

Article VI, Section F  
FINAL DRAFT

**F. VILLAGE WATERFRONT DISTRICT**

**F.1.0.0 Purpose**

**The purpose of the Village Waterfront District is to preserve and maintain for the citizens of Wiscasset the character of the Wiscasset Village Waterfront, including its scenic value, its accessibility to the public, and its economic value for functionally water-dependent uses.**

**F.2.0.0 Permitted Uses**

**F.2.1.0 Except to the extent permits may be specifically required by the Village Waterfront District ordinance, the following uses are allowed without a permit from the Planning Board or the Code Enforcement Officer in the Village Waterfront District, provided development is in compliance with all applicable laws, rules and regulations:**

- (a) The permitted uses in the Shoreland Resource Protection District as set out in the following subsections: Article VI, Sections A.1.1, A.1.2, A.1.3, A.1.6, A.1.9 and A.1.10;**
- (b) Filling and earthwork of less than ten (10) cubic yards of soil;**
- (c) Filling and earthwork of more than ten (10) cubic yards of soil if required by state or federal governmental agency order;**
- (d) Routine maintenance operations;**
- (e) Emergency operations; and,**
- (f) Electric Utility Substation and Facilities existing as of the effective date of this ordinance.**

**F.2.2.0 The following uses are permitted with Code Enforcement Officer approval in the Village Waterfront District, provided development is in compliance with all applicable laws, rules and regulations:**

- (a) Accessory uses and structures except for those that are accessory to uses and structures requiring Planning Board approval;**
- (b) Structures for any use permitted in the Village Waterfront District which remain for less than seven (7) months in any period of (12) twelve consecutive months;**
- (c) Service drops, as defined, to approved development;**
- (d) Signs subject to applicable sign ordinances;**
- (e) Retaining walls;**
- (f) Driveways;**
- (g) Landscaping in accordance to the Landscaping Standards;**

- (h) Seasonal, non-attached buildings or structures located on existing piers;**
- (i) Single family dwellings; and,**
- (j) Two-family dwellings.**

**F.2.3.0 The following uses are permitted with Planning Board approval in the Village Waterfront District, provided development is in compliance with all applicable laws, rules and regulations:**

***Commercial:***

- (a) Professional, business and general offices;**
- (b) Restaurants, eating establishments and drinking establishments;**
- (c) Retail and service establishments, but excepting establishments with automobile gas pumps;**
- (d) Banking and financial services;**
- (e) Indoor recreation and family amusement establishments;**
- (f) Intermodal transportation facilities;**
- (g) Off-street parking lots and garages;**
- (h) Personal services;**
- (i) Business services;**
- (j) Communication studios, broadcast and receiving facilities;**
- (k) Spa, health club or similar facility;**
- (l) Museum art gallery or similar facility;**
- (m) Convenience store; and,**
- (n) Hotels, motels and ancillary uses.**

***Marine:***

- (a) Marine products wholesaling and retailing;**
- (b) Marine repair services and machine shops;**
- (c) Harbor and marine supplies and services and ship supply;**
- (d) Boatbuilding and facilities for construction, maintenance and repair of vessels;**
- (e) Marinas with ancillary services customary to the primary use;**
- (f) Marine museums and aquariums;**
- (g) Indoor boat storage facilities;**
- (h) Permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the upland edge of a coastal wetland or within a wetland;**
- (i) Functionally water-dependent structures permitted in the Village Waterfront District which remain for seven (7) or more months in any period of twelve (12) consecutive months;**
- (j) Aquaculture; and,**
- (k) Yachting or sailing clubs, and schools which give marine or nautical instruction.**

***Institutional:***

- (a) Clinics;**
- (b) Churches;**
- (c) Private clubs or fraternal organizations;**
- (d) Marine related colleges, universities or trade schools with ancillary services including dormitories, customary to primary use.**

***Public:***

- (a) Government buildings and uses;**
- (b) Boardwalks;**
- (c) Recreational trails;**
- (d) Utility substations including sewage collection and pumping stations and water pumping stations; and,**
- (e) Public parks and recreational areas.**

***Other:***

- (a) Studios for artists and craftspeople;**
- (b) Accessory uses or structures customarily incidental and subordinate to the location, function and operation of uses or structures permitted by the Planning Board;**
- (c) Parking areas;**
- (d) Roads;**
- (e) Essential Services;**
- (f) Structural development in a recreational area;**
- (g) Principal non-residential facilities for marine related educational, scientific, or nature interpretation purposes;**
- (h) Non-residential facilities for marine related educational, scientific, or nature interpretation purposes;**
- (i) Retaining walls within twenty-five (25) feet of the upland edge of a coastal wetland; and,**
- (j) Filling or earth-moving activity of more than ten (10) cubic yards.**

