

2018

Town of Bridgton Maine Ordinances; Part 2

Bridgton, Me.

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Town of Bridgton
Park Forest Trust Fund Ordinance

1. Purpose: The purpose of this ordinance is to establish a trust fund for the purpose of managing, maintaining and improving public parks in the Town of Bridgton.
2. Authority. This Ordinance is adopted by the Town of Bridgton pursuant to its home rule authority under 30-A MRS Section 3001, 30-A MRS Section 5653, and all other applicable authority.
3. Declaration of Trust. All funds donated to the Town of Bridgton or appropriated or deposited by the Town of Bridgton to the Town of Bridgton Park Forest Trust Fund shall be held and managed subject to the following Declaration of Trust: the municipal officers shall serve as the Trustees of the fund; the annual income from the fund shall be used only for the management, maintenance and improvement of public parks in the Town of Bridgton; investment of the fund shall be managed by the municipal officers of the Town of Bridgton in accordance with 30-A MRS § 5653(2) and any ordinances of the Town generally applicable to trust funds held by the Town; and the fund shall be subject to audit as part of the annual audit of the Town.
4. Revenues from Timber Harvesting. The municipal officers shall deposit any net revenues derived from harvesting timber on Town-owned property, other than Willis Park which has a separate trust fund, after the effective date of this ordinance into the Town of Bridgton Forest Park Trust Fund.
5. Withdrawal of Funds. The withdrawal of funds shall be governed by the Town's Ordinance Concerning Withdrawals from Certain Trust Funds with the first withdrawal to occur no sooner than Fiscal Year 2016 if approved at the June 2015 Annual Town Meeting.

Enacted: June 12, 2012

TOWN OF BRIDGTON
PHOSPHATE DETERGENT ORDINANCE

On motion it was voted to pass an Ordinance to "Prohibit the sale and use of laundry detergents containing any phosphates, to be effective June 1, 1971". Violators of the above shall be subject to a fine of fifty dollars per offense.

Passed at Town Meeting March 1, 1971

"TOWN OF BRIDGTON PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE"

Enacted: June 12, 2012

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses, “ also known as “the Property Assessed Clean Energy Act” or “The PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish and to administer the functions of a PACE program;

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I. PURPOSE AND ENABLING LEGISLATION

§I.1 Purpose.

By and through the Chapter, the Town of Bridgton declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with Federal and State Laws.

§I.2 Enabling Legislation.

The Town enacts this Ordinance pursuant to 35-A M.R.S.A. §10151, *et seq.*

ARTICLE II – TITLE AND DEFINITIONS

§II.1 Title.

This Ordinance shall be known and may be cited as “Town of Bridgton Property Assessed Clean Energy (PACE) Ordinance” (the Ordinance”).

§II.2 Definitions.

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

1. Energy saving improvement. “Energy saving improvement” shall mean an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

A. Will result in increased energy efficiency and substantially reduced energy use and:

(1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy, Energy Star Program, or similar energy efficiency standards established or approved by the Trust; or

(2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the Trust.

2. Municipality. “Municipality” shall mean the Town of Bridgton.

3. PACE agreement. “PACE agreement” shall mean an agreement between the owner of qualifying property and the Municipality that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

4. PACE assessment. “PACE” assessment shall mean an assessment made against qualifying property to repay a PACE loan.

5. PACE district. “PACE district” shall mean the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

6. PACE loan. “PACE loan” shall mean a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

7. PACE mortgage. “PACE mortgage” shall mean a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

8. PACE program. “PACE program” shall mean a program established under State statute by the Trust or a municipality under which property owners can finance energy saving improvements on qualifying property.

9. Qualifying property. “Qualifying property” shall mean real property located in the PACE district of the Municipality.

10. Renewable energy installation. “Renewable energy installation” shall mean a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under Federal Qualified Energy Conservation Bonds or Federal Clean Renewable Energy Bonds.

11. Trust. “Trust” shall mean the Efficiency Maine Trust established in 35-A M.R.S.A. §10103 and/or its agent(s), if any.

ARTICLE III – PACE PROGRAM

§III.1 Establishment; funding.

The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans. PACE loan funds may come from a variety of sources. To the extent that PACE loan funds are made available from the Trust, these are made available in municipalities that: 1) adopt a PACE Ordinance; 2) adopt and implement a local public outreach and education plan; 3) administer the functions of a PACE program including, but not limited to, entering into PACE agreements with owners of qualifying property and collecting PACE assessments, all in accordance with the PACE Act and the Trusts Rules and Regulations; and 4) require that participants in the PACE program comply with requirements for the Home Energy Savings Program administered by the Trust.

§III.2 Amendment to PACE program.

In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

§IV.1 Standards adopted; rules promulgated; model documents.

If the Trust or other State or Federal Agency adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules, or model documents substantially conflict with this Ordinance and/or with the Municipality's manner of participation in the PACE program the Municipality shall take necessary steps to conform this Ordinance and/or its manner of participation in the PACE program to those standards, rules, or model documents.

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

§V.1 Program Administration.

1. Pace Administration. The Municipality will administer its PACE program pursuant to and consistent with the PACE Act, 35-A M.R.S.A. §10151, *et seq.* The Municipality's administration of its PACE program shall include the following:

- A. the Municipality will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- B. the Municipality, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- C. the Municipality, or its agent, will disburse the PACE loan to the property owner;

D. the Municipality, or its agent, will send PACE assessment statements with payment deadlines to the property owner;

E. the Municipality, or its agent, will be responsible for collection of the PACE assessments;

F. the Municipality, or its agent, will record any lien, if needed, due to nonpayment of the PACE assessment;

G. the Municipality, or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

2. PACE Program.

A. The Municipality's PACE program shall be consistent with any terms and conditions the Trust may establish by rule under 35-A M.R.S.A. § 10154(4).

B. As required by 35-A M.R.S.A. § 10155(3), federal laws and regulations regarding the privacy of consumer information apply to all consumer financial information obtained by the Trust or Municipality in implementing its PACE program.

3. PACE Agreement.

A. As required by 35-A M.R.S.A. §10155(1), a PACE agreement entered into by the Municipality pursuant to its PACE program must comply with underwriting requirements established by rule by the Trust.

B. As required by 35-A M.R.S.A. § 10155(2), a PACE agreement entered into by the Municipality pursuant to its PACE program must provide consumer disclosure consistent with the principles of truth in lending as specified in rules adopted by the Trust.

C. As required by 35-A M.R.S.A. § 10157(2), a PACE agreement entered into by the Municipality pursuant to its PACE program shall provide that all rights related to carbon emissions reductions resulting from those improvements are deemed to be assigned by the property owner to the Trust and are held by the Trust.

4. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

5. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Municipality in any manner allowed under the PACE program and consistent with applicable law.

6. PACE mortgages and PACE assessments. PACE mortgages shall be recorded and PACE assessments shall be assessed and collected as provided in 35-A M.R.S.A. § 10156.

§V.2 Liability of Municipal Officials; Liability of Municipality.

1. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.
2. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, § 1(A) above, a municipality has no liability to a property owner for or related to energy saving improvements financed under a PACE program.

TOWN OF BRIDGTON
AN ORDINANCE TO REGULATE THE ESTABLISHMENT AND DESIGNATION OF SAFE
ZONES

Section 1. Purpose

The purpose of this Ordinance is to designate safe zones i.e., athletic fields, parks, playgrounds or recreational facilities, within the Town of Bridgton which are frequented by minors for the purpose of protecting said minors, against individuals trafficking, furnishing or cultivating drugs.

Section 2. Authority

This Ordinance is enacted pursuant to 30-A M.R.S.A. §3253 and 17-A M.R.S.A. 1101 sub-§23.

Section 3. Applicability

This Ordinance shall apply to the athletic fields, parks, playgrounds and recreational facilities set forth below which the Town finds are frequented by minors and which are hereby designated as safe zones within the Town of Bridgton.

SAFE ZONE AREA	LOCATION	
	BRIDGTON TAX MAP	LOT
Bridgton Community Center	27	5
Bridgton Recreation Advancement Group "BRAG Complex"	5	82B
	5	85-4A
Bridgton Town Hall	22	6, 15
Depot Street Park	27	45
Farragut Park	22	36
Harmon Field	25	74, 75
Highland Lake Beach	22	58, 59
Plummers Landing	35	
Pondicherry Park Trail	9	51A and 51D
	26	49A and 48B
	27	44 and 47
Ryerson Park	39	21
Sabatis Island	12	63
Salmon Point	31	1, 6
Sandy Creek Park	5	64
Shorey Park	22	58
Stevens Brook Trail Properties		
Town Common Park and Park on Main Street	23	93
Woods Pond Park	5	1
Willis Park	6	16, 18

Section 4. Signage

Each safe zone designated under Section 3 shall be conspicuously marked with an informational sign using uniform wording as established by the Commissioner of Public Safety pursuant to Title 30-A M.R.S.A. §3253.

Section 5. Designated areas and Safe Zone Map

Areas designated as safe zones, and areas within 1,000 feet of real property comprising designated safe zones, are shown on an official Town of Bridgton Safe Zone Map which is made a part of this Ordinance.

Section 6. Enforcement and Amendments

Under 17-A M.R.S.A. §1105-A, sub-§1,E, 1105-C, sub-§1,E, and 1105-D, sub-§1,D, a person who is found trafficking, furnishing or cultivating drugs within a designated safe zone, or within 1,000 feet of the real property comprising a designated safe zone, may be found guilty of an aggravated offense and subjected to increased penalties.

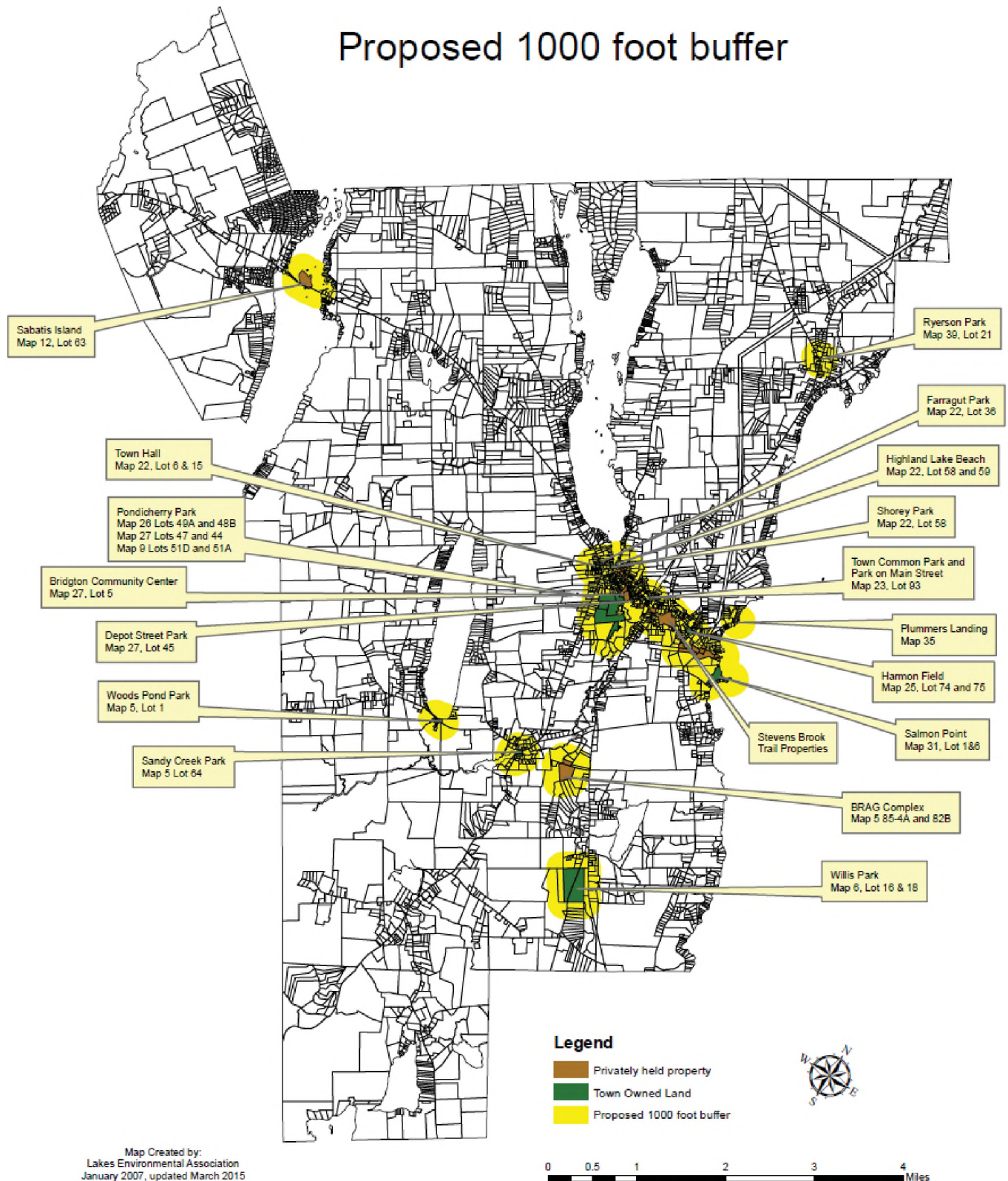
Section 7. Effective Date and Amendment

This Ordinance shall become effective on the date of adoption by legislative body and may be amended by vote of the legislative body.

Enacted: June 12, 2007

Revised: June 8, 2010, June 9, 2015

Proposed 1000 foot buffer



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Town of Bridgton
Ordinance Requiring a
Referendum Vote to Enact,
Amend or Repeal a
Town Ordinance

Section 1. Referendum Vote Required. Ordinances of the Town of Bridgton may be enacted, amended and repealed only by referendum vote conducted at the time of the Town of Bridgton's annual Election or at any other time during the year.

Section 2. Applicability. Section 1 does not apply to ordinances which may be enacted by the municipal officers.

Enacted: June 12, 2007

TOWN OF BRIDGTON

A RESOLUTION TO PROTECT THE HEALTH AND SAFETY OF LOCAL CITIZENS, WATER BODIES AND OTHER NATURAL RESOURCES IN RELATION TO THE POSSIBLE TRANSPORT OF TAR SANDS OIL THROUGH MAINE

WHEREAS, Bridgton benefits immensely from the pristine lakes, streams, and ponds that define our region, which have for generations provided recreation for residents and tourists alike and which enhance property values and generate substantial economic activity that sustains jobs; and

WHEREAS, the oil industry appears to plan to use an aging oil pipeline, built in the 1950s, to bring Canadian tar sands diluted bitumen through the Lakes Region to Casco Bay for export, even though the pipeline passes next to Sebago Lake and numerous other lakes, rivers, ponds, and streams in the Lakes Region and crosses the Crooked and Androscoggin Rivers in numerous places; and

WHEREAS, tar sands are heavier than conventional oil and spills are more dangerous and difficult to clean up; and

WHEREAS, in 2010 a pipeline spilled more than a million gallons of diluted tar sands down a 30-mile stretch of the Kalamazoo River in Michigan, creating a public safety, health, and environmental disaster with continuing, long-lasting impacts; and

WHEREAS, the transport of tar sands oil to and through Oxford and Cumberland counties may create unreasonable risks to the health, safety, natural resources, property and economic welfare of persons living in Bridgton and neighboring communities; and

WHEREAS, the transport of tar sands oil to and through Oxford and Cumberland counties would not create or sustain any new jobs in our region since the infrastructure that would be used already exists;

NOW, THEREFORE, BE IT RESOLVED, that through the adoption of this resolution, the Town of Bridgton expresses its opposition to the transport of tar sands oil through Maine and its deep concern about the risks that such transport creates in relation to public health and safety, property values, and the clean natural resources upon which the local communities depend; and

BE IT FURTHER RESOLVED, that the Town of Bridgton calls upon the Maine State Legislature and the United States Congress to ensure there will be thorough environmental impact reviews of tar sands diluted bitumen pipeline proposals, including a complete evaluation of the health and safety impacts of potential tar sands oil spills; and

BE IT FURTHER RESOLVED, that the Town of Bridgton supports the creation of clear Federal and State guidelines for tracking the origins and chemical composition of various types of fuel so that local governments, citizens, and first responders can better know of, and plan for, the risks associated with the specific type of fuel flowing through or to their communities; and

BE IT FURTHER RESOLVED, that the Town of Bridgton transmit a copy of this resolution to the President of the United States, U.S. Secretary of State, U.S. Secretary of Energy, U.S. Secretary of Interior, Chair of the U.S. House Energy and Commerce Committee, Chair of the U.S. Senate Committee on Energy and Natural Resources, Maine Congressional delegation, the Governor of Maine and the local representatives to the Maine State Legislature.

PASSED by the Bridgton Town Meeting this 11th day of June, 2013.

Town Clerk, Town of BRIDGTON _____

TOWN OF BRIDGTON SEWAGE ORDINANCE

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PREAMBLE

The Town of Bridgton, Maine, constructed a limited public sewer system and developed a public program for the replacement of malfunctioning private septic systems after extensive evaluations of the alternatives available to the Town and its citizens to solve then-existing sewage treatment problems. The public sewer system is an expensive and complex system. It is therefore necessary to provide for its proper use, maintenance and administration through an Ordinance delegating powers and establishing standards as appropriate. Private communal sewer systems are also regulated under this Ordinance because the failure of such systems can cause a public nuisance and because it is necessary for the Town to ensure that stable, effective management and ownership entities control such systems.

Both the Bridgton public sewer system and private sewer systems rely on underground sewage disposal. This Ordinance therefore establishes controls appropriate to the management of public and private sewers, including construction standards, inspection requirements, waste standards, and management requirements .

ARTICLE I. PUBLIC SEWAGE TREATMENT

SECTION 1. PURPOSE

This Ordinance shall be known and may be cited as the “Bridgton Sewage Ordinance” and is referred to herein as “this Ordinance.”

This Ordinance is enacted to promote the public health, safety and welfare of the citizens of the Town of Bridgton, Maine, (the “Town”) by establishing the administration of and appropriate construction and operating standards for a public sewer system. Such regulation is necessary to remedy existing wastewater treatment problems and to prevent public or communal sewage systems from causing pollution, health hazards or other public nuisances. This Ordinance also provides for the reasonable, just and equitable allocation of capital and operating costs for the public sewer system.

SECTION 2. AUTHORITY AND SCOPE

A. Authority. This Ordinance is adopted by the Town, under the authority granted in 30-A M.R.S. §§ 3001, 5401-15 and all other applicable authority. The Board of Selectmen is hereby granted the authority to administer and enforce this Ordinance or any clause or provision thereof, and to promulgate rules and regulations consistent with this Ordinance after holding a public hearing and upon a majority vote of the Board of Selectmen, as may be necessary or desirable in the judgment of the Board of Selectmen to promote the public health, safety and welfare of the citizens of the Town.

B. Acceptance. Pursuant to 30-A M.R.S. §§ 3421 and 3441, the Town hereby accepts the provisions of 30-A M.R.S. §§ 3421, 3441-46.

C. Severability. In the event that any section, subsection or portion of this Ordinance is declared invalid for any reason, such a declaration shall not affect the validity of any other section, subsection or portion of this Ordinance.

D. Compliance with Ordinance. Hereafter, any person owning any building or structure within the Town which is the source of sewage and/or industrial waste, or who proposes to erect such a building or structure, shall conform to the requirements of this Ordinance.

SECTION 3. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

Accepted Practice - shall mean a procedure that is customarily considered proper under the Plumbing Code.

ASTM - shall mean the American Society of Testing Materials.

Board of Appeals - shall mean the Board of Appeals appointed according to the provisions of 30 M.R.S. § 2691 and this Ordinance.

Bridgton Service Area – shall mean that geographic area within the Town which is serviceable by the Bridgton Sewer System, as identified by the Superintendent in consultation with the Town Engineer.

Bridgton Sewer System – shall mean a public Sewer System, including a Public Sewer and Sewage Treatment Facility, which is owned and operated by the Town for the benefit and welfare of its citizens.

Building Drain - shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the Building Sewer, beginning eight (8) feet outside the inner face of the building wall.

Building Sewer - shall mean the extension from the Building Drain to the Public Sewer or other place of disposal and shall include the septic tank required on all Building Sewers by this ordinance.

Change of Use – shall mean the change from an existing use to another use, including without limitation the addition of a new use to an existing use, which causes a substantial change in the volume or character of Sewage that is being discharged into the Bridgton Sewer System.

Construction - shall mean construction or installation of any structure and shall include any excavation or site preparation other than clearing of vegetation.

Developer - shall mean any Person who undertakes to construct simultaneously or in planned sequence more than one housing unit on a given tract or land subdivision, or a Person who may develop commercial property.

Effluent - shall mean all substances issuing from a Sewer System or from a broken sewer pipe.

Equivalent Use – shall mean the type of use and its equivalent use value, as set forth in Appendix B (“Schedule of Equivalent Uses”), which is designated by the Superintendent.

Garbage - shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Grandfathered Allocation Holder – shall mean any Person who lawfully reserved from the Town a sewer allocation in the Bridgton Sewer System on or after September 1, 2010, and who has not used the entirety of said sewer allocation as of September 1, 2015.

Industrial Waste - shall mean the liquid waste from industrial manufacturing processes, trade or business as distinct from sanitary Sewage, including any waste flow prior to treatment with a raw five-day biochemical oxygen demand of over 350 mg/l or any septic tank Effluent flow with a five-day biochemical oxygen demand of over 60 mg/l or wastewater pH outside a permissible range of 5.5 to 8.5.

Natural Outlet - shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Nuisance - shall mean any condition created by a malfunction of any Sewer system which may endanger the health of any Person, or which will allow inadequately treated Effluent to stand on the surface either continuously or intermittently causing odors or unsightly conditions.

pH - shall mean the degree of acidity or alkalinity of any substance. A pH of 7 indicates neutrality.

Person - shall mean an individual, firm, company, association, society, group, corporation or other legal entity.

Plumbing Code - shall mean the Maine State Internal Plumbing Code, as amended.

Plumbing Inspector - shall mean the Plumbing Inspector of the Town of Bridgton.

Plumbing Permit - shall mean as defined in the Plumbing Code.

Private - shall mean that which is owned or controlled by a Person other than the Town.

Professional Engineer – shall mean a registered professional engineer licensed to practice in the State of Maine.

Public Right of Way - shall mean all Town public roadways and those legally acquired Town accesses for the sewer mains and pump stations of the Bridgton Sewer System.

Public Sewer - shall mean a system of pipes for carrying Sewage which leads to a Town water pollution control facility and which is under the control of the Superintendent.

Sanitary Sewer - shall mean a sewer which carries Sewage and to which storm, surface and groundwater are not intentionally admitted.

Service - shall mean connection to the Bridgton Sewer System or possession of a valid permit for connection thereto.

Sewage - shall mean any one, or any combination of, waste capable of being carried by water from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm water as may be present. Nothing in the definition shall be taken to permit the inclusion of storm, ground and surface waters in sewage to be conveyed and treated in the Bridgton Sewer System.

Sewage Treatment Facility - shall mean any arrangement of devices and structures used to treat and dispose of Sewage in accordance with applicable laws and rules of the State of Maine and the Town.

Sewer System - shall mean all facilities, including the system of pipes, pumps, and Sewage Treatment Facilities for carrying, treating and disposing of Sewage and acceptable Industrial Waste.

Shall - is mandatory; **May** - is permissive.

Storm Drain or **Storm Sewer** - shall mean a sewer which carries storm and surface waters and drainage, but excludes Sewage and Industrial Waste other than unpolluted cooling water.

Superintendent - shall mean that person appointed by the Town Manager to administer the Sewage Department of the Town.

Suspended Solids - shall mean solids that either float on the surface or are in suspension in water, Sewage or other liquids and which are removable by skimming, settling or filtering.

Town Engineer - shall mean a Professional Engineer retained as Town Engineer by the Town Manager with the approval of the Board of Selectmen.

User - shall mean a Person whose property is connected to the Bridgton Sewer System or who possesses a valid permit for connection thereto.

SECTION 4. ADMINISTRATION

A. The Sewer Department of the Town is hereby established. The function of the Sewer Department shall be to administer the Bridgton Sewer System and the provisions of this Ordinance and to be responsible for any and all work in connection with the Bridgton Sewer System.

B. The Office of Sewer Department Superintendent is hereby created.

1.) The Superintendent shall be appointed by the Town Manager subject to approval by the Board of Selectmen.

2.) The Superintendent shall have the following powers and duties relative to the Bridgton Sewer System:

A) To enforce this Ordinance insofar as it applies to the Bridgton Sewer System.

B) To prepare and administer the Department Budget.

C) To make such recommendations to the Town Manager as he deems necessary for the proper maintenance and extension of facilities, including the preparation of periodic reports on facility operation and maintenance needs.

D) To supervise Town crews or contract for the Construction, cleaning, inspection and repair of public Sanitary Sewers and maintenance, operation and repair of public pump stations and treatment facilities.

E) To determine the needs and requisition tools, materials and equipment for repair and maintenance work.

F) To organize, direct and evaluate the performance of subordinates and initiate improvement programs as deemed appropriate.

G) To record the location and elevation of all old and new Service connections to the Public Sewer and to maintain a list of all structures and properties which are connected or which may be permitted to connect to the Bridgton Sewer System.

H) To maintain all plan and data files pertinent to the Bridgton Sewer System.

I) To work with the Town Engineer in the performance of his or her duties.

J) To issue permits for connections to the Bridgton Sewer System; to designate Equivalent Uses, including equivalent use values; to supervise and participate in the inspection of Private sewer connections to the Public Sewer, including Town sewer lines and all plumbing tributary thereto; and to assure compliance with this Ordinance.

K) To confer with citizens and specialized groups regarding sewer maintenance and inspection.

L) To record possession, transfers and expiration of grandfathered sewer allocations in the Bridgton Sewer System.

M) To recommend to the Town Manager an annual maintenance program and a long-term Capital Improvement Program for the Bridgton Sewer System.

N) To determine, in accordance with this Ordinance and any applicable rules adopted by the municipal officers, and after consultation with the Town Engineer, which structures or properties within the Bridgton Service Area may or may not be allowed to connect to the Bridgton Sewer System. Such determinations shall be based at least the following considerations:

(1) Bridgton Sewer System location, capacity and use.

(2) The volume and character of existing and potential wastewater generation from the subject property or structure(s).

(3) Ability to treat wastewater on site in accordance with the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241.

Appeals from such determinations shall be to the Board of Appeals.

C. The Office of Town Engineer is hereby created.

1.) The Town Engineer may be appointed or hired on an as-needed basis by the Town Manager, subject to approval by the Board of Selectmen.

2.) The Town Engineer shall have the following powers and duties:

A) To provide engineering services and technical advice to the Sewer Department and the Plumbing Inspector as required by this Ordinance or the Superintendent.

B) To advise the Superintendent regarding which structures or properties within the Bridgton Service Area may or may not be allowed to connect to the Bridgton Sewer System. Such advice shall be based at least the following considerations:

(1) Bridgton Sewer System location, capacity and use.

(2) The volume and character of existing and potential wastewater generation from the subject property or structure(s).

(3) Ability to treat wastewater on site in accordance with the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241.

C) To design public sewage facility modifications, including facility enlargements.

D) To review public sewage facility inspection and maintenance records and schedules and to make recommendations to the Superintendent.

D. The Board of Selectmen may, from time to time, adopt policies directing or limiting the allocation of the capacity of the Bridgton Sewer System to specific classes of users or to users as a whole.

SECTION 5. BUILDING SEWERS AND CONNECTIONS

A. A Public Sewer Connection Permit in the form provided by the Town shall be applied for and shall be issued by the Superintendent before any Person shall uncover, make any connection to, enter, work near, use, alter or disturb any part of the Bridgton Sewer System..

1.) There shall be two classes of Public Sewer Connection Permits:

(a) for residential and commercial Services, and

(b) for Service to establishments producing Industrial Waste.

2.) Permit Application and Approval. The owner or agent shall make application on a special form furnished by the Town. This permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

Subject to any allocation policies adopted pursuant to Section 4.D of this Article and upon the Superintendent's determination pursuant to Section 4.B.2.N of this Article that the owner is allowed to connect to the Bridgton Sewer System, the Superintendent shall issue a Public Sewer Connection Permit consistent with this Ordinance.

A Public Sewer Connection Permit entitles the permittee to connect to and use the Bridgton Sewer System solely for the Equivalent Uses set forth in the permit. Any Change of Use requires a new permit.

Each permit shall be filed with the Town Clerk by the name of the owner of the property to which it was issued.

3.) Permit Application and Inspection Fees. The Board of Selectmen shall establish, alter from time to time and levy upon Persons applying for a Public Sewer Connection Permit, permit application and inspection fees for both classes of Public Sewer Connection Permits in such amounts and with such reasonable classifications and differentiations as the Board of Selectmen deems adequate and reasonable.

4.) Permit Transfer; Change of Use. No transfer of a Public Sewer Connection Permit shall be permitted without the approval of the Superintendent. Failure of the owner to notify the Superintendent of a change in ownership or Change of Use of a Public Sewer Connection Permit shall result in a doubling of the sewer fees and Service charges levied pursuant to Section 8 of this Article for the applicable period, and shall constitute a violation under Section 10 of this Article.

5.) Permit Expiration. A Public Sewer Connection Permit shall expire two (2) years from the date of issue for all permitted connections which are not made. Expired permits may be renewed by application to the Superintendent. An application for renewal shall be reviewed by the Superintendent as a new application.

B. Construction of a sewer Service from a public sewer or service stub, if provided, to an existing building shall not begin until a Plumbing Permit and a Public Sewer Connection Permit have been issued (see also Utilities Installation Permit requirements). Construction of a new building which will be connected to the Public Sewer shall not begin until both a Public Sewer Connection Permit and a Building Permit have been issued.

C. All cost and expense incidental to the installation, connection, maintenance, repair, replacement or use of the Building Sewer, including any stub or extension provided by the Town, shall be paid by the owner. The owner shall reimburse the Town for any loss or damage that may occur directly or indirectly, to the Public Sewer, street or other property, by this installation and connection of the Building Sewer.

D. A separate and independent sewer shall be provided for every building. Old Building Sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Ordinance.

E. All Building Sewer design, materials, excavation, joints and connections shall be made to prevent infiltration of surface or subsurface waters and in accordance with standards set forth in Appendix A of this Ordinance. The diameter of the Building Drain and Building Sewer shall be not less than four (4) inches. The pipe shall be laid at a pitch of not less than 1/4 inch per foot for the Building Drain and Building Sewer until connected to the septic tank. The Building Sewer leading from the septic tank to the Public Sewer shall be laid at a slope of not less than 1/8 inch per foot. The depth of the Building Sewers shall be less than three (3) feet. The Building Sewer shall be laid at uniform grade and in straight alignment insofar as possible changes in direction shall be made only with properly curved pipe and fittings and with properly installed curvilinear sewers with a minimum radius of 150 feet on a uniform grade, The ends of Building Sewers which

are not connected to the Building Drain of the structure for any reason shall be sealed against infiltration by a suitable stopper, plug or other approved means.

F. Discharge from foundation drains, roof drains, exterior runoff or sump discharges shall not be permitted to enter a Building Sewer or Building Drain which in turn is connected directly or indirectly to a public Sanitary Sewer. The superintendent shall require owners of existing buildings to divert such water from the sewer and shall have the right to inspect such buildings to determine if the connections defined above have been made.

G. Every Person owning a building or structure that is connected to the Public Sewer shall maintain his Building Sewer from the structure or commercial property to the Public Right of Way in such a condition that it will not cause pollution, public Nuisance conditions or allow excessive groundwater to enter the Public Sewer. Such maintenance shall include the installation of a septic tank meeting the requirements of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241, and the routine pumping of this tank to remove liquids, sludge, grease, scum and other materials found therein in accordance with the requirements of this Ordinance as set forth in Section 6D. The Superintendent may check the condition of the line and tank. Ground Water infiltration in excess of 1/4 gallon per foot per day shall be deemed to be excessive. The Sewer Department shall maintain the sewer from the Public Right of Way property line to the Public Sewer.

H. The connection of the Building Sewer into an existing Public Sewer shall be made at the existing Public Sewer. The method of connection of the Building Sewer to the Public Sewer shall be dependent upon the type of pipe material used and in all cases shall be approved by the Superintendent. The connection of the Building Sewer into the Public Sewer shall be made at the "Y" or "T" branch. If none is available, a connection may be made by tapping the existing sewer by a method approved by the Superintendent.

I. The applicant for the Building Sewer permit shall notify the Superintendent when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection shall be made under the supervision of the Superintendent following approval by the Plumbing Inspector. When trenches are opened for the laying of Building Sewer pipes, such trenches shall be inspected by the Superintendent before the trenches are filled, and the Person performing such work shall notify the Superintendent when the installation of the Building Sewer is completed. If the trench is filled before inspection, the Superintendent shall require it to be re-excavated for inspection.

J. When any Building Sewer is to serve a school, hospital or similar institution or public building; or is to serve a complex of industrial or commercial buildings, or will receive Sewage or Industrial Waste of such volume or character that frequent maintenance of said Building Sewer can reasonably be anticipated, then such Building Sewer shall be connected to the Public Sewer through one or more manholes. The Town Engineer shall determine whether this type of connection to the Public Sewer is required and the manner of accomplishing it. Connections to existing manholes shall be made as directed by the Superintendent.

K. All excavations for Building Sewer installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property

disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent. (See also Utilities Installation Permit Requirements.)

SECTION 6. USE OF PUBLIC SEWERS

A. No Person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process water to any Sanitary Sewer.

B. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as Storm Sewers or to a Natural Outlet approved by the Superintendent. Industrial cooling water or unpolluted process wastes may be discharged, on approval of the Superintendent, to a Storm Sewer or Natural Outlet provided that any required waste discharge license is first obtained by the Person generating such discharge.

C. Except as hereinafter provided, no Person shall discharge or cause to be discharged any of the following described waters or wastes to any Public Sewer:

- 1.) Any liquid or vapor having a temperature higher than 150°F.
- 2.) Any waters or wastes containing fats, grease or oils whether emulsified or not, exceeding an average of 25 parts per million.
- 3.) Any gasoline, benzene, naphtha, fuel oil, mineral oil or other flammable or explosive liquid, solid or gas.
- 4.) Any noxious or malodorous gas such as hydrogen sulfide, sulfide, sulfur dioxide or nitrous oxide or other substance which either singly or by interaction with other wastes is capable of creating a public Nuisance or hazard to life or of preventing entry into the sewers for their maintenance and repair.
- 5.) No Garbage shall be discharged from the septic tank to the Public Sewer. The installation and operation of any Garbage grinder shall be subject to the review and approval of the Superintendent.
- 6.) Any ashes, cinder, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood or any other solid or viscous substance capable of causing obstruction to the flow of the sewers, or other interference with the proper operation of the sewage works.
- 7.) Any waters or wastes containing a radioactive, toxic or poisonous substance, a high chlorine demand or Suspended Solids in sufficient quantity to injure or interfere with any sewage works or treatment process, constitute a hazard to humans or animals or create any hazard in or to the Bridgton Sewage System. No wastes shall include septic tank cleaning fluid.
- 8.) Any liquids having a suspended solids content of greater than 100 mg/l.

D. All wastes discharged to the Public Sewer shall first be treated with a septic tank designed and constructed in accordance with the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241, and pumped by a licensed septic tank pumper at least every three (3) years. The Superintendent or Town Engineer shall order the owners of systems to pump their septic tanks more frequently if it is found that more frequent pumping is necessary to assure the adequate functioning of the tanks and the public sewage facilities. The Superintendent may set a longer pumping interval for septic tanks where it is found that average waste loading to the tanks is equal to or less than 30% of design loading as specified in the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241.

E. All Industrial Waste which is compatible with domestic Sewage may be permitted to enter any Public Sewer. Costs of testing shall be borne by the Person seeking to discharge the waste. Incompatible wastes shall include, but not be limited to, wastes prohibited by the Maine Department of Environmental Protection and the Maine Department of Health and Human Services from sub-surface discharge. The Town reserves the right to require pre-treatment of any non-compatible Industrial Waste to prevent shock loads and ensure its compatibility with domestic sanitary Sewage. It further reserves the right to require a firm, long-term service contract for any waste source generating more than 2000 gallons of waste water/Sewage per day or generating more than 25 pounds of 5-day biochemical oxygen demand or Suspended Solids per day, under which a special sewer service charge may be established in accordance with Sec. 9C. The Superintendent may require that the Industrial Waste be pretreated to a degree sufficient to make it compatible with the Bridgton Sewer System. Such pretreatment facilities shall be designed by a Professional Engineer. Plans for pretreatment facilities shall be submitted to the Superintendent for review and approval. Upon such pretreatment the wastewater shall be connected to the Public Sewer. If the Superintendent deems that the industrial wastewater cannot be pretreated so as to be compatible with the Bridgton Sewer System, the wastewater shall not be connected to the Bridgton Sewer System. The connection of an Industrial Waste Service line to the Public Sewer shall be designed by a Professional Engineer and shall be sized to accept the flow generated. Each Industrial Waste connection to the Public Sewer shall be equipped with an access manhole or chamber which is easily accessible for the purpose of allowing sampling and gauging of the waste flow. The Superintendent may exercise the option of requiring an automatic flow recording device. The Superintendent shall have rights of access to this chamber at all times. The cost of installation and maintenance of the access chamber, and any measuring equipment shall be borne by the waste generator.

