

**Article 8**  
**"Good Neighbor" Performance Standards**

The standards contained in this Article shall apply to all uses in all zoning districts, unless otherwise stated. (Amended 5/4/87)

**Section 801. Noise**

**801-1. MAXIMUM PERMISSIBLE SOUND PRESSURE LEVELS:**

1. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, heat frequency, shrillness or volume (please refer to table below). 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 listed below. Sound from any source controlled by this Ordinance shall not exceed the following limits at the lot line of the "receiving" property.

**SOUND PRESSURE LEVEL LIMITS MEASURED IN dB(A)'s**

	DAY	NIGHT
Industrial Districts	65	60
Commercial Districts	60	50
Residential and Conservation Districts	55	45

2. 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.
3. The levels specified may be exceeded by 10 dBA for a single period, no longer than 15 minutes, in any one (1) day.
4. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1. 4-1961) "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. 2-1962 "American

Article 8 - Good Neighbor Performance Standards

Standard Method for the Physical Measurements of Sounds."

5. 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 9 p.m. of one day and 7 a.m. of the following day.

801-2. EXEMPT ACTIVITIES

The following uses and activities shall be exempt from the sound pressure level regulations:

1. Home maintenance activities;
2. Noise created by chainsaws, construction, and maintenance activities other than home maintenance, between 7 a.m. and 9 p.m., Monday through Saturday, and between 10 a.m. and 7 p.m. on Sunday;
3. The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity;
4. Traffic noise on existing public roads;
5. Noise created by refuse and solid waste collection, provided that the activity is conducted between 6 a.m. and 7 p.m.;
6. Emergency construction or repair work by public utilities, at any hour;
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 firework displays;

801-3. NONCONFORMANCE OF EXISTING INDUSTRIAL SOURCES

Existing industrial noise sources that are in operation at the time of the Ordinance enactment shall be provided a permanent 10 dB (A) noise level allowance over noise levels otherwise required herein.

801-4. ENFORCEMENT

It shall be the duty of the City Police Department to enforce this section.

**Section 802. Dust, Fumes, Vapors and Gases**

Emission of dust, 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 that emission shall be prohibited. All such activities shall also comply with applicable Federal and State regulations.

**Section 803. Odors**

No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

**Section 804. Exterior Lighting** (Amended 10/15/2001)

All new or revised exterior lighting including the replacement or modification of existing lighting shall be designed to provide only the minimum lighting necessary to ensure adequate vision, safety, and comfort and to not cause glare beyond the limits of the property boundaries. In addition, new or revised lighting serving nonresidential uses and multifamily housing shall conform to the following standards:

804-1. Lighting Fixtures

All exterior lighting fixtures and installations for nonresidential uses, other than outdoor sports and recreational fields and courts, and for multifamily housing uses that are located outside the right-of-way of a public street shall meet the following standards:

1. Lighting fixtures mounted on masts or poles shall be cut-off fixtures. Flood lighting or other directional lighting may be used for supplemental illumination of vehicle sales or storage areas or other exterior sales display areas provided that the flood lights are installed no higher than twelve (12) feet above ground level, are aimed to avoid direct brightness being seen from adjacent streets or properties, and utilize lamps with an initial lumen rating not exceeding 39,000 lumens. The City shall have the right to inspect the completed lighting installation and, if flood lights are used, to require that the flood lights be re-aimed or fitted with face louvers if necessary to control direct brightness or glare.
2. Except for ornamental lighting fixtures that utilize lamps with initial lumen ratings not exceeding 8,500 lumens, wall mounted building lights shall include full face shielding consisting of either a solid panel or full face louvers. Exposed lamps, reflectors or refractors shall not be visible from any part of the fixture except the bottom, light emitting surface.