**F.3.0.0 Prohibited Uses**

**Uses which are not enumerated in sections F.2.1.0 – F.2.3.0 as permitted uses are subject to Planning Board approval or denial in the Village Waterfront District.**

**F.4.0.0 Dimensional Requirements**

**The following dimensional requirements shall apply within the Village Waterfront District provided development is in compliance with all applicable laws, rules and regulations:**

- (a) **Minimum lot size:**
  - 1. **Residential: None**
  - 2. **Non-residential: None**
  
- (b) **Minimum frontage:**
  - 1. **Water: None**
  - 2. **Road/Street: None**
  
- (c) **Minimum setback requirements:**
  - 1. **Front setback: None**
  - 2. **Side setback: None**
  - 3. **Rear setback: None**
  
- (d) **Minimum water body setback:**
  - 1. **There shall be no minimum setback for roads or structures that require direct water access as an operational necessity including, but not limited to, piers, docks, wharfs and bridges; buildings in existence as of the effective date of this ordinance; buildings, structures, or permissible uses of land for public benefit/use; seasonal, non-attached buildings or structures on existing piers. Any enlargement of these existing buildings must comply with all applicable setback requirements in this ordinance;**
  - 2. **In all other portions of the Village Waterfront District, there shall be a minimum setback of twenty-five (25) feet, horizontal distance, from the normal high-water line.**
  
- (e) **Maximum lot coverage: The total of all non-vegetated surface areas shall be no more than seventy percent (70%).**
  
- (f) **Maximum height of structures: Principle or accessory structures and expansions of existing structures shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, small wind energy conversion systems, antennas, and similar structures having no floor area.**

#### **F.5.0.0 General Land Use Standards**

**All land use activities in the Village Waterfront District shall conform to the following standards, if applicable.**

- (a) **The lowest floor elevation or openings of all buildings and structures including basements constructed after the effective date of this ordinance shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.**

- (b) No structures shall be constructed on slopes greater than 20% within seventy-five (75) feet from the upland edge of a water body unless they are permissible functionally water-dependent uses or structures or their accessories.**
- (c) Notwithstanding the requirements stated above, ramps, stairways, or similar structures may be allowed to provide shoreline access in areas of steep slopes or unstable soils provided:**
  - 1. The structure is limited to the maximum width necessary for proposed use, not to exceed six (6) feet in width;**
  - 2. The structure does not extend below or over the upland edge of a coastal wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C), and;**
  - 3. The property owner demonstrates that no reasonable alternative exists on the property within 150 feet of the desired point of access.**

**F.5.1.0 Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Upland Edge of a Coastal Wetland or Within a Wetland.**

- (a) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.**
- (b) The location shall not interfere with existing developed natural beach areas.**
- (c) The facility shall be located so as to minimize adverse effects on fisheries.**
- (d) The facility shall be no larger in dimension than necessary to carry on permitted land use activities.**
- (e) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the upland edge of a coastal wetland or within a wetland unless the structure requires direct access to the water as an operational necessity, or is a functionally water-dependent use or an accessory to a functionally water-dependent use.**
- (f) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the upland edge of a coastal wetland of a water body or within a wetland shall be converted to residential dwelling units.**

**F.5.2.0 Roads and Driveways.**

**The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.**

- (a) **Roads and driveways shall be set back at least twenty-five (25) feet from the upland edge of a coastal wetland, excepting roads which require access to the shoreline.**

**On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.**

**This subsection shall apply neither to approaches to water crossings nor to roads or driveways that provide access to permitted structures and uses.**

- (b) **Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.**
- (c) **Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection F.5.5.0.**
- (d) **Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.**
- (e) **In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained where feasible to empty onto an unscarified buffer strip at least twenty-five (25) feet plus two times the average slope in width between the outflow point of the ditch or culvert and the upland edge of a coastal wetland or normal high-water line. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.**
- (f) **Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:**
  - i **Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:**

| <b>Road Grade<br/>(Percent)</b> | <b>Spacing<br/>(Feet)</b> |
|---------------------------------|---------------------------|
| <b>0-2</b>                      | <b>250</b>                |
| <b>3-5</b>                      | <b>200-135</b>            |

|              |               |
|--------------|---------------|
| <b>6-10</b>  | <b>100-80</b> |
| <b>11-15</b> | <b>80-60</b>  |
| <b>16-20</b> | <b>60-45</b>  |
| <b>21 +</b>  | <b>40</b>     |

- ii **Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.**
- iii **On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road.**
- iv **Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.**
- (g) **Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.**

**F.5.3.0 Storm Water Runoff**

- (a) **All new construction and development shall be designed to manage stormwater runoff on the site in excess of the natural predevelopment conditions. 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) **Stormwater runoff control systems shall be maintained to ensure proper functioning**

