

August 8, 1989

CITY OF BATH, MAINE

Revision of Waterfront Section of
Bath's Comprehensive Plan
and
Related Codes Revisions

Funded in part by a grant from:

MAINE'S COASTAL PROGRAM

through funding provided by:

The U.S. Department of Commerce
Office of Ocean and Coastal Resource Management
under the Coastal Zone Management Act of 1972, as amended.

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R48
1989

HT168.B38R48 1989

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ADD. TO INTRODUCTION

In 1988 the Bath City Council established the Bath Waterfront Resources Committee, and requested an inventory of existing ecological features, scenic views, historic structures and archaeological sites. In addition, the Committee requested the identification of pollution sources as well as likely areas where pollution-causing activities were carried out in the past. The details of the inventory are contained in the report Between The River and The Bay: Inventory and Evaluation of Bath's Shoreline (Hawes and Koulouris, October, 1988).

The Committee's planning effort also included a survey of a sampling of Bath residents to determine their attitudes towards shoreline issues.

Financial assistance for preparation of the waterfront section of the comprehensive plan was provided by a grant from MAINE'S COASTAL PROGRAM through funding provided by the U.S. Department of Commerce, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended.

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SECTION XII

WATERFRONT ISSUES AND POLICIES

Background

Bath is a community linked strongly to the sea. Its water orientation is evident from virtually any location in the city due to the 14 miles of shoreline which includes Merrymeeting Bay, the Kennebec River and the upper and lower Whiskeag Creek areas.

The world famous Bath Iron Works (BIW) dominates the industrial landscape and the area's economy, but when the shoreline is viewed as a whole, BIW is only one of several striking features. There are also historic neighborhoods, a central business district, open farmland, highly significant ecological features, pristine scenery and a population of mixed-income levels.

The goals, policies and implementation procedures listed below combine information from a shoreline inventory, a citizens survey and the Bath Waterfront Resources Committee's knowledge of shoreline issues. It is the City's policy that Bath needs not one waterfront policy, but a complementary mix of policies that relate to the shoreline's multifaceted nature.

GOALS

1. Maintaining the Diversity of the Shoreline

The City will maintain the diversity of its shoreline by creating separate waterfront policies in different areas. Land groupings to be considered separately include:

- A. Kings's Landing Area, Thorne Head, Whiskeag Creek (lower and upper), North Bath area, Butler Cove/Merrymeeting Flats area and islands area:

These sections of Bath have significant natural and scenic features, and marine, historical and archaeological resources. They include the most rural areas of the city. These areas are most conducive to low-density use of the land and protection through strengthened shoreland zoning including resource protection districts.

- B. Northern Shipyard (Bowery) area:

This area comprises a varied section of Bath's waterfront. These feature scenic views, moderate high density land uses, heavy recreational boating activity, fish unloading and processing and the city's sewage treatment plant. Policies in this

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area should ensure that as land uses change, opportunities will continue for marine-related uses, park land development and land uses that would maintain scenic access and public access to the shore. Part of this area is currently zoned residential. The historic uses and potential commercial uses should be encouraged and further study undertaken for future zone changes as infrastructure of the area is upgraded to allow for water-dependent uses.

C. Downtown waterfront area and Bath Iron Works area;

This is the urban core of the waterfront. It links downtown to the shore and is the first view of the city for visitors travelling via the Kennebec River. The city wishes to maintain a water-related atmosphere in this section of the city. Policies must address marine business and industrial uses, tourism-related waterfront development and public access.

D. Southern shipyard area.

This area has long been characterized by the salt marsh environment and its wildlife, fine old homes associated with former shipyards, and scenic views. The Maine Maritime Museum provides an anchor for the preservation of the natural and cultural resources of the area. Policies should be developed to maintain this atmosphere, as well as to encourage marine-related uses.

2. Promoting Water-Dependent Uses

The City will promote water-dependent uses along its shoreline, except in environmentally sensitive areas where construction of facilities would be inappropriate.

The reasons are simple:

1. Bath's waterfront supports a variety of commercial, industrial, recreational and tourism-related water-use activities.
2. Such a policy is consistent with state coastal policies.

