

## **ARTICLE 10 - PERFORMANCE STANDARDS -- GENERAL REQUIREMENTS**

The following standards shall apply to all uses as appropriate in the various Zoning Districts:

### **10.1 Access to Lots.**

10.1.A. No building permit shall be issued to erect any structure on a lot without frontage on a public or private way and such lot is not part of a subdivision as defined in Article 2 of this Ordinance unless an access road meeting the following criteria has been constructed within a deeded right-of-way that is fifty (50) feet in width. Any access road serving more than one unit shall have a road maintenance agreement in place prior to the issuance of a permit for a second dwelling. This agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the access road. The finished surface of the access road shall be constructed to a minimum width of twelve (12) feet for the entire length of the road including its most distant terminus if serving one dwelling unit and fifteen (15) feet for the entire length of the road including its most distant terminus if serving two dwelling units. The access road shall contain a minimum depth of fifteen (15) inches of bank-run gravel and have drainage ditches and culverts at all appropriate points. Such an access road shall serve no more than two dwelling units. Any access road serving three or more dwelling units shall meet the road acceptance regulation of this Ordinance for the entire length of the road including its most distant terminus: (amended June 15, 2002, amended June 14, 2003, Amended June 14, 2008)

10.1.A.1. No building permit shall be issued to erect a structure which is located more than 100 feet from a public or private way unless an access road meeting the construction standards of Section 10.1.A. has been constructed. Any such access road being more than 500 feet in length shall be provided with a 60 foot backing space at the closed end to permit the turning of emergency vehicles.

10.1.A.2 No Access to any lot is permitted by way of the ends of the hammerhead. (Amended 6/18/05) There shall be no parking of boats, trailers, storage or any other vehicles within the hammerhead.

10.1.A.3 The individual lots served by the private access road must have at least fifty (50) feet of frontage on the access road and must meet the lot width requirement of the zone in which they are located. This applies to access roads serving 1 or 2 lots.

10.1B An access road serving three or more dwelling units on individual lots, such lots having been legally created but exempt from subdivision review pursuant to the exemptions found in State of Maine subdivision law must comply with the following:

10.1.B.1. The lots and access road must be shown on a plan approved by the Planning Board. The plan must be prepared and signed by a registered professional engineer licensed in Maine and must show the information necessary for the Planning Board to determine if all the standards of the road acceptance regulations, with the exception of paving, and width have been met. At a minimum, the plan must include a plan, profile and cross-sectional view to scale and materials specified to be used.

Lots that fall within this category are not required to be paved. The minimum traveled way width is 16 feet with 2 foot shoulders. In all other aspects, the access road must meet the standards of Article 12 of this ordinance.

Any wetland or stream crossings may require additional permits from Maine D.E.P. or the Army Corps of Engineers.

The individual lots served by an access road serving three or more dwelling units must have the required road frontage of the zone the property is located in.

Private roads shall conform to NFPA 1.18 Road Standards as regulated by the Fire Chief as the authority having jurisdiction:

Private roads shall be maintained for the safe passage of emergency responders in all seasons.

10.1.B.2. The plan must contain the following notation: "The access road shown on this plan is not dedicated to the Town of Buxton. The responsibility for maintenance and plowing the access road is that of the owners of the lots served by the access road. If the access road is ever proposed for acceptance as a town road or public easement, the owners of the lots served by the access road must construct the road to the then current road construction and/or acceptance standards of Article 12. Planning Board approval of an amendment to this plan must also be obtained prior to dedication of the access road."

10.1.B.3. An access road maintenance agreement must be approved by the Planning Board. This agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair and plowing of the access road.

10.1.B.4. No access to any lot is permitted by way of the ends of the hammerhead. (amended 6/12/04, amended 6/14/08) There shall be no parking of boats, trailers, storage or any other vehicles within the hammerhead.

10.1.B.5. The plan with the above notation and maintenance agreement must be recorded at the York County Registry of Deeds and shall be referenced in the Deed of each lot.

10.1B.6 No access to any lot is permitted by way of the ends of the hammerhead. (amended 6/12/04, amended 6/14/08)

## **10.2 Dust, Fumes, Vapors and Gases.**

Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property or which could soil or stain persons or property at any point beyond the lot line of the commercial or industrial establishment creating such emission shall be prohibited. All such activities shall also comply with applicable federal and state laws and regulations.

## **10.3 Erosion Control.**

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following "Best Management" practices:

10.3.A. Stripping of vegetation, soil removal and regrading or other development shall be accomplished in such a way as to minimize erosion.

10.3.B. The duration of exposure of the disturbed area shall be kept to a practical minimum.

10.3.C. Temporary vegetation and/or mulching shall be used to protect exposed areas during development.

10.3.C.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.

10.3.C.2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

10.3.C.3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of stacked hay bales and/or silt fences.

10.3.D. Permanent (final) vegetation and mechanical erosion control measures, in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as possible after construction ends.

10.3.E. 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 Code Enforcement Officer.

10.3.F. The top of a cut or the bottom of a fill section shall not be closer than twenty (20) feet to an adjoining property unless otherwise specified in this Ordinance or specified by the Planning Board or Code Enforcement Officer.

10.3.G. During grading operations, methods of dust control shall be employed wherever practicable.