**F.5.4.0 Landscaping Standards**

- (a) **All submittals of a building permit, subdivisions or site plans shall include a plan for the preservation, planting and/or replacement of trees on the site to the extent that, at maturity of twenty years, minimum tree canopies or covers will be provided in the areas designated in the Town of Wiscasset Ordinance Village Waterfront District as follows:**
  1. **Ten percent (10%) tree canopy for a business, commercial or industrial site.**
  2. **Twenty percent (20%) tree canopy for a residential site.**

3. Each lot shall have minimum tree canopy coverage of 2 1/2 percent or 3,000 sq. ft, whichever is less.
4. In instances where a small portion of land is not being subdivided out of a larger tract of land and is the subject of a site plan or subdivision application, the Planning Board may accept the smaller site area for canopy calculation purposes. For multi-phased subdivisions, canopy may be calculated for the overall subdivision.
5. For the purpose of this section, "site" shall include all of the area within a property boundary.

**(b) Landscape Plan Required.** A landscape plan meeting the requirements of section F.5.4.0 is required for all subdivision and site plan applications. The Codes Officer or Planning Board shall be responsible for the review of all landscape plans and tree preservation plans. A landscape architect, landscape designer or landscape contractor shall prepare every landscape plan required by this article. All landscape plans shall contain the following information:

1. **Scale.** Plans shall be drawn to a scale of not less than 30 feet to the inch on sheets not exceeding 24 by 36 inches.
2. **Contents.** All plans shall illustrate with sufficient detail the location of all proposed construction including driveways, parking areas, curbs, sidewalks, utility lines, utility easements, structures and landscape areas. Landscape areas shall indicate dimensions, and all proposed trees shall be illustrated at their full canopy spread. Landscape material proposed must comply with the standard industry planting practices.
3. **Schedule.** All plans shall be accompanied by a schedule of plants proposed, including the number proposed, their height, caliper or gallon size, common and botanical name, the amount of tree canopy area credit and percent diversity. The plan shall identify each plant species with a unique symbol.

#### **F.5.5.0 Erosion and Sedimentation Control**

**(a) All activities which involve filling, grading, excavation or other similar activities which result in unstable soil conditions and which require a permit shall require a written soil-erosion and sedimentation-control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:**

1. **Mulching and re-vegetation of disturbed soil;**

- 2. Temporary runoff-control features such as hay bales, silt fencing or diversion ditches; and,**
  - 3. Permanent stabilization structures such as retaining walls or riprap.**
- (b) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes, high cuts and fills shall be avoided wherever possible, and natural contours shall be followed as closely as possible.**
- (c) Erosion and sedimentation-control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.**
- (d) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:**
- 1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.**
  - 2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.**
  - 3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.**
- (e) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.**

#### **F.5.6.0 Soils**

- (a) All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained**

without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal and commercial or industrial development and other similar intensive land uses shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

#### **F.5.7.0 Water Quality**

- (a) No activity shall deposit on or into the ground or discharge into the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body.**

#### **F.5.8.0 Archaeological Site**

- (a) Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the commission before rendering a decision on the application.**

#### **F.6.0.0 Performance Standards**

**All uses in the Village Waterfront District shall comply with the following standards:**

- (a) Outdoor storage of materials: Outdoor storage of materials accessory to normal conduct of business shall be suitably screened from the public way and from abutting properties by a fence at least six (6) feet in height or by a solid evergreen planting strip. All waste shall be stored in covered containers that do not leak or otherwise permit liquids or solids to escape from the container.**

**All food processing waste shall be stored within a completely enclosed structure. Outdoor storage of refuse or debris shall be in an appropriate container or located within a designated, screened area;**

**(b) Noise: The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the General Development I District shall not exceed seventy (70) decibels on the A scale at the boundaries of any lot between the hours of 7:00 AM and 9:00 PM and fifty (50) decibels between the hours of 9:00 PM and 7:00 AM. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ<sub>1</sub>). The following activities and use shall be exempted from the above-mentioned noise requirements:**

- 1. Construction and maintenance activities between the hours of 7:00 AM and 8:00 PM;**
- 2. The noises of safety signals, warning devices, emergency pressure relief valves, and other emergency devices;**
- 3. Traffic noise on public and private roads;**
- 4. Noise created by refuse and solid waste collection, provided that the activity is conducted between 7:00 AM and 6:00 PM;**
- 5. Emergency construction or repair work by public utilities at any hour including, but not limited to, mobile substations;**
- 6. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the town, including but not limited to parades, sporting events, and fireworks displays;**

**(c) Vibration: Vibration inherently and recurrently generated, except during periods of construction, shall be imperceptible without instruments at lot boundaries;**