Article 8 - Good Neighbor Performance Standards

3. Light fixtures located on or within canopies shall be recessed into the ceiling of the canopy so that the lamp, reflector, or lens is not visible from public streets and so as to limit the direction of light as required for a “cut-off fixture.” Refractors or diffusing panels that are dropped below the canopy ceiling surface are not permitted.
4. The maximum light fixture height for pole-mounted or mast-mounted light fixtures shall be twenty (20) feet for areas with less than twenty thousand (20,000) square feet of area, twenty-five (25) feet for areas with twenty thousand (20,000) to eighty thousand (80,000) square feet of area and thirty (30) feet for areas larger than eighty thousand (80,000) square feet. The maximum light fixture height for building-mounted light fixtures shall be the upper limit of vertical building face.
5. Lamps in exterior light fixtures shall be incandescent, metal halide, or high pressure sodium. Low pressure sodium lights may be used only in Industrial Zones. This provision shall not prohibit the use of fluorescent lamps in internally lighted signs where such signs are otherwise permitted.
6. Period or historical fixtures that do not meet the requirements of this section may be used as an alternative to conventional lighting provided that if the fixtures are not cutoff fixtures, the maximum initial lumens generated by each fixture shall not exceed 2,000 for incandescent lamps, and 8,500 for metal halide lamps if the lamp is internally recessed within the fixture or is shielded by internal louvers or refractors. The mounting height of period or historical fixtures shall not exceed fifteen (15) feet above the adjacent ground.

804-2. Illumination Standards for Non-Residential Uses and Multifamily Housing

1. The illumination of access drives shall provide for a uniformity ratio of not more than 4:1 (ratio of average to minimum illuminance). The illumination of parking lots and vehicle sales areas shall provide for a uniformity ratio of not more than 20:1 (ratio of maximum to minimum illuminance).
2. The maximum illumination level within access drives, parking lots and sales areas shall be not more than 8.0 footcandles measured at the ground surface.
3. The maximum illumination level at the property line of a nonresidential or

Article 8 - Good Neighbor Performance Standards

multifamily housing use with abutting properties in a residential district (including the B-7 District) shall be not more than 0.1 footcandles.

4. Areas directly under canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum illuminance) shall be not greater than 3:1 with an average illumination level of not more than 20 footcandles. Areas of access drives, parking lots, sales display areas, etc. which are adjacent to canopies shall taper down in illumination level from the illumination level permitted under the canopy to the maximum illumination level permitted for the access drive, parking lot, or sales display area adjacent to the canopy within a horizontal distance equivalent to the height of the canopy.
5. The maximum illumination levels and uniformity ratios for areas other than parking lots, access drives, sales areas, and canopies shall be compatible with the overall lighting of the project and shall be specifically approved by Planning Department staff or the Planning Board.

**Section 805. Stormwater Run-Off** (Amended 3/2/92; 6/18/2001; 6/1/09; 7/16/12; 3/28/16)

In general, surface water run-off shall be minimized, and it shall be the responsibility of the person developing the land to demonstrate that the work will not have an adverse impact on abutting or downstream properties. Sites shall be designed to minimize the amount of impervious area with a focus on reducing vehicle areas, including parking, drives aisles, and service areas.

The volume of stormwater discharged from any parcel shall be minimized through the use of on-site infiltration, detention, or retention to the extent practical. When stormwater must be discharged from a parcel, the preferred method is to discharge into the natural drainage system. Discharge of stormwater to the City's Municipal Separated Storm Sewer System (MS4) shall be allowed only when on-site retention and/or discharge to the natural system is not practical.

Infiltration, detention, or retention of stormwater shall assure that the Total Maximum Daily Loads (TMDLs) that have been established by the U.S. Environmental Protection Agency for various waterbodies in the City will be met to the extent practical. The disposal of stormwater shall not constitute a threat to public health, safety and welfare and shall not degrade the quality of surface water or groundwater below city, state or federal standards.

## Article 8 - Good Neighbor Performance Standards

The City is a regulated community under the National Pollutant Discharge Elimination System (NPDES) MS4 Program; therefore, provisions for stormwater runoff management are required for all new development or redevelopment projects (Site Plan and Subdivision) that result in one or more acres of disturbed area. In determining if the threshold has been met, all disturbed area created after December 27, 2006 (original effective date of this provision) shall be included in this total. This provision also applies to projects disturbing less than one acre, if the construction activity is part of a larger common plan or development or sale that would disturb one or more acre. This provision does not apply to any new development or redevelopment on a parcel that is part of a subdivision previously approved under this Ordinance that has a compliant Post-Construction Stormwater Management Plan with sufficient capacity to accept and treat increases in stormwater discharges associated with the project.

Projects resulting in one or more acre of disturbed area shall be subject to the requirements of the Maine General Construction Permit (MGCP); Maine State Stormwater Management Law, 38 MRSA § 420D and the latest revision of the “Stormwater Management Rules” Chapters 500, 501 and 502; and the requirements of Section 805-1 and 805-2 of the City’s Ordinance. Where the standards or provisions of such stormwater rules conflict with City ordinances, the stricter (more protective) standard shall apply.