A water-dependent use is one that has to be located on the water to function. This policy relies on the statutory

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definition (38 MSRA 1801), which defines "functional water-dependent uses":

"those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in coastal waters and which therefore cannot be located away from these waters. These uses include, but are not limited to, commercial and recreational fishing and boating facilities, and recreational fishing and boating facilities, finfish and shellfish processing, storage and retail and wholesale marketing facilities, dock and port facilities, shipyards and boat building facilities, marinas, navigational aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operating at an inland site and uses which primarily provide public access to marine or tidal waters."

The water-use activities in Bath include fish unloading and seafood processing; shipbuilding and repair; recreational boating at public landings, marina floats and private moorings; and visiting ships either downtown or at the Maritime Museum. Bath's policy is to give priority to its water-uses and seek ways to improve their presence on the waterfront.

3. Encouraging Environmental Protection

The City will preserve the quality of life, scenic areas and Bath's shoreline environment by:

- (1) Encouraging the owners of environmentally sensitive areas and critical wildlife habitats to use their property in a manner which does not jeopardize the environmental value of their land or create problems for neighboring property owners or the Town;
- (2) Managing the use of environmentally sensitive areas such as wetlands, floodplains, steep slopes and critical wildlife habitats when development occurs;
- (3) Encouraging a program for acquiring land, easements and development rights in key areas of environmental concern to provide for the protection of these resources while compensating the property owner; and
- (4) Considering regional impacts from development of the shoreline.

Continued Waterfront Issues and Policies

4. Managing Residential Uses

The City will manage residential development in the shoreline areas to assure that it is a positive addition to the community and is in keeping with the character of the community by:

- (1) Encouraging/providing for public access to the water;
- (2) Adapting the density, setbacks and lot sizes of development to a level that is appropriate to the physical capacity of the natural resources to support that use, with special attention paid to the carrying capacity of off-shore islands;
- (3) Restricting development in areas where public facilities such as roads or access are not adequate to service the development unless provisions are made for upgrading those facilities;
- (4) Requiring the scale of new development to be in keeping with the character of the City's shoreline; and
- (5) Ensuring that the quality of new development provides a good living environment for all residents and protects the City from extraordinary service and maintenance costs in the future.

5. Maintaining Shoreline Character

As the community grows, the City will assure that the character of its shoreline is maintained by:

- (1) Retaining open space and natural areas throughout the community;
- (2) Keeping the scale and intensity of new development in proportion to the existing character of city neighborhoods; and
- (3) Protecting the scenic quality of the City, from both water and land vantage points, along the shorefront.

6. Strengthening the Downtown Waterfront

Between the Carlton Bridge and the "Coal Pocket" the City will promote the reuse and redevelopment of this area into a mixed marine-commercial neighborhood. These policies should encourage a recognition that access to the river creates

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special needs and opportunities in this area.

Therefore, emphasis should be placed on encouraging uses in this area which need a waterfront location. Specifically, the City's policies for the downtown waterfront will:

- (a) Encourage the development of recreational, marine, historical or tourist-related uses along the waterfront, with priority given to uses which are water-dependent; and
- (b) Provide for increased public access to and open space on the waterfront in conjunction with private development activities.

7. Retaining City Owned Land At Butler's Cove

The City's policy is to retain the City-owned land at Butler's Cove and upgrade this property as a low-intensity recreation area. Uses appropriate to the area would include picnicking, hiking, walking, cross-country skiing, bird watching and similar uses. Because of the ecological relationship of this land to Merrymeeting Bay, development of active recreational facilities will be minimized.

8. Managing Use of Vacant, Privately Owned Land

The City will approach the owners of vacant waterfront land and ascertain their future interests in the development of their property. The City will encourage and provide incentives for public open space or water dependent uses for the properties.

