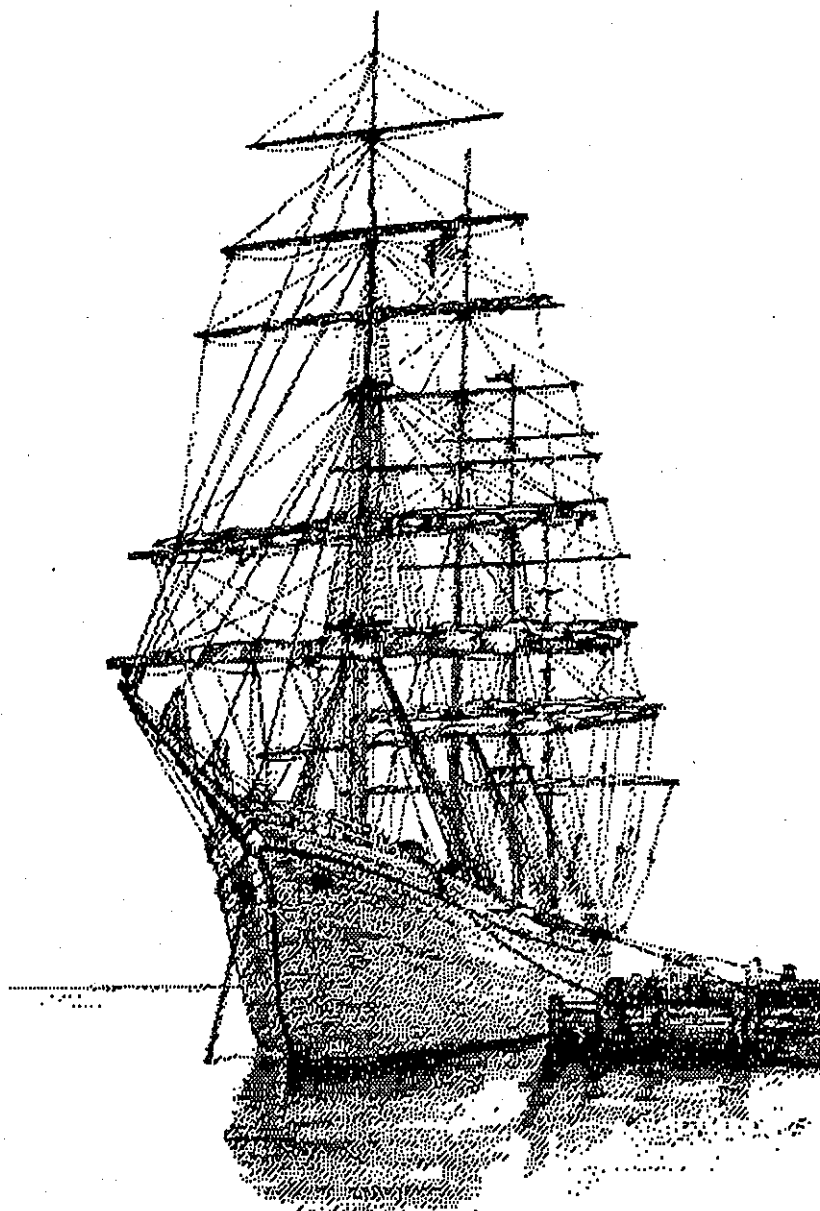


# TOWN OF BOOTHBAY COMPREHENSIVE PLAN

## GOALS AND RECOMMENDATIONS

September 30, 1989





# TOWN OF BOOTHBAY COMPREHENSIVE PLAN

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## WHAT IS A COMPREHENSIVE PLAN?

A "Comprehensive Plan" shall mean a compilation of policy statements, goals, standards, maps, and pertinent data relative to the past, present and future trends of a municipality with respects to its population, housing, economics, social patterns, land-use, and water resources and their uses, transportation facilities and public facilities prepared by a municipal planning board, agency, or office. The comprehensive plan, being as much a process as a document capable of distribution, may at successive stages consist of data collected, preliminary plans, alternative action proposals, and finally as a comprehensive plan to be adopted. In its final stages, it may consist of a series of subsidiary but interrelated plans, such as, but not limited to, a water and sewage system plan, a land-use plan, a community facilities plan, a transportation plan, an urban renewal plan, an air and water pollution control plan, and a park and open space plan. The comprehensive plan shall include recommendations for plan execution and implementation such as, but not limited to, a capital improvements program, renewal and rehabilitation programs, land-use control ordinances, and building safety and housing codes. The comprehensive plan shall include mechanisms which will ensure continual data collection, re-evaluation in light of new alternatives, and revision. The comprehensive plan may include planning techniques such as, but not limited to, planned unit development, site plan approval, open space zoning, and clustered development.

\* From the "COMPREHENSIVE PLANNING GUIDE" for Local Planning Boards, Penobscot Valley Regional Planning Commission, Department of Economic and Community Development, 1976.

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## INTRODUCTION

A Comprehensive Plan is more than just a piece of paper, read once and set aside with the other thousands of pieces of paper that the town sees each year. A Comprehensive Plan is the foundation for the land use management, resource preservation, and growth affected changes in the town. The Comprehensive Plan is a review of what and who we are as a community, where we are going as a town, and what type of community we would like to be in the future.

Because the Comprehensive Plan is to be the foundation for the town, it should be constantly reviewed, and at regular intervals amended to reflect those changes that we as a community feel are necessary. The strength of the Comprehensive Plan is that it has been done by the community and reflects the desires, hopes, and wishes of that community.

Much of the statistics that will be detailed in the demographics are derived from the 1980 census and have been extrapolated to reflect current data. While acceptable statistical practice, it is not as good as having the data that will be available from the 1990 national census. The problem is one of accuracy and those of us who have reviewed them extensively feel that they are reflective of the trends but generally a bit lower than the actual figures.

The Comprehensive Plan is similar to the Town itself. Boothbay is a town of great beauty, and hard-working people, but we also have poverty, inadequate and expensive housing, inadequate municipal services and facilities, and high taxes. We have a low unemployment rate and a strong economy. We have questionable water resources which could become exhausted without careful management. Without a public sewer district, the community relies on private septic systems. The soils in the community are of such quality that extensive development could require additional control of septic systems to prevent ground and municipal water pollution.

The State's new Comprehensive Planning law mandates that the town have an approved comprehensive plan by 1991. Our community needs action much sooner. As you read through the data that has been compiled, you will find that we have major problems that need to be addressed. You will see that during the past ten years the growth rate for the community has increased dramatically above the national average. That growth has had both beneficial and detrimental effects on the community. Certainly, the fact that unemployment was under 2% for the month of August of 1987 would be a benefit. At the same time, the cost of housing in the community is far above the state's level for affordable housing as determined by the state's standards. The Town of Boothbay's physical facilities are in dire straits. The services and management of the Town needs to be reviewed to have a more effective and efficient government. However, the

Town is approaching the point where it will not be able to fund itself solely from property taxes.

From this approved comprehensive plan will come the recommendations that are necessary for the changes in how our town will grow. These recommendations came from you. This plan is an outgrowth of what you wanted to see, how you wanted our town to grow (or not to grow).

Our problems are many but solvable but only by working together as a community. There are many questions raised here that have no easy and well-defined answers. Many problems can be solved in many ways. Each answer however may produce many different results. Uncontrolled growth will produce urban sprawl, depletion of our natural resources, and a decline in the quality of life. Highly restrictive land-use management controls (snob zoning) will preserve our resources and quality of life at the expense of affordable housing and jobs. A middle ground has to be found. Sensible answers that provide controls of the type and location of development, that preserve our resources for future generations, that preserve the quality of life that so many of us enjoy,

while providing affordable housing, good jobs, and reasonable taxes to pay for a reasonable level of services.

Perhaps that is the answer—that solutions be judged on their reasonableness. Do they make sense for the community as a whole? Do they allow for those goals which the town has set to be met, along with preserving and protecting all of our rights as property owners? Your judgment of this Comprehensive Plan should come not from your perspective of your own individual needs and desires, but, after careful review of the data contained herein and elsewhere, should reflect what you perceive as best for the community as a whole. Hopefully, your review and analysis will lead you to similar recommendations as contained herein.

The Comprehensive Planning Committee would like to express its thanks to the many individuals who have assisted the committee and the community in completing this Plan.

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## **MUNICIPAL OFFICERS 1988-1989**

### **Board Of Selectmen**

Stephen E. Alley, Chairman, 1988-91  
Lois E. Barge, 1989-92  
Frederick L. Lewis, 1987-90  
Donald Merton, 1988-90  
Justin Webber, 1988-91  
Henry C. Rowe, 1986-89

**Town Manager, Victoria Dyer**

**Assistant Code Enforcement Officer:**  
Fred Farnham

**Fire Chief, Stanley W. Lewis**

**Harbor Master, Robert S. Holbrook**

**Plumbing Inspector, David H. Taylor**

### **Board Of Assessors**

Maynard E. Farnham, Chairman, 1977-92  
John F. Edwards, 1984-90  
John S. Kaman, 1989-91  
Clyde S. Dodge, Deceased 9/88

### **Planning Board**

Peter B. Ripley, Chairman, 1984-90  
Alan Bellows, 1988-93  
Clarence W. Davis, 1986-90  
Maynard E. Farnham, 1971-902  
Ralph C. Wilts, 1988-91  
Vassar M. Dellarma, Alternate  
Arlene C. Halliday, Alternate  
Robert J. Holmes, Resigned 5/89  
Stanley L. Williams, Resigned 5/89

### **Board of Appeals**

David B. Farnham, Chairman  
Stephen W. Francis  
James Hanna  
James E. Jones  
Norman F. Rau  
Thomas P. Nadeau, Alternate  
Edward S. Reed, Alternate

### **Comprehensive Planning Committee**

Thomas P. Nadeau, Chairman  
Jeanne P. Blaisdell, Administrative Assistant  
David A. Dudley  
Alfred L. Harrington, Resigned 4/89  
Dawn Kidd  
Patrick A. Requa  
Ronald Spofford  
Stephen Francis, Alternate



#### **Moorings & Harbor Committee**

Robert S. Holbrook, Chairman  
Stephen E. Alley  
Frank Luke

#### **Affordable Housing Committee**

Arthur Reed, Chairman  
George J. Blackman  
Arlene C. Halliday  
Stephen W. Laughton  
Robert Newton  
William B. Welsh  
Mary Brewer, Alternate  
Alfred L. Harrington, Resigned 4/89

#### **Building Committee**

James D. Watson, Chairman  
Richard E. Alley  
R. Gary Boyd  
Robert J. Holmes  
Stanley W. Lewis  
Bernard McPhee  
Edward S. Reed



## DEFINITIONS

### Introduction and Explanation:

For the purpose, intent, understanding and clarification of this Comprehensive Plan, the following definitions of key words and phrases shall apply throughout. In the instance where a word is not defined, the latest edition of Webster's Unabridged Dictionary shall be used to define a word.

**Abandonment:** The relinquishment of property, or a cessation of the use of the property by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**Aggrieved Party:** A person whose land is directly or indirectly affected by the agent or denial of a permit or variance under this ordinance; a person whose land abuts land for which a permit or variance has been granted; or a group of five or more citizens of a municipality who represent an interest adverse to the grant or denial of such permit or variance.

**Agriculture:** For purposes of this Plan, agricultural use includes, but is not limited to, beekeeping, commercial feedlots, dairying, egg production, floriculture, fish and fur farming, forest and game management, grazing, livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming, and raising of vegetables.

**Alteration:** Any change or modification in construction or change in the structural members of a building or structures such as bearing walls, columns, beams or girders, or in the use of a building.

### Amusement Facilities:

- a. **Amusement Park:** A commercial facility containing powered apparatus, such as ferris wheels, water slides and similar devices.
- b. **Commercial Indoor Recreational Center:** Any

commercial enterprise which receives a fee in return for the provision of some recreational activity including, but not limited to, video arcades, pool halls, and pinball arcades.

c. **Outdoor Recreational Facility:** Any outdoor recreational use including, but not limited to, golf courses, tennis courts, riding stables, swimming pools, or ice skating rinks, but not including campgrounds, drive-in movie theaters, race tracks, water slides, miniature golf and mechanical or motorized rides.

**Animal Breeding or Care:** The keeping or raising of animals, including domestic animals and pets, for any commercial use. This definition also includes kennels.

**Antenna:** See Structure.

**Aquifer:** A geologic formation, group of formations, or part of a formation compressed rock, or sand and gravel that contains sufficient saturated permeable material to yield significant quantities of potable groundwater to public and private wells.

**Aquifer Recharge Area:** An area composed of porous material or rock sufficiently fractured to allow infiltration and percolation of surface water and transmission of this water to aquifers.

**Arterial Street:** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

**Automobile Salvage Yard:** Any area of land where two or more unlicensed vehicles, and/or accumulation of parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles.

**Automobile Service Station:** Any building or premises which sells gasoline, oil and related products to the motoring public. This shall include repairs, washing and lubrication, but shall not include body work, painting or dismantling.

**Backlots:** Lots which do not front on a navigable body of water or which do not have 50 percent or more of their total area within 200 feet of a navigable body of water.

**Basement:** A story partly or wholly underground which, if occupied for living purposes, shall be counted as a story.

**Bed and Breakfast:** Any dwelling in which transient lodging or boarding and lodging capabilities are provided and offered to the public for compensation.

**Boarding House:** Any residential structure where lodging and meals are provided for compensation for a period of at least two weeks, and where a family residing in the building acts as proprietor or owner. There is no provision for cooking in individual rooms.

**Boathouse:** A permanent accessory structure designed and used solely for the purpose of protecting or storing boats for noncommercial purposes.

**Body Shop:** A business for the repair of automobile and other motor vehicle bodies.

**Buildable Area:** The specified portion of a lot which meets all of the yard and setback requirements of this ordinance and other applicable ordinances and regulations.

**Building:** A structure for the support, shelter or enclosure of persons, animals, goods or property of any kind.

**Building, Accessory:** A subordinate, detached building which is clearly incidental to, and customarily found in connection with the principal structure to which it is related, and which is located on the same lot as the principal structure.

**Building Area:** The area of usable floor, including wall thickness and storage areas.

**Building Height:** The vertical distance, measured from the mean elevation of the finished grade along the front of the building to the highest point on the roof or flat roofs; to the mean height level between the eaves and the ridge for gable and hip roofs; to the deck line for mansard roofs.

**Building Inspector:** The Building Inspector of the Town of Boothbay also referred to as the Code Enforcement Officer.

**Building, Principal:** The building on the lot intended for the primary use as permitted by the regulations of the zone in which it is located.

**Building Setback Line:** A line measured across the width of the lot at that point where the main structure, including any overhang, is in accordance with setback provisions.

**Business and Professional Offices:** The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance agents, psychiatrists, counselors, and the like or in which a business conducts its administrative, financial or clerical operations including banks and other financial services.

**Campground** means any of the following:

a. **Primitive Campground** means two or more sites owned by one person, state or local government designated, maintained, intended or used for the purpose of supplying a location for overnight camping where locations are accessible by canoe, boat or by hiking, but not by campers' motor vehicles. Such areas open to the public and designated as usable by the public as primitive campground areas may be set aside for free or paying camping purposes.

b. **Developed campground and camping resort** means any parcel or tract of land of five acres or more, containing two or more sites, and owned by a person, state or local government accessible by automobile, or other engine driven vehicle designed, maintained, intended or used for the purpose of supplying accommodations for overnight use, open to the public and designated as a developed camp area and set aside for free or paying camping purposes.

c. **Walk-in Camp** means a facility equivalent to a developed campground or camping resort of two or more sites except that it is not accessible by campers' motor-driven vehicles.

**Campsites:** A designated parcel within a campground which is designed and posted as a site for occupancy by an individual, family unit or group using one recreational vehicle or tent.

**Child Care Center:** A private establishment providing day care for eight (8) or more children under the age of sixteen (16) and which charges for the care of the children and holds all legally required licenses and approvals.

**Child Care Home:** A private home providing day care for less than eight (8) children under the age of sixteen (16) which charges for the care of children and which holds all legally required licenses and approvals.

**Church:** A building or structure, or group of buildings or structures, designed and primarily intended, or used, for the conduct of religious services and accessory uses associated therewith, but excluding schools.

**Club:** An association of persons organized for a common purpose but not including any group organized primarily to render a service which is customarily carried on as a business.

**Cluster Development:** A development consisting exclusively of residential dwelling units, planned, developed as a whole or in a programmed series of developments, and controlled by one developer on a tract five

acres or larger which contemplates an imaginative, more compact grouping of dwelling units. Cluster developments treat the developed areas as an entirety to promote a flexibility in design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of common open space, and the retention of the natural characteristics of the land.

**Coastal Wetland:** Any swamp, marsh, bog, beach, flat or other land above extreme low water which is subject to tidal action.

**Code Enforcement Officer:** A person appointed by the Town Manager to administer and enforce this ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

**Commercial Activity:** Any activity carried out for pecuniary gain.

**Commercial Center:** This shall include commercial premises such as retail sales and service establishments (but not including professional offices), which occupy premises owned or managed as a single or corporate entity, which (a) accommodate more than one business, and/or (b) involve between 2,500 and 12,000 square feet of gross floor space.

**Commercial Complex:** Any concentration of retail stores or service establishments occupying premises which are owned or managed as a single or corporate entity, which encompasses more than 12,000 square feet of gross floor space. This definition shall also include large department stores or grocery stores which meet the above floor space requirements.

**Commercial Fishing Activities:** activities directly related to commercial fishing and those commercial activities commonly associated with or supportive of commercial fishing, such as manufacture or sale of ice, bait nets, and the sale, manufacture, installation or repair of boats, engines and other equipment commonly used on boats.

**Community Uses:** Police, fire department protection, schools, library, rescue, etc., and not hereinafter defined as utility.

**Conditional Uses:** Certain land-uses which are specifically mentioned in this ordinance which may have impacts dependent upon specific circumstances. Conditional uses as specified in this ordinance require issuance of Conditional Use Permits approved by the Boothbay Planning Board. (Note: Conditional Use Permits are the same as special exceptions.)

**Condominium:** Real estate, portions of which are designated for separate ownership and the remainder of which are designed for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration, duly recorded pursuant to Maine law. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Any real estate development consisting exclusively of clustered, detached, single family residences is not a condominium, unless so designated in the declaration.

**Condominium Conversion:** A parcel of land with an existing structure or structures converted to a condominium form of ownership.

**Condominium Expandable:** A condominium to which additional units or property may be added.

**Conforming:** A building, structure, use of land, or portion thereof, which complies with all the applicable provisions of this ordinance.

**Conservation Easement:**

**Conservation Area:**

**Days:** For enforcement purposes a day is any portion of a 24-hour period commencing at midnight.

**Deck:** A level structure attached or adjacent to a building elevated above the surface of the ground which may have a railing, awning or other covering.

**Densely Developed Area:** Any commercial, industrial or compact residential area of 10 or more acres with a density of at least one principal structure per 2 acres.

**Density:** The number of families, individuals, dwelling units, or housing structures per unit of land.

**Development:** Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures, or accessory structures; the construction of additions or substantial alterations to buildings; structures or accessory structures; the placement of mobile homes; the cutting of trees, ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.

**Drainage System:** One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

**Dwelling:** Any building or structure or portions thereof containing one or more dwelling units, but not including a motel, hotel, inn, or similar use.

a. **Single-Family Dwelling:** A building designed or intended to be used exclusively for residential occupancy by one family only and containing only one (1) dwelling unit.

b. **Duplex:** A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

c. **Multi-family Dwelling:** A building or buildings designed or intended to be used exclusively for residential occupancy by three (3) or more families living independently of one another and containing three (3) or more dwelling units. Each individual unit which functions as separate living quarters shall be deemed a dwelling unit.

**Dwelling Attached:** A single-family residence which is attached to another dwelling unit or another structure. Attached dwelling includes duplexes, tri-duplexes, townhouses and row houses.

**Dwelling Unit:** One or more habitable rooms arranged, designed, or intended to be used as a housekeeping unit for one or more persons living together as a family, with independent living, cooking, sleeping, bathing and sanitary facilities.

**Essential Services:** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical steam, water, sanitary sewerage, stormwater drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings. Essential services do not include general utility offices or other structures not related to their direct delivery of service.

**Family:** One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a tourist home, rooming house, hotel, motel or inn.

**Farming:** The cultivation of the soil for food products or other useful or valuable growth of the field or garden, nursery stock and non-commercial greenhouses, and the raising of animals such as beef and dairy cattle, sheep and chickens.

**Farming Tree:** Land used to grow, manage and harvest wood.

**Fill:** Sand, gravel, earth or other materials of any composition whatsoever placed or deposited by humans.

**Financial Institutions:** Banks, savings and loan institutions, and credit unions.

**Flood Fringe:** That portion of the flood plain outside the floodway.

**Flood Plain:** The land which has been or may be hereafter covered by floodwater during the regional flood. The flood plain includes the floodway and flood fringe.

**Flood-Proofed:** A special design, engineering or construction treatment of land or structures to prevent the entrance of water and/or the displacement of material or structures by the flow of flood water.

**Floodway:** The channel of a stream and those portions of the flood plain adjoining the channel that carries and discharges the flood water or flood flows of any river or stream.

**Floor Area:** The total number of square feet of floor area of all floors in a building, excluding cellars, uncovered steps, and uncovered porches.

**Forestry:** Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction or creation of roads.

**Freshwater wetlands:** are defined to mean freshwater swamps, marshes, bogs, and other areas which are saturated by water frequently enough to support wetland vegetation and which are not considered part of a great pond, coastal wetlands, river, stream, or brook. These areas may contain small stream channels or inclusions of land which do not conform to the criteria of this definition. Amended Subdivision Law, Title 30-A MRSA Section 4401-4407

**Frontage:** The length of a lot bordering on a public or private street, road or right-of-way or in the case of land fronting on public waters shall mean the length in a straight line measured between the intersections of the side lot lines with the shoreline at normal high water elevation.

**Frontage Street:** Any street to be constructed by the developer or any existing street in which development shall take place.

**Front Yard:** A space extending for the full width of a lot between the extreme front line of a building and the

nearest street, road or right-of-way.

**Functionally water-dependent uses:** Those uses that require, for their primary purpose, location on submerged lands or require direct access to, or location in, coastal waters and which cannot be located away from those waters. These uses include commercial and recreational fishing and boating, wholesale marketing facilities, waterfront dock and port facilities, shipyards and boat-building facilities, marinas, navigation aides, basins and channels, industrial use dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

**Garage, Private:** An accessory structure primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the families resident upon the premises. Carports are considered garages.

**Great Pond or Pond:** Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres. Exception: where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner, and except those privately owned inland bodies of water which are held primarily as waterfowl and fish-breeding areas or for hunting and fishing.

**Ground Area:** The total number of square feet of horizontal surface covered by a building, including covered steps and porches. The term shall be deemed to mean "footprint of a building."

**Groundwater:** Means all the water beneath the surface of the ground.

**Guest House:** An accessory building to be used occasionally by guests of the owner of the principal house located on the same lot or an adjacent lot.

**Half-Story:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than one-half (1/2) of the floor area is finished off for use.

**Hazardous Material:** Any gaseous, liquid or solid materials, including asbestos and asbestos containing materials according to current guidelines of the U.S. Environmental Protection Agency, or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

**Heavy Equipment:** For purposes of enforcement heavy equipment shall be considered any vehicle or piece of movable machinery weighing eight (8) tons or more.

**Height of Building:** The vertical distance between the mean finished grade at the building or structure and the highest point of the roof.

#### High-Water Mark

**Normal high-water mark** for coastal and inland waters is "that line which is apparent from visible markings, changes in the character of the soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land."

**Home Occupation:** A business or profession which is carried on in a dwelling unit, or other structure accessory to a dwelling unit, by a member of the family residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling unit for residential purposes. A retail sales outlet does not qualify as a home business unless the item sold is a product of the owner's labor, (e.g. manufactured, produced, created, grown, caught).

**Home Occupation:** A gainful occupation engaged in by persons residing in their dwelling which is conducted in the principal or accessory structure and meets the following criteria:

- a. The total space on a lot used for the home occupation shall not exceed 50% of the gross floor area of the principal building.
- b. There shall not be more than three (3) employees other than members of the family.
- c. There shall not be any outside storage associated with the home occupation and all occupations shall be conducted entirely within a building.

**Hotel:** A commercial building or group of buildings built to accommodate for a fee, travelers and other transient guests who are staying for a limited duration with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel or motel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

**Household Pet:** A tame or domesticated small animal such as a cat or dog living primarily within or at a dwelling unit and kept for the enjoyment of its occupants.

**Hunting or Fishing Shelter:** A building or structure without permanent toilet or kitchen facilities, intended solely for fishing, hunting or trapping and only for temporary occupancy.

**Inland Wetland:** Areas enclosed by the normal high-water mark of inland waters and areas otherwise identified on the basis of soils, vegetation, or other criteria as inland wetlands including, but limited to, swamps, marshes or bogs.

**Inn:** A building which contains a dwelling unit occupied by an owner or resident manager, in which lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. Inn includes such terms as guest house, lodging house and tourist house.

**Junk Yard:** A fenced-in enclosure, where used or second-hand materials are bought, sold, exchanged, stored, baled, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. For the purpose of this ordinance, junk yard includes an auto salvage yard but does not include uses established entirely within enclosed buildings. Two or more inoperative machines, two unlicensed automobiles or pieces of equipment shall constitute a salvage or junk yard.

**Kennel:** An establishment in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee.

**Lake Lots:** Lots with frontage on a lake, pond, or flowage or with 50 percent or more of their area within 200 feet of a lake, pond, or flowage.

**Land Division:** Any division of a lot, parcel, tract or block by the owner thereof or his agent, for the purpose of transfer of ownership or building development which creates one or more parcels or building sites of five acres or less.

**Land Parcel:** An identified section, fractional section or government lot.

**Light Manufacturing:** A business establishment of less than 1600 square feet engaged in the manufacturing, packaging, processing, assembling, or testing of goods or products, provided that all operations shall be carried on indoors and in such a manner as to confine smoke, fumes, dust, odors, and noise to the premises, and that no operations shall constitute a hazard by reason of the potential for fire, explosion, radiation release or other casualty.

**Local Government:** For the purposes of these regulations, any city, town, village or county authorized by

law to enforce subdivision, sanitation and zoning regulations.

**Local Ordinances:** Any town or municipal Ordinance, portion of an Ordinance, or amendments thereto, adopted by a local unit of government.

**Lot:** An area of land in single ownership, or single lease-hold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Lincoln County Registry of Deeds.

**Lot Area:** The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.

**Lot Depth:** The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

**Lot Lines:** A property boundary line of any parcel held in single or separate ownership: except that where any portion of the property boundary line extends into the abutting street or alley, the property line shall be deemed to be the street or alley right-of way line.

**Lot, Through:** A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

**Lot Width:** The average horizontal distance between the side lot line of a lot measured within the boundaries or the minimum distance between the side lot lines within a buildable area at right angle to the length.

**Manufacturing:** The making of goods and articles by hand or machinery including assembly, fabrication, finishing, packaging and processing.

**Marina:** A shorefront commercial facility with provisions for one or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories. The term shall also include any dock, pier, wharf, float, floating business, or combination of such facilities that serve five or more boats as a commercial enterprise or in association with a club.

**Maritime Activities:** The construction, repair, storage, loading and unloading of boats, chandlery and other commercial activities designed and intended to facilitate maritime trade.

**Mobile Home:** A structure, transportable in one or more sections, which is 8 ft or more in width and is 32 body feet or more in length, and which is built on a per-

manent chassis, and is designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained herein.

**Mobile Home Park:** "Mobile home park" means a contiguous parcel of land designed for the location of 2 or more manufactured homes, which is licensed as a mobile home park by the Maine Department of Business Regulation.

**Mobile Home Stand:** That part of an individual mobile home lot which has been reserved for the placement of one mobile home unit and exclusive use of its occupants.

**Motel:** A building or group of detached or connected buildings designed or intended or used primarily for the providing of sleeping accommodations for automobile travelers for short periods of time and having parking space adjacent to a sleeping room, and where entrance to rooms is made directly from the outside of the building.

**Municipal Recreation Facility:** A recreation facility owned and operated by the Town of Boothbay and open to the general public.

**Municipal Use:** A municipal or quasi-municipal entity funded in whole or in part by the Town of Boothbay including, by way of illustration and without limitation, municipal buildings, public schools, public parks, public recreational facilities and fire stations.

**Navigable Waters:**

**Neighborhood Grocery Store:** A retail store of less than 1600 square feet selling space for food and convenience items, and serving the residents in the immediate vicinity.

**Non-Conforming:** A building, structure, use of land, or portion thereof, existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this ordinance.

**Non-Hazardous Solid Waste:** Solid waste which is not designated as hazardous material by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

**Non-Hazardous Solid Waste Facility:** Any land, buildings, structures or combination thereof used for disposal of non-hazardous solid waste, excluding (1) municipality operated facilities for disposal of non-hazardous building materials and (2) discarded vegetation resulting from normal residential maintenance ac-

tivities.

**Nursing Home:** A privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

**Open Spaces:** Areas that are not otherwise included in residential, business or Resource Protection Districts.

- a. which are presently used for farming, agriculture, timber harvesting, or which are suitable for such use, or
- b. which because of their nature or location are unsuited for any of the foregoing uses.

**Parking Space:** A minimum area of 200 square feet, 20 feet by 10 feet, exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles.

**Patio:** A level area adjacent to a dwelling unit constructed of stone, cement or other material located at ground level, with no railing or other structure above the level of the ground. The term shall not include driveways.

**Permanent:** Shall mean greater than or equal to 7 consecutive months in the ordinances when used in relation to the terms: piers, docks, wharves, breakwaters, causeways, marinas, and uses projecting into the water.

**Permitted Use:** Includes only permitted uses and not conditional uses or prohibited uses.

**Pier:** A temporary or permanent structure extending into and over the water to be used for docking, mooring, fishing, and other water-related recreational uses and allowing for the free flow of water beneath it.

**Piers, Docks, Wharves, Breakwaters, Causeways, Marinas, Bridges Over 20 Feet in Length, and Uses Projecting into Water Bodies:**

**Temporary:** Structures which remain in the water for less than seven months in any period of twelve consecutive months.

**Permanent:** Structures which remain in the water for seven months or more in any period of twelve consecutive months.

**Planned Unit Development:** A development planned under unified management, consisting of mixed residential and commercial uses and developed as a whole according to a comprehensive and detailed plan, including streets, utilities, lots or building sites, site plans, and design principles for all buildings intended to be located, constructed, used and related to each other and for other uses and improvements on the land. Development may be in a single operation, or a pro-



grammed series of operations including all lands and buildings with provision for operation and maintenance of such areas and improvements and facilities necessary for common use by the occupants of the development.

**Private Sewage Disposal System (PSDS):** A sewage disposal system other than a public sewage system, including septic tanks, soil absorption systems, privies, holding tanks and privately owned common sewage facilities including package treatment plants, lagoons and irrigation systems.

**Privy:** A pit in the ground into which human excrement is placed.

**Pond:** (See Great Pond)

**Public Building:** A building owned by a unit or agency of local government, the State of Maine or any of its agencies, the United States Government or any of its agencies.

**Public Open Space:** Any publicly-owned open area, including, but limited to the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

**Public and Private Schools:** Includes parochial schools, institutions for education or instruction in any branch or branches of knowledge or a place where knowledge is imparted and which satisfies either of the following requirements: the school is not operated for a profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with state compulsory education requirements.

**Public Utility:** Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

**Public Ways:** Any public road, street, highway, drainageway, or parts thereof.

**Quarrying:** The removal of rock, slate, gravel, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or other such process.

**Real Estate:** Land and structures attached to it.

**Recreational Area:** Any park, playground, ballfield, sports field, swimming pool, riding stable or riding academy or other facility, and areas constructed for recreational activities and open for use by the public or private organizations.

**Recreational Facility:** A commercial facility necessary for a recreational activity, such as, without limita-

tion, tennis, racquetball, golf driving range, bowling alley, arcade or miniature golf.

**Recreational Vehicle:** A self-propelled or drawn vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

**Resort:** An area containing one or more permanent buildings utilized principally for accommodation of the public for recreation.

**Restaurant:** An establishment where food and drink are prepared and served to or consumed by the public.

**Retail Business:** A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

**Right-of-Way:** All public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

**River:** Any free flowing body of water from that point at which it provides drainage from a watershed of 25 square miles to its mouth.

**Roadside Stand:** A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of farm produce.

**Sanitary Landfill:** A waste disposal operation which consists of dumping garbage, rubbish and other debris into a depression or trench, compacting it and promptly covering it with a layer of earth of a suitable thickness.

**Sanitary Station:** A facility for removing and disposing of wastes from a recreational vehicle holding tanks.

**Setback:** The minimum horizontal distance from a lot line to the nearest part of a building.

**Shoreland:** All land areas within, and seaward of, 250 feet, horizontal distance, of normal high-water mark and land within 75 ft. of any stream.

**Sign:** An object, device or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

a. **Billboard.** A structure designed, intended or used for advertising a product, property, business, entertainment, service, amusement or the like, and not located where the matter advertised is available or occurs.

b. **Free Standing Sign.** A sign supported by one or more uprights or braces permanently affixed into the ground.

c. **Portable Sign.** A sign not designed or intended to be permanently affixed into the ground or to a structure.

d. **Roof Sign.** A sign located upon or over a roof of a building.

e. **Temporary Sign.** A sign or advertising display designed, intended to be displayed or displayed for a short period of time.

#### **Sign, Gross Surface Area of:**

**Site Plan:** A drawing or design which shows the proposed land-use, construction or practice as set forth by the Town of Boothbay.

**Special Exception:** (see Conditional Uses)

**Street (Avenue, Place, Road, Terrace, Parkway, Boulevard, or Court):** A right-of-way of a required width, which affords a primary means of access to an abutting property.

**Structure:** Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind. Structures include buildings, platforms, decks, in-ground swimming pools, fixed above-ground swimming pools, wharves, piers, and floats; excluded are patios, fences, boundary walls, walks and drive-ways, earth-work and sanitary sewage disposal facilities, radio towers and antennas.

**Structure, Accessory\*:** A structure of a nature customarily incidental or subordinate to that principal structure or primary use to which the premises are devoted, such as private garages, workshops, and storage buildings. Except as herein restricted, those uses are customarily incidental to, and on the same lot with, a permitted use. (\* See building, accessory)

**Structure, Principal:** is defined as any structure in which in which the main use of the premises occurs.  
*Amended Title 30-A MRSA Section 4401-4407*

**Subdivision:** Created upon the division of a tract or parcel of land into three or more lots within a five-year period and the division of a new structure or the construction of 3 or more dwelling units on a single parcel

within a 5-year period and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. LD 2684, Amended Title 30-A MRSA Section 4401-4407

**Substantial Expansion** of a building is an expansion which increases either the volume or floor area by 30% or more. This provision does not apply to structures which require direct access to the water as an operational necessity, such as piers, docks, and retaining walls.

**Temporary or Temporary Use:** Any period of time or use not to exceed thirty (30) consecutive days.

The term "temporary" shall mean less than 7 consecutive months in the ordinances when used in relation to the terms: piers, docks, wharves, breakwaters, causeways, marinas, and uses projecting into the water.

**Timber Harvesting:** The cutting and removal of trees from their growth site and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

**Town:** Reference to town shall include the town selectmen, town clerk, or any designated town committee.

**Tract:** A tract or parcel of land shall mean all contiguous land in the same ownership except that land on either side of a public or private road, that was not established by the owner of that land, shall be considered to be a separate tract or parcel.

**Trailer:** Any non-motorized vehicle used or so constructed as to permit its being used as a temporary dwelling for travel, recreation and vacation use. This term shall include but not be limited to camper, camper-trailer and all other similar short-term shelter devices.

#### **Undue Hardship:**

a. the land in question cannot yield a reasonable return unless a variance is granted, and

b. the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood, and

c. the granting of a variance will not alter the essential character of the locality, and

d. the hardship is not the result of action taken by the applicant or a prior owner.

**Unsewered:** A structure or parcel where domestic sewage is treated by means of a private sewage system as defined by MRSA Chapter. (See Private Sewage Sys-

tem for the definition of that term).

**Use:** The purpose for which land or a structure is arranged, designed or intended, or is occupied.

**Use, Accessory:** A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal structure (or building) or use except for such accessory parking facilities as are specifically authorized to be located elsewhere.

**Use, Principal:** The primary use of a property or structure.

**Variance:** A relaxation of the terms of this Ordinance may be granted by the Board of Appeals only where strict application of this Ordinance, or a provision thereof, to the petitioner or his property, would cause undue hardship. A variance may only be granted for a permitted use in the district in which it is located.

**Warehousing:** The storage, deposit, or stocking of merchandise or commodities in a structure or room.

**Watershed Protection District:** Consists of that area in which surface and subsurface water ultimately flow or drain into the public water supply, including the area of the ponds.

**Wholesale Business:** A business establishment engaged in the bulk sale of goods or materials, not manufactured or processed on the premises.

**Yard:** An unoccupied space, open to the sky, on the same lot with a building or structure.



### HISTORICAL PERSPECTIVE (March 1989, by John H. Welsh)

While charting a course that the Town of Boothbay might take for the next decade and into the 21st century, it would be fitting to recall, briefly, our past history. For hundreds of years before the first white man saw the Maine coast, Indians had settlements on the islands of the lower Sheepscot River.

Clamshells and arrowheads mark their sites on Sawyers, Indiantown and Southport Islands. Their way of life had little effect on the natural resources and scenic beauty of the region.

By the early 1600s, explorers such as John Smith, Champlain, Waymouth and Levett had cruised the Maine coast, noted the abundance of fish, and begun contact and trade with the Indians. Fishing vessels were soon coming from Europe in increasing numbers and seasonal fishing stations were established on Monhegan, Pemaquid, Damariscove and Cape Newagen. Pemaquid became a trading place with the Indians and by 1635 several families had settled in the coastal area between Newagen and Pemaquid. Their numbers increased and for the most part their relations with the Indians were friendly until the outbreak of King Phillip's War in Massachusetts in 1676. This was an uprising among the Indians protesting their treatment by the whites. It soon spread to Maine and such fortifications as there were fell to the Indians. Most settlers in Maine fled to Massachusetts for safety. French and Indian Wars continued until 1763.

Meanwhile, during a period of relative quiet, Colonel David Dunbar came to Pemaquid in 1729 and laid out four townships including Townsend which encompassed the area now called Boothbay Region. Townsend was granted to Samuel McCobb and Patrick Rogers and they helped to induce Scotch-Irish settlers to move here from New Hampshire and Massachusetts.

By 1730, about thirty persons had accepted offers of land in Townsend, but between 1745 and 1747 these and

others were again driven from their homes by Indians.

Dunbar had given them no deeds to their land and disputes over land claims increased as more settlers arrived from the west. A turning point in their lives came with the fall of Quebec in 1759, marking the end of the French and Indian wars. It was in that year the Giles, Pinkham, Tibbetts and Lewis families settled in the Boothbay area that came to be known as Dover.

By 1764, the need for a town government was seen and on petition, the General Court of Massachusetts granted a town charter to the area then called Townsend, but the name became Boothbay. Soon a church was built and the first pastor, John Murray, was engaged, both being financed from town taxes. In 1771, at the demand of the General Court of Massachusetts the selectmen provided a list of polls and their possessions. A copy of this report may be found at the Boothbay Region Historical Society. There were then 173 individuals paying poll taxes and 99 dwellings, mostly log houses without chimneys, in the entire Boothbay Region.

Many of the men listed were soon involved in the Revolutionary War. Peace in 1783 was followed by an increased migration of settlers to the mid-coast region. Land companies, especially the Kennebec Purchase Company, were making trouble for earlier settlers who did not have clear title to their land. The General Court was asked to intervene.

In 1811, a commission was established to examine land titles, boundaries were surveyed and the historically important map of 1815, drawn by Dr. Daniel Rose, was produced. A copy of this map with a list of property owners may be seen in the Boothbay Town Office. In 1842, Cape Newagen Island was incorporated as Townsend but due to confusion resulting from the earlier use of this name it was changed to Southport in 1850.

The remainder of Boothbay continued to grow. Boothbay Center was the approximate geographic center of the town and through most of the 19th century remained the seat of town government. Facing, or close to the Common were the churches that grew in size and changed in name over the years, the Town Hall with offices, usually not more than two stores and a post office, one or two blacksmith shops, and a succession of school buildings that grew in size and changed locations over the years. The Common was the site of the annual fall agricultural fair. As the years passed, East Boothbay with its ship-building and Boothbay Harbor with its fishing industry became more important centers, while the small farms of North Boothbay could no longer remain self-supporting as they once were. More of the men spent part of the year cutting wood or ice, as well as fishing, as crew on, or owners of the many coastal schooners.

Maine became a state in 1820. The Civil War saw many of the younger men in service. Following the war, Booth-

bay Harbor continued to grow as the commercial center of the town. As it grew, the need for an adequate water supply became acute and largely as a result of the dispute over water rights, the Harbor area split off from Boothbay in 1889. In the one hundred years since that event the annual Town Reports record some of Boothbay's more recent history. A nearly complete set may be found at the Historical Society. The Society also has copies of earlier town records on microfilm.

Following the separation of the towns there were few changes of significance until the arrival of autos in the early 1900s. By the end of World War I, autos and trucks were rapidly replacing horse-drawn vehicles. Horses (and cows) began to disappear. Fields and pastures were no longer needed and natural reforestation began to change the appearance of the countryside.

By the early 1920s, nine of Boothbay's eleven district schools were closed and pupils were being transported to the consolidated schools in East Boothbay, the Center and Barbers Island. Community activities that had centered at some of the small schools closed and a way of life that had bound neighborhoods together came to an end.

In 1956 the present high school building was ready and for the first time any Boothbay boy or girl was assured the opportunity to complete a high school education. The new elementary school was a further example of cooperation between Boothbay and Boothbay Harbor to their mutual advantage.

As motor vehicles increased in numbers the demand for better roads became more vocal. Only if one had driven a car on the Boothbay roads of the 1920s or earlier can the present roads be fully appreciated.

As a consequence of road improvement and other construction, one of our natural resources - sand and gravel deposits - has been essentially depleted. These deposits were important water storage and supply areas for Adams Pond and springs such as the Beath spring.

Our woodlands are a valuable resource that is self-sustaining. By the late 1800s much of the wood in Boothbay had been harvested for lumber and firewood. Woodlands were recovering and spreading into fields and pastures when the demands for lumber during each of the World Wars resulted in extensive cutting throughout the Boothbay Region. While our present woodlands add to the visual attractiveness of the town and are important in conserving water, their proper management would make them of greater economic value.

Over a period of nearly 2000 years the economy of the East Boothbay area has been sustained by boat and shipbuilding. The Ocean Point summer colony is one of the oldest in the Region. Steamboat service down the Kennebec River served this community before the days of au-

tos. The ice industry once was a major source of income. Today, Boothbay is largely dependent on the tourist industry. Only careful planning will keep it attractive to the tourist and seasonal resident while making it affordable and liveable by those who call it their hometown.



## MAINE COMPREHENSIVE PLANNING LAW

### Synopsis of L.D. 2317

In April of 1988, the governor signed into law a comprehensive planning law as a result of the rapid growth that the southern Maine area has been experiencing. That law requires each community to address the issues of growth to review their existing ordinances, infrastructure, resources, capitalization budgets and come up with a plan. That plan must be used as the means to develop local land-use ordinances, and growth management.

An overview of the law shows that:

A. Affordable Housing - means decent, safe, and sanitary dwellings, apartments, or other living accommodations for households making the full range of incomes at or below 80% of the median household income as determined by the Department of Economic and Community Development. Affordable housing includes, but is not limited to, government assisted housing, housing for low-income and moderate-income families, manufactured housing, multi-family housing and group and foster care facilities.

B. Coastal Areas - all municipalities and unorganized townships contiguous with tidal waters and all coastal islands. The inland boundary of the coastal area is the inland line of any coastal town line.

C. Comprehensive Plan - is a document or interrelated documents containing the elements established under sections 4960-C subsection 4, paragraphs A-D including strategies for an implementation program which is consistent with the goals and guidelines established under that subchapter.

D. Implementation Program - is that component of a

local growth management program which includes the policies and ordinances or other land-use regulations which carry out the purposes and general policy statements and strategies of the comprehensive plan in a manner consistent with the goals and guidelines of that subchapter.

E. Land-use ordinance - is a rule or law of general application adopted by the municipal legislative body which controls, directs and delineates allowable uses of land and the standards for such uses.

I. From section 4961-A Limitations on the home-rule power granted to all municipalities:

a. the public must be given adequate opportunity to be heard;

b. the ordinance must be pursuant to and consistent with the comprehensive plan that has been adopted;

c. a zoning map describing each zone established or modified must be adopted and incorporated into the ordinance. Any conflict between the map and a description of the metes and bounds shall be resolved in favor of the metes and bounds;

d. public service corporations shall be wholly or partially exempted from the ordinances only when petition, notice, and public hearing by the PUC has determined the exemption to be reasonably necessary;

e. county and municipal governments shall be governed by the ordinances;

f. any zoning ordinance shall be advisory to the state;

g. any property or use existing in violation of any zoning ordinance is a nuisance;

h. rezoning & performance bonding: any zoning ordinance may provide for that when a person petitions for rezoning of an area in accordance with an architect's plan, the area may not be rezoned unless the petitioner posts a performance bond equal to at least 25% of the estimated cost of the development. The bond shall be payable to the town if the petitioner fails to begin construction in a substantial manner and in accordance with the plan within one year of the effect date of the rezoning.

1) All rezoning must be consistent with the local growth management plan.

2) Establish rezoned areas which are consistent with the existing and permitted uses within the original zones.

3) Include only conditions and restrictions that relate to the physical development or operation of the property.

In order to rezone, there must be a public hearing:

1) Notice of that hearing must be placed in the municipal office at least 14 days prior to the hearing, and

2) Shall be published in a newspaper of general circulation at least 2 times, the first time at least 7 days prior to the hearing.

3) Notice of the hearing must be sent to all owners of property abutting the property to be rezoned at their last known address.

That notice shall consist of a copy of the proposed conditions and restrictions, along with a map indicating the property to be rezoned.

i. Conditional or Contract zoning:

1) Conditional zoning means the process by which the town may rezone a property to permit the use of that property subject to the conditions not generally applicable to other properties similarly zoned.

2) Contract zoning means the process by which a property owner, in consideration of the rezoning of the owner's property, agrees to the imposition of certain conditions or restrictions not imposed on similarly zoned properties.

F. Local growth management program - is a document containing the components described in section 4960-C subsection 4, including the implementation program, which is consistent with the goals and guidelines established in that subchapter.

G. Moratorium - is a land use ordinance or other regulation approved by a municipal legislative body which temporarily defers or delays development by withholding any authorization of approval necessary for development.