Smaller projects resulting in less than one acre of disturbed area but more than 10,000 square feet of new or redeveloped impervious area are subject to the requirements of Section 805-3 of the City’s Ordinance.

### **805-1. STORMWATER QUANTITY AND QUALITY CONTROL**

All projects subject to this section shall be designed with adequate provisions for the proper quantity and quality control management of all stormwater from a proposed development through a stormwater drainage system that will not have adverse impacts on abutting or downstream properties. The stormwater drainage system shall be designed to meet the standards contained in the most recently revised version of the Maine Department of Environmental Protection’s “Stormwater Management Rules” Chapters 500, 501 and 502; comply with the practices described in the most recently revised version of the “Maine Stormwater Best Management Practices Manual”; and meet the requirements of Section 805-2.

1. To the extent possible, the design shall dispose of stormwater runoff on the land at

Article 8 - Good Neighbor Performance Standards

the proposed development through the appropriate use of the natural features of the site. Stormwater runoff systems will infiltrate, detain, or retain stormwater falling on the site such that the rate of flow from the site does not exceed that which would occur in the undeveloped state for a storm of intensity equal to the 2, 10, 25 and 50-year storm events.

2. If the postdevelopment peak runoff rate exceeds the predevelopment peak runoff rate, on-site mitigation measures, such as detention basins or flow restrictors, shall be required.
3. All natural drainage ways shall be preserved at their natural gradients and shall not be filled or converted to a closed system except as approved by the Planning Board and appropriate state agencies.
4. The design of the storm drain system shall fully incorporate the existing upstream runoff which must pass over and/or through the site to be developed. The system shall be designed to pass upstream flows without surcharging the system. Any special roadway culvert crossing designed to meet other applicable state regulations (i.e. fish passage) shall be specifically identified on the plans.
5. Proposed alterations in stormwater drainage paths shall not enable the crossing of runoff over a city street in order to enter a drainage system.
6. A waiver may be granted by the Department of Public Works to discharge an insignificant increase in stormwater runoff to the MS4 when all of the following conditions are met:
  - a. A drainage study is prepared by a professional engineer licensed in the State of Maine, which demonstrates that the increase has no adverse impact to the downstream conditions, including impacts on abutting or city properties. Improvements may be required of the developer to prevent adverse downstream impacts caused by the project.
  - b. The increase in the peak flow from the site or in the peak flow of the receiving waters cannot be avoided by reasonable changes in project design or density.
  - c. Written authorization to discharge the increased peak flow rates has been

provided by the Director of Public Works.

7. At the time of application, the applicant shall notify the Department of Public Works if its stormwater management system includes any Stormwater BMP(s) that will discharge to the City's MS4 and shall include in this notification a listing of which Stormwater BMP(s) will so discharge.

## **805-2 POST-CONSTRUCTION STORMWATER MANAGEMENT PLAN**

All projects subject to this section shall be designed to meet the following requirements:

1. The applicant may meet the quantity and quality standards listed in Section 805-1 above either on-site or off-site, but where off-site facilities are used, the applicant shall submit documentation to the City that the applicant has sufficient property interest where the off-site facilities are located – by perpetual easement or other appropriate legal instrument – to ensure that the facilities will be available to provide post-construction stormwater management for the project and that the property will not be altered in a way that interferes with the off-site facilities.
2. Where the applicant proposes to retain ownership of the stormwater management facilities shown in its Post-Construction Stormwater Management Plan, and the stormwater management facilities will not be dedicated to the City, the applicant shall enter into a Maintenance Agreement with the City. The form of the Maintenance Agreement is attached as Form 1. The applicant shall cause the Maintenance Agreement to be recorded in the York County Registry of Deeds within 30 days of the date of execution of the Agreement. Failure to comply with the terms of the Maintenance Agreement shall constitute a violation of this Ordinance.
3. Whenever elements of the stormwater management facilities are not within the right-of-way of a public street and the facilities will not be offered to the City for acceptance as public facilities, the Planning Board may require that perpetual easements be provided to the City allowing access for maintenance, repair, replacement and improvement of the stormwater management facilities in accordance with the approved Drainage Maintenance Agreement. If an offer of dedication is proposed, the applicant shall be responsible for the maintenance of these stormwater management facilities until such time (if ever) they are accepted by the City. Nothing in this Ordinance requires the City to accept any stormwater



Article 8 - Good Neighbor Performance Standards

management facilities offered or dedicated by the applicant.