Continued Waterfront Issues and Policies

ADD TO SECTION I IMPLEMENTATION PROGRAM

WATERFRONT IMPLEMENTATION STRATEGIES

1. The City will improve, develop and enforce ordinances including, but not limited to: Land Use Ordinances that take into account the shoreline's diversity and the need to protect marine-related uses; Shoreland Zoning Ordinances including Resource Protection Districts; Historic District Ordinance; and Harbor Ordinance.
2. The City will define water-dependent use in its Land Use Ordinance. To locate prime areas for water-dependent uses, the City will use as a guide information from the State Planning Office's Water-Dependent Use Mapping Initiative as well as standard local practices.
3. The City will give priority to water-dependent uses and seek ways to improve their presence on the waterfront by developing a capital improvement program for coastal infrastructure, ensuring that land use zoning accommodates water-dependent uses, and managing the development of water-dependent uses by developing a water-use plan and ensuring provisions for parking, restrooms and litter control.
4. The City will promote open space by:
 - (a) Shoreline Visual Protection - The City will control the visual environment of shoreline areas by requiring that buildings and structures be set back a reasonable distance from the water and that appropriate landscaping of natural vegetation be retained between the shoreline and any buildings and structures. The City should also inventory significant view corridors landward of the shoreline and develop a plan for maintaining them.
 - (b) Open Space Preservation - The City will encourage land trusts or other conservation groups to acquire and manage open space in the City. These groups could use public and private funding to acquire key parcels of open space in the community. In addition, these groups could accept donations of land easements and work with landowners on planning for the future of their holdings. A priority of these groups should be obtaining parcels or easements which provide for access to the shore. The City should also consider establishing a waterfront greenbelt plan. A greenbelt

Continued Waterfront Issues and Policies

is an interconnected system of aesthetic and recreational open spaces. The use of these open spaces can be for active and passive recreational use, visual observation, or protection of an important resource. The city should inventory potential greenbelt priorities and devise a system and a set of priorities for acquiring land and easements.

5. The City will promote environmental protection by:
 - (a) Overboard Sewage Discharges - The City will cooperate with state law by prohibiting the use of new sewage treatment systems involving overboard discharges of treated effluent, and will work with residents to ensure compliance.
 - (b) Critical Natural Features and Wildlife Habitats - The City contains many sites which have been identified as critical natural features or critical wildlife habitats. The City will work with the owners of these resources to develop ways for these areas to be preserved while allowing the landowner reasonable use of his or her property.
6. Because a significant portion of Bath's shoreline is shared with neighboring communities, and use of the shoreline in one community may affect the environment in the next community, city officials will meet periodically with their counterparts in Phippsburg, Arrowsic, Woolwich, Bowdoinham, Topsham, Brunswick and West Bath. They will consider regional approaches to shoreland planning, management and enforcement.

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH, ADOPTED DECEMBER 7, 1983, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

Sections 7.09, 7.10, 7.11 and 7.12 be amended and new Section 7.21 and 7.22 added in accordance with the recommendations of the Waterfront Resources Committee as per the attached.

Section 7.09 Resource Protection District - R P D

Delete and replace with the following:

A. General District.

"All areas within one hundred feet (100') of a water body within the Waterfront Rural Zone are designated as Resource Protection Districts. In addition, all areas in the R III - Rural Residential District (\$7.10) designated as set backs from water bodies are designated as resource Protection Districts."

B. Butler Head District

Beginning at a point which is the northwesterly corner of Lot #3-B on Map #20 on the shore of Merrymeeting Bay;

Thence running southwesterly by Lot #3-B on Map #20 to the northwesterly line of land of Central Maine Power designated as Lot #3 on Map #17;

Thence running in a general southwesterly direction along said Lot #3 on Map #17 and Lot #38 on Map #19 to a point which is the southeasterly corner of said Lot #38 on Map #19;

Thence running in a general westerly direction along the southerly line of Lot #38 on Map #19 and the northerly line of Lot #7 on Map #19 to the northwesterly corner of said Lot #7 on Map #19;

Thence running in a general southwesterly direction along the westerly line of Lot #7 on Map #19 to the southwesterly corner of said Lot #7 on Map #19;

Thence running in a general southeasterly direction along the southerly line of said Lot #7 to on Map #19 to the northwesterly corner of Lot #8 on Map #19;

Thence running in a general southeasterly direction along the westerly line of Lot #8 on Map #19 to the northerly line of Lot #9 on Map #19;

Thence running along the northerly line of Lot #9 on Map #19 and its continuation to the shore of Merrymeeting Bay;

Thence running in a general northeasterly, easterly, southeasterly, southerly, easterly and northeasterly direction along Merrymeeting Bay and Butler Cove to a point which is the southwesterly corner of Lot #3-B on Map #20 and the point of beginning.