F. In the event that grease, oil, sand or other similar materials may be in the wastes to be discharged into a Public Sewer, interceptors of a type and capacity approved by the Superintendent shall be installed in the Building Sewer, located ahead of the septic tank and easily accessible for cleaning and inspection. It shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature and shall be of substantial Construction, water-tight and gas-tight. Such interceptors shall be maintained by the Persons owning same, at their expense and be in continuously efficient operation at all times. The Superintendent or Plumbing Inspector shall have the right to inspect such installations as provided in this Article.

G. All other Industrial Waste shall be transported in a Building Sewer, separate from any Building Sewer connected to the Bridgton Sewer System, to a Sewage Disposal System which shall be controlled and maintained by the Person causing the potential Nuisance. This shall be specifically

designed by a Professional Engineer to take care of the load to which it will be subjected and which shall be built and maintained in accordance with the Plumbing Code and with all other applicable requirements.

H. All industries discharging into a Public Sewer shall perform such monitoring of their discharges as the Superintendent or other duly authorized employees of the Town may reasonably require, including installation, use and maintenance of monitoring equipment, keeping of records and reporting the results of such monitoring to the Superintendent. The Superintendent shall make such records available upon request to other agencies having jurisdiction over discharges to the receiving waters.

I. Low volume fixtures shall be employed in all new construction or remodeling carried out in properties served by the Public Sewer.

J. All urinals in public toilets shall be of non-continuous flowing type.

SECTION 7. BOARD OF APPEALS

A. Creation and Appointment. There shall be a Board of Appeals of five (5) members and two (2) associate members, all of whom shall be residents of the Town and who shall serve without compensation. The members of the Board shall be appointed by the Board of Selectmen as authorized by 30-A M.R.S. § 2691. It is intended that the Board of Appeals established pursuant to the Town's Shoreland Zoning Ordinance be considered a general Board of Appeals and that it shall also serve as the Board of Appeals established by this Ordinance. Terms of members shall be for five (5) years except that initial appointments shall be made so that the terms of not more than the associate members shall be five (5) years.

A municipal officer or spouse of a municipal officer shall not be a member or associate member of the Board of Appeals.

When a member is unable to act because of conflict of interest, physical incapacity, absence from the state or any other reason satisfactory to the Chairman, the Chairman of the Board shall designate an associate member to act in his place.

When there is a permanent vacancy, the Board of Selectmen shall appoint a person for the unexpired term. The Board of Appeals shall elect a chairman and secretary from its own membership.

A quorum shall consist of at least three (3) members.

An associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when designated by the Chairman to act for a member.

The Board of Appeals shall make such rules as it deems necessary for the conduct of its hearings, the procedures for administrative review, consultation and recommendations to the Board regarding appeals and otherwise for conduct of its functions under this Ordinance.

B. Jurisdiction. The Board of Appeals shall have the following powers and duties to be exercised in connection with any written appeal by a party aggrieved by any decision or order of any agent or officer of the Town made under the authority of this Ordinance:

- 1.) To determine whether the decision or order appealed is authorized and proper under the provisions of this Ordinance and, to interpret any provisions of this Ordinance in cases of uncertainty.
- 2.) To grant, by vote of three (3) members, variances from requirements of this Ordinance applicable to connections to Public Sewers where necessary to avoid undue hardship, provided that such variances shall not constitute a substantial departure from the intent and purpose of this Ordinance to ensure both a healthful environment and an equitable allocation of Public Sewer costs and provided that such variances do not concern the payment of charges or fees in connection with the use of the Bridgton Sewer System.

C. Hearings. The Board of Appeals shall meet as required. All appeals or other matters to come before the Board that require notice as prescribed herein shall be filed with the Superintendent, who shall promptly cause a notice of the appeal (or other matter) to be advertised in a newspaper of general circulation in the Town. This notice shall identify the property involved, the nature of the appeal and state the time and place of the public hearing of the appeal. This notice shall be made at least ten (10) days prior to the date of the public hearing.

Owners of properties within a 300-foot radius of the property for which the appeal is made shall be notified by mail. Failure of any such owner to receive this notice shall not invalidate the proceedings herein prescribed.

D. Appeal Procedure.

- 1.) Any Person aggrieved by a decision of any agent or officer of the Town which arises from the provisions of this Ordinance may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
- 2.) The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.
- 3.) Appeals from decisions of any agent or officer of the Town made without conducting a public hearing shall be de novo. The Superintendent shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all Persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The

Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the agent or officer of the Town for further proceedings.

4.) Appeals from decisions of agents or officers of the Town made after conducting a public hearing shall be purely appellate. The Superintendent shall transmit to the Board of Appeals the decision of the agent or officer of the Town and all documents and other evidence comprising the record on which the decision was based. The Board of Appeals shall conduct a public proceeding at which all Persons shall have the right to present legal argument concerning the decision. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision or to remand the matter to the agent or officer of the Town for further proceedings.

5.) The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

6.) The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit or to grant an appeal from a decision of an agent or officer of the Town. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

7.) Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

SECTION 8. SEWER ASSESSMENTS, FEES AND SERVICE CHARGES

A. In addition to the permit application and inspection fees established and levied pursuant to Section 5 of this Article, the Board of Selectmen is hereby authorized to establish, alter from time to time, and levy sewer assessments, fees and Service charges upon Persons now or in the future served by drains and sewers heretofore or hereafter constructed.

B. The sewer assessments, fees and Service charges system shall further the equitable allocation of the capital and operating costs of the Bridgton Sewer System among municipal use, general public benefit, Private use and the availability of use to properties not connected to the system. Subject to these requirements, such charges and any classification thereof shall be fair and reasonable. They shall bear a substantial relationship to the cost of providing sewage facilities and services to the municipality.

C. The sewer assessments, fees and Service charges shall be at a rate sufficient to generate not less than 100% of the total annual cost of providing sewage facilities and services to the municipality and the Users of the system. This shall include the development of such “sinking funds” or other mechanisms to ensure the long term viability of the system.

C. Sewer assessments, fees and Service charges shall be billed periodically by the Town at such intervals as the Board of Selectmen may determine. The Town may use the services of the Bridgton Water District to obtain water usage information. Sewer interest charges shall be at the same rate as currently established for uncollected property taxes and shall be levied upon all bills not paid within thirty (30) days of the billing date.

D. Any Persons may place on their property, at their own expense, a meter which shall be approved by the Superintendent to measure the amount of water used on the property which does not enter the Public Sewer. An adjustment of the sewer charge shall be made which conforms with said metered use.

E. Commencing July 1, 2016, the Board of Selectmen may establish and levy sewer assessments, fees and Service charges in accordance with the following provisions:

1.) The Board of Selectmen may adopt sewer assessments in accordance with 30-A M.R.S. Chapter 161, subchapter 3 (§§ 3441-46).

2.) The Board of Selectmen may establish connection fees, which shall be fixed fees levied at the time a User lawfully connects a Building Sewer to the Public Sewer.

3.) The Board of Selectmen may establish Service charges, which shall be levied on each User whose property is connected to the Bridgton Sewer System or who possesses a valid Public Sewer Connection Permit. The Service charges shall consist of the following components:

A) A debt service fee to provide a source of revenue for debt retirement costs of the Bridgton Sewer System. The debt service fee shall be a fixed fee based on the User's designated Equivalent Use.

B) An operation and maintenance fee to recover the costs of operating and maintaining the Bridgton Sewer System. The operation and maintenance fee shall be comprised of (i) a charge per 100 cubic feet of the User's water usage, and (ii) a fixed fee based on the User's designated Equivalent Use.

C) A reserve account fee to offset costs of future system improvements. The reserve account fee shall be a fixed fee based on the User's designated Equivalent Use.

4.) The Board of Selectmen may establish readiness-to-serve fees, which shall be the sum of the debt service fee and 50% of the fixed fee portion of the operation and maintenance fee. Notwithstanding subparagraph 3, above, a readiness-to-serve fee shall be levied in lieu of a Service charge on each Person who possesses a valid Public Sewer Connection Permit until a water use charge is first levied; thereafter, the Person shall be levied a Service charge. For purposes of levying the readiness-to-serve fee, if a Person possesses a valid Public Sewer Connection Permit but is not yet connected to the Bridgton Sewer System, the Superintendent shall designate the Equivalent Use of the property as "Undesignated" and assign an equivalent use value of one (1).

In addition, at such time that the Town Engineer certifies to the Board of Selectmen that the Bridgton Sewer System has sufficient expanded capacity to accommodate increased Sewage flows, the Board of Selectmen may levy a readiness-to-serve fee on each Person whose property abuts a Public Right of Way that contains a Public Sewer and whose property contains a structure or building that is located within 150 feet of the edge of the Public Right of Way.

SECTION 9. GRANDFATHERED SEWER ALLOCATION HOLDERS

A. No Person may reserve from the Town a sewer allocation for future use of the Bridgton Sewer System on or after September 1, 2015, provided that the rights of Grandfathered Allocation Holders shall be subject to subparagraph B, below.

B. Subject to the variance provisions of Section 7 of this Article, a Grandfathered Allocation Holder shall have a limited reserved right to future use of the Bridgton Sewer System as follows:

1.) For each Grandfathered Allocation Holder, the Superintendent shall designate an Equivalent Use based on the Grandfathered Allocation Holder's current sewer use or uses. If the Grandfathered Allocation Holder's property is not connected to the Bridgton Sewer System as of July 1, 2016, the Superintendent shall designate the Equivalent Use as "Undesignated" and assign an equivalent use value of one (1).

The Grandfathered Allocation Holder shall be levied the sewer assessments, fees and Service charges set forth in Section 8 of this Article based on said designated Equivalent Use, except that any Grandfathered Allocation Holder whose property is not connected to the Bridgton Sewer System or who has not been levied a water use charge shall receive a credit against any levied readiness-to-serve fees in an amount equal to the Grandfathered Allocation Holder's unused reserved allocation amount.

2.) The Grandfathered Allocation Holder shall have a reserved right to change the current sewer use and designated Equivalent Use to any sewer use that is otherwise permitted under this Ordinance and whose wastewater generation rate, as set forth in the State of Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241, is equal to or less than the Grandfathered Allocation Holder's reserved allocation. The Grandfathered Allocation Holder shall submit to the Superintendent a Public Sewer Connection Permit application, and the Superintendent shall review and issue a permit pursuant to section 5 of this Article. Upon issuance of the permit, the Grandfathered Allocation Holder shall be responsible for the sewer assessments, fees and Service charges set forth in Section 8 of this Article based on the new Equivalent Use designation.

3.) The Grandfathered Allocation Holder may transfer the reserved right to future use to a future owner of the property or building for which the sewer allocation was reserved, and the future owner shall have the same rights as the Grandfathered Allocation Holder.

4.) If at any time following exhaustion of all legal appeals but before June 30, 2021, the Grandfathered Allocation Holder's property is deemed unbuildable, the Sewer Department shall refund the Grandfathered Allocation Holder's reserved allocation amount, except that no sewer assessments, connection fees, or ready-to-serve fees shall be refunded.

5.) Any reserved right set forth herein that is not exercised by the Grandfathered Allocation Holder by June 30, 2021, shall expire on June 30, 2021. If, as of June 30, 2021, a Grandfathered Allocation Holder possesses an unused reserved allocation, the Sewer Department shall refund to the Grandfathered Allocation Holder any amount paid for the unused reserved allocation, less any credits accrued pursuant to subparagraph 1, above.

SECTION 10. PENALTIES

A. Any Person found to be violating any provision of this Ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of said violation.

B. Any Person who violates any provision of this Ordinance, other than those provisions pertaining to the payment of charges for Services established herein, shall be guilty of a civil violation and shall be punishable by a civil penalty of not less than \$100, to be recovered for the use of the Town. The continued violation of any provision of this Ordinance shall constitute a separate offense for each and every day such violation shall continue.

C. The proper authorities of the Town, in addition to other remedies, may institute any appropriate legal or administrative action or proceedings, including injunctive relief, to prevent any unlawful use, Construction or maintenance of cesspools, septic tanks, Sewage Disposal Systems, pipes or drains to restrain, correct or abate such violation or to prevent the occupancy of any building, structure or land where said violations are found.

D. Any Person violating any provision of this Ordinance shall become liable to the Town for any expense, loss or damage occasioned to the Town by reason of such violation.

SECTION 11. VALIDITY

A. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part of parts.

B. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance or Code of the Town existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of health, safety and welfare shall prevail.

SECTION 12. RETROACTIVITY

Notwithstanding the provisions of 1 M.R.S. § 302, and regardless of the date on which it is approved by the voters, Section 9 of Article I of the June 14, 2016 Amendments to the Bridgton Sewage Ordinance (“Grandfathered Sewer Allocations”) shall be retroactively effective as of September 1, 2015, and shall govern any and all pending proceedings related to grandfathered sewer allocations on or at any time after September 1, 2015.

ARTICLE II MANAGEMENT OF PRIVATE, CLUSTER SEWAGE SYSTEMS

SECTION 1. DEFINITIONS

The following terms shall have the following meanings for the purposes of Article II:

Cluster Sewage System - One or more Sewage Treatment Facilities or Sewer Systems serving a part or all of a contiguous area or development owned by the same Developer. It disposes of sewage and other wastewater from more than one separate, privately owned dwelling, lot, unit or plumbed building.

Developer - Any Person proposing to establish one or more Private Cluster Sewage Systems designed and intended to serve one or more multiplex units, subdivision lots or other grouping of plumbed buildings, including an established association of owners of adjacent developed properties.

Owner - The record owner of a dwelling unit, lot or building served or to be served by a Cluster Sewage System.

SECTION 2. CLUSTER SYSTEMS PERMITTED

No Cluster Sewage System shall be permitted unless the owner or owners of all properties to be served are parties to, and their said properties are made subject to, an effective, recorded declaration or agreement (hereinafter referred to as the "Agreement") providing for continuous, responsible management of such system in accordance with the terms of this Article II, the provisions of which Agreement shall be covenants running with the land of each such owner. Any Private Cluster Sewage System intended to serve more than three dwelling units shall be designed by a Professional Engineer.

SECTION 3. ESTABLISHMENT OF ASSOCIATION

The Agreement shall require the formation of a legal entity having its principal place of business within the Town. It shall require membership of all owners, of all properties to be served by the Private Cluster Sewage System. The entity shall be formed and funded, no later than the sale of the last property with moneys equal to its anticipated expenses for one year, no later than the sale of the last property to be served by such system.

SECTION 4. MANAGEMENT BY DEVELOPER

Until the formation and funding of the Association as aforesaid, and until the transfer and conveyance to the Association of all real and personal property necessary to the operation of the Private Cluster Sewage System, all of the duties and responsibilities of the Association and all of

its rights and powers, including the assessment, collection and use of charges, shall be timely and fully performed and exercised by the Developer.

SECTION 5. ASSOCIATION ASSETS

As soon as the Association has been formed, all real and personal property necessary to the operation of said system shall be transferred and conveyed to the Association by the Developer. All components of said system shall be in good operating order and condition, in compliance with all applicable laws, codes and regulations. The Developer shall be responsible for any repairs, replacements or improvements which may be required for the same, promptly following notice by the Association given within two (2) years after the date of said transfer, except normal maintenance. The Association shall not divest itself of any interest in said real estate except (1) to a duly constituted, responsible public body in connection with its assumption of part or all of the responsibilities of the Association requiring such real estate; or (2) upon approval by the Plumbing Inspector of the discontinuance of any Service for which such real estate was required.

SECTION 6. ASSOCIATION DUTIES

After the acquisition by the Association of the real and personal property constituting or necessary to the Cluster Sewage System, the Association shall own, operate, maintain, repair and replace same in accordance with all applicable laws, codes and regulations, including performance of the following requirements:

- A. It shall provide for officers or other personnel responsible for performance of the duties of the Association;
- B. It shall cause the inspection at least weekly of all pumping stations and any other mechanical components of said system and the general inspection of all sewage facilities by a Professional Engineer at least once every six (6) months in order to assure that they are in proper operating condition;
- C. It shall cause all septic tanks to be pumped out at least once every three (3) years unless required by the Town Engineer to pump these tanks more frequently and it shall maintain a record showing the dates of all septic tank pumping;
- D. It shall enter into a contract or contracts with one or more firms competent and available to provide on-call service for repair and maintenance of all sewage facilities;
- E. It shall pay, in a timely fashion, all expenses necessary or incidental to the performance of its functions and responsibilities under this Article II.

SECTION 7. CHARGES TO OWNERS

The Association shall provide for revenues sufficient to perform its duties hereunder and as provided in the Agreement, including supplemental or emergency revenues to cover any deficits or emergency requirements. Revenues shall include amounts for additions to reserves for major periodic repairs, contingencies and for replacements based upon the full, life cycle cost of the Cluster Sewage System.

The Association shall also establish procedures by which it can compel any owners to correct any deficiency, malfunction or other problem in their own property which affects the operation or integrity of the Cluster Sewage System.

SECTION 8. INSPECTION BY THE TOWN

A. Upon request by the Town Manager, the Association shall produce for inspection and copying at the Bridgton Town Office, or permit the inspection and copying at its own office, any or all of its corporate, financial, operating, inspection and maintenance records, reports, contracts, budgets and other papers, for the purpose of determining its performance of any compliance with the requirements of this Article II.

B. The Plumbing Inspector or an authorized representative, or the Town Engineer and other duly authorized employees of the Town, bearing proper credentials or identification, shall be permitted to enter at all reasonable times upon all properties owned by the Developer, the Association or the Association members for inspection, observation, measurement, sampling and testing for the purposes of this Article.

SECTION 9. PENALTIES

In the event that any Association, Developer or owner is found to be violating any provision of this Article II, all of the provisions and procedures set forth in Article I, Section 10 shall be applicable and available to the Town in connection with any such violation.

APPENDIX A

STANDARDS PURSUANT TO SECTION 5(f)

A. Construction Requirements for Public Sewer Connections

1.) Any new or replaced Building Sewer shall meet the following material requirements.

Cast iron soil pipe shall be service weight where the cover over the pipe does not exceed eight (8) feet, and shall be extra heavy if cover over the pipe exceeds eight (8) feet. Pipe shall meet the requirements of ASTM Designation A74-69. Joints may be caulked with oakum and pure lead not less than one (1) inch deep or may be of the rubber gasket type meeting the requirements of ASTM Designation C564-68. Hubless cast iron may be used with stainless steel clamp assemblies meeting the requirements of the Cast Iron Soil Pipe Institute Standard 301-69. Pipe fittings shall be coated with asphaltum or coal tar. (See Plumbing Code, Section 8, Building Drains and Sewer.)

Asbestos cement pipe shall be Class 3300 meeting the requirements of ASTM Designation C-644. Joints shall be rubber gasket type meeting the requirements of ASTM Designation D-1869 -C1.

Polyvinyl chloride pipe shall meet the requirements of ASTM Designation D-3034- 73SDR35. Joints shall be solvent welded or shall use rubber compression ring gaskets meeting ASTM D-1869.

2.) The size and slope of the Building Sewer shall be determined by the connected fixture units as indicated in the Plumbing Code, but in no event shall the diameter be less than four (4) inches nor the pitch less than one-quarter (1/4) inch per foot before the septic tank and one-eighth (1/8) inch per foot after the septic tank.

3.) If a Building Drain is laid parallel to a bearing wall of a building, it shall be not less than five (5) feet from it and shall be laid on either undisturbed soil or on well compacted fill.

4.) A Building Sewer shall be laid at a uniform grade and in straight alignment. Any unavoidable changes in direction shall be made with appropriate fittings compatible with the type of pipe being used. Such changes in grade and alignment shall be subject to the approval of the Superintendent upon submission of a dimensional plan showing the location of such fittings.

5.) All excavations required for the installation of a Building Sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and back-filling shall be performed to the satisfaction of the Superintendent and no back-fill shall be placed until the pipe has been inspected. All excavations shall be adequately guarded with barricades and lights to protect the public from hazards. Width of trench shall be a maximum of three (3) feet at the crown of pipe level. All pipe shall be bedded in granular material extending at least four (4) inches below the pipe and four (4) inches above the crown of pipe. Such bedding shall contain no stones larger than three-quarter (3/4) inch.

6.) The property owner or his agent shall give the Superintendent a seven (7) working day written notice of the time that Construction will start on a public way or public easement. All relevant permits shall be obtained by the property owner or his agent. All costs for permits including, but

not limited to, permits for road openings and stream crossings shall be borne by the property owner. Sidewalks, parkways and other public property disturbed in the course of the work shall be restored to their original condition to the satisfaction of the Public Works Director, who will make a final inspection of the completed work. Construction within the public way shall be completed within five (5) days. All back-fill within a paved area in a Public Right of Way shall be placed in eight (8) inch layers and thoroughly compacted by mechanical means to the satisfaction of the Superintendent and the Public Works Director.

7.) Any excavation which may disturb the root system of any shade trees in the public way shall be approved by the Tree Warden or other suitable Town Official prior to the commencement of work. If it is determined that the work must be supervised by a licensed arborist, the costs of such supervision shall be borne by the person making the excavation.

8.) Sewer Construction and work incidental thereto, in any public way or public easement, shall be performed under the supervision of, and to the satisfaction of, the Superintendent. The Board of Selectmen may require the cost of this supervision to be borne by the person accomplishing the Construction.

9.) Excavation shall not be made over or immediately adjacent to any Public Sewer unless the Superintendent has given his approval and the work is done under his supervision. Property owners and others performing work on their behalf shall be fully responsible for locating and protecting all utilities under or above any public way, including, but not limited to, water mains, Storm Drains, power lines, telephone lines, gas lines, telegraph lines or fire call cables. Any damage to such utilities shall be repaired to the satisfaction of the utility involved at no expense to the Town.

10.) If a "Y" or "T" branch in the Public Sewer is available at a suitable location, the connection of the Building Sewer shall be made to such branch. Where no branch is available, a new hole shall be cut into the Public Sewer and the Building Sewer connected thereto with a saddle compatible with the Public Sewer in accordance with Accepted Practice. All such joints shall be inspected by the Superintendent prior to back-filling. No protrusion of the service line into the main sewer will be permitted.

APPENDIX B

SCHEDULE OF EQUIVALENT USES¹

USE OR USES	UNIT MEASUREMENT	EQUIVALENT USE VALUE
Single Family Dwelling	Each	1
Additional Dwelling Unit	Each	1
High School	15 students	1
Junior High School	20 students	1
Elementary School	24 students	1
Motel, Hotel, B&B	2 rooms	1
Conventional Restaurant:		
3 meals/day	6 seats	1
2 meals/day	10 seats	1
Disposable Utensil Restaurant	12 seats	1
Church		
with Dining Seats	30 seats	1
with Assembly Seats	50 seats	1
Club	40 members	1
Daycare with meals	9 children	1
Public Meeting/Assembly Hall		
without Food Service	50 seats	1
with Food Service	30 seats	
Library	50 seats	1
Movie Theater	50 seats	1
Commercial/Industrial Facility	5 employees	1
Government/Office Facility	5 employees	1
Gas Station	1 pump island	2
Fire Department	5 full-time firefighters	1
Theater or Playhouse	40 seats	1
Laundromat	1 machine	2
Cocktail Lounge	10 seats	1
Beauty/Barber Shop	2 sinks	1
Dog Grooming	1 tub	1
Car Wash (with Water Recycling)	1 bay	1
Hospital or Nursing/Boarding Home	2 beds	1

¹ Equivalent Use Values for uses that are not listed shall be established by the Superintendent based on uses with similar functions and similar wastewater production.

USE OR USES	UNIT MEASUREMENT	EQUIVALENT USE VALUE
Store		2
with Public Restroom	Each	2
without Public Restroom	Each	1
with Food Service	Each	2
Additional for Seating	12 seats	1
Shopping Center	12 employees	1
	75 parking spaces	1
Conference Center	21 Seats	1
Undesignated	Each parcel	1

Enacted: June 1995

Amended: June 2000; June 12, 2007; and June 14, 2016

TOWN OF BRIDGTON

OFFICIAL SHORELAND ZONING MAP

Enacted: June 14, 2005

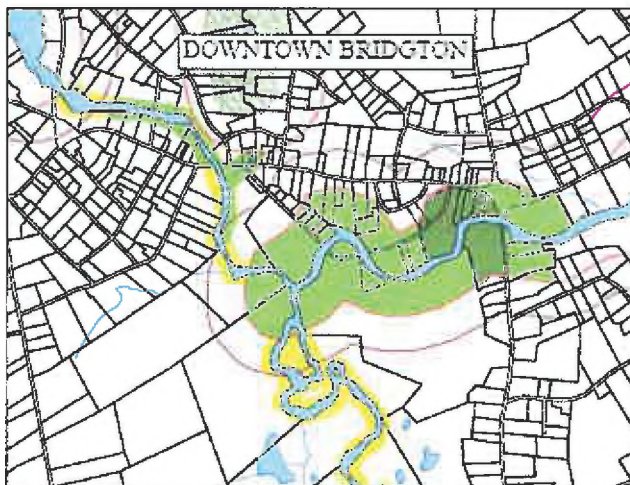
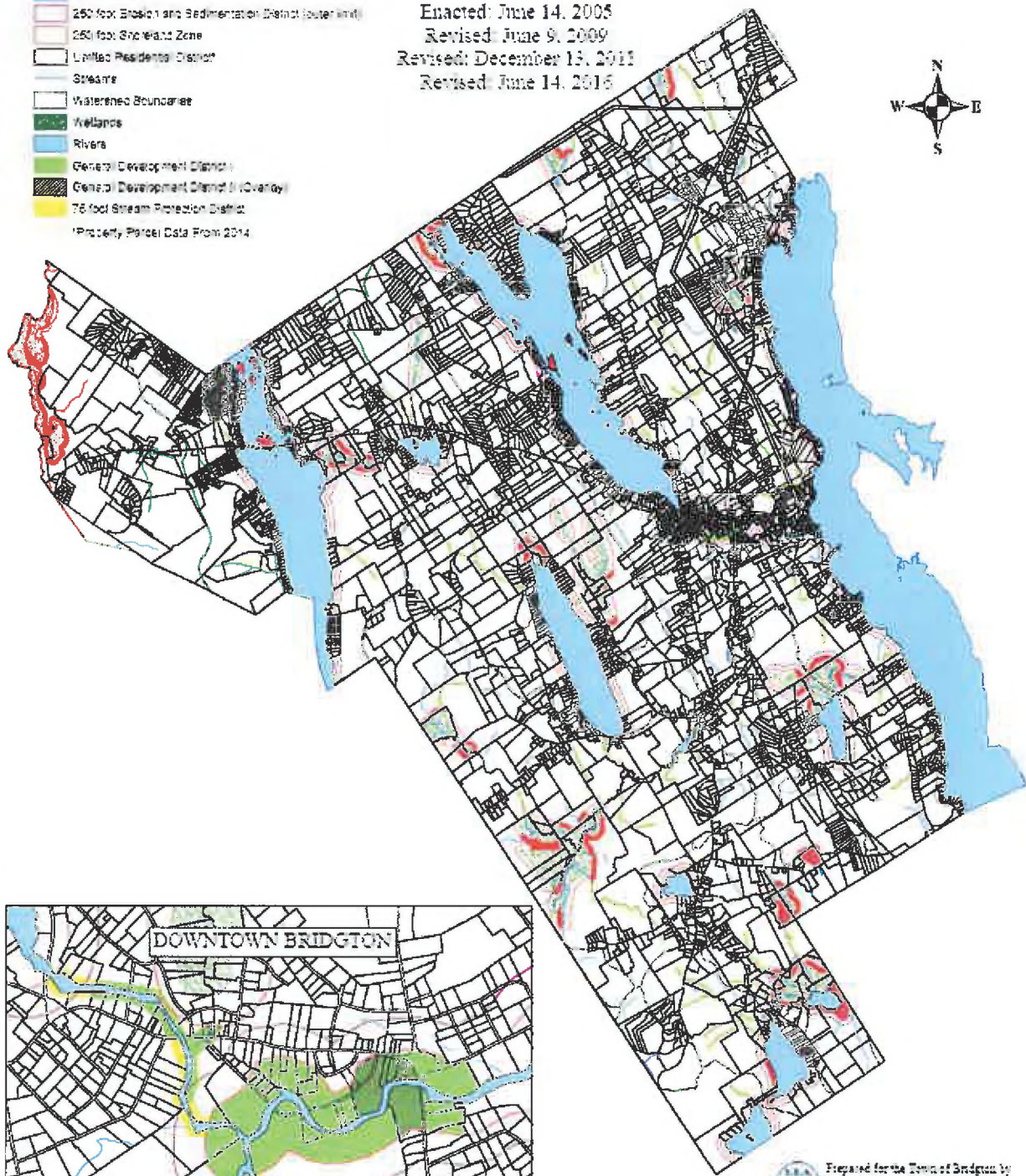
Revised: June 9, 2009

Revised: December 13, 2011

Revised: June 14, 2016

Legend

- Resource Protection District
 - Lakes and Ponds
 - 250-foot Erosion and Sedimentation District (outer limit)
 - 250-foot Shoreland Zone
 - Limited Residential District
 - Stream
 - Watered Boundaries
 - Wetlands
 - Rivers
 - General Development District
 - General Development District (Overlay)
 - 75-foot Stream Protection District
- Property Parcel Data From 2014



Prepared for the Town of Bridgton by
Lakes Environmental Association
200 Main St., Bridgton, ME 04609

0 0.5 1 2 3 4 miles

**TOWN OF BRIDGTON
SHORELAND ZONING ORDINANCE
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NOTE: Table of Contents Subject to Change

Shoreland Zoning Ordinance for the Municipality of Bridgton

Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3 Applicability

This Ordinance applies to:

- All land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river;
- All land areas within 75 feet, horizontal distance of the normal high water mark of all tributary streams;
- All land areas within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and
- All land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.
- Additionally, this Ordinance also applies to sources of erosion and sedimentation in all land areas between 250 and 500 feet, horizontal distance, of the normal high-water line of any great pond or river and to all land areas between 250 and 500 feet, horizontal distance of the upland edge of any freshwater wetland associated with a great pond or river. (See the Erosion and Sedimentation Control District.)
- This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

Section 4. Effective Date of Ordinances and Ordinance Amendments

A. This Ordinance, which was adopted by the municipal legislative body on June 12, 1996 and amended on June 11, 1997, June 10, 1998, March 23, 1999, June 12, 2002, June 10, 2003, June 12, 2007, June 9, 2009, June 14, 2011, December 13, 2011, June 10, 2014, June 9, 2015 and June 14, 2016 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment within forty-five (45) days of his/her receipt of the Ordinance, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance or Ordinance Amendment if the Ordinance or Ordinance Amendment is approved by the Commissioner.

Section 5. Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 7. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality the more restrictive provision shall control.

Section 8. Amendments

A. This Ordinance may be amended by majority vote of the legislative body. Amendments must comply with Title 30A §4352. Amendments must be submitted to the Municipal Officers by the Planning Board following the requirements below for publishing and posting a public hearing:

1. The notice must be posted in the municipal office at least 13 days before the public hearing;

2. The notice must be published at least 2 times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen;

3. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area.

B. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is(are) made a part of the Ordinance:

1. Resource Protection
2. Limited Residential
3. General Development
4. Stream Protection District
5. Erosion and Sedimentation Control District

Section 9. Districts and Zoning Map

B. Scale of Map

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

Section 9. Districts and Zoning Map

C. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

Section 9. Districts and Zoning Map

D. Changes to the Official Shoreland Zoning Map

If amendments in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein.

Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

Section 11. Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. Non-conformance

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

Section 12. Non-conformance

B. General

1. **Transfer of Ownership:** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

2. **Repair and Maintenance:** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not

involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require. Reference Building and Razing Ordinance for additional requirements.

Section 12. Non-conformance

C. Non-conforming Structures

1. Expansions: A non conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)3 and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

b. An application for a permit to expand an existing non-conforming structure by more than 200sf shall be accompanied by scaled drawings showing the dimensions and volume of the existing structure and the dimensions and volume of the structure after the proposed expansion. The drawings shall include floor plans for each level, exterior elevation drawings for each façade and a building cross section. Prior to issuing a building permit, a Maine registered engineer, ~~or~~ architect, or surveyor shall visit the site to certify that the existing conditions are as shown on the above mentioned drawings and to compare the existing plan to the proposed plan. The architect, surveyor, or engineer's certification shall be procured and paid for by the Applicant. The Code Enforcement Officer shall use these certified scaled drawings to determine if the proposed expansion conforms to Section 12C.1.a. For all expansions within 30 days of completion of the expansion a "Notice of Expansion" bearing the signature of the Code Enforcement Officer, shall be recorded at the Cumberland County Registry of Deeds and proof of such recording submitted to the Code Enforcement Officer. The Owner's original deed for the property shall be referenced in the recording. The proof of recording and the scaled drawings shall be on file in the Code Enforcement Office at the Town of Bridgton. The Notice of Expansion will provide evidence that the expansion has been built in accordance with the proposed plans submitted for a building permit and any subsequent amendments to the building permit. The Notice will warrant that the completed construction has not exceeded the limits set forth by Section 12.C.1.a

c. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Code Enforcement Officer, basing its decision on the criteria specified in Section 12(C)2,; if the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) and the foundation does not cause the structure to be elevated by more than three (3) additional feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

d. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining where the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Code Enforcement Officer in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be placed or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Code Enforcement Officer shall consider in addition to the criteria in 12(C)(2) above, the physical condition and type of foundation present, if any.

4. Change of Use of a Non-conforming Structure

The use of a non-conforming structure may not be changed to another use unless the Code Enforcement Officer after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Code Enforcement Officer shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources and other functionally water-dependent uses.

Section 12. Non-conformance

D. Non-conforming Uses

1. Expansion: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within the existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.

2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Code Enforcement Officer may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Code Enforcement Officer. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

Section 12. Non-conformance

E. Non-conforming Lots

1. Non-conforming Lots: A non conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this

Ordinance except lot area lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. section 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules and:

a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

b. Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values.

This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the General Development Districts and Limited Residential District need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean area characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

Note: The Natural Resources Protection Act, 38 M.R.S.A. sections 480-A through 480Z requires the Department of Environmental Protection to designate areas of "significant wildlife habitat". Significant wildlife habitat includes:

Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; and high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils. This district shall also include 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

Note: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, such as steep coastal bluffs.

Section 13. Establishment of Districts

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the General Development Districts.

Section 13. Establishment of Districts

C. General Development Districts

The General Development Districts includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

a. Areas devoted to manufacturing, fabricating or other industrial activities;

b. Areas devoted to wholesaling, warehousing, retail, trade and service activities, or other commercial activities; and

c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

2. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development Districts may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance.

There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA and adjacent to rivers that which flow to great ponds classified GPA.

Section 13. Establishment of Districts

D. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 13. Establishment of Districts

E. Erosion and Sedimentation Control District

The Erosion and Sedimentation Control District includes all land areas between 250 and 500 feet, horizontal distance, of the normal high-water line of any great pond or river and all land areas between 250 and 500 feet, horizontal distance of the upland edge of any freshwater wetland associated with a great pond or river. The only land uses regulated in the Erosion and Sedimentation Control District are those construction-related activities or land use condition causing or contributing erosion and sedimentation to any land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or within 250 feet, horizontal distance, of the upland edge of any freshwater wetland that is contiguous to a great pond.