10.3.H. On slopes greater than 25% there shall be no grading or filling within 100 feet of the normal high water mark except to protect the shoreline and prevent erosion.

#### **10.4 Explosive Materials.**

All flammable or explosive liquids, solids or gases shall be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal and state regulations.

#### **10.5 Construction in Flood Hazard Areas.**

In those areas designated by the Federal Emergency Management Agency as being within the 100 year floodplain, as identified in the Flood Insurance Study and on the Flood Insurance Rate Maps adopted in Section 3.3, the provisions of Article 14 of this ordinance shall apply.

10.5.A. through 10.5.I. Deleted

**10.6 Noise.**

Excessive noise at unreasonable hours shall be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.

10.6.A. 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 Pressure Level Limits  
Measured in dB(A)'s:

|                                     | <b>7am-8pm</b> | <b>8pm-7am</b> |
|-------------------------------------|----------------|----------------|
| <b>Business-Commercial District</b> | <b>60</b>      | <b>50</b>      |
| <b>Other Districts</b>              | <b>55</b>      | <b>45</b>      |

10.6.A.1. The levels specified may be exceeded by 10dB(A) for a single period, no longer than 15 minutes in any one day.

10.6.A.2. Sound from any source controlled by this Ordinance shall not exceed the above limits at the lot line of the "receiving" property.

10.6.A.3. 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.

10.6.B. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4A 1985) "American Standard Specification for General Purpose Sound Level Meters". The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S1.4 - 1983 "American Standard Method for the Physical Measurements of Sound". (Amended 6/16/2007)

10.6.C. No person shall engage in, cause or permit any person to be engaged in loud construction activities on a site abutting any residential use between the hours of 8 pm of one day and 7 am of the following day. Construction activities shall be subject to the maximum permissible sound level specified for industrial districts for the periods within which construction is to be completed pursuant to any applicable building permit. The following uses and activities shall be exempt from the sound pressure level regulations:

10.6.C.1. Home maintenance activities (for example: mowing lawns, cutting one's own firewood, etc.)

10.6.C.2. Noises created by construction and maintenance activities between 7am and 8pm.

10.6.C.3. The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity.

10.6.C.4. Traffic noise on existing public roads, railways or airports.

10.6.C.5. Noise created by refuse and solid waste collection, provided that the activity is conducted during daytime hours.

10.6.C.6. Emergency construction or repair work by public utilities shall also be exempted at any hour.

10.6.C.7. 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, concerts and fireworks displays.

10.6.C.8. Existing industrial noise sources which are in operation at the time of the Ordinance enactment shall be provided a permanent ten dB (A) noise level allowance over noise levels otherwise required herein.

**10.7 Off-Street Parking and Loading.**

10.7.A. General.

10.7.A.1. A permitted use in any district shall not be extended and no structure shall be constructed or enlarged unless off-street automobile parking space is provided in accordance with the following schedule.

10.7.A.2. An area of 300 square feet shall be considered sufficient for each automobile parking space including room for maneuvering and turning. Parking areas with more than 2 spaces shall be so arranged that it is not necessary for vehicles to back into the street.

10.7.A.3. No off-street parking area shall have more than 2 openings onto the same street, each opening not to exceed 26 feet in width.

10.7.A.4. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility or within 100 feet measured along lines of access. Where residential off-street parking cannot reasonable be provided on the same lot, the Planning Board may authorize its provision on another lot within 300 feet of the residential uses. Such parking areas shall be held under the same ownership or lease, as the residential uses served and evidence of such control or lease shall be required.

10.7.A.5. Off-street parking and loading spaces for non-residential uses where not enclosed within a building shall be effectively screened from view by a continuous landscaped area not less than 6 feet in height unless waived by the Planning Board for expressed reasons along exterior lot lines adjacent to residential properties and all public roads, except that driveways shall be kept open to provide

visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street except as specifically authorized in this Ordinance, unless waived by the Planning Board.

10.7.A.6. Exterior lighting shall neither create glare nor shine into any residential use or street.

10.7.A.7. The Planning Board may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility would substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees of such establishments.

10.7.A.8. Parking areas shall meet the shoreline setback requirements for structures as specified in Section 11.20A. The setback requirement for parking areas serving public boat launching facilities may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists

10.7.B. Additional Requirements for Commercial and Industrial Establishments.

The Planning Board may waive any of the following requirements based on evidence presented by the developer that public health, safety and welfare is best served by a design other than one that conforms to all of the following requirements:

10.7.B.1. Access points from a public road to commercial and industrial operations shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

10.7.B.2. All parking areas shall be located off the street so that vehicles can be turned around within such areas without backing into the street.

10.7.B.3. All parking areas, driveways and other areas subject to vehicular traffic shall be paved with bituminous concrete or an equivalent surfacing over a gravel sub-base at least 6" in thickness and shall have appropriate bumper or wheel guards where needed.

10.7.B.4. All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of 25 feet measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.

10.7.B.5. All parking and loading areas shall be located at the side or rear of the principal building.

10.7.B.6. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading or storage upon any town way. Specific loading requirements are listed below:

10.7.B.6.a. The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations and changes of use:

10.7.B.6.a.1. Office buildings, hotels and motels with a gross floor area of more than 100,000 square feet require one (1) bay.