C. Southern District.

That area bounded on the West by Washington Street; on the South by Lot 57 on Map 24; on the East by the Bath/Woolwich Municipal Boundary; and on the North by line beginning 520' South of the Northwest corner of Lot 110 on Map 25 and running due East for a distance of 150', due North for a distance of 130', and due East to the Bath/Woolwich Municipal Boundary.

[Amended to further define northerly end of Washington Street Marsh area effective 3-26-86]

AMENDMENT TO SECTION 7.11

Moderate Density Residential District - R II

A. Northerly Section

Delete the following:

"Beginning at the line of Winslow Place extending easterly to the Bath/Woolwich Municipal Boundary;

"Thence westerly by the line of Winslow Place extended and by Winslow Place to Washington Street;

"Thence southerly by Washington Street to Winship Street;"

Replace with the following:

"Beginning at the intersection of Washington Street and Winship Street;"

Delete the following:

"Thence easterly by the end of Washington Street to the Bath/Woolwich Municipal Boundary;

"Thence southerly by the Bath/Woolwich Municipal Boundary to the easterly extension of Winship Street (sic) and the place of beginning."

Replace with the following:

"Thence easterly to the end of Washington Street;

"Thence in a general southerly direction by Washington Street to its intersection with Winship Street and the point of beginning."

AMENDMENT TO SECTION 7.12

High Density Residential District - R I

A. North Central Area

Delete the following:

"Thence northeasterly and northerly by Bowery Street to the southeasterly line of Lot #22 on Map #38;

"Thence northeasterly by the southeasterly line of Lot #22 on Map #38;

"Thence northerly by the easterly line of Lot #22 on Map #38 and the west line of Lot #23 on Map #38;

"Thence westerly by the southerly line of Lot #23 on Map #38;

"Thence northerly, northeasterly, northwesterly, and northeasterly by Lot #23 on Map #38;

"Thence easterly by the northerly line of Lot #23 on Map #38;

"Thence northwesterly by the west line of Lot #24-B on Map #38;

"Thence northeasterly by the west line of Lot #24-B on Map #38;

"Thence northerly by the west line of Lot #24-B on Map #38;

"Thence easterly by the north line of Lot #24-B on Map #38 and the north line of Lot #24-B on Map #38 extended easterly to the Bath/Woolwich Municipal Boundary;

"Thence northerly by the Bath/Woolwich Municipal Boundary to the easterly extension of Winslow Place and the point of beginning."

Replace with the following:

"Thence northeasterly and northerly by Bowery Street to Washington Street;

"Thence in a general northerly direction by Washington Street to its intersection with Winship Street and the point of beginning."

Delete the following:

"Thence northerly by Front Street to North Street;

"Thence easterly by North Street to the Bath/Woolwich Municipal Boundary;

"Thence northerly by the Bath/Woolwich Municipal Boundary to the easterly extension of the southerly line of Lot #26 on Map #38 (Bath Canning);

"Thence westerly by the southerly line of Lot #26 on Map #38 extended easterly and southerly and the southerly line of said Lot #26 to Front Street;"

(No replacement necessary.)

AMENDMENT TO SECTION 7.12

High Density Residential District - R I

A. North Central Area

Delete the following:

"Beginning at the line of Winslow Place extending easterly to the Bath/Woolwich Municipal Boundary;

"Thence westerly by the line of Winslow Place extended and by Winslow Place to Washington Street;

"Thence southerly by Washington Street to Winship Street;"

Replace with the following:

"Beginning at the intersection of Washington Street and Winship Street;"

AMENDMENT TO SECTION 7.12

High Density Residential District - R I

B. South Central Area

Delete the following:

"Thence southerly by Washington Street to the southerly line of Lot #57 on Map #24;

"Thence easterly by the southerly boundary of Lot #57, Map #24 to the Bath/Arrowsic Municipal Boundary;

"Thence southerly by the Bath/Arrowsic Municipal Boundary to the northerly boundary of Lot #36-B, Map #23, extended;

"Thence westerly along the northerly boundary of Lot #36-B, Map #23 (as extended) and Lot #41, Map #23 to High Street;"

