club	PB	PB			
Congregate Housing/Nursing Home	PB	PB			
Educational Facility	PB	PB			
Hospital	PB				
Museum, Library	PB				
Parks and Recreation	PB	PB		PB	
Public Facility	PB	PB			3.10.18
MISCELLANEOUS					
Clearing of Vegetation	A	P	P	P	3.11.3
Docks, piers, wharves, bridges and other similar structures					
Temporary		P	P	P	3.10.9
Permanent		PB	PB	PB	3.10.9
Forest Management Activities	A	A	A	A	
Individual Private Campsite	A	P	P	P	3.10.12
Sign	P	P	P	P	3.11.17
Timber Harvesting	A	PB	PB	PB	3.10.21
Wind Turbines					
Up to 60 feet in height	A	A	A	A	3.10.22
Over 60 feet in height	C	C	C	C	3.10.22

3.9.1.2 Prohibited Uses A use is not permitted in a specific location unless an “Approval Required” designation of “A”, “C”, “P” or “PB” is shown in the Land Use Table of Section 3.9.1.1.3.2. A blank indicates a prohibited use.

3.9.1.2.1 The following uses are not allowed in the C1 District.

- | | |
|------------------------------------|---------------------------------|
| Amusement Park | Parking Facility |
| Auto, Rec. Vehicle Sales & Service | Recreational Facility - Outdoor |
| Automobile Repair | Recycling Operations |
| Automobile Service Station | Retail Fuel Distributor |
| Bus Terminal | Roadside Stand |
| Car Wash | Sex Related Business |
| Firewood Processing | Shopping Center |
| Flea Market/Tent Sale | Storage Facility |
| Funeral Home | Temporary Business Housing |
| Gambling | Terminal for Bulk Oil and Gas |
| Junkyard | Trucking Distribution Terminal |
| Manufacturing | <u>Warehousing</u> |
| Mineral Exploration | Waste Disposal/Landfill |

Mineral Extraction
Miniature Golf

Waste Transfer Facility
Wholesale Business

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10. Amend Section 3.9.1.4, regarding Development and Performance Standards in the C1 District, as set forth below:

3.9.1.4 Development and Performance Standards

←3.9.1.4 Development and Performance Standards

←3.9.1.4.1 **Lots** The following standards are in addition to the standards of Section 3.11.9.

←3.9.1.4.1.1 **Configuration** The depth-to-width ratio or the depth-to-shore frontage on a great pond, stream or coastal wetland ratio and the width-to-depth ratio shall not exceed 5 to 1. *{30-A § 4404(17)}*

←3.9.1.4.1.2 **Coverage** Lots or the part thereof in the Shoreland Overlay Zone may be developed to a maximum of 20%. *{DEP § 15 B(4)}* [**Shoreland Overlay Zone**]

←3.9.1.4.1.3 **Developable Area** The Developed Area divided by the Buildable Area percentage, as these terms are defined in Section 3.8, shall not exceed 30%.

←3.9.1.4.1.4 **Frontage** The minimum shore frontage on a great pond, stream, outlet stream or wetland shall be 200 feet. *{DEP § 15 A(1)}* [**Shoreland Overlay Zone**]

←3.9.1.4.1.4.1 The minimum shore frontage per principal commercial, governmental, industrial, or institutional structure on a stream, outlet stream or wetland shall be 300 feet. *{DEP § 15 A(1)}* [**Shoreland Overlay Zone**]

←3.9.1.4.1.5 **Size** The minimum size of a lot shall be 80,000 square feet.

←3.9.1.4.1.5.1 The standards of Section 3.11.9.3 shall apply.

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11. Amend Section 3.9.1.4.1.6, regarding Width in the C1 District, as set forth below:

3.9.1.4 Development and Performance Standards

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3.9.1.4.1.6 Width The average distance between the side lot lines shall be at least 200 feet.

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12. Amend Section 3.9.5.1.3.2, regarding Industrial Park District Land Use Table, as set forth below:

3.9.5.1.3.2 Land Use Table

USE/ACTIVITY	Outside Overlay Zone	Watershed Overlay Zone	Supplemental Standards
RESIDENTIAL			
Temporary Business Housing	PB	C	3.9.5.3.7
COMMERCIAL and INDUSTRIAL			
Agricultural Packaging and Storage	A	A	
Agricultural Product Processing	A	A	
Aquaculture (Land support for)	A	A	
Automobile Repair	A		
Commercial Fishing Activities	A	PB	
Communications Tower	A		
Essential Services	PB	PB	3.10.10
Firewood Processing	PB	PB	

USE/ACTIVITY	Outside Overlay Zone	Watershed Overlay Zone	Supplemental Standards
COMMERCIAL and INDUSTRIAL			
Gambling	C	C	
Laboratory, Research Facility	A	A	
Manufacturing	A	A	
Maritime Activities	A	A	
<u>Mineral Exploration and Extraction</u>	<u>PB</u>	<u>PB</u>	<u>3.10.14</u>
Offices; Business, Professional	A	A	
Parking Facility	A	A	
Recycling Operations	A	A	
Restaurant	C	C	
Retail Business	PB	PB	
Retail Fuel Distributor	C		
Service Business	A	A	
Sex Related Business	C ³		3.9.5.3.5
Small Engine Repair & Sales	A	A	
Storage Facility	A	A	
Terminal for Bulk Oil and Gas	C		
Trucking Distribution Terminal	A		
Warehousing	A	A	
Wholesale Business	A	A	
Wood Processing	A	A	
INSTITUTIONAL			
Educational Facility	A	A	3.9.5.3.2
Public Facility	PB	PB	3.10.18
MISCELLANEOUS			
Clearing of Vegetation	A	P	3.11.3
Forest Management Activities	A	A	3.10.21.3
Sign	P	P	3.11.17
Timber Harvesting	A	A	3.10.21
Wind Turbines			
Up to 60 feet in height	A	A	3.10.22
Over 60 feet in height	C	C	3.10.22

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13. Amend Section 3.9.5.2.1, regarding Prohibited Uses in the Industrial Park District, as set forth below:

3.9.5.2 Prohibited Uses A use is not permitted in a specific location unless an “Approval Required” designation of “A”, “C”, “P” or “PB” is shown in the Land Use Table of Section 3.9.5.1.3.2. A blank indicates a prohibited use.