As defined in section 4961-A subchapter B. 5, a

moratorium must meet the following requirements. A moratorium must be needed:

1. to prevent a shortage or overburdening public facilities.

2. because the application of existing comprehensive plans, land-use ordinances, or regulations, or other applicable law are inadequate to prevent public harm from development in an affected area.

The moratorium must not exceed 180 days but may be extended an additional 180 days for the previous conditions that called for the moratorium to continue to exist and that reasonable progress is being made to alleviate the problem.

The extension may be granted through the municipalities after notice and hearing.

H. Development - is a change in land-use involving alteration of the land, water, vegetation or the addition or alteration of structures or other construction not naturally occurring.

I. Application Fees: Any application fee charged for any land-use permit may not exceed the reasonable cost of processing and review of the application and the administration of any requirements for a certificate of compliance.

J. Impact Fees: The town can require by ordinance the construction of off-site capital improvements or may require payment of impact fees in lieu of construction.

The impact fee ordinance must have been adopted as part of a certified local growth management program.

Developers could be required to pay construction or impact fees for capital improvements, including the expansion or replacement or construction of infrastructure facilities which could include, but not be limited to, waste water collection and treatment facilities, solid waste facilities, municipal water facilities, roads and traffic control devices, parks and other open spaces, or recreational areas.

Any ordinance must meet the following requirements:

The amount of the fee must be reasonably related to the development's share of the cost of the improvements necessitated by the development.

Funds received from impact fees must be segregated from general revenues and the town must expend

the funds solely for the purposes for which they were collected.

A schedule must be created under which the town is obliged to use the funds.

The ordinance must have a mechanism by which the town may refund impact fees actually paid that are not expended.

## II. Section 4690

A. Begins with definitions of municipal responsibility for planning.

B. Subsection 2B states that the towns proposed comprehensive plan, zoning ordinances, amended plan, amended ordinances will need to be submitted to the state for review according to a prescribed schedule.

C. Public participation - towns are directed to adopt local growth management programs only after soliciting and considering a broad range of public review and comment.

D. All meetings shall be in open sessions with prior notice posted in one or more conspicuous places designed to provide public notice.

E. Public Hearings - The town must conduct at least one public hearing on its proposed comprehensive plan.

1. Notice of hearings must be published at least twice with the date of the first notice to be at least 30 days prior to the hearing.

2. A copy of the proposed comprehensive plan shall be available for public inspection.

F. *At least 75 days prior to the initial adoption of any zoning ordinance or revision pursuant to subsection 5, the proposed ordinances must be forwarded to the state for review and comment.*

1. The state shall submit its comments and suggested revisions within 60 days of submission.

## III. Local Growth Management Programs shall include:

### A. Inventory and analysis section

1. inventory based upon information provided by the state, regional councils and other relevant local sources, and

2. shall include 10-year projections of local and regional growth in population and residential, commercial, and industrial activity; the project-

ed need for public facilities; and the vulnerability of and potential impacts on natural resources.  
3. Inventory shall also include:

- a. Economic & demographic data describing the municipality and the region within which it is located;

- b. Significant water resources and their vulnerability to degradation;

- c. Significant natural resources as defined under Title 5 section 3316;

- d. Marine-related resources and facilities;

- e. Commercial forestry and agricultural land;

- f. Existing parks, recreation, and open space areas and significant points of public access to shoreland;

- g. Existing transportation systems;

- h. Residential housing stock, including affordable housing;

- i. Historical and archaeological resources;

- j. Land-use information which describes current and projected development patterns;

- k. An assessment of capital facilities and public services necessary to support growth and development and to protect the environment and health, safety, and welfare of the public and the costs of those facilities.

B. A policy development section which relates those findings in the previous section to state goals.

1. The policies shall:

- a. promote the state goals

- b. address any conflicts between state goals

- c. address any conflicts between regional and local issues

- d. address the State's coastal policies

C. An implementation strategy section which contains:

1. A timetable for implementation;

2. Significant ordinances which will be included



- with the implementation program--and which shall be adopted within one year; and
3. Strategies consistent with state law.

#### IV. Variance and Board Of Appeals

Section 4961-A2 details the rules under which a board of appeals may grant a variance. This section is virtually identical to the previous state law and our own ordinances governing that body.

#### V. Code Enforcement Officer

Section 4967 deals with the position of code enforcement officer. It is important to note that that person will need to be certified as of 1/1/93 and every 5 years thereafter.

#### VI. State Aid and Assistance. Section 4960 F

A. Priority for assistance shall be based on a town's:

- 1) scheduled comprehensive plan,
- 2) population growth rate,
- 3) seasonal population estimates,
- 4) commercial and industrial growth rates,
- 5) the existence and quality of a comprehensive plan and other relevant factors.

B. Level of assistance not to exceed 25% to conduct activities under this section.

C. The state will have municipal technical assistance and municipal implementation assistance with granted authority.

D. Regional Council assistance.

E. Enforcement assistance programs.

F. Municipal legal defense funds.

G. Eligibility for other state aid will be based on the adoption and implementation of a certified local growth management program.



## PUBLIC SURVEY

### INTRODUCTION

The Boothbay Comprehensive Plan will establish an overall policy direction for our community and serve as a guide for making decisions over the next ten years. In order to assure that the Town of Boothbay has a representative Plan, the Comprehensive Planning Committee surveyed the Town residents and property owners to determine their views about the Town's growth and development.

After many public forums with every identifiable Town interest group and citizens, the Comprehensive Planning Committee carefully prepared a survey addressing the issues raised by citizens at the forums. The purpose was to give all residents and property owners of Boothbay an opportunity to comment on the issues identified in the public forums as well as to provide the Committee with an overview of the Townpeople's opinions on the critical issues they raised. It is important to note that the survey was not intended to be a scientific poll and cannot be generalized to the population as a whole in a statistically reliable way.

The survey was one of individuals in a household and most households returned only one survey, reflecting the views of the adults in that household. However, the results have not been weighted to reflect the composition of the individuals in the household.

The surveys were distributed to property owners on August 1, 1988, using the tax roles as the only available method to survey residents and property owners in a timely and economical manner. This method assured that all property owners would receive the water questionnaire, included in the survey, and that non-resident property owners would also have a voice. For residents not owning property, or individuals who owned property but did not get a survey, surveys were available at the Town Office. (Notices to that effect were placed in public places.)

There are some limitations in the survey's methodology which should be pointed out in presenting the survey results.

1. Although there are approximately 3,000 separate properties owned, on the Town tax list, many of the properties are owned by the same persons. Thus, the Committee screened surveys to assure only one survey per individual.

2. A majority of the surveys were returned with mailing labels intact. Individuals (non-property owners and other individuals who did not receive a survey) were requested to sign for their numbered survey when receiving it at the Town Office.

3. The Town contains approximately 2,700 year-round residents and about 700 housing units which are used on a seasonal basis. A total of 651 surveys were received of which 379 were from individuals identifying themselves as year-round residents. This is a response rate of 58.22% for year-round residents. Those same year-round residents represent 823 people who are included in their households. The seasonal residents returned a total of 254 valid surveys. The views of the year-round and seasonal residents do vary somewhat on issues. The data has been broken down more to show residents how they feel than to show any differences between year-round and seasonal residents.

The last section is based on an analysis of the results of a survey of public opinion conducted in the Town of Boothbay in August, 1988. The survey, conducted by the Comprehensive Planning Committee, was divided into 3 sections: a demographic information section, a public opinion section, and a water survey section.

For this initial analysis, it was decided to concentrate on the public opinion portion of the survey and to identify issues which were controversial and/or those which elicited strong public opinion. Once controversial issues are identified, then one can go into the demographic data and seek explanations for the differences of opinion. This demographic analysis has not been done yet, and thus is not included in this report.

The only "demographic" breakdown reported here is that of residents *versus* non-residents: the analyses were repeated for each of these groups to see if significant differences existed. Each figure and table listed in the following section will have 3 parts: (A) All surveys; (B) Residents; and (C) Non-Residents.

### METHOD AND RESULTS

Questions 2-47 of the Public Opinion Survey section

were the subject of this analysis. Each question is in the form of a statement, and the respondent is asked whether he/she agrees, somewhat agrees, is neutral, somewhat disagrees or disagrees. Each of these 5 possible responses was assigned a score as follows:

ANSWER	SCORE
Agree	+2
Somewhat agree	+1
Neutral	0
Somewhat disagree	-1
Disagree	-2

Based on these scores, the **average opinion** was computed for each of the questions (figure 1). The questions were then ranked from the highest average opinion (the most agreeable) to the lowest (most disagreeable) (Table 1).

To identify strong opinions (whether agreed or disagreed) a measure of **strength of opinion** was also defined. This was accomplished by simply computing the average squared score, and then transforming the result to a scale from 0 (= all neutral) to 100 (= all either agree or disagree). The same questions (2-47) ordered by strength of opinion from 100 to 0 are listed in Table 2.

Finally, a measure of **controversiality** was devised. This also ranges on a scale of 0 to 100. A value of 100 occurs if for every +2 score there is a -2 score (i.e., the number who agree = the number who disagree). A value of 0 controversy occurs if all agree or all disagree. A list of the questions ranked according to their controversiality (highest to lowest) is given in Table 3.

There is a general inverse correlation between strength of opinion and controversiality (figure 2). That is, the strongest opinions were generally the least controversial, and vice versa. This fact is evident in figure 2 by the fact that the points fall on a line, sloping downward from left to right. Points which fall off this line are of interest. For example, in figure 2-A the outliers (question numbers) are noted.

## CONCLUSIONS

There is a remarkable degree of unanimity (lack of controversy) in the public opinion expressed in this survey. Both residents and non-residents felt strongly that the town should protect ground water from contamination (the most strongly held opinion). Second in strength, both residents and non-residents agreed that they would not like their neighbors to store junk cars and scrap on their property. Residents felt strongly (ranked third) that at least some portion of the shore land should be preserved for marine-related activities, whereas non-residents also agreed, but this issue ranked seventh in their priorities. Non-residents were much more strongly in favor of protecting residential areas from non-

residential development (their ranking of 6 as compared to a ranking of 14 among residents).

The controversial issue was whether or not the town should promote new tourist facilities. Opinion among residents was mixed, but the average opinion was negative, whereas among non-residents, the average opinion was positive. Nevertheless, this question ranked moderate to low in terms of strength of opinion.

## DEMOGRAPHICS RESULTS

Number of surveys included in results 651

### #1 Are you a resident of the Town of Boothbay?

Residents	379	58.22%
Non-residents	254	39.02%
No response	18	2.76%

### #2 How many years have you lived or summered in the Town of Boothbay?

#### All surveys Residents Non-residents

1. 0-5 years	107	16.44%	49	12.93%	58	21.32%
2. 6-10 years	89	13.67%	60	15.83%	29	10.66%
3. 11-20 years	121	18.59%	68	17.94%	53	19.49%
4. Over 20 years	309	47.47%	200	52.77%	109	40.07%
No response	25	3.84%	2	0.53%	23	8.46%

### #2a Why did you move here?

1. Job offer	38	5.84%
2. Schools	2	0.31%
3. Retirement	110	16.90%
4. Quality of life	103	15.82%
No response	396	60.83%

### #2b Other reasons listed for moving here

Quality of life	52	7.98%
Family	25	3.84%
Affordable property	9	1.37%
Job	8	1.22%
No response	538	82.64%

### #2c If you are a summer person, how many months do you spend here?

No response	61	16.19%
Less than 1 month	8	2.10%
1 month	17	4.48%
>1 to 2 months	27	7.33%
>2 to 3 months	47	12.41%
>3 to 4 months	32	8.45%
5 months	35	9.23%
6 months	32	8.44%
7 months	7	1.84%
8 months	2	0.53%
9 months	2	0.53%
10 months	1	0.26%
12	1	0.26%

### #3a Do you rent?

#### Residents

Yes	3	0.79%
No	53	13.98%
No response	323	85.22%

#### Non-residents

Yes	4	1.47%
No	68	25.00%
No response	200	73.53%

### #3b Do you own?

#### Residents

Yes	262	69.13%
No	---	---
No response	117	30.87%

#### Non-residents

Yes	238	87.50%
No	4	1.47%
No response	30	11.03%

### #4 Age distribution

Total responses all surveys: 1464

Residents:	823	Non-residents:	641
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Ages	0-5	6-18	19-24	25-34	34-44	45-54	55-64	64-74	75-
<u>All surveys</u>	74	179	60	124	239	219	265	195	109
<u>Residents</u>	42	111	16	74	149	99	137	130	65
<u>Non-residents</u>	342	68	44	50	90	120	128	65	44

**#5 Employment**  
(Year-round residents only)

**#5a Are you employed?**

Yes	364	63.86%
No	99	17.37%
No response	107	18.77%

**#5b If yes, do you work full- time or part-time?**

Full-time	259	45.44%
Part-time	117	20.53%
No response	194	34.04%

**#5c Do you work in the summers only?**

Summers only	51	8.95%
Year-round	312	54.74%
No response	207	36.32%

**#5d In what town are you employed?**

Boothbay	159	27.89%
Boothbay Harbor	120	21.06%
Bath	18	3.16%
Out-of-state	11	1.93%
Southport	10	1.75%
Augusta	5	0.88%
Brunswick	4	0.70%
Wiscasset	4	0.70%
Damariscotta	2	0.35%
Newcastle	2	0.35%
North Edgecomb	2	0.35%
Cumberland	1	0.18%
Lincoln County	1	0.18%
Saco	1	0.18%
Tenants Harbor	1	0.18%
No response	226	39.65%

**#5e. Occupations**

Primary occupation:

Construction	40	7.02%
Farming	6	1.05%
Fishing	20	3.51%
Manufacturing	12	2.11%
Marine, boat	30	5.26%
Retail sales	29	5.09%
Retired	150	26.32%
Service/ prof	181	31.75%
Student	7	1.23%
Other	2	0.35%
No response	93	16.32%

Secondary occupation:

Construction	10	1.77%
Farming	1	0.18%
Fishing	5	0.88%
Marine, boat	6	1.05%
Retail sales	17	2.99%
Retired	6	1.06%
Service/ prof	27	4.58%
Art/artist	5	0.88%
Self-employed	2	0.360%
Semi-retired	2	0.35%
Student	2	0.35%
No response	486	85.26%

## PUBLIC OPINION SURVEY

### Question #1 Please rate the following:

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
	#	%	#	%	#	%
<b>A. Schools</b>						
1. Excellent	38	5.87%	27	7.12%	11	4.10%
2. Good	191	29.52%	132	34.83%	59	22.01%
3. Average	162	25.04%	121	31.93%	41	15.30%
4. Fair	59	9.11%	50	13.19%	8	2.99%
5. Poor	14	2.16%	12	3.17%	2	0.75%
No response	183	28.28%	36	9.50%	147	54.85%
<b>B. Refuse district</b>						
1. Excellent	90	13.91%	41	10.82%	49	19.28%
2. Good	269	41.58%	176	46.44%	93	34.70%
3. Average	144	22.26%	98	25.86%	46	17.16%
4. Fair	43	6.65%	30	7.92%	13	4.85%
5. Poor	16	2.47%	10	2.64%	6	2.24%
No response	85	13.14%	24	6.33%	61	22.76%
<b>C. Fire protection</b>						
1. Excellent	60	9.27%	47	12.40%	13	4.85%
2. Good	233	36.01%	170	44.85%	63	23.51%
3. Average	154	23.80%	88	23.22%	66	24.63%
4. Fair	63	9.74%	36	9.50%	27	20.07%
5. Poor	25	3.86%	14	3.69%	11	4.10%
No response	112	17.31%	24	6.33%	88	32.84%
<b>D. Police protection</b>						
1. Excellent	17	2.63%	11	2.90%	6	2.24%
2. Good	119	18.39%	71	18.73%	48	17.91%
3. Average	131	20.25%	87	22.96%	44	16.42%
4. Fair	119	18.39%	72	19.00%	47	17.54%
5. Poor	168	25.97%	114	30.08%	54	20.15%
No response	93	14.37%	24	6.33%	69	25.75%
<b>F. Local government</b>						
1. Excellent	15	2.32%	5	1.32%	10	3.94%
2. Good	152	23.49%	82	21.64%	70	27.56%
3. Average	177	27.36%	117	30.87%	60	23.62%
4. Fair	150	23.18%	105	27.70%	45	17.72%
5. Poor	64	9.89%	52	13.72%	12	4.72%
No response	89	13.76%	18	4.75%	71	27.95%
<b>E. Roads condition and safety</b>						
1. Excellent	32	4.95%	17	4.49%	15	5.99%
2. Good	140	21.64%	88	23.22%	52	20.47%
3. Average	220	34.00%	133	35.09%	87	34.25%
4. Fair	120	18.54%	70	18.47%	50	19.69%
5. Poor	91	14.06%	60	15.83%	31	12.70%
No response	44	6.80%	11	2.90%	33	12.99%
<b>G. Traffic control</b>						
1. Excellent	15	2.32%	7	1.85%	8	3.15%
2. Good	121	18.70%	70	18.47%	51	20.08%
3. Average	189	29.21%	104	27.44%	85	33.46%
4. Fair	116	17.93%	77	20.32%	39	15.35%
5. Poor	109	16.85%	82	21.64%	17	10.63%
No response	97	14.99%	39	10.29%	58	22.83%

**Question #1 Please rate the following:**

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
H. Ambulance service	#	%	#	%	#	%
1. Excellent	114	17.62%	86	22.69%	28	11.02%
2. Good	270	41.73%	195	51.45%	75	29.93%
3. Average	102	15.77%	58	15.30%	44	17.32%
4. Fair	25	3.86%	13	3.43%	12	4.72%
5. Poor	4	0.62%	1	0.26%	3	1.18%
No response	132	20.40%	26	6.86%	106	41.73%
I. Health service						
1. Excellent	73	11.28%	56	14.78%	17	6.69%
2. Good	215	33.23%	137	36.15%	78	30.71%
3. Average	146	22.57%	90	23.75%	56	22.05%
4. Fair	52	8.04%	40	10.55%	12	4.72%
5. Poor	25	3.86%	17	4.49%	8	3.15%
No response	136	21.01%	39	10.29%	97	38.19%
J. Facilities for fishermen						
1. Excellent	10	1.55%	5	1.32%	5	1.97%
2. Good	103	15.92%	58	15.30%	45	17.72%
3. Average	110	17.00%	64	16.89%	46	18.11%
4. Fair	119	18.39%	80	21.11%	39	15.35%
5. Poor	124	19.17%	104	27.44%	20	7.87%
No response	181	27.98%	68	17.94%	113	44.49%
K. Facilities for boaters						
1. Excellent	35	5.41%	17	4.49%	18	7.09%
2. Good	170	26.28%	93	24.54%	77	30.31%
3. Average	154	23.80%	99	26.12%	55	21.65%
4. Fair	117	18.08%	81	21.37%	36	14.17%
5. Poor	60	9.27%	43	11.35%	17	6.69%
No response	111	17.15%	46	12.14%	65	25.59%
L. Waterfront access for the public						
1. Excellent	34	5.26%	16	4.22%	18	7.09%
2. Good	117	18.08%	54	14.25%	63	24.80%
3. Average	134	20.71%	84	22.16%	50	19.68%
4. Fair	130	20.09%	80	21.11%	50	19.68%
5. Poor	149	23.03%	113	29.82%	36	14.18%
No response	83	12.83%	32	8.44%	51	20.08%
M. Tourist services & hospitality						
1. Excellent	117	18.08%	63	16.62%	54	21.26%
2. Good	293	45.28%	179	47.23%	114	44.88%
3. Average	126	19.47%	84	22.16%	42	16.54%
4. Fair	37	5.72%	25	6.60%	12	4.72%
5. Poor	5	0.77%	4	1.06%	1	0.39%
No response	59	10.66%	24	6.33%	45	17.72%

**#2 Would you agree that additional multi-family buildings (condos, apts, cluster housing) development should occur in the Town of Boothbay?**

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	59	9.12%	42	11.08%	17	6.69%
2. Somewhat agree	40	6.18%	20	5.28%	20	7.87%
3. Neutral	63	9.74%	41	10.82%	22	8.66%
4. Somewhat disagree	62	9.58%	37	9.76%	25	9.84%
5. Disagree	404	62.44%	229	60.42%	175	68.90%
6. No response	19	2.94%	10	2.64%	9	3.54%

#3 Would you agree that at least some portion of the shore land should be preserved for marine-related activities?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	558	86.24%	326	86.02%	232	86.57%
2. Somewhat agree	48	7.42%	27	7.12%	21	7.84%
3. Neutral	17	2.63%	13	3.43%	4	1.49%
4. Somewhat disagree	9	1.39%	3	0.79%	6	2.24%
5. Disagree	3	0.46%	3	0.79%		
No response	12	1.85%	7	1.85%	5	1.87%

#4 Would you agree that the Town of Boothbay's existing residential areas should be protected from non-residential development?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	487	75.27%	260	68.60%	227	84.70%
2. Somewhat agree	56	8.66%	41	10.82%	15	5.60%
3. Neutral	49	7.57%	40	10.55%	9	3.36%
4. Somewhat disagree	11	1.70%	6	1.58%	5	1.87%
5. Disagree	27	4.17%	21	5.54%	6	2.24%
No response	17	2.63%	11	2.90%	6	2.24%

#5 Would you agree that the Town of Boothbay should promote retention of open space/agricultural land?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	472	72.95%	248	65.44%	224	83.58%
2. Somewhat agree	61	9.43%	40	10.55%	21	7.84%
3. Neutral	73	11.28%	60	15.83%	13	4.85%
4. Somewhat disagree	6	0.93%	5	1.32%	1	0.37%
5. Disagree	21	3.25%	15	3.96%	6	2.24%
No response	14	2.16%	11	2.90%	3	1.12%

#6 Would you agree that the town should encourage new development to be located in those areas best suited for development?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	422	65.22%	247	65.17%	175	65.30%
2. Somewhat agree	73	11.28%	44	11.61%	29	10.82%
3. Neutral	68	10.51%	37	9.76%	31	11.57%
4. Somewhat disagree	11	1.70%	7	1.85%	4	1.49%
5. Disagree	55	8.50%	33	8.71%	22	8.21%
No response	18	2.78%	11	2.90%	7	2.61%

#7 Would you agree that people should be allowed to have a small family business in their homes as long as they meet standards relating to traffic safety, environmental, and neighborhood impact?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	424	65.53%	271	71.59%	153	57.09%
2. Somewhat agree	88	13.60%	55	14.51%	33	12.31%
3. Neutral	75	11.59%	34	8.97%	41	15.30%
4. Somewhat disagree	17	2.63%	3	0.79%	14	5.22%
5. Disagree	33	5.10%	11	2.90%	22	8.21%
No response	10	1.55%	5	1.32%	5	1.87%

#8 Would you agree that people should be allowed to have any business on their property?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	36	5.56%	30	7.92%	6	2.24%
2. Somewhat agree	22	3.40%	17	4.49%	5	1.87%
3. Neutral	39	6.03%	26	6.86%	13	4.85%
4. Somewhat disagree	45	6.96%	33	8.71%	12	4.48%
5. Disagree	496	76.66%	267	70.45%	229	85.45%
No response	9	1.39%	6	1.58%	3	1.12%



#9 Would you agree that people should be required to have all businesses, with the exception of home occupations, in areas specifically designated for commercial use?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	351	54.25%	184	48.55%	167	62.31%
2. Somewhat agree	79	12.21%	52	13.72%	27	10.07%
3. Neutral	69	10.66%	44	11.61%	25	9.33%
4. Somewhat disagree	40	6.18%	24	6.33%	16	5.97%
5. Disagree	90	13.91%	68	17.94%	22	8.21%
No response	18	2.78%	7	1.85%	11	4.10%T

#10 Would you agree that the town should not promote any new tourist facilities (motels, gift shops & craft shops, restaurants, etc.) to be built in the town?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	276	42.65%	162	42.74%	114	42.53%
2. Somewhat agree	43	6.65%	23	6.07%	20	7.46%
3. Neutral	112	17.31%	56	14.78%	56	20.90%
4. Somewhat disagree	57	8.81%	37	9.76%	20	7.46%
5. Disagree	144	22.26%	92	24.27%	52	19.40%
No response	15	2.32%	9	2.37%	6	2.24%T

#11 Would you agree that the Town should promote new tourist facilities (motels, gift shops & craft shops, restaurants, etc.) in a number of carefully selected areas?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	193	29.83%	114	30.08%	79	29.48%
2. Somewhat agree	84	12.98%	46	12.14%	38	14.18%
3. Neutral	91	14.06%	41	10.82%	50	18.66%
4. Somewhat disagree	37	5.72%	20	5.28%	17	6.34%
5. Disagree	225	34.78%	145	38.26%	80	29.85%
No response	17	2.63%	13	3.43%	4	1.49%

#12 Would you agree that the town should promote new tourist facilities anywhere in the town as long as they are well designed and have adequate water supply and sewage disposal?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	72	11.13%	44	11.61%	28	10.45%
2. Somewhat agree	28	4.33%	22	5.80%	6	2.24%
3. Neutral	68	10.51%	36	9.50%	32	11.94%
4. Somewhat disagree	57	8.81%	33	8.71%	24	8.96%
5. Disagree	405	62.60%	235	62.01%	170	63.43%
No response	17	2.63%	9	2.37%	8	2.99%

#13 Would you agree that the Town of Boothbay needs more year-round commercial development?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	288	44.51%	194	51.19%	94	35.07%
2. Somewhat agree	100	15.46%	59	15.57%	41	15.30%
3. Neutral	119	18.39%	55	14.51%	64	23.88%
4. Somewhat disagree	24	3.71%	12	3.17%	12	4.48%
5. Disagree	92	14.22%	46	12.14%	46	17.15%
No response	24	3.71%	13	3.43%	11	4.10%

#14 Would you agree that year-round employment opportunities should be encouraged?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	431	66.62%	276	72.82%	155	57.84%
2. Somewhat agree	108	16.69%	53	13.98%	55	20.52%
3. Neutral	67	10.36%	28	7.39%	39	14.55%
4. Somewhat disagree	6	0.93%	5	1.32%	1	0.37%
5. Disagree	20	3.09%	9	2.37%	11	4.10%
No response	14	2.16%	8	2.11%	6	2.24%

#15 Would you agree the summer tourist industry is important to the local economy?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	426	65.84%	229	60.42%	197	73.51%
2. Somewhat agree	102	15.77%	61	16.09%	41	15.30%
3. Neutral	57	8.81%	45	11.87%	12	4.48%
4. Somewhat disagree	9	1.39%	9	3.27%		
5. Disagree	36	5.56%	25	6.60%	11	4.10%
No response	17	2.63%	10	2.64%	7	2.61%

#16 Would you agree that as long as there is no pollution, it is O.K. for your neighbor to use his property anyway he wants?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	68	10.51%	55	14.51%	13	4.85%
2. Somewhat agree	30	4.64%	24	6.33%	6	2.24%
3. Neutral	35	5.41%	26	6.86%	9	3.36%
4. Somewhat disagree	54	8.35%	35	9.23%	19	7.09%
5. Disagree	445	68.78%	232	61.21%	213	79.48%
No response	15	2.32%	7	1.85%	8	2.00%

#17 Would you agree that, as a property owner, you would object to industrial or commercial activity next to your property?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	481	74.34%	252	66.49%	229	85.45%
2. Somewhat agree	53	6.19%	44	11.61%	9	3.36%
3. Neutral	44	6.80%	28	7.39%	16	5.97%
4. Somewhat disagree	15	2.32%	12	3.17%	3	1.12%
5. Disagree	44	6.80%	37	9.76%	7	2.61%
No response	10	1.55%	6	1.58%	4	1.49%

#18 Would you agree that the town needs some zoning controls which protect everyone's land values?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	562	86.86%	318	83.91%	244	91.04%
2. Somewhat agree	38	5.87%	27	7.12%	11	4.10%
3. Neutral	20	3.09%	18	4.75%	2	0.75%
4. Somewhat disagree	3	0.45%	2	0.53%	1	0.37%
5. Disagree	15	2.32%	9	2.37%	6	2.24%
No response	9	1.39%	5	1.32%	4	1.49%

#19 Would you agree that the town has too many rules and regulations which tell people what they can and cannot do with their land?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	70	10.82%	57	15.04%	13	4.85%
2. Somewhat agree	28	4.33%	20	5.28%	8	2.99%
3. Neutral	122	18.86%	69	18.21%	53	19.78%
4. Somewhat disagree	60	9.27%	33	8.71%	27	10.07%
5. Disagree	349	53.94%	191	50.40%	158	58.96%
No response	18	2.78%	9	2.37%	9	3.36%

#20 Would you agree that the town needs land-use controls which will protect the quality of open spaces, the soil, water, and air?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	539	83.31%	304	80.21%	235	87.69%
2. Somewhat agree	62	9.58%	45	11.87%	17	6.34%
3. Neutral	23	3.55%	15	3.96%	8	2.99%
4. Somewhat disagree	4	0.62%	3	0.79%	1	0.37%
5. Disagree	9	1.39%	5	1.32%	4	1.49%
No response	10	1.55%	7	1.85%	3	1.12%

#21 Would you agree that the town should actively protect the ground water from contamination?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	612	94.59%	354	93.40%	258	96.27%
2. Somewhat agree	19	2.94%	14	3.69%	5	1.87%
3. Neutral	5	0.77%	4	1.06%	1	0.37%
4. Somewhat disagree	1	0.15%	1	0.26%	1	0.37%
5. Disagree	1	0.15%	1	0.15%		
No response	9	1.39%	6	1.58%	3	1.12%

#22 Would you agree that the town should provide for the safe disposal of sewage?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	440	68.01%	243	64.12%	197	73.51%
2. Somewhat agree	46	7.11%	29	7.65%	17	6/34%
3. Neutral	74	11.44%	45	11.87%	29	10.82%
4. Somewhat disagree	19	2.94%	15	3.96%	4	1.49%
5. Disagree	49	7.57%	37	9.76%	12	4.48%
No response	19	2.94%	10	2.64%	9	3.36%

#23 Would you agree that you would not like it if your neighbor stored junk cars and scrap on his property?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	560	86.55%	315	83.11%	245	91.42%
2. Somewhat agree	19	2.94%	13	3.43%	6	2.24%
3. Neutral	24	3.71%	21	5.54%		0.37%
4. Somewhat disagree	7	1.08%	16	1.58%	1	0.37%
5. Disagree	26	4.02%	17	4.49%	9	3.36%
No response	11	1.70%	7	1.85%	4	1.49%

#24 Would you agree that you would not want tar-papered buildings or unfinished exteriors next to your house?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	523	80.83%	289	76.25%	234	87.31%
2. Somewhat agree	33	5.10%	24	6.33%	8	3.36%
3. Neutral	42	6.49%	34	8.97%	8	2.99%
4. Somewhat disagree	12	1.85%	10	2.64%	2	0.75%
5. Disagree	26	4.02%	16	4.22%	10	3.73%
No response	10	1.55%	6	1.58%	4	1.49%

#25 Would you agree that the town should have more single-family housing?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	269	40.33%	176	46.44%	176	46.44%
2. Somewhat agree	93	13.94%	58	15.30%	58	15.30%
3. Neutral	214	32.08%	104	27.44%	104	27.44%
4. Somewhat disagree	14	2.10%	7	1.85%	7	1.85%
5. Disagree	33	4.95%	20	5.28%	20	5.28%
No response	24	3.60%	14	3.69%	14	3.69%

#26 Would you agree that the town should have more multi-family housing (condos, apts, cluster housing)?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	49	7.35%	31	8.18%	18	6.72%
2. Somewhat agree	37	5.55%	24	6.33%	13	4.85%
3. Neutral	109	16.34%	62	16.36%	47	17.54%
4. Somewhat disagree	62	9.30%	33	8.71%	29	10.82%
5. Disagree	374	56.07%	219	57.78%	155	57.84%
No response	16	2.40%	10	2.64%	6	2.24%

#27 Would you agree that the town should have more vacation homes?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	50	7.50%	29	7.65%	21	7.84%
2. Somewhat agree	44	6.60%	24	6.33%	20	7.46%
3. Neutral	280	41.98%	144	37.99%	136	50.75%
4. Somewhat disagree	54	8.10%	34	8.97%	20	7.46%
5. Disagree	200	29.99%	138	36.41%	62	23.13%
No response	19	2.85%	10	2.64%	9	3.35%

#28 Would you agree that the town should have mobile-home parks?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	131	19.64%	104	27.44%	27	10.97%
2. Somewhat agree	41	6.15%	22	5.80%	19	7.09%
3. Neutral	117	17.54%	74	19.53%	43	16.04%
4. Somewhat disagree	53	7.95%	33	8.71%	20	7.46%
5. Disagree	294	44.08%	138	36.41%	156	58.21%
No response	11	1.65%	8	2.11%	3	1.12%

#29 Would you agree that the town should have more individually-located mobile homes?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	66	9.90%	54	14.25%	12	4.48%
2. Somewhat agree	22	3.30%	12	3.17%	10	3.73%
3. Neutral	150	22.49%	104	27.44%	46	17.16%
4. Somewhat disagree	48	7.20%	31	8.18%	17	6.34%
5. Disagree	344	51.57%	166	43.80%	177	66.04%
No response	17	2.55%	11	2.90%	6	2.24%

#30 Would you agree that the town should have more year-round business?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	384	57.57%	253	66.75%	131	48.88%
2. Somewhat agree	97	14.54%	49	12.92%	48	17.91%
3. Neutral	110	16.49%	47	12.40%	63	12.51%
4. Somewhat disagree	7	1.05%	5	1.32%	2	0.75%
5. Disagree	35	5.25%	19	5.01%	16	5.97%
No response	14	2.10%	6	1.58%	8	2.99%

#31 Would you agree that the town should have more light industries?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	318	47.68%	218	57.52%	100	37.31%
2. Somewhat agree	119	17.84%	58	15.30%	61	22.76%
3. Neutral	138	20.69%	69	18.21%	69	25.75%
4. Somewhat disagree	8	1.20%	3	0.79%	5	1.87%
5. Disagree	45	6.76%	22	5.80%	23	8.58%
No response	19	2.85%	19	2.37%	10	3.73%

#32. Would you agree that the town should support senior citizen housing projects?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	288	43.18%	175	46.17%	113	42.16%
2. Somewhat agree	130	19.49%	60	15.83%	70	26.12%
3. Neutral	130	19.49%	84	22.16%	46	17.16%
4. Somewhat disagree	19	2.85%	13	3.43%	6	2.24%
5. Disagree	68	10.19%	40	10.55%	28	10.45%
No response	12	1.80%	7	1.85%	5	1.87%

#33 Would you agree that the town should plan for housing for low-income people?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	242	36.28%	151	39.84%	91	33.96%
2. Somewhat agree	103	15.44%	67	17.68%	36	13.43%
3. Neutral	143	21.44%	75	19.79%	68	25.37%
4. Somewhat disagree	40	6.00%	24	6.33%	16	5.97%
5. Disagree	104	15.59%	54	14.25%	50	18.66%
No response	15	2.25%	8	2.11%	7	2.61%

#34 Would you agree that the town should preserve the image of "New England " architecture on commercial buildings through building codes?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	397	59.52%	215	56.73%	182	67.91%
2. Somewhat agree	78	11.69%	38	10.03%	40	14.93%
3. Neutral	82	12.29%	58	15.30%	24	8.96%
4. Somewhat disagree	19	2.85%	13	3.43%	6	2.24%
5. Disagree	51	7.65%	43	11.35%	8	2.99%
No response	20	3.00%	12	3.17%	8	2.99%

#35 Would you agree that the town should decrease density of housing allowed in residential areas?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	281	42.13%	159	41.95%	122	45.52%
2. Somewhat agree	106	15.89%	72	19.00%	34	12.69%
3. Neutral	136	20.39%	78	20.58%	58	21.64%
4. Somewhat disagree	25	3.75%	11	2.90%	14	5.22%
5. Disagree	73	10.94%	44	11.61%	29	10.82%
No response	26	3.90%	15	3.96%	11	4.10%

#36 Would you agree that developers should be permitted to modify marginal or unbuildable land by extensive blasting, excavation, or filling in an attempt to make the land buildable?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	55	8.25%	40	10.55%	15	5.60%
2. Somewhat agree	39	5.85%	24	6.33%	15	5.60%
3. Neutral	73	10.94%	45	11.87%	28	10.45%
4. Somewhat disagree	49	7.35%	31	8.18%	18	6.72%
5. Disagree	416	62.37%	230	60.66%	186	69.40%
No response	15	2.25%	9	2.37%	6	2.24%

#37 Would you agree that the town should provide local police protection?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	346	51.87%	176	46.43%	170	63.43%
2. Somewhat agree	75	11.24%	40	19.55%	35	13.06%
3. Neutral	104	15.59%	65	17.15%	39	14.55%
4. Somewhat disagree	28	4.20%	22	5.80%	6	2.24%
5. Disagree	79	11.84%	67	17.68%	12	4.48%
No response	15	2.25%	9	2.37%	6	2.24%

#38 Would you agree that the town has adequate police protection through the county?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	114	17.09%	95	25.07%	19	7.09%
2. Somewhat agree	65	9.75%	44	11.61%	21	7.84%
3. Neutral	135	20.24%	46	12.14%	89	33.21%
4. Somewhat disagree	66	9.90%	36	9.50%	30	11.19%
5. Disagree	238	35.68%	145	38.26%	93	34.70%
No response	29	4.35%	13	3.43%	16	5.97%

#39 Would you agree that the town should adopt landscaping requirements for commercial development?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	338	50.67%	172	45.38%	166	61.94%
2. Somewhat agree	105	15.74%	62	16.36%	43	16.04%
3. Neutral	102	15.29%	69	18.21%	33	12.31%
4. Somewhat disagree	25	3.75%	17	4.49%	8	2.99%
5. Disagree	59	8.85%	45	11.87%	14	5.22%
No response	18	2.70%	14	3.69%	4	1.49%

#40 Would you agree that the town should provide additional public access to the water?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	307	46.03%	187	49.34%	120	44.78%
2. Somewhat agree	98	14.69%	56	14.78%	42	15.67%
3. Neutral	111	16.64%	63	16.62%	48	17.91%
4. Somewhat disagree	36	5.40%	23	6.07%	13	4.85%
5. Disagree	80	11.99%	43	11.35%	37	13.81%
No response	15	2.25%	7	1.85%	8	2.99%

#41 Would you agree that the town should reserve areas for the lobster and fishing industries?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	453	67.92%	265	69.92%	188	70.15%
2. Somewhat agree	87	13.04%	54	14.25%	33	12.31%
3. Neutral	59	8.85%	30	7.92%	29	10.82%
4. Somewhat disagree	11	1.65%	6	1.58%	5	1.87%
5. Disagree	25	3.75%	16	4.22%	9	3.36%
No response	12	1.80%	8	2.11%	4	1.49%

#42 Would you agree that the town should develop parking areas near existing public landings?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	337	50.52%	210	55.41%	127	47.38%
2. Somewhat agree	104	15.59%	56	14.78%	48	17.91%
3. Neutral	115	17.24%	61	16.09%	54	20.15%
4. Somewhat disagree	18	2.70%	11	2.90%	7	2.61%
5. Disagree	56	8.40%	30	7.92%	26	9.70%
No response	17	2.55%	11	2.90%	6	2.24%

#43 Would you agree that the town should regulate the location and use of moorings?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	316	47.38%	185	48.81%	131	48.88%
2. Somewhat agree	87	13.04%	53	13.98%	34	12.69%
3. Neutral	130	19.49%	77	20.32%	53	19.78%
4. Somewhat disagree	23	3.45%	13	3.43%	10	3.73%
5. Disagree	75	11.24%	42	11.08%	33	12.31%
No response	16	2.40%	9	2.37%	7	2.61%

#44 Would you agree that the town should acquire land for recreational use?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	319	47.83%	171	45.12%	148	55.22%
2. Somewhat agree	101	15.14%	61	16.09%	40	14.93%
3. Neutral	110	16.49%	69	18.21%	41	15.30%
4. Somewhat disagree	18	2.70%	11	2.90%	7	2.61%
5. Disagree	84	12.59%	58	15.30%	26	9.70%
No response	15	2.25%	9	2.37%	6	2.24%

#45 Would you agree that the town should acquire open space to keep it from being developed?

	<u>Residents</u>		<u>Non-residents</u>		<u>All surveys</u>	
1. Agree	341	51.12%	157	46.17%	166	61.94%
2. Somewhat agree	83	12.44%	55	14.51%	28	10.45%
3. Neutral	106	15.89%	70	18.47%	36	13.43%
4. Somewhat disagree	20	3.00%	13	3.43%	7	2.61%
5. Disagree	81	12.14%	56	14.78%	25	9.33%
No response	16	2.40%	10	2.64%	6	2.24%

#46 Would you agree that the town should purchase land or easements to protect scenic views?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	360	53.97%	183	48.28%	177	66.04%
2. Somewhat agree	87	13.04%	56	14.78%	31	11.57%
3. Neutral	91	13.64%	61	16.09%	30	11.19%
4. Somewhat disagree	22	3.30%	15	3.96%	7	2.61%
5. Disagree	69	10.34%	53	13.98%	16	5.97%
No response	18	2.70%	11	2.90%	7	2.61%

#47 Would you agree that the town should protect unique natural resources such as shorelines, bird habitats, etc.?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1. Agree	496	74.36%	276	72.82%	220	82.09%
2. Somewhat agree	64	9.60%	41	10.82%	23	8.58%
3. Neutral	44	6.60%	27	7.12%	17	6.34%
4. Somewhat disagree	10	1.50%	7	1.85%	3	1.12%
5. Disagree	18	2.70%	17	4.49%	1	0.37%
No response	15	2.25%	11	2.90%	4	1.49%

Given adequate water and sewage conditions, what should the minimum lot size be for a single-family home?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1/2 acre	188	29.06%	109	28.76%	79	29.48%
1 acre	235	36.32%	145	38.26%	90	33.58%
1.5 acres	47	7.26%	29	7.65%	18	6.72%
2 acres	92	14.21%	52	13.71%	40	14.93%
No response	184	28.44%	115	30.34%	69	25.75%

Given adequate water and sewage conditions, what should the minimum lot size be within 250 feet of the water?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1/2 acre	80	12.36%	37	9.76%	43	16.04%
1 acre	173	26.74%	106	27.97%	67	25.00%
1.5 acres	65	10.05%	29	7.65%	36	13.43%
2 acres	143	22.10%	91	24.01%	52	19.40%
No response	184	28.44%	115	30.34%	69	25.75%

Given adequate water and sewage conditions, what should the minimum lot size be for general commercial?

	<u>All surveys</u>		<u>Residents</u>		<u>Non-residents</u>	
1/2 acre	75	11.59%	36	9.50%	39	14.55%
1 acre	76	11.75%	50	13.19%	26	9.70%
1.5 acres	33	5.10%	15	3.96%	18	6.72%
2 acres	236	36.47%	140	35.94%	96	35.81%
No response	227	35.09%	138	36.41%	89	33.12%

## WHAT ARE SOME OF THE MAJOR PROBLEMS YOU SEE THE TOWN FACING IN THE NEAR FUTURE

The following is a list of problems that people listed in their surveys. We have attempted to distill them down to the lowest common denominator where possible.

	Answers
1. Water	187
2. Growth Management	183
3. Sewage	76
4. Traffic	64
5. Refuse Disposal	63
6. Taxes	59
7. Roads	47
8. Town Government	36
9. Affordable Housing	33
10. Police Protection	31
11. Population	31

## ARE THERE UNIQUE SCENIC OR NATURAL AREAS WHICH YOU PARTICULARLY ENJOY?

The following is a list of Scenic or natural areas that people listed in their surveys. We have attempted to distill them down to the lowest common denominator where possible.

1. Ocean Point	308
2. General Shoreline	67
3. Boothbay Shores	42
4. Knickerbocker	31
5. East Boothbay (village)	22
6. Oven's Mouth/Cross River	22
7. Whole Town	19
8. Mill Pond	18
9. Linekin Bay	12
10. Knickerbocker	11

## WATER SURVEY

### Results:

For the purpose of the survey, all responses in questions 2 through 7 are compared only against those who indicated they had a drilled well for their primary source of water.

### #1 What type of water system do you have in your home?

1. Drilled well	323	48.79%
2. Dug well	32	4.83%
3. Town water	121	33.38%
4. Seasonal town water	88	13.29%
5. Other	2	0.30%
No response	96	14.50%

The question also allowed people to enter other sources of water.

580 or 87.61% gave no response in this area.

65 or 9.75% listed seasonal town water as an alternative to their primary source which was generally a drilled well. Six or 0.90% listed town water as an alternative water supply.

Other sources listed in the surveys were:

Cisterns or dug wells	6	0.90%
Spring water	3	0.45%
Knickerbocker Lake	1	0.15%
Buys water	2	0.30%

### #2 How deep is your well\*?

The average depth was	178 ft.
Maximum depth	550 ft.
Minimum depth	6*

\*This question was meant for drilled wells, however some of the minimum depths may have been from dug wells.