Replace with the following:

"Thence southerly by Washington Street to Webber Avenue;

"Thence southwesterly by Webber Avenue to High Street;

"Thence southerly by High Street to the northerly boundary of Lot #41, Map #23;"

Add the following new Section:

Section 7.21 Waterfront Residential District - R W

A. Southern District

Beginning at a point which is the intersection of the Town lines of the Towns of Phippsburg and West Bath and the City of Bath;

Thence running in a general westerly direction along the West Bath/Bath municipal boundary to High Street;

Thence running in a general northerly direction along High Street to Webber Avenue;

Thence running in a general northeasterly direction along Webber Avenue to Washington Street;

Thence running in a general northerly direction along Washington Street to a point which is the southwesterly corner of Lot #58 on Map #24;

Thence running in a general easterly direction along the southerly line of Lot #58 on Map #24, along the southerly line of Lot #57 on Map #24 and the southerly line of Lot #57 extended easterly to the Bath/Arrowsic municipal boundary;

Thence running in a general southerly direction on the Bath/Arrowsic municipal boundary to the Bath/Phippsburg municipal boundary;

Thence running in a general southwesterly, westerly, southerly, and westerly direction along the Bath/Phippsburg municipal boundary to the intersection with the Bath/West Bath municipal boundary and the point of beginning.

B. Central District

Beginning at a point on the east side of Front Street which is the intersection of the northerly line of Lot #367 on Map #33;

Thence running in a general northerly direction along Front Street to a point which is the southerly line of Lot #26 on Map #38 (Bath Canning Company);

Thence running easterly by the southerly line of Lot #26 on Map #38 and the southerly line of said Lot #26 extended easterly to the Bath/Woolwich municipal boundary;

Thence running in a general southerly direction along the Bath/Woolwich municipal boundary to a point which is the easterly extension of the northerly line of Lot #367 on Map #33;

Thence running in a general westerly direction along the northerly line of Lot #367 on Map #33 extended easterly and the northerly line of said Lot #367 to Front Street and the point of beginning.

C. Northern District

Beginning at a point on Bowery Street which is the southeasterly line of Lot #22 on Map #38;

Thence running northeasterly by the southeasterly line of Lot #22 on Map #38;

Thence running northerly by the easterly line of Lot #22 on Map #38 and the westerly line of Lot #23 on Map #38;

Thence running westerly by the southerly line of Lot #23 on Map #38;

Thence running northerly, northeasterly, northwesterly, and northeasterly by Lot #23 on Map #38;

Thence easterly by the northerly line of Lot #23 on Map #38;

Thence northwesterly by the westerly line of Lot #24B on Map #38;

Thence running northeasterly by the westerly line of Lot #24B on Map #38;

Thence northerly by the westerly line of Lot #24B on Map #38;

Thence easterly by the northerly line of Lot #24B on Map #38 and the northerly line of Lot #24B on Map #38 extended easterly to the Bath/Woolwich municipal boundary;

Thence running in a general northerly, northwesterly direction along the Bath/Woolwich municipal boundary to a point opposite the end of Washington Street;

Thence running in a general westerly direction to the end of Washington Street;

Thence running in a general southerly direction along Washington Street to Bowery Street;

Thence running in a general southeasterly direction along Bowery Street to the southeasterly line of Lot #22 on Map #38 and the point of beginning.

Add the following new Section:

Section 7.22 Waterfront Rural District - W R D

A. Easterly District

Beginning at a point on the Kennebec River easterly and opposite of the northerly end of Washington Street;

Thence running in a general westerly direction to a point which is five hundred feet (500') westerly of the shore of the Kennebec River;

Thence running in a general northerly, northwesterly, southwesterly and southerly direction and maintaining a distance of five hundred feet (500') from the Kennebec River and the west branch of the Kennebec River to a point on the northerly line of Lot #5 on Map #15 which is five hundred feet (500') from the west branch of the Kennebec River;

Thence running in a general westerly direction to the shore of the west branch of the Kennebec River;

Thence running northerly, northeasterly, easterly and southeasterly along the shore of the west branch of the Kennebec River and the Kennebec River to the point of beginning.