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3.9.5.2.1 The following uses are not allowed in the Industrial Park District.

Accessory	Hospital
Apartment	Hotel/Motel
Agriculture/Farming	Individual Private
Amusement Park	Campsite
Animal Breeding or Care	Indoor Theater
Auto, Rec. Vehicle	Junkyard
Sales & Service	Kennel
Automobile Service Station	Kiosk
Bed & Breakfast	Laundromat
Bus Terminal	Lodging House
Campground	Marina
Car Wash	Mineral Exploration
Cemetery	Mineral Extraction
Church, Parish	Miniature Golf
House	Mobile Home Park
Community Center, Club	Museum, Library
Congregate	Neighborhood Store
Housing/Nursing Home	Parks and Recreation
Docks, piers, wharves, bridges, etc.	Recreational Facility - Indoor
Dwelling, Multifamily	Recreational Facility - Outdoor
Dwelling, One Family	Retirement Facility
Dwelling, Two Family	Roadside Stand
Conference Center	Sawmill
Convention Center	Shopping Center
Day Care Center	Veterinary Hospital
	Waste Disposal/Landfill
	Waste Transfer Facility

Farm Stand
Flea Market/Tent
Sale
Funeral Home
Home Occupation
(Homemaker/Office)
Home Occupation
(Other)

14. Amend Section 3.9.5.2.2 and Section 3.9.5.3.6, regarding Subsurface Wastewater Disposal, as set forth below:

3.9.5.2 Prohibited Uses

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~~3.9.5.2.2 Subsurface wastewater disposal shall not be permitted for new or expanded uses if the property is subject to a sewer “Ready to serve” fee.~~

3.9.5.3 Supplemental Use Standards

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3.9.5.3.6 Subsurface Wastewater Disposal Existing properties using subsurface wastewater disposal facilities within the Industrial Park District shall be connected to a public sewer ~~within six months from the date a “Ready to serve” fee is applicable, when the current system fails.~~ Subsurface wastewater disposal shall not be permitted for new uses if the property is subject to a sewer “ready to serve” fee.

15. Amend Section 3.7.2.2, regarding Excessive Slope for New Developments, as set forth below:

~~3.7.2.2 Excessive Slope~~ New development is not permitted on vacant lots with no principal structure that have sustained slopes in excess of 30%. {38 § 488(5)(B)(6)}

16. Amend Section 3.10.11, regarding Home Occupations Standards, as set forth below:

3.10.11.2 Standards

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3.10.11.2.2 Employees There shall be no more than three employees or subcontractors other than members of the family.

17. Amend Section 3.10.13.2.5, regarding Junkyard Standards, as set forth below:

3.10.13.2 Standards

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3.10.13.2.5 Ability to provide adequate means of fire safety as determined by inspection by ~~a local~~ the Town fire Fire Chief or ~~Sstate Ffire warden~~ Marshal.

18. Amend Sections 3.9.6.4.3 and 3.11.17, regarding Signs, as set forth below:

~~**3.9.6.4.3 Signs** The following standards of Section 3.11.17 in connection with signs shall not apply:~~

- ~~A. Section 3.11.17.3.5.1 in connection with the maximum height of the sign; and~~
- ~~B. Section 3.11.17.4.1.4 in connection with the number of signs.~~

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3.11.17 Signs

~~**3.11.17.1 Exemptions** For purposes of Section 3.11.17, the term “sign” shall not include and no permit shall be required for:~~

- ~~A. “FOR SALE”, “FOR RENT” and “FOR LEASE” signs that have been placed on the property with the owner’s permission for the purpose of advertising that property or item for sale, rent or lease. Permitted signs shall include the small stand alone signs normally used by real estate agencies and other signs not over 3 square feet in area; *{DEP § 15 I(3)}*~~
- ~~B. One or two signs that identify a residential property owner that meet the requirements of Section 3.11.17; *{DEP § 15 I(2)}*~~
- ~~C. Signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, code, or other regulation; *{DEP § 15 I(5)}*~~
- ~~D. Signs relating to trespassing and hunting, not exceeding 2 square feet in area; and *{DEP § 15 I(4)}*~~
- ~~E. Brass, or similar metallic material, plaques of a personal nature not exceeding one square foot in area.~~

~~**3.11.17.2 Prohibited Signs**~~

- ~~A. Billboards, streamers, pennants, ribbons, spinners or other similar devices shall not be constructed, posted or erected in any area in Town, except of a temporary nature for a festival or celebration.~~

