CHAPTER 10. LAND USE

Introduction

This Chapter includes a summary of land use information, a description of current development patterns, and a summary of City ordinances which regulate land use development. Future development patterns will be determined in large part by the limitations and opportunities imposed by existing land use patterns and natural resources, and by land development trends occurring in the community.

Historical Development Patterns

Waterville's land use reflects a traditional pattern of mill town development with close-knit residential areas surrounding industrial and commercial water uses along the Kennebec River. Over time, development expanded north and south from this urban core along the riverfront. Additional residential areas extended north and west from the Downtown in the 1930's, 1940's, and 1950's. In the 1960's and 1970's, development spread out in a more suburban pattern of subdivision, filling in the area between the Downtown and Colby College, and along Upper Main Street and Kennedy Memorial Drive (KMD). More recent development trends reflect the new "big box retailers," like Wal-Mart, some infill development in previously undeveloped residential areas, and curvilinear residential subdivisions. Table 10-1 provides an overall summary of land uses by category, and Map 10-1 shows overall land use development patterns in Waterville.

Residential Development

There are six patterns of residential development in Waterville.

The first pattern is part of the densely developed urban core and is made up mostly of two family and multifamily residences on very small lots north, south, and west of the Downtown. This area also includes some scattered small lot single family homes. This pattern developed to house the workforce of the water-based industries and commerce. Street blocks tend to be fairly short and walkable and often do not intersect at right angles, reflecting a time when pedestrians, rather than automobiles, dictated the City's form. A residential neighborhood known as Kings Court near Head of Falls, which housed many immigrants in the early 1900's, has been largely torn down.

The second pattern extends farther north, south, and west of the Downtown and is a mixture of single family homes on small lots, as well as large, stately homes on bigger lots along streets branching out from the Downtown and along Messalonskee Stream, particularly Silver Street and Burleigh Street. This pattern includes a fair number of two family and multifamily homes. Close to the Downtown, City blocks are still relatively short, but get longer farther from the center of the City. Homes in the outer portion of this area were developed during the days of street cars and increasing use of automobiles.

The third pattern includes single family homes on larger lots, which are generally part of a subdivision that was developed over a relatively short span of time by a single developer. This pattern extends farther away from the Downtown area, west of Messalonskee Stream, north of the Maine Central Railroad - Springfield Terminal, and south of KMD. Areas generally south of Eustis Parkway/High Street and East of Drummond Avenue were laid out in a traditional grid pattern with longer blocks intersecting at right angles. By this point in the history of the City's development, the automobile was a significant determinant of development patterns. North of Eustis Parkway/High Street and west of the First Rangeway, a pattern of subdivisions with curvilinear streets and cul-de-sacs emerges.

The fourth pattern, found primarily in the southern part of the City, includes scattered farmsteads along Webb, Eight Rod, Trafton, and West River roads.

The fifth pattern includes mobile home parks. Three parks, Punky Meadows, Countryside, and Village Green, are found off West River Road south of Webb Road. A fourth park is located off Grove Street.

The sixth pattern includes student dormitories located on Thomas College and Colby College campuses. Approximately 1,600 of Colby’s students live on campus. Approximately 275 of Thomas College’s students live on its campus, with another 20 housed by the College across West River Road at Orchard Park Apartments.

Nearly half of the developed acreage in Waterville (45.5%) is taken up with residential development. Over two-thirds (65.5%) of the remaining undeveloped land in the City is zoned for residential development (approximately 1,500 acres). Much of the residential land which is undeveloped is located in the Rural Residential Zone, described in the Ordinance as a holding zone. (See Map 10-2.)

Commercial and Industrial Development

Waterville's earliest industries located along the Kennebec River to take advantage of the flow of its waters. Workers for those industries lived within walking distance of their jobs in the woolen, cotton, paper mills and warehouses. To meet the community's shopping and service needs, a Downtown formed around the Head of Falls. For many years this pattern changed little, except for an increase in the overall size of Waterville's urban core.

Today, three of Waterville's major industries still hug its shoreline. However, with the shift from a manufacturing to a service base, many of Waterville's strongest industries (retail, research and testing, health care services, education services) are not dependent on a waterfront location, and have developed farther away from the River. Many are located in the City's Industrial Park off Upper Main Street. Some remain in the Downtown area. Others, notably the medical centers, are located along the City's major roads (KMD, Chase Avenue, and North Street).