B. Middle District

Beginning at a point on the easterly bank of Whiskeag Creek at the southeasterly corner of property of the City of Bath designated as Lot #20 on Map #12;

Thence running in a general easterly direction a distance of five hundred feet (500');

Thence running in a general southerly direction and maintaining a distance of five hundred feet (500') from Whiskeag Creek to a point on the northerly side of Whiskeag Road five hundred feet (500') from the bridge over Whiskeag Creek;

Thence following Whiskeag Road in a general westerly direction across the bridge to a point which is the southwesterly corner of Lot #23 on Map #11;

Thence running in a general northerly direction along the westerly line of Lot #23 on Map #11 to the northwesterly corner of said Lot #23;

Thence running along the northerly lines of Lots #22, #21, #20 and #17 on Map #11 to the southwesterly corner of Lot #14-A on said Map #11;

Thence running in a northeasterly direction by the westerly line of Lot #14-A to a point which is the northwesterly corner of said Lot #14-A;

Thence running in a general northerly direction and maintaining a distance of five hundred feet (500') from the Whiskeag Creek to the southerly line of Lot #6 on Map #14;

Thence running in a general westerly direction along the southerly line of Lot #6 on Map #14 to the North Bath Road;

Thence running in a general northerly direction along the North Bath Road to a point which is the easterly corner of premises designated as Lot #18 on Map #17;

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATH THAT THE LAND USE CODE OF THE CITY OF BATH, ADOPTED DECEMBER 7, 1983, AND SUBSEQUENTLY AMENDED, BE FURTHER AMENDED AS FOLLOWS:

1. Section 2.01 Definitions

Add the following:

"Water Transportation Services. Establishments engaged in passenger transportation and establishments furnishing incidental services such as lighterage, towing, site seeing boats, marine surveyors, and the like."

2. Section 8.02 Resource Protection District - R P

Delete and replace with new Section 8.02 as attached.

3. Section 8.06 Waterfront District - W

Delete and replace with new Section 8.06 as attached.

4. Section 8.08 Marine Business District - M B

Delete and replace with new Section 8.08 as attached.

5. Section 8.10 Industrial District - I

Delete and replace with new Section 8.10 as attached.

6. Section 8.13 Waterfront Residential District - R W

Add new Section 8.13 as attached.

7. Section 8.14 Waterfront Rural District - W R D

Add new Section 8.14 as attached.

Section 8.02 Resource Protection District - RP

(All areas designated within the Waterfront Rural District (WRD) Zone as yard setbacks from waterbodies; City's Butler Cove property; area between Burgess Marina Lot and Museum)

A. Purpose

The purpose of the resource protection district is to protect fragile shoreline ecological systems which, if intensively developed, would adversely affect water quality, wildlife and aquatic habitat and biotic systems, or ecologic relationships. To accomplish this purpose, uses are permitted which provide for only limited disruption of the natural environment while allowing productive use to be made of the land.

B. Permitted uses

The following uses are permitted in the Resource Protection District:

- (1) Timber harvesting and forestry management in accordance with State law and City Timber Management plans.
- (2) The harvesting of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds.
- (3) Hunting (in accordance with city ordinances), fishing and trapping.
- (4) Wildlife management, fishery management.
- (5) Hiking trails, nature trails, bridle paths and similar facilities.
- (6) Public and private parks and picnic areas of primarily undeveloped natural character.
- (7) Agriculture uses, with a approval from the Zoning Board. (See B12).
- (8) Piers, docks, wharves, breakwaters, causeways and bridges over 20 feet in length, and uses projecting into water docks with a building permit if of a temporary nature and with a building permit and Zoning Board approval if permanent. (See B12).
- (9) Emergency and fire prevention activities.

- (10) Small nonresidential facilities for educational, scientific or nature interpretation purposes.
- (11) Small nonresidential structure accessory to permitted uses.
- (12) With respect to those uses which require a zoning board approval as indicated above, the zoning board shall, after payment by the applicant of a reasonable permit fee established by the town council and his submission of a complete application including all information requested, grant a permit upon such reasonable conditions as it deems necessary to assure conformity with the following requirements, if it makes a positive finding based on the information presented to it that the proposed use:
 1. will not result in unsafe or unhealthful conditions;
 2. will not result in erosion or sedimentation;
 3. will not result in water pollution;
 4. will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
 5. will conserve shoreland vegetation;
 6. will conserve visual points of access to waters as viewed from public facilities;
 7. will conserve actual points of public access to waters;
 8. will conserve natural beauty; and
 9. will avoid problems associated with flood plan development and use.