- ~~B. Flashing signs, roof signs, signs containing moving parts, and signs containing reflective elements that sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time or temperature are permitted provided they meet all other provisions of Section 3.~~
- ~~C. Signs advertising or identifying a business, organization, goods or services that is either defunct or no longer located or available on the premises. *{DEP § 15 I(1)}*~~
- ~~D. Signs larger than 32 square feet.~~
- ~~E. Signs larger than 6 square feet. *{DEP §§ 15 I(1) & (2)}* [**Resource Protection Area, Stream Protection Area**]~~
- ~~F. Signs, except for a traffic, regulatory, or informational sign, using the words “stop”, “caution”, or “danger”, or incorporating red, amber, or green lights resembling traffic signals, or resembling “stop” or “yield” signs in shape and color.~~
- ~~G. Internally illuminated signs.~~
- ~~H. Illuminated signs where the source of illumination is visible beyond the property boundary. *{DEP § 15 I(7)}*~~
- ~~I. More than two signs per premise. [**Resource Protection Area, Stream Protection Area**]~~

3.11.17.3 Placement Standards

- ~~**3.11.17.3.1** No sign other than directional signs shall be placed closer than the required minimum setback from the center of the right-of-way of state and town roads.~~
- ~~**3.11.17.3.2** No person shall erect a sign that is affixed to a utility pole. Only signs that identify the property owner may be affixed to a tree, shrub, rock, or other natural object.~~
- ~~**3.11.17.3.3** Signs shall not be mounted on roofs or extend above the roof line (unless mounted on a parapet wall that extends above the roof line, in which case the sign shall not extend above the top of the parapet).~~
- ~~**3.11.17.3.4** No projecting sign shall extend into a vehicular public way, nor be less than 10 feet above a pedestrian way.~~
- ~~**3.11.17.3.5** No sign or supporting framework shall extend to a height above the maximum building height permitted in a District.~~
- ~~**3.11.17.3.5.1** No sign shall extend higher than 20 feet above the ground. *{DEP § 15 I(6)}* [**Shoreland Overlay Zone**]~~

3.11.17.4 Business Display Advertising Signs

- ~~**3.11.17.4.1 General** Signs shall be placed on the same lot as the business and shall not obstruct motorists’ vision on any abutting road or in parking areas.~~
- ~~**3.11.17.4.1.1** The multiple sign concept of Section 3.11.17.4.3 shall be used on lots with signs for 4 or more businesses or services.~~
- ~~**3.11.17.4.1.2** The longest dimension shall not be over 8 feet.~~
- ~~**3.11.17.4.1.3** One stand-alone sign, visible from each direction, shall be allowed~~

for each road abutting the property.

~~3.11.17.4.1.4 No more than two signs relating to goods and services sold on the premises shall be permitted. {DEP § 15 I(1)} [Shoreland Overlay Zone]~~

~~3.11.17.4.2 Identification Signs Two identification signs per professional business or for a building under construction by a contractor are permitted on the premises of the same. Such signs shall not exceed 6 square feet with the maximum dimension of 3 feet.~~

~~3.11.17.4.3 Multiple Signs Signs other than Wall Signs advertising several occupants of the same building, building complex or business park shall be combined on a single free-standing display board. Multiple signs shall be used at any complex of 4 or more businesses.~~

~~3.11.17.4.3.1 The display board shall be of an integrated and uniform design.~~

~~3.11.17.4.3.2 The maximum size of the display board shall be 32 square feet and the maximum size of each business or office sign shall be 4 square feet.~~

~~3.11.17.4.3.2.1 The maximum size of the display board shall be 6 square feet. {DEP § 15 I(1)} [Shoreland Overlay Zone]~~

~~3.11.17.4.3.3 Complexes with over 300 feet of frontage will be permitted 2 free-standing signs.~~

~~3.11.17.4.4 Wall Signs Shall have an aggregate area not exceeding 1 1/2 square feet for each lineal foot of building face parallel to a street lot line, or 10% of the wall area to which it is attached, whichever is less. Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.~~

~~3.11.17.4.4.1 Where 2 or more wall signs are affixed to one wall, the gross display area shall be the sum total area of all signs.~~

~~3.11.17.4.4.2 Signs shall not obscure architectural features of the building, including, but not limited to, arches, sills, mountings, cornices, and transoms.~~

~~3.11.17.4.4.3 No part of a sign, including the display surface, shall extend beyond the ends of the wall or more than 6 inches from the building surface.~~

~~3.11.17.4.4.4 The size of signs attached to buildings may be increased in area by 25% for every 100 feet of building setback beyond 100 feet. The increase may be prorated according to the actual setback distance.~~

3.11.17.5 Directional Signs

~~3.11.17.5.1 General Directional signs shall be limited to one at each intersection where travelers must change direction from one public way to another to reach a particular business, to a maximum of 4 within the Town for the business.~~

~~3.11.17.5.1.1 Such signs shall be uniform in size and type of lettering and shall conform to the following specifications:~~

~~Width _____ 36 inches
Height _____ 8 inches~~

Letter Height	maximum of 4 inches
Sign Face	white with black lettering
Rear Face	painted dark green
Material	1/2 inch to 3/4 inch wood board.

~~3.11.17.5.1.2~~ Directional information, including one arrow figure only, shall be provided on each sign.

~~3.11.17.5.1.3~~ The Town shall provide posts for mounting. Each owner shall provide, maintain, and replace his own sign. The Town may remove a sign if it is not properly maintained or if business operations cease.

~~3.11.17.5.2~~ Service clubs and fraternal organizations may include the emblem in color.

~~3.11.17.5.3~~ Directional signs indicating an entrance or exit, or a combined entrance/exit, shall be limited to 2 at each driveway. Such signs shall contain no advertising material, shall be no more than 3 square feet in area, and shall not extend higher than 3 feet above ground level.