Standard deviation	106 ft.
Number of people unsure of the depth of their well:	381

### #3 Has your well ever gone dry?

Yes	17	5.26%
No	292	90.40%
No response	14	4.33%

### If yes, how many times a year does it go dry?

Once per year	13	1.96%
Twice per year	2	0.30%
Three times per year	4	0.60%
No response	642	96.98%

### During what months?

The months of July and August were mentioned	15	2.25%
August-September	4	0.60%

### #4 How long has it been since you had your water tested?

No responses or never	82	24.40%
Less than one year	28	8.33%
One to two years	96	28.57%
Three to five years	51	15.16%
Five to ten years	41	12.20%
Greater than 10 years	38	11.31%



**Were any substances found above recommended?**

Yes	37	11.46%
No	182	56.35%
No response	104	32.20%

**If yes, what was found?**

Iron	17	5.22%
Salt	4	1.24%
Radon	3	0.93%
Coliform	3	0.91%
Lead	1	0.31%
Sulphur	2	0.62%
Bacteria	1	0.31%
Acid	1	0.31%
No response	4	1.24%

**Was your water tested for radon?**

Yes	41	12.69%
No	187	57.89%
No response	95	29.41%

**#5 How far is your well from road salt?**

1 to 10 feet	7	2.17%
15 to 30 feet	10	3.10%
35 to 50 feet	11	3.41%
60 to 100 feet	13	4.03%
120 to 150 feet	4	1.24%
200 feet	5	1.55%
300 feet	3	0.93%
500 feet	2	0.62%
800 feet	1	0.31%
No response	259	80.19%

**How far is your well from sources of fertilizer/pesticides?**

1 to 20 feet	3	0.93%
200 feet	1	0.31%
300 feet	1	0.31%
1250 feet	1	0.31%
No response	317	98.10%

**How far is your well from septic or cesspool?**

1 foot	4	1.24%
15 feet	1	0.32%
25 to 50 feet	9	2.69%
60 to 90 feet	11	3.72%
100 to 125 feet	19	5.89%
130 to 160 feet	4	1.24%
200 to 250 feet	5	1.55%
300 feet	2	0.62%
501 feet	1	0.31%
No response	263	81.42%

**How far is your well from underground fuel tanks?**

100 feet	1	0.31%
500 feet	1	0.31%
No response	321	99.38%

**How far is your well from an old dump or landfill?**

1 to 15 feet	4	1.24%
200 to 240 feet	2	0.62%
1000 feet	1	0.31%
2000 feet	1	0.31%
No response	314	97.21%

**How far is your well from any body of water?**

1 to 15 feet	3	0.93%
20 to 30 feet	3	0.93%
60 to 80 feet	4	1.24%
100 to 150 feet	7	2.17%
200 to 250 feet	4	1.24%
300 to 500 feet	5	2.45%
900 feet	1	0.31%
No response	268	82.97%

**Type of body of water?**

Ocean/salt water	13	4.03%
Rivers	6	1.86%
Stump dump	2	0.62%
Swamp	1	0.31%

**#6a Have you ever had a well turn salty?**

Yes	22	6.81%
No	284	87.93%
No response	17	5.26%

**Number of wells that turned salty?**

1	13	4.02%
2	5	1.55%
3	2	0.62%
4	1	0.31%
No response	301	93.19%

**When did they turn salty?**

1960	1	0.31%
1965	2	0.62%
1972	2	0.62%
1978	2	0.62%
1979	2	0.62%
1984	1	0.31%
1985	2	0.62%
1986	1	0.31%
1987	2	0.62%
1988	1	0.31%

**#6b Are you satisfied with the following characteristics of your untreated water?**

**Overall quality**

Very satisfied	163	50.46%
Satisfied	103	31.89%
Not satisfied	27	8.36%
No response	30	9.29%

**Color**

Very satisfied	156	48.30%
Satisfied	97	30.03%
Not satisfied	31	9.60%
No response	39	12.07%

**Taste**

Very satisfied	155	47.99%
Satisfied	89	27.84%
Not satisfied	35	10.84%
No response	44	13.62%

**Smell**

Very satisfied	157	48.61%
Satisfied	87	26.93%
Not satisfied	30	9.29%
No response	49	15.17%

**Cloudiness**

Very satisfied	146	45.20%
Satisfied	81	25.08%
Not satisfied	11	3.41%
No response	85	26.32%

**Explain**

Iron/salt	23	5.99%
Sulphur	4	1.24%
Metallic/rock	4	1.24%
Hard	3	0.93%
Sediment	4	1.24%
Acid	2	0.62%
Mineral content	1	0.31%

**#7a Do you have a water treatment system?**

Yes	71	10.73%
No	313	47.28%
No response	278	41.99%

**Describe type of water treatment system.**

Various (list available)	62	9.02%
No response	600	90.63%

**#8 How concerned are you about groundwater quality?**

Very concerned	231	34.89%
Concerned	105	15.86%
Not concerned	82	12.39%
Unsure	18	2.72%
No response	226	34.14%

**If you are very concerned or concerned, list your concerns.**

1. Water quality/quantity	140	21.00%
2. Water pollution	44	5.62%
3. Radon	11	1.51%
4. Sewage contamination	8	1.20%
5. Saltwater intrusion	6	0.90%
6. Wetlands	2	0.30%
7. Dump/junk yards	4	0.60%
No response	437	66.01%

# ALL SURVEYS

TABLE 1-A

## QUESTIONS SORTED BY MOST AGREED TO MOST DISAGREED

1.94	21	Town should actively protect the ground water from contamination
1.81	3	At least some portion of shore land should be preserved for marine related activities
1.77	18	The town needs some zoning controls which protect everyone's land values
1.76	20	Town needs land use controls to protect quality of open spaces, the soil, water and air
1.70	23	You would not like it if your neighbor stored junk cars and scrap on his property
1.60	47	The town should protect unique natural resources such as shorelines, bird habitats, etc.
1.60	24	You would not want tar-papered buildings or unfinished exteriors next to your house
1.53	4	Existing residential areas should be protected from non-residential development
1.51	5	Town should promote retention of open space/agricultural land
1.47	41	The town should encourage new development in areas best suited for development
1.46	14	Year-round employment opportunities should be encouraged
1.43	17	The summer tourist industry is important to the local economy
1.39	15	People should be allowed to have small family business in homes provided they meet...
1.34	7	The town should encourage new development in areas best suited for development
1.29	22	Town should provide for the safe disposal of sewage
1.27	6	Town should encourage new development in areas best suited for development
1.24	30	Preserve "New England" architecture on commercial buildings through building codes
1.20	34	The town should have more year-round businesses
1.05	31	The town should have more light industries
1.03	46	The town should develop parking areas near existing public landings
1.03	42	The town should develop parking areas near existing public landings
1.01	39	The town should adopt landscaping requirements for commercial development
0.92	45	The town should acquire open space to keep it from being developed
0.92	37	The town should provide local police protection
0.89	9	All businesses, except home occupations, should be in special commercial areas
0.88	25	The town should have more single family housing
0.88	44	The town should acquire land for recreational use
0.87	32	The town should support senior citizen housing projects
0.87	43	The town should regulate the location and use of moorings
0.82	40	The town should provide additional public access to the water
0.80	35	The town should decrease density of housing allowed in residential areas
0.75	13	Boothbay needs more year-round commercial development
0.74	33	The town should plan for housing for low-income people
0.40	10	The town should not promote any new tourist facilities to be built in town
-0.03	11	The town should promote new tourist facilities in a number of carefully selected areas
-0.40	38	The town has adequate police protection through the County
-0.49	27	The town should have more vacation homes
-0.53	28	The town should have mobile home parks
-0.92	29	The town should have more individually-located mobile homes
-0.94	19	Town has too many rules & regulations which tell people what they can do with their land
-1.07	26	The town should have more multi-family housing (condos, apts, cluster housing)
-1.10	12	The town should promote new tourist facilities anywhere in town provided they meet...
-1.13	2	Additional multi-family building development should occur
-1.16	36	Developers should be permitted to blast, excavate or fill to make land more buildable
-1.23	16	As long as there is no pollution, it is okay for your neighbor to use his property anyway...
-1.48	8	People should be allowed to have any business on their properties

# RESIDENTS

TABLE 1-B

## QUESTIONS SORTED BY MOST AGREED TO MOST DISAGREED

1.92	21	Town should actively protect the ground water from contamination
1.80	3	At least some portion of shore land should be preserved for marine related activities
1.72	20	Town needs land-use controls to protect quality of open spaces, the soil, water and air
1.72	18	The town needs some zoning controls which protect everyone's land values
1.62	23	You would not like it if your neighbor stored junk cars and scrap on his property
1.57	14	Year-round employment opportunities should be encouraged
1.53	7	People should be allowed to have small family business in homes provided they meet...
1.50	24	You would not want tar-papered buildings or unfinished exteriors next to your house
1.50	47	The town should protect unique natural resources such as shorelines, bird habitats, etc.
1.47	41	The town should reserve areas for the lobster and fishing industries
1.39	4	Existing residential areas should be protected from non-residential development
1.37	30	The town should have more year-round businesses
1.36	5	Town should promote retention of open space/agricultural land
1.26	6	Town should encourage new development in areas best suited for development
1.25	15	The summer tourist industry is important to the local economy
1.23	17	As a property owner, you would object to industrial or commercial activity next door...
1.24	31	The town should have more light industries
1.21	31	Town should provide for the safe disposal of sewage
1.15	22	The town should develop parking areas near existing public landings
1.10	42	Preserve "New England" architecture on commercial buildings through building codes
1.01	34	The town should have more single family housing
0.99	25	Boothbay needs more year-round commercial development
0.94	13	The town should regulate the location and use of moorings
0.88	40	The town should provide additional public access to the water
0.86	43	The town should support senior citizen housing projects
0.85	32	The town should adopt landscaping requirements for commercial development
0.82	39	The town should purchase land or easements to protect scenic views
0.82	46	The town should decrease density of housing allowed in residential areas
0.80	35	The town should acquire land for recreational use
0.75	44	All businesses, except home occupations, should be in special commercial areas
0.70	9	The town should acquire open space to keep it from being developed
0.70	45	The town should plan for housing for low-income people
0.64	33	The town should provide local police protection
0.64	37	The town should promote new tourist facilities to be built in town
0.34	10	The town should not promote any new tourist facilities in a number of carefully selected areas
-0.10	11	The town has adequate police protection through the county
-0.21	28	The town should have mobile home parks
-0.25	38	The town has adequate police protection through the county
-0.62	27	The town should have more vacation homes
-0.66	29	The town should have more individually-located mobile homes
-0.76	19	The town has too many rules & regulations which tell people what they can do with their land
-0.98	16	As long as there is no pollution, it is okay for your neighbor to use his property anyway...
-1.04	26	The town should have more multi-family housing (condos, apts, cluster housing)
-1.05	36	Developers should be permitted to blast, excavate or fill to make land more buildable
-1.06	2	Additional multi-family building development should occur
-1.06	12	The town should promote new tourist facilities anywhere in town provided they meet...
-1.31	8	People should be allowed to have any business on their property

TABLE 1-C

## NON-RESIDENTS

## QUESTIONS SORTED BY MOST AGREED TO MOST DISAGREED

196	21	Town should actively protect the ground water from contamination
184	18	The town needs some zoning controls which protect everyone's land values
182	3	At least some portion of shoreland should be preserved for marine-related activities
181	23	You would not like it if your neighbor stored junk cars and scrap on his property
180	20	Town needs land use controls to protect quality of open spaces, the soil, water and air
173	47	The town should protect unique natural resources such as shorelines, bird habitats, etc.
173	24	You would not want tarpapered buildings or unfinished exteriors next to your house
172	4	Existing residential areas should be protected from non-residential development
170	5	Town should promote retention of open space/agricultural land
158	17	As a property owner, you would object to industrial or commercial activity next door.
148	15	The summer tourist industry is important to the local economy
147	22	Town should provide for the safe disposal of sewage
146	34	Preserve "New England" architecture on commercial buildings through building codes
133	41	The town should reserve areas for the lobster and fishing industries
132	46	The town should purchase land or easements to protect scenic views
131	37	The town should provide local police protection
128	14	Year-round employment opportunities should be encouraged
127	39	The town should encourage new development in areas best suited for development
117	6	Town should encourage new development in areas best suited for development
116	9	All businesses, except home occupations, should be in special commercial areas
107	7	The town should acquire open space to keep it from being developed
106	30	People should be allowed to have small family businesses in homes provided they meet...
099	25	The town should have more year-round business
089	42	The town should develop parking areas near existing public landings
084	32	The town should support senior citizen housing projects
081	43	The town should regulate the location and use of moorings
075	35	The town should decrease density of housing allowed in residential areas
049	40	The town should provide additional public access to the water
047	13	Boothbay needs more year-round commercial development
039	10	The town should not promote any new tourist facilities to be built in town
039	33	The town should plan for housing for low-income people
039	11	The town should promote new tourist facilities in a number of carefully selected areas
032	27	The town should have more vacation homes
022	38	The town has adequate police protection through the County
018	28	The town should have more multi-family housing (condos, apts, cluster housing)
016	26	The town should promote new tourist facilities anywhere in town provided they meet...
016	12	Town has too many rules & regulations which tell people what they can do with their land
013	19	Additional multi-family building development should occur
012	2	The town should have more individually-located mobile homes
012	29	Developers should be permitted to build, excavate or fill to make land more buildable
012	36	As long as there is no pollution, it is okay for your neighbor to use his property anyway...
012	16	People should be allowed to have any business on their property
012	8	

TABLE 2-A

## ALL SURVEYS

## QUESTIONS SORTED BY STRENGTH OF OPINION (100 To 0)

97	21	Town should actively protect the ground water from contamination
93	23	You would not like it if your neighbor stored junk cars and scrap on his property
92	18	The town needs some zoning controls which protect everyone's land values
91	3	At least some portion of shoreland should be preserved for marine-related activities
89	20	Town needs land use controls to protect quality of open spaces, the soil, water and air
88	24	You would not want tarpapered buildings or unfinished exteriors next to your house
86	8	People should be allowed to have any business on their property
85	17	As a property owner, you would object to industrial or commercial activity next door.
84	16	The town should promote retention of open space/agricultural land
84	47	Existing residential areas should be protected from non-residential development
81	5	Town should provide for the safe disposal of sewage
80	22	Town should encourage new development in areas best suited for development
79	6	The town should reserve areas for the lobster and fishing industries
79	41	The town should purchase land or easements to protect scenic views
78	12	The town should encourage new development in areas best suited for development
78	36	Developers should be permitted to build, excavate or fill to make land more buildable
78	2	Additional multi-family building development should occur
76	15	The summer tourist industry is important to the local economy
75	14	Year-round employment opportunities should be encouraged
75	7	People should be allowed to have small family businesses in homes provided they meet...
71	34	Preserve "New England" architecture on commercial buildings through building codes
71	9	All businesses, except home occupations, should be in special commercial areas
73	46	The town should acquire open space to keep it from being developed
71	37	The town should support senior citizen housing projects
71	11	The town should regulate the location and use of moorings
71	45	The town should promote new tourist facilities in a number of carefully selected areas
71	26	The town should have more multi-family housing (condos, apts, cluster housing)
70	28	The town should have more mobile home parks
70	10	The town should not promote any new tourist facilities to be built in town
70	30	The town should plan for housing for low-income people
70	19	Town has too many rules & regulations which tell people what they can do with their land
68	44	The town should acquire land for recreational use
68	39	The town should adopt landscaping requirements for commercial development
68	29	The town should have more individually-located mobile homes
67	42	The town should develop parking areas near existing public landings
67	40	The town should provide additional public access to the water
66	43	The town should regulate the location and use of moorings
66	13	Boothbay needs more year-round commercial development
63	31	The town should decrease density of housing allowed in residential areas
62	35	The town should support senior citizen housing projects
62	38	The town should have more vacation homes
62	2	The town should have more multi-family housing (condos, apts, cluster housing)
60	32	The town should plan for housing for low-income people
53	33	The town should have more single family housing
44	27	The town should have more vacation homes

TABLE 3-A

## ALL SURVEYS

## QUESTIONS SORTED FROM MOST TO LEAST CONTROVERSIAL

97	The town should promote new tourist facilities in a number of carefully selected areas	11
80	The town has adequate police protection through the County	38
80	The town should not promote any new tourist facilities to be built in town	10
76	The town should have more vacation homes	27
76	The town should plan for housing for low-income people	33
74	The town should have mobile-home parks	28
65	Boothbay needs more year-round commercial development	13
63	The town should decrease density of housing allowed in residential areas	35
62	The town should provide additional public access to the water	40
61	The town should support senior citizen housing projects	32
60	The town should acquire land for recreational use	44
59	The town should regulate the location and use of moorings	43
59	All businesses, except home occupations, should be in special commercial areas	25
57	The town should have more single-family housing	9
56	The town should acquire open space to keep it from being developed	45
56	The town should provide local police protection	37
55	The town should have more individually-located mobile homes	39
54	Town has too many rules & regulations which tell people what they can do with their land	19
52	The town should adopt landscaping requirements for commercial development	39
52	The town should have more light industries	31
52	The town should develop parking areas near existing public landings	42
51	The town should purchase land or easements to protect scenic views	46
48	The town should have more multi-family housing (condos, apts, cluster housing)	26
46	The town should promote new tourist facilities anywhere in town provided they meet...	12
44	Additional multi-family building development should occur	2
42	Developers should be permitted to blast, excavate or fill to make land more buildable	36
42	Preserve "New England" architecture on commercial buildings through building codes	34
41	The town should have more year-round business	30
39	As long as there is no pollution, it is okay for your neighbor to use his property anyway...	16
39	Town should encourage new development in areas best suited for development	6
37	Town should provide for the safe disposal of sewage	22
36	People should be allowed to have small family business in homes provided they meet...	7
34	The summer tourist industry is important to the local economy	15
31	As a property owner, you would object to industrial or commercial activity next door...	14
30	The town should reserve areas for the lobster and fishing industries	17
30	People should be allowed to have any business on their property	41
27	Town should promote retention of open space/agricultural land	8
25	Existing residential areas should be protected from non-residential development	5
22	The town should protect unique natural resources such as shorelines, bird habitats, etc.	47
21	You would not want far-papered buildings or unfinished exteriors next to your house	24
16	You would not like it if your neighbor stored junk cars and scrap on his property	24
15	Town needs land-use controls to protect quality of open spaces, the soil, water and air	20
13	The town needs some zoning controls which protect everyone's land values	18
11	At least some portion of shore land should be preserved for marine-related activities	3
4	Town should actively protect the ground water from contamination	21

TABLE 3-B

## RESIDENTS

## QUESTIONS SORTED FROM MOST TO LEAST CONTROVERSIAL

93	The town should promote new tourist facilities in a number of carefully selected areas	11
90	The town should have mobile home parks	28
87	The town has adequate police protection through the County	38
82	The town should not promote any new tourist facilities to be built in town	10
71	The town should plan for housing for low-income people	33
70	The town should have mobile-home parks	27
69	Boothbay needs more vacation homes	37
68	The town should decrease density of housing allowed in residential areas	45
68	The town should provide local police protection	37
68	The town should acquire open space to keep it from being developed	45
67	The town should have more individually-located mobile homes	39
66	All businesses, except home occupations, should be in special commercial areas	29
66	The town should acquire land for recreational use	9
64	The town should decrease density of housing allowed in residential areas	35
63	Town has too many rules & regulations which tell people what they can do with their land	19
62	The town should adopt landscaping requirements for commercial development	39
62	The town should purchase land or easements to protect scenic views	46
61	The town should support senior citizen housing projects	32
59	The town should provide additional public access to the water	40
59	The town should regulate the location and use of moorings	43
56	Boothbay needs more year-round commercial development	13
54	The town should have more single family housing	25
52	As long as there is no pollution, it is okay for your neighbor to use his property anyway...	16
51	Preserve "New England" architecture on commercial buildings through building codes	34
48	The town should have more multi-family housing (condos, apts, cluster housing)	26
48	The town should promote new tourist facilities anywhere in town provided they meet...	12
48	Additional multi-family building development should occur	36
48	Developers should be permitted to blast, excavate or fill to make land more buildable	2
48	The town should develop parking areas near existing public landings	42
48	The town should promote new tourist facilities anywhere in town provided they meet...	12
43	The town should have more light industries	31
41	Town should provide for the safe disposal of sewage	22
41	The summer tourist industry is important to the local economy	15
40	As a property owner, you would object to industrial or commercial activity next door...	17
39	People should be allowed to have any business on their property	6
35	Town should encourage new development in areas best suited for development	8
34	The town should have more year-round business	30
34	Town should promote retention of open space/agricultural land	5
33	Existing residential areas should be protected from non-residential development	41
30	The town should reserve areas for the lobster and fishing industries	4
27	The town should protect unique natural resources such as shorelines, bird habitats, etc.	47
26	People should be allowed to have small family business in homes provided they meet...	7
25	You would not want far-papered buildings or unfinished exteriors next to your house	24
23	Year-round employment opportunities should be encouraged	14
19	You would not like it if your neighbor stored junk cars and scrap on his property	23
17	Town needs land-use controls to protect quality of open spaces, the soil, water and air	20
1	Town needs some zoning controls which protect everyone's land values	18
1	At least some portion of shoreland should be preserved for marine-related activities	3
5	Town should actively protect the ground water from contamination	21

# RESIDENTS

TABLE 2-B

## QUESTIONS SORTED BY STRENGTH OF OPINION (100 TO 0)

96	21	Town should actively protect the ground water from contamination
91	23	You would not like it if your neighbor stored junk cars and scrap on his property
90	3	At least some portion of shore land should be preserved for marine related activities
89	18	The town needs some zoning controls which protect everyone's land values
86	20	Town needs land use controls to protect quality of open spaces, the soil, water and air
84	24	You would not want tarpapered buildings or unfinished exteriors next to your house
83	8	People should be allowed to have any business on their property
83	47	The town should protect unique natural resources such as shorelines, bird habitats, etc.
81	17	As a property owner, you would object to industrial or commercial activity next door.
81	16	As long as there is no pollution, it is okay for your neighbor to use his property anyway.
81	14	Year-round employment opportunities should be encouraged
80	41	Town should encourage new development in areas best suited for development
80	6	Existing residential areas should be protected from non-residential development
79	4	People should be allowed to have small family business in homes provided they meet...
79	7	The town should promote new tourist facilities anywhere in town provided they meet...
79	12	Town should provide for the safe disposal of sewage
77	2	Additional multi-family building development should occur
77	36	Developers should be permitted to blast, excavate or fill to make land more buildable
75	11	The town should have more year-round business
75	5	Town should promote retention of open space/agricultural land
74	34	Preserve "New England" architecture on commercial buildings through building codes
73	15	The summer tourist industry is important to the local economy
73	9	All businesses, except home occupations, should be in special commercial areas
72	10	The town should not promote any new tourist facilities to be built in town
71	38	The town has adequate police protection through the county
71	19	Town has too many rules & regulations which tell people what they can do with their land
70	13	Boothbay needs more year-round commercial development
70	37	The town should provide local police protection
69	42	The town should develop parking areas near existing public landings
69	31	The town should have more light industries
69	46	The town should purchase land or easements to protect scenic views
69	28	The town should have mobile home parks
67	40	The town should provide additional public access to the water
67	44	The town should acquire land for recreational use
66	43	The town should regulate the location and use of moorings
66	45	The town should acquire open space to keep it from being developed
65	39	The town should adopt landscaping requirements for commercial development
63	29	The town should have more individually-located mobile homes
63	32	The town should support senior citizen housing projects
61	35	The town should decrease density of housing allowed in residential areas
61	33	The town should plan for housing for low-income people
58	25	The town should have more single-family housing
49	27	The town should have more vacation homes

# NON-RESIDENTS

TABLE 2-C

## QUESTIONS SORTED BY STRENGTH OF OPINION (100 TO 0)

98	21	Town should actively protect the ground water from contamination
97	23	You would not like it if your neighbor stored junk cars and scrap on his property
97	3	At least some portion of shore land should be preserved for marine related activities
96	18	The town needs some zoning controls which protect everyone's land values
94	24	You would not want tarpapered buildings or unfinished exteriors next to your house
94	20	Town needs land-use controls to protect quality of open spaces, the soil, water and air
92	8	People should be allowed to have any business on their property
91	4	The town should protect unique natural resources such as shorelines, bird habitats, etc.
91	17	As a property owner, you would object to industrial or commercial activity next door.
90	3	As long as there is no pollution, it is okay for your neighbor to use his property anyway.
89	16	Year-round employment opportunities should be encouraged
89	41	Town should encourage new development in areas best suited for development
86	6	Existing residential areas should be protected from non-residential development
84	15	The summer tourist industry is important to the local economy
83	9	All businesses, except home occupations, should be in special commercial areas
83	10	The town should not promote any new tourist facilities to be built in town
80	38	The town has adequate police protection through the county
79	12	Town should provide for the safe disposal of sewage
79	2	Additional multi-family building development should occur
78	36	Developers should be permitted to blast, excavate or fill to make land more buildable
78	11	The town should have more year-round business
78	5	Town should promote retention of open space/agricultural land
78	34	Preserve "New England" architecture on commercial buildings through building codes
76	45	The summer tourist industry is important to the local economy
75	9	All businesses, except home occupations, should be in special commercial areas
75	10	The town should not promote any new tourist facilities to be built in town
73	38	The town has adequate police protection through the county
73	19	Town has too many rules & regulations which tell people what they can do with their land
71	13	Boothbay needs more year-round commercial development
71	37	The town should provide local police protection
70	42	The town should develop parking areas near existing public landings
69	31	The town should have more light industries
69	46	The town should purchase land or easements to protect scenic views
69	28	The town should have mobile home parks
67	40	The town should provide additional public access to the water
67	44	The town should acquire land for recreational use
66	43	The town should regulate the location and use of moorings
66	45	The town should acquire open space to keep it from being developed
64	39	The town should adopt landscaping requirements for commercial development
63	29	The town should have more individually-located mobile homes
63	32	The town should support senior citizen housing projects
61	35	The town should decrease density of housing allowed in residential areas
61	33	The town should plan for housing for low-income people
60	25	The town should have more single-family housing
59	31	The town should have more vacation homes
58	27	The town should have more vacation homes
54	27	The town should have more vacation homes
50	27	The town should have more vacation homes
36	27	The town should have more vacation homes

TABLE 3-C

## NON-RESIDENTS

QUESTIONS SORTED FROM MOST TO LEAST CONTROVERSIAL

98	11	The town should promote new tourist facilities in a number of carefully selected areas
84	27	The town should have more vacation homes
82	33	The town should plan for housing for low-income people
79	13	Boothbay needs more year-round commercial development
76	10	The town should not promote any new tourist facilities to be built in town
70	38	The town has adequate police protection through the County
65	40	The town should provide additional public access to the water
63	31	The town should have more light industries
62	35	The town should decrease density of housing allowed in residential areas
62	32	The town should support senior citizen housing projects
60	43	The town should regulate the location and use of moorings
58	42	The town should develop parking areas near existing public landings
54	25	The town should have more single-family housing
51	30	The town should have more year-round business
51	28	The town should have mobile home parks
50	44	The town should acquire land for recreational use
48	7	People should be allowed to have small family business in homes provided they meet...
46	26	The town should have more multi-family housing (condos, apts, cluster housing)
44	45	The town should acquire open space to keep it from being developed
44	12	The town should promote new tourist facilities anywhere in town provided they meet...
43	9	All businesses, except home occupations, should be in special commercial areas
42	19	Town has too many rules & regulations which tell people what they can do with their land
40	14	Year-round employment opportunities should be encouraged
39	39	The town should adopt landscaping requirements for commercial development
39	6	Town should encourage new development in areas best suited for development
39	2	Additional multi-family building development should occur
37	37	The town should provide local police protection
37	29	The town should have more individually-located mobile homes
36	29	The town should purchase land or easements to protect scenic views
36	46	Developers should be permitted to blast, excavate or fill to make land more buildable
34	36	Preserve "New England" architecture on commercial buildings through building codes
30	34	The town should reserve areas for the lobster and fishing industries
30	41	The town should provide for the safe disposal of sewage
27	23	The summer tourist industry is important to the local economy
25	15	As long as there is no pollution, it is okay for your neighbor to use his property anyway...
22	16	Town should promote retention of open space/agricultural land
16	5	As a property owner, you would object to industrial or commercial activity next door...
15	17	People should be allowed to have any business on their property
15	8	The town should protect unique natural resources such as shorelines, bird habitats, etc.
15	47	Existing residential areas should be protected from non-residential development
14	4	You would not want tar-papered buildings or unfinished exteriors next to your house
11	24	Town needs land-use controls to protect quality of open spaces, the soil, water and air
10	10	At least some portion of shore land should be preserved for marine-related activities
10	3	You would not like it if your neighbor stored junk cars and scrap on his property
9	23	The town needs some zoning controls which protect everyone's land values
9	18	Town should actively protect the ground water from contamination
2	21	



## DEMOGRAPHICS AND POPULATION ANALYSIS

The statistical information given here is primarily from the 1980 U.S. Census and the Maine State population estimates of growth since the National Census. This data provides us with a good profile of Boothbay until 1980 and indicates trends which are currently taking place.

### Historical Population Growth

Looking back at four decades of population figures and 1984 population figures from the Boothbay Harbor Comprehensive Plan, it is clear the Town of Boothbay is experiencing a very rapid rate of growth. Between 1940 and 1980 the rate of population growth in Maine was 58%, in Lincoln County 33%, and in Boothbay about 68%. Neighboring Boothbay Harbor grew only 4% while Southport grew 48% in the same 40-year period. In the most recent available information, Boothbay's population growth continues to outdistance its neighbors. Between 1970 and 1980 while Maine grew at a rate of 13.2% and Lincoln County at 25.1%, Boothbay grew at a rate of 27.2% compared to

POPULATION					
Year	Boothbay	Boothbay Harbor	Southport	Lincoln County	State of Maine
1940	1370	2121	405	16,294	847,000
1950	1559	2290	435	18,004	914,000
1960	1617	2252	416	18,497	969,265
1970	1814	2320	473	20,537	993,722
1980	2308	2207	598	25,691	1,124,660
1984	2476	2262	620	27,525	1,156,485
<b>% Change</b>					
60-70	12.2%	3.0%	13.7%	11.0%	2.5%
79-80	27.2%	-4.9%	26.4%	25.1%	13.2%
80-84	7.3%	2.5%	3.7%	7.1%	2.8%

POPULATION PROJECTIONS					
	Boothbay	Boothbay Harbor	Southport	Lincoln County	State of Maine
1985	2500	2300	620	28,350	1,136,650
1986	2500	2350	630	28,850	1,171,110
1987	2550	2350	640	29,350	1,177,900
1988	2550	2400	650	29,750	1,182,750
1989	2600	2400	650	30,250	1,189,750
1990	2600	2450	660	30,650	1,195,400
1991	2600	2450	670	31,100	1,201,650
1992	2650	2500	670	31,550	1,206,900
1993	2650	2500	680	31,900	1,209,400
<b>% Change</b>					
85-90	+ 4%	+6%	+6%	+8%	+3%
90-93	+ 2%	+2%	+3%	+4%	+1%
80-93	+15%	+13%	+12%	+24%	+8%



neighboring Southport at 26.4% and the Harbor at -4.9%. Between 1980 and 1984 Maine grew at a rate of 28%, Lincoln County at 7.1% and Boothbay at a rate of 7.3%. In this four-year period, Boothbay continued to mirror County figures (always slightly ahead of the County in % of growth) and Southport, which had been growing just a bit less than Boothbay, started to experience a much slower growth rate. Boothbay's growth rate may be attributed to a much larger developable land area than its neighboring towns, the increasing demand for housing in the region, and the many miles of desirable coastal property purchased by affluent people moving to the area.

### Population Projections

The Department of Human Services prepared population estimates through 1993 in a report published in 1985. This study is based on the assumptions of a small increase in birth rate, a decrease in the death rate, and net migration similar to that experienced in the three years following the 1980 Census.

	AGE DISTRIBUTION									
	Boothbay		Boothbay Harbor		Southport		Lincoln County		State of Maine	
	#	%	#	%	#	%	#	%	#	%
Under 18	611	21	467	21	115	19	7125	28	322,162	29
18 - 44	837	36	747	34	188	32	9165	35	442,151	39
45 - 64	519	23	533	24	150	25	5345	21	219,431	19
65 +	341	15	460	21	145	24	4056	16	140,916	13
Total	2308	100	2207	100	598	100	25691	100	1,124,660	100

According to the Department of Human Services the population of Boothbay in 1993 will be 2650, an increase of 15% over the '80 Census. This projected rate of growth indicates the first significant drop in the rate of growth in Boothbay compared to Lincoln County computed to have a 24% growth rate. However, this rate of growth is still about double the 8% rate of growth projected for the State.

### Household, Size, Sex, and Age Distribution

U.S. Census figures show Boothbay had an average of 2.67 persons per household. This 2.67 average is higher than the average 2.30 persons per household in the Harbor and Southport. It is all but equal to the County average of 2.68, but lower than the State at 2.75. The larger size of households is probably due to the younger population in Boothbay.

### Sex Distribution by Age Category

According to the 1980 U.S. Census figures, males outnumber females 10% in the under-18 category. There is a slight increase of females over males in the over-65 age category.

### Educational Background

### AGE AND SEX DISTRIBUTION

	Males	%	Female	%	Total
Under 18	339	55	272	45	611
18 - 44	405	48	432	52	837
45 - 64	262	50	257	50	519
65 +	160	47	181	53	341
Total	1166	51	1142	49	2308

	EDUCATION					
	Boothbay		Lincoln County		State of Maine	
	#	%	#	%	#	%
8 years or less	141	9	1706	10.5	109,669	16.6
1-3 yrs H.S.	205	14	2325	14.3	97,653	14.8
Completed H.S.	570	38	6243	38.4	259,910	39.3
1-3 yrs College	267	18	2693	16.6	99,208	15.0
4+ yrs College	331	22	3304	20.3	95,275	14.4
Total	1514		16271		661,715	

Comparing the Town of Boothbay to the State of Maine, Boothbay has significantly less persons with 8 years of education or less than the State (9% and 16.6% respectively). Boothbay's high school percentages closely mirror the County and the State. Persons in Boothbay with college education are greater in numbers than either the County or State.

#### Household Income Level

Statistics on income are useful to gauge the economic well-being of the Town. The following information demonstrates that the Town per capita income exceeds both that of the State and the County. The median household income shows Boothbay ahead of the County's median income but below that of the State. With respect to population below the poverty level and households below the poverty level, Boothbay's percentages are similar to the County but

#### HOUSEHOLD INCOME LEVELS

	Boothbay		Lincoln County		State Of Maine	
	#	%	#	%	#	%
Below 10,000	303	35	3643	38	137,88	35
10,000-19,999	310	36	3512	37	141,0	36
20,000-29,999	155	18	1609	17	76,309	19
30,000+	23	11	803	8	40,230	10
Total	861		9567		395,462	

greater by about 3% than the State.

U.S. Census statistics indicate Boothbay has the same percentage of households making less than \$10,000 as the State and is 3% better than the County. Boothbay has 1% more households with incomes over \$30,000 than the State and 2% more than the County.

#### Labor Force Characteristics

#### LABOR FORCE CHARACTERISTICS

	Boothbay		Lincoln County		State of Maine	
	#	%	#	%	#	%
<b>Men</b>						
age 16 +	858	100.0	9252	100.0	403361	100.0
in labor force	665	78.0	7039	76.1	323961	80.3
unemployment 1979	59	9.0	865	12.4	53186	16.
<b>Women</b>						
age 16 +	898	100.0	10210	100.0	442226	100.0
in labor force	468	52.0	5226	51.2	251074	56.8
unemployment 1979	75	16.0	727	14.0	43429	17.6
<b>Total</b>						
age 16 +	1756	100.0	19462	100.0	845587	100.0
% with a work disability		8.0		9.6		9.7
in labor force	1133	65.0	12265	63.0	575035	68.0
unemployment 1979	134	12.0	1592	13.0	96615	16.8
unemployed 15+ weeks	79	7.0	760	6.2	39789	6.9

This information shows the number of men and women 16 years and older in the labor force in 1980. Boothbay had 2.3% less men employed than the State but 1.9% more than the County. Among women 16 years and older, Boothbay had 4.8% less employment than the State and .08% more than the County. Most notable is a rate of "some unemployment" among men 7.6% less than the State and 3.4% less than the County. This contrasts with a rate of "some employment" among women only 1.6% less than the State and 2% higher than the County. Overall, Boothbay shows "some employment" statistics which are 4.8% less than the State and about equal to the County.

	LABOR MARKET		
	Boothbay Hbr. Wiscasset	Lincoln County	State Of Maine
Dec. '88 labor force	13,810	16,390	594,500
Dec. '88 unemployment annual average	3.5	3.6	3.5
1987 labor force	14,420	19,950	587,000
1987 unemployment	3.3	3.4	4.4

#### Labor Force and Unemployment

The most recent labor force unemployment figures are available for the Boothbay Harbor/Wiscasset labor-market area. This information shows Boothbay similar in unemployment to the State and County in December 1988, but over 1% below the State for the entire year ending 1987.

#### Seasonal Fluctuations, 1988 Labor Force

SEASONAL FLUCTUATIONS, 1988 LABOR FORCE			
	Labor Force	Labor Force Employed	% Unemployed
Jan.	11,630	10,880	6.4
Feb.	11,630	11,010	5.3
Mar.	12,460	11,890	4.6
Apr.	13,480	13,060	3.1
May	14,270	13,910	2.5
Jun.	16,010	15,570	2.7
Jul.	17,670	17,050	3.5
Aug.	17,920	17,540	2.1
Sep.	15,930	15,610	2.0
Oct.	14,940	14,680	1.7
Nov.	13,250	13,250	3.7
Dec.	12,840	12,840	3.6

(Boothbay Harbor/Wiscasset Labor Market Area)

The Seasonal fluctuation in the labor force shows us much more than monthly and yearly averages. The labor force of 11,630 in January grows to a seasonal high of 17,920 according to the 1987 Maine Employment and Statistical Handbook. This represents an increase in the labor force of some 54% and can be attributed to the importance of tourism upon the economy of the area.

EMPLOYMENT BY MAJOR OCCUPATION						
	Boothbay		Lincoln County		State Of Maine	
	#	%	#	%	#	%
Agriculture, forestry, fisheries & mining	55	6	806	8	15,521	4
Construction	100	12	873	9	25,926	6
Manufacturing	194	23	2086	21	125,358	27
Transportation, communications & utilities	43	5	589	6	26,844	6
Wholesale trade	32	4	187	2	16,665	4
Retail trade	117	14	1589	16	73,645	16
Finance, insurance, Real Estate	40	5	363	4	20,247	4
Services	237	28	2680	27	130,41	28
Public Administration	32	4	725	7	24,875	5
<b>Total</b>	<b>850</b>	<b>101</b>	<b>9898</b>	<b>100</b>	<b>459,522</b>	<b>100</b>

#### Employment by Major Occupation

The most notable fact regarding this information is how little Boothbay differs from the State and County in major occupational employment. The only significant variance from the State and County is in the area of construction showing 12% employment compared to Maine's 6% and the County's 9%.

	PER CAPITA INCOME		
	Boothbay	Lincoln County	State Of Maine
Per capita income	\$ 6,091	\$ 5,607	\$ 5,768
Median household income	\$13,457	\$12,831	\$13,816
Population below poverty level	16%	16.7%	13.0%
Households below poverty level	16%	16.8%	13.4%



## HOUSING

In the 1980 national census, Boothbay reported 1,479 single-family dwellings. Over the period since that census, 224 single-family homes have been built, the concentration of activity peaked during the 1985-87 time frame. During the period of 1980-87, 280 additions and 182 remodeling permits were granted for existing residences. Since some of this permits represent conversions of summer homes to year-round residences, that total number of year-round residences would be greater than just the number of new homes built.

From the Comprehensive Plan's public opinion survey, we find that about 61% of the respondents consider affordable housing to be a major issue that the community needs to address. There needs to be a cooperative effort between builders, developers, the business community, the investment community, individuals, the state, and the town to work together to meet the state's goal of 10% affordable housing. Affordable housing will not be built

with a business-as-usual policy. The town/community must actively work together to achieve the goal that could help all of our community gain a safe comfortable home. The challenge is to find new forms of community development which preserve the quality of life and allow for continued year-round economic growth and employment opportunities. The community also feels a need for housing for the elderly. From the demographic data contained within this report, it is apparent that the cost of housing is exceeding the ability of many families to purchase a home. The average family of four in Lincoln County earns about \$21,000. If 30% of that income is allotted for housing, at today's interest rates, that family should be able to afford a \$57,000 home. In Boothbay, since 1978, the average assessed value of a single-family home has increased by 51% from \$28,000 to \$70,000. The community needs to implement solutions to the problem of affordable housing which will provide for needs of all families within the community. The community should develop land-use policies and regulations which would encourage retention of open space, encourage affordable housing while protecting the quality of life, water, and the natural environment.

The community is seeing much of its population growth from an influx of retirees. This group, while generally affluent enough to afford the initial cost of housing, is generally on a fixed income and except for cost-of-living increases for social security and some income from part-time employment, cannot afford dramatic increases in expenditures.

Boothbay has a responsibility to meet the state's goal of encouraging and promoting affordable, decent housing opportunities for all Maine citizens. The community should establish an affordable housing goal with clearly

### BUILDING PERMIT REPORT

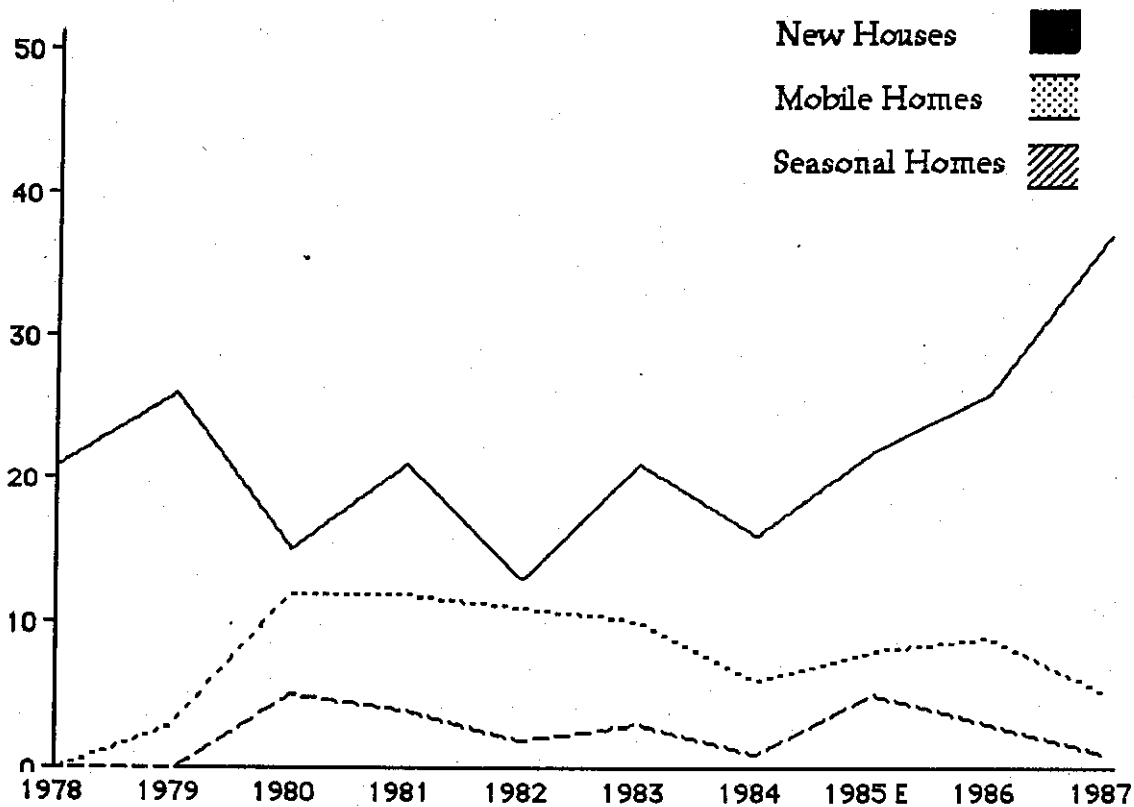
TYPE	1980	1981	1982	1983	1984	1985	1986	1987	1988
Multi-family Units								3*	
New Houses	21	20	21	14	22	26	34	66	
New Mobile Homes	13	9	10	9	8	10	10	10	
New Seasonal Homes	5	5	2	7	5	3	8	5	
<b>Total New Dwelling Units</b>	<b>39</b>	<b>34</b>	<b>33</b>	<b>30</b>	<b>35</b>	<b>39</b>	<b>52</b>	<b>112</b>	
<b>New Commerical</b>									
Buildings/ Additions		1		9	4	8	6	20	
Add to Existing Residences	27	18	12	32	25	49	70	47	
Other Buildings (garages/ workshops)	20	24	23	25	33	29	47	28	
Floats, Ramps, Wharves	4	6	10	10	6	6	13	6	
Remodeling of buildings	12	9	16	10	26	25	37	47	
Miscellaneous	3	2	0	4	3	4	3	4	
<b>Total Permits</b>	<b>99</b>	<b>100</b>	<b>85</b>	<b>120</b>	<b>132</b>	<b>160</b>	<b>228</b>		

\* 31 Units

defined objectives, such as requiring all new developments to set aside 10% of those developments for affordable housing. The town could assist the developer to decrease the cost of development by allowing increased density for affordable housing. The town should ensure that the increased density allowed does not adversely affect the environment and community. This could be ac-

complished by adopting the concept of New England Compulsory Open Space for all subdivisions. This concept allows for the community to be developed, keeping within the New England tradition of a village common with surrounding homes and open spaces.

### New Homes Built in the town of Boothbay



HOUSES BUILT 1978 -1987				
Year	New Built	Mobile	Seasonal Homes	Total Number Homes
1978	21			21
1979	26	3		29
1980	15	12	5	32
1981	21	12	4	37
1982	13	11	2	26
1983	21	10	3	34
1984	16	6	1	23
1985	22	8	5	35
1986	26	9	3	38
1987	37	5	1	43

### VALUATION CHART

	1978	1983	1988
Total Assessed Valuation	18,129,884	86,731,590	107,866,234
Total Taxes Assessed	997,772	1,592,664	2,803,748
Total Ind. Assessed Valuation	1,112,798	2,060,815	3,456,181
Exempt Real Property	2,429,760	1,841,762	2,142,589
New Construction Value	585,020	696,500	3,797,297
New Industrial Value	-0-	-0-	129,000

### APPROVED SUBDIVISIONS

Year	# of Sub-division Approved	Approved Lots
1981	8	44
1982	1	6
1983	6	31
1984	5	26
1985	5	23
1986	11	64
1987	7	72

Economic advantages to this pattern of down-sized lots and preserved open space:

1. developers can reduce costs of building roads and lot preparation;
2. Boothbay can save on snowplowing and road maintenance;
3. home buyers could potentially pay slightly less because of lower costs.

This approach is especially well-designed for small towns like Boothbay where looking for land conservation options that involve little public expenditure are easy to administer, and are not unfair to developers.

Essentially, the choice in our future residential development patterns is between a creative extension of the traditional rural village concept, and repetition of conventional suburban sub-division practices, where 100% of the tract is used for streets, houses, front yards, back

yards, and side yards--the former providing a larger proportion of new homes to be sited so as to command uninterrupted views.

Developers who cannot or do not wish to construct affordable housing within their development should be required to pay an additional fee to the town, over and above other permit and impact fees. The fees would represent a real portion of the difference in cost of construction or property and the cost of affordable housing. If this method is chosen by the community, a private non-profit corporation should be established, outside the local government. The corporation would receive those funds and utilize them to assist in the purchase, and/or construction of affordable housing. The state, the town and the corporation would work together to find additional sources of public assistance.

### Subdivision

A review of the subdivisions of the the town of Boothbay shows that of the subdivisions reviewed(768 lots), 411 (53.5%) have been developed. One might deduce that means that only 357 lots are developable within existing subdivisions. Looking at the town map dispels that idea. A quick count of the undeveloped divisible lots over 20 acres, shows well over 100 such large parcels.