4. Any person, business, corporation or other entity owning, leasing or having control over stormwater management facilities required by a Post-Construction Stormwater Management Plan shall demonstrate compliance with that Plan as follows:
  - A. That person shall, at least annually, inspect, clean and maintain the stormwater management facilities, including, but not limited to, any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all City and State inspection, cleaning and maintenance requirements of the approved Post-Construction Stormwater Management Plan.
  - B. That person shall repair any deficiencies found during inspection of the stormwater management facilities.
  - C. That person shall, on or by July 15th of each year, provide a completed and signed certification to the Department of Public Works certifying that the person has inspected, cleaned and maintained the stormwater management facilities, describing any deficiencies found during inspection of the stormwater management facilities and certifying that the person has repaired any deficiencies in the stormwater management facilities noted during the annual inspection. The form of the Annual Stormwater Certification is attached as Form 2.
  - D. The required inspection(s) must be conducted by a qualified inspector employed by the responsible person. The qualified inspector shall perform an initial inspection to determine the status of the stormwater management facilities. If the initial inspection identifies any deficiencies with the facilities, the same qualified inspector shall re-inspect the facilities after they have been maintained or repaired to determine if they are performing as intended.
  - E. The qualified inspector means a person who conducts post-construction stormwater management facilities, Best Management Practice (“BMP”) inspections and meets the following qualifications:
    - 1.) The inspector shall not have any ownership or financial interest in

Article 8 - Good Neighbor Performance Standards

the property being inspected nor be an employee or partner of any entity having an ownership or financial interest in the property; and

- 2.) The inspector shall have a working knowledge of Chapter 500, Stormwater Management Rules, and Maine's Stormwater BMP Manual, and
- 3.) The qualified inspector shall meet at least one of the following criteria outlined in a-c below; or the qualified inspector must be on the DEP's list of approved post construction stormwater BMP inspectors.

Non- Proprietary Stormwater Management Facilities

- a.) Has a college degree in environmental science or civil engineering and is a professional engineer with at least three years of experience designing, evaluating or inspecting stormwater management facilities; or
- b.) Has a college degree in an environmental science or civil engineering, or comparable expertise, and has demonstrated a practical knowledge of stormwater hydrology and stormwater management techniques, including the maintenance requirements for Stormwater Management Facilities, and has the ability to determine if stormwater facilities are performing as intended. This qualification must be accompanied by two professional references to be valid; or
- c.) Has successfully completed the requirements of a DEP training course on inspecting post-construction stormwater management facilities. Note: successful completion may require receiving a passing grade in an examination at the conclusion of the course.

Proprietary Stormwater Management Facilities

- a.) Proprietary stormwater management facilities must be inspected by a person approved by the manufacturer.

5. In order to determine compliance with this section and with the Post-Construction

## Article 8 - Good Neighbor Performance Standards

Stormwater Management Plan, the Director of the Department of Public Works or his/her designee may enter upon a property at reasonable hours and after making a good faith effort to contact the owner, occupant or agent to inspect the stormwater management facilities. Entry into a building shall only be after actual notice to the owner, occupant or agent.

### 6. Submission Requirements

- A. Post-Construction Stormwater Management Plan shall conform to the applicable submission requirements of Section 8 of DEP Chapter 500 Rules.

The applicant shall provide the City with an electronic version of the Post-Construction Stormwater Management Plan in a format that is compatible with the City's requirements. Following completion of construction, the applicant shall provide the City with an updated version of the plan showing the Stormwater Management Facilities as actually constructed.

The Planning Board may modify or waive any of the submission requirements for a Post-Construction Stormwater Management Plan if the Board finds that, due to the unique physical characteristics of the site or the scale of the proposed activity, the information is not required to allow the Board to determine if the applicable stormwater management standards are met.