3.11.17.6 Institution Signs

~~3.11.17.6.1~~ Two identification signs per church, museum, library, educational facility, or similar public structure shall be allowed. Such signs shall not exceed 6 square feet with the maximum dimension of 3 feet.

~~3.11.17.6.2~~ A bulletin board or similar sign not exceeding 32 square feet in display area, in connection with any church, museum, library, educational facility, or similar public structure, provided that the top of such sign shall not be more than 8 feet above ground level, and provided that it does not possess any of the characteristics listed under "Prohibited Signs".

~~3.11.17.6.2.1~~ The bulletin board or similar sign shall not exceed 6 square feet.
{DEP § 15 I(1)} [**Shoreland Overlay Zone**]

~~3.11.17.7~~ The Planning Board may approve more than 2 signs on a lot identifying a property owner, business, institution or service for locations outside the Shoreland Overlay Zone.

~~3.11.17.8 Non-conforming Signs and Sign Structures~~ Signs not in conformance with the provisions of Section 3.11.17 shall be allowed to remain except as qualified below:

~~3.11.17.8.1~~ Other than sign maintenance, no non-conforming sign shall be reconstructed, remodeled, relocated, or changed in size or content to show a new trade name, different words, letters or numbers, new design, different colors or different logo, unless such action will make the sign conforming in all respects.

~~3.11.17.8.2~~ Nothing in Section 3.11.17.8 shall be deemed to prevent keeping in good repair a non-conforming sign, including sign maintenance, repainting, and replacement of broken or deteriorated parts of the sign itself. Supporting structures for non-conforming signs shall not be replaced, unless such replacement will make the sign and sign structure conforming in all respects.

~~3.11.17.8.3 A non-conforming sign or sign structure that is destroyed or damaged by any means may be restored within 6 months after such destruction only after the owner has shown that the damage did not exceed 50% of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding 50%, it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming in all respects.~~

~~3.11.17.8.4 All signs and sign structures not in conformance with the provisions of Section 3 shall be removed within 10 days of notice given by the Code Enforcement Officer, excepting those signs previously approved by the State of Maine Department of Transportation or the Board of Selectmen.~~

3.11.17.9 Temporary Signs

~~3.11.17.9.1 Temporary signs for business openings, commercial and non-commercial special events may be posted in any place in Town upon a written permit from the Code Enforcement Officer. The Code Enforcement Officer shall only grant such a permit after presentation of evidence that the authorities controlling the proposed location of the sign have approved its posting. A temporary sign shall be posted for a period not to exceed 14 consecutive days or 42 days per calendar year. The applicant shall remove said signs upon termination of the activity. Street banners shall be no larger than 50 square feet in area. No temporary sign, other than a street banner, shall be larger than 24 square feet in area. Complete liability for any damage resulting from the placement of a banner across the public way shall be provided, in writing, by the person, firm, or corporation hanging the banner before the issuance of a permit for such banner. Such liability shall be acknowledged upon the application for the permit.~~

~~3.11.17.9.1.1 “FOR SALE”, “FOR RENT” and “YARD/GARAGE SALE” signs are exempt from Section 3.11.17.9.1.~~

~~3.11.17.9.2 Real estate “FOR SALE” signs shall be limited to one at each intersection location where travelers must change direction from one public way to another to reach a particular property for sale, to a maximum of 4 within the Town per property for sale.~~

3.11.17.1 Purpose

- A. The purpose of this Section (Section 3.11.17) is to promote the safety, comfort and wellbeing of the users of streets, roads and highways in the Town of Boothbay, reduce distractions and obstructions from signs that may adversely affect traffic safety, and alleviate hazards caused by signs projecting over or encroaching upon public ways, preserve or enhance the natural scenic beauty and other aesthetic features of or attendant to such thoroughfares and generally create and foster a more stable and attractive roadside environment.
- B. No person shall erect any outdoor sign that is visible from a public way, other than an official traffic sign, except in conformance with this Ordinance.
- C. Signs in existence at the effective date of this Section (i.e., November 5, 2013) may not be altered, enlarged or rebuilt except in conformance with this Section. Normal maintenance and repairs are permitted.

3.11.17.2 Sign Regulations for all Zoning Districts

The following provisions apply to all new or replacement signs for outdoor display in Boothbay. Signs relating to goods or services not rendered on the premises are prohibited.

3.11.17.2.1 Dimensions

3.11.17.2.1.1 Single signs shall be allowed up to 64 sq. ft. each, if freestanding or if attached to a structure such that only one side is displayed. The maximum total sign area per lot shall be 128 sq. ft. Mobile signs shall be included in the determination of this area.

3.11.17.2.1.2 The size of a sign displayed on a structure shall be determined by its border dimensions or if back lighted by the area lighted.

3.11.17.2.1.3 Double-sided signs with equal and parallel faces may be considered as one sign.

3.11.17.2.1.4 Signs larger than those permitted in subsection 3.11.17.2.1.1 above, may be allowed when they advertise a group of separate business tenants located in a single building, mall, plaza, or office park. In such cases, the maximum permitted sign area shall be 32 sq. ft. for the sign bearing the name of the building, mall, plaza, or industrial/office park, and 8 sq. ft. for each business or office located there. In addition to the group sign, each business in the mall, plaza, or office park may have a sign on their premises, up to 64 sq. ft. in area.

3.11.17.2.1.5 “A” shaped standing signs are permitted on business premises. Limited to two, not larger than 12 sq. ft. per side.

3.11.17.2.2 Height

3.11.17.2.2.1 Freestanding signs may be up to 20 feet high, measured with respect to the average ground grade to the top of the sign.