C. Space and bulk regulations

- (1) Minimum lot size - 40,000 square feet for any lot involving the development of any buildings or structures.
- (2) Minimum frontage - 100 feet.
- (3) Minimum frontage on a waterbody - 100 feet as measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water.

- (4) Setbacks of buildings
 - front, 50 feet
 - side, 25 feet
 - rear, 25 feet
 - waterbody, 75 feet.

- (5) Yard
 - front, 20 feet
 - side, 20 feet
 - rear, 20 feet
 - waterbody, 50 feet.

Section 8.06 WATERFRONT DISTRICT - W

(Bridge - Coal Pocket - Commercial Street)

A. Purpose

The purpose of the district is to foster the reuse and redevelopment of this area into a mixed marine-commercial neighborhood; encourage the development of recreational, marine, historical or tourist-related uses along the waterfront, and provide for increased public access to, and open space on, the waterfront in conjunction with private development activities.

B. Permitted Uses

- (1) Sales, rental and service of boats and marine motors.
- (2) Ships Chandlery.
- (3) Boat building, repair, storage, and dockage.
- (4) Marinas.
- (5) Water transportation services.
- (6) Boat charter operations.
- (7) Governmental uses.
- (8) Business offices.
- (9) Inns, hotels/motels.
- (10) Multi-family housing as part of a mixed-use project.
- (11) Eating and drinking places.
- (12) Theaters, entertainment and recreational services.
- (13) Accessory uses.

C. Space and Bulk Standards

- (1) Minimum lot size, None.
- (2) Minimum lot area per dwelling unit, 5,000 square feet.
- (3) Minimum street frontage, None.

- (4) Setbacks
 - front, 10 feet
 - side, 5 feet
 - rear, 5 feet
 - river, 10 feet
- (5) Maximum building height, 35 feet.
- (6) Maximum lot coverage, 60%.
- (7) Maximum floor area ratio, 1.

D. Public Access

Any new construction or substantial improvement of an existing building shall provide for public access to and along the waterfront in accordance with plans approved by the Planning Board. This requirement is intended to provide flexibility to the owner and the City in arriving at an acceptable provision. Possible arrangements for access may include walkways, boat launching or docking facilities open to the public, plazas or other means. Access provisions between adjacent properties should be coordinated.

The Planning Board may waive this requirement if it finds that public access would be incompatible with the use of the property or if public safety problems would be created.

Section 8.08 Marine Business District - MB

(South End: Burgess Marina and Museum properties
North End: Area between Stinson Canning and Downeast
Machine)

A. Purpose

The purpose of the Marine Business District is to provide areas for the location of marine related businesses which require a waterfront location, but which may have a greater adverse impact on surrounding properties than those uses permitted in the waterfront district.

B. Permitted Uses

- (1) Sales, rental and service of boats and marine motors.
- (2) Marine products wholesaling and retailing.
- (3) Boat building, repair, storage and dockage.
- (4) Seafood receiving, handling, storage, processing, shipping and retail activities.
- (5) Marinas.
- (6) Water transportation services.
- (7) Boat charter operations.
- (8) Boat ramps.
- (9) Parks and picnic facilities.
- (10) Marine museum/educational facilities.
- (11) Accessory uses.
- (12) Sewage Treatment Plant.

C. Space and Bulk Requirements

- (1) Minimum lot size
20,000 square feet.
- (2) Minimum street frontage
100 feet.

- (3) Setbacks.
front, 20 feet
side, 20 feet
rear, 20 feet
river, 25 feet

- (4) Yards
front, 20 feet
side, 5 feet*
rear, 5 feet*
*20 feet where property abuts a residential zone.

- (5) Maximum building height, 35 feet.

- (6) Maximum lot coverage, 35%.