For much of its history, retail and service uses were located in the City's Downtown area. However, over the last three and a half decades, major retailers have developed and/or relocated from the Downtown to KMD (JFK Mall, Shaw's Plaza, and Wal*Mart) and Upper Main Street (Elm Plaza) to anchor shopping centers and plazas. As the new anchors developed and older ones relocated from the Downtown to these areas, many smaller retailers and services followed, such that today, Waterville has three distinct commercial areas -- the Downtown, KMD, and Upper Main Street.

The tendency to disperse commercial uses in Waterville continues. In the late 1980's, an out-of-State investment group successfully secured a contract zone change in the southwestern part of the City for a retail complex which has yet to materialize. The proposal, however, influenced City/State discussions about a new interchange for the Interstate in the vicinity of Trafton or Webb Road. In addition, the City plans to extend Washington Street and utilities south from the Airport with the help of a grant from the Economic Development Administration. Plans are in place to extend that roadway to Webb Road, should the private sector seek further development in the area south of the Airport.

Only about one-eighth of the developed portions of Waterville is used for commercial (8.3%) or industrial (4.5%) land use. This development, however, accounts for approximately a quarter (25.5%) of the City’s total valuation. About a third of the remaining undeveloped land in the City (34.5%) is zoned commercial (approximately 420 acres) or industrial (approximately 390 acres).

TABLE 10-1
LAND USE SUMMARY
WATERVILLE COMPREHENSIVE PLAN

Land Use	Parcels		Acres		Land Value ($000,000)		Building Value ($000,000)		Total Value ($000)	
	#	%	#	%	$	%	$	%	$	%
Residential	3,814	75.9	2,389	31.5	69,969	52.9	249,847	49.6	319,816	50.3
Commercial	429	8.5	434	5.7	27,292	20.6	8,377	1.7	111,089	17.5
Industrial	61	1.2	237	3.1	4,970	3.8	39,804	7.9	44,774	7.0
Institutional	176	3.5	2,082	27.5	15,283	11.5	113,185	22.5	128,468	20.2
Utility/Transportation	33	0.7	99	1.3	643	0.5	6,371	1.3	7,014	11.0
Total Developed	4,513	89.8	5,241	69.2	118,157	89.3	493,004	97.9	611,161	96.1
Vacant- Residential	427	8.5	1,527	20.2	6,110	4.6	101	0.1	6,211	1.0
Vacant- Commercial	58	1.2	418	5.5	5,333	4.0	5,116	1.0	10,449	1.6
Vacant- Industrial	27	0.5	387	5.1	2,751	2.1	5,233	1.0	7,984	1.3
Total Vacant	512	10.2	2,332	30.8	14,194	10.7	10,450	2.1	24,644	3.9
TOTAL	5,025	100	7,573	100	132,351	100	503,454	100	635,805	100

Source: Elizabeth A. Della Valle, AICP, adapted from information provided by Waterville Assessors Office, 10/96 .

Public Utilities, Facilities, and Services

Public facilities and services are located throughout the community.

The Kennebec Sewerage Treatment District's wastewater treatment plant is located along the Kennebec River on Water Street. The facility, and the Waterville Sewerage District's collection system, serve the most highly developed areas of the City-- north of Upper Main Street across the Interstate to some of the newer residential subdivisions and south along the West River Road just shy of the Village Green Mobile Home Park. Outlying areas are served by privately owned septic systems.

Public water is provided to approximately 97% of Waterville's housing units by the Kennebec Water District. The District's water supply flows from China Lake through a filtration facility in Vassalboro to a pumping station off Western Avenue and, from there, throughout the City. Until 1993, water was stored in an open 40 million gallon reservoir located along the Waterville/Fairfield line. In 1993, the District constructed two, six million gallon covered storage tanks in the same area. When the tanks were completed, the open reservoir was informally designated by the District as a wildlife habitat area. Public water is not provided to elevations over 270 feet.

Central Maine Power Company (CMP) provides the City with electricity. CMP owns four hydro electric stations on Messalonskee Stream. Two are located in Waterville -- the Automatic Dam on Western Avenue at the Water District facility and the Union Gas Works Dam on West River Road, north of Calvary Temple.