3.11.17.2.2.2 Upper edges of roof signs or signs 10 feet above peak level of building are not allowed. Signs mounted on the parapet wall, which extends above the eaves, may be permitted, provided their upper edges do not extend above the top of the parapet by more than 10 feet.

3.11.17.2.3 Location

3.11.17.2.3.1 As required by State law (23 M.R.S.A. § 1914), no signs may be located:

- (a) Within 33 feet of the center line of any public way if the highway is less than 66 feet in width;
- (b) Within 20 feet from the outside edge of the paved portion of any public way with more than 2 travel lanes and a total paved portion in excess of 24 feet in width; or
- (c) Within the full width of the right-of-way of any public way, whichever is more restrictive.

3.11.17.2.3.2 Signs shall be placed at least 10 feet from any side lot line, and shall be placed so as not to obstruct the view of traffic.

3.11.17.2.3.3 No sign, except “No Hunting” or “No Trespassing” signs, shall be erected or maintained upon trees. No sign shall be painted or drawn upon rocks, trees, or natural features.

3.11.17.2.3.4 Without exception, no signs shall be allowed in traffic islands.

3.11.17.2.4 Lighting

3.11.17.2.4.1 Flashing, moving, or animated signs are prohibited. Signs that change display must operate at a 10 second minimum interval. (This shall not prohibit signs that swing from hooks or rotating barber poles.)

3.11.17.2.4.2 Only steady white lights will be allowed on internally or externally lighted plastic signs. Such signs found to cause roadside glare shall be removed.

3.11.17.2.4.3 Premises may display a lighted sign during or after business hours.

3.11.17.2.5 Mobile Signs

3.11.17.2.5.1 No more than one mobile sign per business is allowed.

3.11.17.2.6 Miscellaneous

3.11.17.2.6.1 Strings of light bulbs, propellers, etc., shall not be permitted, except as part of a holiday celebration. Temporary yard or garage sale signs are permitted without cost only on the day before and the days such sales are held and are limited to 4 sq. ft. Such temporary signs may be double sided.

3.11.17.2.7 Exceptions

For the purpose of this Section, the term “sign” shall not include:

3.11.17.2.7.1 Signs erected for public safety and welfare or pursuant to any governmental function.

3.11.17.2.7.2 Directional signs solely indicating entrance and exit placed at driveway locations, containing no advertising material, and where display area does not exceed 3 sq. ft. or extend higher than 7 feet above ground level.

3.11.17.2.7.3 Signs relating to trespassing or hunting, not exceeding 2 sq. ft. in area per sign.

3.11.17.2.7.4 Signs advertising real estate for lease or sale, not exceeding 6 sq. ft. in area per lot.

3.11.17.2.7.5 Name signs identifying residential occupants, not exceeding 1 sq. ft. in area per lot.

3.11.17.2.7.6 Political campaign signs that comply with State law.

3.11.17.2.7.7 Signs related to farm goods that comply with State law.

3.11.17.2.8 Nonconforming Signs

3.11.17.2.8.1 Maintenance: Any lawfully existing sign may be maintained, repaired or repainted, but shall not be enlarged, except in conformance with the provisions of this Section.

3.11.17.2.8.2 Replacement: Any new sign replacing a nonconforming sign shall conform to the provisions of this Ordinance, and the nonconforming sign shall not thereafter be displayed.

3.11.17.3 Special Requirements For Business Directional Signs

3.11.17.3.1 A Business Directional Sign is a sign placed within the highway right-of-way at an approach to an intersection, and indicating the change of direction required at the intersection to reach the particular business.

3.11.17.3.2 Business Directional Signs in Boothbay may be permitted for an activity located off a main highway in this Town. Authorization to erect such a sign must be obtained from the Road Commissioner upon an application form obtained from the Maine Department of Transportation. These signs may not exceed 4 feet in length by 1 foot in width.

3.11.17.3.3 The Town of Boothbay shall have the right to remove a Business Directional Sign not in compliance or no longer applicable, following thirty days written notice by the Code Enforcement Officer to its owner.

3.11.17.3.4 All Business Directional Signs shall comply with the Maine Department of Transportation regulations 17-227-200 pertaining to Official Business Directional Signs and 23 M.R.S.A. §§ 1901-1925, as the same may be amended from time to time.

3.11.17.3.5 Placement

3.11.17.3.5.1 No business is permitted more than one Business Directional Sign at any one intersection approach.

3.11.17.3.5.2 Each place of business is permitted a maximum of two Business Directional Signs. Double-sided signs with equal and parallel faces may be considered as one sign.

3.11.17.3.5.3 Business directional signs shall be located in accordance with Maine DOT requirements so as to avoid conflict with other signs, to have the least possible impact on the scenic environment.

3.11.17.4 Special Restrictions and Requirements

3.11.17.4.1 In the Shoreland Resource Protection and in the Residential zoning districts:

3.11.17.4.1.1 Signs larger than 12 sq. ft. are not permitted. (This size limitation does not apply to signs relating to the sale or lease of the property.)

3.11.17.4.1.2 No more than two signs are permitted per property. (Name signs and signs relating to trespassing or hunting and signs relating to the sale or lease of the property are not included in this limit.)

3.11.17.4.1.3 Advertising signs in Residential zoning districts shall be in keeping with the character of the neighborhood.

3.11.17.4.2 Any sign designating a home occupation in any zoning district:

(a) May not exceed 12 sq. ft. in total size regardless of shape.

(b) May have its message on either one or both sides of the sign.

(c) May be attached to the dwelling or posted on the grounds of the home in accordance with Section 3.11.17.4.1.2.