10.7.B.6.a.2. Retail, wholesale, warehouse and industrial operations with a gross floor area of more than 5,000 square feet require the following:

|                            |        |
|----------------------------|--------|
| 5,001 to 40,000 sq. ft.    | 1 bay  |
| 40,001 to 100,000 sq. ft.  | 2 bays |
| 100,001 to 160,000 sq. ft. | 3 bays |
| 160,001 to 240,000 sq. ft. | 4 bays |
| 240,001 to 320,000 sq. ft. | 5 bays |
| 320,001 to 400,000 sq. ft. | 6 bays |

10.7.B.6.a.3. Each 90,000 square feet over 400,000 square feet requires one (1) additional bay.

10.7.B.6.a.4. No loading docks shall be on any street frontage. Provisions for handling all freight shall be on those sides of any buildings which do not face on any street or proposed streets.

10.7.C. Parking Lot Design Criteria (Not applicable to single family dwellings and duplexes).

10.7.C.1. Vehicular Entrance and Exit.

10.7.C.1.a. Entrances and exits should be clearly identified by the use of signs, curb cuts and landscaping.

10.7.C.1.b. Entrance/exit design shall be in conformance with the standards of the Maine Department of Transportation for size, location, sight-distance, grade separation and possible future changes in highway alignment on any affected public roads.

10.7.C.2. Interior Vehicular Circulation.

10.7.C.2.a. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.

10.7.C.2.b. Painted arrows and/or elevated signs should be used as necessary to define desired circulation patterns.

10.7.C.2.c. Customer/employee and service traffic should be separated to the greatest extent possible.

10.7.C.2.d. One-way travel lanes may be used as a traffic control device in conjunction with roadway dividers.

10.7.C.2.e. Enclosures such as guardrails, curbs, fences, walls and landscaping should be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles but not to reduce visibility of oncoming pedestrians and vehicles.

10.7.C.3. Parking.

10.7.C.3.a. Access to parking stalls should not be from major travel lanes and shall not be immediately accessible from any public way.

10.7.C.3.b. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

10.7.C.3.c. Parking aisles should be oriented perpendicular to stores and businesses for easy pedestrian access and visibility.

10.7.C.3.d. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line except for the additional requirements in buffer yards.

10.7.C.3.e. Lighting of parking areas may be required at the discretion of the Planning Board. All artificial lighting used to illuminate any parking space or spaces shall be shielded and directed in a manner which prevents excessive illumination levels, prevents glare on nearby streets and sidewalks, and prevents light spilling across the property lines. Amended 6/14/08

10.7.C.3.f. Parking stalls and aisle layout shall conform to the below standard

| Parking Angle | Stall Width | Skew Width | Stall Depth | Aisle Width         |
|---------------|-------------|------------|-------------|---------------------|
| 90°           | 9'-0"       |            | 18'-5"      | 24'-0"              |
| 60°           | 8'-6"       | 10'-5"     | 18'-0"      | 16'-0" one way only |
| 45°           | 8'-6"       | 12'-9"     | 17'-5"      | 12'-0" one way only |
| 30°           | 8'-6"       | 17'-0"     | 17'-0"      | 12'-0" one way only |

10.7.C.3. restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways or damage landscape materials.

10.7.D. Parking spaces shall be provided to conform with the number required in the following schedule:

| <u>Activity</u>                                      | <u>Minimum Required Parking</u>                                    |
|--|--|
| Residential & Elderly Housing, other than Affordable | 2 spaces per dwelling unit with 2 or more bedrooms. 1 ½ spaces per |



|  |   |
|--|---|
| Housing Development                                      | dwelling unit with 1 bedroom. No additional spaces for ADUs.                              |
| Affordable Housing Development                           | 2 spaces per 3 dwelling units   |
| Tourist home, boarding, lodging house, motel, hotel, inn | 1 space per room/unit rental and for each employee on the largest shift                   |
| Church   | 1 space per three seats based upon maximum seating capacity                               |
| Schools:   |   |
| Primary  | 1 1/2 spaces per classroom  |
| Secondary  | 8 spaces per classroom  |
| Post-Secondary   | 1 space for each student and 1 space for each facility and staff member                   |
| Daycare Home<br>Daycare Facility                         | 1 space for every 2 children the facility & or home is licensed to care for               |
| Private Clubs or lodges                                  | 1 space per every seventy-five (75) square feet of floor space.                           |
| Theater, Auditorium, Public Assembly                     | 1 space per three seats based upon maximum seating capacity                               |
| Funeral Homes  | 1 space for every 100 square feet of floor space  |
| Medical Care Facilities                                  | 1 space for every three (3) beds and every two (2) employees on the maximum working shift |
| Offices & Banks  | 1 space for every 150 square feet floor space   |