This is significant when one reviews the increase in the number of subdivisions that have been approved in the past several years. Since 1982, the number of approved divided lots has increased from 6 to 72 in 1987. While the number of applications for subdivisions has remained

### VALUE OF REAL ESTATE TRANSFERS: 1981-1985 (Millions of \$)

County	1981	1982	1983	1984	1985	% Chg % Ch	Annual Average % Change
						1984- 1985	1981 1985
Maine	\$885.45	\$931.73	\$1297.6	\$1790.4	\$2243.5	25.31%	26.17%
Lincoln	32.31	30.66	44.59	48.63	66.47	36.68%	19.76%

### GENERAL HOUSING/DEMOGRAPHIC TRENDS

Lincoln County

	1950	1960	1970	1980	1970 - 1980 Change	%
Population	18,004	18,497	20,573	25,691	5,118	25%
Households	5,469	5,776	6,825	9,494	2,669	39%
Household Size	3.24	3.16	2.98	2.68	-0.30	-10%
Median Family Income	\$1,987	\$4,177	\$7,800	\$14,798	\$6,998	90%
Total Housing Units	9,185	10,430	11,702	14,997	3,295	28%
Year-round	6,249	6,287	7,975	10,590	2,615	33%
Seasonal	2,936	4,143	3,727	4,387	660	18%
Owner-Occupied	4,384	4,841	5,769	7,896	2,127	37%
Median Value	\$3,774	\$8,000	\$14,100	\$42,800	\$28,700	203%
% Vacant for Sale	1.1%	2.4%	2.0%	1.9%		
Renter-Occupied	1,083	935	1,056	1,598	542	51%
Median Gross Rent	\$35	\$54	\$100	\$229	\$129	129%
% Vacant for	4.9%	3.8%	12.4%	8.0%		

somewhat stable.

#### RECOMMENDATIONS:

In order to preserve our village heritage and provide affordable housing to our native population, both young and old, alternatives are available to Boothbay--all of which are land-use related. These alternatives will require modifications and additions to the current Zoning and Sub-division ordinances. It is ironic that the following recommendations are typical of Boothbay's development in the early years when a traditionally tightly-knit village pattern was used for both protection and common community.

1. All new developments (sub-divisions) on open lands are to be laid out so that no more than 50% of the open space is used for lots and streets. Lots could be reduced in size by 50%(typically) and the resultant open space would be permanently protected by

#### SUBSIDIZED HOUSING, 1984

Lincoln County

New Apartments	245
FmHA Mortgages	845
Existing Apartments	16
% of 1980 Owner Households	10.7%
Moderately Rehabilitated	
Apartments	0
<b>Total</b>	<b>261</b>
% of 1980 Rental Households	16%

conservation restrictions for further community use.

2. Buildings could either be located in a woodland fringe at the edge of the open space, or screened by newly planted trees. Although individual septic facilities could be built for each house, joint systems shared by several houses would become possible, al-

#### SUPPLY DEMAND BALANCE

Lincoln County

	1950 - 1960	1960 - 1970	1970 - 1980
Household Growth	307	1,049	2,669
Housing Loss	181	-457	133
Vacancy Need	67	51	20
Total New Demand	555	643	2,822
Total New Supply	1,426	1,231	2,770
Excess New Supply/ New Demand%	871 (157%)	588 (91%)	-52 (-2%)



**HOUSEHOLDS PAYING OVER 35% OF INCOME FOR HOUSING, 1979**  
Lincoln County

Income	Owners Counted	Paying Excess	%	Renters Counted	Paying Excess	%
\$0- 5,000	687	476	69%	220	210	95%
\$ 5,000- 9,000	888	303	34%	341	158	46%
\$10,000-14,999	1,024	95	9%	223	15	7%
\$15,000-19,000	735	26	4%	143	3	2%
\$20,000+	1,270	13	1%	127	0	0%
Total	4,604	913	20%	1,054	386	37%

lowing siting on the most suitable soil in the subdivision, and at a greater distance from any wells.

3. All new develop should be required to set aside 10% of the subdivision for affordable housing. A density bonus of no more then 10% could be granted to decrease the costs of development and to encourage the development of affordable housing, where there are suitable conditions for such a bonus within the development.

4. Impact fees should be established for affordable housing where the developer choses not to contract affordable housing. Those fees should represents the real value of the land which would have been used for affordable housing with the development.

**SUBSTANDARD HOUSING, 1980**  
Lincoln County

	Owner	Renter	Total Occupied
Lack Complete Plumbing	481	129	610
Overcrowded	202	48	250
(over 1 person per room, without complete plumbing)			
Total	683	177	860
% of All Occupied Units	9%	11%	9%



## NATURAL RESOURCES

### SOILS AND WATER

#### Topography

Area of Boothbay:	22 Square Miles
Classified Farm Area:	10 Acres
Classified Tree Farm:	1199 Acres

#### Common Trees of Boothbay

Balsam Fir  
 Eastern White Pine  
 Northern Red Oak  
 Paper Birch  
 Red Maple  
 White Spruce

The forest lands of Boothbay are mostly young trees as the town has been cut over so much. Our forested land is just returning to the stage where commercial and controlled cutting is possible.

#### Mining

Sand and gravel removal in commercial quantities has been extensive in the area of the Dump Road, Butler Road, and Pension Ridge Road to Hardwick Road. Thirty years of mining of sand and gravel (Fill, Mortar, Sand, Concrete Sand) have almost depleted these deposits.

The topographic features of Boothbay consist of gentle slopes (3% to 8%) to steep slopes (20% to 45%) with some vertical drops caused by faulting. Soils deposited by the last glacier left a thin coating of glacial out-wash (0 to 20 inches) on much of our bedrock base. Rock and ledge outcropping is predominant throughout the town.

#### Geology

This bedrock, formed hundreds of millions of years ago, has had a varied and violent history.

Tectonics (movement of the Earth's crust) have created massive lateral pressures which caused this bedrock to buckle, fold and crack. These breaks in the bedrock are called faults and are generally parallel and in a North-South direction. Dislocation occurred along the fault lines causing steep slopes to vertical drops in many locations.

Boothbay soils were deposited largely during the last glacial period (Wisconsin). These huge ice sheets (1000's of feet thick), made up of great quantities of water, frozen and otherwise, lowered the sea level world-wide about 300 to 350 feet. The tremendous weight of these great ice sheets (8 lbs. per cubic foot) depressed the land surface significantly; to a point where Boothbay was under water. As these moving ice sheets advanced, they ground up the rocks beneath, leaving a dense mixture of pulverized rock ranging from clay-sized particles to boulders. As the last of the glaciers retreated, out-wash from melted ice carried and deposited sands and gravels which in some of Boothbay were interfingered with till and ice contact deposits, silt and clay. With the ice melted and the weight removed, the land began to rebound and emerge from the sea. It was during this period of emergence that many of Boothbay's lakes, ponds, and marshes were formed and the soils we see today were in place.

#### Soils

Rock which is physically and visually a part of our lives, must be taken into consideration in any discussion of soils of Boothbay. Our coastal areas are famous for their rocks and much of our tourism is dependent on the beauty of the rock formations in our region. Our coastlines (Sheepscot, Damariscotta Rivers and The Gulf of Maine) are rock covered by a thin veneer of soil (0 - 24 inches). When you move inland, our soils acquire more workable depths (6 to 20 feet), but even there, rock outcropping is present.

The predominate soils of Boothbay are:

1. Buxton
2. Lyman
3. Lyman-Brayton
4. Lyman-Tunbridge
5. Boothbay

The bad news is that all of these soils are rated as severe for septic tank absorption fields (leaching characteristics are very poor). The Lyman-Tunbridge problems are: depth to rock and frost action. Buxton soils are too clayey, perc slowly, and lean toward ponding and frost action. Boothbay soils perc slowly retaining the moisture,

causing wetness and subject to frost action. Depth to bedrock, slow permeability slope, and seasonally high water tables limit the use of these soils for community development. Because of rock and soil problems, we are all aware of the extra costs that occur during building site development. These sites should take into consideration water management which includes on site soils evaluation, drainage, and properly designed septic systems, if we are to protect our soils and aquifer from pollution.

### Conclusion

Boothbay cannot afford professional assistance in any but the most complex and important subdivision and zoning decisions. In fact, our boards seldom have all the necessary information (site plans) in the appropriate form. The Planning Board and the Recommended Board of Health should use the "Soil Survey of Knox and Lincoln Counties, Maine" as a source of information in determining land-use, planning and development regulations. This manual has been assembled and published by the United States Department of Agriculture, the Soils Conservation Service, the Maine Agricultural Station, and the Maine Soils and Water Conservation Commission, and should be the base on which soils information is used in our zoning. The concept of using soils and other information would reduce the chances of septic system failure and the need to design and build a costly public sewage system.

Successful development in Boothbay will largely depend on preservation of our natural resources. Uncontrolled growth could totally overwhelm Boothbay and unless we take action we could lose many of the very elements that make Boothbay so desirable and beautiful.

### Recommendations

We recommend establishing a Board of Health. (See the potable water section of this report.) We recommend that this Board of Health together with the Planning Board establish those rules and regulations necessary to protect the health, safety and welfare of our community. We recommend that the town approve a full-time Code Enforcement Officer as described in the Code Enforcement section of this Comprehensive Planning Report.

### POTABLE WATER

Boothbay's future relies on our ability to look ahead and take positive action now, to insure that existing supplies of potable waters are not harmed by our activities. When looking into Boothbay's drinking water situation, today, three separate and distinct water supply systems have to be examined.

#### 1. Boothbay Harbor Water System

- A. Reservoir: Adams Pond (G.P. - B-1)

1. Area: 73 acres
2. Dependable Storage: 150,000,000 Gals.
- B. Customers in Boothbay (not including in Boothbay Harbor)
  1. 400 Summer
  2. 70 Winter
- C. Gallons pumped from Adams Pond per day
  1. 1,100,000 G.P.D. Summer
  2. 400,000 G.P.D. Winter
- D. Distribution Boothbay
  1. Approximately 16 miles distribution lines (1-1/2 miles subsurface; 14-1/2 miles surface lines)
    - a. Servicing Area: Route #27 to Cunningham Farm; Back River Rd. to Owens Mouth; Knickerbocker Road; Barter's Island Road; Parts of Bartter's Island; Hodgdon Island Road; Sawyer's Island; and Bayville.

#### 2) East Boothbay Water District

- A. 3 Wells (Two Gravel, One Artesian Well)
- B. Customers
  1. 316 Summer
  2. 260 Winter
- C. Gallons Pumped Per Day
  1. 170,000 G.P.D. Summer (East Boothbay Water District) required an additional 5,000,000 gallons from Boothbay Harbor the summer of 1988)
  2. 60,000 G.P.D. Winter
- D. Distribution
  1. Approximately 15 miles (10 miles subsurface lines; 7-1/2 miles surface lines)
    - a. Servicing Area: Route #96 from Prescott Road through East Boothbay and Linekin Neck.

#### 3) Private Wells

Our water supply of August 1, 1988, indicates that approximately 60% of our community is dependent on wells. Of these, about 80% are drilled. The average depth of these wells is 107 feet. There are 1703 households in Boothbay. Conservatively, based on the standard individual water-use tables (60 G.P.D. per person) our households use approximately 144,000 gallons of water per day pumped from individual systems located throughout Boothbay.

1703	Households
<u>-716</u>	Households on Municipal Water
987	Households on Wells
<u>x 230*</u>	G.P.D. per Household
227,010	G.P.D. from Wells

\* Using East Boothbay Water District's winter consumption rate.  
260 Houses - 60,000 G.P.D. = 230 G.P.D. per Household

## HISTORICAL PERSPECTIVE

Boothbay Harbor Water System, through a series of enabling acts passed by the State Legislature, has the water rights to the lakes and ponds in Boothbay. These acts (1887, 1891, 1895, 1902, 1917, 1923, 1927, and 1949) explain why the Boothbay Harbor Water System uses the reservoir system (lakes) and the East Boothbay Water District uses a series of municipal wells. As of today, we in Boothbay carry the responsibility of protecting both the reservoir and municipal well systems. The water for these two systems is all pumped from an area 1-1/2 square miles located in South Central Boothbay. This area must, dependable, supply water to approximately 1,300,000 G.P.D. in the summer and 500,000 G.P.D. in the winter.

The health, safety and welfare of Boothbay and Boothbay Harbor are dependent upon an adequate supply of pure water. The groundwater system is integrally connected to the surface waters, lakes, streams and coast estuaries. We have a responsibility to ourselves and to future generations to protect the quantity and quality of this resource.

## DANGERS TO BOOTHBAY'S WATER RESOURCES

### 1. Overuse of Supply

a. Boothbay Harbor Water System has found that the Adams Pond reservoir is not adequate for future needs and has moved to supplement the water of Adams Pond with water from Knickerbocker Lake (estimated dependable yields is 800,000 G.P.D.). These plans, based on engineered studies, are well underway and should be completed within the next 2 - 3 years.

b. East Boothbay Water District's search for additional water has not been successful. Three carefully engineered phases by Hydro-Group of Cambridge, Mass. have failed to locate additional quantities of water suitable for municipal water systems.

### 2. Oil and Gasoline Hazards

a. Oil and Gas Spills: In three separate and identified areas on Route #27, oil has reached our groundwater. At one of these spills, serious efforts (over \$100,000.00) failed to clean the gasoline from the site. An additional spill on the south side of Route #96 could spread to Boothbay.

b. Filling stations and Mom and Pop stores that disappeared in the 1930's and 40's present a problem for Boothbay. Questioning of long-time residents of Boothbay indicates that some of the gas and oil stores did not remove tanks when the stores closed. We have eight such sites. A very small investment now to examine these sites could save critical pollution problems in the future.

### 3. Drought

The drought of 1983, 1984 and 1985 gave us warnings on the limited supplies of our municipal water systems, and at that time the Boothbay Harbor System was put under heavy pressure to supplement other over-worked systems in the area. We, in Boothbay, do not do any monitoring of our groundwater nor does the U.S. Geological Survey, the State of Maine, or Lincoln County. Our groundwater quality must be tested and the levels must be monitored, as no future planning can be formulated without the assurance of adequate, clean, potable water.

### 4. Sodium (salt)

Our survey revealed that 22 wells in Boothbay had turned salty out of 391 responses. Salt water intrusion is a constant threat to our peninsula, particularly on both our coasts. Salts in groundwater occur from both man-made and natural processes. Leached salts from surface deposits, rain containing evaporated ocean spray, run-off from road salts used for de-icing, and salts from septic systems all contribute to the deterioration of our water quality.

### 5. The Landfill (Dump) Site

The landfill is located on the Dump Road about half-way between our two major water sources--Adam's Pond and the East Boothbay Water District wells (about 85% of our summer supply). The landfill sits on a natural base of ledge and impermeable clay. Started in 1935, this five-acre site, originally a gravel pit that had been fully mined to the clay and ledge floor, was operated as an open dump until 1978. In 1978 the dump operation was converted to a sanitary landfill. It was used by the entire region (Boothbay, Boothbay Harbor, Southport and Edgecomb) and closed in January of 1988, as many compounds once thought safe (pesticides, fuels and chemicals, nitrates, etc.) are now known to present a public health hazard. Kimball-Chase Engineering did a hydrological study of the landfill and it was recommended that a series of monitoring wells be installed, and that the water be tested

on a regular basis.

#### 6. Eutrophication

Adam's Pond has shown signs of an over-abundant accumulation of nutrients that support dense growth of plant and animals. Fertilizers and inadequate septic systems are usually responsible for an excessive algae bloom. Efforts on Route #27, abutting Adam's Pond, by the town and D.E.P. are to try to control the flow of these nutrients in this water supply. In Maine, some lakes have been treated with alum to try to seal the phosphorous (nutrient) in the bottom of the lakes involved. This has not been done to Adam's Pond. A small group of DMR Researchers, with approval from the Boothbay Harbor system, stocked Adam's Pond with young alewives with startling and almost immediate results. The idea is based on the alewives feedings interrupting the food chain of the algae. Annual stockings of alewives is required, and as this project is experimental, we feel this project has merit and that further study would be beneficial to everyone.

#### 7. Lack of Watershed Protection

a. Watersheds for Adam's Pond (G.P.-B1) and Knickerbocker Lake (G.P.-B1) are not protected. If these great pond water supplies are going to be used in the future, strategies for long term protection of our watersheds have to be formulated. Protection should include control of septic system effluent, shoreline erosion, and runoff of pesticides, fertilizers and other sources of non-point pollution.

b. Timber cutting in our watersheds has to be controlled. These areas have to be clearly designated. Timber harvesting can still be allowed, but under the restrictions of good forest management (clear-cutting watersheds is out). Erosion hazards, equipment limitations, seedling mortality, and wind throw have to be considered if we are to protect our water sheds.

#### CONCLUSION

It is essential that people in stressed, and soon to be stressed areas, realize and plan for the increased demands for water that inevitably accompany population and economic growth. Title 22, M.R.S.A. 2642 states that a municipality "may adopt regulations governing the surface uses of sources of public water supply, portions thereof or land overlying groundwater, aquifers and their recharge areas used as sources of public water supply, located within that municipality in order to protect the quality of such sources, or the health, safety, or welfare of

persons dependent upon such supplies." Maine's water law is fragmented and we are one of the few states without a state agency, department or bureau which is responsible for managing the state's water sources. We, in Boothbay, should play a major role in protecting our water. After all, who will watch out for our water if we don't?

#### RECOMMENDATIONS

That the Town of Boothbay establish a Board of Health. At the present time Article II (sections 1-9) of the Town's By-Laws covers garbage, waste, foods, restaurants and dwellings found to be unfit for human habitation. Not only should Article II be retained, but public health and safety requires far more than is covered by the Article. The town water ordinance in Section 6 of the town Building Code controlling the general standards of performance are not specific enough to protect our water. We have, as residents, persons whose combined knowledge (medical, builders, well-drillers, excavators, lawyers and concerned citizens) who are capable of putting together those ordinances necessary to protect our water and health, safety, and welfare of our town. The Health Officer created by Article II of our By-Laws is not enough. We recommend that the Planning Board appoint 4 additional persons to be joined with the Public Health Officer to make up a group of 5 to be known as the Board of Health (chairman to be the Health Officer).

#### Board Of Health

##### I. Responsibilities

A. To protect, preserve and maintain the existing and potential groundwater supply and groundwater recharge areas within the known aquifer from adverse development or land-use practices.

B. To preserve and protect present and potential sources of water supply for the public health and safety.

C. To help conserve the natural resources of the district.

D. To protect the public health by providing an adequate supply of water of quality suitable for drinking.

E. To protect future water supplies.

##### II. Gather And Document The Technical Information Required.

A. Locate and identify potential major aquifers within the town.

B. Locate and identify recharge areas within the

town.

C. Identify point sources of groundwater pollution.

D. Identify potential sources of pollution from non-point and non-discharge sources.

E. Determine which areas should be subject to special provisions to prevent depletion or pollution of the groundwater.

F. All data gathered by the town in the process of establishing the ordinance should be made available and referred to in the ordinance.

G. Maps, boring records, well records, aerial photographs, geological survey data, and any other information used in determining the location of the aquifer protection district should be referenced and made available for public inspection. (These are the building blocks upon which you must base your case if your ordinance is challenged as arbitrary or unreasonable.)

H. Other useful information might include population projections, calculations of present and future water requirements, and any other data indicating what future demands upon the water supply might reasonably be anticipated. The Town's Master Plan and the data collected during the Plan's preparation should be referenced where available. Some towns have included water supply and water resource protection as part of the Master Plan.

I. Thorough careful research provides the basis for persuading the community that an ordinance is required, as well as for convincing a court that the ordinance is adopted in the public interest and for the general public health and welfare.

### III. Determine What Kinds Of Activities Are Potentially Harmful.

A. Which uses should be completely prohibited. For example:

1. Subsurface storage of petroleum and other refined petroleum products.
2. Disposal of liquid or leachable wastes.
3. Rendering impervious more than 10 percent of any lot.
4. Industrial uses which discharge process water on-site.
5. Use or storage of road salt or other de-icing chemicals.

IV. To Establish What Activities Are Not Harmful And May Be Permitted Provided They Are Conducted In Accordance With The Purposes And Spirit Of The Ordinance.

#### FOR EXAMPLE:

A. Activities designed for conservation of soil, water, plants and wildlife.

B. Normal operation and maintenance of existing water bodies and dams, splash boards and other water controls, supply and conservation devices.

C. Farming, gardening, nursery, forestry, harvesting and grazing, provided that fertilizers, herbicides, pesticides, manure and other leachables are used appropriately and are not stored outdoors.

### For The Board Of Health's Earliest Consideration

#### A. Suitability of Site

No dwelling place or other building for human habitation nor any part thereof shall be constructed until the Board of Health has approved the proposed lot as suitable.

No two sites are alike. If there is any doubt as to the acceptability of a location for subsurface sewage disposal or well location, the Board of Health may require as much additional proof as it feels necessary to remove that doubt.

#### B. General Requirements

Before a permit may be issued and before any construction begins, a plan for every subsurface sewage disposal facility or alteration thereof shall be submitted to the Board of Health. The design and preparation of all new disposal facilities shall be done under the direction of a Registered Professional Engineer and all plans shall bear his/her stamp. The design shall be in accordance with the requirements of these regulations. At least the following must be shown on the plan drawn to a scale of no less than 20 feet per inch and submitted in duplicate.

1. Lot lines - indicate dimensions. All of very large lots need not be shown - only within 120 feet of wells and sewage sites. Indicate distance in feet of anything relevant of plan.
2. Proposed buildings - location and size to scale.

3. Area to be reserved for sanitary systems and expansion area.

4. Precise location of septic tank, manholes, distribution box, leaching field and all connecting pipings.

5. Location of any neighboring sources of water supply, streams, marshes, swamps, wetlands on the lot or within 120 feet of the proposed system.

6. Location of well.

7. Streets

#### C. Sewage System Specifications And Requirements

The Board of Health requires engineering plans and soil and water table data as well as any other information necessary in its opinion to insure adequate sewage disposal works in the interest of and for the preservation of the public health. It shall be the responsibility of the installer to arrange with the Board of Health for the following inspections:

1. Any clean granular fill that is required for the disposal system must first be approved by the Board of Health or its agent prior to it being installed;
2. After excavation of leaching area;
3. After placement of fill when system is to be constructed in same;
4. After construction is complete but before backfilling;
5. After construction is complete, the Board requires a written certification from a Registered Engineer that the system has been installed in accordance with good engineering practice and as nearly as possible according to the approved plans. Any deviation from the approved plan must be noted in the certification.



## NATURAL RESOURCES

### THE NATURAL ENVIRONMENT

There appears to be a very strong feeling among the residents of Boothbay that the town's natural resources, wildlife and wildlife habitat be protected:

72.95% "Agree" Boothbay should promote the retention of open space/agricultural land.

83.31% "Agree" Boothbay needs land-use controls which will protect the quality of open spaces, the soil, water and air.

94.59% "Agree" Boothbay should protect the ground water.

74.36% "Agree" Boothbay should protect unique natural resources such as shorelines, bird habitats, etc.

50.75% Are "Very Concerned" or "Concerned" about groundwater quality.

## LAWS

The Coastal Wetlands Law, the Stream Alteration Law, the Great Ponds Law, Shoreline Zoning, Conversion of Seasonal Dwelling Law, and Resource Protection Areas are federal, state, and local laws established to help protect the environment. However, these laws are very broad and leave out many areas that concern residents of Boothbay. The following are brief descriptions of these laws which should already be enforced:

### Conversion Of Seasonal Dwelling Law

Before you can use a seasonal camp or cottage within a Shoreline Zoning area as a permanent year-round dwelling, you must get a conversion permit from the local plumbing inspector. The purpose is to ensure that old seasonal septic systems can handle year-round living without causing a health hazard or polluting nearby waters.

### Resource Protection Area

(See Goals and Recommendations, Shorelands, Resource Protection)

### Coastal Wetland Law

"Coastal Wetlands" includes swamps, marshes, bogs, mud flats, beaches, dunes, and lowlands affected by tidal action. It also applies to projects affecting the sea bed. Any draining, filling, dredging or construction of permanent structures in coastal wetlands requires a permit from DEP. It is the responsibility of the developer to show that a proposal will not adversely affect water quality, wildlife, fisheries, navigation, and recreation or cause erosion.

#### Stream Alteration Law

Any construction or dredging or filling on, over or adjacent to a river, stream or brook above head of tide, requires a permit from the Department of Inland Fisheries and Wildlife. A "stream" is defined as any channel with year-round or intermittent flow. Permits are granted to projects that do not unreasonably: harm fish and wildlife habitat, cause soil erosion, interfere with navigation and recreation, lower the water quality, or interfere with the natural flow of waters.

#### Great Ponds Law

A "Great Pond" is a natural lake of 10 acres or more, or a dammed lake of 30 acres or more. All proposals to build, dredge or fill, in or next to Great Ponds, requires a permit from the Department of Environmental Protection. The project must not unreasonably: destroy scenic values, harm the natural environment, cause soil erosion, interfere with water flow, lower water quality, or harm wildlife.

#### Shoreland Zoning

Shoreland zoning applies to most land in Maine within 250 feet of large streams, lakes over 10 acres, and the ocean. The purpose of Shoreland Zoning is to: protect and enhance water quality, protect shoreland areas from erosion, protect and preserve vegetation and wildlife, and to conserve natural beauty. Shoreland Zoning guidelines are available in the Boothbay town office.

#### CLIMATE

Rainfall:	45 inches +/- 10%
Growing Season:	165 days averaged
Average Temperature:	
Summer Months	58° to 65°F
Winter	25° to 30°F

#### WILDLIFE OVERVIEW

The following has been provided by the Department of Inland Fisheries & Wildlife.

Food, water, and shelter are basic requirements that must be supplied for an animal's habitat. The abundance and condition of animals is a reflection of the quantity and quality of its available habitat. Wildlife habitat is constantly changing through natural succession or at the hand of man.

In today's world, all wildlife is affected in one way or another by man. Land-use practices ranging from agriculture to timber harvesting to residential development result in varying habitat and associated wildlife populations. As local and regional conditions and land use practices change, the wildlife of an area can also be expected to change, for all wild animals require adequate habitat to sustain their populations.

Through thoughtful land use planning, adequate habitat, and in particular, areas of critical concern can be managed to maintain wildlife as a viable resource. To this end we have identified and delineated what we consider critical wildlife habitats.

They are:

1. Wetlands
2. Water Courses
3. Deer Winter Range
4. Unique or Critical Habitat
5. Other Wildlife Habitat

Wetlands overlooked by MDIFW:

1) The wetland on Barbers Island as shown on the town tax maps between Kimbaltown Road and Chadburne Road. This is a wetland shallow fresh marsh where there are beaver, ducks, deer, woodchucks, fish, raccoons and many varieties of birds.

2) Wetland/Watershed: From the site of the former town stump dump off Butler Road; south through Beath Road, through the East Boothbay Water Co. well area; south roughly parallel to Beath Road to Boothbay townline, across Rt. 96 (between the "two big hills") and eventually emptying into Lobster Cove. Also, north from Butler Road swamp to Damascotta River. This is used by deer, moose, trout, beaver and numerous birds.

Due to their limited nature and importance to wildlife, loss of these areas will have an immediate negative impact on wildlife. For this reason, we recommend that they be delineated as **Wildlife Protection Districts**.

#### CRITICAL WILDLIFE HABITATS

##### Wetlands

Wetlands include marshes, swamps, bogs, and other low-lying areas that are partly covered by water dur-



ing some time of the year. They are well-known for providing breeding, nesting, feeding, and resting habitat crucial to the survival of waterfowl and other birds. They support fish, beaver, muskrats, mink, otter, raccoon, deer, moose, and many other animals. Wetlands are a vital element of the water system. They act as natural sponges, storing water to prevent flooding, and recharging streams and groundwater supplies. Wetlands also influence the quality of wa-

Brooks, streams, and rivers provide habitat for fish and a variety of aquatic furbearers. They also provide travel lanes for numerous wildlife species. Water courses and the banks are important in flood control, and they protect water quality and quantity. In order to serve these purposes, a natural buffer strip along the banks of streams and rivers should be preserved. Such a buffer strip provides cover for wildlife movements and maintains water

#### WETLAND TYPE AND RATING FOR WATERFOWL

Dept. of Inland Fisheries & Wildlife

Wetland #	Wetland Name	Wetland Type	Use	Rating
MDIFW Wetland Inventory Map #105				
28	Cross River	Sound & Bay	F,M	High
80	1/2mi. E. Cross River	Shallow Fresh Marsh	N,F,M	Low
81P	2mi. NE Adams Pond	Wooded Swamp	-	Low
82	Adams Pond	Open Fresh Water	F,M	Low
83	Adj. Adams Pond	Deep Fresh Marsh	N,F,M	High
84	Wiley Pond	Open Fresh Water	M	High
85P	1/2mi. E. Sawyers Island	Wooded Swamp	-	Low
86P	1mi. S. Knickerbocker Lake	Shrub Swamp	N	Low
87P	Outlet of Knickerbocker Lake	Shrub Swamp	N	Low
88	Knickerbocker Lake	Open Fresh Water	F	Low
89P	Inlet of Knickerbocker Lake	Shrub Swamp	N	Low
90P	Knickerbocker Lake Marsh	Shrub Swamp	N,M	Low
91	Knickerbocker Lake	Open Fresh Water	N,F,M	Low
MDIFW Wetland Inventory Map #107				
2d	W. of Meadow Cove	Open Fresh Water	N,F,M	High
2eP	S. of Back Narrows	Wooded Swamp	-	Low
2fp	W. of Back Narrows	Fresh Meadow	N,F,M	High
2hp	E. of Paradise Point	Shrub Swamp	N,M	High
<ul style="list-style-type: none"> <li>N - nesting</li> <li>F - feeding</li> <li>M - migration</li> </ul>				

ter, by filtering pollution and allowing silt to settle, thus protecting downstream waterways.

Since wetlands usually indicate poor soil drainage and seasonally high water tables, they are poor building sites, and a knowledge of their location indicates areas not suitable for development.

Wetlands are classified by their vegetation, water type (fresh or salt), and water depth. Each wetlands type has plant, fish, and wildlife associations specific to it; a diversity of wetland types support a diversity of life.

#### Water Courses

temperatures critical to fish survival.

For these reasons, we recommend that an area 250 feet from the high-water mark be designated as a Water Resource Protection District.

#### Deer Winter Range

While deer range freely over most of their habitat during spring, summer and fall, deep snow (over 18") and wind forces them to seek out areas which provide protection. These areas, commonly known as deer yards or wintering areas, represent a small portion (10-20%) of their normal summer range. Wintering areas provide the food and cover necessary to sustain deer during the criti-

cal winter months. While size and shape of the areas can vary from year to year or within a given year, most are traditional in the sense that they are used year after year. Since the major factor affecting deer-carrying capacity is the quality and quantity of the winter range, its protection is critical to maintaining a healthy deer population.

#### Unique or Critical Habitats

Unique or critical habitats are specific breeding sites or other areas shown to be of importance to a particular species due to traditional use or limited occurrence. They include but are not restricted to eagle, osprey, heron and seabird nesting sites, as well as tidal flats used by waterfowl and shorebirds. While some of these sites may be associated with critical areas discussed above, many are not. Due to the importance and limited nature of these sites, protection from habitat destruction and, in some cases human disturbance, is critical.

#### Other Wildlife Habitat

While wetlands, water courses, deer winter range and critical areas meet the specific needs of certain wildlife species and are necessary for survival, they alone cannot support adequate populations of deer and other wildlife. A variety of habitat types ranging from open field to mature timber are necessary to meet the habitat requirements of most wildlife species throughout the year. Since different species have different habitat requirements and home ranges, loss of habitat will affect each in a different way, ranging from loss of individual nesting, feeding and resting sites to disruption of existing travel patterns.

Generally, loss of this habitat will not have an immediate negative impact on wildlife population; however, the cumulative loss will reduce the capacity of an area to maintain and sustain viable wildlife populations. Since a species' habitat is too complex and ill-defined to allow presentation on a map, we recommend that sufficient areas of forest and agricultural open space be maintained.

#### WETLAND TYPES

The most important classification to be considered is the wetland type. Each wetland type name implies certain general characteristics. Site-specific data must be obtained from field checks of the individual wetlands. Martin, Hotchkiss, Uhler, and Bourn (1953) defined 20 wetland types found in the United States. Eight of these types, discussed below, have been adapted to apply to areas in Boothbay.

##### Inland shallow fresh marsh

Shallow marshes may nearly fill shallow lake basins or potholes, or they may border the landward side of deep fresh marshes occupying such depressions. The soil, normally waterlogged during the growing season, may be

flooded with as much as 6 inches of water. Common plant species found in northern regions are plume grass, rice cutgrass, carex, and giant burreed. Various other marsh plants (cattails, arrowheads, pickerel weed, smartweeds) may also be found. These marshes are used heavily by nesting and feeding waterfowl, and they are visited frequently by other birds, moose, deer, and various fur bearers.

##### Inland deep fresh marsh

These marshes often occupy shallow lake basins and potholes, or they may border open water occurring in such areas. The soil is covered with 6 inches to 3 feet of water during the growing season. Shallow-water vegetation consists mainly of cattails, plume grass, spikerushes, and wild rice; pondweeds, duckweeds, coontail, and spatterdock sometimes occur in the more open areas. These areas are important not only to nesting and feeding waterfowl, but also to numerous other wildlife species, such as herons and rails, muskrats, otters, and beavers, turtles, frogs, and fish.

##### Inland open fresh water

Open fresh water of variable depth occurs in natural and artificial lakes, ponds, and reservoirs. It may also be found in shallow lake basins, potholes, or streambeds, and is commonly fringed with marsh vegetation. In shallow areas (less than six feet) vegetation may include pondweeds, wild celery, coontail, water milfoil, water lilies, and spatterdocks. These open water areas are useful to diving ducks, coots, and occasionally to geese. The bordering vegetation provides cover and the open surface areas are particularly good for breeding and resting.

##### Shrub Swamp

#### HISTORICAL DEER HARVEST FOR BOOTHBAY

Dept. of Inland Fisheries & Wildlife

(1980-PRESENT)

<u>Year</u>	<u>Harvest</u>	<u>Harvest/sq.mi</u>
1980	26	1.15
1981	31	1.37
1982	23	1.02
1983	19	0.84
1984	24	1.06
1985	19	0.84
1986	10	0.44
1987	31	1.37

<sup>1</sup> Computed using 22.6 total square miles

**FUR TAGGING RECORDS FOR BOOTHBAY**  
**Dept. Inland Fisheries & Wildlife**

<b>SPECIES</b>	<b>1977</b>	<b>1978</b>	<b>1979</b>	<b>1980</b>	<b>1981</b>	<b>1982</b>	<b>1983</b>	<b>1984</b>	<b>1985</b>	<b>1986</b>	<b>Avrg</b>
Beaver	4	Clsd	16	11	8	3	6	6	Clsd	9	-
Bobcat	0	0	0	0	0	0	0	0	0	0	0.0
Coyote	0	0	0	0	0	0	0	0	0	0	0.0
Red Fox	18	2	4	4	7	2	7	7	4	2	5.7
Gray Fox	0	0	1	0	0	0	0	0	0	0	0.0
Fisher	9	4	5	5	1	11	5	0	3	5	4.8
Martin	0	0	0	0	0	0	0	0	0	0	0.0
Mink	*	*	*	*	5	6	4	5	0	3	3.8
Otter	2	0	0	0	1	0	0	1	0	0	0.4
Raccoon	116		129	90	191	124	69	102	57	138	117.8

\*Mink Not Tagged

These swamps occur primarily along sluggish streams. The soil is generally waterlogged but may be covered with a foot or more of water. Alder and dogwood predominate on the drier areas; willow, buttonbush, and sweet gale characterize the wetter sites. These swamps are used to varying degrees by ducks, moose, deer, woodcock, raccoons, fish, beaver and humans.

#### Wooded swamp

These swamps occur along sluggish streams, on flat uplands, and in shallow lake basins and potholes. The soil is normally waterlogged but may be seasonally covered with as much as one foot or more of water. (When such areas are flooded for a period of one or more years, the trees die and the site reverts to a meadow association. Northern swamps are composed of tamarack, arborvitae, black spruce balsam fir, red maple and black ash. The coniferous swamps usually have a thick carpeting of mosses; deciduous swamps often support duckweeds, smartweeds, and other herbaceous vegetation. Wooded swamps are frequently used by hole-nesting ducks, feeding waterfowl, deer, moose, beaver, and numerous small birds and mammals.

#### Coastal shallow fresh marsh

These marshes occur along tidal rivers and adjacent to the landward side of deeper marshes. The soil is waterlogged and may be flooded with as much as 6 inches of water at high tide. Vegetation consists of various grasses and sedges, cattails, arrowheads, smartweeds, and arrow-arum. These marshes are highly important to feeding wildfowl and herons; they are of lesser importance to mink, raccoons, and snipe.

#### Coastal open fresh water

These waters are of variable depth and occur in tidal rivers and sounds. Vegetation is generally found at depths less than six feet and consists of pondweeds,

naiads, wild celery, coontail, water milfoils, and waterweeds. Such areas are heavily used by diving ducks and other water birds, and fish.

#### Sounds and bays

This type consists primarily of mud flats laid bare at low tide and occurring along salt-water rivers, sounds, and bays. Vegetation, if present, may consist of eelgrass, widgeon grass, Sago pondweed, and muskgrasses. These tidal flats support large shellfish populations and are extremely important to wintering waterfowl populations.

It should be emphasized that each of these wetland types is generally found in conjunction with one or more of the other types; very seldom will an area be found that is entirely fresh meadow or entirely deep fresh marsh. When classifying a wetland, select the type which most closely identifies the greater portion (50-75%) of the area as it is delineated on the map.

#### RECOMMENDATIONS

If the town of Boothbay and planning offices deem that the presence of wildlife resources and the benefits that are derived from them (i.e. hunting, fishing, nature appreciation) are important in maintaining the quality of life and/or rural settings of their towns, then adequate planning for future development becomes essential.

There are a variety of suggestions or alternatives that can be incorporated into future development plans to enhance or maintain existing wildlife resources and habitat.

These may include:

1. Establish protection districts for critical or unique habitats including wetland areas, water courses, and deer wintering range among others.
2. Provide for some open space (a combination of

forest land, agricultural land etc.) in a comprehensive plan.

3. Encourage cluster development versus development consuming many acres.

4. Set aside a certain amount of land for every acre of land developed. This procedure may be done by town policy or comprehensive planning, for example, a town may establish a guideline whereby four acres are set aside for nondevelopmental purposes for every acre developed. A developer would know that he would need a forty-acre lot for a ten-unit condominium, or a twenty-acre lot subdivision would have to be established on an eight-acre lot to meet the town's development guidelines.

5. Provide tax incentives to land owners for establishing long-term open space.

6. Encourage the preservation of active or abandoned agricultural land. Active farmland and abandoned reverting farmland are very important habitat components for upland wildlife. The loss of farmland to development is an important loss of vegetative "edge" and habitat interspersions.

7. The Planning Board should take a critical look at new road development for subdivisions etc. The construction of new roads bisects unbroken land and accelerates the loss of wildlife habitat.

## CRITICAL AND NATURAL AREAS

The information and recommendation on critical and natural areas has been provided by the State Planning Office.

### Critical Areas :

#### White Island Eider Nesting Area

The eider is the only nesting sea duck on the eastern United States coast. Maine represents the southern extreme of eider's breeding range on the western Atlantic and is the only one of the lower 48 states which supports a substantial population of breeding eiders.

Great black-backed gulls and herring gulls also nest on White Island.

The State Planning Office suggests that the landowner or a designated representative of the landowner may, at his/her option, institute any or all of the following management tools:

A. White Island should be maintained in an undeveloped condition suitable as bird nesting habitat.

B. White Island should not be disturbed by human visitation or activities during the breeding season (1 May through 15 July).

C. Cover vegetation should not be cut or trampled.

D. Free roaming pets should not be permitted on the island from 1 May through 15 July. Domestic animals should not be introduced.

E. White Island should be monitored at regular intervals to check on breeding conditions and the status of the nesting population.

F. Signs informing the boating public of policies governing the island's use should be erected at access points to the island before the nesting season and maintained on a permanent basis.

G. The above management suggestions should be revised as more data becomes available on Maine eider colonies. For more detailed management suggestions, see the planning report, The American Eider in Maine, by Stewart Fefer.

The town of Boothbay has zoned White Island as a Resource Protection Area from normal high tide to 76.2 meters (250 feet) inland.

#### Ocean Point Marine Invertebrate Area

Location: From the flagpole of Lot #21, the western boundary is 115 meters west and the eastern boundary is 190 meters east. The ledge area between the upland vegetation and extreme spring low tide defines the width of the area. (43°48' 51"N - 69°35'32"W)

#### Outer Heron Island Heronry

Outer Heron Island Heronry is the only significant breeding area for great blue herons in western Lincoln County and the Boothbay Region. Because Maine is the only New England state which supports breeding colonies of great blue herons, it is essential that these heronries be maintained. The Critical Areas include the whole Outer Heron Island.

The State Planning Office suggests that the landowner or a designated representative of the landowner may, at his/her option, institute any or all of the following management devices:

A. Wading bird colonies should be maintained in a natural condition as bird-nesting habitat.

B. Wading bird colonies should not be disturbed by human visitation or activities during the breeding season. Visitation during the early phases of the breeding period in April and May should be kept to

a minimum.

C. Trees in which nests are located and trees in the vicinity of the heronry should not be cut down.

D. Wading bird colonies should be monitored annually to check on the condition of the nesting area and also count the number of active nests. Colonial birds inventory forms should be completed and sent to: Director, Colonial Bird Register, Cornell Laboratory of Ornithology, 159 Sapsucker Woods Road, Ithaca, New York 14853.

E. Notify the local conservation commission of the critical area when appropriate.

F. The above management suggestions should be revised as more data become available about Maine wading bird colonies.

The town of Boothbay has zoned the area for 250 feet back from mean high-water as a Resource Protection Area.

#### NATURAL AREAS INVENTORY

Natural Area #1561 Linekin Neck  
Latitude 43-51-00 Longitude 69-34-00  
Estimated Acreage: 250  
Ownership: Private

Description: A rocky shore with 40-to 50-foot curved ledges and thick forest behind. Little development.

Natural Area #424 Sheepscot River  
Latitude 43-58-48 Longitude 69-39-00  
Estimated Acreage: 9999.9  
Ownership: Public and Private

Description: 12-to 15-mile clean unpolluted river that is southernmost in the state for Atlantic salmon. There are marine worms, clam flats, oysterbeds and smelt runs. The river is scenic. There is little development.

Natural Area #449 Damariscove Island  
Estimated Acreage: 250

Ownership: Private and Nature Conservancy  
Description: Wide open undeveloped large island with few trees and a freshwater pond. Eiders, black ducks and black-backed gulls nest here. Few shacks for lobstermen, and an old Coast Guard station.

Natural Area #580 Oven Mouth Narrow Gorge  
Latitude 43-55-00 Longitude 69-38-30  
Estimated Acreage: 8  
Ownership: Private

Description: Constricted entrance from Back River to Cross River, approximately a 100-foot passage. Pine trees along shores with moderate development.

Natural Area #1114 Sawyers Island Pothole  
Latitude 43-52-15 Longitude 69-40-30  
Estimated Acreage: 10

Ownership: Private

Description: A large glacial conical pothole believed by townspeople to have been used by Indians for cooking purposes.

#### CANDIDATE AREAS

##### Ocean Point #12

Description: A superb example of Bucksport Formation. This consists of thin to medium-bedded quartz-plagioclase-biotite-hornblende granofels and greenish-grey calcisilicate granofels. Upright folds with axial plunges, varying from gentle to the northeast to the southeast, are excellently displayed. Obliquely crosscutting granite dikes have been deformed into asymmetric folds during layer-parallel flattening. Large pegmatite dikes are present and show evidence focally of forceful injection.

##### East Boothbay #9

Description: The contact between the Cape Elizabeth and Bucksport Formations is clearly exposed here. The contact is interpreted as a conformable sedimentary contact. This indicates a sedimentary relation between these units, rather than juxtaposition resulting from faulting or erosion. The Bucksport Formation exhibits graded bedding, observed as calcisilicate granofels grading into biotite granofels. At present, the tectonic significance of these beds is unknown. When this question is resolved, this locality will provide information crucial to the understanding of the regional tectonic evolution of mid-coast Maine.

#### Critical Area Botanical Facts

Plants found in Boothbay:

Leafy Bracted Aster (*Aster foliaceus*)

Blinks (*Montia lamprosperma*)

Downy Rattlesnake-Plantain (*Goodyera pubescens*) on Maine's rare plant list.

#### ISLANDS

Total Number of islands 23

Number of developed islands 12

Number of undeveloped islands 11

#### Overview

All islands are covered under the Shorelands Protec-

tive Zone. Of the 23 islands, two are owned by the Town Of Boothbay, one by the State of Maine, one by the Boothbay Region Land Trust, and one by the Nature Conservancy. Of the 11 undeveloped islands, 10 are probably large enough to support development under the town's existing shorelands protective zoning. However, 5 undeveloped islands are owned by government agencies or a land conservation association. Many of these islands provide an important natural habitat for animals and birds. The loss of these offshore habitats could diminish the population of many of the species which utilize these islands.

#### **Goals/ Recommendations**

It would be the recommendation of this committee that every effort be made to preserve as many of these islands in their natural state as possible. Where development is allowed on any of the undeveloped islands, it should meet the highest standards of performance for septic systems, water, erosion, pollution, and protection of the natural habitats along with lowest density requirements. The islands which are currently developed should be watched carefully. Each new development should be required to complete an environmental impact study prior to approval of any development. The study should overview existing abutting properties for the effect of development on those properties. It should also catalogue the existing soils, wetlands, natural habitats and other features of the property that may be important in evaluating the effects of development on them. That study should include the effects of the development on the soils, water, natural habitat, and wetlands. Such studies should be done by a licensed firm or firms in the State of Maine and paid for by the developer.

The islands designated should be included in the Resource Protection District. The remaining islands would be included in the Special Residential District. On all islands, the area defined by the Shoreland District shall be included in such and the stricter requirements of each district shall apply. Additional, stricter regulation may be required those areas where environmental impact studies indicate that it would be beneficial.

#### **Historic And Prehistoric Sites In Boothbay:**

All historic and prehistoric sites in the Town of Boothbay are important to the heritage of the people in the town. Many of these sites have been registered with the National Register of Historic Places, however, I am sure there are many more that have not been registered. The residents of Boothbay should actively try to preserve as many of these sites as possible.

The following information has been provided by the Maine Historical Preservation Commission.

There are two buildings on the National Register of Historic Sites in Boothbay:

Knight-Corey House, Corey Land (listed 3/13/80)

Damariscove Lifesaving Station (listed 6/25/87)

There are two historic archaeological sites:

Damariscove Island Archaeological site (circa 1622), listed on the National Register

Fort Webber Site (1808), eligible for listing

There are 46 prehistoric archaeological sites known in Boothbay. The size and importance of these sites are listed with the Maine Historic Preservation Commission. The people owning land with sites listed with the Maine Historical Preservation Commission are probably aware of it, however, if you have a question, please call them. If you think you have an important site on your property, let them know.