-
19. Amend Section 3.10.21.1.2.2 and Section 3.10.21.1.2.3, regarding Timber Harvesting, as set forth below:

3.10.21 Timber Harvesting

• • •

3.10.21.1.2.2 A well-distributed stand of trees that is windfirm, and other vegetation including existing ground cover, must be maintained; and, [↑]

3.10.21.1.2.3 Within 75 feet of the high-water line of water bodies and within 75 feet of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet of the high-water line of a pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

-
20. Amend Section 3.10.21.1.3, regarding Timber Harvesting, as set forth below:

3.10.21 Timber Harvesting

• • •

3.10.21.1.3 Landowners must designate on the Forest Operations Notification form required by [Title 12 Chapter 805, subchapter 5](#) which option they choose to use. Compliance will be determined solely on the criteria for the option chosen. *{DEP § 15 O-1(3)}*

-
21. Amend Section 3.10.21.2.1, regarding timber Harvesting, as set forth below:

3.10.21 Timber Harvesting

• • •

3.10.21.2.1 Within the strip of land extending 75 feet inland from the high-water line there shall be no timber harvesting except to remove safety hazards specifically identified and marked by a Maine licensed forester. {38 § 439- A (5) (B) and DEP §§ 15 0 (1) (a) (~~5~~)}

-
22. Amend Section 3.11.3.2.1, regarding Clearing and Removal of Vegetation for Activities other than Timber Harvesting, as set forth below:

3.11.3 Clearing or Removal of Vegetation for Activities other than Timber Harvesting

• • •

3.11.3.2.1 Except to allow for the development of permitted uses and the removing of safety hazards specifically identified and marked by a Maine licensed forester, a buffer strip of vegetation shall be preserved within a strip of land extending 100 feet from the shoreline of a great pond and 75 feet from any other shoreline, as follows: *{38 § 439-A(6) and DEP §§ 15 O((1)(a)(~~5~~) & P(2)}*

23. Amend Section 3.11.3.2.1.6, regarding Clearing or Removal of Vegetation for Activities other than Timber Harvesting, as set forth below:

3.11.3 Clearing or Removal of Vegetation for Activities other than Timber Harvesting

• • •

3.11.3.2.1.6 There shall be no cutting or removal of vegetation within the strip of land extending 75 feet inland from the high-water line of a great pond and associated wetlands, except to remove safety hazards specifically identified and marked by a Maine licensed forester. *{38 § 439-A(6)(B) and DEP §§ 15 O((1)(a)(~~5~~) & P(1)}* [Resource Protection Area]

24. Amend Section 3.11.3.2.2.1, regarding Clearing or Removal of Vegetation for Activities other than Timber Harvesting , as set forth below:

3.11.3 Clearing or Removal of Vegetation for Activities other than Timber Harvesting

• • •

3.11.3.2.2.1 The cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized and the removal of safety hazards specifically identified and marked by a Maine licensed forester. *{DEP §§ 15 O((1)(a)(~~5~~) & P(1)}* [Resource Protection Area]

25. Amend Section 3.11.7.3, regarding Erosion and Sedimentation Controls, as set forth below:

3.11.7 Erosion and Sedimentation Controls

• • •

3.11.7.3 Any proposal to fill, displace or expose soil or other earthen material shall require a site specific Erosion and Sedimentation Control Plan developed in accordance with the ~~then-current~~ (as of the date of application) ~~edition of the~~ *Maine Erosion And Sediment Control BMPS* ~~current at the time of application~~ of the Bureau of Land and Water Quality, Maine Department of Environmental Protection. *{Bureau of Land and Water Quality, Maine Department of Environmental Protection, DEP § 15 Q(1)}*

26. Amend Section 3.11.20.3.1.5.4, regarding Additional Standards for Non-Conforming Structures in the Shoreland Overlay Zone, as set forth below:

3.11.20.3.1.5 Additional Standards [Shoreland Overlay Zone]

• • •

3.11.20.3.1.5.4 Expansions of one family residential dwellings that comply with the standards of Section 3.11.20.3.1 shall require ~~(d)~~ approval of the Planning Board. *{DEP § 12 D(1)}*

27. Amend Section 4.1, regarding Purpose of Section 4, as set forth below:

4.1 Purpose The purpose of Section 4 is to ensure that the subdivision of land in the Town of Boothbay complies with the Comprehensive Plan and the objectives of this Ordinance as stated in Section 1.8 and the requirements of the State of Maine for subdivision of land (30-A §§ 4401 – 4407)¹ by allowing orderly growth while ensuring public safety and protection of the environment. *{30-A § 4352(2) and 38 § 440-A}*

28. Amend Section 4.5.5.3.1, regarding Subdivision Application Review, as set forth below:

4.5.5 Application Review

• • •

4.5.5.3.1 The Planning Board shall not approve an application until the applicant has obtained a driveway or entrance or traffic movement permit under Title 23 §§ 704 or 704-A from the Maine Department of Transportation if such permit is required.