**Activity (cont.)**

**Minimum Required Parking (cont.)**

|  |   |
|--|---|
| Medical Offices<br>or (MD's, OD's, Dentists) | 10 spaces for each doctor, dentist other medical practitioner |
| Veterinarian Clinic, Kennel                  | 5 spaces per veterinarian                                     |
| Retail & Service businesses                  | 1 space for every 150 square feet of floor space              |
| Barber/Beauty shop                           | 4 spaces per chair  |

|   |  |
|---|--|
| Restaurant                                  | 1 space per three seats based upon maximum seating capacity.                     |
| Industrial businesses                       | 1 space per employee on the Maximum working shift                                |
| Warehouse, wholesale                        | 1 space per 500 square feet of floor area business                               |
| Flea Market                                 | 3 spaces per table   |
| Automobile repair garages                   | 5 spaces for each bay or area used for repair work and gasoline filling stations |
| Library, Museum, Art Gallery                | 1 space for each 150 square feet of floor space                                  |
| Marina                                      | 1 space for each boat slip and mooring   |
| Commercial recreation facility, fitness spa | 1 space for each 100 square feet of floor area                                   |
| <b><u>Activity (cont.)</u></b>              | <b><u>Minimum Required Parking (cont.)</u></b>                                   |
| Mixed use                                   | Total of individual uses.  |

Notes:

1. Except for affordable housing developments, the above are minimum standards and additional parking spaces shall be required if these prove to be inadequate.
2. Where the calculation of the aforementioned parking spaces results in a fractional part of the complete parking space, the parking spaces required shall be construed to be the next highest number.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor space shall be used unless otherwise noted.

10.7.E. Access Control.

Lots in single ownership lying along Routes 202, 4 and 4A may be divided into lots but all vehicular movements to and from the highway shall be via a single common driveway or entranceway serving all lots or premises so created. All lots of record existing at the time of ordinance amendment shall be allowed one direct access to Routes 202, 4 and 4A provided that minimum safe sight-distance standards (below) can be met. Exceptions for a second entrance/exit for a large parking lot may be granted by the Planning Board provided that the two access points are not closer than 500 feet and that they both meet the minimum sight-distance standards (below).

## Types of Roadway from which Access is granted

### Minimum Safe Sight-Distances

|                          |      |      |      |      |      |       |
|--------------------------|------|------|------|------|------|-------|
| Posted Speed Limit (mph) | 30   | 35   | 40   | 45   | 50   | 55    |
| Passenger Cars           | 300' | 350' | 400' | 450' | 500' | 550'  |
| Single-Unit Trucks       | 415' | 475' | 540' | 600' | 675' | 750'  |
| Tractor-Trailers         | 530' | 615' | 700' | 840' | 975' | 1100' |

#### Note:

Where it is impossible to meet these sight-distance standards due to physical conditions, a maximum variance of 30% may be permitted. (The 30% variance is consistent with the absolute minimum stopping distance requirement on wet pavements established by the Maine Department of Transportation).

#### 10.7.F. Landscape.

Parking lots shall be landscaped with a continuous border of shrubbery along all lot-lines abutting residential properties according to the buffering standards in 10.10.A. Large parking lots shall be provided with at least one tree (of 2"-2 1/2" caliper) for every 35 car spaces (4 trees per acre) to be located at representative points throughout such lots. All parking or outdoor storage areas shall be separated from any public road by a landscaped buffer strip at least 15 feet wide planted with shade trees (minimum 2" – 2 1/2" caliper planted at least every 50 feet along the road frontage) and dense medium height shrubs (three feet in height on maturity to screen parked vehicles). All such plantings shall be maintained as an effective visual screen. Shrubs or trees which die shall be replaced within one growing season. Notwithstanding the foregoing, the Planning Board may waive planting for purposes of visual screening along the frontage of property located within the Business Commercial, Village and Light Commercial zones.

#### **10.8 Preservation of Landscape.**

The landscape shall be preserved in its natural state insofar as practical by minimizing tree removal and any grade changes shall be in keeping with the general appearances of neighboring developed areas.

#### **10.9 Refuse Disposal.**

The disposal of all solid and liquid wastes shall be provided for on a timely basis and in an environmentally-safe manner. The impact of the disposal of industrial or chemical wastes or by-products on groundwater and surface water quality shall be considered by the Planning Board and Code Enforcement Officer in reviewing applications for Planning Board approvals and building permits. The disposal of such wastes shall be made at an environmentally-acceptable location and shall be in accordance with all applicable local, state and federal requirements.

## **10.10 Setbacks and Screening.**

10.10.A. Exposed storage areas, exposed machinery, sand and gravel extraction operations and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse shall have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge 6 feet or more in height) to provide a visual buffer sufficient to minimize their impact on other land uses and properties in the area

10.10.B. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and maintained in good condition.

## **10.11 Signs.**

All signs, unless complying with the Maine Traveler Information Services Act, shall relate to goods and services available on the premises or the occupants of the premises on which the sign is located and shall be located within the bounds of the property upon which the business is located.

10.11.A. Residential uses in any district may display a single sign, not over six (6) square feet in area, attached to a building or detached and located in the front yard.

10.11.B. In the Village district, any non-residential use may display a sign, attached to the building or free standing. However, only one free-standing sign shall be permitted per lot and one attached sign per use. No sign shall measure larger than twenty (20) square feet in area. No free-standing sign shall be higher than 20 feet above the road level nor closer than the height of the sign from any side or rear property line. Attached signs shall not be placed on the roof of a building.

10.11.C. In the Business-Commercial & Light Commercial districts any non-residential use may display a sign, attached to the building. Such signs shall be no larger than the 10% of the total building face area, to a maximum of 120 square feet. Only one free standing sign shall be permitted per lot. No freestanding sign shall measure larger than eighty (80) square feet per side in area. No freestanding sign shall be higher than 20 feet above the road level nor closer than the height of the sign from any side or rear property line. Attached signs shall not be placed on the roof of building.