- B. As-Built Certification. Prior to the issuance of a Certificate of Occupancy for a project requiring a Post-Construction Stormwater Management Plan under this Ordinance, the Applicant shall submit evidence in the form of a letter with as-built survey plan prepared and stamped by a Professional Engineer who either prepared the Post-Construction Stormwater Management Plan and its associated Facilities or supervised the Plan and Facilities construction and implementation. The letter or plan shall certify that the Stormwater Management Facilities have been installed in accordance with the approved Post-Construction Stormwater Management Plan and that they will function as intended by said Plan. The as-built survey plan shall be performed for all post-construction stormwater facilities to document general conformance with the approved plans.

### **805-3. DRAINAGE PLAN**

## Article 8 - Good Neighbor Performance Standards

Activities that are not subject to site plan review that result in the expansion or alteration of an existing building or structure that results in the creation or redevelopment of ten thousand (10,000) square feet of impervious surface area shall meet the requirements for a Drainage Plan. New principal buildings that are located in a subdivision with an approved Post-Construction Stormwater Management Plan are not required to comply with the requirement for a Drainage Plan if the approved Stormwater Management Plan contains provisions that adequately address surface drainage related to the construction of the building as determined by the Code Enforcement Officer.

The Drainage Plan shall meet the “urban impaired stream standard” when located within a watershed designated by the Maine Department of Environmental Protection as an Urban Impaired Watershed.

The Drainage Plan shall demonstrate that the proposed improvements are designed to minimize the amount of stormwater leaving the site. This shall include consideration of the design and location of improvements to minimize the total area of impervious surface on the site and stormwater management techniques to minimize both the volume and rate of runoff from the lot. The Drainage Plan shall provide for the treatment of 0.5 inches of runoff from ninety (90) percent of the new or redeveloped impervious area and 0.2 inches of runoff from seventy-five (75) percent of the new or redeveloped non-impervious surface area. The use of LID practices appropriate for the type of development as set forth in Chapter 10 of the *DEP Stormwater Manual, Volume III-BMPs Technical Design Manual* is encouraged but not required.

### A. The Drainage Plan must also demonstrate that:

1. any stormwater draining onto or across the lot in its pre-improvement state will not be impeded or re-directed so as to create ponding on, or flooding of, adjacent lots;
2. any increase in volume or rate of stormwater draining from the lot onto an adjacent lot following the improvement can be handled on the adjacent lot without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot;
3. any increase in volume or rate of stormwater draining from the lot onto City property following the improvement can be handled without creating

Article 8 - Good Neighbor Performance Standards

ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the City's property; and

4. Any increase in volume or rate of stormwater draining from the lot into the City's separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system.

B. Submission Requirements

A Drainage Plan must include a written statement demonstrating how the project has been designed to minimize the volume and rate of stormwater leaving the site including provisions for minimizing the area of impervious surface or the use of LID practices, and a plan and supporting documentation with at least the following information:

1. The location and characteristics of any streams or drainage courses existing on the parcel and/or abutting parcels.
2. The existing and proposed grading of the site using one-foot contours.
3. The location and area of existing and proposed buildings and impervious surfaces on the site.
4. The existing pattern of stormwater drainage on the site, including points of discharge to the City's storm sewer system or adjacent properties.
5. The proposed pattern of stormwater drainage after development, including the location and design of any stormwater facilities.

The Planning Board may modify or waive any of the submission requirements for a Drainage Plan if the Planning Board determines that the information is not required to determine if the drainage standard is met.

**805-4. STANDARDS FOR EASEMENTS AND RIGHT-OF-WAY**

Drainage easements containing components of the stormwater water runoff system lying

Article 8 - Good Neighbor Performance Standards

outside of the public right-of-way lines shall conform to the following standards:

- A. The minimum width of the easement shall be thirty (30) feet, provided that where a watercourse or retention area is wider than thirty (30) feet, the Planning Board may require a drainage easement of adequate width to conform substantially to the lines of such watercourse or retention area, including additional width to provide access. The Planning Board may reduce the width of the easement upon a positive recommendation from the Director of Public Works, if the narrower easement will allow the stormwater facilities to be maintained or if the unique characteristics of the site make the creation of a wider easement impractical.
- B. Where a drainage easement will contain an open channel, stream or drainage way, the easement shall be designed and landscaped to further the objectives of the Stormwater Management Plan. The natural landscape shall be retained to the extent practical as determined by the Planning Board.
- C. Where a drainage easement will contain a closed conduit, the easement shall be centered along the conduit.
- D. Any public stormwater management system that will be offered to the City for acceptance as public facilities shall be located on the separate parcel of land deeded to the City.