#### **Properties Owned By The Boothbay Region Land Trust, Inc.:**

1. Dam and Bridge, Little River, Boothbay Shores, East Boothbay

2. Porter Conservation Preserve, Kimbaltown Road, Boothbay (19 acres on peninsula between Sheepscot and Back Rivers)

3. Dodge Preserve, off Dover Road, Boothbay (Outlet creek of Adams Pond -- 1-1/2 acres)

4. Florini Preserve, East Boothbay (off Murray Hill Road on Mill Pond -- 2-1/2 acres)

5. Inner White Island, Boothbay (5 acres of rock)

#### **On-going projects:**

30 Acres, Pension Ridge Road, Boothbay

Approximately 5 acres, Pension Ridge Road, Boothbay

Unknown acreage, watershed, Route 27, Boothbay

The Town of Boothbay has a conservation easement on unknown acreage on the Damariscotta River, off River Road, Boothbay. This was donated by Dana Jefferson, now of Newcastle.

#### **RECOMMENDATIONS:**

The historic buildings in the town should be maintained. The historic and the prehistoric sites should not be disturbed except by trained archaeologists. If a person wishes to build on a lot where there is a historic or prehistoric site, they should either build so not to disturb the site, or if they wish to build where the site is, they should be required to pay to have the site dug by trained archaeologists. The information contained in these sites is very important, and should never be dug up by backhoes or people just looking for an arrowhead.

At this time the Maine Historic Preservation Commission is working on recommendations which they

would like to see in the Historic and Archaeological Resources section of the Comprehensive Plan.

Note: This is requested on p.32 of Guidelines 12. Inventory & Analyze Cultural Resources, i.e. Historic & Archaeological Resources.

## MARINE RESOURCES

### Clam Flats

Maine Department of Marine Resources

#### CLAM FLAT #11

Location:

Boothbay 43°52'55"N -- 69°40'30"W

Productive area: 7.4 a3.0 ha

Average density: 4.0 bu/a3.5 hl/ha

Standing crop: 29.9 bu10.5 hl

Priority: 3

#### CLAM FLAT #12

Location:

Boothbay 43°52'12"N -- 69°40'28"W

Productive area: 2.0 a0.8 ha

Average density: 25.1 bu/a22.1 hl/ha

Standing crop: 50.2 bu17.7 hl

Priority: 3

#### CLAM FLAT #16

Location:

Boothbay 43°55'60"N -- 69°35'35"W

Productive area: 5.7 a2.3 ha

Average density: 15.3 bu/a13.2 hl/ha

Standing crop: 87.0 bu30.7 hl

Priority: 3

### Lobster Pounds

Maine Department of Marine Resources

L-3

#### MILL COVE LOBSTER POUND

Location:

Boothbay 43°52'55"N -- 69°40'15"W

Storage:

Mill Cove stores its lobsters in circulating sea water tanks. The sea water intake for the tanks is located off the dock in 6 feet of water at MLW.

Capacity:

There are 12 tanks, most of which are in two tier systems, the top tanks are about 10 ft. by 4 ft., and the bottom tanks are about 10 ft. by 7 ft. The maximum tank capacity for hard-shell lobsters is about 15,000 lbs., and for soft-shelled lobsters somewhat lower. During the summer months, lobsters are shipped daily, except for Saturday. In winter, lobsters may be shipped every two days.

Season:

Year-round.

Annex:

This facility filets and reships fish that are brought in from other parts, and also sells lobster bait.

Contact :

Edgar Lewis/Austen Barter  
Tel. 633-3340

L-4

#### FRANCIS LOBSTER POUND

Location:

Boothbay 43°52'43"N -- 69°40'00"W

Storage:

This operation makes use of a 234,000 sq. ft. pound for lobster storage. The lobsters are liberated into the pond, rather than keeping them in crates and cars.

Capacity:

The maximum capacity at this pound is about 160,000 lbs. The average amount on hand varies due to market demands.

Season:

This pound usually holds lobsters from Fall through Spring of the next year.

Contact:

Wilson Francis  
Tel. 633-3307/-4258

L-9

#### LITTLE RIVER LOBSTER CO.

# ISLAND INVENTORY

ISLAND	LOCATION	STATUS	SIZE	OWNERSHIP	DESCRIPTION
Barter's Island	Sheepscot River	developed		residential	
Big Huckleberry	Damariscotta River	undeveloped	2.75 acres	privately owned	wooded
Cabbage Island	Lincoln Bay	lodge	4.5 acres	privately owned	lobster bake business
Damariscove Island		two buildings	252 acres	Nature Conservancy & privately owned	used as a bird sanctuary, grass and low brush
Fisherman's Island		two dwellings	58 acres	privately owned	grass and brush
Fort Island	Damariscotta River	undeveloped	36 acres	State Of Maine	wooded
Green Island	Ocean Point	undeveloped		Town Of Boothbay	large rock
Hodgdon Island	Sheepscot River	developed		residential	bridge to mainland & islands
Hypocrites Islands		undeveloped	2.5 & 4.5	privately owned	rock, habitat for seals, gulls, ei- ders, comorants
Inner Ram Island	Sheepscot River	undeveloped	1 acre,	privately owned	wooded
Little Huckleberry	Damariscotta River	undeveloped	1.75 acres	privately owned	wooded
Miles Island	Back River	undeveloped	17 acres,	privately owned	
Negro Island	Lincoln Bay	developed	13 lots	privately owned	wooded home development
Outer Heron		undeveloped	66 acres	privately owned	heron nesting
Perch Island	Lincoln Bay	undeveloped	1 acre	privately owned	trees, brush, grass
Pumpkin Island		undeveloped	11 acres	State ?	rock ledge, seals, shag, seagulls
Ram Island	Off Ocean Point	lighthouse	5 acres	Town - Federal Government	grass, rock
Reed Island	Little River	developed	8 acres	privately owned	underbrush
Sawyers Island	Sheepscot River	developed		residential	
Tibbet Island	Back River	building	18 acres	privately owned	
Treasure Island	Little River	developed	.75 acre	privately owned	
White Island #5		undeveloped	8 acres	Boothbay Region Land Trust	nesting for gulls
White Island #6		developed	13 acres	privately owned	wooded, wetlands, ledge, nesting for eiders



Location:

Boothbay 43°49'47"N -- 69°35'10"W

Storage: At this facility, lobsters are stored in floating crates tied to the dock. During the summer months, some lobsters are kept in a circulating sea water tank located on the main dock for retail trade. The intake for the tank is located off the dock in about 4 feet of water at MLW.

Capacity: This company keeps a maximum of 30 crates of lobster on hand, with an average of about 10 crates. Generally, a crate holds either 80 or 100 lbs. of lobsters depending on the time of year.

Season: Year-round.

Annex: This company also sells gasoline, diesel fuel, and lobster bait.

Contact: Stephen Francis  
Tel. 633-2648

L-10 OCEAN POINT LOBSTER SALES

Location:

Boothbay 43°51'23"N -- 69°34'35"W

Storage: At this facility, lobsters are liberated into a 140,000 sq. ft. impoundment located in Farnum's Cove in East Boothbay. The pound is usually stocked two times a year: in mid-Summer and mid-to-late Fall.

Capacity: The total capacity of this pound is about 100,000 lbs. The amount held at any given time varies with the season and market demands.

Season: This pound is operable year-round; but during the spring, operation is limited so that maintenance can be performed on the pound.

Contact: Alan Cheney  
Tel. 563-3002/633-5420

**SIGNIFICANT AREAS**

Maine Department of Marine Resources

F-22 DAMARISCOTTA RIVER

Location:

Boothbay 43°50'35"N -- 69°35'15"W

System: Damariscotta River

Significance: There is a large commercial alewife fishery and a winter smelt fishery. Also present are striped bass and tom cod.

F-25 TEAHOUSE BROOK

Location:

Boothbay 43°54'30"N -- 69°36'00"W

System: Damariscotta River

Significance: There is a Spring smelt run of recreational interest.

Contact: Dept. of Marine Resources  
Tel. 289-2291

F-26 MEADOW COVE BROOK

Location:

Boothbay 43°52'20"N -- 69°39'40"W

System: Damariscotta River

Significance: There is a spring smelt run of recreational interest.

Contact: Dept. of Marine Resources  
Tel. 289-2291

**BOAT YARDS**

Maine Department of Marine Resources

M-17 PAUL LUKE, INC.

Location:

Boothbay 43°50'04"N -- 69°35'35"W

Description: This facility builds two or three custom yachts annually.

Facilities: A marine railway.

Operates: All year

Contact: Manager  
Tel. 633-4971

M-18 NORTHEAST MARINE, INC.  
Location: Boothbay  
Facilities: Fifteen slips and 10 moorings.  
Services: Gas and diesel fuel, marine repairs, dockside electricity and lighting, outside storage and parking.

Utilization: Boats over 40' - 60%

Operates: All year

Contact: Manger  
Tel. 633-5249

M-19 GOUDY AND STEVENS SHIP BUILDERS

Location:

East Boothbay 43°51'53"N 69°34'55"W

Facilities: Ten moorings and slips, for vessels awaiting repairs, a travel lift and marine railway.

Services: Fiberglass, wood and steel repairs; dockside electricity and lighting, outside storage and parking.

Operates: All year

Contact: Manager  
Tel. 633-3521

WASHBURN & DOUGHTY ASSOC., INC.

Location:

East Boothbay

Description:

Facilities:

Services:

Operates: All year

Contact:

Tel.

### Goals

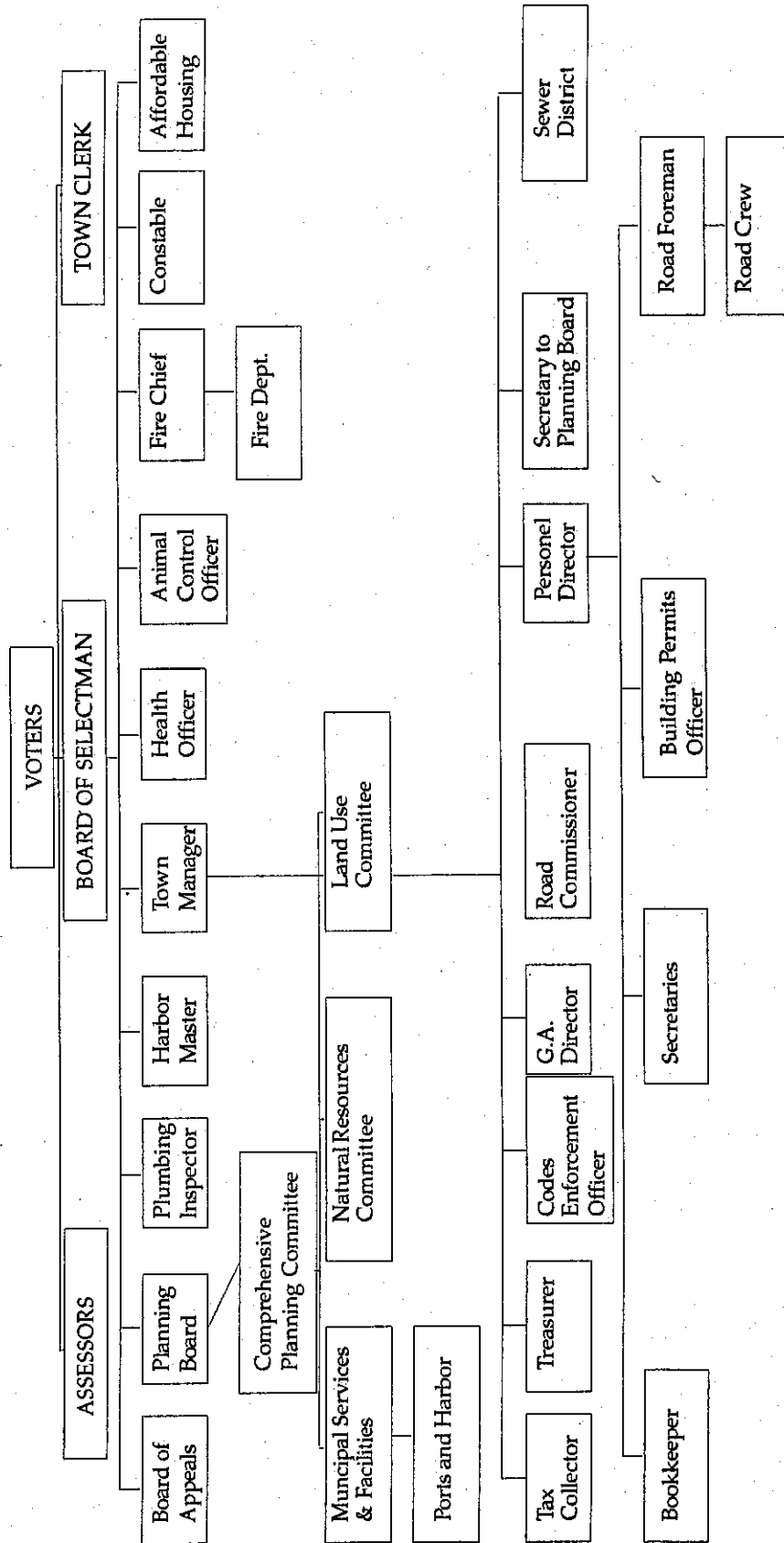
To protect the marine resources that remain open to dig-

ging, to seek out the sources of pollution--in most cases improper septic systems--and clean up the pollution. Residents should be able to make a living digging marine worms, clams, and harvesting mussels.

### Recommendations

- (1) To actively enforce shoreline zoning ordinances
- (2) To seek out and rectify sources of pollution
- (3) To require proper septic systems

# TABLE OF ORGANIZATION TOWN OF BOOTHBAY

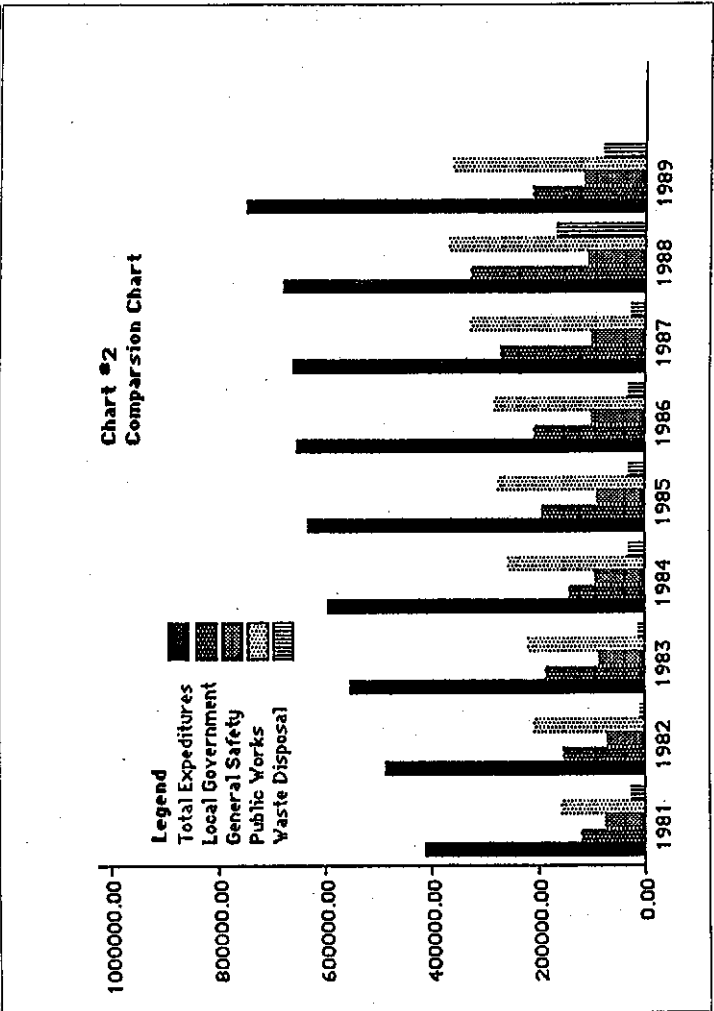
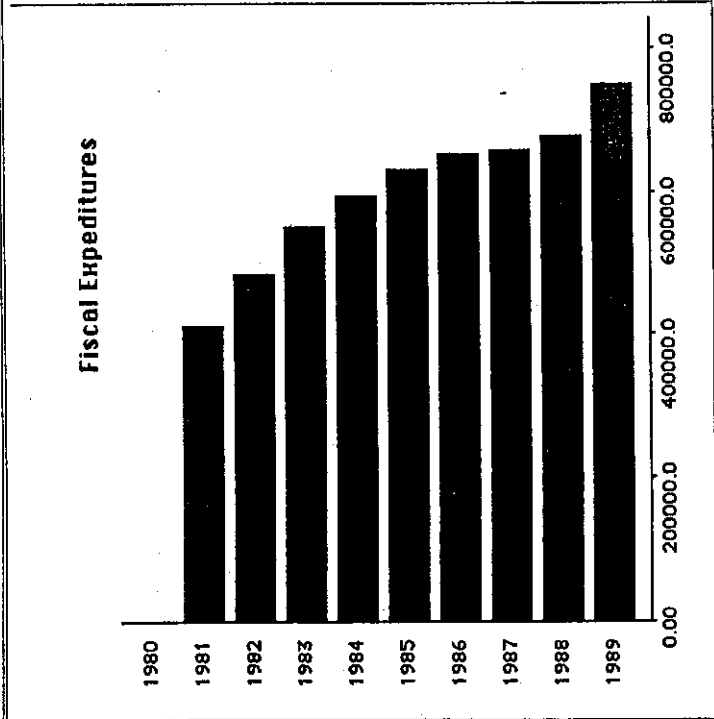


# FISCAL EXPEDITURES

## TOWN OF BOOTHBAY

Title	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
<b>Annual Total</b>	411220.00	485737.00	552168.00	596132.00	631986.00	653986.00	659565.00	678450.00	750832.87	
Administration	39921.00	42290.00	49932.00	51430.00	64658.00	73884.00	81155.00	81370.00	86785.00	113680.00
Assessors	7874.00								16755.00	21545.00
Benefits WH		10590.00	26150.00	33438.00	38270.00					
Building Code									5885.00	6325.00
General Govern	79648.00	22113.00	23291.00	26455.00	32615.00	38448.00	37470.00	53325.00	74230.00	74230.00
Planning/Zoning	293.00								4200.00	6450.00
Reserve Account	19000.00	4000.00	25000.00	25000.00	29000.00	30000.00	92000.00	55000.00		
Selectman	3425.00									
Tax Borrowing			47529.00	40200.00	45192.00	46933.00	57000.00	25000.00	17170.00	20970.00
Tax Collector									25000.00	8550.00
Town Clerk									4890.00	5080.00
Town Manager									14820.00	25130.00
Town Projects		26430.00	3000.00	10000.00	0.00	7000.00	3158.00	19500.00	8000.00	7475.00
Town Treasurer										
<b>Total Local Gov</b>	131161.0	120423.00	153902.00	186523.00	141723.50	195265.00	208783.00	271195.00	327410.00	213505.00
Fire Dept Center									31690.00	34528.00
Fire Dept, EBB	41498.00	36852.00	43718.00	57620.00	58610.00	57213.00	65815.00	23535.00	37345.00	40212.00
Fire Protection	38563.00	38332.00	29297.00	30456.00	36314.00	33875.00	35942.00	78277.00	82562.00	41816.00
General Protect										
<b>General Safety</b>	80061.00	75184.00	73015.00	88076.00	94924.00	91088.00	101757.00	101812.00	108956.00	116556.00
Building & Ground	5554.00	6271.00	13756.00	13896.00	11455.00	12587.00	15345.00	19685.00	16115.00	12145.00
Floats/Kamps		2140.00	2075.00	1905.00						
Public Works	122847.00	101659.00	135161.00	131770.00	174774.00	189294.00	171115.00	197255.00	213665.00	219130.00
Recreation & Gro									2425.00	2700.00
Road Resurfacing	42081.00	30000.00	29903.00	44291.00	47184.00	48770.00	55000.00	60000.00	75525.00	82500.00
Snow Removal	19073.00	18455.00	28616.00	28063.00	23475.00	23982.00	29945.00	36525.00	42675.00	44075.00
Culverts/Drainag							12550.00	13500.00	16500.00	
<b>Public Works</b>	189555.00	158525.00	209511.00	219925.00	256888.00	274633.00	283955.00	326965.00	366905.00	360550.00

Title/Code	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
Region Landfill Solid Waste	27683.00	9537.00	14151.00	19388.00 10912.00	20423.00 10912.00	17043.00 12862.00	14241.00 12862.00	154183.00 15256.00	80000.00	
Waste Disposal	27683.00	9537.00	14151.00	14151.00	30300.00	31335.00	29905.00	27103.00	169439.00	80000.00
General Assist	6125.00	8325.00	7329.00	7921.00	10287.00	9484.00	10375.00	10100.00	15000.00	
Local Functions Su Organizations Su	18358.00	14638.00	17300.00	20150.00	17500.00	17500.00	17500.00	18500.00	18500.00	
Social Services	7576.00									50221.87
Social & Health	7099.00	10207.00	15304.00	12437.00	18448.00	20949.00	21308.00	18700.00	15000.00	10000.00
Assistance	39158.00	33170.00	39934.00	40508.00	46235.00	47933.00	49183.00	47300.00	90487.00	60221.87
Annual Total	411220.00	485737.00	552168.00	596132.00	631986.00	653986.00	659565.00	678450.00	750832.87	





## MUNICIPAL SERVICES AND FACILITIES

### TOWN GOVERNMENT

The following is an overview of the municipal services and facilities of the Town of Boothbay. The purpose of this overview is to allow for the town to see what the current facilities

and services are and attempt to analyze how growth and the land-use recommendations will affect those services, and then to make recommendations relative to the needs of the community to address the growth-related issues.

### TOWN GOVERNMENT

The Town of Boothbay uses the Town Manager form of government with a Board of five Selectmen and the annual Town Meeting. The town currently is without a Charter. Unless the Town wishes to go away from town meetings and toward a town council format of government, there is no need to change the current format or to have a charter.

The current organization of town government places multiple responsibilities on the town manager (Table Of Organization), and the community will need to review how effective one person can be in filling all the roles currently included in the town manager's job description. The Comprehensive Plan herein has recommended establishing additional committees which are defined in specific sections of the Plan and which define the responsibilities of each committee.

#### Recommendations:

1. Unless the voters wish to discuss the discontinuance of town meetings, there is no need for a charter.
2. The role and responsibility of all town officials should be reviewed and policies written that define their function in town government.
3. The town should accept a set of parliamentary rules under which all town committees would operate. Acceptance of Robert's Rules Of Order would suffice and, where conflict occurs with state and local law, those established laws would take precedence over Robert's Rules.

4. That priority be given to seeking state and federal grants and assistance for infrastructure financing.

Direct funding through property taxes and bonding should only be considered after all other avenues of financing have been explored.

5. A Ways and Means Committee should be established which would be given responsibility for:
  - a. the annual budget, but also to
  - b. develop five-and/or ten-year budget projections, and
  - c. be made the agency which makes recommendations as to the method of financing those expenses.

### Town Office and Town Hall

#### Existing Town Office Deficiencies

1. lack of accessibility
2. inadequate parking
3. poor use of interior space
4. unhealthy work conditions

#### Town Office Needs and Requirements

1. Entrance -- ground-level location opening on a lobby of about 150 to 200 sq. ft.
2. Business office -- for daily customer service and bookkeeping area 550 sq. ft.
  - a. desk working areas
  - b. space for computer
  - c. secure vault area
  - d. storage area
  - e. convenient distance from both work areas to customer service area
3. Manager's office 275 sq. ft.
4. Assessors' office -- space for files and records 275 sq. ft.
5. Selectmen's meeting room-- area set aside for public meetings (area need not be enclosed but should be separate from the records area.) 275 sq. ft.
6. Storage/ janitorial/ rest rooms -- one or more rooms for specific functions 300 sq. ft.
7. Alternative office space:
  - a. for the town clerk 125 sq. ft.
  - b. for the planning board 200 sq. ft.
  - c. for the CEP post

Estimated Total Square Footage Needed:  
2500 sq. ft

## EQUIPMENT REPORT

<u>Truck #</u>	<u>Year</u>	<u>Winter Use</u>	<u>Summer Use</u>
#712	1982	Plow	Dump truck
#75	1987	Plow	Dump truck
#710	1977	Plow	Dump truck
#72	1973	Sander	Dump truck
#74	1967	Sander	Stored
#76	1986	Side Streets Plow	Small Dump
#79	1971	Grader	Road Work
Loader	1985	Loader	Ditching

Average Age    8.5 years    # of Vehicles owned by the town: 8

### TOWN HALL

#### Town Hall Deficiencies

1. lack of available parking
2. deterioration due to limited maintenance

#### Town Hall Needs And Requirements

1. Annual Meeting - space for 300-400 voters  
1800 to 2600 sq. ft.
2. Voting area - space for voting and elections operations  
300 sq ft
3. Rest rooms - janitorial                      200 sq ft

Estimated Total Square Footage Needed:  
2500 sq. ft.

pit, and hoist capabilities.

4. Suggestion that the garage be outfitted with movable partitions to control heating of vehicle space.

5. A closed office and spare parts area

6. Storage space for seasonal equipment, tires, signs, and tools.

Estimated Total Square Footage Needed:  
8000 sq. ft.

An amendment to the requirements, on 08/13/86, the Town Building Committee received a request from the East Boothbay Water District for potential space to store its vehicles, parts, etc., in the proposed Public Works Garage.

### PUBLIC WORKS GARAGE

#### Existing public works garage deficiencies

1. lack of space for vehicles
2. inadequacy of repair area
3. lack of parking area
4. lack of storage area

#### Public Works Department needs and requirements:

1. Present needs - to house 13 vehicles under cover, especially for diesel vehicles in winter months, with a minimum 5-bay design.
2. Estimated future needs - a 6 to 8 bay garage with 14-ft. wide doors approximately 80'x140.'
3. Need for a completely outfitted vehicle repair bay, including access to parts, lift or

### FIRE PROTECTION

The Fire Department for the town of Boothbay consists of two companies. The Center Company located on Rte 27 across from the Town Offices, consisting of 35 men, a 1974 pumper, and a tank-truck; and the East Boothbay Company located in the old schoolhouse on School St. in East Boothbay which consists of 16 men, a 1975 pumper, and a WWII vintage tank-truck. Also, there is a WWII vintage tanker stored at the Boothbay Harbor Fire Station and one stored at the Boothbay Railroad Museum.

An additional pumper could be used by the town in the next 3 to 5 years. Estimated cost today would be about \$75,000.

#### Capital Facilities

The East Boothbay Fire Station is a renovation of the old East Boothbay schoolhouse and appears to adequately meet the needs of the community; whereas the Town Building Committee, in its review of the town's physical facilities, found that the Center Fire Station:

**TABLE #1, FIRES**

	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>
Number of Fires	25	38	42	25	47	30	49	
Number Of Hours		1299	474	689	344	758		
Center Responses	24	33	33	19	40	26	36	
East Boothbay Responses	24	33	33	17	13	7	15	

1. lacks space for all fire vehicles
2. has cramped interior space in vehicle bays
3. lacks adequate space for training.

Kimball Property, Barters Island      Sufficient  
 Miner's Property East Side Rd,  
 Barters Island      Sufficient

There exists the need for additional fire ponds or water supply facilities:

**Fire Department Needs and Requirements**

1. Vehicle Bays 16 ft high, 41 ft wide and 60 ft long to meet future need for space for 6 vehicles
2. Present need for space for 4 vehicles
3. Combination meeting room with kitchen, and bathroom facilities
4. Drying tower
5. The option of having one bay as a drive-through with doors at either end
6. Present center location address service delivery area with no need for a satellite station in northern or western areas.

West Side Rd., Trevett  
 Boothbay Shores  
 Back Narrows/ Pension Ridge

Fire lanes currently exist on Sawyers Island and in Trevett. The fire chief has recommended that the entire town have all roads listed under the fire- lane system and have signs posted.

**Recommendations:**

The following recommendations are based on information from department heads and the Town Building Committee:

1. That the entire town have all roads listed under the fire-lane system and have signs posted.
2. That the now reactivated Town Building Committee continue the planning process begun in 1984.
3. That the comprehensive evaluation that was discussed for fire protection services, but delayed due to various circumstances, be undertaken. Once completed, that report should be incorporated into this Plan.
4. That the storage facilities for existing vehicles and a new pumper take priority over the acquisition of that vehicle.
5. That impact fees be incorporated into the ordinance which would be used to pay for the cost of any new infrastructure. Those costs could include but would not be limited to:

Estimated Total Square Footage Needed:

**4800  
sq. ft.**

Existing Fire Ponds and other sources of water for fire protection:

Name Or Location    Ability to meet needs in an emergency

Rte 27 at Railroad Museum	Sufficient
Rte 27 Winslow Property	Not Sufficient
Sawyers Island	Not Sufficient
Dover Rd on Welsh property	Sufficient
Dover Rd on Wood property	Sufficient
River Rd on "Vaughn property"	Sufficient
Krickerbocker Lake	Sufficient
Adams Pond	Sufficient



a. New fire ponds and/or enlargement of existing ponds

b. New hydrants in areas served by either the Boothbay Harbor Water District or the East Boothbay Water District

c. That portion of the capital facility that can be assigned to new development

d. That portion of the pumper that can be assigned to new development

e. That portion for additional equipment and training that can be assigned to new development.

## EMERGENCY SERVICES

The Town Of Boothbay is serviced by and supported

employed by Maine's 16 Sheriff Departments. There are 373 sworn officers employed by the Maine State Police. The ratio of officers per 1,000 population in rural areas is 1.44. Statewide, there are 1,891 full-time sworn law enforcement officers, representing a rate of 1.61 officers per 1,000 population. Nationally, the average rate per 1,000 is 2.1. The average rate for the New England states is 2.0. Lincoln County has 30 sworn law enforcement personnel (Sheriff Departments and all municipal departments in Lincoln County), representing 1.07 officers per 1,000.

## Southport Methodology

The town of Southport currently contracts for the services of a deputy sheriff through the Lincoln County Sheriff's Department for about 20 hours per week at the rate of \$8.50 per hour. All insurance, educational, training cost, and other miscellaneous expenses are paid by the County. The town supplies and maintains the vehicle for the officer at the approximate cost of \$17,000 for a new vehicle and \$4,000 for gas and maintenance.

## COUNTY CRIME ANALYSIS

## JANUARY-DECEMBER 1987

Contributing Agency	Est. Pop.	Crime Rate	Mur. Der	Rape	Rob. Bery	Agg. Aslt.	Burglary	Larceny	MV Theft	Arson	Total Crimes	Clear Rate
Lincoln SO				2	1	15	46	64	10	3	141	36.2
Boothbay Harbor	2265	34.00					4	67	6	1	77	35.1
Damariscotta	1880	28.79					14	28	2	1	45	31.1
Waldoboro	4259	23.01				3	29	58	6	2	98	32.7
Wiscasset	3,271	25.37				2	11	63	6	1	83	26.5
Lincoln SP				1		1	4	14	5		45	6.7
<b>Lincoln County Totals</b>	<b>27,941</b>	<b>17.50</b>		<b>3</b>	<b>1</b>	<b>21</b>	<b>128</b>	<b>294</b>	<b>35</b>	<b>7</b>	<b>489</b>	<b>30.5</b>
<b>Total Urban Area</b>	<b>11,475</b>	<b>28.41</b>			<b>5</b>		<b>58</b>	<b>216</b>	<b>20</b>	<b>4</b>	<b>303</b>	<b>31.3</b>
<b>Total Rural Area</b>	<b>16,466</b>	<b>11.30</b>		<b>3</b>	<b>1</b>	<b>16</b>	<b>70</b>	<b>78</b>	<b>15</b>	<b>3</b>	<b>186</b>	<b>29.0</b>

through an annual appropriation at town meeting for the Ambulance Service which is stationed in the Boothbay Harbor Fire Department. Seventy-five per cent of the responses in the opinion survey rated the ambulance service as good or excellent.

## LAW ENFORCEMENT

Currently, the Town of Boothbay receives all of its police protection from the Sheriff's Department of Lincoln County and the State Police. From the opinion survey, 44.5% of the respondents indicated they would rate that service as Fair to Poor. In that same survey, 66% indicated that the town should have additional police protection, and 49% felt they were not receiving adequate police protection from the County.

Statewide there are 1,330 full-time municipal officers or 1.69 officers per 1,000 people for urban population areas. There are 188 full-time sworn law enforcement officers

## County Crime Analysis

For the period of 1986 to 1987, Lincoln County had an increase of 10.6% in the crime rate which was the largest increase of any county in the State of Maine for that period.

## Recommendations:

1. That the selectmen appoint a committee to investigate police protection for the Town of Boothbay.

a. that review should include methods to provide increased police protection such as

1. those employed by Southport

2. establishment of an in-town police department

3. contracting with the adjoining communities for protection.
2. That priority be given to seeking state and federal grants and assistance. Direct funding through property taxes should be used only after all other avenues have been explored.
3. That the Ways and Means Committee be given expanded authority not just for annual budgets but also to develop five-and/or ten-year budgets.
4. That the Ways and Means Committee be made the agency which pursues alternative financing.
5. That impact fees be incorporated into the land-use ordinances which would contribute to the cost of any new or additional protection. Those fees should represent the costs of:

- a. new or expanded protection
- b. all costs associated with that new or expanded protection including:
  1. capital facilities
  2. service vehicles
  3. insurance cost

#### NEW SHARING FORMULA

	NEW FORMULA	OLD FORMULA	POP/VAL
BOOTHBAY	33.9	30	36
BOOTHBAY HARBOR	39.7	53	37
NORTH EDGEComb	10.4	6	12
SOUTHPORT	16	11	15

4. etc.

c. that portion of the capital facility that can be assigned to new development

d. any additional cost of providing this service to the community.

#### REFUSE/WASTE DISPOSAL

The disposal of solid waste is likely to become a major concern for all communities in the State of Maine. The

town of Boothbay will be no different. Increased development will increase amounts of building material waste and debris which will need to be disposed of. As the population grows there will be more and more solid waste. The trash compaction and recycling center for the Boothbay Region Refuse Disposal District is located on the Dump Road beside the old landfill. The efforts of the Boothbay Region Refuse Disposal District are to be commended, but continued effort will need to be expended to address the remaining operational problems, and a continuing review of the cost-sharing formulas should occur.

The town of Boothbay should enact ordinances which allow the town to pass on a proportion of the disposal costs to all new development in the way of impact fees. Each new commercial/industrial development proposal should be reviewed more carefully, and provisions made within the ordinance to protect the community from hazardous wastes and to insure proper disposal of all waste materials; and, to pass along a proportion of those costs to that commercial development. Those fees should be collected prior to development and be dedicated to the community's share of the cost to the District.

#### BOOTHBAY REGION REFUSE DISPOSAL DISTRICT

The towns of Boothbay, Boothbay Harbor, North Edgecomb, and Southport joined together in 1984 to form the Boothbay Region Refuse Disposal District and on Jan. 18, 1988 began operating a trash compaction station. The DEP approved the recycling building on April 4, 1988.

The District handled	
a. municipal solid waste	5300 tons
b. inert materials	
1. bulky	690 tons
2. demolition	0 tons
3. wood/brush	0 tons
c. white goods	257 tons
d. tires	0 tons
e. recycling	
1. glass	15 tons

The District's plans for the future include:

- a. preparation of the West side of lot for
  1. a woodchipping area
  2. a demolition staging
- b. procurements
  1. a woodchipper
  2. a loader (used/new)
  3. lease 2 - 100cy trailers
- c. preparation of the East side of lot for
  1. white goods/tires
  2. composting area

3. exchange center

d. add an additional operator

From their records of 1988, they listed the following unresolved problems:

1. Inert material landfill
  - a. was to be closed
  - b. a local landfill would be too costly
  - c. demolition material to be sent to Lewiston
  - d. bulky inert material to Hampden
  - e. chip clean wood/brush
  - f. stumps
  - g. semi-hazardous wastes

2. Recycling

3. Sawyer landfill to close

4. Contractor Claim against District  
(Settled 12/12/88)

1988 Costs and Budget Proposals for 1989 and 1990

	1988	1989	1990
Operations	261000	475000	736000
Capital	(186000)	322000	136000
Total	75000	797000	872000

The Town of Boothbay's share for the period of 7/1/89 through 4/1/90 will be \$296,000.

#### Overview

The issue of waste disposal is likely to become a major expense for all communities. However, that expense may be justified by the environmental damage that would be incurred without proper disposal of the waste materials. The community needs to insure that all waste materials are handled properly and that illegal dumping does not occur. All commercial/industrial/home occupations which utilize or produce potentially hazardous waste should be reviewed carefully by the Planning Board to protect the health and safety of the community. Costs to the District for proposed developments and other expenses to be incurred by the community should be reviewed and passed on, proportionally, to the developer.

#### Recommendations

1. That impact fees for waste disposal be enacted.
2. That the town adopt standards for the proper use and disposal of hazardous waste.
3. That all commercial/industrial users/producers of hazardous waste (reference to

DEP) be required to pay all costs of inspections, site review, disposal, and any other expenses incurred.

4. That the District's site be required to meet the highest standards for the care and handling of all waste materials.

5. That visual barriers be placed so as to obscure the view of the site from the road.

6. That a reasonable attempt be made to keep the site tidy and free from loose debris.

#### HEALTH SERVICES

St. Andrews Hospital located in Boothbay Harbor is a non-profit, fully accredited general hospital with 22 acute-beds, 6 skilled nursing (swing) beds, and 30 intermediate-care nursing home beds. Active Medical Staff is composed of 4 Family Practice, 1 General Surgeon, 1 Orthopedic Surgeon, 1 Radiologist, and 1 Pathologist.

There are 3 Dentists, 1 Optometrist, and 2 Veterinarians in the region.

#### CHURCHES

Churches located within the Boothbay Region are:

All Saints By-The-Sea  
Barbers Island Baptist  
Boothbay Center Baptist  
Boothbay Harbor Congregational  
Christian Science Society  
Church of Our Lady Queen of Peace  
Church of Jesus Christ of Latter Day Saints  
East Boothbay United Methodist  
St. Columba's Episcopal (K of P Hall)  
Squirrel Island Chapel  
United Methodist-Boothbay Harbor  
United Methodist-Southport  
Wilson Memorial Chapel

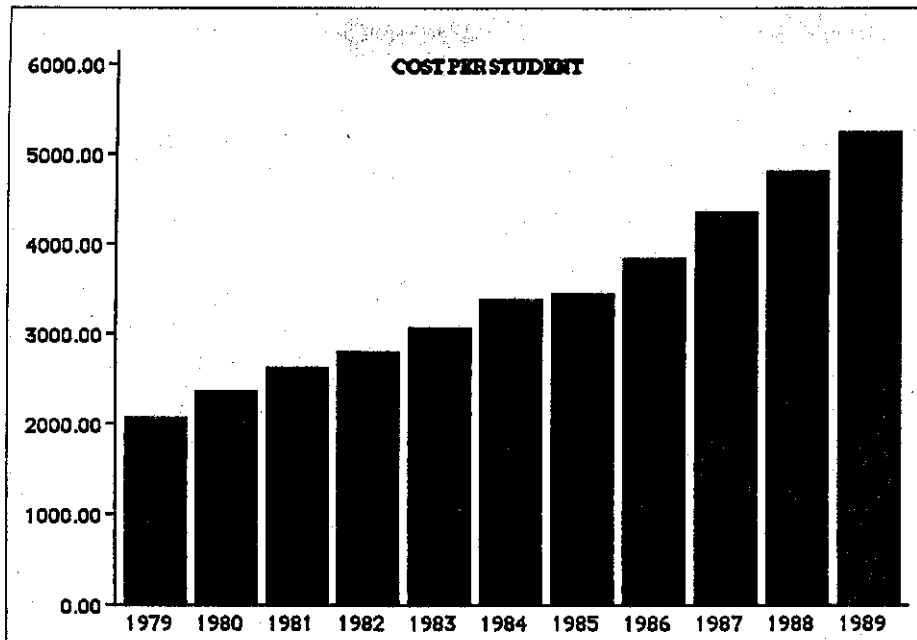
#### LIBRARY

The Boothbay region is serviced by the Memorial Library located on Townsend Avenue in Boothbay Harbor. Annually, the voters in the town of Boothbay have shown their support by an appropriation to the library.

The town of Boothbay does hold a bequeath of funds for use to provide library services for the town. To date, a purpose for those funds has not been approved by the voters.

#### RECREATIONAL

As a summer community, the region has a large num-



band stand, walks and demonstration gardens as a centerpiece for our community. That committee's work is at a standstill because of the need for a new town office and the proposal to utilize an adjacent property as the new home of the municipal facilities. The committee felt that their proposal should compliment the design of that facilities so that until those are made public and approved, the Common would have to wait.

#### Recommendations:

The community should establish a standing Parks and Recreation Committee to oversee the care and upkeep of the existing areas

ber of recreational opportunities. For residents, the Boothbay Region YMCA's excellent facilities offer a variety of recreational opportunities. Their year-round operation located on Route 27 in Boothbay Harbor offers an olympic-sized swimming pool, ratchet ball courts, gymnasium, weight room, and function rooms. In addition, there is the YMCA Day Camp on Knickerbocker Lake.

and to explore the expansion of the areas to meet the demands of the community.

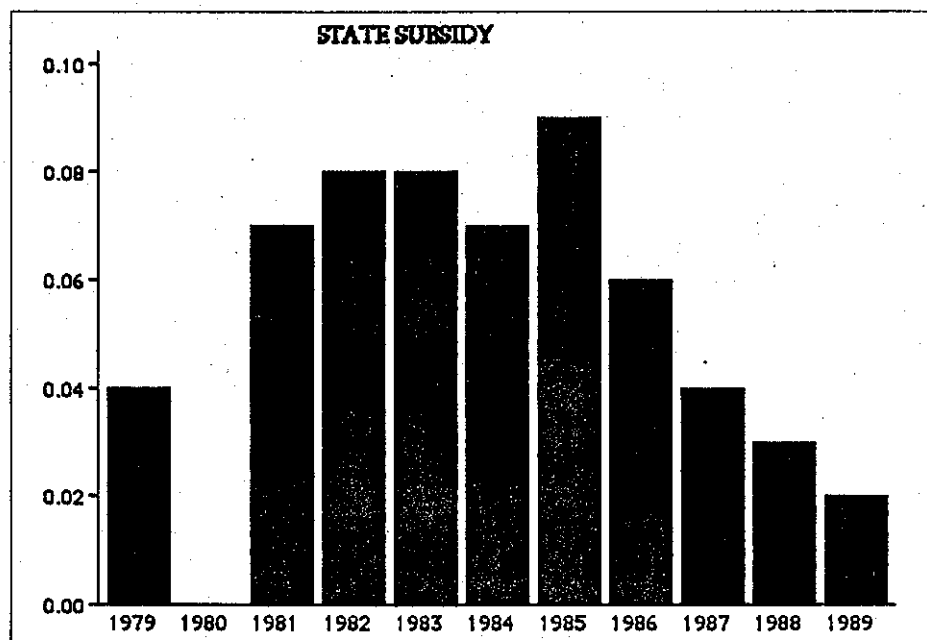
The Common should be retained in perpetuity as a community park and until such time as a design can be approved by the voters developed as such.

The town owns two official parks  
Knickerbocker Park and  
the Boothbay Common.

The Community Ball Field and the Harold B. Clifford playground should be supported by the community and assistance provided in the care and maintenance by the town.

The Common was set aside as a park by the town in the early 1880's. After the community had purchased, or had the land involved deeded to it, the voters approved the common as a park. In addition, the town owned a 17-acres parcel holding the community ball field just off the Back River Road. It is an excellent opportunity for the community to develop a community recreational area. The proposed playground is slated to built there.

There had been established a Common Committee which was to propose designs for the utilization of the Common as a community park, incorporating a



## SCHOOL BUDGET REPORT

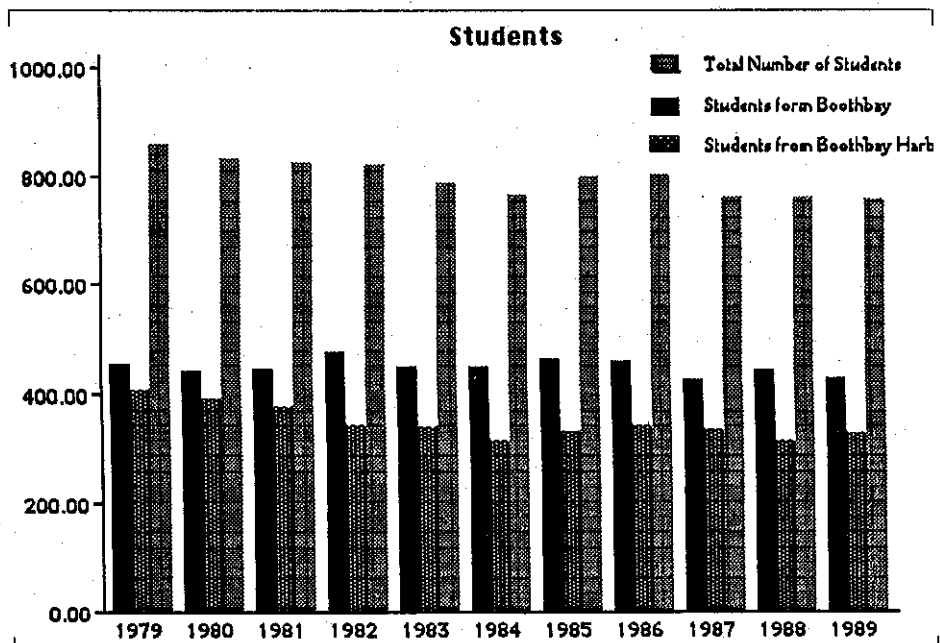
YEAR	# Stu BB	# Stu BBH	Tot # Stu	Total Budget	State Subsidy	% BB Share	% BBH Share	% Subsidy	Cost/ Student
1979	452	408	860	1788361.00	86000.00	52.558	47.442	0.04	2079.48
1980	441	393	834	1974729.00	4000.00	52.878	47.122	0.00	2367.78
1981	447	381	828	2186887.00	165000.00	53.985	46.015	0.07	2641.16
1982	476	341	823	2305030.00	185000.00	57.837	42.163	0.08	2800.76
1983	450	341	791	2427349.00	205072.00	56.890	43.110	0.08	3068.70
1984	451	318	769	2608348.00	199783.00	58.65	41.35	0.07	3391.86
1985	466	334	800	2756429.00	267159.00	58.25	41.75	0.09	3445.53
1986	462	345	807	3108658.00	213213.00	57.25	42.75	0.06	3852.11
1987	426	339	765	3343792.00	154337.00	55.69	44.31	0.04	4370.96
1988	447	317	764	3671441.00	125351.00	58.51	41.49	0.03	4805.55
1989	430	331	761	4004626.00	113750.00	56.50	43.50	0.02	5262.32

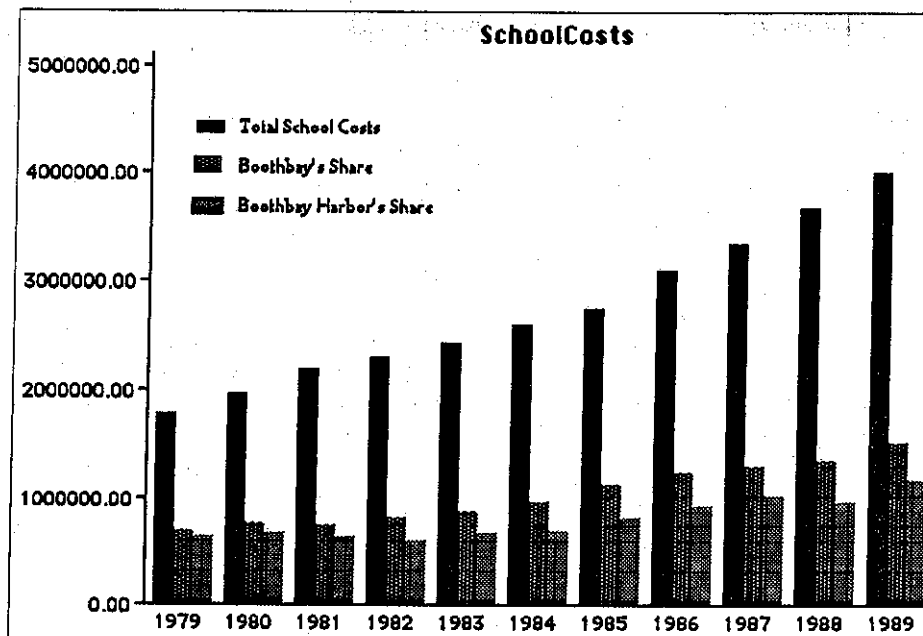
### SCHOOLS

The towns of Boothbay and Boothbay Harbor are the Community School District. The two schools are located adjacent to each other on Route 27 in Boothbay Harbor. Perhaps one of the most controversial areas, at the current time, is the financing of the Community School District. The southern coastal Maine, as a result of increased land values, has seen the state's subsidy for education decrease dramatically. At the same time, the cost of education has increased beyond the ability of the property owner to continue to support without hardship.