10.11.C.1 In the Business-Commercial & Light Commercial districts any non-residential use shall be permitted to have, in addition to a freestanding sign, one monument sign at a secondary entrance to the lot, if the lot has frontage and separate entrances on two or more public roads. Any such monument sign shall be (i) located on a different public road, and not closer than 400 feet, from the freestanding sign, (ii) not larger than 40 square feet per side in area, (iii) not higher than 10 feet above the road level, and (iv) not closer than 10 feet from any side or rear property line.

10.11.D. In all other districts, churches, schools and other non-residential uses may display a sign not over twelve square feet in area.

10.11.E. Signs may be illuminated only by shielded, non-flashing lights and shall not cast glare onto any residential premises.

10.11.F. The above regulations shall not apply to the following:

10.11.F.1. Flags and insignia of any government.

10.11.F.2. Legal notices, identification, information or directional signs erected or required by governmental bodies.

10.11.F.3. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving or flashing Light.

10.11.F.4. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

10.11.G All signs shall be measured in the most reasonable geometric shapes that encompass the letters and/or logo.

10.11.H No new internally lit or electronic signs shall be located in the Rural or Residential zones.

## **10.12 Soil Suitability.**

In all districts, the approval of building permit applications shall be subject to evidence of satisfactory subsurface soil conditions for drainage and sewage disposal and where on-site waste water disposal is proposed, shall be subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for sewage disposal prior to issuance of a building permit.

Prior to approval of any subdivision with seven or more lots or dwelling units the Planning Board may require a hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer experienced in hydrogeology, if in the opinion of the Board after review of both Table 8-2 and the Ground Water Special Features map in Part I of the Buxton Comprehensive Plan adopted June 8, 1991, the proposed residential density exceeds the recommended residential density for the soil type. The hydrogeologic assessment must include a projection of post development nitrate-nitrogen concentrations at any well(s) within 500 feet of the development and at the development's property lines. No development may increase the level of nitrate-nitrogen to more than one-half of the Primary Drinking Water Standard. If the pre-development level of nitrate-nitrogen in the ground water is in excess of the Primary Standard, the applicant will demonstrate how water quality will be improved or treated..

## **10.13 Storm Water Management.**

Surface water run-off shall be minimized and detained on-site if possible. If it is not possible to detain water on-site, downstream improvements may be required of the developer to minimize off-site impacts. The natural state of watercourses, swales, floodways or existing rights-of-ways and easements shall be maintained as nearly as possible. Storm water management systems and components shall be designed to accommodate a twenty-five storm. ( Amended June 15, 2002)

#### **10.14 Water Quality.**

No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quality, obnoxiousness, toxicity or temperature that run-off, seep, percolate or wash into surface or groundwater so as to contaminate, pollute or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.

Before the Planning Board may approve the proposed subdivision the Board must have determined that the subdivision will not adversely affect the quality or quantity of the ground water in a significant sand and gravel aquifer and its recharge area.

To determine this, the Planning Board may require submittal by the applicant of an aquifer impact study. This study must be prepared by a Maine certified geologist with experience in hydrogeology. The study must contain the following components unless waived for a specific stated reason by a vote of the Planning Board.

10.14.A. A map showing the soil types, the surficial geology on the property, the recommended sites for individual subsurface waste water disposal systems and wells in the development and the direction of ground water flow.

10.14.B. The relation of surface drainage conditions to ground water conditions.

10.14.C. Documentation of existing ground water quality on the site.

10.14.D. A nitrate-nitrogen analysis and other contaminant analysis as applicable including calculations of levels at the property lines and well(s) on the site.

10.14.E. A statement indicating the potential sources of contamination to ground water from the proposed use or development and recommendations as to the best technology or method to reduce the contamination.

10.14.F. For water intensive uses, analysis of the effects of aquifer draw down on the quantity and quality of water available for other water supplies or potential water supplies.

10.14.G. A list of assumptions made to produce the required information.

The Planning Board may require installation and regular sampling of water quality monitoring wells for any use deemed to be a significant actual or potential source of pollutants or excessive draw down. The number, location and depth of monitoring wells must be determined as part of the aquifer impact study and wells must be installed and sampled in accordance with standard professional practices. Water quality sample results from monitoring wells must be submitted to the Code Enforcement Officer with evidence showing that contaminant concentrations meet the performance standards for pollution level.

On a significant sand and gravel aquifer or its recharge area, there may be no on-site disposal of wastewater, other than normal domestic wastewater without prior approval of the Planning Board. Disposal of wastewater must be in strict compliance with Maine Subsurface Wastewater Disposal Rules and other relevant state and local laws, rules and ordinances. Any use or development which proposes to use or store hazardous materials, wastes or other liquids with the potential to threaten ground water quality must have water tight, concrete floors with water tight, concrete dikes adequate to contain the largest quantity of liquid on site at any time and must otherwise comply with all applicable laws, rules, and ordinances.

The following uses are not allowed on any significant sand and gravel aquifer or its recharge area: Auto Service Stations, Auto Repair Garages, Cemeteries, Bulk Fuel Storage, Automobile Graveyards and Junkyards, and Marinas.