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

- Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)
- No - Prohibited
- PB - Allowed with approval from the Planning Board
- CEO - Allowed with permit issued by the Code Enforcement Officer
- LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

- RP - Resource Protection
- SP - Stream Protection District
- LR - Limited Residential
- GDI - General Development I District
- GDII - General Development II District
- E & S - Erosion and Sedimentation Control District

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICTS				
	SP	RP	LR	GDI	GDII
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	Yes	Yes	Yes	Yes	Yes
2. Motorized vehicular traffic on existing roads & trails	Yes	Yes	Yes	Yes	Yes
3. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO1	Yes	Yes	Yes
4. Fire prevention activities	Yes	Yes	Yes	Yes	Yes
5. Wildlife management practices	Yes	Yes	Yes	Yes	Yes
6. Soil & Water conservation practices	Yes	Yes	Yes	Yes	Yes
7. Mineral exploration	No	Yes2	Yes2	Yes2	Yes2
8. Mineral extraction including sand & gravel extraction	No	PB3	PB	PB	PB
9. Surveying and Resource analysis	Yes	Yes	Yes	Yes	Yes
10. Emergency Operations	Yes	Yes	Yes	Yes	Yes
11. Agriculture	No	No	No	No	No
12. Aquaculture	PB	PB	PB	Yes	Yes
13. Principal structures & uses					
A. One & two family Residential,	No	PB9	CEO	CEO	CEO
B. Driveways for One & two Family Residential	PB	PB	CEO	CEO	CEO
C. Multi-unit residential	No	No	PB	PB	PB
D. Commercial	No	No10	No10	PB	PB
E. Industrial	No	No	No	PB	PB
F. Governmental and Institutional	No	No	No	PB	PB
G. Small non-residential Facilities for educational, scientific, or nature interpretation purposes	No	No	CEO	CEO	CEO
14. Structures accessory to allowed uses	No	No	CEO	Yes	Yes
15. Docks, bridges and other Structures & uses extending over or below the Normal high-water line or within a wetland					
a. Temporary	CEO	CEO	CEO	CEO	CEO
b. Permanent	PB	PB	PB	PB	PB
16. Conversions of seasonal Residences to year-round residences	LPI	LPI	LPI	LPI	LPI
17. Home occupations	PB	NO	PB	Yes	Yes
18. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	No
19. Essential services	PB6	PB6	PB	PB	PB
20. Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes	Yes

21. Public & private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO
22. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
23. Campgrounds	No	No7	PB	PB	PB
24. Road construction	PB	No8	PB	PB	PB
25. Parking facilities	No	No7	PB	PB	PB
26. Marinas	PB	No	PB	PB	PB
27. Filling & earthmoving of less than 10 cubic yards	No	CEO	Yes	Yes	Yes
28. Filling & earthmoving of greater than 10 cubic yards	No	PB	CEO	CEO	CEO
29. Signs	Yes	Yes	Yes	Yes	Yes
30. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
31. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
32. Uses similar to uses requiring a PB approval	PB	PB	PB	PB	PB
33. Earthmoving, vegetation removal, Or construction affecting more than 100 square feet of land area on any property parcel with-in any two year period.	CEO	CEO	CEO	CEO	CEO
34. Earthmoving, vegetation removal, or construction affecting more than 10,000 square feet of land area on any property parcel within any two year period.	PB	PB	PB	PB	PB

Note: All land uses listed above are allowed within the Erosion and Sedimentation Control District without a shoreland zoning permit. Within the Erosion and Sedimentation Control District, no construction-related activity or land use condition shall cause or contribute erosion and sedimentation to any land area within 250 feet, horizontal distance, of the normal high-water line of any great pond or within 250 feet, horizontal distance, of the upland edge of any freshwater wetland contiguous to a great pond.

1. In RP not allowed within 75 feet horizontal distance of the normal high-water line of great ponds, except to remove safety hazards
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of Wildlife value

4. Provided that a variance from the setback requirement is obtained from the Board of Appeals
5. Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page)
6. See further restrictions in Section 15(L) (2) .
7. Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.
8. Except as provided in Section 15(H)3.
9. Single family residential structures may be allowed by special exception only according to the provisions of Section 16.E "Special Exceptions. Two-family residential structures are prohibited.
10. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to 38 M.R.S.A., section 480-C, if the activity occurs in, on over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling; or
- D. Any construction or alteration of any permanent structure

Section 15. Land Use Standards

A. Minimum Lot Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

1.	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft)
Per Residential dwelling unit	50,000	200
Governmental, Institutional, Commercial or Industrial Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200

General Development I District (GDI)

Minimum lot area: 20,000 square feet per residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, except that the following parcels shall contain a minimum of 5,000 square feet per residential dwelling unit, principal governmental, institutional, commercial or

industrial structure or use, or combination thereof: Map 23 Lot 132; Map 23 Lot 133; Map 23 Lot 134; Map 23 Lot 135.

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft)
General Development II District (GDII)	*5,000 square feet or *1,000 square feet per bedroom, which ever is greater	0

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

5. If more than one residential dwelling unit principal governmental institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

6. Shorefront Common Areas shall meet the following criteria:

a. Shorefront common areas shall contain a minimum of two acres. For those which serve less than three residential dwelling units or provide less than three rights of use, the minimum lot size shall be reduced to one acre.

b. The shorefront common area shall have a minimum of 25 feet of shoreline frontage for each residential dwelling unit which has access to the common area and for each right of use granted to any family unit or other legal entity.

c. Use of common areas within a subdivision shall be limited to residential dwelling units contained within said subdivision.

d. Accommodations for motorized watercraft shall be limited to 1 craft for each 25 feet of shoreline frontage. This limit shall not apply to motorized watercraft of transient visitors which remain at the common area for less than 48 hours and craft with motors of less than ten horsepower:

e. The provisions of this Section shall not apply to municipal beach facilities.

f. The provision of this Section shall apply to new commercial campground sites located within the shoreland zone.

g. Shorefront common areas established before June 8, 1987 are exempt from the preceding criteria if there has been no increase in rights of use granted since said date. They may be improved with temporary docking facilities with approval of the Planning Board, subject to Section 15 paragraph C. (6/03)

Section 15. Land Use Standards

B. Principal and Accessory Structures

NOTE: Section 16.I of this Ordinance provides significant penalties for violations involving vegetative cutting, earth-moving or other construction conducted before or after the issuance of any permit.

NOTE: See Section 15.R "Water Quality" for additional requirements.

1. All new principal and accessory structures utilizing solid wall foundations shall be set back at least one hundred and twelve (112) feet horizontal distance, from the normal high-water line of great ponds classified GPA, rivers that flow to great ponds classified GPA and the upland edge of any wetland contiguous to those great ponds and rivers. Areas more than 100 feet horizontal distance, from the normal high water line of all great ponds, rivers that flow to great ponds, tributaries and wetlands contiguous to those great ponds, rivers and tributaries may be used for construction of structures such as decks and patios which do not have solid wall foundations. All new principal and accessory structures shall be set back at least seventy-five 75 feet horizontal distance, from the normal high-water line of other water bodies, streams, and the upland edge of other wetlands. In the General Development Districts the setback from the normal high-water line shall be a minimum of fifty (50) feet horizontal distance. The water body or wetland setback provision shall not apply to docks and retaining walls. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

The Planning Board may reduce the setback requirement for projects in the General Development District by up to 50% upon a positive finding of fact that, for any lot of record, all of the following provisions are met:

a. The total area impacted by the proposed setback reduction shall not exceed 25% of the portion of the lot lying within 50

feet of the normal high water mark of any river or tributary stream regulated by this Ordinance.

b. Infiltration systems shall be installed and maintained to infiltrate storm water runoff from all man-made impervious surfaces on the property. Systems shall be sized to accommodate all runoff from a two inch precipitation event of 24-hour duration and shall be located at least 50 feet from the normal high water mark of any river or tributary stream regulated by this Ordinance.

c. There shall be a net increase in the area of the lot which is covered by multi-level vegetation combining ground cover, bushes and trees with at least 50% evenly-distributed tree leaf canopy as viewed from above. All areas of the property not covered by structures (roads, buildings, parking areas, septic systems, etc.) shall be re- vegetated and maintained in such a manner.

d. The proposal shall be designed and built to reduce the gross amount of phosphorus exported from the property by a minimum of 10%.

e. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. Cupolas, domes, widow's walks and similar features that are not inhabited and are mounted on a building roof for observation purposes are exempt providing they meet the following standards:

a. The feature is on a legally existing conforming structure.

b. The structure is not located in Resource Protection or Stream Protection Districts.

c. The feature does not extend beyond the exterior walls of the existing structure.

d. The feature has a floor area of 53 square feet or less.

e. The feature does not increase the height of the existing structure by more than seven feet.

3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District where lot coverage shall not exceed seventy (70) percent.

5. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

a. The site has been previously altered and an effective vegetated buffer does not exist;

b. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high water line of a water body, tributary stream, or upland edge of a wetland;

c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

d. The total height of the wall(s), in aggregate, are no more than 24 inches;

e. Retaining walls are located outside of the 100 year floodplain on rivers, streams and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood record, or in the absence of these, by soil types identified as recent flood plain soils.

f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics.

i. The buffer must include shrubs and other woody and herbaceous vegetation. Where the natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

ii. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

iii. Only native species may be used to establish the buffer area;

iv. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

v. A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer.

6. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and the applicant demonstrates that no reasonable access alternative exists on the property.

7. All new principal and accessory structures shall be set back at least 10 feet from all side and rear (non-shoreline) lot lines. (6/03)

Section 15. Land Use Standards

C. Docks, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water body or Within a Wetland.

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.

3. The facility shall be located so as to minimize adverse effects on fisheries.

4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses, of the area. A temporary dock shall not be wider than six (6) feet for non-commercial uses.

5. When more than one residential dwelling unit has water access rights such accommodations shall be one docking system with slips for watercraft. The Code Enforcement Officer, upon written documentation, that one docking system is not feasible may authorize additional docking systems be created.

6. No new structure shall be built on, over or abutting a dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

7. New permanent docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

8. No existing structures built on, over or abutting a dock or other structure extending beyond the normal high-water body or within a wetland shall be converted to residential dwelling units in any district.

9. Except in the General Development Districts, structures built on, over or abutting a dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the dock or other structure.

10. Temporary structures that are specifically designed and manufactured to be removed from the water on a seasonal basis may be installed once ice has melted in the spring and must be removed prior to the formation of ice in the fall.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A., section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

Section 15. Land Use Standards

D. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each

site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

Section 15. Land Use Standards

E. Individual Private Campsites

Individual, private campsites not associated with campgrounds are allowed provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the sitting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

Section 15. Land Use Standards

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- a. Auto washing facilities
- b. Auto or other vehicle service or repair operations, including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
- e. Commercial painting, wood preserving, and furniture stripping
- f. Dry cleaning establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing
- j. Petroleum or petroleum product storage or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- k. Photographic processing
- l. Printing

Section 15. Land Use Standards

G. Parking Areas

NOTE: Section 16.H of this Ordinance provides significant penalties for violations involving vegetative cutting, earth-moving or other construction conducted before or after the issuance of any permit.

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located.

The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development Districts, shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Code Enforcement Officer finds that no other reasonable alternative exists further from the shoreline or tributary stream.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

3. In determining the appropriate size of proposed parking facilities, the following shall apply:

a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

b. Internal travel aisles: Approximately twenty (20) feet wide.

Section 15. Land Use Standards

H. Roads and Driveways

NOTE: Section 16.H of this Ordinance provides significant penalties for violations involving vegetative cutting, earth-moving or other construction conducted before or after the issuance of any permit.

The following standards shall apply to the construction of roads or driveways and drainage systems, culverts and other related features.

1. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream or wetland.

On slopes of greater than twenty (20) percent the road or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15(H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding permanent or temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.

3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to

permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in section 15(Q)

5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams and wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent less.

c. On sections having slopes greater than ten (10) percent ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

Section 15. Land Use Standards

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection and Limited Residential Districts:

1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises.

3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

5. Signs relating to public safety shall be allowed without restriction.

6. No sign shall extend higher than ten (10) feet above the ground.

7. Signs may be illuminated only by shielded, non-flashing lights.

Section 15. Land Use Standards

J. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

Section 15. Land Use Standards

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than one hundred (100) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in shoreland zone.

a. The minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

b. Replacement systems shall meet the standards for replacement systems as contained in the Rules.

2. In addition to the standards contained in the Rules, the following provisions shall be met for the construction of wastewater disposal systems:

a. The setback from the normal high-water mark of any great pond, river, or the upland edge of a wetland for wastewater disposal systems shall be a minimum of 100 horizontal feet. This setback shall be increased to the most suitable location within the shoreland zone, as determined by the C.E.O. In making this determination, the C.E.O. shall consider soil suitability, runoff conditions and existing land uses.

b. Expansion of a structure which causes an increase in wastewater shall not be approved or begun unless it is demonstrated that the structure is or can be served by a system which complies with all provisions of this Section and the Rules.

c. When a new system is constructed on a lot, old systems which do not meet the standards contained in this Section shall be discontinued.

Section 15. Land Use Standards

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or

Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impact.

Section 15. Land Use Standards

M. Mineral Exploration and Extraction

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, to restore disturbed areas and to protect the public health and safety. Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15(M)(3) below.

2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.

3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed completed when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period ground levels and grades shall be established in accordance with the following:

- a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

- b. The final graded slope shall be two and one half to one (2½:1) slope or flatter.

c. Top soils or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area.

Additional top soils or loam shall be obtained from off- site sources if necessary to complete the stabilization project.

4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

Section 15. Land Use Standards

N. Agriculture

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

3. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies ; nor within fifty (50) feet, horizontal distance, or tributary streams, and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained but shall not be enlarged.

4. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor, within twenty-five (25) feet, horizontal distance, or tributary streams, and freshwater wetlands. Livestock grazing that legally existed at the effective date of this Ordinance, and that has not been discontinued for any period of twelve consecutive months or more, may continue, provided that such grazing is not expanded in scope and is conducted in accordance with a Soil and Water Conservation Plan.

Section 15. Land Use Standards

O. Clearing or Removal of Vegetation for Activities other than Timber Harvesting

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of wetland, a buffer strip of vegetation shall be preserved as follows:

a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 12 or more in each 25-foot by 25 foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)		Points
2-4 in.		1
> 4-12 in.		2
12 in. or greater		4

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

For the purposes of Section 15(P)(2)(b), "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least three (3) saplings less than two (2) inches in diameter at four and one-half (4½) feet above ground level for each 25-foot

by 25-foot rectangular area. If three (3) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 3 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4½ feet above ground level may be removed in any ten (10) year period.

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a). above.

d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas, are limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed ten thousand (10,000) square feet for each detached single family dwelling, including land previously cleared. This provision shall not apply to the General Development Districts.

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Section 15. Land Use Standards

P. Erosion and Sedimentation Control Standards

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

a. Mulching and revegetation of disturbed soil.

b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

c. Permanent stabilization structures such as retaining walls or riprap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

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

c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales or silt fences.

5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them.

Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

6. No activity shall cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. In determining whether the applicant has made adequate provision for controlling erosion and sedimentation, all relevant evidence shall be considered.

7. Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality or soil erosion. On-site absorption shall be utilized to minimize discharges whenever possible.

8. In areas where ground cover is removed, with the exception of roadways and parking areas, permanent seeding shall be placed as soon as is practical but not later than thirty days from the start of construction unless a waiver is obtained.

9. Ground cover shall not be removed between October 1st and May 1st from areas with an average slope in excess of 8% without Planning Board or C.E.O. approval.

10. Water channels, including ditches, culvert inlets, culvert outlets, and detention basin outlets shall be stabilized.

11. Cut and fill slopes shall not exceed a 3 to 1 slope unless no reasonable alternative exists as determined by the Code Enforcement Officer. Cut and fill slopes shall be stabilized with vegetation, rock or other suitable measures.

12. Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, filter berms, check dams or other suitable measures.

13. Existing catch basins and culverts on or adjacent to the site shall be protected from sedimentation.

14. Stone check dams shall be built and maintained at all points where newly-constructed ditches channelize runoff flows to an adjacent property parcel.

15. Roof runoff from any newly-constructed or enlarged portion of an existing structure shall drain to a roof drip edge collection system with the capacity to infiltrate and store runoff from a 2" in 24 hour rainfall event.

16. Phosphorus export from any proposal required to obtain a permit from the Planning Board shall not result in total annual export from the entire property parcel that exceeds .05 pounds

per acre as determined by using methods described in the manual "Phosphorus Control in Lake Watersheds".

Section 15. Land Use Standards

Q. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include

Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

Section 15. Land Use Standards

R. Water Quality

1. 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, tributary stream or wetland. The washing, bathing, or cleaning of humans, animals, or objects with soaps, detergents, or cleaning agents shall be prohibited in surface waters or in areas adjacent to surface waters if wash water can enter the surface water without absorption into the soils.

2. One of the following methods of phosphorus mitigation must be employed if the footprint of any structure is enlarged within the setback area.

a. The existing undisturbed natural wooded buffer strip between the structure and the water body shall be at least 50 feet in depth; or

b. A 50 foot natural wooded buffer strip shall be created by allowing a 50 foot strip to revert to natural vegetation. Woody vegetation shall be planted if lacking; or

c. An infiltration system designed to accommodate the runoff from the entire structure that would be generated by a 24 hour two-inch rainfall shall be constructed following C.E.O. approval.

d. All new structures in the shoreland zone with a solid wall foundation shall comply with Section 15.R.2.c above.

3. Wells may be located within the setback area if all of the following provisions are met:

a. The access corridor for equipment does not exceed 20 feet in width and must follow any existing or proposed footpath. The C.E.O. may expand this 20 foot limit to the minimum extent needed where access is difficult.

b. All slag shall be removed from the ground, and no erosion or sedimentation shall enter any adjacent waterbody.

c. All areas not covered by the footpath shall be stabilized immediately and fully revegetated within nine months.

4. No provision of this Ordinance shall prohibit the revegetation or stabilization of a disturbed area if a stabilization plan is filed with and approved by the C.E.O. The use of fertilizer containing phosphorus within the buffer area is prohibited except as part of an approved stabilization plan.

5. The application for each proposed subdivision falling partially or completely within the shoreland zone shall contain information indicating the projected water quality impact of the project relative to its proportional area within the watershed of any great pond. The Planning Board shall consider such information, particularly how projected phosphorous loading relates to existing phosphorous levels and the ability of the water body to maintain its existing water quality, when reviewing the proposed subdivision.

Section 15. Land Use Standards

S. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

Section 15. Land Use Standards

T. Erosion and Sedimentation Control District Provisions

The Code Enforcement Officer is empowered to inspect and identify any existing source of erosion or sedimentation which has the potential to deliver soils or sediment to any water body protected by this Ordinance.

Any such sources shall be immediately stabilized to temporarily prevent such erosion and sedimentation. Following temporary stabilization, which must be accomplished within one week of notice of violation, an erosion and sedimentation control plan and maintenance provisions shall be submitted for review within thirty days of notice of violation. The erosion stabilization plan shall demonstrate that the requirements of Section 15.Q of this Ordinance will be met. The erosion stabilization plan shall be completed within two years of notice of violation.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer (C.E.O.). A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

2. Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A section 2691.

3. Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

Section 16. Administration

B. Permits Required

Pre-construction Evaluation Required - Prior to the issuance of any permits, and prior to any land disturbance, construction or vegetative cutting associated with a project subject to review under this Ordinance, the reviewing authority may conduct a site visit together with the applicant or the applicant's agent to evaluate the proposal, set boundaries and to field check project components and options as they relate to planned alterations of site conditions.

After the effective date of this Ordinance no person shall, without first obtaining a permit(s), engage in any activity of use of land or structure requiring a permit(s) in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued non-conforming use. A person who is issued a permit(s) pursuant to this Ordinance shall have a copy of the permit(s) on site while the work authorized by the permit(s) is performed.

1. A permit is not required for the replacement of an existing road culvert as long as:

- a. The replacement culvert is not more than one standard culvert size wider in diameter than the culvert being replaced;
 - b. The replacement culvert is not more than 25% longer than the culvert being replaced;
 - c. The replacement culvert is not longer than 75 feet; and
 - d. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.
2. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

Section 16. Administration

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder certifying that the information in the application is complete and correct.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. All applications for expansion to a non-conforming structure must submit additional information. See Section 12.C.1.b
5. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.
6. Prior to any vegetative cutting immediately adjacent to or within set back areas and areas subject to the standards contained in Section 15.P., the applicant or the applicant's agent shall mark all vegetation to be cut or removed and the Code Enforcement Officer shall field check marked vegetation to assure compliance with the provisions of this Ordinance.
7. Prior to any earth moving or other construction immediately adjacent to or within set back areas and areas subject to the standards contained in Sections 15P.1 and 15P.2 the applicant or

the applicant's agent shall mark the boundaries of those areas and shall indicate the appropriate erosion control barrier(s) to be installed to assure compliance with the provisions of this Ordinance. No earth moving or other construction shall be conducted until the boundaries are field checked by the Code Enforcement Officer and the erosion control barrier has been installed and inspected by the Code Enforcement Officer.

Section 16. Administration

D. Procedure for Administering Permits

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood plain development and use; and
8. Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved

subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

Section 16. Special Exceptions

E. Special Exceptions

In addition to the criteria specified in Section 16.D "Procedure for Administering Permits", excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

3. All proposed buildings, sewage disposal systems and other improvements are:

a. Located on natural ground slopes of less than 20%; and

b. Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be $\frac{1}{2}$ the width of the 100-year flood-plain.

4. The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

5. All structures, except functionally water-dependent structures, shall meet the requirements of Section 15.B. In its determination the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate value and high-value wetlands.

Section 16. Administration

F. Expiration of Permit

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period.

Section 16. Administration

G. Installation of Public Utility Service

A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

Section 16. Administration

H. Appeals

There shall be a Board of Appeals of five members and two associate members, all of whom shall be residents of the Town of Bridgton, and shall serve without compensation. The members of the Board shall be appointed by the Board of Selectmen. In accordance with the laws of the State of Maine, the following provisions shall apply:

Terms of members shall be for five years except that initial appointments shall be made so that the terms of not more than one member expires in any given year. The term of office of the associate members shall be five years.

A municipal officer shall not be a member or associate member of the Board of Appeals.

When a member is unable to act because of conflict of interest, physical incapacity, absence from the state or any other reason satisfactory to the Chairman, the Chairman of the Board shall designate an associate member to act in his place.

When there is a permanent vacancy, the Board of Selectmen shall appoint a person for the unexpired term.

The Board of Appeals shall elect a chairman and a secretary from its own membership.

A quorum shall consist of three members.

An associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when designated by the chairman to act for a member.

1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

a. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.

b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals

a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

c. The Board shall not grant a variance unless it finds that:

(1) The proposed structure or use would meet the provision of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

(2) The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

(i) That the land in question cannot yield a reasonable return unless a variance is granted;

(ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(iii) That the granting of a variance will not alter the essential character of the locality; and

(iv) That the hardship is not the result of action taken by the applicant or a prior owner.

e. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

f. A copy of each variance request including the application and all supporting information supplied by the applicant, shall be forwarded by the Municipal Officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

g. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within seven (7) days of the decision.

3. Appeal Procedure

a. Making an Appeal

(1) Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO"), Local Plumbing Inspector or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

(2) The fee established by the Board of Selectmen (see feeschedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.

(3) Appeals from decisions of the CEO, the Local Plumbing Inspector, and the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO, Local Plumbing Inspector, or Planning Board for further proceedings.

(4) Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising

the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

(5) The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

(6) The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or Local Plumbing Inspector, or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

(7) Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

(8) Reconsideration. The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

Section 16. Administration

I. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer (C.E.O.)

a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

d. The Code Enforcement Officer is authorized to issue a permit to an owner of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability. The Code Enforcement Officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with a disability lives in the dwelling (6/14)

For the purposes of this section, the term "structures necessary for access to or egress from the dwelling" includes ramps and associated railings, walls or roof systems necessary for the safety or effectiveness of the ramps. (6/14)

For the purposes of this section "disability" has the same meaning as a physical or mental disability under Title 5, Section 4553-A. (6/14)

3. Legal Actions

When the above action does not result in the correction of abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized

municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. No vegetative cutting, earthmoving or other construction shall be conducted or continued after notification of a violation of any provision of this Ordinance has been indicated by the Code Enforcement Officer by verbal or written notice to the applicant or landowner or by posting at the property.

5. After notification of a violation involving vegetative cutting, earth-moving or other construction, no permits shall be issued and no further vegetative cutting, earthmoving or other construction shall be conducted or continued until the property involved is brought into compliance with Section 15P of this Ordinance. Compliance may be achieved by full implementation and completion of a remediation plan approved by the permitting authority. Where cleared openings have been created in violation of Section 15P, nursery stock native evergreen trees of at least eight feet (8) in height shall be planted approximately ten feet (10) on center. Where ground cover or bushes have been removed or trimmed to ground level, native woody vegetation of at least two feet in height shall be planted approximately three feet on center. All trees and plantings shall be maintained in healthy condition in their planted locations and shall be allowed to grow to full mature height. Unhealthy or dead trees or plants shall be replaced within 6 months. Trees may be limbed to 1/3rd of their height.

6. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. Maine Revised Statutes Annotated, Subsection 4452.

Section 17. Definitions

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture - the production, keeping or maintenance for sale or lease, of plants or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities. Agriculture does not include household gardens to the extent that they existed on the date of adoption or amendment of this Ordinance.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility - A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy - the more or less continuous cover formed by tree crowns in a wooded area.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods or services, exclusive of rental of residential buildings or dwelling units.

Development - a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a

psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Docks, bridges and other structures and uses extending over or below the normal high-water line or within a wetland -

a. Temporary: Structures that are specifically designed and manufactured to be removed from the water on a seasonal basis. Temporary docks may be installed once ice has melted in the spring and must be removed prior to the formation of ice in the fall.

b. Permanent: Structures which are specifically designed and manufactured to remain intact as a single unit and prohibits seasonal removal from the water.

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached decks, garages, porches and greenhouses.

Expansion of use - the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Family - one or more persons occupying a premise and living as a single housekeeping unit.

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge

the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest management activities - timber cruising, harvesting of firewood for personal use, other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances to support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally 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 and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, waterfront docks and facilities, marinas and navigation aides.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this

Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover - small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in Nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pads, parking areas, fire place, or tent platform.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional - a non-profit or quasi-public use, or institution such as church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Lake or Pond - Any inland body of water which has a surface area in excess of 10 acres, except where such body of water is manmade and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

Lot area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soils, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width - the closest distance between the side lot lines of a lot.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Native - indigenous to the local forests.

Non-conforming condition - non conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot - a single lot or record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent flood plain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncock	Sunday	Winooski

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes, and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River - a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service

a. the placement of wires or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service

a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback- the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shorefront Common area - Any land area having shoreline frontage on any water body regulated by this Ordinance and intended for use by more than one residential dwelling unit or family unit or other legal entity, excluding visitors and guests. This definition shall also include areas for which easements, rights-of-way, or other use rights are granted or sold.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or, river within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Solid Wall Foundation - A foundation comprised of materials that form walls or wall segments such as a typical poured concrete foundation. "Sono-tube" supports installed with minimal disturbance methods like a post hole digger shall not be considered a solid wall foundation.

Stream - Any flowing water body demarcated on the official Shoreland Zoning Map as being zoned.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system - any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting - the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction or selective cutting as allowed in Section 15 P2 of this Ordinance.

Tributary stream - a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge of a wetland - the boundary between upland and wetland. The upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters or taller.

Vegetation - all live trees, shrubs and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Velocity Zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river, or stream.

Water Crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater wetland.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL MERCER
COMMISSIONER

July 8, 2016

Georgiann M. Fleck
Deputy Town Manager
Town of Bridgton
Three Chase Street, Suite #1
Bridgton, Maine 04009

Subject: APPROVAL #33-2016, Shoreland Zoning Ordinance Amendments

Dear Georgiann,

Please find enclosed a copy of Department Order #33-2016, approving the shoreland zoning amendments to the Town of Bridgton Shoreland Zoning Ordinance, as adopted on June 14, 2016. The amendments comply with State minimum shoreland zoning requirements.

Should you or other Town officials have any questions, please contact me at 822-6328.

Sincerely,

Mike Morse
Assistant Shoreland Zoning Coordinator
Bureau of Land Resources

enclosed: Department Order #33-2016

cc: file



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF BRIDGTON) MANDATORY SHORELAND ZONING ACT
CUMBERLAND COUNTY)
SHORELAND ZONING ORDINANCE)
ORDER #33-2016) APPROVAL

Pursuant to the provisions of 38 M.R.S.A. §§ 435-448, the *Mandatory Shoreland Zoning Act* ("Act"), and the Maine Department of Environmental Protection's *Guidelines for Municipal Shoreland Zoning Ordinances*, 06-096 C.M.R. Chapter 1000 (amended January 26, 2015) ("Guidelines"), the Department of Environmental Protection has considered the request for approval of the Town of Bridgton Shoreland Zoning Ordinance (Ordinance), as amended on June 14, 2016, and FINDS THE FOLLOWING FACTS:

1. The Act requires municipalities to establish zoning controls in areas within 250 feet of the normal high-water line of great ponds and rivers; within 250 feet of the upland edge of freshwater and coastal wetlands; and within 75 feet of the normal high-water line of streams. Such zoning standards must be consistent with or no less restrictive than those in the Guidelines. 38 M.R.S.A. §§435 & 438-A.
2. The Act specifies that before a locally adopted shoreland zoning ordinance, or amendment to that ordinance, is effective, it must be approved by the Commissioner of the Department of Environmental Protection ("Commissioner"). The Commissioner may approve, approve with conditions, or deny the ordinance or amendment. If denied, or approved with conditions, such action must be preceded by notice to the municipality. If the Commissioner fails to act within 45 days of receipt of the ordinance or amendment, then the ordinance or amendment is automatically approved. 38 M.R.S.A. § 438-A.
3. On June 22, 2016, the Town of Bridgton submitted the following amendments to its Ordinance as adopted on June 14, 2016 to the Department for review:
 - A. Section 12(C)(2)(b), was amended to include verification of existing and proposed site conditions by a surveyor when a non-conforming structure expansion is proposed.
 - B. Section 15(R)(2) was amended to require the installation of a rainwater runoff infiltration system when a new structure is proposed to be constructed with a solid wall foundation.
4. The Department's review of the submitted amendments determined that the amendments are consistent with the Act and the Guidelines, as amended on January 26, 2015. Further amendments will be necessary in order for the Ordinance to be fully consistent with the Guidelines.

TOWN OF BRIDGTON) MANDATORY SHORELAND ZONING ACT
OXFORD COUNTY)
SHORELAND ZONING ORDINANCE)
ORDER # 33-2016) APPROVAL

BASED on the above Findings of Fact, the Commissioner makes the following CONCLUSION:

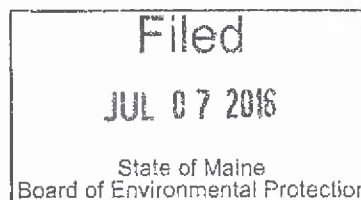
1. The Town of Bridgton has adequately met the requirements of the Act, and the amendments are consistent with the Guidelines.

THEREFORE, the Commissioner APPROVES the ordinance, as amended on June 14, 2016.

DONE AND DATED AT AUGUSTA, MAINE, THIS 7th DAY OF July, 2016.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Melanie LBB
For: Paul Mercer, Commissioner



PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.



DEP INFORMATION SHEET

Appealing a Commissioner's Decision on a Shoreland Zoning Ordinance

Dated: April 2013

Contact: (207) 287-2811

SUMMARY

There are two methods available to a municipality seeking to appeal a shoreland zoning ordinance decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board), or (2) in a judicial process before Maine's Superior Court.

This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's General Laws, 38 Maine Revised Statutes Annotated (M.R.S.A.) § 438-A(3); & 38 M.R.S.A. § 341-D(4), and its Rules Concerning the Processing of Applications and Other Administrative Matters (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

APPEAL PERIOD TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. An appeal filed after 30 calendar days will be rejected.

SUBMITTING AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a shoreland zoning ordinance decision must also send the documents to the DEP's Commissioner. All the information listed in the next section must be submitted at the time that the appeal is filed. Evidence that is not in the DEP's record at the time of the decision may be offered as part of an appeal for consideration by the Board only as described at the end of the following section.

INCLUDE IN THE APPEAL PAPERWORK

The documents constituting an appeal must contain the following information at the time submitted:

1. **Aggrieved Status.** Standing to maintain an appeal requires the appellant to show they are submitting the appeal on behalf of the municipality subject to the Commissioner's decision and to show the municipality is particularly injured by the Commissioner's decision.

2. The findings, conclusions or conditions objected to or believed to be in error. Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. The remedy sought. This can range from reversal of the Commissioner's decision on the shoreland zoning ordinance to changes in specific conditions imposed on the shoreland zoning ordinance.
4. The basis of the objections or challenge. If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
5. All the matters to be contested. The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. Request for hearing. The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. New or additional evidence to be offered. The Board may allow new or additional evidence as part of an appeal only when the person seeking to supplement the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the ordinance review process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for new or additional evidence are found in Chapter 2, Section 24(B)(5)

OTHER CONSIDERATIONS

1. Be familiar with all relevant material in the DEP record. A municipal shoreland zoning file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. Be familiar with the regulations and laws under which the shoreland zoning ordinance was processed, and the procedural rules governing your appeal. DEP staff will provide this information upon request and answer questions regarding applicable requirements.
3. The filing of an appeal does not operate as a stay to any decision. A municipality proceeding with shoreland zoning matters pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

AFTER A TIMELY APPEAL HAS BEEN FILED WITH THE BOARD

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP shoreland zoning staff member assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as new or additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal a final Commissioner or Board decision to Maine's Superior Court, see 38 M.R.S.A. § 346(1); Chapter 2, section 26; 5 M.R.S.A. § 11001 *et seq.*; &

MRCivP 80C. Parties to the shoreland zoning ordinance decision must file a petition for review within 30 days after receipt of notice of the Commissioner's or Board's decision. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal. The filing of an appeal or a petition for reconsideration to the Board is not a prerequisite for a judicial appeal.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452, and for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

**TOWN OF BRIDGTON
SIGN ORDINANCE**

SECTION I. Purpose

The purpose of this Ordinance is to encourage the effective and safe use of signs in the Town of Bridgton and to promote a healthy business climate while protecting the aesthetic atmosphere of the Town. To accomplish this goal this Ordinance is intended to:

- A. Promote the safety, comfort and well being of the users of streets, roads and highways in the Town;
- B. Reduce distractions and obstructions from signs which would adversely affect traffic safety and to alleviate hazards caused by signs projecting over or encroaching upon public ways;
- C. Ensure that signs provide effective orientation and adequately identify local businesses and services;
- D. Preserve and enhance the visual appearance of the Town pursuant to the Comprehensive Plan of the Town of Bridgton.

SECTION II. Authority and Administration

- A. This Ordinance is adopted and hereafter amended pursuant to and consistent with Article VIII-A of the State of Maine Constitution, 30-A M.R.S.A. ss3002.
- B. This Ordinance shall be administered by the Planning Board and enforced by the Code Enforcement Officer.

SECTION III. Applicability

This Ordinance applies to all new on-premise signs which identify a business or service establishment or a housing development or which attract the public to same. Signs larger than six (6) square feet if applied flush against a building, all free standing, suspended, ground signs or portable signs and all such signs which replace those preexisting this Ordinance that exceed the original configuration or alter placement or location. Also applies to Temporary and short-term signs including but not limited to portable signs; signs advertising sales of items, singular activity or community events.

SECTION IV. Enforcement

- A. Violations and Enforcement

The Code Enforcement Officer, upon finding that any provision of this Ordinance is being violated, is authorized to institute legal proceedings to enjoin violations of this Ordinance.

B. Fines

Any person, including but not limited to, a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30A, Maine Revised Statutes Annotated, Subsection 4452.

Current penalties include fines of not less than \$100.00 or more than \$2,500.00 per violation for each day that the violation continues.

C. Signs not in compliance with this Ordinance may be removed at the discretion of the Code Enforcement Officer.

SECTION V. General Regulations

A. No sign, except for municipal signs, may be erected, installed or displayed in or within ten (10) feet of any park, garden or monument owned or maintained by the Town of Bridgton.

B. No sign shall be erected:

1. At any location where, by reason of position, shape, wording or color, it interferes with or obstructs the view or travel of pedestrian or vehicular traffic;

2. Which may be confused with any authorized traffic sign, signal or device.

C. No sign shall:

1. Consist of pennants, ribbons, streamers, sheets, spinners or other visible moving parts or devices;

2. Consist of strings of lights or have blinking, flashing or fluttering lights or other illuminating devices which are glaring, have a changing light intensity, brightness or color, or be illuminated by other than steady light;

3. Be painted, placed or constructed directly on or project from a roof;

4. Be movable or portable (unless defined as a temporary or short term sign);

5. Emit sound(s), smoke or vapor(s).

D. No person shall place or maintain upon or in view of any public way any light so that its beams or rays are directed at any portion of a public street or highway when the light is of such brilliance and so positioned as to blind or otherwise impair the vision of the driver of any motor vehicle upon said street or highway.

E. Any outdoor sign which advertises, identifies or pertains to any commercial activity no longer in existence shall be removed by its owner or persons otherwise responsible within 30 days from the time the activity ceases. This provision does not apply to permanently installed signs applying to seasonal activities during the regular periods in which they are closed.