**FORM 1**

**Maintenance Agreement for Stormwater Management Facilities**

This Maintenance Agreement is made this day of \_\_\_\_\_ 20\_\_ by and between \_\_\_\_\_ (“Applicant”) and the City of Saco, Maine (the “City”).

The project name is \_\_\_\_\_.

The location is: \_\_\_\_\_, Saco, Maine.

The project’s Tax Map and Lot Numbers are Tax Map Lot \_\_\_\_\_

The project is shown on a plan entitled " \_\_\_\_\_ " dated \_\_\_\_\_ and most recently revised on \_\_\_\_\_, approved by the Saco Planning Board on \_\_\_\_\_.

The last recorded deed in the chain of title for the property within the Project is recorded in the York County Registry of Deeds at Book \_\_\_\_\_, Page \_\_\_\_\_.

WHEREAS, the approval of the Project includes Stormwater Management Facilities which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the Project, the City of Saco requires that periodic maintenance be performed on the Stormwater Management Facilities;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the Project by the City and the agreement of Applicant to maintain the Stormwater Management Facilities, the parties hereby agree as follows:

1. Applicant, for itself, and its successors and assigns, agrees to the following:
  - (a) To inspect, clean, maintain, and repair the Stormwater Management Facilities, which includes, to the extent they exist, parking areas, catch basins, detention basins or ponds, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment and debris in the system;

Article 8 - Good Neighbor Performance Standards

(b) To repair any deficiencies in the Stormwater Management Facilities noted during the annual inspection;

(c) To provide a summary report on the inspection, maintenance, and repair activities performed annually on the Stormwater Management Facilities to the City Public Works Department;

(d) To allow access by City personnel or the City’s designee for inspecting the Stormwater Management Facilities for conformance with these requirements.

(e) If lots or units will be sold separately, to create an association of lot or unit owners (the “Association”) for the purpose of maintaining the Stormwater Management Facilities.

2. Upon creation of the Association, the Association shall become responsible for compliance with the terms of this Agreement.

3. This Agreement shall constitute a covenant running with the land, and Applicant shall reference this Agreement in all deeds conveying any interest in real estate within the Project.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
By: \_\_\_\_\_

CITY OF SACO

\_\_\_\_\_  
Witness

By: \_\_\_\_\_

STATE OF MAINE

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

Personally appeared the above-named \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the foregoing Agreement to be said person's free act and deed in said capacity.

Before me, \_\_\_\_\_  
Notary Public / Attorney at Law  
Print Name: \_\_\_\_\_



Article 8 - Good Neighbor Performance Standards

STATE OF MAINE

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

Personally appeared the above-named \_\_\_\_\_, the \_\_\_\_\_ of the City of Saco, and acknowledged the foregoing Agreement to be said his/her free act and deed in said capacity.

Before me, \_\_\_\_\_  
Notary Public / Attorney at Law  
Print Name: \_\_\_\_\_

**FORM 2**

**Annual Stormwater Management Facilities Certification**

*(to be completed by a Qualified Post-Construction Stormwater Inspector  
and sent to City of Saco Public Works Department)*

I, \_\_\_\_\_ (print or type name), a Qualified Post-Construction Stormwater Inspector, certify the following:

1. I am making this Annual Stormwater Management Facilities Certification for the following property: \_\_\_\_\_ (print or type name of subdivision, condominium or other development) located at \_\_\_\_\_ (print or type address), (the "Property");

2. The owner, operator, tenant, lessee or homeowners' association of the Property is: \_\_\_\_\_ (name(s) of owner, operator, tenant, lessee, homeowners' association or other party having control over the Property);

3. I have knowledge of erosion and stormwater control and have reviewed the approved Post-Construction Stormwater Management Plan for the Property;

4. On \_\_\_\_\_, 20\_\_, I inspected the Stormwater Management Facilities, including but not limited to parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures required by the approved Post-Construction Stormwater Management Plan for the Property;

5. At the time of my inspection of the Stormwater Management Facilities on the Property, I identified the following need(s) for routine maintenance or deficiencies in the Stormwater Management Facilities:

\_\_\_\_\_  
\_\_\_\_\_

6. On \_\_\_\_\_, 20\_\_, I took the following routine maintenance or the following corrective action(s) to address the deficiencies in the Stormwater Management Facilities

Article 8 - Good Neighbor Performance Standards

stated in 5. above:

\_\_\_\_\_

7. As of the date of this certification, the Stormwater Management Facilities are functioning as intended by the approved Post-Construction Stormwater Management Plan for the Property.