Education is of paramount importance to the community. Studies have shown that the more years of education that a person receives the higher the in-

come level. The higher the income level, the more taxes the individual must pay as income tax, sales tax, and property tax. The return on investment is a higher standard of living and quality of life, so that money for edu-





Patrol) and the federal government (Coast Guard and Army Corp of Engineers).

The town of Boothbay has seen an increase in the number of requests for both wharf and mooring permits, and in some areas (Little River, the head of Linekin Bay, and the Damariscotta River at East Boothbay) there is concern that additional moorings may cause over-crowding. The increase in the market value of ocean front properties has forced many fishermen from those properties and has required them to utilize other right-of-ways to the waterfront.

cation is well spent.

The argument under debate is the state subsidy program and the cost of state mandated programs. This report would not venture too far into this debate, other than to state that the services and facilities necessary for this town are suffering because a disproportionate amount of the property tax dollars must be used to fund the school systems.

#### Recommendations:

1. Quality education should continue to be of paramount importance but the costs and means of paying for it should be reviewed.
2. The State of Maine is attempting to address this issue. The community should make our representatives aware that the formula for the state subsidy programs and the cost for state mandated programs must be addressed at both the state and local level.

#### HARBORS AND MOORINGS

The waterfront in the town of Boothbay is an extremely important and active area in the community. Utilized by marine related businesses, fishermen, recreational boaters, home owners, tourist, and tourist-related businesses, it could easily be said that our shoreline is our economic base. Management for the granting of wharf permits lies with the DEP and a part-time volunteer Harbormaster. Mooring permits are granted by the Harbormaster. Jurisdiction over the various areas with the shoreline is shared between the Harbormaster, the state (DEP and Marine

Through the Comprehensive Planning Committee, a grant request has been made to the state. The proposed grant monies would be used to establish a mooring map and to survey current waterfront utilization. This information would assist the Town in evaluating the need for changes in current ordinances, and when completed, should be added to the comprehensive plan.

Following is a brief synopsis of existing marine and waterfront related activities.

#### Public Wharves, Floats and Landings

The town of Boothbay maintains three (3) public landings

1. Located at Ocean Point in Card Cove, running westerly from the front of the Ocean Point Inn, the land is owned by the Ocean Point Colony Trust but the pier is maintained by the Town, and both floats are removed for the winter.

The Town recently made provisions for public parking behind the Ocean Point Inn for the 1989 summer season.

The pier itself, due for extensive repair before the 1989 summer season, is constructed of a steel walkway with two (2) large floats: one (1) located just westerly off the end of the pier; the second runs northerly off the end of the pier at a right angle. This is used as a dingy dock primarily by people from the Ocean Point area; the second is used as a pick-up/drop-off float by various ferry and private boats.

2. Located at Murray Hill at the head of Linekin Bay, just west of the George Hodgdon, Jr., boatshop, the wooden pier runs easterly out into the Bay with one (1) float on the end. The float is used for pick-up/drop-off on the east face with dingy space off the back side, and is also used by ferry boats. There is no public parking.

3. Located at Hodgdon Island at the Mill Cove Lobster Pound, the runway runs northerly out into Back River and is used primarily by fishermen.

In addition, the Town maintains two (2) swim floats. One located at Card Cove and the second at Grime's Cove.

#### Launching Ramps and Public Access

The Town utilizes three (3) boat ramps:

1. Located at Grime's Cove, this is a cement ramp down from the road to the cobble beach.
2. Located at Murray Hill, this is a Hot-Topped ramp down to the gravel beach.
3. Located at Knickerdane Island Park, this is a gravel ramp.

There is little other public access to the shore, other than a few paper right-of-ways. There is access to Smugler's Cove via a + \ - 60-foot parcel of land just north of the union of U.S. Rt. 96 and Brewer Road. There is also a right-of-way at Little River with the private Boothbay Shores Association dock constructed at the end. Boothbay Shores also affords a six (6)-foot right-of-way all around the shore for the purpose of a footpath.

#### Right-of-ways to Waterfront

Town float and run at Mill Cove	Trevett
Knickerdane Island with small launch ramp	Trevett
End of beach, Grove Street	Ocean Point
Grime's Cove launch ramp	Ocean Point
Town pier with float and ramp	Ocean Point
1/4 Acre across from Brewer Road and Route 96	East Boothbay
Murray Hill launch ramp	East Boothbay
1/4 Acre public lot, Murray Hill	East Boothbay
Town pier with float and ramp at Murray Hill	East Boothbay
3 Public right-of-ways, Murray Hill	

East Boothbay

#### Marine Related Businesses

Aeoline, Inc.	Yacht Repair and Construction
Boothbay Marine	Maintenance, repair, storage, moving, etc.
Boothbay Mechanics	Storage and Repair
Goudy & Stevens	Boat Building and Boat Store
Goudy & Stevens	Yacht Division
Hodgdon Yachts, Inc.	Custom Boat Building
J. Erwin Jones	Custom Boat Building
P. E. Luke, Inc.	Boat Building
Murphy Skiffs	Small Boat Building
North Atlantic Industries	Manufacturers
Stimson Marine	Boat Repair
Washburn & Doughty Assoc., Inc.	Boat Building

**Moorings - Distribution (From town line at Tallwood Beach to Spindle at Negro Island)**

149 Moorings, as of Fall 1988

#### Marine-Related Employment

Worm Dealers.....	2
Worm Diggers.....	9
Clam Diggers.....	32
Lobstermen.....	138
Juveniles.....	20
Commercial Fishermen.....	11
(Single Operator)	
Commercial Fishermen.....	22
(With Crew)	
Scallop Boat - Licenses.....	10
Scallop - Hand (Divers).....	3
Wholesale Seafood Dealers.....	7
Retail Seafood Dealers.....	9
Lobster Transport Licenses.....	31

#### RECOMMENDATIONS

1. Because moorings are in ever-increasing demand and there are not enough good anchorages to satisfy the need, a "mooring management plan" is needed. Also, because each area within the Town has separate and individual needs, any plan should address these areas separately

and regulations applied only as needed.

2. The monitoring of needs for regulation should be a duty of the Harbor Master. These needs should be compiled in a report, annually, to the Town Planning Board and Board of Selectmen for review. This report should recommend solutions and possible new or additional regulations to be applied in other areas. Public hearings should be held as a part of the process of implementing any changes.

3. As a part of the Town's Comprehensive Plan, the Committee members have been gathering information and data which demonstrated needs in specific areas.

General consensus is that the worst problem areas should be addressed first such as moorings in Little River, the head of Linekin Bay, and the Damariscotta River at East Boothbay. During the interim, those regulations in State Statutes are adequate for enforcement of immediate problems.

4. The Town should, annually, review with the Harbormaster to determine whether or not his role has increased, due to the need for increased enforcement, to the point where either a part-time position of Harbormaster should be created or other alternatives pursued, such as sharing the Harbormaster with adjoining communities.

5. The Town should establish a standing Moorings and Harbor Committee whose role would be to assist the Harbormaster to review existing ordinances and recommend changes to the town as needs arise, work with other state and federal agencies to assure uniform interpretation and enforcement, and to assist both local and marine businesses and the town in receiving necessary state and federal aid for waterfront and marine-related needs.

## TRANSPORTATION

The Town of Boothbay has about 33 miles of town roads. The primary arteriole is Route 27 which bisects the town. Twenty-seven (27) miles of town road are paved and about 6 are dirt and gravel construction. The relative condition of the roads is described in the table "Roads Inventory" along with a brief description of needed repairs and other pertinent comments. The % figures are based on the American Asphalt Institute standards for review of paved asphalt roads. This was done because the previous study had used the same standards and for comparison by the community as to the relative condition of the roads, it was felt to be advantageous. The standards do not address another issue other than the condition of the

surface of a road.

## Recommendation:

1. Direct access on to Route 27 for both residential and commercial development should be discouraged.

a. New large scale development should be allowed one ingress and one egress per development.

b. Residential development should be encouraged to located vehicular access on a less traveled way.

c. Residential units should be allowed only one access per unit but where possible even that should be limited.

d. The Town considered developing a land use map for Route 27 which would set aside right of ways to back lots in order to prevent land locked parcels.

e. The Town should encourage non-commercial development to locate development away Route 27.

## 2. The town roads

a. The town should attempt to establish a projected schedule for routine maintenance and paving of town roads. That projected schedule should include:

1. the section of road
2. description of the work which will need to be done
3. cost estimates

This projected schedule would serve only as a baseline guide and should be updated periodically. The needs for a particular roads for specific repair and paving should be based on an periodic inspection of the road, its use, and other relevant conditions.

b. The town should evaluate the effects of a new development will have on the adjoining roads along with any need for changes in the roadway which may be necessitated by increased traffic flow on the roadway. That portion of the cost for the maintenance or improvement of that roadway caused by the new development should be collected from the developer prior to plan approval.

## 3. New Roads



a. Contruction of new roads within a subdivision shall be required to meet the minimum standards established in section Goals and Recommendation, Subdivisions, Road Contruction Standards.

b. Consideration for acceptance as a town road.

In order to be considered for acceptance as a town road for maintenance, repair, paving and snow removal, a road should meet the maximum standards established in section Goals and Recommendation, Subdivisions, Road Contruction Standards.

c. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be considered for acceptance or be maintained by the Town."

## ROAD INVENTORY\*

### STATE AID ROADS

<u>CODE #</u>	<u>NAME</u>	<u>WIDTH</u>	<u>LENGTH</u>	<u>1982%</u>	<u>1989%</u>	<u>Notes from 1989 Review</u>
S.A. #8	BEATH ROAD	20'	.9	51%	83%	mulched in 1988, sealed in 1989
S.A. #7	HODGDON ISLAND RD	16'	1.2	60%		
S.A. #4	BACK RIVER RD.	18'	3.75	70%	49%	mulch shim 1988, sealed 1988, should be capped
S.A. #2	OCEAN POINT RD.		4.87			
S.A. #8	COUNTRY CLUB RD.	18'	.97	95%		
S.A. #3	RIVER RD.		2.09			
S.A. #6	BACK NARROWS RD	18'	2.63		42%	old hot-top, should be mulched

### TOWN ROADS

<u>CODE #</u>	<u>NAME</u>	<u>WIDTH</u>	<u>LENGTH</u>	<u>1982%</u>	<u>1989%</u>	<u>Notes from 1989 Review</u>
	PARADISE POINT					
	(FROM END OF PAVED TO ATTRIDGES)	12'	.6	37%	62%	Hot-toppped in 1985 should be mulched
	(FROM ATTRIDGE TO END)	12'	2	55%		
	PENSION RIDGE					
	(FROM RIVER RD. TO L38)	16'	.3	29%		
	(FROM L38 TO HARDWICK)	16'	.4	31%	36%	old hot-top, should be mulched
	(FROM HARDWICK) TO BUTLER)	16'	.7	79%		
	DOVER RD.					
	(FROM 27 TO ADAMS POND RD)	16'	.2	61%	80%	mulched in 1987, sealed 1988
	(FROM ADAMS POND RD. TO WELCH'S)	18'	1.8	43%	70%	mulched in 1987, sealed 1988
	DOVER CROSS	16'	.7	64%	46%	mulched in 1984, sealed 1985, should be capped and sealed
	DOVER EXTENSION	12'	.5	40%	43%	shimmed in 1988, should be capped and sealed
	COURJON	10'	2	45%	44%	tarred early 70's, should be mulched
	ADAMS POND RD.					
	(RTE 27 TO PUMP)	14'	.48	48%		
	(FROM PUMP TO DOVER RD.)	14'	.88	40%		
	PLEASANT COVE RD					
	(FROM BUTLER RD. TO BACK NARROWS RD.)	16'	.7	68%	26%	shimmed in 1987, should be mulched
	(BACK NARROWS RD. TO END)	16'	1.05	57%	35%	shimmed with mulch 1987, should be capped with mulch
	GILES RD.	10'	.25	75%	44%	old tar, sealed in late 70's, should be mulched and sealed

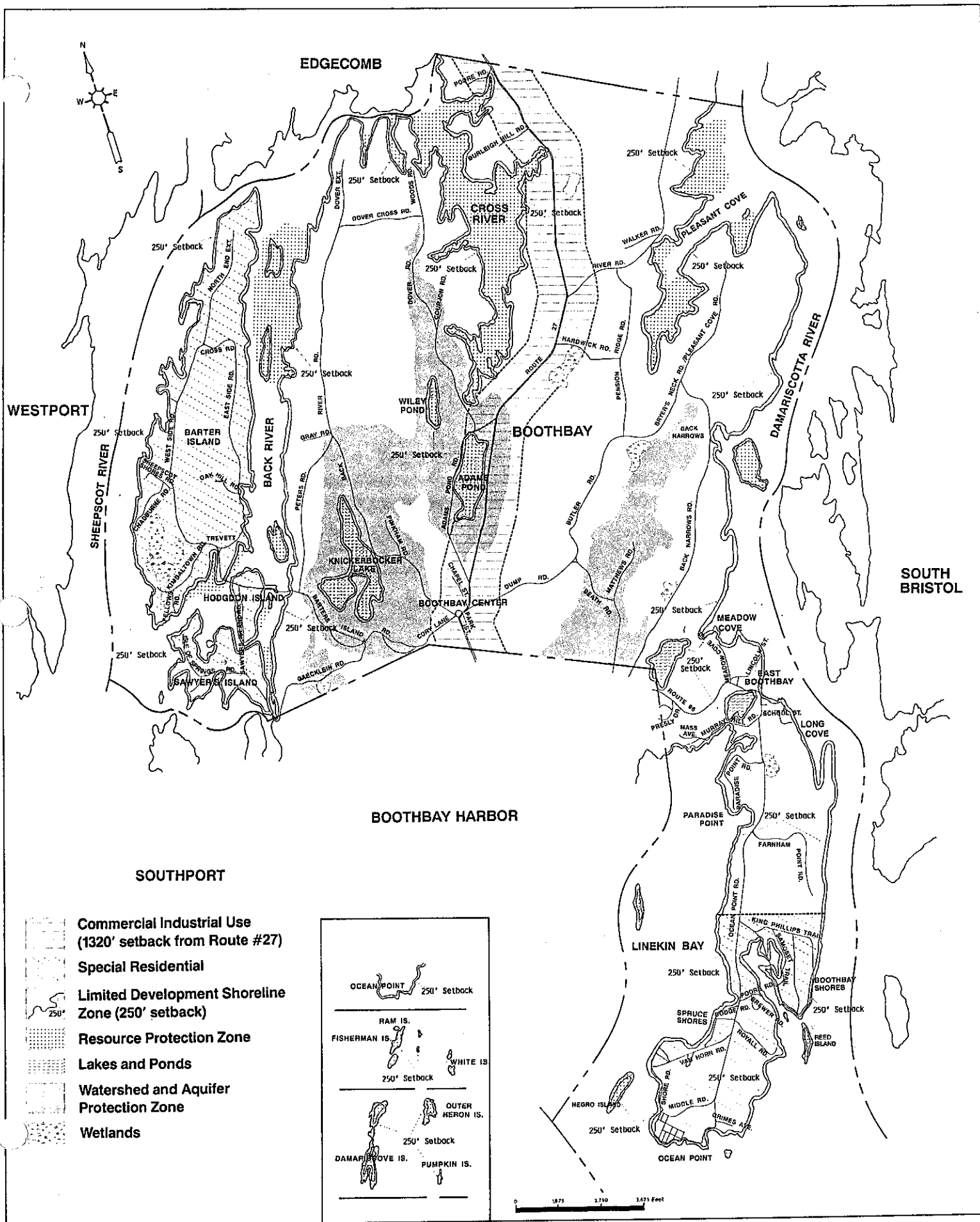
CODE #	NAME	WIDTH	LENGTH	1982%	1989%	Notes from 1989 Review
	WEST SIDE RD. EXTENSION	16'	1.1	79%	39%	shimmed in 1988, should be capped and sealed
	WEST SIDE RD.	18'	1.8	61%	31%	shimmed in 1988, should be capped and sealed
	EAST SIDE RD.	18'	1.5	100%	33%	hot-topped 79-80, should be capped and sealed
	CROSS RD.	16'	.6	48%	58%	mulched 1984, sealed 1985, should be sealed
	SHEEPSHOT SHORES RD.	12'	.35	50%	67%	hot-topped early 80's, should be sealed
	KIMBALTOWN RD.	16'	.5	98%	79%	hot-topped in 1979, should be sealed
	BACK RIVER RD. EXT.	16'	.8	51%	85%	mulch shimmed in 1988, should be capped and sealed
	ADAMS RD.	14'	.14	57%	97%	mulched in 1987, should be sealed
	ISLE OF SPRINGS RD.	10'	.4	53%	39%	old tar, should be mulched
	TAVENNER RD.	16'	.4	50%	82%	mulched in 1986, sealed 1987
	HARDWICK RD.	16'	.6	45%	85%	mulched in 1987, sealed 1988
	PETERS RD.					
	(BARTERS TO TAMARACH)	16'	.38	92%	47%	old tar, should be mulched
	(TAMARACH TO B.R. RD.)	14'	.99	57%		
	SPOFFORD LANE	10'	.20	44%	77%	mulched in 1982, sealed 1983
	ROYALL RD.	12'	.5	43%	76%	mulched in 1982, sealed 1985
	BREWER RD.	14'	.16	61%	84%	shimmed with mulch 1988
	POORE RD.	14'	.1	65%	81%	shimmed with mulch 1988
	KING PHILLIPS TRAIL					
	(ENTRANCE TO SAMOSET)	16'	.30	51%	73%	shimmed 1988, should be capped and sealed
	(SAMOSET TO )	16'	1.22	55%		
	SAMOSET	14'	.98	47%	67%	mulched in 1985, sealed in 1986
	VAN HORN RD.	17'	.72	87%	60%	should be mulched
	SHORE RD.	18'	.70	52%	86%	hot-topped in early 1980's
	MIDDLE RD.	16'	.39	58%	75%	mulched in 1987, should be sealed
	PRESLEY DRIVE	16'	.65	50%	92%	mulched in 1988, should be sealed
	GREENLEAF RD.	12'	.65	50%	72%	hot-topped in 1982, should be sealed
EAST BOOTHBAY STREETS						
	MURRAY HILL RD.	14'	.35	85%	73%	hot-topped early 60's, should be mulched and sealed
	MASS. AVE.	11'	.27	85%	52%	old tar, should be mulched and sealed
	SCHOOL ST.	16'	.21	80%	62%	hot-topped in 60's should be sealed
	ENTERPRISE ST.	12'	.04	84%	88%	hot-topped late 60's, should be sealed
	GREENLANDING RD.	9'	.19	26%	58%	hot-topped in early 80's, should be mulched and sealed
	CHURCH ST.	16'	.05	87%	83%	hot-topped in 70's, should be sealed
	LINCOLN ST.	14'	.09	87%	64%	hot-topped early 70's, should be sealed
	BARLOW HILL	12'	.15	80%	59%	hot-topped mid 70's, should be mulched and sealed
	ANDERSEN ST.	14'	.08	91%	77%	hot-topped in late 70's, should be sealed

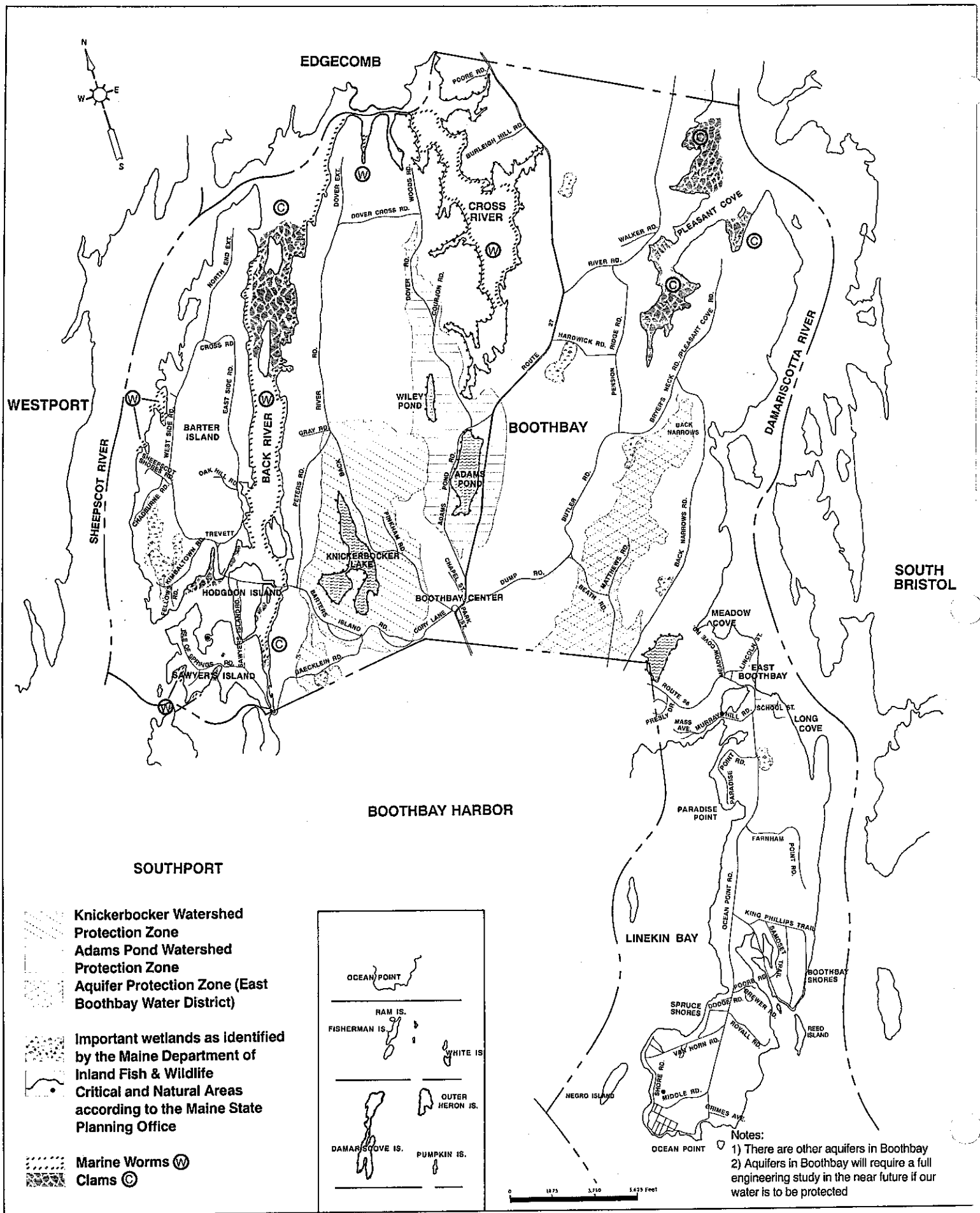
<u>CODE #</u>	<u>NAME</u>	<u>WIDTH</u>	<u>LENGTH</u>	<u>1982%</u>	<u>1989% Notes from 1989 Review</u> hot-topped in 1987
	MEADOW COVE RD.	12'	.37	96%	
<b>OCEAN POINT STREETS</b>					
	BEACH ST.	14'	.11	48%	should be mulched and sealed
	FIRST ST.	10'	.09	80%	old tar, should be mulched and sealed
	SECOND ST.	12'	.09	77%	shim mulch in 1986, should be capped and sealed
	PARK ST.	10'	.24	48%	old tar, should be mulched and sealed
	SPRING ST.	12'	.15	55%	old tar, should be mulched and sealed
	HIGH ST.	12'	.20	91%	mulched in 1987, should be sealed
	GROVE ST.	10'	.07	59%	old tar, should be mulched and sealed
	EMERSON RD.(GRIMES AVE.)	9'	.15	47%	old tar, should be mulched and sealed
<b>GRAVEL ROADS</b>					
	CHADBOURNE	10'	.35	86%**	Capped with 3/4 gravel, graded 2/ year
	OAK HILL	12'	.30	51%**	old tar, should be mulched and sealed
	WEST SIDE RD.	12'	.80	74%**	rebuilt in 86-87, capped
	COURJON		.20		
	GRAY RD.	12'	.20	88%**	graded 2 year, capped
	NOWELL RD.(GAECKLEIN)	12'	1.10	91%**	some sections need work
	BURLEIGH HILL RD. <sup>1</sup>	12'	.10	100%**	rebuilt, ditched in 1985, capped, needs work
	POORE RD.	12'	.30	94%**	ditched, rebuilt in 1986, capped, needs more gravel
	WALKER RD.	12'	.20	100%**	needs 3/4 gravel, mulched, graded, should be tarred
	BUTLER RD.	14'	1.30	94%**	needs 3/4 gravel, mulched, graded, should be tarred
	MATHEWS RD.	14'	.20	94%**	needs 3/4 gravel, mulched, graded, should be tarred
	BACK RIVER RD. EXT.	12'	.20	96%**	needs 3/4 gravel grade
	LEACH RD.	10'	.10	100%**	
	WALL ST.	12'	.13	100%**	rebuilt in 1987, ditched and capped
	BEACH GROVE ST.	12'	.13	97%**	rebuilt in 1987, ditched and capped

\* Figures are based on the American Asphalt Institute's "A Pavement Rating System for Low-Volume Asphalt Roads". The 1982 review was done by Russ Peplaw, former Town Manager, and the 1989 study was done by Pat Farrin, former Road Crew Foreman for the Town of Boothbay. A complete copy of the 1989 work sheets is available in the files of the Comprehensive Planning Committee.

\*\* Based on opinion of consultant and not on the above standards.

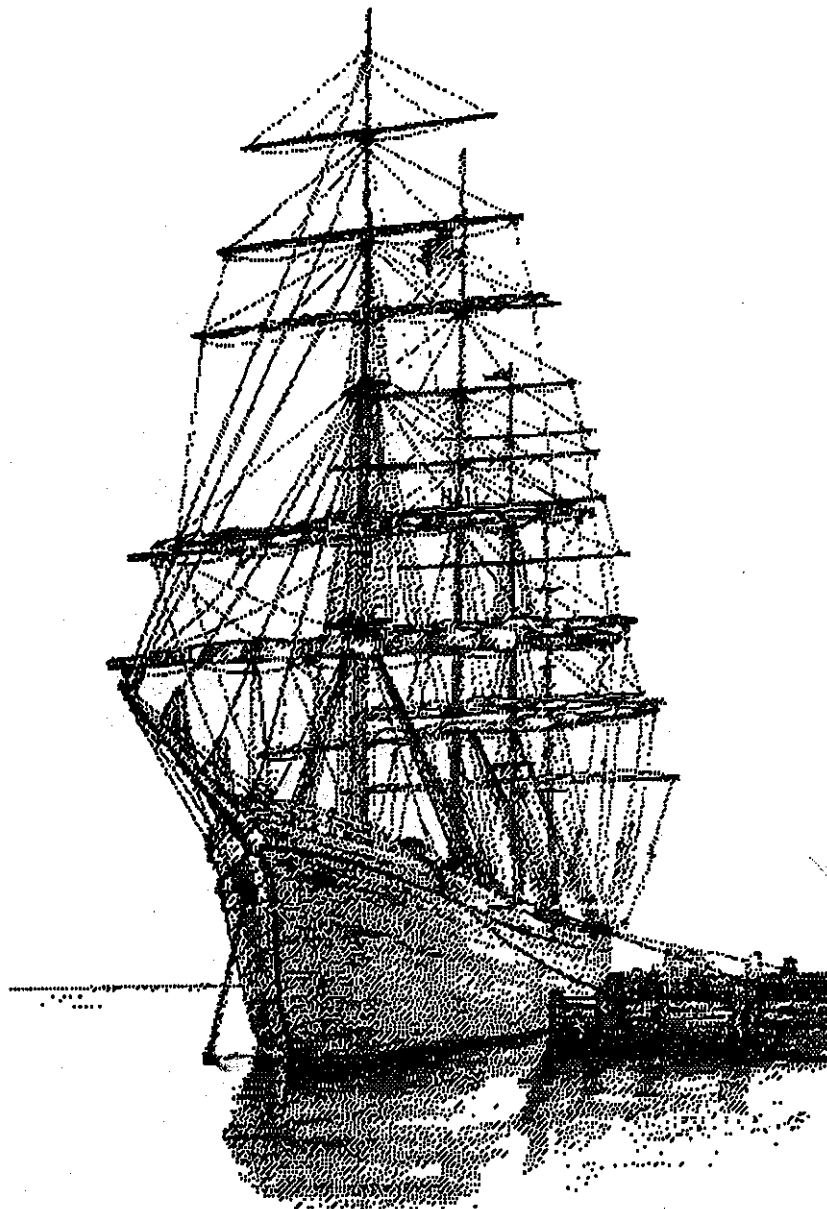
1. No longer a town road





# TOWN OF BOOTHBAY COMPREHENSIVE PLAN

## GOALS AND RECOMMENDATIONS



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## **I. COMMUNITY LAND USE GOALS**

The following general goals are established to guide the Town in the development of its Comprehensive Plan. These goals are intended to provide a general policy framework against which specific objectives and recommendations can be evaluated.

### **A. Small Town Character**

As the community grows, the Town should assure that the small town, rural character of Boothbay is maintained by:

1. retaining open space and natural areas throughout the community;
2. keeping the scale and intensity of new development in proportion to the existing character of the Town;
3. protecting the scenic quality of the Town along the shorefront, main roads and areas with outstanding scenic beauty; and
4. protecting the quality of life and the Town's environment.

### **B. Residential Uses**

The Town should manage residential development in the community to assure that it is a positive addition to the community and is in keeping with the rural character of the community by:

1. adapting the density of development to a level that is appropriate to the physical capacity of the natural resources to support that use, with special attention paid to the carrying capacity of off-shore islands;
2. restricting development in areas where public facilities such as roads or access are not adequate to service the development unless provisions are made for upgrading those facilities;
3. requiring the scale of new development to be in keeping with the character of the Town;
4. ensuring that the quality of new development provides a good living environment for all resi-

dents and protects the Town from extraordinary service and maintenance costs in the future; and

5. encouraging a range of housing opportunities to meet the needs of all residents of Boothbay.

### **C. Marine Related Activities**

As change occurs in Boothbay, the Town should promote the retention of traditional marine related activities such as fishing, shell fishing, boat building, and marine supply and service by:

1. assuring continued access to the water for fishermen and the public;
2. protecting and improving the water quality of the shellfish harvesting areas;
3. developing regulations for the granting of moorings, based on established priorities; and
4. allowing marine related activities throughout the community subject to reasonable regulations to minimize adverse impacts on neighboring properties.

### **D. Commercial and Industrial /Goals and Opportunities**

The Town should allow the retention, expansion and creation of small scale commercial/industrial enterprises which would provide year round employment opportunities for local people provided that:

#### **1. Home Occupations**

Use is carried out in a way which protects neighboring properties from adverse impacts from noise, odors, drainage, and visual factors.

#### **2. Tourist Facilities**

The Town recognizes the commercial and economic importance of tourism as being the number one industry not only in the Town of Boothbay but in the region. The Town of Boothbay, by current land use, is primarily a residential community and regulations should be enacted which maintains that character.

- a. the Town should allow the retention and expansion of tourism facilities provided that they:

1. limit new commercial activities, that primarily serve seasonal visitors, to small-scale facilities which are compatible with the rural nature of the com-

munity;

2. require that new, or additions/ modifications to existing facilities, be made to meet standards of quality to assure safe highway access, good visual design and positive environmental impacts;

3. assure that the intensity of use is compatible with the physical capacity of natural resources;

4. providing stringent buffering requirements to minimize adverse impacts on neighboring properties; and

5. discourage conversion of tourist facilities in to dwelling units.

### **3. Commercial/Industrial Uses , Non-Tourist Related**

The Town recognizes the need for clean, non-polluting light industrial/commercial development to provide year-round employment for the community provided that:

a. the scale and intensity of the business activity is in keeping with the rural character of the Town;

b. the use does not overtax either the Town's natural resources or transportation system;

c. the use is carried out in a way which protects neighboring properties from adverse impacts from noise, odors, drainage, and visual factors;

d. the stringent buffering requirements minimize the adverse impacts on neighboring properties; and

e. the use is carried out without adverse effect on the water quality and quantity of the neighboring properties, does not produce, use or store hazardous waste or products as defined by Department Environmental Protection law. Allowance should be made for minimal uses of hazardous materials as long as such use meets or exceeds state and federal regulations regarding the material.

f. industries that require large amounts of water and /or produce high quantities of waste should be discouraged.

g. allowing a industrial/commercial corridor along Route 27 is subject to all previous conditions.,

All new commercial/industrial , tourist facilities, and other occupations should be required to pay impact fees, proportionate but not limited to the Town's cost for new development.

### **E. Groundwater Protection**

As growth occurs, the Town should assure that both the quality and quantity of groundwater are protected to assure adequate future water supplies by:

1. limiting the density of new development to a level that will not adversely affect either the quality or quantity of the groundwater;

2. controlling the handling, use and storage of petroleum products, chemicals and other potentially hazardous substances to minimize the potential for groundwater contamination;

3. enforcing sewage disposal regulations;

4. controlling the "mining" of groundwater for heating, cooling, or industrial purposes; and

5. protection of municipal wellheads, water-sheds, and aquifers.

### **F. Environmental Protection**

The Town should preserve the quality of life and Boothbay's environment by:

1. encouraging the owners of environmentally sensitive areas and critical wildlife habitats to use their property in a manner which does not jeopardize the environmental value of their land or create problems for neighboring property owners or the Town;

2. controlling the use of environmentally sensitive areas such as wetlands, floodplains, steep slopes and critical wildlife habitats when development occurs; and

3. establishing a program for acquiring key areas of environmental concern to provide for the protection of these resources while compensating the property owner.



## II. SUGGESTED LAND-USE MANAGEMENTS TECHNIQUES

Those techniques specifically not recommended by this plan will appear in *"italic"* and the header will be followed by the phrase "not recommended"

### A. PUBLIC ACQUISITION

These techniques involves direct community purchase of land or development rights. Because of the tax burden these techniques would place on the property owners, they should be considered on in situations alternative methods have failed and there could be demonstrated a clear community need for action.

#### 1. Fee Simple Acquisition (not recommended)

*Fee simple is the full acquisition of title to land for a public purpose and is used when full use of the property by the public is required.*

#### 2. Land Banking (not recommended)

*This is the purchase of land by the town. This is meant to be held for future use and development. Land banking can help to minimize urban sprawl, encourage redevelopment, reduce cost of urban land, curb public land speculation and provide public uses.*

#### 3. Less Than Fee Simple Acquisition (not recommended)

*This is also know as a development easement, a conservation easement, or transfer of development rights. A development or conservation easement is the town's purchase of certain rights to land. The transfer of development rights is a process through which the rights to build or develop on a site are removed from the site and those rights are transferred to a different site where the development is to be encouraged.*

### A. PUBLIC IMPROVEMENT

#### 1. Location of facilities to influence growth

The placement of roads, sewer, water, and public services and facilities influences the type of development which can be supported as well as the location.

#### 2. Access to Existing Facilities

The town can, through the permit issuing pro-

cess, maintain control over the access to public facilities (utility taps, design of curb cuts). Through these processes additional control over the type and location of development is maintained.

### 3. Privatization

This term refers to the contracting out of the public service provision. The benefit is in reduced costs to the town and in some cases the service provided by the private sector may be superior to that of the public sector.

### C. LAND DEVELOPMENT TECHNIQUES

#### 1. Restrictive Covenants and Other Agreements Running with the land.

This category includes a broad range of agreements which can be incorporated in a land title document which includes;

- a. deed restrictions,
- b. easements,
- c. and other negotiated agreements.

#### 2. Planned Unit Development

This is a development which usually contains mixed uses and is planned as a single entity. It is intended to allow for flexibility for the developer in the density requirements in exchange for assurance of the required ratio of open space.

#### 3. Performance Standards

Used as a method of reducing adverse or nuisance impacts of one land use on adjacent properties. This is accomplished through adoption and enforcement of development standards to control four variables:

- a. open space ratio
- b. impervious surface ratio
- c. density
- d. floor area ratio

#### 4. Bonus and Incentive Development

Mechanisms which have the same intent for a single site development as the Planned unit Development (P.U.D.) has for a large-scale development. In exchange for financial or marketing benefits to a developer, a community obtains certain amenities. For example, increased density may be allowed if the developer agrees:

- a. that additional units space will be availa-

- ble for low income housing or reasonably priced retail space;
- b. to sequence the development over a period of time;
- c. to provide or contribute toward additional public facilities or services.

#### 5. Variance

Permission granted by the town to a developer to depart from literal requirements/standards adopted by the town. The relief is granted because it determined that strict enforcement would impose an unnecessary hardship on the property owner.

#### 6. Conventional Subdivision Regulations

Standards and regulations adopted by the town to control the sequence and timing of development in the conversion of raw land into building sites. When coordinated with a comprehensive plan, these standards can assist in controlling the sequence and timing of development.

#### 7. Exactions

In general, exactions are requirements made during the subdivision process-- the required dedication of money, land or improvements to meet the needs generated by new development as a condition of plat approval.

Examples:

- a. Mandatory dedication of land or capital facilities
- b. roads, water, sewer facilities
- c. park land or school sites to serve needs of the subdivision's future residents
- d. redevelopment in another area of the community
- e. day care facilities
- f. fire equipment or facilities
- g. low income housing(affordable housing)
- h. jobs and job training
- i. cultural amenities
- j. oversizing public facilities
- k. redevelopment in another area of the community
- l. money in lieu of land or capital facilities: Cash payment used to replace all/ part of the dedication which allows for greater flexibility for site selection in event suitable property for intended use is not owned by the developer. Funds may be used to purchase adequate, properly located sites.
- m. Low/Moderate- income housing requirements:

Requires developments of a specified size to include a percentage of low and moderate-income housing units, and scatters the supply of this market throughout the community.

#### n. development impact fees:

To shift the cost of new growth away from the general taxpayer toward the new resident. It is a pro rata share of cost charged to the developer for new off-site facilities specifically attributable to a specific development, based on the local service standards and the expected impact of the development.

### D. ZONING TECHNIQUES

#### 1. Conventional zoning

The adoption of a hierarchy of land uses by separating incompatible uses and minimizing the undesirable impacts of one land use on another. Zoning regulations are concerned with the location and use of land and set forth general development standards. The location of each use category or zone is shown on the official zoning map adopted along with the zoning ordinance.

#### 2. Conditional and contract zoning

##### a. Conditional zoning:

The town, without committing itself, obtains a commitment from a property owner that development of his land will occur in a certain way and does not compromise its police powers.

##### b. Contract zoning

The town and the property owner accept reciprocal obligations. In exchange for subjecting his land to deed restrictions, the property owner can obtain rezoning or development rights which are different from other property in the same zone.

#### 3. Floating zones (not recommended)

*A zone described in a zoning ordinance, but not identified on the official map. It is a district for which all of the zoning requirements are contained within the ordinance, but the zone is fixed to the map only when an application for development which meets the zoning requirements, is approved.*

#### 4. Special permit or conditional use permit

Permits issued for uses within zones, but which may need special consideration or control. As part of their growth management strategy, communities have required all new developments to obtain a special use permit which allows a case-by-case review of projects in light of their impacts on utility service, traffic congestion, and municipal services.

#### 5. Exclusive agricultural or non-residential zones (not recommended)

*A method used primarily to protect agricultural land, but also to limit housing and population growth. Zones are established which exclude single-family development as a permitted or conditional use. It prohibits the expansion of existing subdivisions and establishes a "holding zone" which contains and restricts urban areas and their encroachment into rural areas.*

### E. NUMERICAL RESTRAINTS OR QUOTA SYSTEM

A numerical limit set on various characteristics.

#### 1. Annual building permit limits (not recommended)

*Limit community growth by establishing limits on the number of building permits issued annually. This method can be used to target neighborhoods where development is to be encouraged and to restrict development in areas where growth is to be discouraged.*

#### 2. Population and employment targets (not recommended)

*A method to assure a balance between new employment and new population. It is administered by targeting utility service areas. (An example: work toward 26 new jobs for each 100 new residents.)*

#### 3. Moratoriums and interim development controls

Adoption of a temporary ordinance which prevents or restricts development until planning has been completed. Upon completion of study and review, permanent controls are implemented.

### F. CREATIVE FINANCING

#### 1. Linkage

The term is understood as that of "linking" the development plan approval to the meeting of local social and economic needs. Through this method, the town and the developer bargain for concessions from each other.

#### 2. Trust Funds and Dedicated Revenues

Pools of funding made available by creation of a trust fund, commonly used in neighborhood revitalization. Ways to accomplish capitalization:

- a. interest earned in real estate-related deposits
- b. fees extracted from the for-profit development of real estate
- c. contributions made by developers in return for special rights such as density bonuses
- d. interest on escrow accounts
- e. fees imposed on the conversion of use
- f. oil revenues
- g. local or state appropriations

#### 3. Shared equity

A technique which matches investors in the joint purchase of a home with a lower-income family. The investment reduces the mortgage and thus the monthly payment for the family. In return, the investor receives the tax benefits of low-income housing rental. When the shelter runs out, the family purchases the investor's share.

#### 4. Historic Preservation

There are a number of programs which offer incentives in the revitalization of both residential neighborhoods and commercial districts.

#### 5. Sale-Leaseback (not recommended)

Commonly used in two forms:

a. the town sells a building or other facility (retaining ownership of the underlying land) to a private investor or group of investors. The town then leases that facility back on a long-term basis. The benefit to the town is that it gains immediate income from the sale of the property. The investor benefits from substantial tax benefits and is usually not held responsible for operating costs or maintenance.

b. To preserve open space, the town purchases property considered important for its open space value then immediately leases it back to the seller for a specified period

of time. Eventually the land is used for park or other open space purposes.

c. A variation of the sale-leaseback techniques is the lease-purchase, in which public facilities are built by the private sector and then leased to the town. When the lease period is over, the title is conveyed to the town as the rental cost accumulated will be sufficient to pay for the project costs plus interest.

#### 6. Grantmanship

The ability to obtain grants and subsidies for a variety of purposes. The town has a role in not only programming existing funding allocations but also in seeking alternative and additional sources of revenue. This includes public sources such as federal and state grants as well as private funding available from foundations and other private institutions. The town could play a role in assisting private groups in securing funds available only to non-governmental organizations.

### G. ENVIRONMENTAL CONTROLS

#### 1. Environmentally sensitive land areas

Controls established to accomplish two purposes:

- a. to protect natural processes from detrimental impacts of development (flooding, stormwater runoff, ground water recharge, etc.)
- b. to prevent development from occurring in sensitive resource areas (hillsides, shorelines or other areas where erosion, land slippage or other problems could result from development).

Ordinances established with these purposes accomplish the task in several ways. They can:

- d. specify uses which are to be disallowed
- e. establish areas where development may or may not occur
- f. set forth standards of performance which will be acceptable under environmentally sensitive circumstances.

#### 2. Critical areas

Regulations usually enforced by a higher authority such as the state in the scope of enforcement of environmentally sensitive land areas.

#### 3. Development of regional impact

To allow participation in the decision-making process by persons who may be directly affected by a development (regional shopping malls, large-scale industrial park, airports or highways, etc.).

#### 4. Other special protection areas

Standards developed based upon specific geophysical conditions of the area. (California governments adopted regulations to protect development from seismic activities).

#### 5. Pollution controls

The most common usage of this technique is in the form of septic tank regulation.

### H. SUPPORT STRATEGIES

#### 1. Tax and Fee Systems

Tax differentials to encourage or discourage development in certain areas. They can also impact the type of development which occurs. Some successful types of systems:

##### a. Urban and rural service area taxes. (not recommended)

*This taxation method distinguishes some areas from others by level of service they can be expected to receive. Higher levels of services are taxed at higher levels.*

##### b. User and benefit fees.

Not really taxes, rather charges assessed by the town for providing a service to users. Fees are considered revenue raising techniques, but can also be used to guide development.

User fees can be based on the amount of service or a unit of service. However, in order to impact development, each new user would be required to pay the cost of providing each service to his site.

##### c. Special assessment

*This method assigns the cost of a facility against the adjacent benefitting property. The cost assessed may be for partial or full funding of the project. This technique allocates costs according to the benefits received. General taxation spreads the costs*

*across all property.*

**d. Preferential taxation**

A method intended to provide an incentive to the farmer and prevent him from selling his agricultural property for urban development. It offered a lower tax rate on farmland in return for a commitment to restrict the use of the land for 10 years. This may be accomplished through:

1. preferential assessment
2. deferred taxation
3. restricted use

A variation suggests the converse of this to be possible—vacant or unused land could be taxed at a higher rate to encourage development.

**3. Official Mapping**

This technique coordinates exactions, capital improvements program, and the comprehensive plan. It is a map which is officially adopted by the town and indicates the location of future improvements. It shows the expected locations of streets, parks, sewer and water facilities, and serves as a guide to developers and commits the community to new facilities.