F. Signs shall be installed and maintained in a safe and secure condition. If the Code Enforcement Officer is of the opinion that a sign is not secure, safe, or in a good state of repair, written notice of this fact shall be given to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within a time permitted by the Code Enforcement Officer, the Officer may place the sign owner in violation of the Sign Ordinance and the owner becomes liable for a fine as specified in Section IV above.

G. Any change in size, construction or location of any sign, even as a replacement of a sign existing before the adoption of this Ordinance shall constitute a new sign except for the variable portions of non-temporary signs for restaurants, churches, fuel prices, theaters and similar business situations.

H. Changeable signs must comply with the changeable sign standards set forth in MRSA Title 23 §1914 except Section VIII.G of the Town of Bridgton Sign Ordinance shall apply. Changeable signs may be changed no more than once every 8 seconds.

SECTION VI. Exempt Signs

The following signs are exempt from the provisions of this Ordinance except for the provisions set forth in Section V above:

A. Customary holiday decorations;

B. Property address, no trespassing and similar signs shall be no larger than 4sf in size;

C. Traffic control and traffic information signs;

D. Political signs which shall be removed within 7 days following the election;

E. Real Estate For Sale signs;

F. Short term signs announcing commercial and promotional sales, community events and special programs, provided these signs are promptly removed within one week after the event has been held;

G. Safety Signs;

H. Signs such as building contractor signs, shall be no larger than 6sf in size, provided these signs are promptly removed when the project has been completed;

I. Signs covered by this Ordinance that were installed and functioning before the adoption of this Ordinance;

J. Signage on registered and licensed motor vehicles in use for regular transportation and movement of people and other goods;

K. State or national flags properly displayed;

L. Signs installed by the Town of Bridgton, the Federal Government or the State of Maine;

M. Fuel pump price sign;

N. National Register of Historic Buildings or Places, Markers or other historical plaques and signs;

O. Memorial signs or tablets.

SECTION VII. Approval Required

A. No person, agency, firm, developer or corporation shall erect a sign or sign structure covered by this Ordinance without approval from the Code Enforcement Officer or Planning Board.

B. When the sign or signs are a part of a new business, service organization, subdivision or the like making application before the Planning Board pursuant to the Ordinances of the Town of Bridgton, application for signage will be considered a part of the total application and no separate sign application or fee shall be required, as long as all information required at the time of appearance before the Board is complete. The installation of said signs shall be accomplished as part of building or renovation required to establish the business, service agency or subdivision.

C. New signs for existing or relocating businesses, service agency or subdivision, or newly designed signs that alter those existing prior to the adoption of this Ordinance must receive approval from the Code Enforcement Officer or Planning Board.

D. Approval shall become null and void if the work has not been substantially completed within three (3) months from the date of approval. The Code Enforcement Officer may, upon a showing in writing by the applicant of extenuating circumstances, issue extensions covering a period not to exceed six (6) months from the date of the issue of the original permit.

SECTION VIII. General Standards

A. The design and lighting of signs and other advertising structures shall be:

1. Shielded and non-flashing and shall not detract from the design of surrounding structures and properties.

2. Within the Main Street District the sign, if illuminated, shall be illuminated externally;

3. Outside the Main Street District the sign may be internally illuminated, designed with a translucent colored background to diffuse the passage of light through the sign panel.

B. Free-standing non-residential signs

1. There shall be no more than one sign per lot.

a. Exceptions to this requirement are for lots with more than one public way frontage whereby each public way side may have one free standing sign.

2. In multiple tenant non-residential buildings that have two (2) or more tenants, the requisite one (1) free standing sign will consolidate signs for all of the individual tenants in the building.

C. The Town of Bridgton is not responsible for allocating the amounts of allowable sign area among any individual or additional tenants, uses, owners, on any collective free standing sign.

D. 10% of the wall area of the building facing a public way may be dedicated to wall or door sign(s) for the respective wall of the building.

E. All signs shall conform to size, shape, location, illumination standards set forth in this Ordinance.

F. Multifamily Residential Development

1. Each multifamily development, neighborhood, or subdivision with clearly defined geographical boundaries may have one (1) sign located at the entrance located on each single public way.

2. Multiunit structures of more than three dwelling units, within an existing residential neighborhood may have no more than one sign for identification purposes.

3. The sign shall include the name of the building and the clearly stated street address.

G. The free standing sign shall not exceed 100 (one hundred square) feet in size (one side) with no one dimension exceeding fourteen (14) feet; or be higher than twenty (20) feet at their highest point above the ground; or have more than two (2) sides; or obstruct pedestrian or vehicular traffic, or vision of a traveled roadway except in the Downtown Village District (see map) the free-standing sign shall not exceed fifty (50) square feet in size (one side) with no one dimension exceeding ten (10) feet; or be higher than eighteen (18) feet at their highest point above the ground; or have more than two (2) sides; or obstruct pedestrian or vehicular traffic, or vision of a traveled roadway. Reader board signs are excluded from this provision.

H. Individual signs advertising product brands are permitted to be installed on free standing signs and shall be included in the calculation of the total permitted signage area and are subject to all other requirements of this Ordinance.

I. Reader board signs are permitted. Total area of the primary sign and reader board shall not exceed 150% of the requirements set forth in Section VIII.G.

J. Free standing signs shall have an area at the base for planting of shrubbery or other landscape materials either directly in the soil or in planters or other appropriate containers.

K. Signs installed on a building which project over a pedestrian walkway shall not exceed fifteen (15) square feet in area on one side or be, at its lowest point, less than ten (10) feet above the public walkway.

L. Electric wiring used to illuminate signs shall be enclosed or buried underground.

M. Awnings, marquee signs or patio umbrellas shall be allowed in addition to approved signs.

N. Other sign requests, standards and considerations will be entertained by the Planning Board on a case by case basis.

O. All signs shall conform to the laws of the State of Maine.

P. Any permanent outdoor sign advertising a home occupation, business, subdivision or other commercial activity shall be harmonious with existing buildings and architectural features in the vicinity, shall not detract from the design of other surrounding structures and properties and shall be constructed, installed and lighted in a manner not to present potential damage to the value of adjacent properties.

Q. Portable signs are considered temporary or short term, shall be placed only on the property where the business or activity is located, shall be replaced by a permanent sign within 60 days of placement and removed within 14 days of a permanent sign. A permit must be obtained from the Code Enforcement Officer.

R. Temporary and short term signs promoting singular sales and/or community events are not to be affixed to trees, telephone poles, traffic signs, placed within the public way and other unauthorized sites.

S. Short term signs are limited to no more than 6sf in size and no more than two on any given lot. Such signs shall not be displayed longer than 60 days. Larger signs or those of longer display period are subject to Code Enforcement Officer or Planning Board approval.

T. Sandwich Board signs are permitted and must be placed in front of the primary business and removed at the close of daily business. The sign shall not exceed 4'x2' in size and shall allow 42" of unobstructed pedestrian public way.

U. Street Name and Number shall be displayed and maintained in compliance with the Town of Bridgton Street Naming and Addressing Ordinance.

V. Flags affixed to a structure façade or other permanently installed structure are limited to no more than two (2).

W. Free standing flags or other fabric-created objects used to promote particular products, sales or other business events are limited to two (2) per lot.

SECTION IX. Waivers and Appeals

A. Waivers

In cases where businesses meet Section I "Purposes" of this Ordinance the Planning Board may waive the necessity of strict compliance with the requirements of this Ordinance to permit a more practical and economical development provided, however, that the public health, safety and welfare will not be compromised and further provided that the waivers in question will not have the effect of nullifying the intent of this Ordinance.

B. Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.

3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section X. Amendments, Validity, Effective Date and Non-Conforming Signs

A. Amendments to this Ordinance may be initiated by the Planning Board, provided a majority of the Board has so voted; by request of the Board of Selectmen; or by written petition to the Board of Selectmen of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

B. The Planning Board shall hold a public hearing on the proposed amendment for public comments. Notice of the hearing must be published at least 2 times in a newspaper of general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the

date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen.

C. Adoption of Amendment to this Ordinance shall be by a majority vote of any Town Meeting or election.

D. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

E. This Ordinance shall not be construed to repeal any existing bylaws or Ordinance, or to impair the provisions of private restrictions placed upon property provided, however, that where this Ordinance imposes greater restrictions, its provisions shall control.

F. The effective date of this Ordinance shall be upon Town Meeting approval.

G. Non-conforming signs that conformed to the Ordinance prior to an amendment are subject to the following requirements:

1. Non-conforming signs replaced due to damage from natural hazards shall be allowed.

2. Non-conforming signs replaced with similar size and style due to change of occupancy or required change of business affiliation shall be allowed.

3. Non-conforming signs replaced due to "wear and tear" or any other purpose not listed above shall be replaced to conform to the current Ordinance.

SECTION XI. Definitions

AWNING - A non-illuminated sign painted on or attached to a fabric cover on a frame.

BUSINESS AFFILIATION - means required change of signs consistent with national brand changes or designs.

CHANGEABLE SIGN - means an on-premise sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side.

EXTERNALLY ILLUMINATED SIGN - A sign with a light source outside of the sign.

FREE-STANDING SIGN - A two-sided sign in a fixed location supported by pole(s) or post(s) but unattached to any building, wall or fence.

GLARING ILLUMINATION - Light of such brilliance and so positioned as to temporarily blind or impair one's vision or affect the aesthetic value of surrounding structures or property.

HOME OCCUPATION - An occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit which is incidental to residential use and employs two or less full-time equivalent employees.

INTERNALLY ILLUMINATED SIGN - A sign with the light source internally concealed or contained which becomes visible in darkness by shining through a surface.

MARQUEE - A sign containing interchangeable letters on the façade of a building typically associated with performance or entertainment.

OFFICIAL BUSINESS DIRECTIONAL SIGN - A sign erected and maintained within the public right-of-way to indicate to the traveling public the route and distance to public accommodations, facility, commercial services and points of scenic, historic, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of signs in public rights-of-way.

PARKS or GARDENS - An area of land set aside by a municipality for public enjoyment, rest, recreation or memorial. Not applicable to tree, shrub or flower bedding areas set into the sidewalk.

POLITICAL SIGN - Any sign that advertises a candidate or an issue which is to be voted on in a local, state or federal election process.

PORTABLE SIGN - A sign not designed or intended to be permanently affixed into the ground or to a structure.

PROJECTING SIGN - An outdoor sign attached to a building at a right angle.

PUBLIC WAY - Any way designed for vehicular or pedestrian use and maintained with public funds.

READER BOARD - Signs whose messages change by mechanical or electronic means.

SAFETY CONTROL SIGN - Warning, control, OSHA or required public safety signs.

SANDWHICH BOARD SIGN - A free standing sign no more than two faced and typically trestle mounted.

SHORT TERM SIGN - All signs promoting sales, community events and activities lasting for a distinct and limited period.

SIGN - An object, device, or structure, or part thereof, situated outdoors, and used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, by any means including words, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images.

SIGN AREA - The facing of a sign, including copy, insignia, background, structural supports and borders. The structural supports shall be excluded if they do not constitute a major part of the sign or if the structure is not used to identify or attract attention to the business or product.

TEMPORARY SIGN - Signs serving until a permanent sign is installed.

TRAFFIC CONTROL SIGN - A sign regulating traffic which has been erected by the State or Municipality having jurisdiction over the public way.

TRAFFIC FLOW INFORMATIONAL SIGN - A sign directing traffic to, from or within, or providing information for a commercial, residential or industrial development.

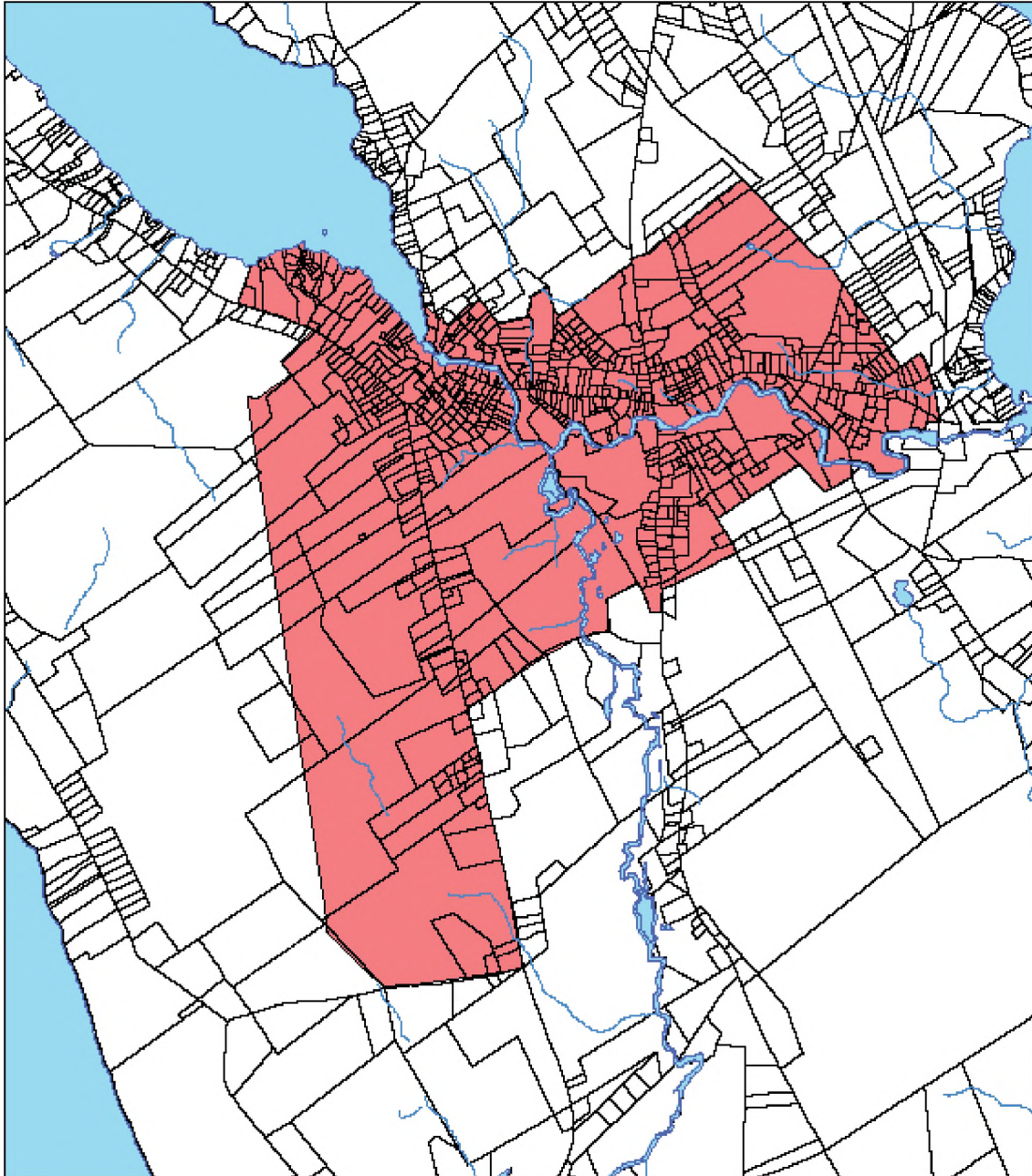
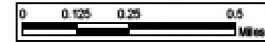
WALL SIGN - A sign attached against the exterior surface of a building.

Enacted: June 14, 2000

Amended: June 14, 2005, June 12, 2007, June 14, 2011, June 10, 2014, June 9, 2015

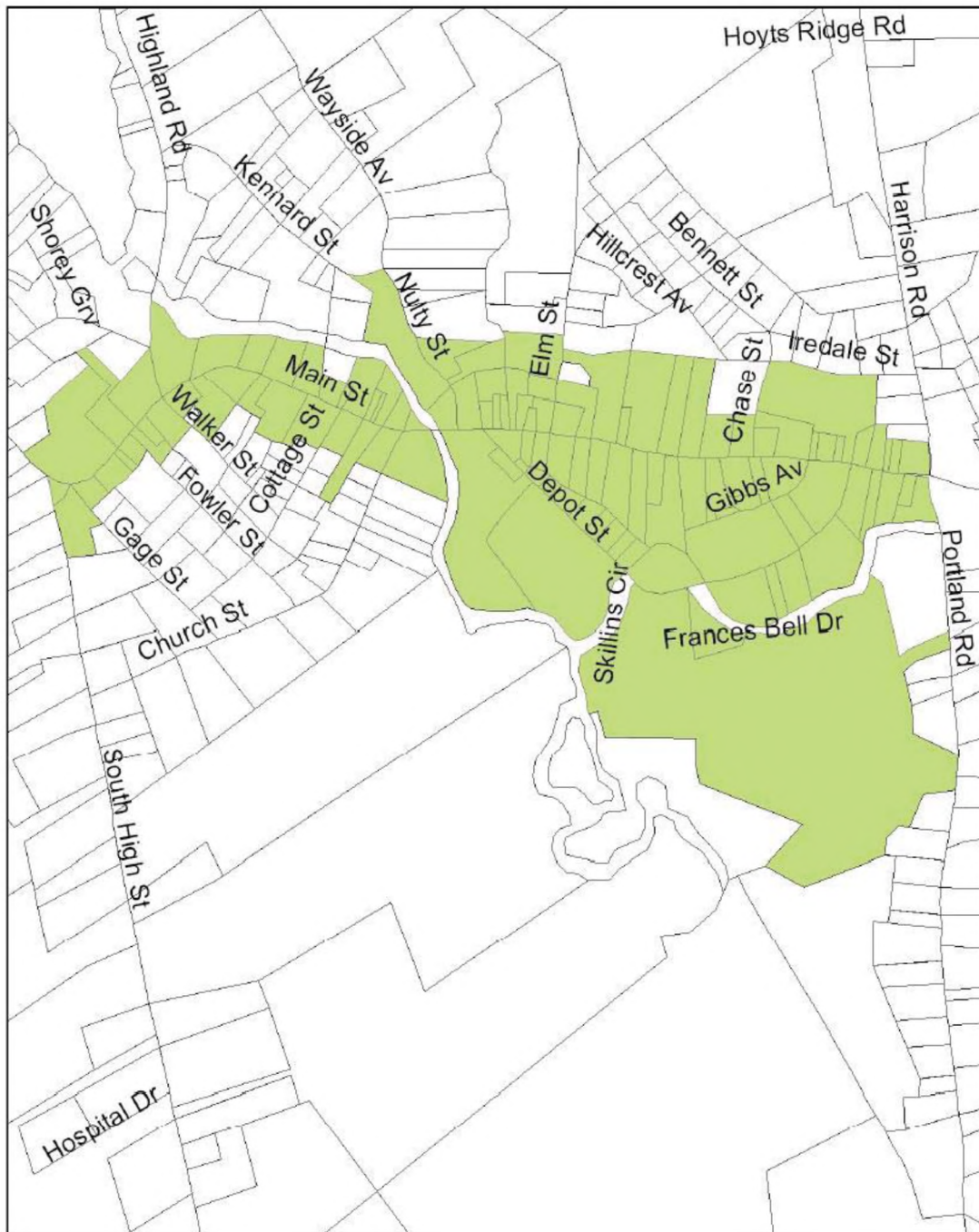
***Town of Bridgton
Sign Ordinance
Downtown Village District***

June 14th, 2005



Bridgton
Main Street District

June 14, 2011



Town of Bridgton

Site Plan Review Ordinance



Enacted: June 10, 1998

**Amended: June 14, 2000, June 14, 2005, June 12, 2007, June 10, 2008, June 14, 2011,
December 13, 2011, June 12, 2012, June 10, 2014, June 9, 2015 and June 14, 2016**

**TOWN OF BRIDGTON
SITE PLAN REVIEW ORDINANCE**

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**TOWN OF BRIDGTON
SITE PLAN REVIEW ORDINANCE**

ARTICLE I. PURPOSE

1. Large-scale development or major land-use changes have a profound effect upon the cost and efficiency of municipal service, upon the environment of the Town of Bridgton and upon the general health, safety, and welfare of the residents of the Town. Unplanned development may result in overcrowded schools and highways, increased costs of municipal services and degraded air and water quality.

2. The purpose of this Ordinance is to ensure an orderly growth of the Town and to minimize the adverse effects of that growth when caused by development, by way of, but not limited to: commercial, industrial, retail or institutional buildings, structures and/or uses, multiple dwellings of three (3) or more attached units, campgrounds and mobile home parks.

ARTICLE II. AUTHORITY AND ADMINISTRATION AND GENERAL PROVISIONS

SECTION 1 Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30, M.R.S.A., Section 1917. (Present reference is Article VIII, Part Second, Section 1 of the Maine Constitution and Title 30A M.R.S.A, Section 3001.

2. This Ordinance shall be known as the "Site Plan Review Ordinance" of the Town of Bridgton, Maine adopted and effective by vote of the Town Meeting.

ARTICLE II. AUTHORITY AND ADMINISTRATION

SECTION 2. Administration

The Planning Board of the Town of Bridgton shall administer this Ordinance.

ARTICLE II. AUTHORITY AND ADMINISTRATION

SECTION 3. General Provisions

1. The Reviewing Authority may modify or waive any of the application requirements or performance standards when it determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

2. The Planning Board may require the filing of a Performance Bond, a certified check payable to the Town, an irrevocable letter of credit or the execution of a conditional agreement with the municipality by the applicant. Such measures may be required to assure proper completion of some or all site improvements including, but not limited to roads, parking areas, sewage systems, water lines, open areas and sedimentation and erosion control systems.

3. The Planning Board may use any technical and professional services necessary to assist in the review of any application submitted. Services may include but are not limited to: a technical analysis of the consequences of other users of property within the town or on other towns within one thousand (1,000) feet of the site, an analysis of the visual impact, an analysis of any applicable federal and state requirements, an analysis of alternative sites, an analysis of road transportation effects, and other issues to satisfy the requirements of this Ordinance. The applicant shall be required to pay all costs involved in these professional services. If any cost, the applicant shall be required to pay to the Town, in advance of the scheduling of any Meeting or Public Hearing a sum equal to said projected or estimated cost. Any part of said sum in excess of the final cost shall be returned to the applicant.

ARTICLE III. APPLICABILITY

1. No large scale development or major land use change, as defined in this Ordinance, shall be undertaken without the prior review and approval of the Code Enforcement Officer or Fire Chief and the Planning Board, as provided herein.

2. This Ordinance does not apply to:

a. Construction of detached one and two family dwellings when built on individual lots and customary outbuildings for the use of residents thereof.

b. Construction of barns, stables, and other agriculturally related buildings. This Exemption shall not apply to Registered Medical Marijuana Dispensaries.

c. All non-structural uses of land for agricultural or forestry purposes.

d. Existing buildings or premises legally established prior to the adoption of this Ordinance unless one or more of the factors described in Article III Section 3.a through Section 3.i is present.

e. Surface and Subsurface mineral extraction activities that affect less than two (2) acres of surface area of the entire property that is active or unreclaimed and the removal or handling of less than 1,500 cubic yards of material in twelve consecutive months.

f. Storage or stockpiles of winter abrasives (sand) used for the maintenance of private or public road. This applies to the stockpile of storage area itself and not any associated with mineral extraction activity or area.

g. Removal or filling of materials for all improvements incidental to construction, alteration or repair of a structure, town or state roads, or in the landscaping incidental thereto.

h. Construction of farm and fire ponds and normal agricultural operations.

3. This Ordinance shall apply to all development proposals for:

a. New or substantial enlargement as defined herein of commercial, retail, industrial, institutional and recreational building(s), structures(s) and uses, and projects to be constructed on an existing footprint or foundation.

b. Multi-family dwellings consisting of three (3) or more attached dwelling units and their accessory uses and structures.

c. Campgrounds.

d. Mobile home parks.

e. New or expanded uses of existing structures or land or existing uses when such new or expanded uses are likely to generate greater vehicular traffic, or which would employ new materials and/or processes or the sale of goods not normally associated with the previous use.

f. Bed and Breakfast establishments.

g. Large Scale Water Extraction exceeding 50,000 gallons on any given day or 1,000,000 annually. See section relating to Large Scale Water Extraction. Large Scale Water Extraction is subject to the general provisions set forth in this Ordinance.

h. Water extraction operations which are less than 50,000 gallons on any given day are subject to the general provisions set forth in this Ordinance.

i. New or proposed Surface and Subsurface Mineral Extraction greater than 2 acres and expansions of permitted Surface and Subsurface Mineral Extraction Activities.

j. Telecommunications facilities, towers or wind energy systems.

ARTICLE IV. REVIEW PROCEDURES

SECTION 1. Department Review

1. The Code Enforcement Officer, Fire Chief, Public Works Director, Police Chief, Planning and Development Director and Transfer Station Manager of the Town of Bridgton are delegated authority to approve site plan review applications without prior submission to the Planning Board if, after careful study, those applications present no increased impact on the environment, health and public safety of the Town of Bridgton. The Department Heads shall use Article VII. "Review Standards" of the Site Plan Review Ordinance to guide them in the process. Decisions or decisions with conditions on Department Review shall be completed within 15 days upon receipt of the application. Upon completion of Department Review it shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing of the decision or decision with conditions.

2. If a particular department is vacant at the time an application is submitted, the application is automatically forwarded to the Planning Board for a full review. For purposes of Planning Board Review, the applicant must comply with Article VII. "Review Standards" of the Site Plan Review Ordinance. The Planning Board has the authority to apply all provisions of the Site Plan Review Ordinance to conduct a full and comprehensive review of the application submitted.

3. If an application is denied by a Department Head the applicant may proceed to the Planning Board for a full review. The applicant or authorized agent for the applicant shall notify owners of all properties within one hundred (100) feet from the property involved of the proposed application using certified mail return receipt requested not less than twelve (12) days prior to the meeting. The applicant or authorized agent for the applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the Planning Board Meeting and a sketch of the of the proposed project. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. For purposes of Planning Board review, the applicant must comply with Article VII. "Review Standards" of the Site Plan Review Ordinance. The application shall also include documentation from the particular Department Head stating reason for denial. The Planning Board has the authority to apply all provisions of the Site Plan Review

Ordinance to conduct a full and comprehensive review of the application submitted.

4. Impact Statements to this effect are to be provided by the Code Enforcement Officer, Fire Chief, Public Works Director, Police Chief and Transfer Station Manager.

5. When comments are made on an impact statement by a particular Department Head they must cite the section of the Ordinance or state law that is applicable to their comments.

6. If the following thresholds are not exceeded the proposed use shall be deemed eligible for Department Review.

a. Does not involve a new building or accessory building over 600 square feet.

b. Accessory buildings associated with the primary use or structure not exceeding 600 square feet which does not have sanitary plumbing i.e., toilet(s), shower(s), sink(s) are eligible for Department Review provided that only one such new construction project shall be permitted in a five-year period.

c. Expansions less than a 25 percent expansion or 3,000 square feet, whichever is less, of current use.

d. Creates no increased traffic, change of traffic pattern, noise level, use, storage or sale of hazardous, toxic or noxious materials, or significant changes in numbers of personnel.

e. Proposed use constitutes a minor change only.

7. All other cases are subject to full Planning Board review.

8. The Planning Board is to be informed of all Departmental approvals at its next scheduled meeting.

ARTICLE IV. REVIEW PROCEDURES

SECTION 2. Pre-application meeting before the Planning Board

1. Prior to submitting an application for development, the developer or his authorized agent may appear at a regular or special meeting of the Planning Board to informally discuss the proposed development.

2. The developer or his authorized agent shall be responsible for notifying owners of all properties within one hundred (100) feet from the property involved of the proposed application using certified mail return receipt requested at least twelve (12) days before the meeting of the Planning Board at which the applicant wants to be heard. The applicant shall also notify the Bridgton Town Manager at the Bridgton Town Office, Three Chase Street, Suite

1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt. Along with the notification to the property owners and the Town Manager the applicant shall include a sketch of the proposed project. Copies of the letter and verification of the certified mailing from the USPS, or the equivalent carrier, shall be submitted to the Planning Board. For the purpose of this section, the owners of property shall be considered to the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically.

3. The developer shall present to the Planning Board at this time, for informal review and comment, a sketch plan of the proposed development. The sketch plan shall consist of a rough description of the proposed development, and may be a free hand, penciled sketch of the parcel, showing the proposed exterior and layout of buildings, roads and other features which may be of assistance to the Planning Board in making its determinations.

4. The Planning Board may request that the developer arrange for an inspection of the site with the Planning Board, or an individual appointed by the Board Chairman to act as the Board's representative.

5. No binding commitments shall be made between the developer and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what is acceptable. No vested interests shall attach or accrue as a result of any pre-application meeting with the Planning Board.

ARTICLE IV. REVIEW PROCEDURES

SECTION 3. Full Planning Board Review

1. The Planning Board of the Town of Bridgton is empowered to approve, deny, or approve with conditions an application coming before it. Upon receiving a completed application as determined by the Planning Board, the Planning Board will begin the process of review according to the procedures established by this Ordinance.

2. The Applicant or a duly authorized representative shall attend the meeting of the Board when the application is reviewed.

3. The Planning Board may hold a public hearing within (30) days of beginning review of an application. The time, date, and place of the hearing shall be published at least two times prior to the hearing in a newspaper of area-wide circulation. The applicant or authorized agent for the applicant shall notify owners of all properties within one hundred (100) feet of the property involved of the proposed application using certified mail return receipt requested not less than twelve (12) days prior to the hearing. The

applicant or authorized agent for the applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the hearing and a sketch of the proposed project. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30, M.R.S.A., Section 2411, Subsection 3 (A), (B), (C), (D) and (E).

4. The Planning Board may request an inspection of the site by the Board or by an individual appointed by the Board Chairman to act as the Board's representative.

5. In the event of a public hearing or site review, the Planning Board shall again review the application at the next scheduled meeting.

6. The time frame for review by the Planning Board may be altered or delayed in cases when more time, public reaction and/or information is needed. In these cases, Planning Board review will proceed with all deliberate speed to a conclusion of the matter.

7. Applicants present at Planning Board meetings will be given oral notice of Board action and the reason for taking such action. In such cases the minutes of the meeting will provide the written record. Written notice of Board action, if warranted, will be provided within seven (7) business days of a decision.

8. Supplemental information which the applicant may wish to present must be submitted to the Planning Board at least twelve (12) days prior to the proposed meeting or Public Hearing.

9. During the review process of the application the Planning Board shall have the authority to request additional information. If the information requested by the Planning Board is not submitted within three (3) months from the date the Planning Board made the request the application is considered null and void. The Planning Board may grant an extension to the three (3) months upon request by the applicant in writing and demonstrating that the time period can not be complied with due to circumstances beyond the control of the applicant.

ARTICLE V. SITE PLAN OF DEVELOPMENT APPLICATION
SECTION 1. Submission Requirements

NOTE: Please review Article VII. "Review Standards" for comprehensive review standards.

1. The Applicant shall submit eight (8) copies of all documents 8½x11 and fifteen (15) copies of all documents larger than 8½x11 of the completed application along with all required documentation to the Town at least twelve (12) days before the meeting of the Planning Board at which the Applicant wants to be heard. If an application for Site Plan of Development is submitted after twelve (12) days but prior to the Planning Board meeting, the application may be heard at the discretion of the Planning Board.

2. A map or maps prepared at a scale of not less than one (1) inch to one hundred (100) feet containing:

a. Name and address of the Applicant or his authorized agent and name of proposed development and any land within five hundred (500) feet of the proposed development in which the Applicant has title or interest;

b. Description of existing soil conditions as established by a soil scientist, geologist, engineer or by soil conservation service medium-intensity soil surveys;

c. Municipal tax maps and lot numbers and names of property owners within one hundred (100) feet;

d. Perimeter survey of the parcel and interior lot layout made and certified by a registered land surveyor relating to reference points, showing true north point, graphic scale, corners of parcel and date of survey and total acreage;

e. Existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways and public or private rights-of-way;

f. If the site is not to be served by a public sewer line, then an on-site soils investigation report by a Department of Human Services licensed site-evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical subsurface disposal system for the site;

g. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of entrances and exits of vehicles to and from the site onto public streets and curb and sidewalk lines;

h. Topography indicating contours at intervals of either 5, 10 or 20 feet in elevation as specified by the Planning Board;

i. Location of aquifers and aquifer recharge areas, if mapped.

3. Drawing or drawings showing:

a. Exterior of building with statement of exterior materials, texture and color;

b. Floor plan of building(s) showing location, maximum floor area and ground coverage and placement on site;

c. Landscaping sketch plan showing approximate placement and types of vegetation, fencing and screening;

d. Location, description and placement of signs.

e. Location, description and placement of exterior lighting.

4. A written statement or statements by the Applicant that shall consist of:

a. Evidence from the applicant of his title and/or interest in the land for which the application covers;

b. A description of the proposed uses to be located on the site, including quantity and type of residential unit(s), if any;

c. Total maximum floor area and ground coverage of each proposed building and structure and maximum percentage of lot covered by each building or structures;

d. Summary of existing and proposed easements, restrictions and covenants placed on the property;

e. Method of solid waste disposal;

f. Erosion and sedimentation control plan;

g. The applicant or authorized agent for the applicant shall notify owners of all properties within one hundred (100) feet from the property involved of the proposed application using certified mail return receipt requested not less than twelve (12) days prior to the meeting. The applicant or authorized agent for the applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the Planning Board Meeting and a sketch of the proposed project. For the purpose of this section, the owners of property shall be considered to be the persons listed

in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application;

h. The applicant's evaluation of the availability and suitability of off-site public facilities;

i. A statement from the developer that the requirements of the Fire Chief as to the availability of fire hydrants and/or fire ponds, or provisions of fire protection services will be provided;

j. A statement from the developer that the proposed road construction will meet town specifications as detailed by the Public Works Department;

k. An estimate of the date when construction will start and when the development will be completed.

l. Proposal for protecting existing vegetation during construction and replacing that which may become damaged by construction.

m. Any additional information that the Planning Board deems necessary.

5. All applications shall be accompanied by a fee as provided in the Town Fee Schedule and may be amended from time to time, and which is incorporated herein by reference.

ARTICLE VI. AMENDMENTS TO PREVIOUSLY APPROVED SITE PLAN OF DEVELOPMENT APPLICATIONS

1. Prior to making any change or revision to an application that has been approved by the Planning Board, the applicant must submit A Departmental Review Application to the Code Enforcement Officer. The applicant shall submit eight (8) copies of all documents 8½x11 and fifteen (15) copies of all documents larger than 8½x11 of the request along with all required documentation. The applicant or authorized agent for the applicant shall notify owners of all properties within one hundred (100) feet from the property involved of the proposed amendment or revision using certified mail return receipt requested postmarked the date application is submitted. The applicant or authorized agent for the applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed amendment or revision by certify mail return receipt requested postmarked the date application is submitted. The notification to the property owners and the Town Manager shall include a description of the proposed project, a sketch if there are proposed revisions to the

footprint or a new structure, and a statement that written comments must be received by the Code Enforcement Officer within 10 days of the date of notice. Copies of the letter, description, sketch and verification of the certified mailing from the USPS, or equivalent carrier shall be made a part of the application. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically.

2. The Planning Board may hold a Public Hearing concerning the amendment or revision within thirty (30) days of beginning review of an application. The time, date and place of hearing shall be published at least two times prior to the hearing in a newspaper of area-wide circulation. The applicant or authorized agent for the applicant shall notify owners of all properties within one hundred (100) feet from the property involved of the proposed amendment or revision using certified mail return receipt requested not less than twelve (12) days prior to the hearing. The notification to the property owners and the Town Manager shall include the time, place and date of the hearing and a sketch of the proposed project. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30, M.R.S.A., Section 2411, Subsection 3 (A), (B), (C), (D), and (E).

3. The application shall be accompanied by a fee as provided in the Town Fee Schedule and may be amended from time to time.

ARTICLE VII. REVIEW STANDARDS

A. Standards presented herein are intended to achieve the following objectives: Preserve the traditional New England character of the downtown; present an attractive gateway area; facilitate safe vehicular and pedestrian access; protect the value of abutting properties and the character of natural surroundings; promote intelligent, attractive and useful design; ensure economic investment and vitality; anticipate future growth.

B. Performance Standards required for any approval by the Planning Board. The Planning Board shall approve or approve with conditions a submitted application if there is an affirmative finding based on information presented that the application meets the following

standards. The applicant shall have the burden of establishing by demonstrable evidence that the application and project is in compliance with the requirements of this Ordinance.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state by minimizing disturbance of soil and removal of existing vegetation during construction. Landscaping shall be incorporated into the final plan and shall be designed and planted in such a way that shall define, soften or screen off-street parking areas from the public right of way and abutting properties, will enhance the physical design of the building and site and will minimize adverse impact on neighboring land uses. Invasive plants shall not be used in any landscaping project.

