

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

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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.

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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

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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)

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 properties or downstream properties.

The volume of stormwater discharged from any parcel must 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 discharge into the natural drainage system. Discharge of stormwater to the City's 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.

805-1. STORMWATER QUANTITY

Adequate provisions shall be made for the disposal of all stormwater from a proposed development through a stormwater drainage system which will not have

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adverse impacts on abutting or downstream properties. All projects disturbing less than one acre shall be designed to meet the requirements of this Section, 805-1. All projects including one acre or more of disturbed area shall meet the requirements of this section, 805-1 and the requirements of the Site Location of Development Law, 38 MRSA, 481 – 490, the Maine Stormwater Management Law, 38 MRSA Section 420-D, and regulations promulgated there under, specifically Chapter 500 and 502, having an amended on December 21, 2006. In determining if the threshold is met, all disturbed area created after the effective date of this provision shall be included in that total.

1. To the extent possible, the design shall dispose of stormwater runoff on the land at 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, based upon quantities calculated per this section 805-1, from the land, as fully developed, without surcharging the system.
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 municipal stormwater system when all of the following conditions are met:
 - a. A drainage plan 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.

805-2. STORMWATER QUALITY

Sites shall be designed to minimize the amount of impervious area with a focus on reducing vehicle areas including parking, drives, and service areas. All activities, including the enlargement or modification of existing uses, that involve the creation of a total of more than ten thousand (10,000) square feet of new impervious area or five (5) or more acres of new disturbed area shall manage the quality of the stormwater runoff to meet the following standards. In determining if the threshold is met, all impervious area or disturbed area created after the effective date of this provision shall be included in the total. In the case of enlargements or modifications of existing uses that drain in more than one direction, the treatment standard shall apply to any watershed or subwatershed in which the amount of impervious area or disturbed area is increased.

1. Post-Construction Stormwater Management Plan -- Subdivisions and activities subject to site plan review that involve more than one acre (1) of disturbed area must meet the requirements for a Post-Construction Stormwater Management Plan. This Post-Construction Stormwater Management Plan shall be designed to meet one of the following:

A. If the project requires a stormwater permit from the Maine Department of Environmental Protection (“DEP”) under its Chapter 500 Stormwater Management Rules, as amended December 21, 2006 (“DEP Chapter 500 Rules”), the plan must, at a minimum, meet the “basic” and “general” standards of Section 4 of DEP Chapter 500 Rules. The plan shall also meet the “urban impaired stream standard” and “flooding standard” of Section 4 of DEP Chapter 500 Rules and the “other applicable standards” of Section 5, if applicable, as contained in DEP Chapter 500 Rules, and shall comply with the practices described in the manual *Stormwater Management for Maine*, published by the DEP in January 2006 (“*DEP Stormwater Manual*”); or

B. If the project does not require a stormwater permit from the DEP under its Chapter 500 Rules, the plan may either meet the Chapter 500 standards as set forth in (a) above, or provide for the treatment of 0.5 inches of runoff from ninety percent (90%) of the impervious surfaces on the site, and 0.2 inches of runoff from all disturbed pervious areas of the site using

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LID design practices and techniques determined by the Planning Board or its agents to be appropriate for the site. The treatment techniques used may include those set forth in Chapter 10 of the *DEP Stormwater Manual*, or *Volume III-BMPs Technical Design Manual*. Provisions must be made in the Stormwater Management Plan for all stormwater treatment techniques to be maintained in perpetuity.

2. Additional Requirements.

a. The applicant may meet the quantity and quality standards above either on-site or off-site, but where off-site facilities are used, the applicant must document a 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.

b. Where the applicant proposes to retain ownership of the stormwater management facilities shown in its Stormwater Management Plan, the applicant shall submit documentation that the applicant, his/her/its successors, heirs and assigns, shall have the legal obligation to operate, repair, maintain and replace the stormwater management facilities, and, shall enter into a Drainage Maintenance Agreement with the City in a form acceptable to the Department of Public Works.

c. 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.

d. In addition to any other applicable requirements of this ordinance, any activity which also requires a stormwater management permit from the DEP under 38 M.R.S.A. Sec. 420-D shall comply with the rules adopted by DEP under 38 M.R.S.A. Sec. 420-D(1), and the applicant shall document such compliance to the Planning Board. Where the

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standards or other provisions of such stormwater rules conflict with City ordinances, the stricter (more protective) standard shall apply.

e. At the time of application, the applicant shall notify the Department of Public Works if its Stormwater Management Plan 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.

3. 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:

i. 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.

ii. That person shall repair any deficiencies found during inspection of the stormwater management facilities.

iii. That person shall, on or by July 15th of each year, provide a completed and signed certification to the Department of Public Works in a form provided by that Department, 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.

iv. The required inspection(s) must be conducted by a qualified third-party inspector employed by the responsible person if the property is subject to a DEP stormwater permit. The third-party 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 third-party inspector shall re-

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inspect the facilities after they have been maintained or repaired to determine if they are performing as intended.

v. The qualified third party inspector must meet the following standards:

a. The inspector must not have any ownership or financial interest in the property being inspected nor be an employee or partner of any entity having an ownership or financial interest in the property; and

b. The inspector must be on the list of approved third-party inspectors maintained by the Department of Environmental Protection.

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

4. 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.

805.3.2 Drainage Plan – Activities that are not subject to site plan review that result in the expansion or alteration of an existing building or structure that increases the amount of impervious surface area by more than ten thousand (10,000) square feet or the construction of a new principal building or structure must meet the

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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 plan must demonstrate that the proposed improvements are designed to minimize the amount of stormwater leaving the site. This must 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 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*, and/or any City of Saco LID Manual adopted by the Planning Board is encouraged but not required. The Drainage Plan must also demonstrate that:

A. If the project requires a stormwater permit from the Maine Department of Environmental Protection (“DEP”) under its Chapter 500 Stormwater Management Rules, as amended December 21, 2006 (“DEP Chapter 500 Rules”), the plan must, at a minimum, meet the “basic” and “general” standards of Section 4 of DEP Chapter 500 Rules. The plan shall also meet the “urban impaired stream standard” and “flooding standard” of Section 4 of DEP Chapter 500 Rules and the “other applicable standards” of Section 5, if applicable, as contained in DEP Chapter 500 Rules, and shall comply with the practices described in the manual *Stormwater Management for Maine*, published by the DEP in January 2006 (“*DEP Stormwater Manual*”); or

- a. 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;
- b. 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

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problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the adjacent lot;

- c. any increase in volume or rate of stormwater draining from the lot onto City property following the improvement can be handled 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 City's property; and
- d. 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.

A. 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:

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

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

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

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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 such facilities are available. When public facilities are not available, wastewater disposal

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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 completely enclosed by an impervious dike which shall be high enough to contain

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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 than seventy-two hours and which is not licensed by the City as a junkyard or

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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.