**4. Environmental impact statement**

A statement on the effect of development proposals and other major actions which significantly affect the environment. This is used as part of growth management strategies to determine a development's impact on services, traffic, utility capacity and public fiscal concerns as well as on environmental factors and the area's carrying capacity.

An environmental impact statement also includes an inventory and analysis of a development's potential effects on:

- a. air
- b. water quality
- c. water supply
- d. hydrology
- e. geology
- f. soil
- g. topography
- h. vegetation
- i. wildlife
- j. aquatic organisms
- k. ecology
- l. demography
- m. land use

- n. aesthetics
- o. history
- p. archaeology

The study describes the impacts which cannot be avoided and the steps to be taken to minimize adverse environmental impacts.

**5. Cost/benefit analysis (not recommended)**

*A method which measures the actual and hidden costs of a proposed project and compares them to the benefits to be received from the project.*

**6. Impact analysis**

An analysis and correlation of the effects of these four factors:

- a. the rate of growth in the surrounding area;
- b. the community's infrastructure;
- c. the economic profile of the area and each proposed project (the project cost versus the returns expected in the form of tax revenues); and
- d. the impact of the project on the environment of the project site and that of the surrounding area.

**III. ORDINANCE ADMINISTRATION**



The following is a review of the current ordinance administration by the Town of Boothbay and the recommendations which would bring the administration of the ordinance into

line with the data herein and with the goals of this plan.

**A. Existing Description For The Code Enforcement Officer**

1. The Town Manger is the Code Enforcement Officer.
2. The Code Enforcement Officer shall approve or deny these permits for clearing of lots for approved construction, in the Shoreland Zones, only if the permit activity is in conformance with the provisions of this ordinance.
3. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance. If the Code Enforcement Office shall find that any provision of this ordinance is being violated he shall notify, in writing, the person responsible for such violation:

- a. Indicating the nature of the violation.
- b. Ordering the action necessary to correct the violation including:
  1. discontinuance of illegal use of land, buildings structures, or work being done.
  2. removal of illegal buildings or structures.
  3. abatement of nuisance condition.

4. All Code Enforcement actions are subject to the approval of the Selectmen.

## B. Background

At the present time, a part-time Plumbing Inspector, Harbor Master, assistant Code Enforcement Officer and the Town Manager share responsibilities for assuring that the requirements of various codes and ordinances are being met. These include the State Plumbing Code, shoreland zoning regulations and building permit system. There is also a need for monitoring of projects approved by the Planning Board or Board of Appeals to assure that the developer abides by the approved plans and any conditions imposed as part of the approval.

Three factors have combined to create a need for improved code enforcement services in the Town. These are:

1. A high level of development activity in the Town both in terms of a new construction and the renovation and expansion of existing properties;
2. Increased amounts of both local and state requirements;
4. Increased requirements on the part of financial institutions for evidence of compliance with state and local regulations.

The current level of activity in the community is simply overtaxing the existing system of providing code enforcement services.

## C. Objectives

The Town's objectives with respect to code enforcement are:

1. To assure that the state and local regulations governing land use, plumbing, sewage disposal and development are administered in a fair and even-handed manner;
2. To assure that the Town is aware of all new

development and construction activity in all areas of the Town and that required approvals are obtained in a timely manner;

3. To assure that all development and construction is carried out in accordance with the applicable codes and regulations and requirements of the project approval; and

4. To provide on-going oversight of sewage disposal systems utilizing overboard discharge to assure that they are functioning according to the design and permit requirements.

## D. Recommendations

The Comprehensive Plan recommends:

1. Code Enforcement Officer - That consideration be given to creating a position of Code Enforcement Officer (CEO) independent of the position of Town Manager.

By 1993, every CEO must be state certified. Along with that, the additional responsibilities which will be added when the recommendation from this plan are implemented will require a great deal of additional time on the part of the CEO.

The position should be expanded to include:

- a. inspection of buildings and or their approved sites
- b. assistance in assessing
- c. provision of staff services to:
  1. Planning Board
  2. Board of Appeals
  3. Moorings and Harbor Committee
  4. Board Of Selectmen
- d. consideration should be given to:
  1. creating a full time position
  2. consideration could be given to amending the job description for Building Permit Officer to that of town planner and a combined CEO and town planner's role created and defined.
- e. exaction fees, impact fees should be utilized to supplement a portion of the cost of the new position.

## 2. Monitoring of Activity

The Code Enforcement Officer should monitor all development activities requiring a building permit, subdivision approval, or site plan approval to assure that they are being done in conformance with applicable Town rules and regulations and with any supplemental requirements



of project approvals.

### 3. Monitoring of Overboard Sewage Disposal Systems

The Town should establish a program to require the regular monitoring of all overboard discharge systems to assure that they are functioning properly and meeting their permit requirements.

### 4. Enforcement of Plumbing Code

The Town should actively enforce the requirements of the Maine State Plumbing Code relative to sub-surface sewage disposal systems to assure that malfunctioning septic systems are repaired or replaced in a timely manner.

### 5. Building Permit System

The Town should continue to require that a building permit be obtained from the Planning Board prior to the commencement of any construction or development activity involving the construction of a new building or the physical expansion of an existing building in all areas of the community. The records of the Code Enforcement Officer shall be kept on file in the municipal office and shall be available for inspection by the public.

### 6. Plan Review

The Code Enforcement Officer should review all development plans prior to the start of construction to determine that all necessary Town permits and approvals have been obtained and that the construction conforms to all applicable Town rules and regulations.

7. Counsel should continue to be retained to advise the Town boards and committees in their review of development proposals when considered necessary.

8. The Board of Appeals should continue to be limited in its ability to grant variances under the strict interpretation of the "Undue Hardship" definition. The board should continue to be prohibited from granting variances for uses that are prohibited.

9. A variance should be required for any expansion of a non-conforming use.

10. Any expansion of a non-conforming structure that would make it more non-conforming should be prohibited.

11. Each unit within a multi-family development, and within rental cottages, should be considered a separate dwelling, subject to all requirements for single-family dwellings unless otherwise specified in the zoning ordinance.

12. All new commercial structures (and/or home occupations, additions) should be subject to a permit.

13. Floor plans, building profiles, and site plans should be required for all special exceptions permits, and any deviation from the proposed plans and profiles should require the prior approval of the Planning Board.

14. Applicants should be required to bear the cost of any and all studies, site review, etc under taken by the town in response to development.

15. The Planning Board should review and update the Comprehensive Plan on a regular basis

### 16. Public Information Program

The Town should institute a public information program to assure that the public understands how these land use management policies work and the actions necessary to ensure their long-term implementation through enforcement of the building ordinances.



## **IV. RECOMMENDATIONS FOR GENERAL STANDARDS**

The following is the recommendations for general standards for the town of Boothbay

A. District boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland zone.

B. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

C. Sources for the delineation of the 100 year flood plain shall be the Federal Emergency Management Agency's Flood Insurance Rate Maps, or if such maps are not available, by flood elevation records or by soil types identifiable as recent flood plain soils.

D. Boundaries indicated as being parallel to or extensions of features indicated in paragraphs A through C above shall be so construed.

E. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map. Any conflict between the Official Zoning Map and a description by metes and bounds in a deed shall be resolved in favor of the description by metes and bounds.

F. Where a zoning district boundary line divides a lot or parcel of land of the same ownership the regulations applicable to the less restricted portion of the lot may not be extended into the more restricted portion of the lot.

G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or where other circumstances not covered by subsection A through F above exist, the Board of Appeals shall interpret the district boundaries and shall be the final authority as to location of the boundaries.

#### H. Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

#### I. Non-Conformance

##### 1. Purpose

a. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

b. Repair and Maintenance: This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

c. Demolition of Significantly Damaged Structures: Nothing in this section shall prevent the demolition of the remains of any

damaged or destroyed building.

##### 2. Non-Conforming Structure

a. Expansions: A non-conforming structure shall not be added to or expanded unless such addition or expansion conforms to all of the regulations of the district in which it is located and does not increase the non-conformity.

Furthermore:

b. No structure or portion of any structure which is less than the required setback from the normal high-water line may be expanded toward the water. The addition of a deck, porch, or patio to a structure shall be considered an expansion.

c. A non-conforming structure in the Resource Protection District may not be expanded.

d. Construction or expansion of a foundation under an existing dwelling which expands habitable space shall be subject to the requirements of paragraphs a. through c. above.

e. Expansions of non-conforming structures shall be subject to the State Plumbing Laws (Title 30-A, M.R.S.A. Section 4221, Subsection 3) requiring documentation of wastewater disposal capabilities.

3. Discontinuance: Discontinuance of the use of a legally existing non-conforming structure for a period of 5 years or more shall constitute abandonment of the structure. Thereafter, use of the structure may be commenced only after the structure is brought into compliance with this Ordinance, or a variance is obtained.

4. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of the State of Maine Subsurface Wastewater Disposal Rules (Rules) or that a new system can be installed in compliance with the said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. Nothing in this section shall prohibit the relocation of a non-conforming

structure to a separate conforming lot on which the structure and use will be conforming, provided that all necessary permits are obtained.

**4. Reconstruction or Replacement:** Any non-conforming structure located less than the required setback from the normal high-water line or upland edge of a regulated shoreland area and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage or destruction, may be reconstructed or replaced within one year of the date of said damage or destruction provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this ordinance. In no case shall a structure be reconstructed or replaced so as to increase the extent of non-conformity.

#### **5. Non-Conforming Uses**

a. **Expansions:** Expansions of non-conforming uses are prohibited.

b. **Resumption Prohibited:** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superceded by a conforming use, may not again be devoted to a non-conforming use. In the case of a residential structure this time period shall be extended to five (5) years.

c. **Change of Use:** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board.

The determination of "no greater adverse impact" shall require written findings by the applicant on the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to water, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other water-dependent uses.]

#### **6. Non-Conforming Lots**

a. **Non-conforming Lots:** A non-conforming lot of record may be built upon provided

that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained only by action of the Board of Appeals.

b. **Contiguous Lots:** Two (2) or more contiguous lots or parcels in single or joint ownership of record at the time of adoption of this Ordinance shall be considered one lot for the purposes of this Ordinance if all or part of the lots do not meet the dimensional requirements of this Ordinance, even if a principal use or structure exists on each lot. If two (2) or more principal uses or structures exist on a single lot of record, the lot shall not be divided in a manner that creates a non-conforming lot or causes a non-conforming lot to become more non-conforming.

## DISTRICTS ALLOWED LAND USES

**Basic Requirements:** Permitted and Conditional Uses in all Districts shall conform to all applicable specifications and requirements; a plumbing permit, building permit, and/or Special Exception Permit shall be required for all structures, uses of land and buildings, and sanitary facilities, according to the provisions of the ordinance.

**Land Use District Regulations:** Land uses permitted in each district, shall be in conformance with the PERFORMANCE STANDARDS in all applicable sections of the ordinance.

<b>KEY</b> P - Permitted Use C - Conditional Use X - Not Allowed	<b>R-1 General Residential</b> C/I Commercial/Industrial WS Watershed-Aquifer	<b>R-2 Special Residential</b> S Shoreland RP Resource Protection
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**TOWN OF BOOTHBAY LAND USE TABLE**

Residential	R-1	R-2	C/I	S	WS	RP
Single Family Detached Dwelling	P	P	P	P	P	P
Duplex	P	C	P	X	X	X
Multi-Family Dwelling	C	X	C	X	X	X
<b>INSTITUTIONAL; NON-PROFIT; PUBLIC</b>						
Cemetery	C	C	X	X	X	X
Church, Parish House	C	X	C	X	X	X
Club	C	C	C	X	X	X
Daycare Facility	C	C	C	X	X	X
Educational Facility	C	X	C	X	X	X
Museum	C	C	C	X	X	X
<b>COMMERCIAL</b>						
Amusement Park	X	X	X	X	X	X
Bed & Breakfast	C	C	P	X	X	X
Boarding, Lodging	C	C	P	X	X	X
Business or Professional Office	C	C	P	X	X	X
Campground	C	C	X	X	X	X
Golf Course	C	X	X	X	X	X
Hotel or Motel	C	C	C	X	X	X
Inn	C	C	C	X	X	X
Kennels	C	C	X	X	X	X
Neighborhood Grocery Store,	C	C	P*	X	X	X
Recreation Facility	C	C	C	X	X	X
Restaurant	C	C	P	X	X	X
Retail Business	X	X	C	X	X	X
Service Business	C	X	C	X	X	X
Transmission Tower	X	X	C	X	X	X
Wholesale Business	X	X	C	X	X	X
<b>INDUSTRIAL</b>						
Junkyard; Auto Graveyard	X	X	X	X	X	X
Manufacturing	X	X	C	X	X	X
Light Industry	X	X	C	X	X	X
Mineral Extraction	X	X	C	X	X	X

	R-1	R-2	C/I	S	WS	RP
Laboratory; Research Facility	X	X	C	X	X	X
Sawmill	X	X	C	X	X	X
Warehousing, Storage; Distribution	X	X	C	X	X	X
<b>MARINE</b>	C	C	P	P	X	C
<b>MISCELLANEOUS</b>						
Agriculture	C	C	C	C	C	C
Animal Husbandry	C	C	C	C	C	C
Forest Management	P	P	P	P	P	P
<b>ACCESSORY USES</b>						
Boathouse; Pier; Dock	P	P	P	P	P	P
General Accessory Use*	P	P	P	P	P	P
Home Occupation	P	P	P	P	P	P
Yard Sale	P	P	P	P	P	P

\* An accessory use to a Conditional Use shall also require Site Plan Review

**DIMENSIONAL REQUIREMENTS:** Lots and structures in all Districts shall meet or exceed the following minimum requirements. Additional requirements may be imposed by other provisions of the Ordinance.

REQUIREMENT in sq. ft.	R-1	R-2	C/I	S	WS	RS
Minimum Lot Size	40,000	40,000	40,000	60,000	**	80,000
Maximum Buildable Area (as a percent of Lot Area)	50%	50%	50%	50%	50%	50%
Minimum Lot Width	100ft.	100ft.	100ft.	150ft.	150ft.	150ft.
Minimum Front Yard Setback (state road)	50ft*	50ft.	50ft.	50ft.	50ft.	50ft.
Minimum Front Yard Setback (town road)	33ft*	33ft.	33ft.	33ft.	50ft.	33ft.
Minimum Side Yard Setback	20ft.	20ft.	20ft.	20ft.	20ft.	20ft.
Minimum Rear Yard Setback	20ft.	20ft.	20ft.	20ft.	20ft.	20ft.
Maximum Building Height	34ft.	34ft.	34ft.	34ft.	34ft.	34ft.
Minimum Set Back from Water	75ft.	75ft.	75ft.	75ft.	75ft.	75ft.
Minimum Set back from water for septic system and leach field	200ft.	200ft.	200ft.	200ft.	200ft.	200ft.
Recommended Maximum Building Setback (Commercial/Industrial)	40ft.	40ft.	40ft.	40ft.	40ft.	40ft.
* Permitted use for total square footage of less than or equal to 1500 sq. ft.						
** For recommended minimum lots sizes, see section Goals and Recommendations, VII D, 2, c, 1.						



## V. RESIDENTIAL USES

### OVERVIEW

The town of Boothbay has seen a considerable amount of new residential development over the past ten years. Between the years of 1978 and 1987, the number of year-round dwelling units increased by 23.2 % or 318 units. While some of the increase is the result of the conversion of seasonal homes to year-round use,

the majority is the result of new residential development. Over the past ten years, the Town has seen the development of a number of subdivisions for single-family housing. Most residential development in Boothbay is single-family detached housing on individual lots. There have been only 31 units of multi-family housing approved by the planning board in the past 5 years.

Residential growth pressure in the town is primarily a result of demands from the retirement market, and the influx of middle-income commuters. It is reasonable to assume that the town will continue to see an increase in residential growth averaging about 31 new units per year. Increased residential development presents a number of concerns for the community including: increased demand for groundwater and municipal water, increased traffic on the town's road system, impact on environmentally sensitive areas, increased numbers of septic systems and disposal problems, and the effect on the rural, small-town character of Boothbay.

The Comprehensive Plan's Public Opinion Survey shows strong support for preservation of the town's rural character and retention of open spaces. The soils and groundwater are of insufficient quality and quantity to allow uncontrolled development.

### A. OBJECTIVES

The Plan's objectives with respects to residential uses are:

1. To permit new residential development in the community provided that the development is in keeping with the existing rural character and scale of the town.
2. To assure that the town permits as wide a range of housing opportunities as possible by assuring that the town's development regulations balance the need to protect the environment and character of the community with the needs of the community.

3. To limit the density of new residential development to a level that protects/controls:

- a. the rural character of the community
- b. the quantity and quality of groundwater
- c. any adverse affects from septic systems
- d. the retention of open space

4. To limit the amount of new residential development to a level that will not overburden the town's road system.

5. To require that new residential developments provide a quality living-environment for their residents and protect the taxpayers, by having good quality public improvements including roads, drainage systems, open space, and safe adequate access to the existing road system.

6. To require that new residential developments provide for the costs to the town of those municipal improvements incurred by the new development.

### B. POLICIES

#### 1. Density of New Residential Development

The town should control the density of residential development in both subdivisions and on individual residential lots in all areas of the community through minimum lot-size requirements and the use of maximum buildable areas.

2. To encourage the retention of open space, 50% of the buildable area of the lot should be retained as opens space. Uses of the land for development would include the total square footage of the footprint of the primary stucture and any and all ancillary structures, septic systems and leach fields. Driveways and parking lots would be included if any portion of the lot is used for home occupations or commercial/ industrial uses. Excluded are all wetlands, or unbuildable areas by nature of slope or other naturally occuring conditions.

The regulations for minium lot sizes, under certain conditions, should provide for a mechanism to allow for a smaller lot size, i.e. density bonuses to allow for affordable housing and retention of open space.

The lot area for other residential uses such as multi-family units should be based on the de-

sign sewage flow for a use compared to the flow from a single-family home.

The town should encourage single-family detached cluster housing as a means to provide areas of open space and should be adequately set back from the waterfront and wetlands.

### 3. Quality of New Residential Development

The town should adopt development standards to assure that new residential developments provide a safe and healthy living environment for their residents, minimize the impact on abutting landowners, protect the town from future public costs, and protect unique natural areas and scenic resources.

These development standards should address the following areas:

- a. the placement of buildings on the site with respect to lot lines and significant natural features such as wetlands or designated unique or critical areas to minimize external impacts.
- b. the layout of lots, drives, roads, and open spaces to assure safe public access to the development, and within the development.  
access drives to Route 27 should be limited by encouraging new developments to develop common right-of-ways leading to a common curb cut.
- c. installation of septic systems to minimize the adverse impacts on groundwater quality.
- d. provision for adequate access to the site.
- e. construction standards of new roads, access drives and other similar public improvements to assure that they are adequate for their intended use and will protect the residents and the town from unnecessary future costs. Those provisions should provide differing standards for improvements that will be turned over to the town and those that will remain in private ownership.

### 4. Conversion of Seasonal Property

The town should rigorously enforce the requirements of Title 30, section 3223 of the Maine Revised Statutes Annotated with respects to proof of adequate sewage disposal, prior to the con-

version of a seasonal dwelling to year-round use.

### 5. Expansion or Replacement of Homes on Under-sized Lots

The town should limit the expansion or replacement of existing residential units which do not meet the town's minimum lot size by requiring that expansion or replacement may utilize up to a maximum developable area of 50% of the square footage of the lot.

### 6. Large-Scale Residential Uses

The construction of new large-scale residential developments, involving 20 or more acres of land or 4 or more dwelling units, should be permitted only if they:

- a. are designed in a manner which is in keeping with the scale of other developments in the community;
- b. provide adequate and safe access without overburdening the town's road system;
- c. protect abutting property owners from undesirable impacts;
- d. provide adequate water supply. Projects shall be required to demonstrate that this can be done without affecting the water supply of neighboring properties;
- e. provide adequate sewage disposal. Projects shall be required to demonstrate that this can be done without reducing the quality and quantity of groundwater supplies to neighboring properties; and
- f. retain scenic and natural resources on the site and provide for the retention of open space within the development.

### 7. Open Space and Amenities in New Development

The town should require that 50% of the developable lot area of the site of any new large-scale development be set aside as permanent open space within the development.

### 8. Handling of Mobile Homes

The Town should treat any mobile home, meeting the U.S. Department of Housing and Urban Development construction standards, as a single-family home and permit them to be located in

the town under the same terms as any other single family home. This shall include compliance with the minimum lot size, density requirements, and set-back requirements.

#### 9. Grandfathered Lots

The town contains a large number of existing undersized lots. The town should permit the construction of a single-family detached home on any legally existing lot held in separate ownership as long as suitable sewage disposal is provided, the 50% maximum buildable area is met, and the proposed building complies with all other development regulations.



### C. GENERAL RESIDENTIAL DISTRICT

#### 1. Description

All areas of the town excluding those areas within the:

- a. Resource Protection District,
- b. Watershed-Aquifer Protection District
- c. Commercial/Industrial Corridor
- d. Shoreland District and
- e. Special Residential District

#### 2. Allowed Uses

- a. Single-family detached dwellings
- b. Duplexes
- c. Accessory uses for
  - 1. Boathouse, pier, dock
  - 2. General Accessory
  - 3. Home occupation
  - 4. Yard sale
- d. Miscellaneous - Forest Management

#### 3. Conditional Uses *(Requires a special exceptions permit)*

- a. Residential - Multi-family housing
- b. Institutional, Non-Profit, Public
  - 1. Cemetery
  - 2. Church, Parish House
  - 3. Club
  - 4. Daycare Facility
  - 5. Educational Facility
  - 6. Museum
- c. Commercial
  - 1. Bed and Breakfast
  - 2. Boarding and Lodging
  - 3. Business or Professional Office
  - 4. Campground
  - 5. Golf Course
  - 6. Small-scale Hotel and Motel, Inn

- 7. Kennel
- 8. Neighborhood Grocery Store
- 9. Recreation Facility
- 10. Small-scale Restaurant
- 11. Service Business

- d. Marine
- e. Miscellaneous - Agriculture and Animal Husbandry

#### 4. Standards

The general standards of performance shall apply, along with the following:

- a. Minimum lot size 40,000 sq ft
- b. Maximum building height 34 feet
- c. Setback from town-owned road centerline 33 feet
- d. Setback from state-owned road centerline 50 feet
- e. Setback from side and rear lot lines 20 feet
- f. Setback from principal structure on adjoining properties 40 feet
- g. Minimum setback from ponds, rivers, or saltwater bodies 75 feet
- h. Minimum elevation of first floor above 100-year flood elevation: 2 feet
- i. Minimum shore frontage along lakes, ponds, rivers, streams or non-tidal water. 100 feet
- j. Buildable Area

To encourage the retention of open space, 50% of the buildable area of the lot should be retained as open space. Uses of the land for development would include the total square footage of the footprint of the primary structure and any and all ancillary structures, septic system and leach field. Driveways and parking lots would be included if any portion of the lot is used for home occupations or commercial/industrial uses. Excluded are all wetlands, or unbuildable areas by nature of the slope or other naturally occurring conditions.

- k. Lots bounded on at least three sides by water are subject to a minimum setback of 75 feet from normal high water, except if



shall be 150 feet from the point of any peninsula.

#### I. Additional Standards

1. There shall be no filling, dredging, or grading within 100 feet of normal high-water mark in a resource protected area rated moderate or high value by the Department of Environmental Protection.

2. Single-family detached dwellings in this zone shall not be erected in the coastal flood plain, or on areas of unstable soil subject to slumping, mass movement, or severe erosion.

3. 75-Foot setback from all other wetlands identified by the Maine Department of Inland Fisheries and Wildlife and other wetlands, streams and ponds as shown on town Tax Map or Topographic Map.

4. There should be no chemical or petroleum products stored or used in excess of that which would be found during normal household use.

5. Lot configuration and area shall be designed to provide adequate off-street parking.

6. Lots with multiple frontage are to be avoided wherever possible. When lots do have frontage on two or more right-of-ways, the plan, and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.

7. Wherever possible, side lot lines shall be perpendicular to the street.

8. If a lot on one side of a stream, tidal water, right-of-way, or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or right-of-way to meet the minimum lot size.

9. Lots with more than twice the required minimum lot size shall be laid out in such a manner as to provide for or preclude future subdivision.

10. In cluster developments, the total

buildable acreage of all lands in the development should be used in computing the buildable area. Each unit lot within a cluster development shall require a minimum of 20,000 square feet with the balance reserved as open space.

#### D. SPECIAL RESIDENTIAL DISTRICT

##### 1. Description

Areas of the Town, in excess of 250 feet from normal high-water, located south of a line drawn 150 feet north of the center line of King Philips Trail and its extension westerly to Linekin Bay, and Barter's, Hodgdon's, and Sawyer's Islands.

##### 2. Allowed Uses

a. Single-family detached dwellings

b. Accessory uses:

1. Boathouse, pier, dock
2. General Accessory Use
3. Home occupation
4. Yard sale

c. Miscellaneous - Forest Management

##### 3. Conditional Uses (*Requires a special exceptions permit*)

a. Residential - Duplex

b. Institutional, Non-Profit, Public

1. Cemetery
2. Club
3. Daycare Facility
4. Museum

c. Commercial

1. Bed and Breakfast
2. Boarding and Lodging
3. Business or Professional Office
4. Campground
5. Small-scale Hotel and Motel, Inn
4. Kennel
5. Neighborhood Grocery Store
6. Recreation Facility
7. Small-scale Restaurant

d. Marine

e. Miscellaneous - Agriculture and animal husbandry

##### 4. Standards

The general standards of performance shall ap-



ply, in addition to the following standards:

- a. Minimum Lot Size 40,000 sq ft
- b. Maximum Building Height 34 feet
- c. Setback from town-owned right-of-way center line or other right-of-ways 33 feet
- d. Setback from state-owned right-of-way centerline 50 feet
- e. Setback from side and rear lot lines 20 feet
- f. Setback from principal structure on adjoining properties 40 feet
- g. Minimum setback from ponds, rivers, or saltwater bodies 75 feet
- h. Minimum elevation of first floor above 100-year flood elevation 2 feet
- i. Minimum shore frontage along lakes ponds, rivers, streams or non-tidal water 100 feet

j. Buildable Area

To encourage the retention of opens space, 50% of the buildable area of the lot should be retained as opens space. Uses of the land for development would include the total square footage of the footprint of the primary structure and any and all ancillary structures, septic system and leach field. Driveways and parking lots would be included if any portion of the lot is used for home occupations or commercial/ industrial uses. Excluded are all wetlands, or unbuildable areas by nature of slope or other naturally occurring conditions.

- k. Minimum distance between well and septic system or leach field 100 feet

l. Lots bounded on at least three sides by water are subject to a minimum setback of 75 feet from normal high-water, except it shall be 50 feet from the point of any peninsula.

m. Additional Standards

- 1. There shall be no filling, dredging, or grading within 100 feet of normal high-water mark in a resource protected

area rated moderate or high value by the Department of Environmental Protection.

2. Single-family detached dwellings in the zone shall not be erected in the coastal flood plain, or on areas of unstable soil subject to slumping, mass movement, or severe erosion.

3. 75-Foot setback from all other wetlands identified by the Department of Inland Fisheries and Wildlife and other wetlands, streams, and ponds as shown on the Town Tax Map or Topographic Map.

4. There should be no chemical or petroleum products stored or used in excess of that which would be found during normal household use.

5. Lot configuration and area shall be designed to provide adequate off-street parking.

6. Lots with multiple frontage are to be avoided wherever possible. When lots do have frontage on two or more right-of-ways, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less traveled way.

7. Wherever possible, side lot lines shall be perpendicular to the street.

8. If a lot on one side of a stream, tidal water, right-of-way, or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or right-of-way to meet the minimum lot size.

9. Lots with more than twice the required minimum lot size shall be laid out in such a manner as to provide for or to preclude future subdivision.

10. In cluster developments, the total buildable acreage of all lands in the development should be used in computing the buildable area. Each unit lot within a cluster development shall require a minimum of 20,000 square feet with the balance reserved as open space.



## VI COMMERCIAL/INDUSTRIAL USES

### Overview

The geographic nature of Boothbay has resulted in non-residential uses being scattered throughout the town. Marine-related businesses, local service and tourist-related businesses are found in virtually every area.

Boothbay's isolated geography acts as a natural limit on the amount and type of commercial development. Uses such as shopping centers and major manufacturers are not likely to locate in town. New non-residential development should continue to be a small-scale of uses relying on the local population base and the seasonal influx of tourists.

### A. General Recommendations

1. The town should establish a Commercial/Industrial Corridor along Route 27 and suitable adjoining areas.
2. Land use regulations should be established in that corridor that allow business, commercial and industrial development to occur within specific guidelines.
3. In other districts commercial/industrial uses can be permitted by special exception, when evidence of the use has been provided that it would meet or exceed the performance standards herein, along with any additional restrictions imposed on the land use by the particular district.
4. A chart of allowed, conditional and not allowed uses should be established by the town.
5. All land uses and commercial/industrial uses should be required to have a permit.
6. Impact fees should be established for uses that impact the cost to the town for essential services. Such fees should be dedicated to the specific needs created by the use in the town.
7. The town should establish a commercial/industrial council which would pursue, through the use of state, federal, and community resources, the means to encourage existing and/or new, non-polluting small-scale commercial or industrial uses that would provide high quality year-round employment for local people.
8. An area of the Commercial/Industrial Corridor will overlay the Watershed Protection District. In that area, more restrictive land-use regu-

lations will apply; however, commercial/industrial activity will be allowed, subject to both the restriction for commercial and industrial uses and the applicable sections of the Watershed District's restrictions.

### B. Objectives

The Town of Boothbay's objectives with respect to commercial/industrial uses are:

1. To allow residents of the town to operate businesses, services and light industry as long as measures are taken to minimize adverse impact on neighboring property owners:
  - a. from noise, traffic, parking, odors or lighting;
  - b. from adverse impact on their water supply and prevention of soil contamination from septic systems; and
  - c. from adverse impact from hazardous waste.
2. To permit the expansion of existing commercial/industrial activity, or the creation of new small-scale commercial industry, as long as provision is made for safe access into and out of the site, the use does not overburden the existing road system, and the project minimizes adverse impact as defined by Section 1.a.b.c. of the Objectives for Commercial/Industrial Uses.
3. To encourage the creation of local employment opportunities for residents of the community.
4. To restrict large-scale commercial/industrial uses to locations which provide safe vehicular access, do not overburden the town's road system, are capable of being developed without creating adverse impacts on neighboring property owners, and can provide for water supply and sewage disposal without affecting the water supply of the surrounding area.
5. To restrict uses that produce, use, handle or store hazardous materials.

### C. Policies

The town's policies with respect to Commercial/Industrial Uses:

1. Existing Commercial/Industrial Uses

The town should permit ~~legally~~ existing commercial/industrial uses to be "grandfathered" and permitted to continue to operate in the same manner and location as they currently do, notwithstanding any new regulations adopted by the town.

## 2. Minimum lot sizes for Commercial/Industrial Uses

The town should require that all new or expanded non-residential uses, in addition to meeting all other standards, be located on a lot with at least 40,000 square feet in area. In addition, the minimum lot size for uses that generate more than 300 gallons of sewage per day should be increased in proportion to the sewage volume as provided for in the Maine State Minimum Lot Size Law (MRSA Title 12, Section 4807).

## 3. Buildable Area for Commercial/Industrial Uses

To encourage the retention of opens space, 50% of the buildable area of the lot should be retained as opens space. Uses of the land for development would include the total square footage of the footprint of the primary structure and any and all ancillary structures, septic system and leach field. Driveways and parking lots would be included if any portion of the lot is used for home occupations or commercial/industrial uses. Excluded are all wetlands, or unbuildable areas by nature of slope or other naturally occurring conditions.

An increase in the percent of buildable area may be granted as a density bonus for the preservation of open space, to encourage commercial cluster development, for designs and site plans which would increase buffering, be designed to reduce environmental impact, conform to the guidelines herein, and would reduce cost of development. In no case should the buildable area be increased in excess of 75% of the lot area or exceed the buildable area defined by the definition of "Buildable Area."

## 4. Creation or expansion of Commercial/Industrial Uses

The town should require that the establishment of new commercial/industrial uses or expansion/modification or renovation be approved by the Planning Board. This review should require that the owner/developer demonstrate that the proposal meets or exceeds all of the town's requirements including:

- a. site review: the location of the building and other improvements on the site;
- b. site plan: safe access into and out of site;
- c. off-street parking to meet the needs of employees and customers;
- d. adequate traffic capacity and safety on adjacent roads;
- e. adequate water supply and sewage disposal;
- f. disposal of surface drainage without adverse impact on downstream properties or adverse impact on the natural watershed from silt, debris, salt, or other materials; and
- g. provisions to protect neighboring property owners from adverse impact from traffic, noise, lighting, parking, signs, and odors.

## D. Principal Use/Accessory Use

### 1. DEFINITIONS

- a. Principal Use - The primary use of a property or structure
- b. Accessory Use - A subordinate use which is clearly and customarily incidental to the principal use of the a structure, building, or premises and which is located on the same lot as the principal structure (or building) or use except as accessory parking facilities.

### 2. Over View

The use of a residence (dwelling unit) for an accessory use and/or home occupations, should have standards which allow for reasonable use by the homeowners. However, there should be a clearly defined point when the accessory use should be considered the principal use and the additional performance standards for that use in that district should be applied.

### 3. Performance Standards

An accessory use to a dwelling unit would be considered such unless:

- a. the accessory use occupies more than 30% of the floor area of the principal structure or
- b. an the accessory structure's floor area

equals or exceeds 75% of the floor area of the principal structure.

An accessory use or structure which exceeds the above standards would be considered the principal use or structure and should be required to meet the additional performance standards for that use in that district.

#### 4. YARD SALES

##### Yard Sales, Garage Sales, Flea Markets

Yard sales, garage sales, flea markets or other sales at residential dwelling units herein referred to as yard sales shall be defined as the sale of personal household items for retail sales to the public but not by consignment. The intent of yard sales is clearly for the non-commercial sale of household items by the home owners.

##### PERFORMANCE STANDARDS

- a. Yard sales may occur for three (3) or less consecutive days without obtaining a permit from the town.
- b. Yard sales may occur over a period of seven consecutive days by a permit issued by the town.
- c. Each household shall be allowed only four yard sales during a calendar year.
- d. No items shall be placed in the right-of-way or in such manner as to obstruct vehicles on the right-of-way.
- e. An attempt should be made to provide off-street parking for all patrons.

Any yard sales in excess of the standards would be considered retail sales and the standards for commercial/industrial uses in that district would apply.

#### E. Home Occupations

##### 1. Objectives

The Town of Boothbay's objectives with respect to Home Occupation Uses are:

To allow residents of the town to operate small businesses and services in their homes as long as measures are taken to minimize adverse impacts on neighboring property owners from noise, traffic, parking, odors, hazardous materials, pollution, or lighting.

#### 2. Policies

The town should permit residents to operate small businesses and services in their homes provided:

- a. that the business activity is accessory to the use of the property as a residence;
- b. that it does not alter the residential character of the property and is carried on within the home or accessory building;
- c. that there shall not be more than 3 employees other than members of the family;
- d. that there shall not be any outside storage associated with the home occupation and all occupations shall be conducted entirely within a building;
- e. that proof shall be provided of adequate sewage disposal and water supply to meet the needs of the intended use;
- f. that there shall be provisions made to protect neighboring property owners from adverse impact from traffic, noise, lighting, parking signs, and odors;
- g. that the visual appearance of the site shall be based on established objective standards;
- h. that the use shall not produce, use, manufacture or store hazardous materials. Storage of hazardous materials shall be allowed in amounts that would be commonly found in an average household;
- i. such uses shall require a permit;

#### F. Recommended Performance Standards For The Review Of Site Plans

##### 1. Setbacks

##### a. Conforming Lots

1. Where existing buildings express a traditionally modest (pre-zoning) front setback, creating a characteristically close relationship with the street (as in Boothbay Center and East Boothbay Village), it is highly desirable to continue this pattern in order to retain the area's character. Therefore, the maximum setback of new construction

should harmonize with the average setback of existing adjacent buildings.

2. Outside of the areas of generally uniform building setback (where existing structures are located at various distances from the roadway), front setbacks may vary to a greater degree, and principal buildings shall generally be located within 40 feet of the front lot lines unless there are substantial counter-balancing considerations (such as irregular topography, wetlands, or preservation of natural rural features, including pastures, croplands, meadows, or timber stands). In all instances, parking shall be excluded for such areas between the principal building and the roadway(s).

3. The minimum front yard setback from the center line of a state or town road shall be equal to the width of the right-of-way which would be 50 feet for state roads and 33 feet for town roads.

4. Where commercial development is proposed adjacent to a residential use, a sideyard setback of 20 feet shall be observed for buildings, structures, parking, or storage. This area is to be used as a buffer zone and shall be landscaped so as to form a visual barrier and to suppress noises.

#### b. Non-Conforming Lots

Where the proposed expansion or reconstruction on a non-conforming lot fails to meet the above setback requirements, increased screening shall be provided to lessen the effect on adjoining lots. In no case shall expansion of the existing use be allowed to extend closer than 20 feet to any lot line. Where the non-conforming lot borders a residential or institutional use, setbacks of 20 feet will require a buffer zone, or barrier of natural material, of such density and construction as to provide a visual barrier and to suppress noises.

#### 2. Parking

Parking lots shall be provided only at the side or to the rear of buildings.

The visual impact of parking areas upon town character can be easily reduced through land-

scaped buffers, whose width at the roadside edge shall be based upon the length of the parking area exposed to the street (but which shall in no case be less than six (6) feet in width).

Locating buildings near the front edge of parking lots reduces the amount of required landscaping, as it minimizes the exposed area of parking.

#### 3. Screening

In locations where potential health or safety hazards may arise (such as rubbish storage/ collection areas), a solid wooden fence, six (6) feet in height is required (to deter children and animals from entering the premises).

#### 4. Roadside Trees

Because roadside trees are extremely important to the character of any town, removal of trees should be minimized, especially along roadways. Removal of existing trees can usually be lessened by shifting the site of the building, parking lot, or the entrance/exit drive.

Where stone walls exist, care should be taken to disturb these as little as possible, since they also act to retain the character of country roads. In some instances (particularly where the town has designated the road under the State's Scenic Roads Program), improvements undertaken by the State Department of Public Works can include relocation of such walls.

#### 5. Lighting

Lighting must be controlled in both height and intensity to maintain a rural character. To achieve this, luminaries shall be shielded to prevent light shining beyond the lot lines onto neighboring properties or public ways. Where there is a mix of residential and commercial uses, light standards are restricted to a maximum of twenty (20) feet in height. In addition, all lighting (except for security purposes) should be turned off between 11 p.m. and 6 a.m. Exceptions will be granted for those businesses which are operating during these hours.

#### 6. Placement of Buildings

Buildings should be sited so that obstruction of views from the public ways will be minimized. This can be achieved by taking advantage of topographic changes or existing vegetation.

#### 7. Facades

It is particularly important that new construction meet minimum design criteria in order that it may blend with the surroundings. New construction throughout the town should be compatible with surrounding properties in terms of formal characteristics such as height, massing, roof shapes and window proportions.

Where new construction is surrounded by existing historic buildings, building height and exterior materials shall be harmonious with those of adjacent properties.

## **G. SIGNAGE**

### **1. Review**

The sign ordinance is an effective means of maintaining the visual quality of our roadways. Without such an ordinance, it would be possible for a person or business to erect signs in such a manner as to be a hazard to the safety of automobiles and individuals, to obstruct the view of the scenery, and to detract from the visual character of our community. In the opinion survey, the public expressed the opinion that tourism is important to the community and that the appearances of businesses along Route 27 are not what they should be. The existing ordinance appears to meet the goals of the community for safety and scenic protection, but it does contain vague areas which should be clarified by the voter to aid both the town and the business community in the implementation of the ordinance.

### **2. Administration of the sign ordinance.**

Currently, a sign permit and fee is required for all signs. The permit is reviewed and approved by the Selectmen. A schedule of fees for such permits shall be established and amended from time to time by the Board of Selectmen. It is recommended that the permit fee reflect the cost of processing and administration of the ordinance and that the fees collected be applied to those costs. The review of permits should be transferred to the Planning Board or a subcommittee of that Board. This would centralize authority for any permits that relate to buildings and property under one committee. It would also free the Selectmen of a needless duty. The Building Permits Officer could be given authority by the Planning Board to approve permits which meet all requirements of the ordinance. Only those permits which do not meet a strict interpretation of the ordinance would be reviewed by the Planning Board but he/she would act under its authority and at its

discretion. Enforcement of the ordinance should be maintained by the Code Enforcement Officer.

It would appear that the existing ordinance has not been enforced and that a substantial number of signs do exist that do not have permits. The Planning Board, Code Enforcement Officer, and Chamber Of Commerce should meet and develop a plan to bring all signs into compliance with the ordinance.

### **3. Recommendations:**

a. That the period for approval of a permit be increased to 30 days, to be consistent with similar permits.

b. That the wording in subsection G, (1) be altered to clarify that all signs will require a permit with the following exceptions:

1. No permit requirement should be made for:

a. real estate "FOR SALE" signs which have been placed on property with the owner's permission for the purpose of advertising that property for sale,

b. signs which identify the property owner and meet or exceed the requirements of the sign ordinance

2. For purposes of this Section, the term "sign" shall not include:

a. signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, bylaw, or other regulation;

b. a bulletin board or similar sign not exceeding thirty-two ( 32) sq.ft. in display area, in connection with any church, museum, library, school, or similar public structure, provided that the top of such sign shall not be more than eight 8 feet above ground level, and provided that it does not possess any of the characteristics listed under "Prohibited Signs;"

c. directional signs solely indicating ingress and egress placed at driveway locations, containing no

advertising material, and where display area does not exceed three (3) sq. ft. or extend higher than four (4) feet above ground level. Such sign will conform in all respects with the requirements of this ordinance; and

d. signs relating to trespassing and hunting, not exceeding two (2) square feet in area.

c. Subsection G(1))(a) should be deleted.

A section should be added which explicitly defines what type of signs would be prohibited. Examples of those sections would be the following:

#### 1. Prohibited Signs

a. Billboards, streamers, pennants, ribbons, spinners or other similar devices shall not be constructed, posted or erected in any zone.

b. Flashing signs, roof signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted provided they meet all other provisions of this ordinance.

c. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted.

d. No sign shall be larger than thirty-two (32) square feet

e. No sign, except for a traffic, regulatory, or informational sign, shall use the words "stop," "caution," or "danger," or shall incorporate red, amber, or green lights resembling traffic signals, or shall resemble "stop" or "yield" signs in shape and color.

d. A section should be added which explicitly defines what the placement of signs should be. Examples of those sections would be the following:

#### 1. Placement Standards

a. No person may erect a sign which is affixed to a utility pole, or structure, or tree, shrub, rock, or other natural object.

b. Signs shall not be mounted on roofs or extend above the roof line (unless mounted on a parapet wall which extends above the roof line, in which case the sign may not extend above the top of said parapet).

c. No projecting sign shall extend into a vehicular public way, or be less than ten (10) feet above a pedestrian way.

d. No sign, together with any supporting framework shall extend to a height above the maximum building height allowed in a district.

e. A section should be added which explicitly defines the penalties to be applied in the event that the CEO finds a sign to be in violation of the sign ordinance. The following sample could be used in the ordinance:

Violation of any provision of this ordinance or any lawful order of the Code Enforcement Officer shall be subject to a fine of not more than \$100 per offense and removal of the sign in question. Each day that such violation continues shall constitute a separate offense.

f. A section should be added which explicitly defines under what conditions a variance for a sign permit could be granted. The minimum standard could be the standard of undue hardship as previously defined.

g. The following are suggested changes to Subsection G.(3) (a). Business display advertising would be amended to read:

1. If sign is to be illuminated by indirect light, it must be of such intensity and shielded in such manner that it will not be a hazard to motorists' night vision or objectionable to adjacent home owners.

2. Signs shall not be illuminated indirectly between the hours of 11 p.m. and



7 a.m. unless the premises are open during such hours.

h. Provisions should be made in the ordinance for multiple signs which are:

A group of signs clustered together in a single structure or compositional unit. Multiple signs are used to advertise several occupants of the same building or building complex. The ordinance could be amended to include the following sample:

1. The display board shall be of an integrated and uniform design.
2. The maximum sign area permitted is sixteen (16) square feet for the sign bearing the name of the building or office park, and two (2) square feet for the name of each business or office located there.
3. Complexes with over 300 feet of frontage will be allowed two (2) free-standing signs.

i. Provision should be made in the ordinance to allow signs larger than the maximum square footage if the business is located at a distance from a right-of-way such as to make the sign unreadable. However, sufficient control of the placement should be maintained as is allowed in the following sample:

#### Wall Signs

A sign which is attached parallel to the exterior surface of a building or structure.

- a. Such sign shall not project more than fifteen (15) inches from the building surface.
- b. Such sign shall not obscure architectural features of the building such as, but not limited to arches, sills, mountings, cornices, and transoms.
- c. Such sign shall not extend above the roof line, nor beyond the ends of the wall to which it is attached.
- d. Such sign shall have an aggregate area not exceeding 15 square feet for each lineal foot of building face parallel to a street lot line, or ten percent (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.

e. Where two (2) or more wall signs are affixed to one wall, the gross display area shall be the sum total area of all signs.

f. Wall signs shall not extend higher than the eave line or top of the parapet wall of the principal building.

g. No part of a wall sign, including the display surface, shall extend more than six (6) inches from the building surface.

h. The size of signs attached to buildings may be increased in area (over allowable size) by 25% for every 100 feet of building setback. This shall apply to buildings setback more than 100 feet from the road right-of-way, and the increase may be pro-rated according to the actual setback distance.

j. Non-conforming signs and sign structures should be allowed to remain except as qualified below:

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.

2. Nothing in this Section 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. A non-conforming sign or sign structure which is destroyed or damaged by any casualty may be restored within six (6) months after such destruction or damage

damage only after the owner has shown that the damage did not exceed fifty percent (50%) of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty percent (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.

#### H. Water Quality

All outdoor storage facilities for fuel, chemicals, or industrial wastes, and potentially harmful raw materials, must be located on impervious pavement, and shall be completely enclosed by an impervious dike high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a fifty-(50) year storm. This requirement is intended to prevent harmful materials from spilling and seeping into the ground, contaminating the ground water. Storage tanks for "home heating oil" and diesel fuel, not exceeding two-hundred seventy five (275) gallons in size, may be exempted from this requirement provided that there is no seasonal high-water table within four (4) feet of the surface, and that rapidly permeable sandy soils are not involved.