Apart from the solid waste transfer station, which is located at the site of the former landfill off Webb Road, most of Waterville's public facilities are located close to the urban core of the City. Public Works maintains its Compound, a three acre site, on Main Street just north of Downtown. The Central Fire Station is located at College and Main Streets. The Police Department shares a building with City Hall and the Opera House. The Waterville Public Library is located on Elm Street.

Waterville's schools are distributed throughout the developed areas of the City -- the Waterville Kindergarten Center on a 2.5 acre site on Gilman Street, the Albert S. Hall School on a 1.3 acre site at the corner of Pleasant and School Streets, the George J. Mitchell School on a 28.1 acre parcel on Drummond Avenue, Waterville Junior High on a 44 acre site on West River Road, and the High School on a 29.5 acre parcel on Brooklyn Avenue.

Public recreation facilities are fairly well distributed throughout the developed areas of the City including the North Street Recreation Area, Gilman Gymnasium/Auditorium, a tot lot, and Harris Park between Messalonskee Stream and Upper Main Street; a number of tot lots, the Mitchell School, and Peters Field between Upper Main Street and the Kennebec River north of Downtown; Coburn Park, Castonguay Square, Bridge Park, and Head of Falls, Green Street Playground, and a tot lot in and around Downtown; Grove Street Playground, the Boat Landing, and Couture Field in the South End; the Junior High complex, Pine Ridge Recreation Area, and

a tot lot south of KMD; Purnell Field, the High School complex, the Oxbow Nature Preserve, and Downie Park west of Messalonskee Stream.

The Maine National Guard Armory is located on the corner of Armory Road and Drummond Avenue.

Transportation

Waterville's major access routes include:

- Interstate 95 which crosses the northwestern corner of the City and then roughly parallels the western border of the City; interchanges are located at Upper Main Street and KMD;

- Route 104 which runs southeast as Upper Main Street to Downtown, then southwest as Silver Street to KMD, and then as West River Road farther south in the City;

- Routes 11, 100, and 201 converge in the northeast corner of the City and extend along the River as College Avenue to Downtown where Routes 100 and 201 cross the River and extend south in Winslow while Routes 11 and 137 continue southwest in Waterville as Silver Street and then west as KMD.

Two branches of the Maine Central Railroad's right-of-way cross Waterville. The eastern branch follows the Kennebec River's west side from Fairfield south to Head of Falls, crosses the River, and heads south to Augusta. The western branch, to Oakland, Leeds, and Lewiston (and points south) and to Bangor (and points north), extends from the Fairfield Town Line south and west, across town, and then northwest along Messalonskee Stream. Both branches are operated by the Springfield Terminal, which has its main freight marshaling and "train building yard" in Waterville between College Avenue and the River. MCRR has opened a new intermodal (truck to rail) facility at the Terminal.

The Robert Lafleur Airport is located on 387 acres east of the Interstate and south of KMD off Airport Road.

Agriculture, Forestry, and Mining Activities

There is only one active farm in Waterville, Shores Dairy Farm, which straddles the town line with Oakland. Eighty-nine acres of the farm are within Waterville's municipal boundaries.

One 20 acre parcel, which is landlocked in Waterville, is registered with the City Assessor under the Tree Growth Tax Law. This Law affords property owners a reduced tax rate when land is specifically managed for tree growth. Eighteen of the twenty acres off Trafton Road are included in the tree growth designation.

There are three active gravel pits in Waterville -- all located off the West River Road.

Open Space

Open space is generally found in the northwestern and western parts on the City, particularly at higher elevations and in the southern portions of the City that are not served by public water and sewer facilities. Additional open areas are associated with Colby College and the Reservoir.

Land Use Controls

Land use ordinances serve to provide a balance between public and private property interests, a goal consistently upheld by the courts. The most important land use ordinances in Waterville are probably the Zoning Ordinance (Appendix A of the Revised Code of Ordinances of Waterville, Maine) and the Subdivision and Site Plan Review Ordinance (Appendix C).