2. Relationship to Surroundings: Proposed structures or additions to existing structures shall be harmonious with the terrain and existing buildings in the vicinity and shall;

a. Be of compatible scale and size;

b. Not to exceed thirty-five (35) feet in height measured from the ground or rise in sight above the Main Street church steeple;

c. Be of compatible architectural style, incorporating features such as, but not limited to, simple rectangular shape, gable roof or other traditional compatible roof line, dormers, compatible windows, doors and trim;

d. Include as an integral element of design varying roof lines, awnings and canopies above windows or doors and other architectural elements to reduce bulk or scale of buildings. Designs shall seek to eliminate unadorned or blank walls through use of varying architectural elements, windows or other reflective surfaces. The Planning Board shall consider the use, location and surroundings of the structure when determining the appropriateness of the building's façade.

e. Have exterior of wood, stone, brick, or other material having the same architectural and visual properties;

f. Present minimal disruption to such natural features as slope, soil type and drainage ways;

3. Vehicular Access: The proposed layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. Applicants shall make all reasonable efforts to incorporate shared driveways, providing primary access to adjacent properties, reducing curb cuts on the main road.

4. Parking and Circulation: The design of vehicular and pedestrian circulation areas including walkways, interior drives and parking areas shall be safe and convenient and promote clearly delineated traffic patterns for pedestrian, private vehicle and service use.

a. Loading areas and general parking areas shall be separate and not detract from the proposed building or from neighboring properties.

b. Parking lots serving multiple establishments or providing general off street parking are strongly encouraged. Applicant must provide adequate turning capacity for all public safety vehicles.

c. New construction, substantial enlargements or adaptive reuse of existing buildings subject to Planning Board review shall be required to provide adequate parking for employees and customers.

d. Applicants may satisfy parking requirements by entering into a written agreement with another property owner or through the utilization of municipal parking lots allowing for overnight and winter parking. The applicant must demonstrate to the Planning Board a long term lease or other arrangement within close proximity of the proposed development site. The lease or other arrangement must have a duration of at least five (5) years plus two consecutive five (5) year automatic renewal periods. The Planning Board shall have the ability to determine if alternative agreements or use of public lots is sufficient to address the needs of the proposed development. (12-13-2011)

5. Surface Water Drainage: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion or the public storm drainage system. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a ten-year storm frequency.

6. Applicants shall be required to meet any and all state and local regulated setbacks from all applicable vehicle rights of way. The applicant shall be restricted from building any non-impervious development within the setback area. This shall not restrict the construction of vehicular or pedestrian entrances to and exits from the property. Applications subject to dimensional requirements set forth in Article XI Section 2 and Section 2.a through 2.b are exempt from this section.

7. Existing Utilities: The development shall not impose an unreasonable burden on public utilities.

8. Advertising Features: The design and lighting of signs and other advertising structures shall be shielded and non-flashing and not

detract from the design of the proposed building and other surrounding structures and properties.

9. Special Features of the Development: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audiovisual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

10. Exterior Lighting: All exterior lighting shall be shielded and non-flashing, energy efficient and ensure safe movement of people and vehicles. Placement of lighting shall minimize glare and reflections on adjacent properties and the traveling public. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties.

11. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.

12. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, emergency medical unit, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

13. Protection Against Undue Water Pollution:

a. In making this determination, the Planning Board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoil's, and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluents; the aquifers and aquifer recharge areas; the existence of streams and surface runoff characteristics; cumulative impact of increased phosphorus loading to lakes; and the applicable federal, state and local laws, ordinances, codes and regulations.

b. The proposed development will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

14. Protection Against Undue Air Pollution: The applicant shall consult federal and state authorities to determine applicable air quality laws and regulations, and shall furnish evidence to the Planning Board of compliance with the required consultation.

15. Water Use: There is sufficient water available for the reasonable foreseeable needs of the development and will not cause

an unreasonable burden on an existing water supply, if one is to be utilized.

16. Protection against unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition will not result.

17. Provision for adequate sewage waste disposal.

18. Protection against any undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

19. Protection of waters and shoreland: Whenever situated in whole or in part, within 250 feet of any pond, lake, river, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Bridgton.

20. Limit of Noise levels. Will not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.

a. Noise: Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume (please refer to table below).

b. 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 pressure levels shall be measured on a sound level meter at all major lot lines of the proposed site, at a height of at least four (4) feet above the ground surface.

Sound Pressure Level Limit

7a.m. - 8p.m.

70 dB (A)

8p.m. - 7a.m.

55 dB (A)

c. The following uses and activities shall be exempt from the sound pressure level regulation:

1. Noises created by construction and maintenance activities between 6:30a.m. and 8:00p.m.

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

3. Traffic noise on public roads.

21. Conformance with Comprehensive Plan for the Town.

22. ADA Compliance. All new construction and substantial enlargements or renovations of existing buildings as defined in this ordinance, requiring a permit, shall adhere to all applicable sections of the American's with Disability Act (ADA).

23. Location in Flood Zone: The sub divider shall determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the proposed development in whole or part, is in a flood prone area. If the proposed development, or any part of it, is in such an area, the applicant shall determine the one hundred (100) year flood elevation and flood hazard boundaries within the development. The proposed development plan shall as a condition of site plan approval assure that principal structures on lots in the subdivision shall be constructed with their lowest floor, including basement, at least one (1) foot above the one hundred (100) year flood elevation.

24. Proof that the applicant has adequate financial and technical capacity to meet the above standards.

ARTICLE VIII. LARGE SCALE WATER EXTRACTION
SECTION 1. Inapplicability

1. The requirement of review and approval shall not apply to extraction of ground water which is to be used within the Town of Bridgton for standard agricultural purposes, for part of a community non-transient public drinking water supply as defined under Maine Drinking Water Program rules or for domestic water supplies to private residences within the Town of Bridgton. Also exempt is water supply for public facilities such as schools within the Town of Bridgton, fire suppression, or for existing residential, commercial, agricultural, or industrial use and consumption within the Town of Bridgton

ARTICLE VIII. LARGE SCALE WATER EXTRACTION
SECTION 2. Applicability

1. The extraction of more than 50,000 gallons on any given day or 1,000,000 annually of ground water, spring water, surface water and/or water from an aquifer by any one entity of person, or consortium or association of entities or persons acting in concert, regardless of the number of extraction facilities utilized, shall require review and approval by the Bridgton Planning Board.

ARTICLE VIII. LARGE SCALE WATER EXTRACTION
SECTION 3. Pre-application Meeting Before the Planning Board

1. Prior to submitting an application for development, the developer or his authorized agent may appear at a regular or special meeting of the Planning Board to informally discuss the proposed development.

2. Requirements set forth in Article IV Section 2 of this Ordinance shall apply.

ARTICLE VIII. LARGE SCALE WATER EXTRACTION
SECTION 4. Application Process

1. Applications for Large Scale Water Extraction shall be in writing, stamped and certified by a Maine Registered professional Engineer or Maine-Certified Geologist and be accompanied by Site Plans stamped by a Maine-Licensed surveyor.

2. Application requirements set forth in Article V of this Ordinance shall also apply.

3. The Planning Board shall have thirty (30) days from the date of submission to conduct a preliminary review of the application solely for the purpose of determining whether the application is complete as required by this Ordinance.

a. If within said thirty (30) day period the Planning Board determines the application is incomplete, in any material or relevant respect, it shall inform the applicant, either by writing, or verbally at a regularly scheduled meeting of the Board at which the applicant or its duly authorized representative is present, after which the applicant shall have a reasonable period of time, not to exceed sixty (60) days to complete its application in accordance with this Ordinance, upon failure of which the application shall be deemed withdrawn.

b. If by the end of said thirty (30) day period for review of completeness the Planning Board has not informed the applicant the application is incomplete, it shall be deemed complete, in which case the Board shall schedule a public hearing no later than sixty (60) days from the date the application was originally submitted, or no later than sixty (60) days from the date a supplemental application was submitted.

c. The Planning Board shall hold a Public Hearing within thirty (30) days of the determination of application completeness. The applicant or authorized agent for the applicant shall notify owners of all properties within one thousand (1,000) feet of the property involved by certified mail return receipt requested not less than twelve (12) days prior to the meeting. The applicant or authorized agent for the applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the hearing and a sketch of the proposed project. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. For the purpose of this section, the owners of property shall be

considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Notice shall be published in a newspaper of general circulation in the Town of Bridgton at least two times and posting of notice in at least three conspicuous public places within the Town. Related advertising fees will be deducted from the Escrow.

d. Within thirty (30) days of the Public Hearing, or within such other time limit as may be otherwise mutually agreed to, the Board shall meet to render a decision.

e. No later than thirty (30) days following the official decision, the Board shall issue a written decision with findings of fact and rulings and conclusions.

4. Any independent technical evaluation shall be at the applicant's expense.

5. Copies of approved state and federally mandated permits. Applications will not be accepted until all state and federal permits are complete and approved;

6. Evidence of applicant's right, title and interest to the property(ies) from which the water is to be extracted, whether by lease, option, contract or otherwise. Ownership and title as evidenced by a deed, in its entirety, duly recorded in the Cumberland County Registry of Deeds;

7. A statement of total maximum quantity of water to be extracted, as the annual total, then maximum monthly total and the maximum daily total from all extraction points operated by the same individual or entity, or consortium or association of individuals or entities;

a. The location(s) of points of extraction;

b. The method(s) of extraction;

c. The proposed use for which the water is to be extracted, including the identity of any end user of the extracted water whose facilities for use, processing, transporting, storage, bottling, shipping, piping, sales or other similar activities are located outside the Town of Bridgton;

8. A copy of any related application and exhibits, reports, and public correspondence for such extraction and related facilities filed or to be filed with any other municipal authority or any agency or department of the State of Maine or federal government, including as required by 38MRSA 481-490 (Site Location of

Development), 38MRSA 480-A to 480-Z (Natural Resources Protection Act), 22 MRSA 2660 et seq. (transportation of water for commercial purposes) or under other applicable Department of Environmental Protection (DEP) or Department of Health and Human Services rules and regulations;

9. A copy of any related permit, approval, or denial for such extraction or related facilities as may have been issued by any agency including but not limited to DHHS bulk Water Transport Permit, DHHS Public Water Supply approval, DEP Site Location License, or DEP Wetlands Alteration Permits (all such permits are needed prior to application);

10. A written report, certified to the Bridgton Planning Board, procured and paid for by the applicant, of a hydro geologic investigation and study conducted, prepared and stamped and certified by a Maine Registered Professional Engineer or Maine Certified Geologist or any other professional engineer as may be determined by the Planning Board. The report shall be based on a hydro geologic investigation of sufficient detail to provide but not be limited to the following information;

11. A map of the entire topographic drainage basin up gradient of the water extraction site(s) showing the basin boundaries, sub basin boundaries that may be of significance to the recharge of the water extraction site(s), and the location of the extraction site(s);

12. Two maps of the aquifer as specified below showing the spring(s), well(s) or excavation(s) from which water is to be extracted; and the wetlands, including significant vernal pools, and surface water bodies within two thousand (2,000) feet of the extraction site(s). These maps shall be at a scale of one hundred feet (100) to an inch and shall depict topographic contours at an interval of twenty (20) feet or less. The two maps shall show the following information, respectively 1) Water Table contours under ambient conditions, and 2) Water Table contours under actual pumping conditions at the completion of a five day constant rate pumping test at a rate at or above that proposed for operation. These maps shall be based on Water Table elevation measurements from monitoring wells and surface water bodies in the vicinity of the extraction site(s), and must include estimated surface water elevations for more distant locations. The applicant shall take reasonable measures to obtain such data from land not owned by the applicant but not required to include such data if other land owners do not allow access;

13. A map showing the long-term zone of contribution to the extraction site(s) based on maximum proposed extraction rates, and a quantitative water budget analysis that includes precipitation input, evapotranspiration losses, surface water runoff, ground water flux, and discharge-recharge relationships between surface water and ground water;

14. Two scaled geologic cross-sections effects of long-term water extraction on local and regional ground water levels, wetlands; ponds or lakes levels; base flow in streams; and any water quality changes in ground water and surface water bodies due to the proposed use;

15. Locations and logs of all subsurface explorations, including but not limited to test pits, borings, probes, and geophysical data. Installation diagrams of all wells, including, as applicable, depth, screened interval(s), casing length, elevation of ground surface and top of casing materials used, length of seals, and other relevant information. Background water level and water quality data, including, as applicable, stream flow, spring flow, wetland boundaries and hydro period, and other information as determined to be necessary by the Board. Precipitation data from a location or locations and for a period determined to be acceptable by the Board;

o. The aquifer characteristics including hydraulic conductivity and transmissivity, average daily, monthly, and annual extraction rates;

16. The applicant shall be responsible for notifying owners of all properties within one thousand (1,000) feet of the extraction point(s), as identified by the application, by written notification of time, place and date of Planning Board Meeting. Notification shall also include an explanation of the intent, scope, location of the proposed water extraction in terms readily understandable to a layman. Such notice shall be sent certified with a return receipt not less than fifteen (15) days before the Meeting. A copy of the notice along with verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. For the purpose of this section, the owners of properties shall be considered to be the persons listed as those against whom taxes are assessed in the most recent tax records of the Town of Bridgton;

17. A small scale site plan showing existing network of public or private roads leading to or by the extraction point(s);

18. Any proposed new roads or driveways to be constructed for access to and egress from the extraction point(s), and the point(s) of intersection of such proposed roads or driveways with existing roads;

19. The location and type of monitoring and test wells;

20. Any existing or proposed pipes, pipelines, aquaducts or similar that are intended to facilitate transport of the extracted water from the extraction point(s) towards the intended end user;

21. Any existing or proposed utility lines to be used in the extraction operation(s);

22. A detailed plan of the extraction point(s) including without limitation: well heads, pumping facilities, monitoring or test wells, lighting, all structures including but not limited to buildings, sheds, tanks, and silos, paving, vehicular drives, parking and turnaround, utility lines, fencing, pipelines, access roads or driveways, elevation and contour lines;

23. Any other relevant material detail(s) bearing on the proposed extraction process the omission of which would tend to hinder the ability of the reviewing authority, affected landowners, or the public from developing a full understanding of the scope and impact of the proposal.

24. Any vehicular demand on existing town roads or public easements occasioned by the operation of the extraction and related storage and transfer facility(ies) shall not exceed the capacity of those roads as determined by the Bridgton Road Commissioner, or cause the premature failure, aging or diminished utility of those roads;

a. To the extent the extraction facility(ies) will be served by pipes, pipelines, aqueducts or similar, such installations shall be sited and constructed in a manner which shall not interrupt the public's use of any existing roadway, interrupt the public's access to any private facility, great pond or similar; interrupt private access to private property; or pose the risk of damage to any property along or through which such installation traverses as a result of any failure or malfunction which might cause ponding, erosion, run off or similar.

b. The proposed extraction and activities incident to such extraction such as increased traffic (volume and type), parking, noise, glare from lights, or similar potential for nuisances shall not cause a negative impact on adjacent properties, and nearby vicinity as a whole. Hours of operation to be determined by the Planning Board and implemented according to type of activity.

c. Provisions shall be made for vehicular access to extraction facility(ies) and for circulation, loading and unloading upon the lot in such manner as to safeguard against hazards to traffic and pedestrians on adjacent streets or roads, to avoid traffic congestion and traffic safety hazards, or other safety risks.

od. Any driveways or access roads to the extraction facility(ies)
d. Any driveways or access roads to the extraction facility(ies) shall be designed in profile and grading and located so as to provide sight distances as specified by the Maine Department of Transportation.

e. Driveways or access roads to the extraction facility(ies) shall conform to the standards outlined in the Town of Bridgton Subdivision Regulations.

25. All water extraction meters must be calibrated, certified and sealed annually by the Maine State Department of Weights and Measurers with all costs to be paid by the applicant or the extractor.

26. The quantity of ground water to be extracted will not have a negative impact on ground water flow patterns relating to the aquifer, its recharge areas, or other ground water sources within the Town of Bridgton.

27. The quantity of ground water to be extracted will not negatively impact, diminish or alter any surface waters within the Town of Bridgton, including during any periods of drought.

28. The quantity of ground water to be extracted will not cause any ground subsidence beyond the property lines of applicant's property.

29. The quantity of ground water to be extracted will not adversely affect the long-term sustainability of the aquifer, or its recharge areas, including during periods of drought.

30. The quantity of ground water to be extracted will not negatively impact the quality of the ground water in the aquifer.

31. Trucks transporting water must only use roads approved by the Planning Board.

32. Representative(s) of the Town of Bridgton shall have access to all wells and facilities for oversight purposes.

33. Extraction well(s) shall not have a negative impact on the water quality or quantity of any public or private wells or spring in the Town of Bridgton, Maine.

ARTICLE VIII. LARGE SCALE WATER EXTRACTION

SECTION 5. Enforcement

1. Standards outlined in Article XIV shall also apply.

2. The applicant assumes any and all liability for the loss, interruption, degradation or interference with the pre-existing beneficial domestic use of ground water by a landowner or lawful land occupant, or other public or private water supply, caused by applicant's withdrawal or extraction of water.

3. Liability for harmful ground water withdrawal shall be governed by 38MRS 404.

4. Also, the liability of applicant shall be for compensatory damages only, and shall be limited to the following:

5. All costs necessary to restore the landowner or lawful land occupant to a status which is reasonable equivalent in terms of quantity and quality of ground water, made available on a similarly accessible and economic basis;

6. Compensatory damages for loss or damage to the property, including, without limitation, the loss of habitability of residence, caused to the landowner or lawful land occupant by reason of the interference prior to restoration of the status provided for in subparagraph F.3.a.; and

7. Reasonable costs, including expert witness and attorney fees incurred in initiating and prosecuting an action when necessary to secure a judgment granting the relief provided for under this section.

ARTICLE VIII. LARGE SCALE WATER EXTRACTION
SECTION 6. Performance Standards

1. Every extraction well site shall be provided with a minimum of three monitoring test wells, the location of these monitoring test wells must first be approved by the Town of Bridgton and these wells must monitor the same geologic unit that is producing the ground water for the extraction well. Any private wells within the zone of contribution shall be monitored.

2. The approved applicant shall provide the Town of Bridgton with quarterly hydro geologic status reports documenting compliance with their permit, the effects of the extraction on the local and regional ground water system, and confirmation that the extraction is not degrading water quality or quantity. The report shall include but not be limited to a tabulation of ground water extraction volumes on a daily and monthly basis; monthly ground water level trends from each monitoring well set associated with the extraction well, and a discussion of any variation in the effects of extraction compared to predicted hydro geologic response. All quarterly reports will be submitted to an independent expert for review. The independent expert will be chosen by the Bridgton Planning Board and paid for the applicant.

3. The applicant must submit quarterly operating records to the Bridgton Planning Board. Such reports shall show daily, monthly, and yearly totals of water extracted and the amount stored and shipped for each interval. Detailed records must also be kept as to the vehicles on which water is shipped, including the loading weight and the vehicle gross weight, the departure time and the intended destination.

4. Ground water samples shall be collected on an annual basis in August and analyzed for an appropriate suite of water quality parameters. Samples shall be collected from at least two hydraulically up gradient locations and two hydraulically down

gradient locations. In addition, representative samples from 10% of the private wells within the zone of contribution will be included in the August water quality analysis. The water quality parameters and sample locations shall be approved beforehand by the Town of Bridgton or its representative. An itemized report defining sample location(s) and results shall be submitted to the Bridgton Planning Board no later than thirty (30) days following the collection of such samples.

5. If in any seven (7) days out of a twelve (12) day rolling window, the flows are below 120 percent of the proposed minimum base flows, the alert level is triggered. While on alert status the reporting frequency to the Planning Board will increase to weekly reporting of flow monitoring and include a weekly description of operational modifications to ensure that the minimum base flows are not reached. Operational modification will entail reduction in pumping. The reduction in pumping will vary between a complete stop of pumping to no reduction in pumping. If the alert level is triggered, the applicant must notify the Planning Board before the end of the following workday (weekends and holidays excluded). The applicant must implement, within twenty-four hours, any operational changes potentially including cessation or reduction in pumping rate and or supplementing existing flows required by the Planning Board following Planning Board review of the weekly reports. The Planning Board will determine whether and when the previously approved reporting schedule may be resumed.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS

SECTION 1. Purpose

1. In addition to the requirements of Article I "Purpose" of this Ordinance the following criteria shall also apply to applications for Surface and Subsurface Mineral Extraction.

2. The purpose of this section is to put into law minimum removal, and reclamation standards, and municipal procedures intended to regulate the removal, processing and storage of topsoil, loam, rock, flat rock, sand, gravel, metallic minerals, or other similar materials. These standards and procedures are intended to protect the public health, safety, and general welfare; and to minimize the adverse impact of extraction to the Town, abutting property owners, citizens of the Town and wildlife and natural resources by:

a. Preserving and protecting surface and groundwater quality and quantity for current and future use of the town and/or its residents.

b. Preserving the value of property and its future ability to be an asset to the town and its residents.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 2. Review Procedures

1. Requirements stated in Section 4 "Review Procedures" shall also apply.

2. The applicant shall be responsible for notifying owners of all properties within one thousand (1,000) feet of the extraction site by written notification of time, place and date of Planning Board Meeting as identified by the applicant using certified mail return receipt requested. The applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt. Along with the notification to the property owners and the Town Manager the applicant shall include a sketch of the proposed project. Notification shall also include as explanation the intent, scope, location of the proposed extraction in terms readily understandable to a layman. Such notice shall be sent not less than fifteen (15) days before the Planning Board Meeting. A copy of the notice along with verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. For the purpose of this section, the owners of properties shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically.

3. The Planning Board shall hold a Public Hearing within thirty (30) days of the determination of application completeness. The applicant or authorized agent shall be responsible for notifying owners of all properties within one thousand (1,000) feet of the extraction site by written notification of time, place and date of such hearing. The applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. Along with the notification to the property owners and the Town Manager the applicant shall include a sketch of the proposed project. Copies of the letter, sketch and return receipts shall be made a part of the application. This notice shall be sent not less than fifteen (15) days before the Public Hearing. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Notice shall be published in a newspaper of general circulation in the Town of Bridgton at least two times and posting of notice in at least three conspicuous public places within the Town. Related advertising fees will be deducted from the Escrow.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 3. Application requirements

1. Application requirements stated in Article V shall also apply.

a. Name and address and telephone number of the applicant, and the name, address and telephone number of the owner of the property, if different from the applicant.

b. Verification of the right, title or interest the applicant has in the property; a copy of the deed(s) of the property together with copies of all covenants, deed restrictions, easements, rights of way, or other encumbrances, including, but not limited to, liens and mortgages currently affecting the property.

c. The date the plan was prepared with the name, address and telephone number of the person or company that prepared such plan.

d. Scale is to be no more than one hundred (100) feet or less than forty (40) feet per inch. All dimensions to be marked in feet or decimals of a foot, north arrow shown and paper size no smaller than 24" x 36".

e. Contour lines showing elevations in relation to mean sea level at appropriate intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated or filled. Contour intervals shall be a maximum of five (5) feet.

f. Boundaries of the tract of land showing lot lines of properties within one thousand (1,000) feet as defined on the Town of Bridgton Tax Assessor's Maps with total acreage of the subject parcel(s) indicated including the Town of Bridgton Tax Assessor's map(s) and lot number(s); the names of all the property owners within one thousand (1,000) feet of any line, as determined by the Bridgton Tax Records, shall be shown. The Planning Board may require a boundary survey of the property by a licensed surveyor if the boundaries are in question.

g. Location of existing and proposed mineral extraction activities and structures on the property.

h. Approximate location of residential structures on properties within 1,000 feet of the proposed activity.

i. Location and identification of existing public and private streets, roadways and rights-of-way associated with the subject property(ies).

j. Location of proposed access road to the mineral extraction activity from public roadways.

k. Location of all setbacks, buffers and conservation areas and protected natural resources.

- l. Location, intensity, type, size and direction of all outdoor lighting.
- m. Location and size of signs and all permanent outdoor fixtures such as fences, gates and utility poles.
- n. Location and type of existing and proposed berms, fences, hedges and tree lines.
- o. Location of known existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc. If any portion of the mineral extraction activity is in a flood-prone area, the boundaries of any flood hazard areas and the one hundred (100) year flood elevation shall be delineated on the plan.
- p. Location of known existing wells as defined by the owner within one thousand (1,000) feet of the proposed activity, if 5 acres or more; or within five hundred (500) feet of the proposed activity if less than (five) 5 acres; and all wells on the parcel itself.
- q. Location of proposed hazardous material storage areas including, but not limited to, fuel storage and handling, and washdown areas per current Maine Department of Environmental Protection specifications.
- r. Name of the proposed manager of operations.
- s. An estimate of the average daily traffic and a traffic impact narrative during periods of operation projected to be generated by the activity to show that the minimum standards in Article VII of this Ordinance have been met.
- t. A narrative description of the surface and ground water impacts, including protection plans and the identification of any significant mapped aquifers.
- u. Information and a map showing soils conditions on the site of the proposed mineral extraction activity. For subsurface sewage disposal proposed, the information shall include evidence of soil suitability according to the standards established in Article VII of this Ordinance. The Site Plan shall show the location of soil test areas.
- v. A Soil Erosion and Sedimentation Control Plan, prepared in accordance with the standards contained in the latest revision Best Management Practices (BMP's) as established by the State.
- w. A Reclamation Plan showing the final grades and revegetation plan, and any phasing of the plan.

x. A narrative description of the impact on the wildlife habitat, and the location of any deer yard or other significant wildlife habitat designated by Maine Dept. of Inland Fisheries and Wildlife, including any proposed mitigation.

y. A narrative description of the present use of the parcel and property within five hundred (500) feet of the activity.

z. Estimated longevity of the operation, including phasing.

aa. Proposed hours and days of operation.

bb. A Spill Prevention, Control & Containment (SPCC) Plan.

cc. Blasting Plan, if any proposed blasting activity is to occur.

dd. Copies of all submissions made to any federal or state agency(ies) concerning the property.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 4. Review Standards

1. In addition to the requirements of Article VII "Review Standards" of this Ordinance the following criteria shall also apply to applications for Surface and Subsurface Mineral Extraction.

a. Mineral extraction activities shall conform to all applicable state laws and local ordinances or regulations.

b. The owner and/or operator of a mineral extraction activity shall be responsible, both jointly and severally, for ensuring the maintenance of all infrastructure, structures and their sites.

c. Mineral extraction activities in the Shoreland Zone shall be in accordance with the Shoreland Zoning Ordinance or this Ordinance whichever is stricter.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 5. Performance Standards

1. Sediment may not leave the parcel or enter a protected natural resource.

2. Internally Drained Projects.

a. Land shall be restored and stablized according to the Reclamation Plan.

b. A volume calculation shall be provided demonstrating that the area(s) will safely hold a volume of precipitation at least equal to that which may be expected in the area from the ten (10) year, twenty-four (24) hour storm event for the region.

3. Externally Drained Projects.

a. If surface water flows out of and away from the proposed site during and after the site is excavated, the following should be provided to assure proper erosion control and prevent siltation of downstream waters. Temporary erosion control measures shall be included in the project design, such as hay bale barriers, silt fencing, and riprap. Plans shall show the location and installation details and include a description of the timing of installation, inspection and maintenance of erosion control measures.

b. A site plan showing preconstruction and postconstruction contours, and if applicable, phased contours. The plan must show the watershed, on and off site watershed boundaries and hydrologic surface water flow lines.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS

SECTION 6. Reclamation Plan

1. The affected land must be restored to a condition or physical state that is either similar to and compatible with that which existed prior to any development or encourages the productive use of the land. A Reclamation Plan is required for all activities according to the following specifications.

2. Soil Stockpiling. Soil which is stripped or removed must be stockpiled for use in reclaiming disturbed land, unless it is demonstrated to the Planning Board that it is not needed for reclamation purposes. Soil stockpiles must be seeded, mulched, or otherwise stabilized. At least 4 inches of any previously stripped topsoil will be used for final cover.

3. Regrading. A slope no greater than the natural angle of deposition for the type of material being deposited.

4. Vegetative cover. Vegetative cover must be established on all affected land. Topsoil must be placed, seeded, and mulched within thirty (30) days of final grading.

5. Vegetative material used in reclamation must consist of grasses, legumes, herbaceous, or woody plants or a mixture thereof. Plant material must be planted during the first growing season following the reclamation phase. Selection and use of vegetative cover must take into account soil and site characteristics such as drainage, pH, nutrient availability, and climate.

6. The vegetative cover is acceptable if within one growing season of seeding. The planting of trees and shrubs results in a permanent stand, or regeneration and succession rate, sufficient to assure a 50% survival rate and the planting results in 90% ground coverage.

7. Phased Reclamation. For guidance in planning and implementation of reclamation see Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices (March 1991 or latest edition), Section 10 Pit Reclamation.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 7. Petroleum Usage

1. Spill prevention, control and countermeasures are applicable to all size projects.

2. If any petroleum products or other materials with potential to contaminate groundwater are to be stored on the site, a Spill Prevention and Countermeasures (SPCC) Plan shall be submitted. An SPCC Plan shall be developed in accordance with DEP regulations.

3. Crankcase oil, hydraulic fluids or similar products shall not be disposed of within the excavation area in violation of Department of Environmental Protection regulations.

4. Any discharge or leak of petroleum product over a gallon shall be immediately reported to the Code Enforcement Officer. All discharges or leaks of any size shall be cleaned up promptly according to Best Management Practices.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 8. Buffers and Setbacks

1. Buffers and setbacks shall be shown on the plan as follows:

a. To minimize visual impacts and provide for wildlife, a seventy-five (75) foot natural buffer shall be maintained from property boundaries. This buffer may be reduced to no less than twenty-five (25) feet with written permission of an abutting landowner; or may be eliminated between abutting properties provided that written permission is obtained and erosion and stormwater control standards on both properties are met. Said document to reduce buffer or eliminate buffer must be approved and signed by the abutter(s) and must be recorded in the Cumberland County Registry of Deeds. Any written permission to reduce or eliminate buffer must provide that it remains in effect until mining ceases.

2. Existing Structures

a. A three hundred (300) foot buffer from the closest edge of an existing residence, business structure or farm building used for livestock shall be maintained with all projects. This buffer may be reduced with written permission of the owner of the existing residence, business structure or farm building. Any written permission to reduce buffer must provide that it remains in effect until mining ceases. Said document to reduce buffer must be recorded in the Cumberland County Registry of Deeds.

b. A one hundred (100) foot undisturbed natural vegetated buffer from the closest edge of the shoulder of a public road shall be maintained with all projects. This provision shall not prevent the installation of an access road or utilities for the proposed project.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 9. Road Design, Circulation and Traffic

1. The intersection of any road within the development area and an existing public road shall meet the following standards:

a. The angle of an intersection shall be 60° to 90°.

b. The maximum permissible grade within seventy-five (75) feet of the intersection shall be five percent (5 percent).

c. A minimum sight distance of ten (10) feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of the shoulder line with the height of the eye 3½ feet above the pavement and the height of object 4½ feet.

d. The center line of any road within the project intersecting an existing public road shall be no less than one-hundred-twenty-five (125) feet from the center line of any other road intersecting that public road.

2. Turning lanes, traffic directional islands, frontage roads, and traffic controls shall be provided on Town roads at the developer's expense, where necessary, in the opinion of the Bridgton Planning Board to safeguard against hazards to traffic or pedestrians and/or to avoid traffic congestion. Additional review and approval may be required by the State of Maine Department of Transportation.

3. All access/egress roads leading to or from the extraction site to paved public ways shall be treated with suitable materials to reduce dust and mud and paved or maintained hard surface for a distance of at least two hundred (200) feet from the paved public road.

4. Traffic impacts to be considered:

a. Where mineral extraction activity traffic proposes to use Town maintained roads, the activity scope must be suitable and appropriate to the projected daily traffic impacts as determined by the Bridgton Planning Board.

b. The road giving access to the mineral extraction activity and neighboring roads which can be expected to carry traffic to and from the mineral extraction activity site shall have traffic carrying capacity. If this is a Town road the Planning Board may determine that it be suitably improved to handle the carrying capacity from

the project. Necessary studies and road improvements shall be at the owner's expense.

5. Routing.

a. Where necessary to safeguard against hazards to pedestrians and to avoid traffic congestion, or adverse impacts to Town roads, alternative routing may be required by the Planning Board.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 10. Ground Water Impacts

1. The following requirements apply to all projects unless otherwise noted:

a. Assessment Submitted. The Planning Board must be satisfied that the mineral extraction activity will not cause an adverse impact to ground water quality and quantity before approving any application.

b. To provide an adequate buffer for ground water and allow for filtration of impurities from surface water, mineral extraction shall not be any closer than two (2) feet above the maximum seasonal high water level unless an application has been submitted to and approved by the State of Maine Department of Environmental Protection for excavation below the seasonal high groundwater table and all other minimum design and performance standards and application requirements per this Ordinance, are met. The applicant shall provide documentation of the groundwater table. The Planning Board may require monitoring of groundwater levels and quality to assure there are no adverse impacts to any water supplies or wells within 500 feet of the perimeter of the work site.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 11. Water Supply Buffer

1. A three hundred (300) foot separation must be maintained between the limit of excavation and any predevelopment private drinking water supply. Separation may be reduced to no less than one hundred (100) feet with written permission of owner and recorded in the Cumberland County Registry of Deeds. A one thousand (1,000) foot separation must be maintained between the limit of excavation and any well or spring which qualifies as a public drinking water supply. The Planning Board may require larger buffers from water supplies, if they find that a hazard is shown to exist due to the mineral extraction activity.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 12. Water Use

1. A mineral extraction activity must not withdraw more than 5,000 gallons of ground water per day, unless a hydrogeologic study which

supports withdrawal of more than 5,000 gallons per day is submitted by a qualified professional.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS

SECTION 13. Standards for Acceptable Ground Water Impacts

1. Projections of ground water quality shall be based on the assumption of drought conditions (assuming sixty percent (60 percent) of annual average precipitation) based on a ten (10) year average.

2. No mineral extraction activity shall increase any contaminant concentration in the ground water to more than one half of the Federal Primary Drinking Water Standards. No mineral extraction activity shall increase any contaminant concentration in the ground water to more than the Federal Secondary Drinking Water Standards.

3. If ground water contains contaminants in excess of the primary standards, and the mineral extraction activity is to be served by on site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated, if necessary.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS

SECTION 14. Solid Waste Disposal

1. No solid waste, including stumps and grubblings, shall be placed, stored, or disposed of in the mineral activity site unless it meets the requirements of the rules and regulations of the Maine Department of Environmental Protection.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS

SECTION 15. Hours of Operation

1. The hours of operation shall not be earlier than 7:00a.m. and no later than 7:00p.m. Monday through Friday, no earlier than 7:00a.m. and no later than 2:00p.m. Saturday, and shall be prohibited from operating on Sunday. Exceptions may be approved by the Code Enforcement Officer. Depending on the location of the site the hours of operation may be revised by the Planning Board. Excluded from the specified hours of operation are hours related to general office duties, general maintenance and repair of equipment and any unforeseen emergency.

a. The hours of operation for rock crushing and blasting activity associated with gravel pits shall not be earlier than 7:00a.m. and no later than 5:00p.m. Monday through Friday, no earlier than 8:00a.m. and no later than 12:00p.m. Saturday, and shall be prohibited from operating on Sunday. It shall be limited to three (3) periods consisting of six consecutive days within a single three (3) year period. An extension shall be granted by the Code Enforcement Officer upon written request by the applicant and a showing of just cause for the extension. Any time not used during a

three (3) year period can not be carried over to the next three year period.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 16. Performance Standards - Rock Mining/Extraction Operations

1. In addition to the performance standards listed in Article X Section 1 "Purpose" of this ordinance, rock mining operations shall conform to the following:

a. The maximum limit of material that may be extracted per year is 100,000 cubic yards.

b. A surveyed report of the quarry material on site to be excavated must be calculated and submitted with the permit application and the amount extracted per year confirmed by an annual inspection report by a third party civil engineer at the applicant's expense. Said report to be submitted to the Bridgton Code Enforcement Officer for review and any comment.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 17. Reclamation Performance Guarantees

1. As determined by the annual report, once the project meets five (5) acres the owner/applicant must submit:

a. A performance bond payable to the Town issued by a surety company, approved by the Selectmen; or

b. An irrevocable bank letter of credit from a financial institution establishing funding for the construction or reclamation of the mineral extraction activity, from which the Town may draw if reclamation or construction is inadequate, approved by the Selectmen; or

c. May propose alternatives to the above.