Date: \_\_\_\_\_, 20\_\_ . By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

STATE OF MAINE

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

Personally appeared the above-named \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the foregoing Annual Certification to be said person's free act and deed in said capacity.

Before me, \_\_\_\_\_  
Notary Public/Attorney at Law

Print Name: \_\_\_\_\_

8. The owner, operator, tenant, lessee, or other party having control over the Property shall sign below verifying the information above was completed by a Qualified Post-Construction Stormwater Inspector.

Date: \_\_\_\_\_, 20\_\_ . By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

STATE OF MAINE

\_\_\_\_\_, ss. \_\_\_\_\_, 20\_\_

Personally appeared the above-named \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged the

Article 8 - Good Neighbor Performance Standards

foregoing Annual Certification to be said person’s free act and deed in said capacity.

Before me, \_\_\_\_\_  
Notary Public/Attorney at Law

Print Name: \_\_\_\_\_

*Mail or hand deliver this certification to the City of Saco at the following address:  
City of Saco c/o City Engineer  
300 Main Street  
Saco, ME 04072*

**Section 806. Erosion Control** (Amended 3/2/92)

Erosion of soil and sedimentation of watercourses and waterbodies shall be minimized by employing the following the specifications of the "Environmental Quality Handbook" (published by the Soil Conservation Service) and in accordance with the latest practices endorsed by the York County Soil and Water Conservation District. Items addressed shall include, but not be limited to, the following:

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 the bottom of a fill section shall not be closer than ten feet to an adjoining property, unless otherwise specified by the Planning Board. Extraction operations (sandpits, etc.) shall not be permitted within one hundred and fifty (150) feet of any property line, except as provided for in this Ordinance.
7. During grading operations, methods of dust control shall be employed, wherever practicable.

**Section 807. Screening**

**807-1. EXPOSED AREAS**

Exposed storage areas, exposed machinery installation, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metal or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties. At a minimum, the screening shall include a dense evergreen hedge six feet or more in height. All such plantings shall be maintained as an effective visual screen; plants that die shall be replaced within one growing season. 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 be maintained in good condition.

**807-2. NONRESIDENTIAL USES ABUTTING RESIDENTIAL DISTRICTS**  
(Amended 3/2/92)

1. The side and rear yard of a nonresidential use which abuts a residential, conservation, or resource protection district shall be maintained in their natural state to provide a visual screen between districts.
2. Where natural buffering does not exist, all side and rear yards shall be landscaped to provide a visual screen between districts. A buffer screen no less than six feet in width and four feet in height shall be established, consisting of tree plantings, hedges, fencing, earth berms, stone walls or combinations thereof.

**Section 808. Explosive Materials** (Amended 5/15/89; 8/22/94)

No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are located in anchored tanks at least seventy-five (75) feet from any lot line, town way, or interior roadway, or forty (40) feet from lot line for underground tanks. All relevant federal, state and local regulations shall be met.

Propane gas tanks are exempt from the above paragraph and are governed by the following guidelines. The Fire Department may require underground propane tanks when circumstances warrant.

The setbacks of above ground propane tanks shall be governed by the BOCA National Fire Prevention Code, except that:

1. Any propane tank on a lot adjacent to a residential zone or on any lot adjacent to a lot developed for residential use shall be required to maintain a 25 foot setback from the lot line of the residential district or lot.
2. (Reserved)
3. Freestanding propane tank installations shall be fully fenced or fully screened with vegetation.
4. When propane tanks are installed in parking lots or other areas where they may be endangered by vehicles, a fence, bollards or other structure sturdy and sufficient to protect the tanks from damage shall be installed. This determination shall be made by the Fire Department.

**Section 809. Water Quality**

**809-1. SANITARY WASTE DISPOSAL**

All plumbing shall be connected to public collection and treatment facilities where

Article 8 - Good Neighbor Performance Standards

such facilities are available. When public facilities are not available, wastewater disposal facilities shall be installed in compliance with the regulations of the Maine Department of Human Services and/or the Maine Department of Environmental Protection.