Zoning Ordinance

Waterville's Zoning Ordinance establishes land use districts and for each district sets forth permitted uses, special exception uses and dimensional requirements. Special exception uses are subject to review and approval by the Waterville Board of Appeals, and are governed by standards which generally relate to the impact of the proposed use on adjacent properties. The Zoning Ordinance also contains a number of performance standards governing specific land use activities. Finally, the Zoning Ordinance specifies that certain projects are subject to Site Plan Review and require the review and approval of the Planning Board under the provisions of the Subdivision and Site Plan Review Ordinance. The Zoning Ordinance specifies that when a project requires special exception and site plan review, site plan reiview comes first.

The following paragraphs provide a summary of each of the City's zoning districts, followed by a listing of the performance standards. The locations of the districts are shown on Map 10-2.

Low Density Residential District (R-A)

Purpose: The principal use of the land is for low density residential use which will encourage the development of attractive neighborhood living.

Permitted Uses: One-family dwelling, two-family dwelling.

Special Exceptions: Private and public schools, public service facilities, church, public utility, conversion of one-family to two-family, multi-family, accessory apartment.

Lot Size: 15,000 sq. ft.; 7,500 sq. ft. per family.

Medium Density Residential District (R-B)

Purpose: The principal use of land is residential at medium density.

Permitted Uses: One-family dwelling, two-family dwelling, church, public or private charitable institution, manufactured housing.

Special Exceptions: Conversion of one-family to two-family, multi-family dwellings, schools, public facilities, home occupations, utilities, accessory apartment, community living, daycare centers.

Lot Size: 10,000 sq. ft.; 5,000 sq. ft. per family.

General Residential District (R-C)

Purpose: The principal use of land is residential at medium density.

Permitted Uses: One-family dwelling, two-family dwelling, church, public or private charitable institution.

Special Exceptions: Conversion of existing dwellings to multi-family dwellings, new multi-family dwellings, schools, public facilities, home occupations, utilities, accessory apartment, community living, homeless shelters.

Lot Size: 7,500 sq. ft.; 3,750 sq. ft. per family.

General Residential District (R-D)

Purpose: The principal use of land is residential at medium density.

Permitted Uses: One-family dwelling, two-family dwelling, multi-family dwelling, church, public or private charitable institution.

Special Exceptions: Same as R-C, professional offices except for properties abutting Pleasant Street, Gilman and Dalton Streets, Pleasant Court, Sheldon Place, and Winter Street west of Pleasant Street.

Lot Size: 15,000 sq. ft.; 2,500 sq. ft. for one-bedroom or efficiency apartment, plus 500 sq. ft. for each additional bedroom.

Rural Residential District (R-R)

Purpose: The principal use of land is for rural residence agriculture, forestry, and customary associated uses, and uses unsuited to the more densely populated portions of the City. The purposes include having large lots to reduce fire hazards and provide sufficient area for water supply and septic disposal, encouraging appropriate recreational use of land, reducing and preventing soil erosion, and conserving natural resources. R-R also serves as a holding operation for further development and rezoning.

Permitted Uses: Any use permitted in any residential district.

Special Exceptions: Same as R-B, nursing homes, hospitals, veterinary hospitals and kennels on 2 or more acres, outdoor recreational areas, processing of agricultural products, mobile home parks, campgrounds, agriculture, accessory apartment.
Lot Size: 20,000 sq. ft.; 7,500 sq. ft. per family.

Institutional Districts

Permitted Uses: Educational facilities, social or civic activities, fraternal or religious activities, hospitals, nursing homes or other medical facilities, parking lots, housing for institutional staff or recipients of institutional services, recreational buildings or facilities.

Lot Size: 2 acres.

Commercial (C-A) District

Purpose: The principal use of land is for commercial uses to which the public requires frequent and direct access. The C-A district is intended to encourage the concentration of commercial development to the mutual advantage of customers and merchants.

Permitted Uses: Existing residential uses, conversion of single or two-family to multi-family, business and professional offices and banks, retail stores and service establishments, commercial parking areas, theaters, hotels, motels, indoor recreational facilities, signs, printing and newspaper production, apartments except for ground floor level on Main Street between Spring and College, facilities for non-profit recreational, social or fraternal organizations, daycare centers.

Special Exceptions: Light manufacturing subsidiary to retail establishments, sale of automotive fuel, homeless shelters except for ground floor level on Main Street between Spring and College.