2. Contents of Guarantee

a. The performance guarantee shall contain a reclamation schedule, cost estimates for each major phase of reclamation taking into account inflation, provisions for inspections of each phase of reclamation, provisions for the release of part or all of the performance guarantee to the permit holder, and a date after which the permit holder will be in default and the Town shall have access to the funds to finish reclamation. Inspection shall be done by the Code Enforcement Officer and/or Civil Engineer approved by the Board of Selectmen. Expenses of said inspection shall be the responsibility of the applicant.

3. Performance Bond

a. A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the developer, and the procedures for collection by the municipality. The bond documents shall specifically reference the mineral extraction activity for which approval is sought.

4. Letter of Credit

a. An irrevocable bank letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the complete reclamation of the mineral extraction activity and may not be used for any other project or loan.

5. Phasing of Development

a. The Board may approve phased performance guarantees, when a mineral extraction activity is approved in separate and distinct phases.

6. Performance Bond Review

a. Any performance bond or proof of financial capacity shall be reviewed no later than thirty (30) days before the expiration of the guarantee, and adjusted if necessary. The applicant may also request adjustments in the guarantee.

7. Release of Guarantee

a. Prior to the release of any part of the performance guarantee, the Board of Selectmen shall determine to its satisfaction, in part upon the report of a certified Civil Engineer and/or whatever other agencies and departments may be involved, that the reclamation meets or exceeds the design requirements for that portion of the reclamation for which the release is requested.

8. Default

a. If upon inspection, the Code Enforcement Officer or other inspecting official finds that any of the required reclamation has not been performed in accordance with the approved plans and specifications, they shall so report in writing to the Board of Selectmen, and the permit holder and guarantor. The permit holder shall have thirty (30) days from the date of such report unless otherwise specified by the Code Enforcement Officer, to remedy any insufficiency noted. Thereafter, the Board of Selectmen shall take any steps necessary to enforce the guarantee and remedy the insufficiencies.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS

SECTION 18. Enforcement and Inspections

1. Reclamation Certification

a. Upon completion of reclamation or a reclamation phase, a written certification signed by a professional Civil Engineer registered in the State of Maine shall be submitted to the Board of Selectmen at the expense of the applicant, certifying that the reclamation is in compliance with the approved plans.

2. Violations

a. No Mineral Extraction Activity Plan shall be recorded in the Cumberland County Registry of Deeds until a Final Plan has been approved and signed by the Planning Board in accordance with this Ordinance.

b. No person, corporation or other legal entity may sell or offer to sell any materials in a mineral extraction activity site which sale or offer to sell has not been approved by the Planning Board.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS

SECTION 19. Alternate Submissions

1. Activities that already have a valid DEP permit or a complete pending DEP application may submit the DEP application to the Planning Board subject to the Planning Board request for additional information on submissions above, not covered by the DEP application.

2. Waivers of Submissions

a. The Planning Board may grant waivers from specific application submission requirements, provided the applicant can demonstrate all of the following;

b. A waiver would not be contrary to the public interest;

c. A literal enforcement of submission requirements would result in an unnecessary or undue hardship;

d. The intent of the item being waived can be met in some other manner;

e. There will be no adverse impacts resulting from the waiver.

ARTICLE X. SPECIAL REGULATIONS AND DIMENSIONAL REQUIREMENTS

SECTION 1. Special Regulations

1. The following regulations shall be complied with in addition to the performance standards contained in Article VII "Review

Standards" of this Ordinance for residential-institutional, industrial and commercial.

a. An institutional use requiring federal, state and or local licensing shall obtain such license before a Conditional Use Permit is granted by the Planning Board.

b. The applicant shall furnish the Planning Board detailed information relating to projected numbers and types of clients; planned and projected numbers of staff and duties, so that the Planning Board can determine the availability of necessary Town services.

c. The Planning Board, as a condition of approval, may require assurances or bond to protect the health, safety and general welfare of the community.

d. All residential child care and/or educational institutions and/or facilities shall comply with Rules for the Licensure of Residential Child Care Facilities as adopted by the Department of Mental Health and Mental Retardation, Department of Educational and Cultural Services, Bureau of Mental Health and Bureau of Instruction.

e. Any industrial use which is found by the Planning Board to constitute a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance shall be expressly prohibited. No such finding shall be made by the Planning Board until after a public hearing has been held.

f. Any outdoor storage of articles, supplies, and materials shall not be within the required setback and shall be screened from view of abutting residential property owner or streets by a solid wall or vegetative hedge.

ARTICLE X. SPECIAL REGULATIONS AND DIMENSIONAL REQUIREMENTS

SECTION 2. Dimensional Requirements

1. Lots and structures for residential-institutional, industrial, commerce and commercial uses, shall meet the following standards where applicable.

Minimum road frontage	100 feet
Minimum front setback from edge of ROW	25 feet
Minimum side and rear setback	20 feet
Minimum shoreland setback	Refer to Town of Bridgton Shoreland Zoning Ordinance

2. All structures in the Village Center District shall meet the following standards (See Village Center District Map).

Minimum side and rear setback	2 feet
Minimum front setback from edge of ROW	0 feet

3. On any parcel that is 20,000sf or greater within the Village Center District (See Village Center District Map) at least 25% of the portion of the building which fronts on any street shall be used for retail, office, business or professional use. Home occupations and usual appurtenant uses associated with the building are exempt from this provision. Notwithstanding the provisions of 1 MRS §302, and regardless of the date on which it is approved by the Town, this Article XI Section 2.1.b shall be retroactive to February 20, 2012 and shall be applicable to any and all applications for permits or approvals required under the Site Plan Review Ordinance that were or have been pending before any officer, board, or agency of the Town of Bridgton on or at any time after February 20, 2012. The Reviewing Authority may modify or waive the 25% minimum requirement when it determines that one of the following factors is applicable.

- a. Special circumstances of the site;
- b. building placement;
- c. building design;
- d. building use;
- e. surrounding building placement; or
- f. surrounding building uses.

Furthermore, granting a waiver will not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

ARTICLE XI. MEDICAL MARIJUANA DISPENSARIES OR FACILITIES

SECTION 1. Purpose, Authority; Conflict with Other Ordinances; Applicability; Local Limitation on Number of Dispensaries or Facilities

1. Purpose.

In addition to the purposes set forth in Article I of this Ordinance, the purpose of this Article XI is to enact reasonable regulations applicable to Registered Medical Marijuana Dispensary or Facilities, which regulations are not duplicative of or more restrictive than the provisions of the Maine Medical Use of Marijuana Act, as codified in Title 22, Chapter 558-C of the Maine Revised Statutes (the "Act"), and which do not frustrate the state law purpose of permitting registered dispensaries from cultivating and dispensing medical marijuana in accordance with the Act.

2. Authority.

In addition to the authority set forth in Article II of this Ordinance, this Article is adopted pursuant to the provisions of 22 M.R.S. § 2428(10) (2015).

3. Conflict with Other Laws.

Notwithstanding Article XIV Section 2 of this Ordinance, if any of the requirements of this Article are found inconsistent with the

requirements of the Act or the rules adopted thereunder, the requirements of the Act shall apply.

4. Applicability.

This Article shall apply to any Registered Medical Marijuana Dispensary Facility or Dispensary Facility as defined in this Ordinance (hereafter "Dispensary Facility") located or proposed to be located wholly or partially within the geographic boundaries of the Town of Bridgton.

5. Local Limitation on Number of Dispensary Facilities.

The number of Dispensary Facilities within the geographic boundaries of the Town of Bridgton is limited to two (2). For purposes of this limitation, each parcel of land, including any structures thereon, that is being used for the acquisition, possession, cultivation, manufacture, delivery, transfer, transport, sale, supply, and/or dispensing of medical marijuana or related supplies and educational materials shall be counted as one Dispensary Facility. Planning Board approval of an application for a Dispensary Facility shall be prima facie evidence of the existence of a Dispensary Facility.

ARTICLE XI. MEDICAL MARIJUANA DISPENSARY FACILITY

SECTION 2. Review Procedures; Application Submission Requirements

1. Review Procedures.

Notwithstanding Article IV Section 1 of this Ordinance, any application for a Dispensary Facility, including any proposed amendments to a previously authorized Dispensary Facility, shall require review and approval by the Bridgton Planning Board. Prior to submitting an application, the applicant or the applicant's authorized agent may appear at a regular or special meeting of the Planning Board to informally discuss the proposal. The requirements set forth in Article IV Section 2, Article IV Section 3, and Article VI of this Ordinance shall apply.

2. Application Submission Requirements.

The application requirements set forth in Article V of this Ordinance shall apply. In addition, the applicant shall provide documentation of any required state approvals connected with a medical marijuana dispensary operation including the licensing or registration of not-for-profit entities engaged in such operation.

ARTICLE XI. MEDICAL MARIJUANA DISPENSARY FACILITY

SECTION 3. Review Criteria

The review standards set forth in Article VII and X of this Ordinance shall apply to any application for a Dispensary Facility. In addition, the following review standards shall apply:

1. Location.

No Dispensary Facility shall be sited within 500 feet of the lot lines of any of the following:

- a. A juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center;
- b. A State of Maine licensed child care facility; or
- c. A State of Maine licensed family home child care facility.
- d. Areas designated as safe zones, and areas within 1,000 feet of real property comprising designated safe zones, as shown on an official Town of Bridgton Safe Zone Map which has been made part of a Town of Bridgton ordinance entitled, "An Ordinance to Regulate the Establishment of Safe Zones."
- e. The distances cited in this subsection shall be measured between the lot line of the proposed site for the Dispensary Facility and the lot line of the site of the use listed at their closest points.

2. Impact on Local Police Services.

The applicant shall:

- a. Install security surveillance cameras recording and operating 24 hours a day, 7 days a week, to monitor all entrances and the exterior of the premises to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises. Upon the request of the Bridgton Police Department, the requested security recordings shall be made available to the Police Chief or his designee.
- b. Provide the Bridgton Police Department with the name and functioning telephone number of a 24-hour on-call staff person to whom notice of any operating problems associated with the Dispensary Facility may be given, and shall keep the name and contact information updated.
- c. Provide all property and building security plans to the Bridgton Police Department.

3. Display.

No medical marijuana or paraphernalia shall be displayed or kept so as to be visible from outside the premises of the Dispensary Facility.

4. Control of Odors and Emissions.

Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a Dispensary Facility must be provided at all times. Sufficient measures shall be provided for the control and proper disposal of all such substances in a safe, sanitary and secure manner.

5. Cultivation Area.

If there is both the cultivation and dispensing of medical marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensing of medical marijuana.

6. Signage and Advertising.

All signage and advertising for a Dispensary Facility shall comply with all applicable provisions of the Town of Bridgton Sign Ordinance.

ARTICLE XI. MEDICAL MARIJUANA DISPENSARY FACILITY

SECTION 4. Retroactivity

Notwithstanding the provisions of 1 M.R.S. § 302, and regardless of the date on which they are approved by the voters of the Town of Bridgton, the June 14, 2016 Amendments to the Medical Marijuana Dispensaries Provisions of the Bridgton Site Plan Review Ordinance shall be retroactively effective as of November 17, 2015, and shall govern any and all pending proceedings related to Dispensary Facilities (including any and all applications for permits or approvals for new Dispensary Facilities or amendments to existing or previously authorized Dispensary Facilities required under the Bridgton Site Plan Review Ordinance that are or have been pending before any officer, board, or agency of the Town of Bridgton) on or any time after November 17, 2015.

ARTICLE XII. EXPIRATION

1. Following the issuance of approval, if no substantial start is made in construction or in the use of the property within two (2) years from the date of approval, the approval shall lapse and become void with the exception of Large Scale Water Extraction Applications. Any Large Scale Water Extraction Application granted approval by the Bridgton Planning Board shall be for a period not to exceed five (5) years, but may be renewed subject to the same criteria contained herein.

ARTICLE XIII. ENFORCEMENT, NUISANCES, CODE ENFORCEMENT OFFICER, LEGAL ACTIONS, PENALTY.

SECTION 1. Nuisances

1. Any violation of this Ordinance shall be deemed to be a nuisance.

ARTICLE XIII. ENFORCEMENT

SECTION 2. Code Enforcement Officer

1. The Code Enforcement Officer shall enforce the provisions of this Ordinance. Upon finding that any provision of this Ordinance is being violated, the Code Enforcement Officer shall, by registered mail, notify those responsible for such violation, indicating the nature of the violation and order the action necessary to correct it.

2. Action may include discontinuance of illegal use of land, buildings, structures and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

ARTICLE XIII. ENFORCEMENT

SECTION 3. Legal Actions

1. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby required to institute any and all actions and proceedings, in law or equity, including seeking injunction against violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

ARTICLE XIII. ENFORCEMENT

SECTION 4. Penalty

1. Any person, firm, corporation, or legal entity who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$2,500, and each day on which such violations shall continue shall constitute a separate offense.

ARTICLE XIV. VALIDITY AND SEVERABILITY AND CONFLICT WITH OTHER ORDINANCES

SECTION 1. Validity and Severability

1. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

ARTICLE XIV. VALIDITY AND SEVERABILITY AND CONFLICT WITH OTHER ORDINANCES

SECTION 2. Conflict with Other Ordinances

1. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

2. Nothing herein shall exempt any applicant or proposed development or land use from the requirement(s) of complying with other applicable Ordinances and Regulations of the Town of Bridgton.

ARTICLE XV. APPEALS

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.

3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

ARTICLE XVI. ORDINANCE AMENDMENTS

1. This Ordinance may be amended by referendum. Amendments must comply with Title 30A §4352. Amendments must be submitted to the Municipal Officers by the Planning Board following the requirements for publishing and conducting a public hearing:

a. The notice must be posted in the municipal office at least thirteen (13) days before the public hearing;

b. The notice must be published at least 2 times in a newspaper that complies with Title 1, section 602 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen;

c. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection.

ARTICLE XVII. REFERENCES AND DEFINITIONS

SECTION 1. References

1. In general, all words and terms used in this Ordinance shall have their customary dictionary meaning. More specifically, certain words and terms shall be described below.

2. Where there is a conflict between the language contained in this Ordinance and any other Town ordinances, the stricter language shall apply for purposes of this Ordinance.

3. All references in this ordinance to "Town", "The Town", "the Town of Bridgton", and to any board, official or officer, unless clearly defined otherwise, shall be construed to be references to the Town

of Bridgton, Maine, an incorporated municipality in the County of Cumberland County, State of Maine and its municipal boards, officials and officers.

ARTICLE XVII. REFERENCES AND DEFINITIONS

SECTION 2. Definitions

Air-blast - A horn or signal before blasting.

Agricultural Land Management Practices - Means those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Accessory Use or Structure - A subordinate use of a building, other structure or land, or a subordinate building or other structure:

1. The use of which is customary in connection with the principal building, other structure or use of land;
2. The use of which is clearly incidental to the use of the principal building, other structure or use of land; and
3. Which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

Appropriate Suite or Water Quality Parameters - Refers to all organic or inorganic primary and secondary Federal Drinking Water Standards including bacteria.

Aquifer - Means a saturated permeable geologic unit consisting of unconsolidated sediment or bedrock that can yield economically valuable quantities of water. The term "aquifer" as used in this Ordinance includes all areas specifically mapped as such by the Maine Geological Survey or as mapped by a certified geologist.

Blasting - The controlled use of explosives to excavate or remove rock.

Buffer Strip - A defined and described tract of land or parcel that is required to remain unaltered excepting any improvements to minimize erosion, noise or visual impact.

Building - Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind. A building shall include a multiple family dwelling.

Campground - An area devoted to overnight recreational or educational use, where the land area is divided into sites or lots

for which a charge is made; either on a short or long-term basis by sale, rent or lease or condominium type of financing.

Clay - A fine grained material consisting mainly of hydrated aluminum silicates that occurs naturally in soil and sedimentary rock. Used in making bricks, ceramics and cement.

Commerce - The exchange or buying and selling of commodities on a large scale involving transportation from place to place.

Commercial - Connected with the buying or selling of goods or services or the provision of facilities for a fee.

Construction - Structural changes or additions to a building or structure other than repairs and modification in building equipment.

Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as living quarters for one family including provisions for living, cooking and eating.

Explosives - A substance that contains a great amount of stored energy that can provide an explosion, a sudden expansion of the material after initiation, usually accompanied by the production of light, heat, sound and pressure.

Extraction or (water extraction or extraction of water) - Means withdrawal, removal, diversion, taking, or collection by any means of water from ground water sources, aquifers, springs, wells, pumps, pipes or similar.

Extraction point - or Extraction facility - Means the physical location where water is extracted, whether by well, pump, pipeline, catchments, or other similar method.

Forest Management Activities - Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation or maintenance of land management roads.

Gravel - Small stones and pebbles or a mixture of them with sand.

Gravel Pit - An excavation for removal, processing, or storage of borrow, topsoil, loam, gravel, rock, sand, clay, silt or other similar non-metallic earth materials whether alone or in combination. Does not require the use of explosives.

Ground Water - Means underground water located in unconsolidated sediment or bedrock below the Water Table and includes ground water emanating to the surface in the form of springs.

Handling, Processing, or other Accessory Uses - Any washing, screening, crushing, mixing or storage of sand, gravel, stone, rock, clay, topsoils, or any other material of any kind from either on or off site; to include: any washing or screening operations; concrete mix or asphalt batching plants; blasting or mining of material; storage of material from off site; disposal, placing, or storing of any materials that are not going to be used in any process or production in conjunction with the extraction activity; or ore concentration processes.

Home Occupation - An occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit which is incidental to residential use and employs two or less full-time equivalent outside employees.

Industrial - Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.

Institutional - A building devoted to some public, governmental, educational, charitable, medical or similar purpose.

Large Scale Water Extraction - Means extraction of water from ground water sources, aquifers, springs, wells or similar in a total daily amount on any given day of 50,000 gallons or 1,000,000 gallons annually, as extracted by the same individual or entity, or consortium or association of individuals or entities, regardless of the number of extraction facilities utilized.

Landscaping - The ornamental planting of trees, shrubs and other plants as foundation planting, in separate bedding areas and between the property and sidewalk or street so as to enhance the appearance of the property.

Marijuana - The leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination.

Medical Marijuana - Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred, transported, sold, supplied or dispensed to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition. For the purposes of this definition, "qualifying patient" means a person who has been diagnosed by a medical provider as having a debilitating medical condition and who possesses a valid written certification regarding medical use of marijuana in accordance with State law.

Mineral - A naturally occurring solid chemical substance that is formed through geological processes and that has a characteristic chemical composition, a highly ordered atomic structure, and specific physical properties. By comparison, a rock is an aggregate of minerals and/or mineraloids and does not have a specific chemical composition. Minerals range in composition from pure elements and simple salts to very complex silicates with thousands of known forms.

Mineral Extraction Activity - Any excavation or removal, handling or storage of sand, gravel, borrow, rock, clay, minerals, or topsoil to include, but not limited to, sand or gravel pits, clay pits, borrow pits, quarries, mines and topsoil mining or removal.

Mineral Extraction Site or Area - All of the land area disturbed or otherwise developed for the extraction, removal, processing, or storage of sand, gravel, clay, minerals, stone, rock, or topsoil; including any access roads and cleared areas adjacent to a pit or excavation area.

Mobile Home Park - An area designed or planned for the placement of two or more mobile homes with design and lot size standards as required in the Bridgton Subdivision Regulations.

Multiple Family Dwelling - A building(s) consisting of three (3) or more attached dwelling units.

Office, Business or Professional - The place within and from which a person or persons conducts a business providing, by way of example, but not limited to, a trade, professional or service to clients or customers. Business and professional offices may include, but are not limited to, offices for plumbing, electrical, and other construction trades, firms or contractors (including headquarters); and for lawn care and building cleaning companies; and for lawyers, doctors, accountants, engineers and other professional consultants.

Persons - Means any person, firm, association, partnership, corporation, municipal or other local government entity, quasimunicipal entity, state agency, educational or charitable organization or institution, or other legal entity.

Public Drinking Water Supply - Any publicly or privately owned system of pipes or other constructed conveyances, structures and facilities through which water is obtained for or sold, furnished or distributed to the public for human consumption, if such a system has at least fifteen (15) service connections, regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year or bottles of water for sale. Any publicly or privately owned system that only stores and distributes water, without treating or collecting it; obtains all its water from, but is not owned or operated by a public water system; and does not sell water or bottled water to any person, is not a "public

water system". The term "public water system" includes any collection, treatment, storage or distribution pipes or other constructed conveyances, structures or facilities under the control of a supplier of water and used primarily in connection with such a system, and any collection or pretreatment storage facilities not under that control that are used primarily in connection with such a system. The system does not include the portion of service pipe owned and maintained by a customer of the public water system.

Quarry - An excavation or pit, usually open to air, from which building stone, slate, construction aggregate, riprap, or the like, is obtained by cutting, blasting, etc.

Reclamation - The restoration or continued maintenance of the area of land affected by mining under a Reclamation Plan. This may include but is not limited to, grading and shaping of the land, the creation of lakes or ponds, the planting of forests, the seeding of grasses, legumes, or crops for harvest, or the enhancement of wildlife and aquatic resources.

Reclamation Plan - A plan which depicts how the project will be restored, or maintained, after excavation is complete. Such a plan usually includes final grading and revegetation plans, of any given phase.

Recreational Vehicle - A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home.

Registered Medical Marijuana Dispensary Facility or Dispensary Facility - Any structure or use by a not-for-profit entity registered pursuant to State law connected with the acquisition, possession, cultivation, manufacture, delivery, transfer, transport, sale, supply or dispensing of medical marijuana or related supplies and educational materials for the purposes of the Bridgton Site Plan Review Ordinance, a "dispensary facility" shall be considered a commercial use.

Residential-Institutional - A use providing recreation, counseling, education and/or other rehabilitative services where the individuals commonly reside at the facility.

Retail - Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for trade.

Rock - A naturally occurring solid aggregate of minerals and/or mineraloids. In general rocks are of three types, namely, igneous, sedimentary and metamorphic.

Rock Crushing - A process of reducing large rocks into small rocks, gravel or rock dust, or changing the form of waste materials so they

can be more easily disposed of or recycled, or to reduce the size of a solid mix of raw materials so that pieces of different composition can be differentiated.

Seismograph - An instrument that measures motions of the ground and provides a continuous record of ground motion.

Setback - The horizontal distance from a lot line or referred location to the nearest part of a structure or activity.

Silt - A granular material of a grain size between sand and clay derived from soil or rock. Silt may occur as a soil or as suspended sediment in a surface water body. It may also exist as soil deposited at the bottom of a water body.

Small Mineral Extraction Operations - Extraction operations that are less than 2 acres in size.

Structure - Anything constructed, erected or placed on the ground which is permanent, temporary or mobile. Structure(s) include but are not limited to building(s), mobile homes, recreational vehicles, piers and pads, and storage and processing facilities. Boundary walls, fences and flagpoles are not considered structures.

Substantial Enlargement - An expansion by more than 25% at any one time. Excludes Surface and Subsurface Mineral Extraction Operations and any related activity.

Substantial Start - Any project that is considered 20% complete.

Surface Water - Shall include any lake, pond or perennial stream.

Use - Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Top Soil - The upper, outermost layer of soil, usually the top 2 inches to 8 inches. It has the highest concentration of organic matter and microorganisms and is where most of the Earth's biological soil activity occurs.

Variance - A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of a variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

Water Bodies or Surface Water(s) - Means lakes, ponds, river, streams, wetlands and similar.

Water Table - means the underground water surface at which the pressure is equal to that of the atmosphere. The water table elevation changes throughout the year in response to precipitation recharge and the level of nearby surface water.

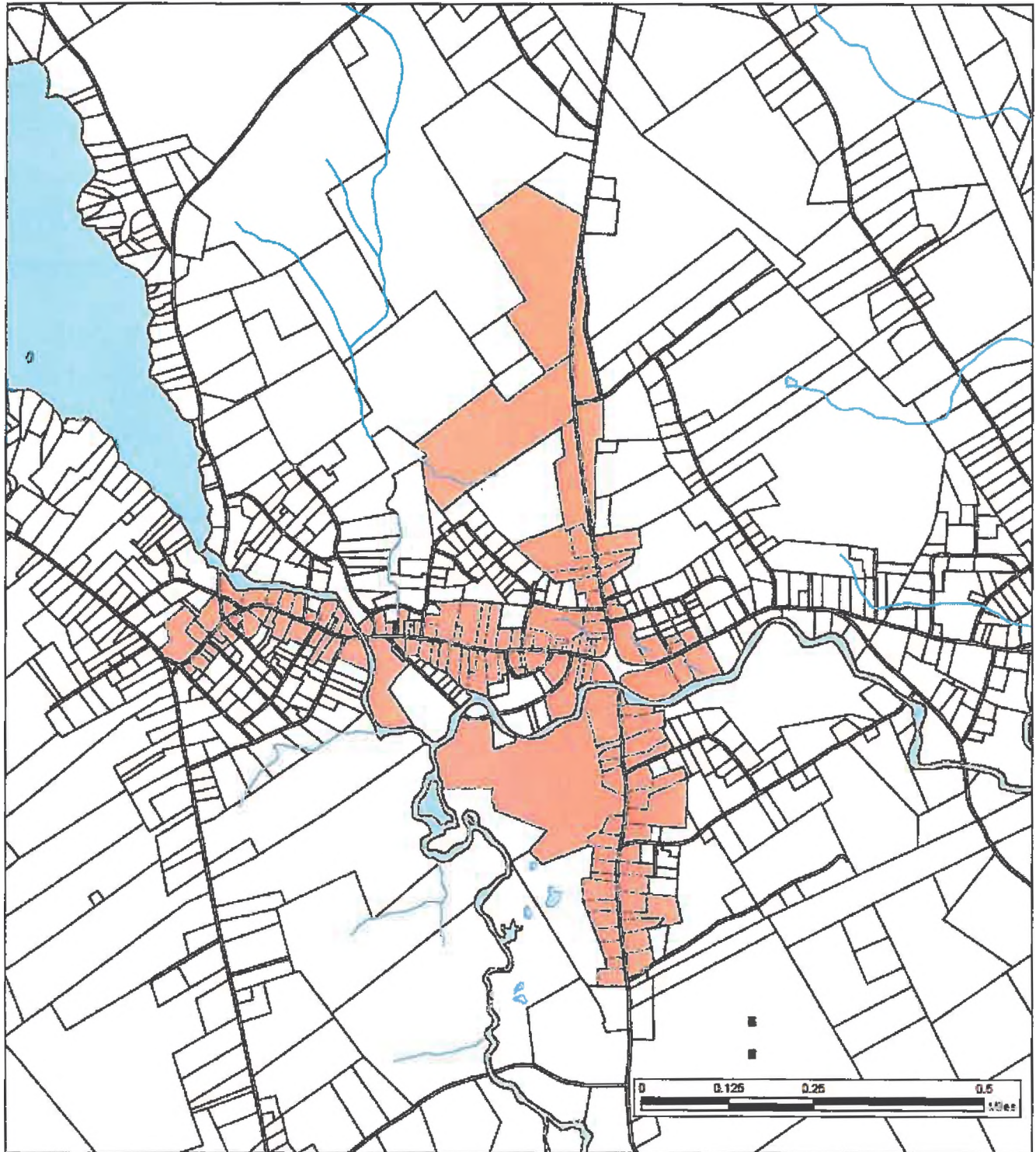
Working Pit or Area - The extraction area including side slopes and adjoining areas with overburden removed, excluding roads.

Zone of Contribution - Means the area of an aquifer that contributes water to a well or other extraction point under the most severe pumping and recharge conditions that can be realistically anticipated within the Town of Bridgton. It is bounded by the ground water divides that result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases the zone of contribution shall extend up gradient to its point of intersection with prevailing hydro geologic boundaries (a ground water flow divide, a contact with till or bedrock, or a recharge boundary).

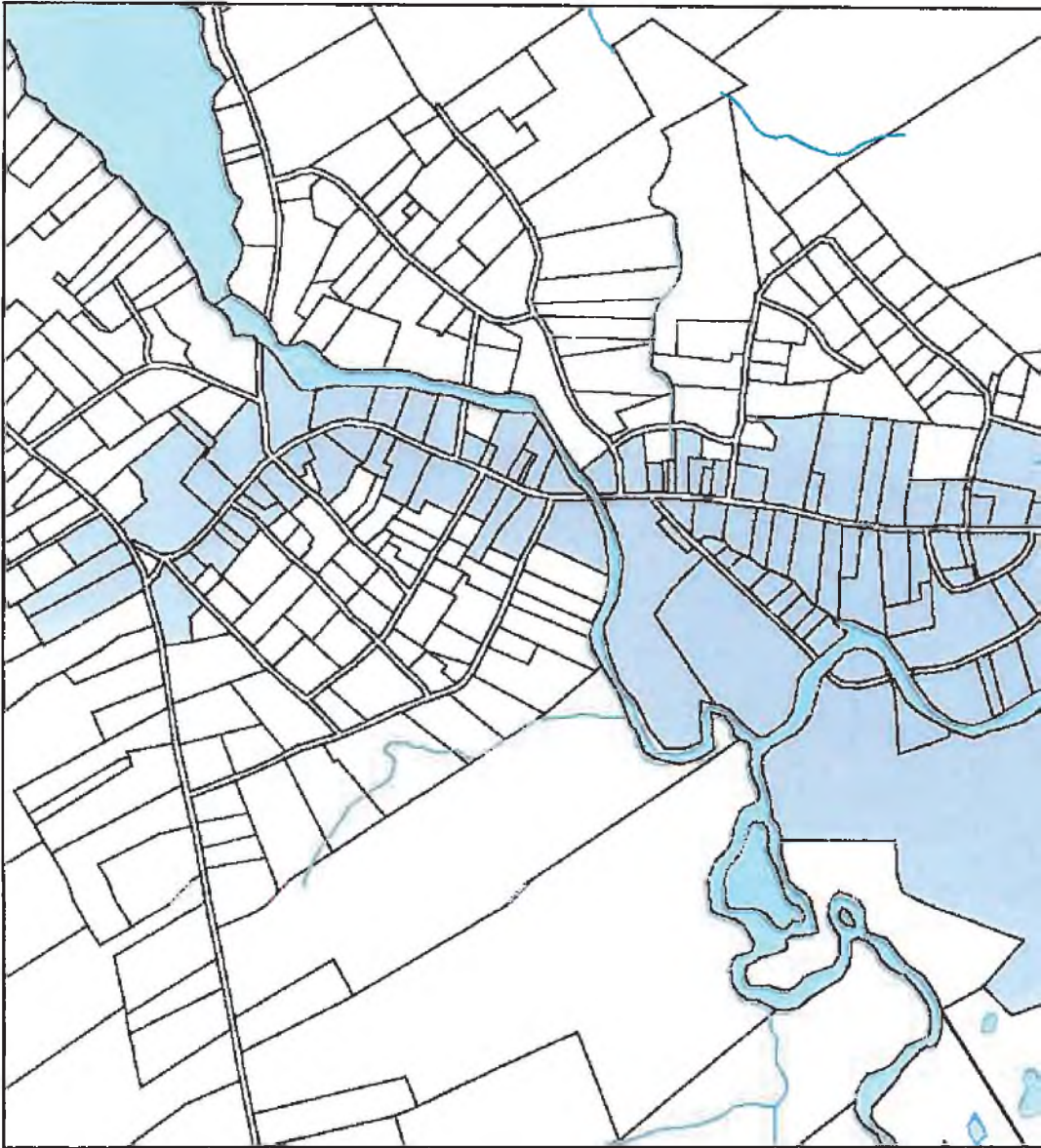
Enacted: June 10, 1998

Amended: June 14, 2000, June 14, 2005, June 12, 2007, June 10, 2008, June 14, 2011, December 13, 2011, June 12, 2012, June 10, 2014, June 9, 2015, June 14, 2016.

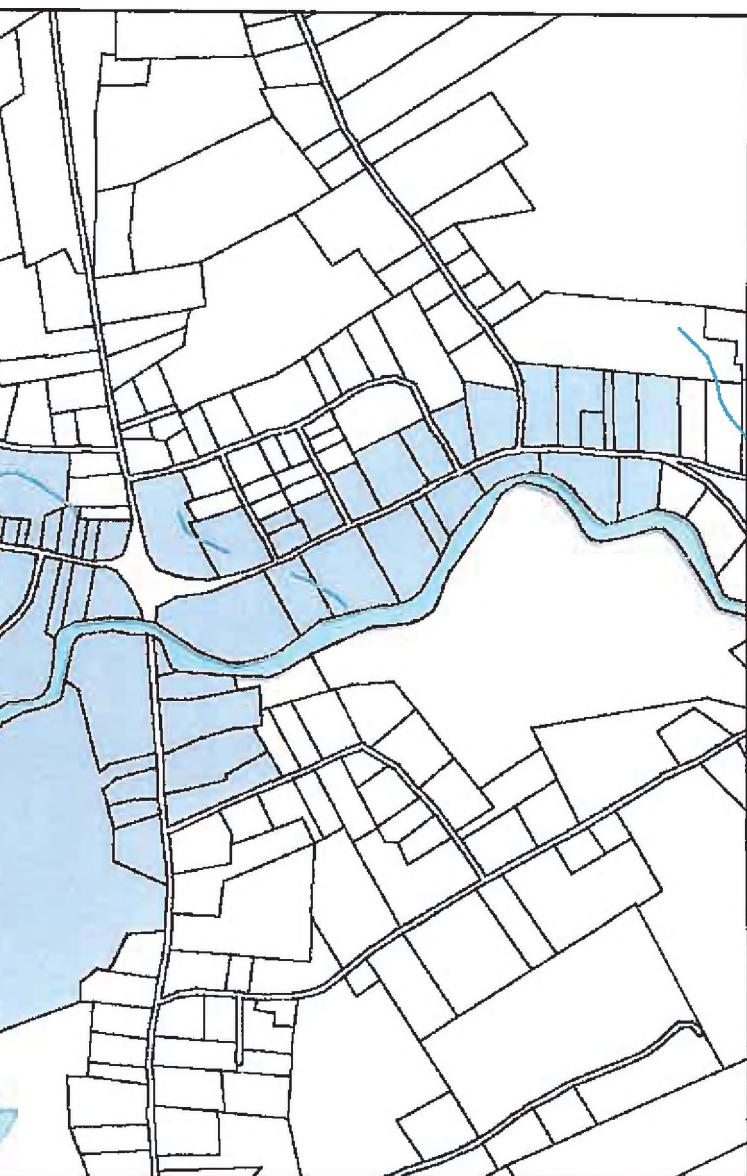
Town of Bridgton
Site Plan Development Ordinance
Downtown Site Plan District Map
June 14th 2005



Town of Bridgton
Site Plan Review Ordinance
Village Center District Map
June 12, 2012



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**TOWN OF BRIDGTON
SKATEBOARD ORDINANCE**

1. PURPOSE

The purpose of this ordinance is to regulate the use of skateboards and scooters within the Town of Bridgton.

2. DEFINITION

For the purpose of this ordinance, the following terms shall have the meaning indicated:

SKATEBOARD/SCOOTER: A single platform, which is mounted upon wheels, having no mechanism or other device with which to steer or control the direction of movement thereof while being ridden, used, or operated.

3. USE OF SKATEBOARDS/SCOOTERS PROHIBITED IN CERTAIN PLACES:

No person shall use, operate, or ride upon a skateboard/scooter on any public way, sidewalk, or public parking lot within the Town of Bridgton. Further, no person shall use, operate, or ride any skateboard/scooter in any place in the Town of Bridgton in such an unsafe or dangerous manner, as to put himself/herself or others in danger of serious bodily injury or death.

4. PENALTIES AND ENFORCEMENT:

This ordinance shall be enforced by the Bridgton Police Department. Any person violating any provision of this ordinance shall be guilty of a civil violation and shall be subject to a fine of up to \$25.00 for each violation. The Chief of Police or his authorized agent is hereby authorized and directed to institute any and all actions and proceedings, legal or equitable, that may be necessary or appropriate to enforce the provisions of this ordinance in the name of the municipality. Relief sought through such action may include, but is not limited to, the imposition of a fine or an order to surrender the skateboard or scooter to the Department for a stated period of time.

Any person cited for a violation of this ordinance, who wishes to avoid prosecution, may voluntarily pay a fine to the Town and surrender the skateboard/scooter (if he/she is the owner of same) to the Department within 24 hours of receiving notice of the violation in accordance with the following schedule:

FINE	PERIOD OF SURRENDER OF SKATEBOARD
1 st violation: \$10.00	3 days
2 nd violation: \$15.00	30 days
3 rd & subsequent Violations: \$25.00	Forfeited to and disposed of by the Town

If the person cited for violating this ordinance is under the age of 18, that person shall be accompanied by his or her parent or legal guardian when appearing voluntarily at the Department under this section to pay a fine and surrender the skateboard. The violator (and his/her parent/guardian, where applicable) shall sign a written statement acknowledging the voluntary nature of the payment and surrender being performed by him or her.