- (d) Federal and state environmental regulations: All uses shall comply with federal and state environmental statutes and regulations regarding emissions into the air;**
- (e) Off-street parking and loading: The applicant and/or property owner shall provide documented proof that proposed use(s) will have adequate, on-site parking spaces, which may include shared parking spaces, to fulfill the needs of the development in accordance with the most recent edition of the Parking Generation Manual published by the Institute of Traffic Engineers;**
- (f) Floodplain management regulations: Any lot or portion of a lot located within a flood hazard zone as identified on the most recent version of the Town of Wiscasset Flood Insurance Rate Maps shall be subject to applicable Federal Emergency Management Agency Floodplain Management rules and Town of Wiscasset Floodplain Ordinance;**
- (g) Glare, radiation or fumes: Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries, except glare existing before the adoption of this ordinance and glare generated from sources directly associated with safety and security of the site;**
- (h) Lighting: All exterior lighting fixtures, except fixtures existing before the adoption of this Article shall be of such a design to shield the affixed light bulb from sight beyond the property boundaries, and so designed to minimize light emissions visible from adjoining properties except illumination generated from sources directly associated with emergency operations on the site;**
- (i) Architectural Standards: New construction, alterations and additions of a building or structure shall be appropriate and not incongruous to the Village Waterfront District as well as the immediate surroundings; and will respect major design elements, including site planning, massing, proportion and scale, roof, windows and doorways; and all exterior architectural elements, including materials, colors, trim, and details.**

**The proposed external architectural features, represented by the general design and arrangement, texture, color, line, mass, dimensions, material, and lighting shall reflect desirable design for the Village Waterfront District. The proposed structure, building or improvement shall be compatible with well designed structures in the vicinity of the proposed structure. Proposed freestanding buildings shall use the same or architecturally harmonious**

materials, color, texture, and treatment for all exterior freestanding walls.

The combination of architectural elements proposed for a structure, building or improvement, in terms of design, line, mass, dimension, color, material, texture, lighting, landscaping, roof line, and height shall conform to accepted architectural principals for permanent buildings reflecting the character of the Village Waterfront District and the immediate surroundings, as contrasted with engineering standards designed to satisfy safety requirements only.

- (j) All new electric or telecommunications distribution lines shall be installed underground;
- (k) All structures requiring water and sewer shall be connected to public water and public sewer; and,
- (l) It shall be the responsibility of the property owner, applicant or their representative to demonstrate to the Town that development is in compliance with applicable performance standards. The Planning Board shall have authority to require that any developer bear the expense to investigate and prepare studies deemed necessary by the Planning Board to evaluate impacts and demonstrate compliance with the standards of this Section. If needed, the Planning Board shall have the authority to hire, at the developer's expense, its own consultants to evaluate the developer's plans and studies.
- (m) Waiver: The Planning Board may modify or waive any of the Performance Standards F.6.0.0 (a) – F.6.0.0 (k), stated above, when the applicant clearly establishes and documents that the standard would not be applicable or feasible.

#### **F.7.0.0 Applicability of Article VII – Subdivision Ordinance**

When the Planning Board is reviewing any application for a subdivision in the Village Waterfront District, the Planning Board may modify or waive any Subdivision requirement or performance standard when the applicant clearly establishes and documents that the requirement or standard would not be applicable. Additionally, the following provisions of Article VII – Subdivision Ordinance shall apply as follows:

- (a) Section 2.3.3(n), single-family and multiple family-dwellings minimum lot size requirements do not apply; and,

- (b) **Section 2.3.5, street and road construction requirements shall not apply in its entirety, provided applicant submits documented proof to the Planning Board that all road and street construction meets the design criteria established by the American Association of State Highway and Transportation Officials based upon projected land uses and traffic volumes.**

**F.8.0.0 Applicability of Article VIII – Site Plan Review Ordinance**

**When the Planning Board is reviewing a proposal that requires Site Plan Review in the Village Waterfront District, the following provisions of Article VIII – Site Plan Review shall apply as follows:**

- (a) **Section 6.8.3, minimum parking space requirements shall not apply except that applicant shall clearly establish and document that proposed use(s) will have adequate on-site parking spaces, which may include shared parking spaces, to fulfill the needs of the development in accordance with the most recent edition of the Parking Generation Manual published by the Institute of Traffic Engineers; and,**
- (b) **Section 7.1, waiver standards shall be replaced with: The Planning Board may modify or waive any Site Plan Review requirement or performance standard when the applicant clearly establishes and documents that the requirement or standard would not be applicable.**

**F.9.0.0 Applicability of Article II – Building Laws**

**When the Planning Board or Code Enforcement Officer is reviewing an application for Subdivision, Site Plan Review or building permit in the Village Waterfront District, the following provisions of Article II – Building Laws shall not apply:**

- (a) **Sections 2.1 – 2.17, lot size and setback requirements.**
- (b) **Section 3.2, height.**
- (c) **Section 7.9, State lot size for water and sewer lines and disposal regulation.**