Prohibited Uses: Service, repair and sale of automobiles, boat and trailer sales and service, junkyards.

Lot Size: None.

Commercial (C-B) District

Purpose: The principal use of land is for commercial activity which would be incompatible with the concentration of businesses in the C-A District because of their requirements for larger land areas.

Permitted Uses: Same as C-A except for apartments, drive-in or outdoor service establishments, outdoor storage areas, wholesaling, advertising.

Special Exceptions: Automotive sales, service, wash and repairs, sales and service of boats, trailers, snowmobiles and all-terrain vehicles, homeless shelters.

Prohibited Uses: Trucking terminals.

Lot Size: None.

Commercial (C-C) District

Purpose: The principal use of land is for establishments catering to the needs of motorists and users of motorized equipment in sales, service and repair of motor vehicles.

Permitted Uses: Same as C-B, automotive sales, service, wash and repair, boat, trailer and mobile home sales and service, contractors storage yard, and car wash establishments.

Special Exceptions: Homeless shelters.

Lot Size: None.

Commercial (C-D) District

Purpose: For establishments which require exposure to a major highway and large areas of land on which to conduct their operations.

Permitted Uses: Same as C-C, automotive sales, service and repair except automotive graveyards and junkyards, laboratories for research and testing, service establishments, trade establishments, shopping centers, trucking wholesaling and warehousing.

Special Exceptions: N.A.

Lot Size: 2 acres.

Industrial (I-P) District

Purpose: The principal use of land shall be for industrial and associated uses in the landscaped setting of an industrial park. The purpose of the district is also to reserve suitable land for the expansion and location of new industry and to enhance economic development. (Planning Board review required.)

Permitted Uses: Industrial establishments that do not pollute, and manufacturing, processing, packaging, treatment of fabrication of merchandise.

Special Exceptions: N.A.

Lot Size: 3 acres

General Industrial District (I)

Purpose: A zoning district for the location of established heavy industry and associated uses, including land for expansions.

Permitted Uses: Same as C-D commercial districts, processing, manufacturing or other industrial use which is not injurious or noxious, bulk oil and fuel storage, retail and wholesale businesses customarily serving and consistent with industrial uses, and municipal, public utility, communication and transportation facilities.

Prohibited Uses: Residential uses unless clearly incidental and accessory to a lawfully established use.

Special Exceptions: N.A.

Lot Size: None.

Resource Protection District (R-P)

Purpose: The principal use of land shall be nonstructural and open space in character. It includes areas in which development would affect water quality, or impede the natural storage and conveyance of flood waters, or accelerate erosion or impair productive habitat, natural ecosystems or scenic and natural values.

Permitted Uses: Signs.

Special Exceptions: Agriculture, small non-residential facilities for educational, scientific or nature interpretation purposes, public and private parks and recreation areas involving minimal structural development, piers, docks and uses projecting into water bodies, public utilities, roads and roadways.

Uses permitted by variance: Roads and driveways.

Prohibited Uses: residential dwellings, commercial structures, industrial structures, structures not accessory to special exceptions, governmental and institutional uses other than those who are specifically permitted, campgrounds, parking facilities except those serving boat launch facilities, marinas, clearing of vegetation, timber harvesting, mineral exploration and extraction.

Lot Size: None.

Transitional District (T)

Purpose: The principal use of land is residential, but some commercial uses are allowed as special exceptions.

Permitted Uses: One family dwelling, two-family dwelling.

Special Exceptions: Conversion of existing dwellings to multi-family dwellings, new multi-family dwellings, schools, daycare centers, home occupations, professional offices, banks, retail stores, public service facility including park, recreation area or community center, public utility, hospital, nursing home or other medical facility, civil defense installations, religious uses.