A subsurface waste disposal system or other underground system for on-site sewage disposal shall not be used for any individual residential use or combination of residential uses that has a design sewage flow according to the Maine State Plumbing Code of more than 2,000 gallons per day and is located over a mapped sand and gravel aquifer as shown on the map Significant Sand and Gravel Aquifers -1998 published by the Maine Geological Survey.

A subsurface waste disposal system or other underground system for on-site sewage disposal shall not be used for any individual commercial, service, industrial, or other nonresidential use or for any combination of these uses that has a design sewage flow according to the Maine State Plumbing Code of more than 2,000 gallons per day. (Amended 2/19/02)

Applicability. Notwithstanding anything to the contrary in section 4.1 of the City of Saco Subdivision Regulations, the following amendments shall not apply to any property for which a sketch plan review application for a residential subdivision not to exceed 13 dwelling units in new structures plus any dwelling units and/or bed and breakfast units permissible in existing structures was filed under section 4.2 of the Subdivision Regulations on or before February 19, 2002, provided a complete application for preliminary subdivision approval and any required applications for site plan and/or conditional use approval are submitted within six months after the filing of the sketch plan application, the subdivision is approved within two years of the filing of the sketch plan application, and substantial construction of the subdivision is commenced within two years after approval. (Editor's note: This applicability preamble was adopted by the City Council on February 19, 2002. It applies to the last paragraph of Section 809-1, Footnote 13 to Table 412-1, as well as other amendments to Section 809 as outlined in the Council minutes of February 19, 2002. It also applies to the B-6 use list in Section 410-9-A and amendments adopted by the Council on February 19, 2002, and outlined in Council minutes of that date as "Proposed Amendments to Article 4 District Regulations, January 7, 2002".)

**809-2 STORAGE AND HANDLING OF CHEMICALS AND SIMILAR MATERIALS**  
(Amended 2/19/02)

1. All outdoor storage facilities for liquid fuels, chemicals, ~~or~~ industrial wastes, and potentially harmful materials, shall be located on impervious pavement or other impervious surface approved by the Director of Public Works, and shall be

Article 8 - Good Neighbor Performance Standards

completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a fifty-year, twenty-four hour storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for “home heating oil” and vehicle fuel, not exceeding two 550-gallon vessels, may be exempted from this requirement, in situations where neither a high seasonal water table (within fifteen inches of the surface) nor rapidly permeable sandy soils are involved.

2. Any new or expanded commercial, service, industrial or other nonresidential use shall conform to the following additional standards:
  - A. Facilities shall be designed and operated so that all stored, spilled or leaked liquid fuels, chemicals, wastes, or other potentially harmful materials cannot infiltrate into the ground.
  - B. Areas for the loading, unloading, and transfer of fuel, chemicals, and similar materials shall be designed to prevent discharge to the groundwater or runoff to the surface of the land.
  - C. Uncovered storage areas shall have storm water drainage facilities that provide for the disposal of storm water runoff in a manner that will not adversely affect groundwater quality.
  - D. The discharge of fluids from any motor vehicle or equipment onto the ground shall not be permitted. Any vehicle or equipment service shall be done on an impervious surface that is designed to prevent discharge to the groundwater or runoff to the surface of the land. All damaged or junked vehicles shall be stored on an impervious surface that is designed to prevent discharge to the groundwater or runoff to the surface of the land unless the Planning Board finds that other municipal or state regulations are adequate to prevent the discharge of fluids onto the ground.
  - E. The discharge from any interior floor drain shall not be directed to a stream, storm drain, dry well, or subsurface wastewater disposal system.
3. Any established existing nonresidential use as of the date of adoption of this section that stores three or more damaged or junk vehicles for a period of more



Article 8 - Good Neighbor Performance Standards

than seventy-two hours and which is not licensed by the City as a junkyard or recycling facility shall store all damaged or junk vehicles on an impervious surface that is designed to prevent discharge to the groundwater or runoff to the surface of the land. Damaged vehicles include, but are not limited to, unregistered vehicles, uninspected vehicles, unserviceable vehicles, junk vehicles, insurance wrecks, and other vehicles likely to leak fluids. Existing vehicle storage areas that do not meet this requirement shall conform with this provision no later than January 1, 2005.

809-3. WATER QUALITY (Amended 4/21/92)

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