When the boundaries of any significant sand and gravel aquifers or recharge areas are disputed, the applicant must submit hydrogeologic evidence to support the claim and the change of the boundaries. The evidence must be prepared by a geologist certified in the State of Maine.

### **10.15 Archaeological/Historic Sites.**

Any proposed development involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed by, the National Registry of Historic Places or the Buxton/Hollis Historical Society, or listed in the Comprehensive Plan shall be submitted by the applicant to the Maine Historic Preservation Commission and the Buxton/Hollis Historic Society for review and comment at least 20 days prior to action being taken by the Planning Board. The Planning Board shall consider comments received from the Commission and Society prior to rendering a decision on the application.

### **10.16 Lighting:**

In all zoning districts all outdoor lighting shall be located, shielded and directed in a manner which prevents excessive illumination levels, prevents glare on nearby streets and sidewalks, and prevents light trespass beyond the property lines.

### **10.17 Fire Protection**

#### **10.17.A – PURPOSE:**

The purpose of this Fire Protection performance standard is to protect the health, safety and general welfare of the residents of Buxton by establishing fire protection measures

for residential and commercial occupancies. The performance standard will facilitate the following initiatives:

10.17.A.1. Providing people with protections against fire and its byproducts, in new and renovated buildings in the Town of Buxton, while providing valuable time during a fire for a personal escape.

10.17.A.2. Ensuring the reasonable protection and safety of firefighters against building collapse and other effects of fires.

10.17.A.3. Assisting the town in its pursuit of lowering taxpayer's insurance costs, by reducing the communities Insurance Services Office Fire Suppression Rating.

10.17.A.4. Assist the fire-rescue department in the implementation of a fire inspections program to insure continued compliance with adopted fire safety codes.

**10.17.B – NFPA CODE ADOPTION:**

The Town of Buxton adopts by reference the latest edition of all National Fire Protection Association codes formally adopted by the State of Maine, and those life safety codes referenced within this section of the Town of Buxton's Zoning Ordinance.

In addition, the Town adopts by reference the latest edition of the National Fire Protection Associations NFPA 1142: Standard on Water Supplies for Suburban and Rural Fire Fighting, as referenced in the Town of Buxton's Zoning Ordinance ARTICLE 13 Sufficient Water, Subsection 5.K.1c.

Wherever the words "authority having jurisdiction" are used in an adopted life safety code, they shall be held to mean the Chief of the Buxton Fire-Rescue or his or her duly authorized representative.

**10.17.C – PLANS REVIEW:** The Fire-Rescue Chief or designee shall review all plans for new construction, renovation, and additions, to all Buildings within the Town of Buxton, including one or two family residential development that is part of a subdivision that is subject to Article 13, Section 13.5.K.1.c., but excluding other one or two family residential development.

**10.17.D – PERMIT REQUIRED FOR MANDATORY AND VOLUNTARY SPRINKLER SYSTEMS:**

10.17.D.1. Any sprinkler system, whether complete or partial and whether required to be installed by this Performance Standard or elected to be installed voluntarily, that is installed, extended, modified or altered in a structure in the Town of Buxton must be an Approved Automatic Sprinkler System. When any other applicable Performance Standard, code, regulation, rule or statute requires installation of an automatic sprinkler system, it must be installed pursuant to the provisions of the Performance Standard.



10.17.D.2. A permit must be obtained from the Fire-Rescue Chief, or designee, before the start of construction or modification of the Approved Automatic Sprinkler System. A set of blue prints showing the entire sprinkler system and the rate of flow, and containing the approval of a licensed fire protection engineer who is licensed or certified to approve sprinkler system designs in residential or commercial buildings, shall be provided to the Fire-Rescue Chief, or designee, when the permit is obtained. A fee of \$25.00 shall be charged for the permit, and shall be payable to the Town of Buxton. The Fire-Rescue Chief or his designee shall review and approve the system in accordance with the provisions of this Performance Standard. A copy of the permit shall be forwarded to the Code Enforcement Office.

10.17.D.3. No Certificate of Occupancy for a building with a sprinkler system shall be issued until the Approved Automatic Sprinkler System has been properly installed, tested and approved by the Fire-Rescue Chief, or designee. The test papers from the installer shall be forwarded to the Fire-Rescue Department upon completion of the system and prior to issuing the Certificate of Occupancy.

#### 10.17.E - REQUIREMENT FOR AUTOMATIC SPRINKLER SYSTEM IN NON-RESIDENTIAL OR MULTI FAMILY RESIDENTIAL BUILDING CONSTRUCTION:

10.17.E.1 New Construction: An Approved Automatic Sprinkler System must be installed in all areas of all new non-residential buildings or multi-family dwellings meeting any or all of the following criteria:

- a. Three or more stories in height;
- b. 36 or more feet in height;
- c. 150,000 cubic feet in volume or 10,000 square feet in floor area;
- d. Multiple family dwellings or new construction of 3 or more multiple occupant dwelling and/or lodging Units of Occupancy which are attached to one another, whether vertically or horizontally, in a configuration of three or more units. Examples include, but not limited to, multiplex housing, condominium units, garden apartments, hotels, motels, boarding homes and lodging houses, or any residential unit attached horizontally, or vertically to a commercial or industrial unit;
- e. Mixed occupancy – mixed occupancies shall be defined as any Building containing two or more Units of Occupancy of different occupancy classifications while in the same structure and that share any common egress; or
- f. Non-residential Units of Occupancy which are attached to one another, whether vertically or horizontally, in a configuration of three or more units.