29. Amend Section 4.5.15.2.1, regarding Subdivision Application Records, as set forth below:

4.5.15 Records

• • •

~~**4.5.15.2.1** On a biennial basis, a summary of this record as it affects the Shoreland Overlay Zone shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection. {DEP § I(2)(c)}~~

30. Amend Section 4.7.1.1.3, regarding Excessive Slope in Subdivisions , as set forth below:

4.7.1 Development

• • •

4.7.1.1.3 Excessive Slope New development is not permitted on vacant lots ~~with no principal structure~~ that have sustained slopes in excess of 30%. {38 § 488(5)(B)(6)}

31. Amend Section 5.3.2.2, regarding Board of Appeals Interpretations, as set forth below:

5.3.2 Board of Appeals

• • •

5.3.2.2 Interpretations When requested by an applicant, the Board of Appeals shall interpret ~~ate~~ the boundaries of a Zoning District, an Overlay Zone or an Area within the Shoreland Overlay Zone. {30-A § 4353(2)(A)}

32. Amend Section 5.4.11.1, regarding Board of Appeals Records, as set forth below:

5.4.11 Records

• • •

~~5.4.11.1 On a biennial basis, a summary of this record as it affects the Shoreland Overlay Zone shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection {DEP-§ 16-I(2)(c)} [Shoreland Overlay Zone]~~

33. Amend Section 5.6.5.1, regarding Review Criteria for Registered Farmland Variances, as set forth below:

5.6.5 Registered Farmland

• • •

5.6.5.1 A variance is not required for residential development if the exceptions of Title 7 §§ 52 and 56 are met. {7 § 52(5)(B) and 57}

34. Amend Section 6, regarding Definitions, as set forth below:

Abutting Land: Real estate which shares a common boundary, or portion of a boundary, with land that is held in common ownership with land registered or being considered for registration under Title 7 M.R.S.A. when the abutting real estate is within 100 feet of the land registered or being considered for registration. Abutting land includes, but is not limited to, land separated by a **road** and within 100 feet of land that is held in common ownership with land registered or being considered for registration under Title 7 M.R.S.A.² {7 § 52(1)}³ [**Registered Farmland**]

• • •

Manufacturing: The making of goods and articles by hand or machinery including assembly, fabrication, finishing, packaging and processing. Notwithstanding any other provision of this Ordinance to the contrary, the construction of boats as a principal occupation is a

manufacturing use unless it complies with the home occupation standards, in which case it shall be deemed a home occupation use.

• • •

Man-made Pond: Any inland body of water that is not a **great pond, stream, outlet stream** or **tributary stream**. An artificially formed inland body of water completely surrounded by land held by one owner is not subject to the regulations for ponds.

Shrub/open **wetlands** next to ponds are part of the pond if, during normal high water, the elevation of the water in the wetland is the same as that of the pond. *{DEP clarification– Shoreland Zoning News, Volume 18, Issue 2, Fall 2005}*

• • •

Storage Facility: A structure or area for the storage of items, including, but not limited to, boats and other water craft, as a business. The storage of boats is a storage facility use when determining where the use may be conducted.

• • •

Structure: Anything built for the support, shelter or enclosure of **persons**, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of wooden or wire fences, and poles, wiring and other aerial equipment normally associated with **service drops** including guying and guy anchors. The term includes structures temporarily or permanently located, such as **decks, driveways, parking areas, patios**, portable garages and **large** satellite dishes. The term does not include ham radio antennas, **signs**, picnic tables, wind turbines or small **digital** satellite dishes and similar structures having no **floor area**. *{38 § 436-A(12) and DEP § 17}*

• • •

Structure Height: The vertical **distance** measured from the average ground elevation adjacent to the **Foundation**, i.e., the underlying base, substructure, or support of a **building**, to the highest point of the roof, excluding antennas, **solar panels** and passive **chimneys** projecting above the roof.

• • •

Timber Harvesting and-Related Activities: Timber harvesting, the construction and maintenance of **roads** used primarily for timber harvesting and other activities conducted to facilitate timber harvesting. *{12 § 8868(5) and DEP § 17}*

• • •


Wood Processing: The processing of wood by cutting, planing, compressing, splitting, gluing and veneer production except for **firewood processing**.

• • •

Town of Boothbay

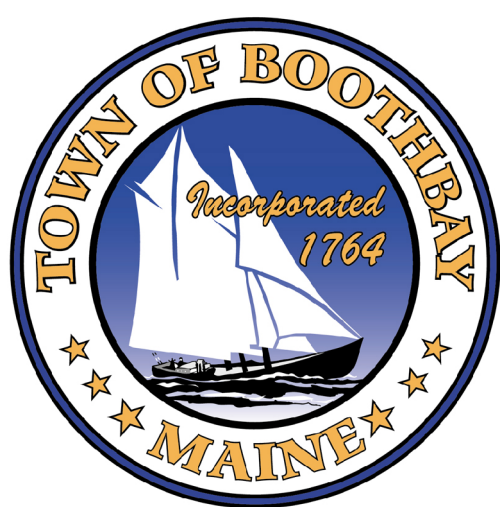
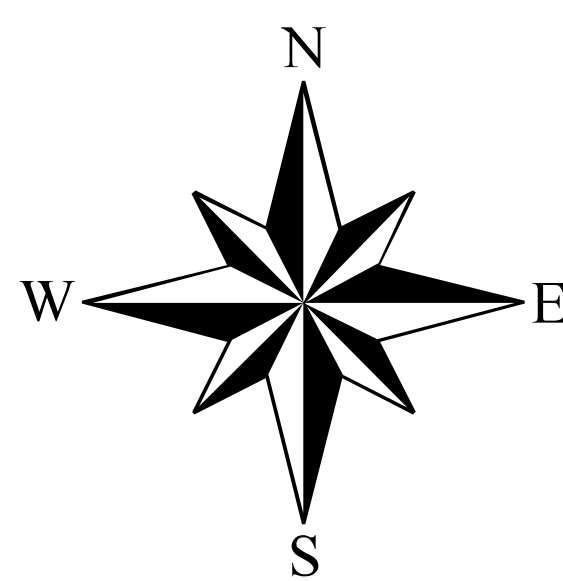
Zoning Map