Approved - June 6, 1989 Town Meeting

TOWN OF BRIDGTON
SOLID WASTE FLOW CONTROL ORDINANCE

1.1. Short Title

This Ordinance shall be known as and may be cited as the "Bridgton Solid Waste Flow Control Ordinance" and shall be referred to herein as "this Ordinance". It shall relate to the disposal of Solid Waste within the Town of Bridgton; prescribe Rules and Regulations therefore; and provide Penalties for violation thereof.

1.2. Purpose

The purpose of this Ordinance is to protect the health, safety and general well-being of the citizens of Bridgton, enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing for a comprehensive, rational and effective means of regulating the disposal of solid waste in the Town of Bridgton in accordance with the provisions of Title 38 M.R.S.A. 1304-B and 1305 as amended.

The following definitions shall be observed in the construction of this Ordinance.

Acceptable Waste - shall mean ordinary household, municipal, institutional, commercial and industrial Solid Waste including, without limitation, the following:

1. Garbage trash, rubbish, paper and cardboard, plastics, refuse, beds, mattresses, sofas, refrigerators, washing machines, bicycles, baby carriages and automobile or small vehicle tires to the extent that Regional Waste Systems, Inc. (RWS) determines that the air emission criteria and standards applicable to and at the RWS disposal facility are not violated; and

2. Processible portions of commercial and industrial solid waste; and

3. Wood and lumber, tree limbs, branches, ties, logs and trees, if no more than four and one-half (4 1/2) feet long and eight (8) inches in diameter, and leaves, twigs, grass and plant cuttings,

provided that the Municipality shall not be obligated to deliver or cause to be delivered any items listed in this subpart (3) to the RWS Disposal Facility, and further provided that such items may be delivered to the RWS Disposal Facility by or on behalf of the Municipality on an irregular basis only and shall represent an insignificant portion of the total Waste delivered to the RWS Disposal Facility by or on behalf of the Municipality within any Calendar Year; and

Notwithstanding any provisions to the contrary, Unacceptable Waste, including Hazardous Waste, shall not be "Acceptable Waste" and is explicitly excluded therefrom. Furthermore, any substances which as of the July 1, 1986 Waste Handling Agreement between Municipality and Regional Waste Systems, Inc. (RWS) are included as "Acceptable Waste," but which are later determined to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction, shall not be "Acceptable Waste" under the terms of this Ordinance. However, any substances which as of the date of said Waste Handling Agreement are not included within the definition of "Acceptable Waste" because they are considered harmful, toxic, dangerous or hazardous and which are later determined not to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction, shall be considered "Acceptable Waste" unless a contrary determination has been or is made by any other governmental agency or unit having appropriate jurisdiction or unless such substances are otherwise considered "Unacceptable Waste" or "Hazardous Waste".

Ashes - shall mean that residue from the burning of wood, coal, coke or other combustible material.

Biomedical Waste - shall mean Waste that may contain human pathogens of sufficient virulence and in sufficient concentrations that exposure to it by a susceptible human host could result in disease or that may contain cytotoxic chemicals used in medical treatment.

Board - shall mean the Board of Selectmen of the Town of Bridgton.

Commercial Refuse Collector - shall mean a person, firm, corporation or other entity that collects, recycles or hauls the Solid Waste of another person, firm, corporation or other entity for a fee.

Construction and Demolition Debris - shall mean

- a) "Construction/Demolition Debris
- b) "Inert Fill"
- c) "Land Clearing Debris" and
- d) "Woodwaste"

all as defined in Chapter 400 of the Maine Department of Environmental Protection Regulations as may be amended from time to time, but excluding Acceptable Waste, Hazardous Waste and such other Solid Waste which the Board may by order or regulation exclude. The term "Construction and Demolition Debris" also shall exclude such items as are listed in Appendix B to the Demolition Materials Handling Agreement and amendments thereto.

Demolition Materials Handling Agreement - shall mean a certain Demolition Materials Handling Agreement dated August 1, 1989 between the Municipality and RWS.

Disposal - shall mean the discharge, deposit, dumping, incineration, spilling, leaking or placing of any Hazardous or Solid Waste, sludge or septage into or on any land, air or water so that the Hazardous or Solid Waste, sludge or septage or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Hazardous Waste - shall mean a waste substance or material in any physical state, designated as hazardous by the terms of the Waste Handling Agreement and amendments thereto.

Municipality - shall mean the Town of Bridgton.

Municipal Disposal Facility - shall mean any land or structure or combinations of land area and structures owned or operated by, or under a contract with, the Municipality, including a transfer station or similar facility used in connection with the disposal of Acceptable Waste, whether such facilities are constructed before or after the completion of the RWS Disposal Facilities.

Person - shall mean any natural person, corporation, partnership, sole proprietorship, association or other legal entity.

Public Solid Waste Disposal Facility - or "Public Disposal Facility" shall mean any land or structure or combination of land area and structures, including dumps and transfer stations used for storing, salvaging, reducing, incinerating, reclaiming or

disposing of Solid Waste; this term shall include the RWS Disposal Facility, the Municipal Disposal Facility and the RWS Construction and Demolition Debris Disposal Facility should one be established.

Recycle - shall mean to recover, separate, collect and reprocess waste materials for sale or reuse other than as a fuel for the generation of heat, steam or electricity.

Recycling - shall mean the collection, separation, recovery and sale or reuse of materials that would otherwise be disposed of or processed as waste or the mechanized separation and treatment of waste, other than through combustion, and the creation and recovery of reusable materials other than as a fuel for the generation of electricity.

Resource Recovery - shall mean the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

RWS Disposal Facility - shall mean any land or structure or combination of land area and structures, including dumps and transfer stations owned or operated by or under a contract with Regional Waste Systems, Inc. (RWS), and/or any other site designated by RWS or its assignee used for storing, salvaging, reducing, incinerating, reclaiming or disposing of Acceptable Waste pursuant to the Waste Handling Agreement and amendments thereto.

RWS Construction and Demolition Debris Disposal Facility - shall mean any land or structure or combination of land area and structures, including dumps and transfer stations owned or operated by or under a contract with Regional Waste Systems, Inc. (RWS), and/or any other site designated by RWS or its assignee, used for storing, salvaging, incinerating, reclaiming or disposing of Construction and Demolition Debris pursuant to the Demolition Materials Handling Agreement and amendments thereto.

RWS or Regional Waste Systems, Inc. - shall mean Regional Waste Systems, Inc., a non-capital stock, non-profit corporation created pursuant to Title 30-A, Chapter 115 and Title 13, Chapter 81 of the Maine Revised Statutes, or any successor thereto or assignee thereof.

Solid Waste - shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing,

including by way of example, and not by limitation, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse, but shall not include septic tank sludge nor agricultural Biomedical or Hazardous Wastes; it shall include Construction and Demolition Debris as defined herein. The fact that a Solid Waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.

Town - shall mean the Town of Bridgton.

Unacceptable Waste - shall mean that portion of Waste which is not Acceptable Waste and includes, but is not limited to, sewage and its derivatives, agricultural waste, Biomedical Waste, Construction and Demolition Debris, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and Hazardous Waste.

Waste - shall mean Solid Waste, Biomedical Waste, Hazardous Waste, agricultural waste and septic tank sludge, and includes both Acceptable and Unacceptable Wastes.

ARTICLE II. PUBLIC SOLID WASTE DISPOSAL FACILITIES

2.1 Designation

2.1.1 In accordance with the provisions of Title 38 M.R.S.A. 1304-B, as amended from time to time, the Municipality hereby designates the RWS Disposal Facility at 64 Blueberry Road in Portland, Maine and the Municipal Disposal Facility as its Public Solid Waste Disposal Facility(ies) for the depositing and disposal of Acceptable Waste, and authorizes the Board to designate a Public Solid Waste Disposal Facility for the depositing and disposal of Construction and Demolition Debris. The dumping or depositing by any person at any place other than at the Municipal Disposal Facility or the RWS Disposal Facility of any Acceptable Waste generated within the Municipality is prohibited, and subsequent to receipt by the Municipality of notice from RWS of commencement of operations of the RWS Construction and Demolition Debris Disposal Facility the dumping or depositing by any person at any place other than the RWS Construction and Demolition Debris Disposal Facility of any Construction and Demolition Debris generated within the Municipality is prohibited; provided, however, the owner of any lot, or any other person with the permission of the lot owner, may deposit or dump inert substances such as earth, rocks,

concrete or similar material for fill purposes only, subject to state and local land use regulations.

ARTICLE III. ADMINISTRATION

3.1.1 The Board shall establish by order the Rules and Regulations governing the availability and use of the designated Public Solid Waste Disposal Facility (ies).

3.1.2 The operation of the designated Public Solid Waste Disposal Facilities shall conform to all pertinent regulations or directives of all local, county, state or federal agencies which may have jurisdiction.

ARTICLE IV. RESTRICTIONS AND FEES FOR DISPOSAL

4.1 Restrictions

4.1.1 No person shall dispose upon any land within the corporate limits of the Municipality Solid Waste of any kind generated within the Municipality unless such land has been designated as a Public Solid Waste Disposal Facility pursuant to 2.1.1.

4.1.2 Certain materials may be excluded by Order or Regulation from that Solid Waste which may be deposited at a Public Solid Waste Disposal Facility. These excluded materials may include junk automobile bodies and similar bulky waste which may require special processing prior to disposal, burning materials or materials containing hot or live coals; Hazardous Wastes; and other materials which the Municipality deems it necessary to exclude. Hazardous Wastes and Biomedical Wastes shall be handled in accordance with Title 38 M.R.S.A. 1319-0 as amended from time to time.

4.1.3 Except for licensed disposal of Hazardous or Biomedical Wastes, it shall be unlawful for any person, firm or corporation to burn or incinerate within the Municipality any Solid Waste generated within the Municipality other than leaves, wood and lumber, tree limbs, branches, ties, logs and trees, twigs, grass and plant cuttings.

4.1.4 It shall be a violation of this Ordinance for any person to dispose of Solid Waste generated within the Municipality at any location or place other than at a Public Solid Waste Disposal Facility as designated under this Ordinance.

4.1.5 If the Municipality agrees to pay to RWS the tipping fee for disposal of a certain type or types of Solid Waste (i.e., residential, commercial, industrial, or Construction and Demolition Debris), it shall be a violation of this Ordinance for a person disposing of Solid Waste at a Public Disposal Facility to misrepresent to RWS that the Solid Waste is of a type for which the Municipality has agreed to pay the tipping fee.

ARTICLE V. RULES AND REGULATIONS

5.1 Authorized Disposal Facility Users

5.1.1 The availability and use of the designated Public Solid Waste Disposal Facilities shall be limited to residents of, or owners of property in, the Municipality and to those residents of any other municipality which may, by mutual agreement, be authorized to use the designated Public Solid Waste Disposal Facilities. As a means of user control, the Municipality may distribute vehicle permits to authorized users which shall be affixed to user vehicle(s). Failure to exhibit such permit shall result in denial of use of the Public Disposal Facility.

5.2 Resource Recovery

5.2.1 For the purposes of resource recovery, the Board shall develop proposed categories for separation of Acceptable Wastes which may include, but shall not be limited to glass, newsprint, cardboard, mixed papers, white goods, and other wastes. The Board shall also develop proposed schedules of fees to be charged for the use of the Municipal Disposal facility. Insofar as practicable, the proposed fee schedules shall be designed so that the fees collected for use of the Municipal___Disposal facility(ies) do not exceed the estimated cost to the Town of handling, transporting and disposing of solid wastes including the tipping fee paid by the Town to RWS. The proposed fee schedules may include different waste disposal fees for residents of the Municipality disposing of their own domestic refuse, for businesses located within the Municipality disposing of their own refuse and for Commercial Refuse Collectors disposing of solid waste generated within the Municipality. Such fee schedules may also include different schedules for disposal of different kinds of solid waste and different fee schedules for disposal of solid wastes which have been separated for purposes of resource recovery. Such fee schedules may be adjusted from time to time by the Board on a uniform basis to reflect actual changes in the cost of solid waste disposal to the Town. All fees collected

shall be for the use of the Town of Bridgton and failure to pay the required fees shall result in denial of the use of the Municipal Disposal Facilities.

5.3 Property Rights

5.3.1 Any solid Waste generated within the boundaries of the Municipality shall become the property of the Municipality or Regional Waste Systems, Inc. pursuant to the terms of said Waste Handling Agreement and Demolition Materials Handling Agreement and amendments thereto. No one shall salvage, remove, or carry off any such Solid Waste without prior approval of the Municipality and RWS.

ARTICLE VI. LICENSING

6.1 No Commercial Refuse Collector shall collect, recycle or haul Solid Waste generated within the boundaries of the Town of Bridgton without first obtaining an annual license therefore as provided herein.

6.2 Any person, firm or corporation wishing to obtain a Commercial Refuse Collector License shall present a written application therefore on a form provided by the Municipality accompanied by payment of a fee to be established by the Board. Such fee shall be established to cover reasonable costs associated with the licensing process. A Commercial Refuse Collector License shall be issued by the Town Manager or his designee (Issuing Authority) only after a due and proper investigation of the applicant. All fees collected shall be for the use of the Municipality.

6.3 An application for a Commercial Refuse Collector License shall contain the following information:

6.3.1 Applicant's name;

6.3.2 Applicant's residence and telephone number, if applicable;

6.3.3 Address and telephone number of the applicant's place(s) of business;

6.3.4 If applicant is a corporation, the names and addresses of each of its directors and officers;

6.3.5 A description of the vehicles and equipment to be used in the Town of Bridgton including the make, model, year of manufacture and license plate number of said vehicles and equipment;

6.3.6 Whether applicant will be collecting, recycling or hauling Solid Waste generated by residences, by commercial activities or uses and/or by industrial activities or uses; if applicant intends to collect, recycle or haul Solid Waste generated by commercial and/or industrial activities or uses, the applicant shall list the names and addresses of each commercial or industrial activity or use located within the Municipality with which the applicant has an agreement to collect, recycle or haul commercial or industrial Solid Waste and shall describe the location of any dumpster(s) or other container(s) used by commercial or industrial activity or used to store solid waste along with the serial number, if any, on such dumpster(s) or other container(s); and

6.3.7 A copy of the Commercial Refuse Collector's current valid RWS Hauler Permit if the Commercial Refuse Collector has or needs to have an RWS Hauler Permit; provided, however, that this is not required for Commercial Refuse Collectors whose sole business activity is recycling Acceptable Waste.

6.4 A copy of each Commercial Refuse Collected License issued and of each application therefore shall be provided to RWS by the Municipality.

6.5 All licensed Commercial Refuse Collectors shall comply with such Rules & Regulations as may be adopted by the Board from time to time; failure to comply with such Rules & Regulations shall be a violation of this Ordinance. Each licensed Commercial Refuse Collector that has or needs to have an RWS Hauler Permit shall send RWS a copy of each Category A manifest that it provides to the Department of Environmental Protection pursuant to Chapter 411, Section 6 of the Department's Rules as may be amended from time to time.

6.6 License Denial, Revocation or Suspension

6.6.1 Licenses and renewals of licenses issued under Section 6.1 through 6.5 hereunder may be denied, revoked or suspended by the Issuing Authority as follows:

6.6.1.1 The issuing Authority shall deny a license or license renewal application if at the time of application or while the application is pending, the Commercial Refuse Collector lacks a current, valid RWS Hauler Permit and a current, valid RWS Hauler Permit is required of the applicant under Paragraph 6.3.

6.6.1.2 The first violation by a licensed Commercial Refuse Collector of any provision or provisions of this Ordinance shall result, in addition to any penalty or relief the Municipality may seek under Article VII of this Ordinance, in a thirty (30) day suspension of that Commercial Refuse Collector's License, or if on the date of the first violation, said license will expire in less than thirty (30) days, the revocation of said license.

6.6.1.3 The second violation, at any time, by a licensed Commercial Refuse Collector of any provision or provisions of this Ordinance shall result, in addition to any penalty or relief the Municipality may seek under Article VII of this Ordinance, in a six (6) month suspension of that Commercial Refuse Collector's license or, if on the date of the second violation, said license will expire in less than six (6) months, the revocation of said license.

6.6.1.4 The third violation, at any time, by a licensed Commercial Refuse collector of any provision or provisions of this ordinance shall result, in addition to any penalty or relief the Municipality may seek under Article VII of this Ordinance, in revocation of that Commercial Refuse Collector's license and in the denial of Commercial Refuse Collector's licenses to that person for subsequent calendar years unless and until the Board determines that the Commercial Refuse Collector may be allowed to apply for and receive a license under this Ordinance due to a change in the person's circumstances since the time of the third violation; provided, however, that any further violation shall result in the revocation of the Commercial Refuse Collector's license and the barring of that Commercial Refuse Collector from applying for a license under this Ordinance in subsequent calendar years.

6.6.1.5 Subparagraphs 6.6.1.2, 6.6.1.3 and 6.6.1.4 notwithstanding, the revocation of a Commercial Refuse Collector's RWS Hauler Permit shall result in revocation of the Municipal license granted hereunder, and the Commercial Refuse Collector shall not reapply to the Issuing Authority for a license hereunder until such time as it again possesses a current, valid RWS Hauler Permit.

6.6.1.6 No Commercial Refuse Collector's license may be suspended or revoked unless there first has been a hearing before the Issuing Authority, with seven (7) days' prior notice to the Commercial Refuse Collector.

6.6.2 Decisions of the Issuing Authority may be appealed to the Board within ten (10) days after receipt of written notice of the Issuing Authority's decision. Seven (7) days' prior notice of a hearing on such an appeal shall be given to the Commercial Refuse Collector or applicant. The taking of an appeal to the Board shall not stay the Issuing Authority's decision or any denial, revocation or suspension of a Commercial Refuse Collector's license ordered by the Issuing Authority.

6.6.3 The Municipality shall inform RWS immediately in writing whenever it denies, suspends or revokes a Commercial Refuse Collector's license hereunder.

6.6.4 An applicant for a Commercial Refuse Collector's license who intends to engage in Recycling of Acceptable Waste generated within the Municipality shall, as a condition to issuance of said license, execute at the time of issuance of said license a Recycling Agreement between it and the Municipality, which Recycling Agreement shall be in a form acceptable to the Municipality's attorney and shall:

1. acknowledge that the wastes it recycles are Acceptable Waste pledged by the Municipality to RWS;
2. provide that the Recycling Agreement will have a duration of one year, may be renewed from year to year by written agreement of the parties and may be terminated at any time by the Municipality without payment of any penalty or damages to the Commercial Refuse Collector;
3. require that the waste it recycles actually be recycled and that proof thereof be presented to the Issuing Authority; and
4. require the Commercial Refuse Collector to report to RWS by the first day of February of each year the types and amounts of waste generated within the Municipality that it has recycled.

ARTICLE VII. MISCELLANEOUS

7.1.1 It shall be the duty of the Public Works Director or other designated Town official to enforce the provisions of this Ordinance.

7.1.2 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

7.1.3 If any section, subsection, sentence or part of the ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

7.1.4 Whoever violates any of the provisions of this ordinance shall be punished by a fine of not more than one hundred dollars (\$100.00) per violation plus costs which fine shall be recovered on complaint to the use of the Municipality. Each day upon which any continuing violation of any provision of this Ordinance shall occur shall constitute a separate violation, and each incident of disposal of Solid Waste in violation of this Ordinance shall constitute a separate violation. In addition, the Municipality may seek equitable relief, including but not limited to injunctive relief and indemnification of the Municipality's liquidated damages to RWS and attorney's fees and costs to ensure compliance with the terms of this Ordinance.

Adopted 6/15/94 ATM

**TOWN OF BRIDGTON
SPECIAL AMUSEMENT ORDINANCE**

ARTICLE I. TITLE, PURPOSE AND DEFINITION

Section 101. TITLE

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Bridgton, Maine.

Section 102. PURPOSE

The purpose of this Ordinance is to control the issuance of special permits for music, dancing, or entertainment in facilities licensed by the State of Maine to sell liquor. Nudity shall be prohibited in all such facilities licensed in the Town of Bridgton under this article. This section is adopted pursuant to 28-A M.R.S.A. ss1054 and 30-A M.R.S.A. ss3001.

Section 103. DEFINITIONS

103.1 Entertainment - For the purposes of this Ordinance, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided

- a. by professional entertainers;
- b. by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value; or
- c. by patrons induced by prizes or otherwise to engage in activities with an entertainment value.

103.2 Licensee - For the purpose of this Section, "licensee" shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent or employee of any such licensee.

ARTICLE II. GENERAL

Section 201. PERMIT REQUIRED

No licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the Board of Selectmen a special amusement permit.

1. Applications for all special amusement permits shall be made in writing to the Board of Selectmen and shall state the name of

the applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business, including a specific description of any entertainment to be offered; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the Board of Selectmen in the issuing of the permit, including but not limited to a copy of the applicant's (current) liquor license.

2. A special amusement permit shall not be issued for a premises or a person who will offer entertainment which allows for nudity as described by any of the following;

a. Exposing to view the genitals, pubic hair, anus, vulva or any portion of the female breasts at or below areola area thereof. "Exposing to view" includes, without limitation, appearing without an opaque covering or appearing with only an opaque covering which adheres to the skin, such as body paint; or

b. The actual or simulated touching, caressing or fondling of the breasts, buttocks or genitals.

3. No permit shall be issued for anything, or act or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality.

4. The fee for the special amusement permit shall be established as part of the Town of Bridgton Fee Schedule as approved by the Board of Selectmen.

5. The Board of Selectmen shall, prior to granting a permit and after reasonable notice to the public and the applicant, hold a public hearing within 30 days of the date the requires was received, at which the testimony of the applicant and that of any interested member of the public shall be taken. (6/97)

6. The Board of Selectmen shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles or bylaws.

A permit shall be valid only for the license year of the applicant's existing liquor license.

Section 202. INSPECTIONS

Whenever inspections of the premises used for or in connection with the operation of a licenses business which has obtained a special amusement permit are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any ordinance provision or state law it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or state law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the Board of Selectmen may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis or who interferes with such officer, official or employee while in the performance of his duty. Provided, that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

Section 203. SUSPENSION OR REVOCATION OF A PERMIT

The Board of Selectmen may, after public hearing preceded by notice to the permit holder and public, suspend or revoke any special amusement permit which has been issued under this Ordinance on grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, welfare, or violates the terms of the permit or this Ordinance or any other municipal ordinance, articles, bylaws, or rules and regulations.

No permit holder shall allow on the permitted premises any activity described in paragraphs (2)(a) or (b) of section 201, without regard to whether such activity is carried on by professional entertainers, employees or any other person and without regard to whether any compensation is paid by the permit holder.

Section 204. RULES AND REGULATIONS

The Board of Selectmen is hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health and safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

Section 205. PERMIT AND APPEAL PROCEDURES

205.1 Any licensee requesting a special amusement permit from the Board of Selectmen shall be notified in writing of their decision no later than thirty (30) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within Thirty (30) days after an application for a permit is denied.

205.2. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may appeal the decision to the Bridgton Board of Appeals within thirty (30) days of the denial, suspension, or revocation. The Board of Appeals may grant or reinstate the permit if it finds that:

A. The permitted activities would not constitute a detriment to the public health, safety or welfare, or violate the Town's Ordinances or regulations; or

B. The denial, revocations or suspension was arbitrary or capricious.

Appeals from decisions of the Board of Appeals shall be taken within thirty (30) days to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Section 206. ADMISSION

A licensed motel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

ARTICLE III PENALTY, SEPARABILITY & EFFECTIVE DATE

Section 301. PENALTY

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than One Hundred Dollars (\$100.00) for the first offense, and up to Five Hundred Dollars (\$500.00) for each subsequent offense, to be recovered on complaint, to the use of the Town of Bridgton.

Section 302. SEPARABILITY

The invalidity of any provision of this Ordinance shall not invalidate any other part.

Section 303. EFFECTIVE DATE

The effective date of this Ordinance shall be immediately upon passage of this Ordinance.

Enacted: September 1978
Re-enacted with amendments: June 9, 1993
Section 205 Revised: June 12, 1996
Amended: June 11, 1997, June 14, 2011

TOWN OF BRIDGTON
STREET NAMING, ADDRESSING AND DRIVEWAY/ENTRANCE OPENING
ORDINANCE

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Section 1. PURPOSE

The purpose of this Ordinance is to ensure the easy and rapid location of properties by law enforcement, fire, rescue and emergency medical services personnel in the Town of Bridgton.

Section 2. AUTHORITY

This Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A MRSa Section 3001.

Section 3. ADMINISTRATION

This Ordinance shall be administered by the Board of Selectmen which is authorized to and shall assign or cause to be assigned road names and number to all properties, both on existing and proposed roads, in accordance with the criteria established in Sections 4 and 5 of this Ordinance. The Board of Selectmen shall oversee or cause to be overseen all driveways/entrances. The Board of Selectmen shall also be responsible for maintaining or causing to be maintained the following official records:

- a. A Bridgton Municipal Map for Official use showing road names and numbers.
- b. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

Section 4. NAMING SYSTEM.

All roads in Bridgton that serve two or more properties/structures shall be named regardless of whether the ownership is public or private except for shared driveways per the definition in Section 11. Said structures being either residential or commercial in nature.

A road name assigned by the Town shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system.

- a. Similar names - no two roads shall be given the same or similar-sounding (e.g. Beech and Peach, Pine Road and Pine Lane) names. The Board of Selectmen is authorized to eliminate or cause to be eliminated any duplicate or similar sounding names existing at the time this Ordinance is enacted. The Board of

Selectmen shall approve all street names after said street name has been reviewed by the E9-1-1 Addressing Officer to eliminate possible duplication and prevention of similar sounding names.

b. Each road shall have the same name throughout its entire length.

Section 5. NUMBERING SYSTEM

Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number origin. (The frontage interval may vary in more densely or lightly populated areas and it should be so indicated where that particular interval applies). The following criteria shall govern the numbering system:

a. All number origins shall begin from the designated center of Bridgton or that end of the road closest to the designated center. When appropriate, the numbering origin may be the border with another community or a major connecting intersection. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

b. The number assigned to each structure shall be that of the numbered interval falling closest to the front door. If the front door cannot be seen from the main road, the number shall be that of the interval falling closest to the driveway of said structure.

c. Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy (i.e. duplexes will have two separate number; apartments will have one road number with an apartment number such as 235 Maple Street, Apt 2).

d. Every new number will be determined through a Driveway/Entrance Opening Permit. When a builder or property owner comes to the Code Enforcement Office they will receive a Driveway/Entrance Opening Permit application. When said application is returned to the Code Enforcement Office it is forwarded to the Public Works Director, who in turn will go out and measure the location of the proposed driveway and address any concerns that may arise in the placement of the proposed driveway. When all parties are satisfied, the Driveway/Entrance Opening Permit application will be turned over to the E9-1-1 Addressing Officer so that a number can be issued. When the number is issued the E9-1-1 Addressing Officer will turn the application over to the Code Enforcement Office so that the

building permit can be issued, per Section 7, Paragraph (a) of this ordinance.

Section 6. COMPLIANCE

All owners of structures shall, on or after the effective date of this Ordinance, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner;

a. Number on the Structure or Residence. Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure near the front door or entry.

b. Number at the Street Line. Where the residence or structure is over 50 (fifty) feet from the edge of road right-of-way, the assigned number shall be displayed on a post, fence, wall, mail box, or on some structure at the property line adjacent to the walk or access drive to the residence or structure.

c. Size and Color of Number. Numbers shall be displayed in a color and size approved for use by the Board of Selectmen and shall be located as to be visible from the road.

The numbers displayed shall be no less than four (4) inches in height. (November 14, 2000)

The numbers displayed shall be of contrasting color to the building. (November 28, 2000)

d. Every person whose duty it is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this Ordinance.

Section 7. NEW DEVELOPMENTS AND SUBDIVISIONS

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this Ordinance and as follows:

a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Code Enforcement Office, Assessing Office, or E9-1-1 Addressing Officer. This shall be done before the issuance of any building permits.

b. New Subdivisions. Any prospective subdivision shall show the approved road name, location and length on the plan to be submitted to the Bridgton Planning Board before final approval according to Subdivision Regulation per Article X, Section 3.

Section 8. FEES.

Fees for necessary street signs and driveway opening permits are determined by the Town of Bridgton Fee Schedule. Said fee schedule is set by the Bridgton Board of Selectmen.

Section 9. EFFECTIVE DATE

This Ordinance shall become effective for the purposes of its implementation on the date of its enactment. It shall become fully effective only after all of its provisions have been fulfilled including notification to each property owner and the Post Office by mail as to each new address. It shall be the duty of each property owner to comply with the provisions of this Ordinance, including the posting of new property numbers within thirty (30) days following notification. On new structures, numbering must be installed before final inspection or when the structure is first used or occupied, whichever come first.

Section 10. ENFORCEMENT

The Town Manager or their designate shall act as the Select Board's agent with regard to the implementation and enforcement of this Ordinance.

Any person, firm or corporation being the owner of any structure and/or land who violates any provision of these regulations or any condition imposed by the Board of Selectmen or their designee pursuant to the provisions of these regulations commits a civil violation and shall be liable for a civil penalty of no less than \$100.00 and no more than \$2,500.00 for each violation. Each day such violation is permitted to exist after notification thereof shall constitute a separate violation. All penalties collected hereunder shall inure to the Town of Bridgton.

Section 11. DEFINITIONS.

Driveway - a driveway is a private way that provides access for vehicles from a street to a parking area.

Entrance - shall mean any access by the property owner to his/her property not limited to but including tree harvesting, construction, etc.

Property - refers to any property on which a more or less permanent structure has been erected or could be placed.

Road - refers to any highway, road, street, avenue, lane, private way or similar paved, gravel or dirt thoroughfare, and driveways.

Shared Driveway - a driveway providing access for not more than two (2) of the following in any combination or mix that does not constitute a subdivision: lots, dwelling units, cottages, camps, churches, clubs, fields, business establishment, etcetera.

Structures - shall be any permanent or temporary dwelling including but not limited to houses, mobile homes, garages, sheds or barns with or without living space. So long as the non dwelling units are directly associated with a primary residential or commercial unit.

Enacted: June 12, 1996

Amended: November 2000, June 2007 and June 9, 2009

TOWN OF BRIDGTON
SUBDIVISION REGULATIONS

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**TOWN OF BRIDGTON
SUBDIVISION REGULATIONS**

ARTICLE I. PURPOSE

SECTION 1. Standards

The purpose of these Standards shall be to assure the comfort, convenience, safety, health and welfare of the people; to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Bridgton, Maine, the Planning Board shall evaluate the proposed subdivisions using the following criteria:

1. Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:

a. The elevation of the land above sea level and its relation to flood plains; (3/2004)

b. The nature of soils and subsoils and their ability to adequately support waste disposal;

c. The slope of the land and its effect on effluents; and

d. The availability of streams for disposal of effluents; and (3/2004)

e. The applicable State and local health and water resource regulations.

2. Has sufficient water available for the reasonably foreseeable need of the subdivision;

3. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

4. Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads existing or proposed and if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, Section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, Section 704 and any rules adopted under that section; (3/2004)

6. Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized; (3/2004)

7. Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized; (3/2004)

8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetic, historic sites significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; (3/2004)

9. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans; and (3/2004)

10. The subdivider has adequate financial and technical capacity to meet the standards of this section; (3/2004)

11. Whenever situated, entirely or partially, within the watershed of any pond or lake or within 250 feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. (3/2004)

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet. (3/2004)

1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore. (3/2004)

2. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, Chapter 3, Subchapter I, Article 2-B, or within areas designated by Ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Section 44-1, Subsection 1, on September 23, 1983; (3/2004)

12. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation; (3/2004)
14. All freshwater wetlands, within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soils and water conservation district; (3/2004)
- 14-A. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district; (4/2014)
15. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9; (3/2004)
16. Will provide for adequate storm water management; (3/2004)
17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ration greater than 5 to 1; (3/2004)
18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision; and (3/2004)
19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (3/2004)

20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, Chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12 section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. (4/2014)

ARTICLE II. AUTHORITY AND ADMINISTRATION

SECTION 1. Authority

1. These standards have been prepared in accordance with the provisions of the Maine Revised Statutes Amended, Title 30-A, Section 4401-4407 and all amendments thereto. (7/2002)

2. These Standards shall be known and may be cited as "Subdivision Regulations of the Town of Bridgton, Maine."

ARTICLE II. AUTHORITY AND ADMINISTRATION

SECTION 2. Administration

1. The Planning Board of the Town of Bridgton, hereinafter called the Board, shall administer these Standards. The Board shall contain five members and two alternates. A quorum of three members shall be necessary to conduct a meeting. A majority vote of at least three Planning Board members is required for the passage or denial of any motion before the Board.

2. The provisions of these Standards shall pertain to all land within the boundaries of the Town of Bridgton, Maine.

ARTICLE II. AUTHORITY AND ADMINISTRATION
SECTION 3. Waivers and Modifications

1. The Planning Board may, for good cause shown and only upon the written request of an applicant specifically stating the reasons therefor, waive any of the application submission requirements set forth below provided such waiver will not unduly restrict the review process. The Planning Board may condition such a waiver on the applicant's compliance with alternative requirements. Good cause may include the Board's finding that particular submissions are inapplicable, unnecessary, or inappropriate for a complete review. Notwithstanding the waiver of a submission requirement, the Planning Board may, at any later point in the review process, rescind such waiver if it appears that the submission previously waived is necessary for an adequate review. A request for a submission previously waived shall not affect the pending status of an application

2. The Planning Board may, only upon the written request of an applicant specifically stating the reasons therefor, waive or modify the general standards when necessary to protect the public health, safety, or welfare or to address particular site characteristics.

3. In no event shall the Planning Board grant a waiver or modification that has the effect of altering or nullifying the purpose or intent of the Comprehensive Plan, or Site Plan Review. In granting a waiver modification under this section, the Planning Board may impose performance conditions reasonably necessary to promote the purposes, goals and objectives of the Comprehensive Plan.

ARTICLE III. DEFINITIONS

In general, words and terms used in these Standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

Antenna - A device for radiating or receiving radio waves and which is situated on a permanent or temporary foundation.

Central Sewage System -A wastewater disposal system that receives wastewater from two or more dwelling units. A "centralized" system may have a private sewer collection system flowing into a larger septic tank or it may have building drains flowing into individual smaller septic tanks. The wastewater, after receiving primary treatment in the septic tank or tanks may be pumped or gravity fed to

a single subsurface disposal field or several fields on a common land area.

Cluster Housing Development - Means detached or attached residential dwelling units placed on individual lots within an overall tract with remaining area devoted to common open space.

Common Open Space - Means a parcel or area of land or land and water within the site designed and intended for the use or enjoyment of residents and property owners living within the development area. Common open space may contain such complementary structures and improvements as are necessary and shall be freely accessible to all residents and property owners living within the development area.

Comprehensive Plan - Any part or element of the overall plan and policy for development of the Town of Bridgton, Maine, as defined in the Maine Revised Statutes Amended, Title 30-A, Section 4301-4357 and all amendments and revisions, thereto.

Condominium - A form of housing tenure and other real property where a specified part of a piece of real estate is individually owned while use of and access to common facilities in the piece such as hallways, heating system, elevators, exterior areas is executed under legal rights associated with individual ownership and controlled by the association of owners that jointly represent ownership of the whole piece.

Construction Drawings - Drawings showing the location, profile, grades, size and type of drain, sewers, water main, underground power and telephone ducts, pavements, cross section of streets, miscellaneous structures, etc.

Density - Means the buildable area divided by the number of units.

Developer - a person who develops real estate; improves, subdivides land, builds and sells houses thereon. (9/2003)

Driveway - Access route or right-of-way to any ~~single-family~~ *single-family* dwelling or to a duplex, triplex or fourplex building except where such buildings are developed as part of a larger subdivision.

Dwelling Unit - Means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units.

Easement - The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer - Consulting engineer licensed by the State of Maine.

Farmland - means any tract or tracts of land used for commercial farming; (4/2014)

- a. That consists of 5 or more contiguous acres;
- b. That has produced a gross income averaging no less than \$300 per acre for 3 or more of the previous 6 calendar years;
- c. Where use of agricultural chemicals has occurred; and
- d. That includes only the land on which the crop is produced.

"Farmland" does not include land used for woodlots, Christmas tree production, homes, farm buildings, roads, pastures, lawns or any area covered with non-crop vegetation that borders abutting land.

Final Subdivision Plan - The final drawings on which the developer's plan of the subdivision is presented to the Board for approval and which, if approved, shall be filed for record with the Town and the Cumberland County Registry of Deeds.