#### I. Dust, Fumes, Vapors, Gases and Odors

Emission of dust, dirt, flyash, fumes, vapors or gasses which could be injurious to human health, animals, or vegetation; or detrimental to the enjoyment of adjoining or nearby properties; or which could soil or stain persons or property at any point beyond the lot line of the commercial or industrial establishment creating that emission, shall be prohibited. In addition, no land-use establishment shall be permitted to produce harmful, offensive, or bothersome odors, scents, or aromas (such as, but not limited to those produced by manufacturing processes, food preparation, food processing, fish sales, rendering, fermentation processes, decaying organic matter, and incinerators) perceptible beyond their lot lines, either at ground or habitable elevation. The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gasses, vapors, odors, scents or aromas shall be shown on the plan, with a description of the source materials.

#### J. Noise

1. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittance, beat frequency, shrillness or volume.
2. The maximum permissible sound pressure level of any continuous, regular or frequent

source of sound produced by any activity regulated by this ordinance shall be as established by the time period and type of land-use district listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface.

Sound from any source controlled by this ordinance shall not exceed the following limits at the property line of said source:

Sound Pressure Level Limits Measured in dB(A)'s:

Applicable Hours: 10 p.m. - 7 a.m.

Industrial Districts	70
Commercial Districts	65
Residential Districts	55

a. Where the emitting and receiving premises are in different zones, the limits governing the stricter zone shall apply to any regulated noise entering that zone.

b. The levels specified may be exceeded by 10dB(a) for a single period, no longer than 15 minutes in any one day.

c. Noise shall be measured with a sound-level meter meeting the standards of the American National Standards Institute, ANSI S1.2-1962 "American Standard Meter for the Physical Measurements of Sound."

d. These noise regulations are enforceable by law enforcement officers and by the Code Enforcement Officer (who may measure noise levels and who shall report documented violations to the police).

#### K. Refuse Disposal

The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Board shall consider the impact of particular industrial or chemical wastes or by-products upon the town's disposal method and/or disposal area (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable state and federal regulations. The 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.

#### **L. Access Control**

1. Subdivisions with frontage on state-numbered highways shall be designed into shared access points to and from the highway. Normally a maximum of two accesses shall be allowed (one ingress, one egress, for example), regardless of the number of lots or businesses served.
2. Subdivision design should be required to prevent "land-locked" properties and to maintain existing rights-of-way through the subdivision in such a manner as to reduce the need for additional future access points to major rights-of-ways (state and town roads).

#### **M. Storm Water Run-off**

Surface water run-off shall be minimized and detained on site if possible or practicable. If it is not possible to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding caused by his project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained as nearly as possible. The design period is the 50-year storm.

#### **N. Erosion Control**

Erosion of soil and sedimentation of watercourses and waterbodies shall be minimized by employing the following "best management" practices:

1. stripping of vegetation, soil, removal, and regrading or other development shall be accomplished in such a way as to minimize erosion;
2. the duration of exposure of the disturbed area shall be kept to a practical minimum;
3. temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
4. permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends;
5. until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board;
6. the top of a cut or bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Plan-

ning Board. Extraction operations (sandpits, etc.) shall not be permitted within one-hundred (100) feet of any property line, except as provided for in the Zoning Ordinance; and

7. during grading operations, methods of dust control shall be employed wherever practicable.

#### **O. Commerical/Industrial Corridor**

##### **1. Description**

All areas of the town lying within 1250 ft. from the centerline of Route 27, but excluding areas defined by the:

- a. Resource Protection District,
- b. Watershed-Aquifer Protection District
- c. Shoreland District and
- d. Special Residential District

##### **2. Allowed Uses**

- a. Single-family detached dwellings
- b. Duplexes
- c. Commercial
  1. Bed and Breakfast
  2. Boarding and Lodging
  3. Business or Professional Office
  4. Neighborhood Grocery Store (under 1500 sq. ft.)
  5. Small-scale Restaurant
- d. Marine
- e. Accessory uses for
  1. Boathouse, pier, dock
  2. General Accessory uses
  3. Home occupation
  4. Yard sale
- f. Miscellaneous - Forest Management

##### **3. Conditional Uses (Requires a special exceptions permit)**

- a. Residential - Multi-family housing
- b. Institutional, Non-Profit, Public
  1. Church, Parish House
  3. Club
  4. Daycare Facility
  5. Educational Facility
  6. Museum
- c. Commercial
  1. Small-scale Hotel and Motel, Inn
  2. Recreation Facility
  3. Retail Business
  4. Service Business
  5. Transmission Tower
  6. Wholesale Business
- d. Industrial
  1. Manufacturing

2. Light industry
3. Mineral extraction
4. Laboratory, Research Facility
5. Sawmill
6. Warehousing, Storage, Distribution
- e. Miscellaneous - Agriculture and Animal Husbandry

#### 4. Standards

The general standards of performance shall apply, along with the following:

- a. Minimum lot size\* 40,000 sq ft  
see section Goals and Recommendations, VI, C, 2.
- b. Maximum building height 34 feet
- c. Setback from town-owned road centerline 33 feet
- d. Setback from state-owned road centerline 50 feet
- e. Setback from side and rear lot lines 20 feet
- f. Setback from principal structure on adjoining properties 40 feet
- g. Minimum setback from ponds, rivers, or saltwater bodies 75 feet
- h. Minimum elevation of first floor above 100-year flood elevation: 2 feet
- i. Minimum shore frontage along lakes, ponds, rivers, streams or non-tidal water. 100 feet

#### j. Buildable Area

To encourage the retention of opens space, 50% of the buildable area of the lot should be retained as opens space. Uses of the land for development would include the total square footage of the footprint of the primary structure and any and all ancillary structures, septic system and leach field. Driveways and parking lots would be included if any portion of the lot is used for home occupations or commercial/ industrial uses. Excluded are all wetlands, or unbuildable areas by nature of slope or other naturally occurring conditions.

An allowance may be made for an increase in the buildable area according to the standards in section Goals and Recommendations,

tions, VI, C,3, para 2.



## VII SHORELANDS

### DEFINITION:

**Shoreland:** All land areas within, and seaward of, 250 feet, horizontal distance, of normal high-water mark and land within 75 ft. of any stream.

Amended Title 38 MRSA Sections 435-448

### OVERVIEW

Currently, the Shoreland Protective District consists of all areas of the community within 250 ft. of the normal high-water mark excluding only those areas within the Resource Protection District. The shoreland is a unique and valuable resource for the community. It is also a fragile area where uncontrolled development could have devastating effects on the entire community. To date, development in this area has been limited to single-family homes with some areas of the shoreland still undeveloped. Limitations on development are presently the one (1) acre minimum lot size, allowed uses, 75-foot set back from the normal high-water mark, the land itself (slope, soils), land cost, suitability for septic system, and availability of water.

The community should be aware that much of the existing ordinance and the following recommendations are mandated by state law or will be mandated by state law in the near future.

### A OBJECTIVES

The Plan's objectives with respect to shoreland management uses are:

1. To recommend such changes in the local land-use regulations to bring them into compliance with state law.
2. To permit new residential development in the shoreland area provided that development is in keeping with the existing rural character and scale of the town and that such development does not have an adverse effect on abutting properties, the environment, waters (both potable and ocean), limit public access to the shore or obstruct scenic vistas.
3. To assure that the town permits as wide a range of housing opportunities as possible by assuring that the town's development regulations balance the need to protect the environment and character of the community with the needs of the community.

4. To limit the density of new residential development to a level that protects/controls:

- a. the rural character of the community
- b. the quantity and quality of groundwater
- c. any adverse effects from septic systems
- d. the retention of open space

5. To limit the amount of new residential development in the shoreland to a level that will not overburden the town's road system

6. To require that new residential developments in the shoreland provide a quality living environment for their residents and protect the taxpayers by having good quality public improvements including roads, drainage systems, open space, and safe, adequate access to the existing road system.

7. To require that new residential developments in the shoreland provide for the costs to the town of those municipal improvements incurred by the new development.

## B. POLICIES

### 1. Conversion of Seasonal Property

The town should rigorously enforce the requirements of Title 30, section 3223 of the Maine Revised Statutes Annotated with respect to proof of adequate sewage disposal, prior to the conversion of a seasonal dwelling to year-round use.

### 2. Expansion or Replacement of Homes on Under-sized Lots

The town should limit the expansion or replacement of existing units which do not meet the town's minimum lot size by requiring that expansion or replacement may utilize up to a maximum buildable area of 50% of the square footage of the lot area excluding any wetlands, or other areas deemed undevelopable because of naturally occurring conditions.

### 3. Large-Scale Residential Uses

The construction of new, large-scale residential developments involving 20 or more acres of land, or four (4) or more dwelling units, should be permitted only if they:

- a. are designed in a manner which is in

keeping with the scale of other developments in the community;

b. provide adequate and safe access without overburdening the town's road system;

c. protect abutting property owners from undesirable impacts;

d. provide adequate water supply. Projects shall be required to demonstrate that this can be done without affecting the water supply of neighboring properties;

e. provide adequate sewage disposal. Projects shall be required to demonstrate that this can be done without reducing the quality and quantity of groundwater supplies to neighboring properties; and

f. retain scenic and natural resources on the site and provide for the retention of open space within the development.

### 4. Open Space and Amenities in New Development

The town should require that a portion of the site of any new large-scale development be set aside as permanent open space within the development.

### 5. Grandfathered Lots

The town contains a large number of existing undersized lots. The town should permit the construction of a single-family detached home on any legally existing lot held in separate ownership as long as suitable sewage disposal is provided, the 50% buildable area is met, and the proposed building complies with all other development regulations.



## C. SHORELAND PROTECTION DISTRICT

### 1. Description

All areas of the town within 250 feet of the normal high-water mark or within 75 feet of a stream excluding:

- a. Resource Protection District,
- b. Watershed-Aquifer Protection District

### 2. Allowed Uses

- a. Single-family detached dwellings
- b. Accessory use to residence
  - 1. Boathouse, pier, Dock
  - 2. General accessory use
  - 3. Home Occupation
  - 4. Yard Sales
- c. Marine related activities

### 3. Conditional Uses

- a. Miscellaneous
  - 1. Agriculture
  - 2. Animal Husbandry

### 4. Standards

The general standards of performance shall apply, along with the following:

- a. Minimum lot size 60,000 sq ft.

All lots shall meet the minimum requirement of the Zoning Ordinance for the district in which they are located.

b. Lot configuration and area shall be designed to provide adequate off-street parking.

c. Lots with multiple frontages are to be avoided wherever possible. When lots do have frontage on two or more right-of-ways, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less-traveled way.

d. Wherever possible, side lot lines shall be perpendicular to the street.

e. If a lot on one side of a stream, tidal water, right-of-way, or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or right-of-way to meet the minimum lot size.

f. Lots with more than twice the required minimum lot size shall be laid out in such a manner as to either provide for or to preclude future subdivision.

- g. Maximum building height 34 feet

- h. Setback from town-owned road centerline 33 feet

- i. Setback from state-owned road centerline 50 feet

- j. Setback from side and rear lot lines 20 feet

- k. Setback from principal structure on adjoining properties 40 feet

- l. Minimum setback from ponds, rivers, or saltwater bodies 75 feet

- m. Minimum elevation of first floor above 100-year flood elevation 2 feet

- n. Minimum shore frontage along lakes, ponds, rivers, streams or tidal water. 150 feet

- o. Minimum distance between well and septic system or leach field 100 feet

- p. Minimum setback of septic systems and leach fields from ponds, rivers, or saltwater bodies 200 feet

#### q. Buildable Area

To encourage the retention of open space, 50% of the buildable area of the lot should be retained as open space. Uses of the land for development would include the total square footage of the footprint of the primary structure and any and all ancillary structures, septic system and leach field. Driveways and parking lots would be included if any portion of the lot is used for home occupations or commercial industrial uses. Excluded are all wetlands, or other unbuildable areas by nature of slope or other naturally occurring conditions.

- r. Lots bounded on at least three sides by water are subject to a minimum setback of 75 feet from normal high-water, except it shall be 150 feet from the point of any peninsula.



## D. RESOURCE PROTECTION

### 1. Resource Protection Areas:

It is important for the Town of Boothbay to protect its natural resources because of the benefits that are derived from them (i.e. drinking water, fishing, nature appreciation), and because of the important part our natural resources play in maintaining the quality of life and

rural setting of the town. The Resource Protection Areas should be divided into two zones: (1) Watershed-Aquifer Protection Zone, and (2) Resource Protection Zone.

## 2. Watershed-Aquifer Protection Zone:

In accordance with the map marked Watershed-Aquifer Protection Zone, this area would include:

### a. Description

1. areas within 250 ft. of Adams Pond and the adjoining pond to the west of Adams Pond
2. areas within 75 ft. of any inlet stream to Adams Pond
3. areas within 250 ft. of Knickerbocker Lake
4. areas within 75 ft. of the outlet stream to Knickerbocker Lake
5. areas within 75 ft. of any inlet stream to Knickerbocker Lake
6. areas within 250 ft. of Knickerbocker Lake Marsh
7. East Boothbay municipal watershed-aquifer area

### b. Allowed Uses

1. Single-family detached dwellings.
2. Cluster housing may be allowed in the Watershed-Aquifer Zone as long as it does not produce any hazards to the quality or quantity of water.
3. Accessory uses
  - a. Boathouse, pier, dock
  - b. general accessory use
  - c. Home occupations
  - d. Yard sales
4. Uses permitted by Special Exception:
  - a. agriculture and animal husbandry

### c. Standards

The general standards of performance shall apply in addition to the

## following standards:

### 1. Minimum Lot Sizes

a. 5 Acres: If subsurface disposal of wastewater and wellheads are located on the lot.

b. 3 Acres: If subsurface wastewater is removed from the watershed or aquifer zone; or if subsurface wastewater is removed from the lot to a common collecting system approved by the Boothbay Board of Health and the appropriate state authority.

2. Minimum set-back from surface water 100 feet

### 3. Buildable Area

To encourage the retention of open space, 50% of the buildable area of the lot should be retained as open space. Uses of the land for development would include the total square footage of the footprint of the primary structure and any and all ancillary structures, septic system and leach field. Driveways and parking lots would be included if any portion of the lot is used for home occupations or commercial industrial uses. Excluded are all wetlands, or unbuildable areas by nature of slope or other naturally occurring conditions.

### 4. Prohibited Uses Within Watershed-Aquifer Zone:

a. No person shall erect, occupy, or use for a stable, any building or portion thereof or any other facility in this zone;

b. No automotive service and repair shops, and junk yards;  
c. No storage or disposal of hazardous wastes;

d. No mining of land except as incidental to permitted use. No topsoil, sand or gravel removal for commercial purposes;

e. No dumping of snow containing de-icing chemicals brought from outside this zone;

f. No clearcutting of trees or forests;

g. No outdoor storage of fertilizers, herbicides pesticides or other hazardous materials in excess of what would be found in the average household.

### 3. Resource Protection Zone

#### a. Description

The following areas, located between the normal high-water mark of all ponds, rivers, or salt water bodies and 250 feet from that mark and 75 feet from any stream, to include:

1. Cross River (Tax Maps R-2, R-3, R-5, R-6);
2. Wiley Pond (Tax Map R-3);
3. Big Meadow (Tax Map R-8);
4. The following islands:
  - a. Big Huckleberry
  - b. Damariscove Island
  - c. Fisherman's Island
  - d. Fort Island
  - e. Green Island
  - f. Cabbage Island
  - g. Inner Ram Island
  - h. Little Huckleberry Island
  - i. Miles Island
  - j. Negro Island
  - k. Outer Heron Island
  - l. Perch Island
  - m. Pumpkin Island
  - n. Ram Island
  - o. Tibbetts Island
  - p. White Island #5 and #6

#### b. Allowed Uses

1. Single-family detached dwellings.
2. Accessory use to residence.
  - a. Boathouse, Pier, Dock
  - b. General accessory use
  - c. Home occupations
  - d. Yard Sales

#### 3. Uses permitted by Special Exception

- a. Marine-related activity
- b. Agriculture, Animal husbandry

#### c. Standards

### The general standards of performance shall apply:

1. Minimum lot size 80,000 sq ft.

All lots shall meet the minimum requirement of the Zoning Ordinance for the district in which they are located.

2. Lot configuration and area shall be designed to provide adequate off-street parking.

3. Lots with multiple frontages are to be avoided wherever possible. When lots do have frontage on two or more right-of-ways, the plan and deed restrictions shall indicate that vehicular access shall be located only on the less-traveled way.

4. Wherever possible, side lot lines shall be perpendicular to the street.

5. If a lot on one side of a stream, tidal water, right-of-way, or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or right-of-way to meet the minimum lot size.

6. Lots with more than twice the required minimum lot size shall be laid out in such a manner as to either provide for or to preclude future subdivision.

7. Maximum building height 34 feet

8. Setback from town-owned road centerline 33 feet

9. Setback from state-owned road centerline 50 feet

10. Setback from side and rear lot lines 20 feet

11. Setback from principal structure on adjoining properties 40 feet

12. Minimum setback from ponds, rivers, or saltwater bodies 75 feet

Lots bounded on at least three sides by water are subject to a minimum setback



of 75 feet from normal high-water, except it shall be 150 feet from the point of any peninsula.

13. Minimum elevation of first floor above 100-year flood elevation  
2 feet

14. Minimum shore frontage along lakes, ponds, rivers, streams or tidal water  
150 feet

15. Minimum distance between well and septic system or leach field  
100 feet

16. Minimum setback of septic system and leach field from ponds, rivers, or saltwater bodies  
200 feet

#### 17. Buildable Area

To encourage the retention of open space, 50% of the buildable area of the lot should be retained as open space. Uses of the land for development would include the total square footage of the footprint of the primary structure and any and all ancillary structures, septic system and leach field. Driveways and parking lots would be included if any portion of the lot is used for home occupations or commercial industrial uses. Excluded are all wetlands, or unbuildable areas by nature of slope or other naturally occurring conditions.

#### 4. Undeveloped Islands

Town owned islands should be set aside in perpetuity as parks for the use of the community. Legal documents should be established which would protect those islands from any development, excluding minimal landings, piers, paths, if possible, without causing harm to the habitat and environment, and a small number of minimal campsites which would be made available through the town to local citizens.

The town should work with the state to establish Fort Island as a park because of its unique historical and natural resources.

#### NOTE; Stream Alteration Law

Any construction, dredging or filling on over or adjacent to a river, stream or brook above head of tide, requires a permit from

the Department of Inland Fisheries and Wildlife. A "stream" is defined as any channel with year-round or intermittent flow. Permits are granted to projects that do not unreasonably: harm fish and wildlife habitat, cause soil erosion, interfere with navigation and recreation, lower the water quality, or interfere with the natural flow of waters.

#### E. Additional Standards

1. There shall be no filling, dredging, or grading within 100 feet of the normal high-water mark in a shoreland area rated moderate or high value by the Department of Environmental Protection.

2. Single-family detached dwellings in this zone shall not be erected in the coastal flood plain, or on areas of unstable soil subject to slumping, mass movement, or severe erosion.

3. 75-Foot setback from all other wetlands identified by the Maine Department of Inland Fisheries and Wildlife and other wetlands, streams and ponds as shown on town Tax Map or Topographic Map.

4. There should be no chemical or petroleum products stored or used, in excess of the amount that would be in normal household use, within 150 ft. from the normal high-water mark.

#### 5. Water Crossings

Water crossings of regulated water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 Section 480-C.

#### 6. Storm Water Runoff

a. All new construction and development shall be designed to minimize storm water runoff from the site above the natural pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

b. Storm water runoff systems shall be maintained and kept free of silt, debris or foreign matter.

#### 7. Septic Waste Disposal

All subsurface sewage disposal systems shall be

installed in conformance with the "State of Maine Subsurface Wastewater Disposal Rules" including the following:

a. The minimum setback for new subsurface sewage disposal systems, except replacement systems, shall be no less than two hundred (200) horizontal feet from the normal high-water line of a water body, except that the septic tank may be located seventy-five (75) feet from the normal high-water line if tested and found to be watertight in the presence of the Local Plumbing Inspector. Minimum setbacks for new subsurface sewage disposal systems shall not be reduced by variance.

b. Replacement systems shall meet or exceed the standards for replacement systems as contained in the Rules.

c. Subsurface sewage disposal systems shall not be installed on sites having an original ground slope greater than twenty (20) percent.

d. Disposal of sewage septage is prohibited within the shoreland zone.

e. Any person transferring property within the shoreland zone on which a subsurface waste-water disposal system is located shall provide the transferee with a written statement by the transferor as to whether the system has malfunctioned during the one hundred and eighty (180) days preceding the date of transfer.

#### 8. Essential Services

a. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

b. The installation of essential services is not permitted in a Resource Protection District, except to provide services to a permitted use within said district, or where no reasonable alternative exists as demonstrated by the applicant. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

#### 9. Alteration of Rivers, Streams, Great Ponds, Wetlands and Tidal Areas

The following activities require a permit from

the Department of Environmental Protection if performed in, on, or over any freshwater or coastal wetland, great pond, river or stream, or adjacent to said natural resources such that material or soil may be washed into them:

a. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;

b. Draining or otherwise de-watering;

c. Filling, including adding sand or other material to a sand dune; or

d. Any construction, repair or alteration of any permanent structure.

#### 10. Mineral Exploration and Extraction

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, refilled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

a. A reclamation plan shall be filed with the Planning Board before a permit is granted.

b. Mineral extraction within the shoreland zone shall not expose more than two (2) surface acres of soil in total at any one point in time. When this limit has been reached, extraction in new areas shall not begin until the formerly excavated area has been reclaimed in accordance with the reclamation plan required herein.

c. Expansions of gravel pits in existence on the effective date of this Ordinance shall meet the standards contained herein and shall require a permit from the Planning Board. For the purposes of this section, an expansion is defined as an enlargement of the excavated pit perimeter.

d. Mineral exploration and extraction shall conform with the Erosion and Sedimenta-

tion Control and Storm Water Run-off standards contained within this Ordinance.

e. No part of any extraction operation including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a water body, or within one hundred (100) feet of any property line, unless such property line borders an existing gravel pit. The property line setback may be reduced with written permission of the owner of such adjacent property. However, in no case shall extraction operations including final grading and reclamation extend to within ten (10) feet of a property line.

NOTE: The Department of Environmental Protection may require a permit for gravel extraction operations which occur adjacent to or below the normal high-water line of a water body.

f. Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than one hundred (100) feet and screened from the river by existing vegetation.

g. Mineral extraction shall be prohibited within one hundred (100) feet of a wildlife habitat rated as moderate to high value by the Maine Department of Fisheries and Wildlife.

h. Mineral deposits shall not be removed or excavated within two (2) feet of the seasonal high-water table.

i. Within twelve (12) months following the completion of extraction operations at any extraction site, which are deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve-(12) month period, ground levels and grades shall be established in accordance with the reclamation plan required herein, and the following:

1. All debris, stumps, and similar material shall be removed for disposal in an approved location or

buried on site. Only materials generated on-site may be buried or covered.

NOTE: The State of Maine Solid Waste Laws, Title 38 Section 1310 and Chapter 404 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

2. The final grade slope shall be two to one (2:1) slope or flatter.

3. Top soil or loam shall be retained to cover all disturbed land areas, which shall be re-seeded and stabilized with vegetation native to the area.

j. In addition to the above requirements, the Planning Board may impose such conditions as necessary to minimize the adverse impacts associated with mineral extraction operation on surrounding uses and resources.

#### 11. Agriculture

a. All spreading or disposal of manure shall be accomplished in conformance with the "Maine Guidelines for Manure Sludge Disposal on Land" published by the University of Maine and Maine Soil and Water Conservation Commission, in July 1972.

b. There shall be no tilling of soil within one hundred (100) feet of the normal high-water line of any water body, and twenty-five (25) feet of the normal high-water line of tributary streams.

c. Manure shall not be stored or stockpiled within the shoreland area.

d. Agriculture shall require a Soil and Water Conservation Plan approved by the local Soil and Water Conservation District and filed with the Planning Board unless the area tilled is less than twenty thousand (20,000) square feet of surface area, except in the Resource Protection District where any amount of tillage shall require said plan. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.



## VIII. CONDITIONAL USES

### A. Existing Ordinance

#### SPECIAL EXCEPTION PERMITS

1. The Planning Board is authorized to hear and decide upon application for Special Exception Permits in accordance with the provisions of this ordinance, and to attach conditions to such permits based on the criteria as set forth herein.

#### 2. Procedures

a. Special Exception Permit applications shall be filed with the Planning Board, who shall hold a public hearing on the application within 30 days.

1. The Planning Board shall publish notice of the hearing at least 7 days in advance, in the Boothbay Register.

2. The Planning Board shall notify by mail, the applicant and the owners of all abutting properties, including those adjacent and across roads, of the nature of the application and the date, time and place of the public hearing, at least 7 days in advance.

#### 3. Criteria

Approval of a permit shall be subject to the following criteria:

- a. Ability to support sewage disposal
- b. Impact of traffic generated and adequacy of on-site parking areas
- c. Adequacy of fire and safety protection needs
- d. Impact on the surrounding environment, as follows:
  1. will not result in unsafe or unhealthful needs
  2. will not result in erosion or sedimentation
  3. will not result in water pollution
  4. will not result in damage to spawning grounds, fish, aquatic life, bird or other wildlife habitat

5. will conserve shoreland vegetation

6. will conserve visual points of access to waters as viewed from public facilities

7. will conserve actual points of public access to the water

8. will conserve natural beauty as viewed from public facilities and waters whose shoreland are covered by this ordinance

9. will avoid problems associated with flood plain development and use

10. compatibility of the proposed use with adjacent land uses.

#### 4. Exclusions

No Special Exception Permits shall be issued for those areas included in the Shoreland Zones.

### B. OVERVIEW

The existing ordinance is, at face value, a highly restrictive permit-granting mechanism for those land uses which currently require a "Special Exception Permit (SPE)." However, historical evidence of the implementation of the SPE shows that it has been difficult to enforce the standards of review and enforcement required in sections IX,C,1-5, because of a lack of definitions of specific terms, such as compatibility, pollution, erosion, etc. Because of this lack of definitions and standards of review this section is highly interpretive by the parties. The local officers and the courts have found such vague wording to be unenforceable. Knowledge of this by local boards, has forced them to allow land uses that were not intended by the section.

### C. RECOMMENDATIONS

Acceptance of the "Definitions" section will greatly improve the enforceability of this section. Along with the other recommendations in the Comprehensive Plan, this section should be amended to come into compliance with those recommendations. An example of that section would be:

#### 1. Non-Conformance

##### A. Purpose

It is the intent of this Ordinance to promote land-use conformities, except that non-

conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

#### B. General

1. **Transfer of Ownership:** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

2. **Repair and Maintenance:** This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

3. **Demolition of Significantly Damaged Structures:** Nothing in this section shall prevent the demolition of the remains of any damaged or destroyed building.

#### C. Non-Conforming Structure

1. **Expansions:** A non-conforming structure shall not be added to or expanded unless such addition or expansion conforms to all of the regulations of the district in which it is located and does not increase the non-conformity of the structure, unless a variance is obtained in accordance with the requirements of hardship.

Furthermore:

a. The total of all additions and enlargements of any structure which does not meet the required setback from normal high-water line shall not exceed 30% of the volume or floor area of the structure, whichever is less, as of the date of adoption of this Ordinance.



### IX. CLUSTER DEVELOPMENT

The purpose of cluster development is to provide permissive, voluntary and alternative zoning provisions that will help to preserve or provide desirable open space, tree cover, recreation areas and scenic vistas. The intent is to preserve the natural beauty of Boothbay while maintaining the necessary maximum dwelling-unit density limitations of the particular residential area.

Cluster development may occur in all districts except areas included within the 250-foot shoreland zone which would include similar areas in the Resource Protection Areas.

#### A. Standards

1. **Minimum area of development.** Within Residential Districts, the minimum area of the cluster development shall be a multiple of three times the lot size for the applicable zoning district.

2. **Maximum number of units.** Within Residential Districts, the maximum number of units for a cluster development shall not exceed the number resulting from dividing the total area of the zoning lot devoted to cluster development, by the minimum size of the subdivision lot permitted in the applicable zoning district.

a. A density bonus may be granted as for

1. the preservation of open space,
2. to encourage cluster development,
3. for designs and site plans which would increase buffering,
4. be designed to reduce environmental impact,
5. for affordable housing,
6. conformance to the guidelines herein, and

b. In no case should the density bonus be increased in excess of 10% of the number of units normally allowed.

3. **Lot size.** The minimum size of a lot-of-record within the development shall be at least 20,000 square feet.

4. **The maximum buildable area** by all buildings, as specified for the district, shall be applied to the cluster development as a whole, however, the lot coverage for any lot-of-record shall not exceed 50%.

5. The open space must be dedicated to the recreational amenity and environmental enhancement of the development, must protect natural resources, and must be recorded as such. For purposes of these provisions, open space means an area that:

- a. is not encumbered in any way by a principle structure;
- b. is not devoted to use as a roadway, road right-of-way, parking lot, or sidewalk;
- c. is left in its natural or undisturbed state if wooded, except for cutting of trails for walking or jogging, or if not wooded at the time of development, is landscaped for ball fields, play fields, picnic areas, or similar activities;
- d. is capable of being used and enjoyed for the purpose of informal and unstructured recreation and relaxation; and
- e. is legally and practicably accessible to all residents of lots in the cluster development out of which the open space is taken.

6. Roads and driveways should be located as to avoid wetlands, open fields and rare species where possible.

B. Any developer who desires to initiate a cluster-development project shall submit to the Planning Board an application for the processing of such project. The application shall be accompanied by:

1. Location map showing the project in relation to the surrounding area;
2. Site plan showing:
  - a. Property lines and easements with dimensions and area;
  - b. Location, size, spacing, setbacks, and dimensions of all existing and proposed buildings, structures, improvements, and utilities;
  - c. The building elevations, sections, and floor plan and site sections to clearly define the character of the project;
  - d. Topographic information showing existing features and conditions and proposed grading;
  - e. Landscaping plans showing open spaces,

planting, existing and proposed trees, and recreational area and facilities;

f. Existing streets, showing access to the project, proposed roads, and parking layout with dimensions; and

g. Shoreline, shoreline setback lines, stream and other setback lines.

3. Information regarding land-use designations, surrounding land uses, project design team, development schedule, type, size, number and estimated selling price of units, and density calculation should accompany the proposal.

4. Information regarding the following:

a. The extent to which the plan departs from subdivision regulations otherwise applicable to the subject property, and the reasons why such departures are deemed to be in the public interest;

b. The nature and extent of the common open space in the project, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities and dwelling types proposed in the plan;

c. The manner in which said plan makes adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment;

d. The relationship, beneficial or adverse, of the proposed development upon the physical environment and the neighborhood in which it is proposed to be established;

e. Whenever applicable, documents indicating compliance and approval of mandated state statutes or other laws shall be obtained and submitted as part of the application.

5. Action on the application by the Planning Board shall be based on the following criteria:

a. The development is designed to produce an environment of stable and desirable character, consistent with the intent and purpose of the cluster development regulations to promote public health, safety, and general welfare, and not out of harmony with its surrounding neighborhood;

b. Property in the vicinity of the area, included in the plan, will not be adversely affected;

c. The property would be used for purposes and in a manner permitted in the existing residential district except for lot sizes and siting of buildings; and

d. The location, size, nature, and topography of the open areas make them suitable for use as common areas for park, recreational purposes, and buffer areas between groups of home sites.

### C. SAMPLE ORDINANCE

#### RESIDENTIAL CLUSTER DEVELOPMENT

##### 5.1 PURPOSE

The purpose of these provisions is to allow for new concepts of housing development where variations of design may be allowed. The Planning Board may approve cluster residential developments as an alternative to conventional subdivisions. The Planning Board may approve subdivisions as cluster residential developments in which the size of individual lots is less than normally required by this ordinance, provided that a sufficient area of the total parcel being developed is reserved as permanent open space. Notwithstanding other provisions of this ordinance relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential cluster developments, may modify provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards. This section is not to be construed as granting variances to relieve hardship.

##### 5.2 BASIC REQUIREMENTS FOR CLUSTER DEVELOPMENTS

5.2.1 Cluster developments must meet all requirements for subdivision approval and must be in conformance with a site plan for its overall development.

5.2.2 Each building must be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered.

5.2.3 The total residential density may be no greater in a cluster development than is

normally permitted in the zone in which the development is proposed.

##### 5.2.4 DIMENSIONAL REQUIREMENTS

Individual lot sizes may be reduced up to 50% of the minimum lot size normally required in the zone in which the cluster development is proposed provided that the amount of land by which the lot is reduced is reserved as open space.

5.2.4.2 Other lot dimensional requirements are as follows:

Lot width - 50% of that required in the zone.

Side lot line setback - 50% of that required in zone.

Front lot line setback - 20 feet.

Rear lot line setback - 20 feet.

5.2.4.3 A cluster development may have no fewer than five dwelling units.

5.2.4.4 At least 50% of the total area of the cluster development must be in open space and no more than 20% of the required open space area may be wetland and/or slopes greater than 15%.

5.2.5 The open space must be dedicated to the recreational amenity and environmental enhancement of the development, must protect natural resources, and must be recorded as such. For purpose of these provisions, open space means an area that:

- is not encumbered in any way by a principle structure;

- is not devoted to use as a roadway, road right-of-way, parking lot, or sidewalk;

- is left in its natural or undisturbed state if wooded, except for cutting of trails for walking or jogging, or if not wooded at the time of development, is landscaped for ball fields, play fields, picnic areas, or similar activities;

- is capable of being used and enjoyed for the purpose of informal and un-

structured recreation and relaxation;  
and

- is legally and practicably accessible to all residents of lots in the cluster development out of which the open space is taken.

- 5.2.6 Buildings must be oriented with respect to scenic vistas, natural landscape features, topography, potential solar access, and natural drainage areas in accordance with an overall plan for site development.
- 5.2.7 Conditional Use approval is required in accordance with Zoning Ordinance, Section 16 for all cluster developments not utilizing a municipal sewerage system. For all such developments, a high intensity soil survey (prepared by a certified soil scientist) is required.
- 5.2.9 Access from public ways, internal circulation, and parking must be designed to provide vehicular and pedestrian safety as well as convenience for emergency and fire equipment, snow clearance, street maintenance, delivery and collection services. Streets must be laid out and constructed in accordance with the requirements of the Boothbay Subdivision Ordinance.
- 5.2.10 A cluster development must be buffered from a street or road, other than the street or road serving individual lots in the development, by a distance equal to two times the normal minimum front lot line setback required for the zone. This buffer must be established and maintained with a screen to provide an effective visual barrier from the ground to a height of at least ten feet. This screen may be composed of a landscaped earth berm, planted evergreen bushes and trees, or existing evergreen bushes and trees, or a combination of such features.
- 5.2.11 The open space must be owned and maintained in common by the owner(s) of the building lots in the cluster development.
- 5.2.12 Further subdivision of the open space or its use for other than non-commercial recreation or conservation, except for easements for underground

utilities, is prohibited and the plan must so state. Structures and buildings accessory to non-commercial recreational or conservation use may be erected on the open space.

- 5.2.13 A Homeowner's Association must be established and must be approved by the Planning Board and the Town Attorney. This Homeowner's Association is responsible for maintaining the open space and other common facilities. No Homeowner's Association is required if all lots are owned by a single person or corporation.

#### 5.2.14 Permitted Uses

- 5.2.14.1 Residential cluster developments in accordance with this section are allowed in all residential zones - RR1, RR2, RR3, SR, DR, GR, and GR2.
- 5.2.14.2 Only those residential uses normally allowed in a zone are allowed in a residential cluster development.



## X. SUBDIVISIONS

### A. PURPOSES

The purposes of these recommendations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Boothbay, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Boothbay, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of the ordinances have been met and that the proposed subdivision will meet the guidelines of Title 30, M.R.S.A. §4956, subsection 3.

### B. OBJECTIVES

The objectives of the ordinance should be that the subdivision:

1. will not result in undue water or air pollution. In making this determination, the Board shall at least consider:
  - a. the elevation of the land above sea level and its relation to the flood plains;
  - b. the nature of soils and subsoils and their



ability to adequately support waste disposal;  
c. the slope of the land and its effect on effluents;

2. has sufficient water available for the reasonably foreseeable needs of the subdivision;

3. will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

4. will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

5. will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

6. will provide for adequate solid and sewage waste disposal;

7. will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

8. will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

9. is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land-use plan, if any;

10. the subdivider has adequate financial and technical capacity to meet the above stated standards;

11. whenever situated in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water;

12. will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; and

13. all principal structures within the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

### C. GENERAL STANDARDS

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a Final Plan. In all instances the burden of proof shall be upon the applicant.

#### 1. Conformance with Comprehensive Plan.

All proposed subdivisions shall be in conformity with the Comprehensive Plan of the Town of Boothbay and with the provisions of all pertinent state and local codes and ordinances.

#### 2. Retention of Open Spaces and Natural or Historic Features.

a. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

b. To encourage the retention of open space, 50% of the buildable area of the lot should be retained as open space. Uses of the land for development would include the total square footage of the footprint of the primary structure and any and all ancillary structures, septic system and leach field. Driveways and parking lots would be included if any portion of the lot is used for home occupations or commercial industrial uses. Excluded are all wetlands, or other unbuildable areas by nature of slope or other naturally occurring conditions.

c. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.

d. The Board may require that the development plans include a landscape plan that will show the placement of trees and vegetation, graded contours, streams and the preservation of scenic historic or environmentally significant areas.

e. If the proposed subdivision contains any identified historical or archaeological sites, or any areas identified in the Comprehensive Plan or by the Maine Critical Areas Program as rare and irreplaceable natural areas, these areas shall be included in the open space, and suitably protected by appropriate covenants and management plans.

f. Any public right of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or

should be included in the open space, with provisions made for continued public access.

### 3. Land Not Suitable for Development.

The following lands shall not be included in the calculations of lot area for the purpose of meeting the requirements of the Maximum Buildable area:

a. Land which is situated below the normal high-water mark of any waterbody.

b. Land which is located within the 100-year frequency flood plain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the subdivider shows proof through the submittal of materials prepared by a Registered Land Surveyor which show that the property in question lies at least two feet above the 100-year flood level. The elevation of filled or made land shall not be considered.

c. Land which is part of a right-of-way, or easement, including utility easements.

### 5. Lots

a. All lots shall meet the minimum requirements of the Zoning Ordinance for the zoning district in which they are located.

b. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.

c. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.

d. Wherever possible, side lot lines shall be perpendicular to the street.

e. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future resubdivision. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of

utilities.

f. If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.

g. Where a major subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the Plan and in the deed of any lot with frontage on the arterial street.

### 6. Utilities.

The size, type and location of street lights, electric and gas lines, telephone, and other utilities shall be shown on the plan and approved by the Board.

### 7. Required Improvements.

The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.

#### a. Water Supply.

1. When a subdivision is to be served by a public water system, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider.

a. The subdivider shall provide a written statement from the servicing water company or district that adequate water for both domestic and fire fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The subdivider shall be responsible for paying the costs of system improvements necessary to serve the subdivision.

b. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district and the Fire Chief.

2. When the location of a subdivision

does not allow for a financially reasonable connection to a public water system, the Board may allow the use of individual wells or a private community water system.

a. Dug wells shall be permitted only if it is demonstrated to be not economically feasible to develop other groundwater sources, and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.

b. If a central water supply system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144 A.C.M.R.231).

**b. Private Systems.**

1. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

2. In no instance shall a disposal area be permitted on soils or on a lot which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

**8. Land Features.**

a. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

b. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion and to minimize storm water runoff.

c. To prevent soil erosion in shoreland areas, tree cutting in the strip extending one hundred feet inland from the normal high-water mark of any water body shall be limited in accordance with the following:

1. No more than 30% of the total length of the strip on each lot shall be cleared.

2. The removal of trees shall not create any single clear-cut opening greater than thirty feet wide. Adjacent openings shall be separated by a distance of at least 70 feet.

3. In the remaining 70% length of the strip, no trees larger than four inches diameter at breast height shall be cut, and sufficient cover to preserve natural beauty and control erosion shall remain.

**9. Cluster Developments.**

**a. Purposes.**

The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the Zoning District in which the development is proposed. To this end, the layout, and dimensional requirements of the Zoning Ordinance may be altered without restriction except height limitations.

**b. Basic Requirements.**

1. All the requirements and standards of these regulations, except those dealing with lot layout and dimensions shall be met.

2. The minimum area of land in a cluster development shall be ten acres, except where there is public water and sewer.

3. The plan shall indicate the location of all proposed roads, structures, parking areas, footpaths and common open

space.

4. Where cluster development abuts a waterbody, a portion of the shoreline, as well as reasonable access to it, shall be part of the common land.

5. In cluster developments with individual lot sizes of 20,000 sq. ft. or less, all dwelling units shall be connected to a common water supply and distribution system, either public or private.

6. In cluster development with individual lot sizes of 20,000 sq. ft. or less, all dwelling units shall be connected to a public sewer system or to a central collection and treatment system.

#### **10. Dedication and Maintenance of Common Open Space and Services.**

a. All common land, facilities and property shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners association, or by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition.

b. Further subdivision of the common land or its use for other than non-commercial recreation or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land.

c. The common open space shall be shown on the Final Plan with appropriate notation on the plan to indicate that:

1. It shall not be used for future building lots; and

d. The by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval.

e. Covenants for mandatory membership in the homeowners association setting forth the owners' rights, interests, and privileges in the association and the common property, shall be reviewed by the Board and included in the deed for each lot or dwelling.

f. The homeowners association shall have the responsibility of maintaining the common proper-

ty or facilities.

h. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place.

#### **11. Impact on Ground Water.**

A. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

1. A map showing the basic soils types.

2. The depth to the water table at representative points throughout the subdivision.

3. Drainage conditions throughout the subdivision.

4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

5. An analysis and evaluation of the effect of the subdivision on ground resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any well within the subdivision, at the subdivision boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the subdivision's impact on ground water phosphate concentrations shall also be provided.

6. A map showing the location of any subsurface wastewater disposal system and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

B. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

C. No subdivision shall increase any contaminant concentration in the ground water to more than half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

D. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

E. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

F. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

## 12. Access Control and Traffic Impacts.

A. General. Provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the subdivision. More specifically, access and circulation shall also conform to the following standards and the design criteria below.

1. The vehicular access to the subdivision shall be arranged to avoid traffic use of existing local residential streets.
2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
3. The street giving access to the subdivision and neighboring streets which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed subdivision.
4. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional is-

lands, frontage roads, and traffic controls within public streets.

## B. Subdivision Access Design for Subdivisions entering onto Arterial Streets.

1. Sight Distances. Accesses shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curbline or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. The required sight distances are listed below for various posted speed limits.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance (ft)	250	300	350	400	450	500	550

## 13. Street And Storm Drainage Design And Construction Standards

### a. General Requirements

1. The Board shall not approve any subdivision plan unless proposed streets and storm water management systems are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the Final Plan by the Board, shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
2. Subdividers shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plans shall include the following information:
  - a. Date, scale, and magnetic or true north point.
  - b. Intersections of the proposed street with existing streets.
  - c. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
  - d. Kind, size, location, material, profile

and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.

e. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electric, telephone, lighting, and cable television.

3. Upon receipt of plans for a proposed public street the Board shall forward one copy to the Municipal Officers, and the Road Commissioner for review and comment.

4. Where the subdivider proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate.

5. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be considered acceptance or be maintained by the Town."

#### b. Street Design Standards.

1. These design standards shall be met by all streets within subdivisions, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

2. Streets shall be designed to discourage through traffic on minor streets within a residential subdivision.

3. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.

4. The following design standards apply to subdivision roads:

#### a. Minimum Standards (would not be acceptable for consideration as a town road)

Minimum Right-of-Way Width 50'

Minimum Pavement Width 20'

Maximum Grade\* 10%

*\*Maximum grade may be exceeded for a length of 100 feet or less.*

Roadway Crown 1/4"/ft.

Minimum width of shoulders (each side) 4'

Minimum thickness of material after compaction

Aggregate Sub-base Course Course (Max. sized stone 4") 24"

Aggregate Sub-base Course 4"

#### b. Maximum Standards (would be acceptable for consideration as a town road)

Minimum Right-of-Way Width 50'

Minimum Pavement Width 20'

Maximum Grade\* 10%

*\*Maximum grade may be exceeded for a length of 100 feet or less.*

Roadway Crown 1/4"/ft.

Minimum width of shoulders (each side) 4'

Minimum thickness of material after compaction

Aggregate Sub-base Course Course (Max. sized stone 4") 24"

Aggregate Base Course 4"

Hot Bituminous Pavement Total Thickness 3.5"

Base Course 2"

Surface Course 1.5"

5. The centerline of the roadway shall be the

centerline of the right-of-way.

6. Dead End Streets.

Construction of cul de sac according to existing standards in ordinance

7. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized.

8. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curblin or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement.

Posted Speed Limit (mph)

25 30 35 40 45 50 55

Sight Distance (ft) 250 300 350 400 450 500 550

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

9. Preparation.

a. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty-foot intervals.

b. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the right-of-way.

c. All organic materials shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the Town Engineer as not suitable for roadways, the subsoil shall be removed from the street= site to a depth of two feet below the subgrade and replaced with material meeting

the specifications for gravel aggregate sub-base below.

d. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than four feet vertical to one foot horizontal is permitted.

e. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water-service connections shall be installed to the edge of the right-of-way prior to paving.

f. Bases and Pavement.

1. Bases.

a. The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3-inch square mesh sieve shall meet the following grading requirements:

Aggregate for subbase shall contain no particles of rock exceeding four inches in any dimension.

b. The Aggregate Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3-inch square mesh sieve shall meet the following grading requirements:

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

g. Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

h. Pavements.

1. Minimum standards for the base layer of pavement shall be the M.D.O.T. specifications for plant mix grade B with an aggregate size no more than 1 inch maximum.

2. Minimum standards for the surface layer of pavement shall meet the M.D.O.T. specifications for plant mix grade C with an aggregate size no more than 3/4 inch maximum.

#### 14. PERFORMANCE GUARANTEES

a. Types of Guarantees. With submittal of the application for Final Plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

1. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;

2. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers, or Town Manager;

3. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers, or Town Manager; or

4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Town Engineer, Road Commissioner, Municipal Officers, and/or Town Attorney.

b. Contents of Guarantee. The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account

inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.

1. Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the subdivider and the amount withdrawn to complete the required improvements.

2. Performance Bond. A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

3. Letter of Credit. An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

4. Conditional Agreement. The Board, at its discretion may provide for the subdivider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that no more than four lots may be sold or built upon until either:

a. It is certified by the Board, or its agent, that all of the required im-



provements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or

b. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and an conditions shall be on the Final Plan which is recorded at the Registry of Deeds.

c. Phasing of Development. The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

d. Release of Guarantee. Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Town's Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

e. Default. If, upon inspection, the Town's Engineer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Code Enforcement Officer, the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