10.17.E.2. Changes of Occupancy: In any Building or structure, whether necessitating physical alteration or not, a change from one occupancy classification to another, or from one occupancy sub classification to another sub classification of the same occupancy, shall be permitted only if such structure, building, or portion thereof conforms with the requirements of the NFPA 101 Life Safety Code and this Performance Standard applying to new construction for the purpose of new use. This section complies with the NFPA 101 Life Safety Code as adopted by the Town of Buxton and State of Maine.

10.17.E.3. Renovations: When a non-residential building or multifamily dwelling is enlarged, altered, or renovated, an Approved Automatic Sprinkler System must be installed in the enlarged, altered, or renovated portion if, as a result of the enlargement, alteration, or renovations, the building as a whole will meet any of the criteria listed in 10.17.E.1, or if the renovation is equal to or greater than fifty percent (50%) of the current building value as shown on the assessment records of the Buxton Tax Assessor. When the area and/or volume of such enlarged, altered, or renovated portion, together with the area and/or volume of any other enlargements, alterations, or renovations occurring since the effective date of this Performance Standard, exceeds 25% of the area and/or volume of the building existing on the effective date of this Performance Standard, then an Approved Automatic Sprinkler System must be installed.

10.17.E.4. When an existing Building containing 3 or more Units of Occupancy is enlarged, altered or renovated and the enlarged, altered, or renovated portion, together with the area and/or volume of any other enlargements, alterations, or renovations occurring since the effective date of this Performance Standard, does not exceed 25% of the area and/or volume of the building existing on the effective date of the Performance Standard, then an Approved Automatic Sprinkler System is not required. When the area and/or volume of such enlarged, altered, or renovated portion, together with the area and/or volume of any enlargements, alterations, or renovations occurring since the effective date of this Performance Standard, exceeds 25% of the area and/or volume of the Building existing on the effective date of this Performance Standard, then an Approved Automatic Sprinkler system must be installed in the entire Building.

10.17.E.5. When a new Unit of Occupancy is created in or added to an existing Building, an Approved Automatic Sprinkler system must be installed in the entire Building if, as a result of the creation of the new Unit, the Building as a whole will meet any of the criteria of 10.17.E.1.

10.17.E.6. For the purpose of determining whether an Approved Automatic Sprinkler System must be installed under this subsection 10.17.E, the term “building” shall include any garage, out-building or other accessory structure to a non-residential building or multifamily dwelling covered under this subsection, but portions of buildings separated from other portions by a firewall shall not be considered a separate building. And the term “Unit of Occupancy” means

any interior space with defined boundaries described in a deed, lease, license or agreement in which a discreet business, residential living unit, commercial, office, service, professional institutional, or industrial or industrial activity by interior or exterior walls.

**10.17.F – SPRINKLER SYSTEM INSTALLATION AND TESTING REQUIREMENTS – ALL SYSTEMS:**

10.17.F.1. Any installation, extension, modification or alteration of an Approved Automatic Sprinkler System within the Town of Buxton must be done by a State of Maine Licensed Sprinkler Installer.

10.17.F.2. Any Approved Automatic Sprinkler System that is installed, that contains twenty (20) or more sprinkler heads, or the modifications of an existing approved automatic sprinkler system, which includes twenty (20) additional sprinkler heads, must have the plans approved by the State Fire Marshal’s Office.

10.17.F.3. Any building containing a sprinkler system shall have a yearly test completed on the system by a qualified sprinkler technician. A written copy of the yearly test report shall be forwarded to the Fire-Rescue Chief’s Office. The Fire-Rescue Chief or his designee shall be notified before such test, alterations, or additions are started.

10.17.F.4 The Owner and/or Sprinkler Permit holder of any occupied and unoccupied commercial buildings or multifamily dwellings portions thereof having a sprinkler system in place, shall be jointly and severally liable to maintain all sprinklers and standpipe systems and all component parts in a workable condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection these systems provide, except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary for the purpose of conducting test, repairs, alterations, or additions, provided that the test, repairs, alterations, or additions are done in such a way as to avoid the creation of a safety hazard.

**10.17.G – NON-RESIDENTIAL AND MULTIFAMILY SYSTEM STANDARDS:** An Approved Automatic Sprinkler System in a non-residential building or multifamily dwelling must conform to the following provisions:

1. It must include a tamper switch alarm (an electric switch on a sprinkler valve that transmits a signal to the fire alarm control panel if the normal position of the valve is changed) at the system shut off, that sends a message through the automatic fire alarm system when the systems’ status is changed (Open vs. closed).
2. It must include a flow switch alarm (an electric tamper switch that is activated by water moving through a pipe in a sprinkler system) that shall activate an approved alarm system, which will transmit to a Central Station (an off-premises facility that monitors alarm systems and is responsible for notifying the fire department of an alarm), who will immediately contact Buxton Dispatch when they receive an alarm

from the monitored location.