Section 8.10 Industrial District - 1

(south end of shipyard - Leeman Highway - Washington Street)

A. Purpose

The purpose of the Industrial District is to provide areas within the City for the manufacture, assembly, repair or distribution of marine-related products as well as for light manufacturing and light industrial uses. Uses within the district should be controlled to minimize their impact on surrounding properties.

B. Permitted Uses

The following uses are permitted in the Industrial District:

- (1) Shipbuilding and repair.
- (2) Commercial parking facilities.
- (3) Light manufacturing.
- (4) Government buildings and uses.
- (5) Day nursery, kindergarten, or nursery school.
- (6) Water transportation and railroad services.
- (7) Trucking and warehousing.
- (8) Accessory uses.

C. Space and Bulk Standards

- (1) Minimum lot size, None.
- (2) Minimum street frontage, None.
- (3) Setbacks
front, 50 feet
side, 25 feet*
rear, 25 feet*
river, 25 feet
*50 feet where the property abuts a residential zone or where a residential district exists on the other side of a public street.

- (4) Yards
 - front, 50 feet
 - side, None*
 - rear, None*
 - *50 feet where the property abuts a residential zone or where a residential district exists on the other side of a public street.
- (5) Maximum building height, 70 feet.
- (6) Maximum lot coverage, 75%.

Section 8.13 Waterfront Residential District - RW

West Bath line - east of High Street - Webber Avenue -
Kennebec River

Area between Coal Pocket and Stinson Canning Company

Area between Downeast Machine Company to end of Washington
Street

A. Purpose

The purpose of the Waterfront Residential Zone is to conserve the integrity and natural qualities of the Kennebec River shorefront while allowing for medium intensity development compatible with the physical capability of the land.

B. Permitted uses

The following uses are permitted in The Waterfront Residential Zone:

- (1) Single family and new two family dwellings.
- (2) Accessory uses and buildings including home occupations.
- (3) Garage sales.
- (4) Multifamily housing.
- (5) Government buildings or uses.
- (6) Day nursery, kindergarten or nursery school.
- (7) The conversion of an existing one or two-family dwelling to create additional dwelling units.
- (8) Neighborhood business uses.
- (9) Bed and breakfast establishment.
- (10) Marina as part of multifamily housing.

C. Space and bulk standards

	with sewers	without sewers
(1) Minimum lot size for residential uses	12,000 sq.ft.	20,000 sq.ft.
(2) Minimum lot area per dwelling unit	7,500 sq.ft.	20,000 sq.ft.
(3) Minimum lot size for nonresidential uses	10,000 sq.ft.	20,000 sq.ft.
(4) Minimum street frontage	80 feet	125 feet
(5) Setbacks front, 25 feet side, 20 feet rear, 20 feet waterbody, 25 feet		
(6) Yards front, 20 feet side, 20 feet rear, 20 feet		
(7) Maximum building height, 40 feet		
(8) Maximum lot coverage, 40%		

Section 8.14 Waterfront Rural District - WRD

(Follows Back lot lines or 500 foot depth in R III)

A. Purpose

The purpose of the rural district is to conserve the integrity and natural qualities of rural open space for the betterment of the community while allowing for low intensity development of the area for residential and local commercial uses which are compatible with the physical capability of the land.

B. Permitted uses

- (1) Single family and new two family dwellings.
- (2) Accessory uses and buildings.
- (3) Garage sales.
- (4) Government buildings and uses.
- (5) Day nursery, kindergarten, or nursery school.
- (6) Home occupations.
- (7) The conversion of an existing structure to a bed and breakfast establishment.
- (8) General purpose farming, forestry and nursery gardens, excluding the raising of poultry or swine.

C. Space and bulk standards

- (1) Minimum lot size for residential use, 80,000 sq.ft.
- (2) Minimum lot area per dwelling unit, 60,000 sq.ft.
- (3) Minimum lot size for nonresidential use, 50,000 sq.ft.
- (4) Minimum street frontage, 200 feet.
- (5) Setbacks
front, 35 feet
side, 25 feet
rear, 25 feet
water body, 150 feet.

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- (6) Yards
 - front, 35 feet
 - side, 25 feet
 - rear, 25 feet
 - water bodies, 100 feet.
- (7) Maximum building height, 40 feet.
- (8) Maximum lot coverage, 20%.

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