November 5th, 2013
(Does not include Shoreland Overlay Zone)

-  C1 District
-  C2 District
-  C3 District
-  Village District
-  Maritime Commercial District
-  Water Reservoirs Protection District
-  Well Head Protection District
-  Special Residential District
-  Industrial Park District
-  Bigelow Laboratory Contract District
-  General Residential District

BOUNDARIES ARE APPROXIMATE

0.5 0.25 0 0.5 1 Miles



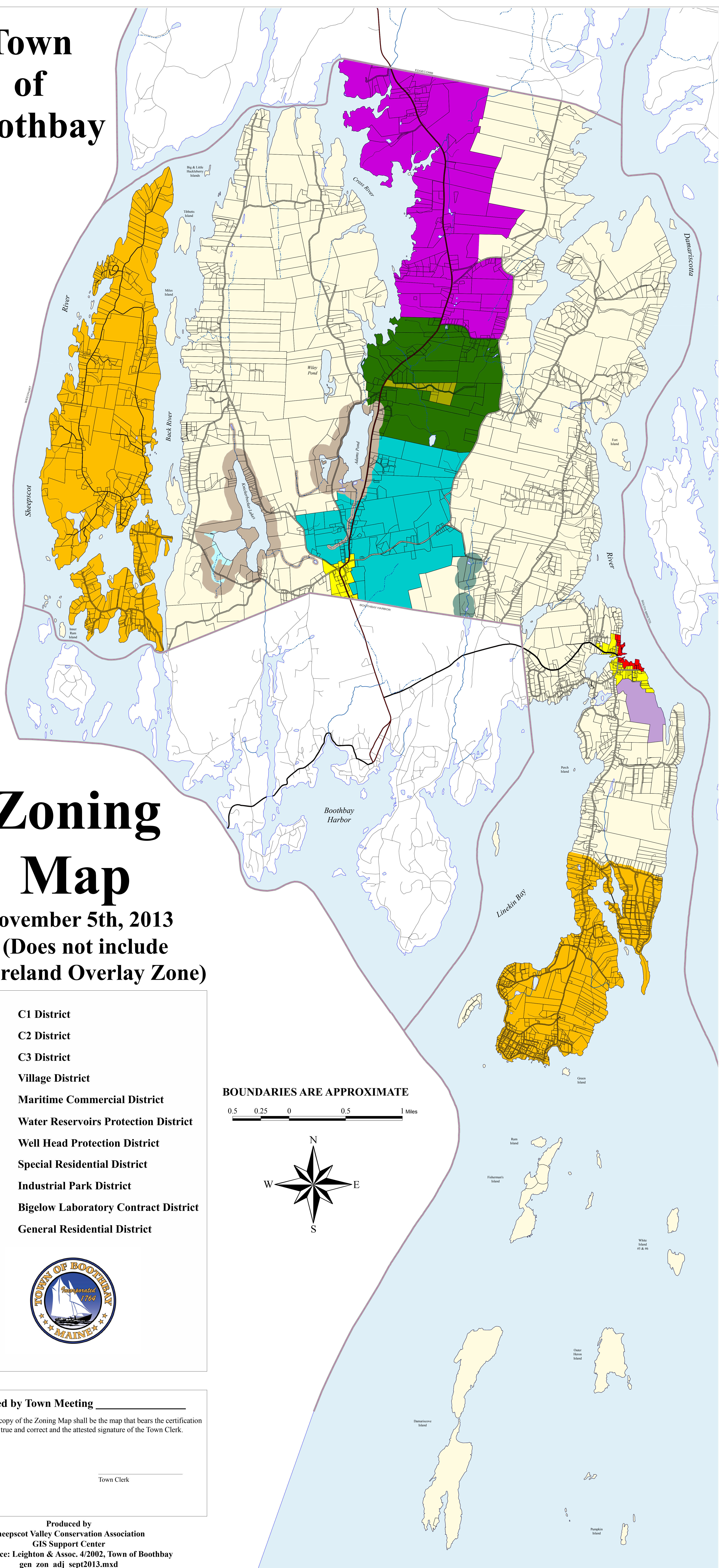
Adopted by Town Meeting _____

The official copy of the Zoning Map shall be the map that bears the certification that is true and correct and the attested signature of the Town Clerk.

Town Clerk

Produced by
Sheepscot Valley Conservation Association
GIS Support Center

Data source: Leighton & Assoc. 4/2002, Town of Boothbay
gen_zon_adj_sept2013.mxd



**ATTACHMENT B
Warrant Article 5**

To the Municipal Officers of the Town of Boothbay, Maine:

We, the undersigned, being registered voters of the Town of Boothbay, request the municipal officers to place the following article before the voters for their consideration: To change the wording under definitions for Commercial Fishing Activities and Maritime Activities in section 6 of the Town ordinance

Proposed new wording, to replace current wording:

Commercial Fishing Activities: Activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing, such as sale of fuel; manufacture or sale of ice, bait and nets; construction and repair of boats, and the sale, installation or repair of engines and other equipment commonly used on boats. Only individuals and businesses providing these services to others for profit shall be subject to the provisions of this Ordinance. {38 € 436-A}

Maritime Activities: The construction, repair, loading and unloading of boats, chandlery and other activities designed and intended to facilitate maritime trade. {38 € 436-A(8)} Only individuals and businesses providing these services to others for profit shall be subject to the provisions of this Ordinance. Commercial storage of boats is a storage facility use when determining where the use may be conducted.