3. It must include an audible and visual alarm notification device for the building that will sound when the sprinkler system is activated. The activation alarm shall be audible throughout the entire structure in accordance with latest adopted edition of NFPA 72: National Fire Alarm and Signaling Code.
4. It must include an outside water flow alarm.
5. It must not include any butterfly valves.
6. It must include sprinkler heads above and below ceilings, and in all areas with great than a 6 inch vertical void, and a 24" inch or greater connecting horizontal space.
7. Any Building having more than one sprinkler riser shall have the risers separately zoned and wired to a local Fire Alarm Control Panel to provide zone identification upon activation.
8. The Fire Alarm Control Panel must be located as near as possible to the main entry/exit door. There must also be a building map located at the Fire Alarm Control Panel showing each zone.
9. A lock box or boxes must be provided outside the structure at locations designated by the Fire Department on any buildings regulated hereunder, containing a key to allow the Fire Department access to all areas of the Building.
10. Any structure requiring the installation of a NFPA 13, 13R, 13D, or Maine Life Safety System must have a Fire Department Connection (FDC) where a pumping apparatus hooks to a building's sprinkler/standpipe system to supply water during suppression efforts. Its location and signage shall be approved by the Fire-Rescue Chief or designee. The FDC shall be kept clear of any obstruction such as bushes, grass, or debris, by the building owner, year around. Except as otherwise provided in 10.17.H of this Performance Standard, the FDC shall be a 4 inch Storz connection, with cap and chain.

**10.17.H - SPRINKLER SYSTEMS FOR RESIDENTIAL ONE AND TWO FAMILY HOMES:**  
An Approved Automatic Sprinkler System in a single family or two family dwelling, or accessory structure thereto must comply with the following provisions:

1. The Approved Automatic Sprinkler System must be an NFPA 13D, 13R or Maine Life Safety automatic sprinkler system. All areas of the building will have sprinkler coverage, with the following exceptions:

- a. Closets as allowed under 13D or 13R unless they are used for laundry room or storage of flammable liquids.
  - b. Attics – when the attic is not boarded over, has no stairway or ladder leading to the attic, and the scuttle hole is not bigger than 24” X 24” or 576 square inches, and the attic is not used for storage and that at least two (2) smoke detectors, hard wired, into the other detectors in the house are placed in the attic.
  - c. Attached garages, if there is no living area above or in the garage space and a two-hour firewall is placed between the house and garage.
2. The sprinkler system is not required to be monitored by an outside source. However, an electric alarm bell located on the outside of the building is required. Where a Multipurpose Residential Sprinkler System is used there is no requirement for an alarm bell.
  3. A single two and one half inch (2 ½) FDC is to be placed on the outside of the building, in a location readily accessible to fire department personnel. Where a Multipurpose Residential Sprinkler System is used there is no requirement for an FDC.
  4. The requirements for fire protection within a residential subdivision are found in the Town of Article 13, Section 13.5.K.1.c.

10.17.I - FIRE SAFETY INSPECTIONS: The Fire-Rescue Chief or designee shall inspect all commercial, business, board and care, educational, medical, mercantile, daycare, and town owned occupancies twice per year for the purposes of ascertaining, and causing to be corrected, any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, or endanger life or any violations of the provisions or intent of NFPA 101 Life Safety Code, or NFPA 1 Fire Code.

10.17.J - RAPID ENTRY SYSTEM: All new Units of Occupancy as defined in 10.17.E.6, or occupancies that have changed occupancy type, or have been renovated, in a manner that requires Planning Board review, shall be required to install rapid entry system boxes (Knox) as determined by the Fire-Rescue Chief, allowing rapid entry by emergency responders during emergencies. Single one and two family dwellings are exempt from this requirement. (Fire Protection Enacted June 13, 2015)

## **10.18. Sanitation and Potable Water Standards.**

The standards in this Section 10.18 apply to all dwelling units, including units within an affordable housing development and accessory dwelling units. Prior to the issuance of a certificate of occupancy, the permit holder must provide written verification to the Code Enforcement Officer that the unit is connected to potable water and wastewater services, as follows:

10.18.A. If a unit is connected to a public, special district, or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system.

10.18.B. If a unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S.A. § 4221. Plans for a subsurface wastewater disposal system must be prepared by a licensed site evaluator in accordance with 22 M.R.S.A. § 42.

10.18.C. If a unit is connected to a public, special district, or other centrally managed water system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection and the volume and supply of water required for the unit.

10.18.D. If a unit is connected to a private well, proof of access to potable water, including the following standards:

10.18.D.1. The well must be sited and constructed to prevent infiltration of surface water and contamination from subsurface wastewater disposal systems and other known sources of potential contamination.

10.18.D.2. Site design must allow for placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface wastewater disposal in compliance with 10-144 C.M.R. Ch. 241, the Maine Subsurface Waste Water Disposal Rules.

10.18.D.3. Proposed activities involving sources of potential contamination, including junkyards, automobile graveyards, gas stations, and bulk storage of petroleum products, must be located at least 300 feet from existing private and public water supplies.

10.18.D.4. For subdivisions and commercial, industrial, and other non-residential development, the applicant must demonstrate that there is sufficient healthful water supply to serve the needs of the project.

10.18.D.5. When a project is to be served by a public water system, the location and protection of the source, the design, construction, and operation of the system must conform to the standards of 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water.

10.18.E. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

The written verification required by this Section 10.18 shall apply only to the extent such written verification is required by 30-A M.R.S.A. §§ 4364(5), 4364 A(4), or 4364-B(7).