Performance Standards

Waterville's Zoning Ordinance contains a number of performance standards regulating land use activities. The ordinance includes standards for:

1. Access to property
2. Accessory apartment conversions
3. Accessory uses
4. Air emissions
5. Animal husbandry and boarding kennels
6. Bed and breakfast
7. Buffer area
8. Camping or recreational trailers
9. Cluster developments/planned unit developments
10. Community living use
11. Construction standards
12. Corner clearances
13. Earth material removal regulations
14. Electromagnetic interference
15. Fire and explosive hazards
16. Height and area regulations
17. Home occupations
18. Hydrogeologic assessment of groundwater impacts
19. Lighting (glare)
20. Manufactured housing and older mobile homes
21. Multi-family developments
22. Net residential acreage calculation
23. Noise
24. Odorous and toxic matter
25. Off-street parking and loading requirements
26. Public garages and motor vehicle service stations
27. Recreational facility

28. Refuse disposal
29. Restaurants
30. Sanitary provisions
31. Screening and landscaping requirements, commercial districts
32. Screening and landscaping requirements, residential
33. Sign regulations
34. Soil tillage
35. Soil suitability for construction
36. Temporary structures
37. Vibrations
38. Water quality impacts
39. Shoreland zoning
40. Homeless shelters
41.
42. Daycare centers located in residential areas

Subdivision and Site Plan Review Ordinance

Purposes. The purposes of subdivision review include minimizing the environmental, public facility and transportation impacts of proposed developments. The purposes of site plan review include ensuring that structures and other improvements are properly related to their sites and to surrounding sites and structures, and that their appearance and function relate harmoniously to and protect the environment.

Applicability. Subdivision review applies to the division of a tract or parcel into three or more lots within a five-year period. Projects requiring site plan review and approval by the Waterville Planning Board (as set forth in Section 6.16 of the Zoning Ordinance) include the following (single-family dwellings, duplexes, and certain agricultural activities are exempt):

All uses which exceed 5,000 square feet;
New construction of 4,000 or more square feet;
Additions to existing buildings of 2,000 or more square feet;
Impervious surface of 8,000 or more square feet

Review Procedures.

The Subdivision and Site Plan Review Ordinance establishes two review procedures:

Minor Developments. The first, which is set forth in Article 7 of the Ordinance, applies to minor subdivisions (consisting of three or four lots) and site plan review projects of 10,000 square feet or less of total gross floor area. Article 7 requires a field survey of the boundaries of the tract, identification of soils boundaries, identification of on-site water and sewer facilities, a soil erosion and sediment control plan, building plans, and any other items which the Planning Board may require as the result of an informal preapplication review.

Major Developments. The second and more comprehensive review procedure is set forth in Article 8 and 9 and applies to major subdivisions (subdivisions of five or more lots) and all site plan reviews in excess of 10,000 square feet of total gross floor area.

Article 8, Preliminary Plan for Major Subdivisions and Development Sites requires that applicants submit the required information for minor developments plus additional information such as plans for sewage disposal, a hydrogeologic assessment for certain developments when not on a public sewer, a plan for the disposal of surface drainage water, flood plain information, streets and easements, cross-sections, natural features, and a traffic impact analysis for certain types of developments.

Article 9, Final Plans for Major Subdivisions and Development Sites, sets forth the requirements that must be met following preliminary plan approval. Applicants are required to submit written approvals and assurances from various agencies and utilities, as well as final copies of the development plan.

Standards. Article 11 includes a number of general requirements, such as conformity with the comprehensive plan, the relation of the development to community services, the retention of proposed public sites and open spaces, the preservation of natural and historic features, provisions relating to land not suitable for development, as well as provisions for blocks, lots, easements for drainage ways, and utilities.

Article 12 contains design standards for monuments, street signs, streets, sidewalks, water supply, sewage disposal, stormwater management, and soil erosion control.

Issues and Needs

The major land use issues and needs facing Waterville include the following:

1. **Industrial Land**. There is a need for additional land areas for industrial growth. In light of the City's commitment to industrial growth in and around the Airport, this is a logical are to consider for future industrial uses.

2. **Moderate/Upper Income Residential Area(s).** There is a need to provide one or more areas for the encouragement of residential development aimed at moderate/upper income people.

3. **Ordinance Accessibility.** There is a need to consolidate land use ordinances and make them easier to read and understand.

4. **Historic Resources**. There is a need for mechanisms to protect historic and archaeological resources.

5. **Greenway.** Waterville does not have a formal greenway that would connect existing recreation and open space areas.

6. **Comprehensive Plan Implementation**. There is a need to ensure that mechanisms are developed to ensure implementation of the Comprehensive Plan on an ongoing basis.