~~Infrastructure~~**Infrastructure** - All common roads, drainage structures and ~~ditches,~~**ditches,** ~~erosion~~**erosion,** sedimentation and ~~stormwater~~**storm water** control measures, utilities, landscaping, fire protection systems, recreation facilities and any additional common property or basic facilities associated with a development. (4/2014)

Joint Meetings - If any portion of the proposed subdivision crosses the boundary of an adjacent municipality, the Planning Board shall meet jointly with that municipality's Planning Board to discuss the application.

Legislative Body - Town Meeting.

Liquidation Harvesting - means the purchase of timberland followed by a harvest that removes most or all commercial value in standing timber, without regard for long-term forest management principles, and the subsequent sale or attempted resale of the harvested land within 5 years. (4/2014)

Manufactured Housing Unit - Structures, transportable in one or more sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

Mobile Home Park - A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

Multiplex Housing - Attached dwelling units including, but not limited to, apartments and condominium units.

Municipality - Town of Bridgton, Maine.

Person - Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

Planned Unit Development (PUD) - Means an integrated design for development for residential, commercial, industrial or other uses, or a combination, on a specific parcel of land or several contiguous parcels of land, which is/are proposed to be developed in accordance with a concept plan approved by the Bridgton Planning Board. Planned Unit Development can include a mix of residential, commercial, industrial or other uses.

Planning Board - The Planning Board of the Town of Bridgton, Maine created under Title 30-A, 4324(2)(A) of the Maine Revised Statutes, as amended.

Preliminary Subdivision Plan - The preliminary drawing indicating the proposed layout of the subdivisions to be submitted to the Board for its consideration.

Resubdivision - The division of a previously subdivided lot at any future point in time.

Road - A strip of smoothed cleared land, usually provided with a hard surface for the passage from place to place of vehicles, riders, pedestrians, etc. (7/2002)

Sidewalk - A paved way for pedestrian traffic which is constructed parallel to a road.

Street - The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets."

Structure - Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, except for fences six (6) feet or less in height. Antennas shall be considered structures.

Subdivision - Subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or

more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

1. Both dividings are accomplished by a subdivider who has retained one of the lots for the ~~subdivider's~~ subdivider's own use as a single-family residence or for open space land as defined in Title 36, section 1102, for a period of at least 5 years before the 2nd dividing occurs; or

2. The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres shall not be counted as a lot, except: (3/2005)

1. When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance; or (3/2005)

2. When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance. (3/2005)

D.1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. (12/2001)

2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. (12/2001)

3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ~~subchapter.~~ *(subchapter.* (12/2001)

4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate. (12/2001)

5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. (12/2001)

6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection. (12/2001)

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.

H. Nothing in this subchapter may be construed to prevent a municipality from enacting an ordinance under its home rule authority

which expands the definition of subdivision to include the division of a structure for commercial or industrial use or which otherwise regulates land use activities.

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph D or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

Tract or parcel of land - A tract or parcel of land means all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

Exceptions to the Town of Bridgton Subdivision Regulations shall be in accordance with Maine State Law Title 30-A, section 4401, subsection 4 and section 4402.

ARTICLE IV. PREAPPLICATION CONFERENCE (OPTIONAL)

SECTION 1. Procedure

1. The developer or authorized agent for the developer shall submit for informal discussion a Sketch Plan and other data relative to the proposed subdivision which may be of assistance to the Board in discussing the proposed project.

2. The Sketch Plan shall be submitted to the Board at least twelve (12) days prior to the Planning Board meeting at which the developer wishes to be heard. The applicant shall submit eight (8) copies of all documents 8½x11 and fifteen (15) copies of all documents larger than 8½x11. (3/2016)

3. Rights not vested. The submission or review of or public comments about a pre-application sketch plan or the conduct of a site inspection shall not be construed to be a substantive review of the proposed subdivision as defined by 1.M.R.S.A § 302. No application for subdivision review shall be deemed pending until the Planning Board has determined the subdivision application to be complete. (4/2014)

ARTICLE V. PRELIMINARY PLAN

SECTION 1. Procedure

1. The developer or authorized agent for the developer shall submit an application for the consideration of a Preliminary Plan for the Subdivision. Eight (8) copies of all documents 8½x11 and Fifteen (15) copies of all documents larger than 8½x11 of the application and all required preliminary plan documentation shall be submitted to the Town

at least Twelve (12) days prior to the Planning Board meeting at which the developer wishes to be heard. (3/2016)

2. The developer or authorized agent for the developer shall notify owners of all properties within five hundred (500) feet of the proposed development by certified mail return receipt requested not less than twelve (12) days prior to the meeting. The developer or authorized agent for the developer shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the Planning Board Meeting and a sketch of the proposed project. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. (3/2015)

3. The application shall be accompanied by a fee according to the Town of Bridgton fee schedule.

a. An escrow fee according to The Town of Bridgton Fee Schedule shall be deposited in an escrow account established by the Town, which monies may be used by the Town for related expenses or the Bridgton Planning Board to pay for professional reviews and advice related to the developer's application as it deems necessary. Those monies deposited by the developer and not spent by the Planning Board in the course of its review shall be returned within thirty (30) days after the Board renders its final decision on the application. (4/2014)

b. Additional amounts may be required as determined by the Board.

4. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Plan.

5. At said meeting, a dated receipt that acknowledges the submission of plans and other information shall be issued to the developer. The Planning Board shall then determine whether the application is complete or incomplete and shall notify the developer of the Board's determination in writing within 30 days of the date that the receipt is issued. If determined to be incomplete, the Planning Board shall list in its written determination the materials that must be submitted in order to make the application complete. When the application is determined to be complete, the Planning Board shall notify the developer and begin full evaluation of the proposed subdivision. Any application not determined to be complete within 180 days of the issued receipt date shall become null and void.

6. At said meeting, the Planning Board and the developer may arrange for a joint inspection of the site with the Board or a committee member or individual appointed by the Chairman of the Board to act as the Board's representative for such inspection. *The Planning board shall also act on the applicant's request for submission of waivers. The Planning board shall also act on the applicant's request for submission of modifications or waivers of standards.*

7. Following the joint inspection the Planning Board shall inform the developer in writing of any deficiencies in the plans and data submitted which are evident to the Board and may inform the developer of features of the proposal which the Board feels do not meet the objectives of these standards.

8. The Planning Board may hold a public hearing within 30 days of the determination of application completeness. The developer or authorized agent for the developer shall notify owners of all properties within five hundred (500) feet of the proposed development by certified mail return receipt requested no less than twelve (12) days prior to the hearing. The developer or authorized agent for the developer shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the hearing and a sketch of the proposed project. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. Notice shall be published in a newspaper of general circulation in the Town of Bridgton at least two times. Related advertising fees will be deducted from the Escrow. Failure to receive notice shall not invalidate the public hearing. The hearing may be continued from one meeting to a later meeting or meetings as the Board determines to be necessary. Although an application has been deemed complete by the Board, if the Board subsequently determines as a result of new information that further data is required, the Board may continue the hearing and require the developer to submit such further information as the Board deems necessary. (3/2011, 4/2014, 3/2015)

9. Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed as an expression of approval of the design concept submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted

for approval of the Board upon fulfillment of the requirements of these Standards and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

10. Within sixty (60) days after the date that the application is determined to be complete or within thirty (30) days of a public hearing, if held, whichever is longer, or within such other time limit as may be otherwise mutually agreed to, the Board shall take action to approve or disapprove such Final Plan. Public hearings conducted by the Board may be continued from one meeting to another as the Board determines to be necessary or desirable. In issuing its decision, the Board shall make findings of fact that the proposed subdivision does or does not meet the criteria of Article I, Section 1, (1) to 20). At the request of any party, the Board shall issue its decision in writing and shall make written findings of fact.

11. Supplemental information must be submitted to the Planning Board at least twelve (12) days prior to the proposed meeting or Public Hearing. (3/2008)

12. During the review process of the application the Planning Board shall have the authority to request additional information. If the information requested by the Planning Board is not submitted within three (3) months from the date the Planning Board made the request the application is considered null and void. The Planning Board may grant an extension to the three (3) months upon request by the applicant in writing and a showing that the time--period ~~can not~~ cannot be complied with due to circumstances beyond the control of the applicant. (5/2010)

ARTICLE V. PRELIMINARY PLAN

SECTION 2. Submissions

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area.

2. Preliminary Plan. The Applicant shall submit eight (8) copies of all documents 8½x11 and fifteen (15) copies of all documents larger than 8½x11 of each map, drawing or attachment required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100' to the inch (preferably forty (40) feet to the inch). The Preliminary Plan and accompanying materials shall show: (3/2016)

a. All existing information provided as part of the Sketch Plan.

- b. Number of acres within the proposed subdivision.
- c. Proposed lot lines with approximate dimensions, lot numbers areas in square feet and suggested locations of buildings.
- d. Proposed easements, watercourses, buffers and setback requirements. (5/2010)
- e. Contour lines at intervals of not more than five (5) feet or at such lesser intervals as the Board may require.
- f. Typical cross sections of the proposed grading for roadways and sidewalks including width, type of pavement, elevations and grades.
- g. Connection with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
- h. Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
- i. A medium-intensity soils map that encompasses the area to be subdivided. The Planning Board may require submission of a high-intensity soils map in situations where it determines that more detailed soils information is necessary to enable the Board to conduct an adequate review of the project.
- j. If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil groundwater conditions and depths to maximum ground water level.

A completed HHE-200 form must be submitted with the preliminary application for all multiplex housing structures of if required by the Maine Department of Human Services.

k. A letter from a hydrogeologist stating that septic runoff from the proposed development will not adversely affect adjacent property or private water supplies shall be submitted with the preliminary application.

l. Provisions for collection and discharging storm drainage in the form of a drainage plan prepared by a professional engineer that demonstrates changes in hydrologic conditions will not cause offsite flood damage to public or private property. Changes in runoff shall be calculated by using the TR-55 method or subsequent approved methods developed by the U.S.D.A Soil Conservation Service.

m. Preliminary designs of any bridges or culverts which may be required along with State approval if required.

- n. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- o. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- p. The location of all natural features or site elements to be preserved.
- q. A soil erosion and sediment control plan shall be prepared by a professional engineer or geologist. The Board may require the review and endorsement of this plan by the Cumberland County Soil and Water Conservation District.
- r. Certification by a registered professional engineer or a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.
- s. Base Flood Elevation Data.
- t. A landscaping plan.
- u. All the area within 1,000 feet of any property line of the proposed subdivision showing:
- (aa) All existing subdivisions and approximated tract lines of acreage parcels.
- (bb) Location, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated in Section 1 above.
- (cc) The boundaries and designations of parks and other public spaces.
- (dd) An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the ~~subdivider's~~subdivider's entire holding.
- (ee). Any written request for the waiver or modification of application submissions or standards that the applicant intends to submit pursuant to Article II, Sections 3.*

ARTICLE VI. FINAL PLAN
SECTION 1. Procedure

1. The developer shall, within six (6) months after the preliminary approval of the Preliminary Plan, file with the Board an application for approval of the Final Subdivision Plan in the form described herein. The developer may be granted an extension by the Board if a letter is submitted explaining the need for additional time. If the Final Plan is not submitted to the Board within six (6) months after the approval of the Preliminary Plan, the Board may refuse the act and may require the developer to resubmit the Preliminary Plan. The application and all required final plans shall be submitted to the Town Office at least twelve (12) days prior to the Planning Board meeting at which the developer wishes to be heard.

2. If the proposed subdivision:

a. Occupies a land area in excess of twenty (20) acres and is not exempt from the Site Location of Developmental Act;

b. Involves a structure or structures, having in excess of sixty thousand (60,000) square feet of ground area coverage;

c. Requires a license from the Department of Environmental Protection under some other regulation such as waste discharge or air quality; or

d. In any other way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Protection; then the approval of the State of Maine Department of Environmental Protection shall be secured in writing before official submission of the Final Plan.

3. The Board may require the developer to submit the results of water quality tests as performed by the State of Maine Department of Human Services, Division of Health Engineering.

4. Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:

a. The State of Maine Department of Human Services if a separate engineered subsurface wastewater system is to be utilized, or the local Plumbing Inspector if individual subsurface wastewater disposal systems are to be installed by the builder. Such approval shall be secured before official submission of the Final Plan.

5. A public hearing may be held concerning the proposed development as prescribed in Article V Section 1, Paragraph 8.

6. The subdivider, or authorized representative, shall attend the Planning Board meeting to present and discuss the Final Plan.

7. At said meeting, a dated receipt shall be issued to the developer. The Planning Board shall then determine whether the application is

complete or incomplete and shall notify the developer of the Board's determination in writing within 30 days of the date that the receipt is issued. If determined to be incomplete, the Planning Board shall list in its written determination the materials that must be submitted in order to make the application complete. When the application is determined to be complete, the Planning Board shall notify the developer and begin full evaluation of the proposed subdivision.

8. Within sixty (60) days from the date the application is determined complete, or thirty (30) days from a public hearing, if held, whichever is later, or within such other time limit as may be otherwise mutually agreed to, the Board shall take action to approve, with or without modifications, or disapprove the Final Plan. In issuing its decision, the Board shall make findings of fact that the proposed subdivision does or does not meet the criteria of Article 1, Section 1, (1) to (20). At the request of any party, the Board shall issue its decision in writing and shall make written findings of fact.

9. After the Final Plans have Planning Board approval, one signed ~~mylar~~Mylar (24 x 36" in size), shall be returned to the developer and one signed ~~mylar~~Mylar and one signed paper copy shall be retained by the Town to be maintained in the Subdivision Plan File.

a. The developer shall also submit a reduced copy of the plan that replicates the division of the parcel as it would be reflected on the Tax Maps for the Town of Bridgton.

The Plan shall be filed by the developer with the Cumberland County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved, shall become null and void, unless the Board finds that there is good cause for an extension which shall not exceed one hundred and twenty (120) days. The developer shall provide the Planning Board with a receipt from the Registry of Deeds within that time limit stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Registry of Deeds and a letter from the developer has been submitted to the Town stating that all permanent monuments have been installed as required in this Regulation.

10. Once the Planning Board has undertaken a substantive review of the Final Plan, the proposed subdivision shall not be affected by any change of these regulations.

11. Supplemental information must be submitted to the Planning Board at least twelve (12) days prior to the proposed meeting or Public Hearing. (3/2008)

12. During the review process of the application the Planning Board shall have the authority to request additional information. If the

information requested by the Planning Board is not submitted within three (3) months from the date the Planning Board made the request the application is considered null and void. The Planning Board may grant an extension to the three (3) months upon request by the applicant in writing and a showing that the time period can not be complied with due to circumstances beyond the control of the applicant. (5/2010)

ARTICLE VI. FINAL PLAN

SECTION 2. Submissions

The Final Plan Shall Show:

1. All of the information presented on the Preliminary Plan, Location Map and any amendments thereto suggested or required by the Board, or as otherwise required by the Preliminary Plan Submission Standards.
2. The name, registration number and seal of the land survey or engineer or planning consultant who prepared the plan.
3. Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.
4. Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision shall be shown.
5. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves and central angles of all curves, tangent distances and tangent bearing for each street.
6. Lots within the subdivision numbered as prescribed by the Board.
7. By proper designation, all public open space for which offers of cession are made by the developer and those spaces to which title is reserved by him.
8. Permanent reference monuments shown thus: "X". They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.
9. The plan shall indicate the proposed landscaping program of the developer.

ARTICLE VII. AMENDMENTS/REVISIONS

SECTION 1. Amendments to Previously Approved Subdivision Plans

1. No changes, erasures, modifications, or revisions shall be made to any final plan which has been approved by the Planning Board and endorsed in writing on the plan unless the amendment/revision is approved by the Planning Board.

2. The provisions of Article V Section 1 and Article V Section 2 shall apply to all applications for Amendments/Revisions.

ARTICLE VII. AMENDMENTS

SECTION 2. Public Acceptance of Streets, Recreational Areas

1. The approval by the Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Bridgton, Maine of any street, easement or other open space shown on such Plan.

2. When a park, playground or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the Town of Bridgton of such areas. The Board shall require the Plan to be endorsed with the appropriate notes to this effect.

ARTICLE VII. AMENDMENTS

SECTION 3. Compliance with Street(s) Specifications

1. Any modification to a subdivision which will increase the number of lots, whether accomplished one at a time or concurrently will provide for access to the lots in compliance with the current road standards.

ARTICLE VIII. PERFORMANCE GUARANTEES

SECTION 1. Project Review

A. The Planning Board may require the applicant or his/her authorized agent to deposit in escrow with the Town an amount of money to cover the costs for any professional review of the plan and documents which the Board may feel is reasonably necessary to protect the environmental quality or general welfare of the Town. The Board shall determine the amount required to be placed in escrow. This escrow payment shall be made before the Board engages any outside party to undertake review and make recommendations to the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or his/her agent. Any such review shall be performed by a Professional Engineer registered in Maine, mutually acceptable to the applicant or his/her agent and the Planning Board.
(4/2014)

B. In the event that the Bridgton Planning Board receives an application that requires the applicant also file for a permit from the Maine Department of Environmental Protection for Site Location of

Development under Title 38, Chapter 3, Subchapter 1, Article 6 or Storm Water Management Review under Title 38, Chapter 3, Subchapter 1, Article 2 §420D the review process conducted by the Maine Department of Environmental Protection, in the course of issuing their permit, shall be considered sufficient third party review of the applicant's plan. (4/2014)

ARTICLE VIII. PERFORMANCE GUARANTEES

SECTION 2. Performance Guarantees

The Planning Board shall require the applicant or his/her authorized agent to post a performance guarantee prior to final approval of any subdivision involving more than 10,000 square feet of ground disturbance. A performance guarantee may be in the form of a bond, a certified check payable to the Town of Bridgton, an irrevocable letter of credit to cover the full cost of required site improvements as estimated by the applicant or his/her authorized agent or some other form of surety that is acceptable to the Town Manager. For the purposes of this section, required site improvements shall mean all public and private roads, all drainage structures and ditches, all erosion, sedimentation and ~~stormwater~~storm water control measures, all utilities, all landscaping and all recreation facilities. Any such guarantee shall be satisfactory to the Town Manager, in consultation with the Planning Board Chairman and Code Enforcement Officer, as to amount, form, sufficiency, manner of execution and surety. (4/2014)

A period of one year (or such period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the performance guarantee or letter of credit as the time within which required improvements must be completed. (4/2014)

ARTICLE VIII. PERFORMANCE GUARANTEES

SECTION 3. Release of Performance Guarantee

1. The Planning Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the developer can demonstrate, to the satisfaction of the Planning Board good cause for such extension. (4/2014)

2. Before an applicant may be released from any obligation requiring his/her guarantee of performance, the Board will require certification from the reviewing engineer to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (State, Federal, and Local codes, Ordinances, Laws and Regulations). (4/2014)

ARTICLE VIII. PERFORMANCE GUARANTEES

SECTION 4. Construction Inspections

At least seven (7) days prior to commencing construction of required improvements, the applicant or his/her authorized agent shall deposit in escrow with the Town an amount of money to cover the costs for site inspection(s). The site inspection(s) shall be conducted by an engineer. The contractual rate and all indirect charges shall constitute the "expenses" for which the agent or the developer's escrow account shall be charged. The contracted engineer shall be a Professional Engineer registered in Maine, mutually acceptable to the applicant or his/her agent and the Planning Board. The Board shall determine the type and frequency of inspections reasonably necessary to protect the environmental quality or general welfare of the Town and the amount required to be placed in escrow. No building permits shall be issued for any project and no work shall begin until the escrow payment has been made. Any part of this escrow payment in excess of the final costs for inspection(s) shall be returned to the applicant or his/her authorized agent. (4/2014)

If the inspector shall find, upon any inspection of the improvement(s) that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the developer, or that the erosion and sedimentation control measures for construction have not been followed, they shall so report to the Code Enforcement Officer. The Code Enforcement Officer shall then notify the applicant or his/her authorized agent and, if necessary, the parties involved with the performance guarantee surety, and shall take the necessary steps to preserve the municipality's rights under the performance guarantee surety. Any part of this escrow payment in excess of the final costs of inspection(s) shall be returned to the applicant or his/her authorized agent. (4/2014)

ARTICLE VIII. PERFORMANCE GUARANTEES

SECTION 5. Long-Term Maintenance

Long-term maintenance of certain required site improvements is necessary to protect environmental quality and the general welfare of the Town. For all projects requiring a performance guarantee, the Planning Board shall require the applicant or his/her authorized agent to present a legally-binding Plan to be administered by a homeowner's association for accomplishing long-term maintenance of ~~stormwater~~*storm water* controls, vegetated buffer areas, roads and all other site improvements essential for protecting environmental quality and the general welfare of the Town as required by the Planning Board. (4/2014)

The Plan shall provide for ongoing monitoring and inspections appropriate for the required site improvements. The Plan shall provide a process for maintaining sufficient financial resources for accomplishing ongoing maintenance and proper repair for all such improvements. The Plan shall also provide for a process that authorizes the Town to take any enforcement action deemed necessary by

the Planning Board. No building permits shall be issued for any project and no work shall begin until the Plan has been reviewed and approved by the Planning Board. (4/2014)

Article IX. GENERAL REQUIREMENTS

SECTION 1. Developers Responsibility

NOTE: See Bear River and Willis Brook Aquifer Ordinances for further requirements.

In reviewing applications for the subdivision of land, the board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

Article IX. GENERAL REQUIREMENTS

SECTION 2. Development Within Two (2) Years

If construction of the ~~infrastructure~~ ~~infrastructure~~ ~~are~~ ~~is~~ not completed within two years from the approval date, the approval shall lapse and the developer shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not completed and the reasons why the developer will be able to complete the activity within two years from the granting of a new approval, if granted. Reapplication for approval may include information submitted in the initial application.

Article IX. GENERAL REQUIREMENTS

SECTION 3. Conformity with the Comprehensive Plan

Any proposed subdivision shall be in conformity with the Comprehensive Plan of the Town of Bridgton and with the provisions of all pertinent State, Local Codes, Ordinances and Regulations.

1. As expressed in its Comprehensive Plan, it is the Towns goal to preserve the current water quality of its great ponds for the benefit of present and future generations. To this end, the water quality impact of each subdivision shall be evaluated. Each application for subdivision approval shall include a nutrient (phosphorous) loading study conducted using the methodology contained in the ~~handbook,~~ ~~"handbook,~~ ~~"Stormwater~~ ~~Storm water~~ Management for Maine", published by the Maine Department of Environmental Protection in 2006 or latest revision.

The following assumptions shall be used regarding the future growth (in percentage of each watershed's acreage) to be expected in the next 50 years and regarding the allowable lake phosphorous level increase (in parts per billion above 1992 levels). (3/2004)

Lake % of Watershed Expected Allowable Increase to be Developed in Phosphorous

Adams Pond 35% 0.75ppb
Beaver Pond 40% 1.00ppb
Foster Pond 35% 1.00ppb
Hancock Pond* 30% 0.75ppb
Highland Lake 40% 0.75ppb
Holt Pond 35% 1.00ppb
~~Kezar~~Kear Pond 30% 1.00ppb
Long Lake 40% 0.75ppb
Moose Pond 35% 0.75ppb
Otter Pond 40% 1.00ppb
Peabody Pond 30% 0.75ppb
Woods Pond 35% 1.00ppb

* No lakeshore, only watershed acreage

Article IX. GENERAL REQUIREMENTS

SECTION 4. Relationship to Community Services

1. Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Preliminary Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots, and the list of construction and maintenance items that must be borne by the developer and by the municipality, which shall include, but not be limited to:

Road maintenance and snow removal; Police and Fire protection; Solid Waste disposal; Recreational facilities; and on-site and off-site drainage facilities.

2. The Board may require the developer to provide a Community Impact Statement to the Town for the above services, including reasonable cost estimates to the Town.

Article IX. GENERAL REQUIREMENTS

SECTION 5. Retention of Proposed Public Sites and Open Spaces

1. It is desirable that areas reserved for recreation be at least one acre in size and easily accessible from all lots within the subdivision.

Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or playfield should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet.

Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than fifty (50) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

2. When the proposed subdivision is located on a lake, pond, river or stream, a portion of the waterfront area shall be included in reserved land, which shall be twenty-five (25) feet for each unit/lot with deeded rights-of-way to said waterfront areas, with a minimum of 200 feet of waterfront. (In compliance with the Town of Bridgton Shoreland Zoning Ordinance)

3. The final plan shall clearly indicate the owner of all reserved recreational land. In cases where the developer intends to convey the recreational land to the lot owners, or to an association, or other organization, the terms of such conveyance, and the organizational documents of such association or organization shall be subject to review and approval by the Planning Board to ensure that the association or organization will have the necessary powers and the authority to raise the funds necessary to maintain the reserved recreational land.

Article IX. GENERAL REQUIREMENTS

SECTION 6. Preservation of Natural and Historic Features

The Board may require that the proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible and a buffer strip may be provided where the proposed subdivision abuts an existing road.

Article IX. GENERAL REQUIREMENTS

SECTION 7. Traffic Impact

The Board may require that a traffic study and/or a fiscal impact study be prepared for a proposed subdivision.

Article IX. GENERAL REQUIREMENTS

SECTION 8. Conformance to Shoreland Zoning

Wherever situated, *in whole or in part*, ~~in whole or in part~~, within 250 feet of the normal high water mark of any pond, river or other fresh water body, or otherwise as shown on the Official Shoreland map, the proposed subdivision shall conform to the Shoreland Zoning Ordinance for the Town of Bridgton, Maine.

Article IX. GENERAL REQUIREMENTS

SECTION 9. Easement for Drainage Ways

There shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.

Article IX. GENERAL REQUIREMENTS

SECTION 10. Utilities

1. The size, type and location of public utilities, such as street lights, electricity, telephones, fire hydrants, other fire protection mechanisms, shall be approved by the Board and installed in accordance with the requirements of the Board and these Standards.

2. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or avoid flood damage.

3. When a tract is subdivided into lots larger than the minimum size required in the Zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these standards, unless restrictive covenants are placed at the time of the original subdivision.

Article IX. GENERAL REQUIREMENTS

SECTION 11. Required Improvements

1. The following are required improvements: monuments, street signs, streets, landscaping, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of these Standards.

Article IX. GENERAL REQUIREMENTS

SECTION 12. Road/Homeowner's Association

1. In accordance with State Statute any private roads in existence or to be constructed that are connected to or contiguous to another private road requires a road/homeowner's association(s) to fully coordinate the road's operation and maintenance and pay their fair share based upon a formula that includes their portion of the larger road or by any other method that is mutually agreed to and conforms with the statute. This shall assure the consistency of winter plowing and summer maintenance of the private road for public safety, health and welfare purposes. (3/2008)

2. The developer or the authorized agent for the developer shall provide evidence upon submitting an application to the Planning Board that the infrastructure will be maintained by the lot owners or a Homeowner's Association. Proof may consist of a declaration of covenants that will be recorded and become part of each deed and specifies how the costs associated with maintenance will be apportioned among the lot owners or appropriate Homeowner's Association documents. In the event that a Homeowner's Association is formed, each lot deed shall refer to the Homeowner's Association and shall require the lot owner to be a member of the Homeowner's Association. (4/2014)

ARTICLE X. DESIGN STANDARDS

SECTION 1. Lot Size and Dimensions

1. The minimum lot size for any residential or commercial lot approved by the Planning Board in an approved subdivision shall comply with State law and municipal ordinances and regulations.

2. The minimum lot size for any residential or commercial lot approved by the Planning Board in an approved subdivision shall be 40,000sq. ft. with the following exceptions:

a. The minimum lot size for lots served by central water system OR central sewer system may be 30,000sq. ft.

b. The lot size for the lots served by central water system AND central sewer system may be 20,000sq. ft. or less, with the minimum of 5,000sq. ft.

c. Lot size for the lots located in the General Development District I or General Development District II. See Article X. Section 1.5 and 1.6 below and the Town of Bridgton Shoreland Zoning Ordinance.

d. Mobile home parks which are defined in the Town of Bridgton Subdivision Regulations Article XI Mobile Home Parks.

3. Lots shall have a ~~100-foot~~100-foot frontage along a public or private street.

4. Condominium Conversions are exempt from the Town of Bridgton minimum lot size and frontage requirements but must meet all other regulations of the Town of Bridgton and the State of Maine (See Article XIV Section 3 "Condominium Development - Condominium Conversion(s).") (5/2010)

5. The minimum lot size for structures and buildings in the General Development I District and the General Development II District as

referred to in the Town of Bridgton Shoreland Zoning Ordinance shall apply. (10/2011)

6. Where a non-conforming lot in the General Development I District or the General Development II District as referred to in the Town of Bridgton Shoreland Zoning Ordinance is less than the standard, the Planning Board may approve a change of use so long as the ratio of one bedroom for each 1,000 square feet of lot area is met and the lot is connected to the downtown municipal waste water system and the Bridgton Water District water system. (10/2011)

7. If the applicant proposal calls for retail and/or commercial space the ratio of land to bedrooms shall be applied to all of the development without reduction for retail and/or commercial space. In the absence of ground floor retail and/or commercial space, the project shall be limited to the ratio of land to bedroom as specified in 5 above. (10/2011)

ARTICLE X. DESIGN STANDARDS

SECTION 2. Monuments

1. Permanent monuments shall be set at all corners and angle points of the subdivision lots and boundaries; and at all intersections and points of curvature.

2. All monuments shall be constructed of a reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. Reinforced concrete, and/or stone cairns may be used. The monument shall clearly show the registration number or temporary certificate number of the registered land surveyor responsible for the survey.

When the placement of a required monument at its proper location is impractical, it shall be permissible to set a reference monument close to that point.

ARTICLE X. DESIGN STANDARDS

SECTION 3. Street Signs

1. All new developments shall comply with the Town of Bridgton Street Naming and Addressing Ordinance. (9/2003)

2. Fees for necessary street signs are determined in the Town of Bridgton Fee Schedule and will be deducted from any escrow monies. (9/2003)

3. Purchase and installation of sign(s) will be the responsibility of the Town of Bridgton Public Works Department. (9/2003)

ARTICLE X. DESIGN STANDARDS

SECTION 4. Streets

1. Classification. For the purposes of these Standards, streets are classified by function, as follows:

a. Arterial Streets: Streets that serve primarily as major traffic ways for travel between and through towns.

b. Collector Streets: Serve as feeder streets to arterial streets, as collectors of traffic from minor streets, and for circulation and access in commercial and industrial areas.

2. Minor Streets

a. Local Streets: that are used primarily for access to abutting residential, commercial or industrial properties, including interior roads within single and multi-family subdivisions.

3. Layout

a. Proposed streets shall conform, as far as practical, to the requirements of these Standards.

b. All streets in the subdivision shall be designed that, in the opinion of the Board, they shall provide safe vehicular travel while discouraging movement of through traffic.

c. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography within the limits of these Standards.

d. Adequate off-street parking, suitably surfaced, shall be provided in connection with lots designed for commercial and industrial uses. Applicants may satisfy parking requirements by entering into a written agreement with another property owner or through the utilization of municipal parking lots allowing for overnight and winter parking. The applicant must demonstrate to the Planning Board a ~~long-term~~long-term lease or other arrangement within ~~close-proximity~~proximity of the proposed development site. The lease or other arrangement must have a duration of at least five (5) years plus two consecutive five (5) year automatic renewal periods. The Planning Board shall have the ability to determine if alternative agreements or use of public lots is sufficient to address the needs of the proposed development. (10/2011)

e. Subdivisions containing twenty (20) lots or units or more shall have at least (2) two connections with existing public streets or streets on an approved Subdivision Plan unless the Planning Board

makes a finding that this standard would not substantially promote increased emergency vehicle access or traffic safety.

f. Street entrances leading onto existing or proposed arterial or collector streets shall not be located within 400 feet from one another.

1. The minimum distance between street entrances may be reduced in the Downtown District as referred to in the Town of Bridgton Site Plan Review Ordinance upon review and approval by the Planning Board. (10/2011)

g. Commercial subdivisions may have one dead-end street up to 1000' in length. Such street shall be constructed with a cul-de-sac or turnaround at its terminal end. If two entrances to a commercial subdivision are proposed, such entrances shall meet the spacing requirements set forth in Article X Section 4.3.f. of these Regulations.

h. Entrances, whether proposed driveways or streets, onto existing state-aid or state highways must be approved by the Maine Department of Transportation. Copies of such approval shall be submitted to the Board prior to the final review.

4. Design and Construction Standards

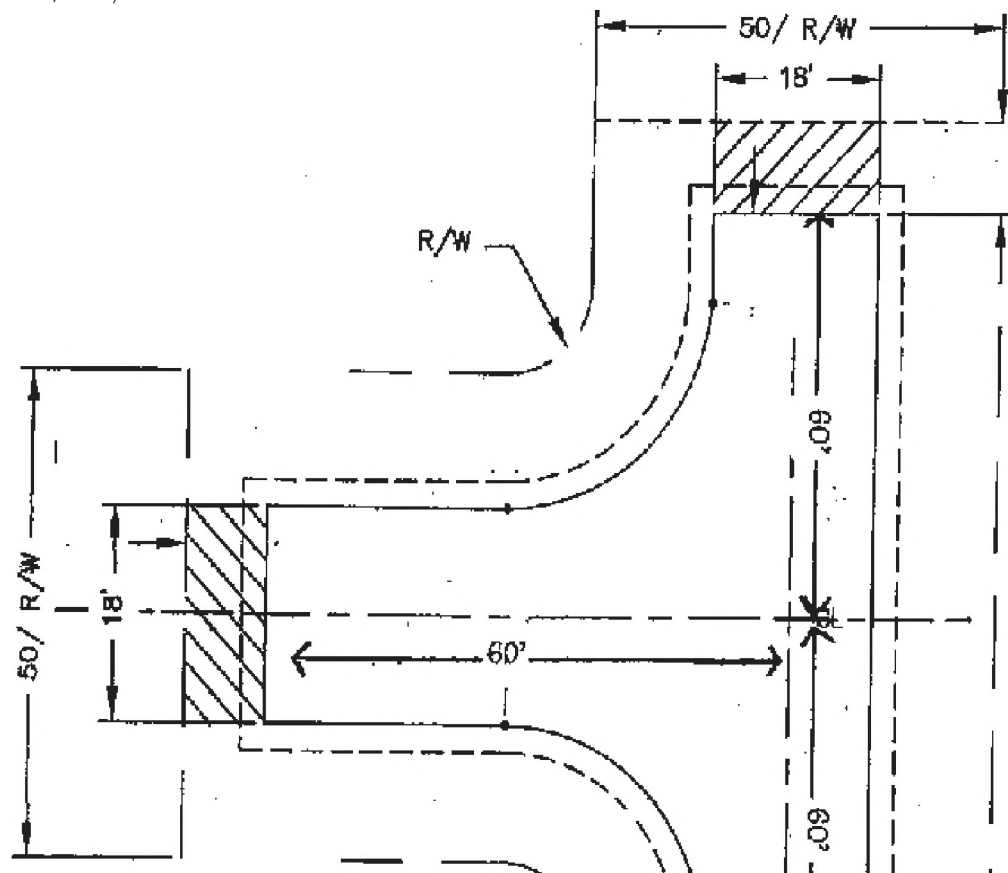
a. All streets in a subdivision shall be designed and constructed to meet the following standards for streets according to their classification as determined by the Board.

DESIGN AND CONSTRUCTION STANDARDS FOR STREETS PUBLIC OR PRIVATE

ITEM	STREET
1. Minimum width right-of-way	50'
2. Minimum width of travel surface	18'
3. Minimum grade	.5%
4. Maximum grade 8%**	
*Except as otherwise provided for by Article X Section 4, 6.	
**Except as otherwise provided for by Article X Section 4, b.	
5. Maximum grade at intersections	3% within 50 ft of intersection
6. Minimum angle of intersection	60 degrees
7. Pavement radius at intersection	25'

8. Width of shoulders - shoulders may be graveled, paved or grassed	6'
9. Minimum centerline radii on curves	200'
10. Road base (minimum)	20"*** 6" minus (screened w/ rocks no larger than 6")
Upper Base (minimum)	4" compacted 3/4 crushed gravel or 2" compacted 3/4 crushed gravel if paved
11. Bituminous paving base coat (in accordance with current MDOT specifications)	1 1/2"*** of of -Type B mix as defined
Surface coat	3/4" of Type D mix as defined in Section 703.09 of State of Maine DOT Standard Specifications, Highways & Bridges, surface coat paving shall be placed and compacted as set forth in Section 401 of the referenced specifications.
12. Road Crown (minimum)	1/8"/ft
13. Sidewalks (when re- quired)	
Width (minimum)	4'
Depth of filtering	8"
Material	
Hot Top* or Concrete	1" of Type C mix overlaid by 1" of Type D mix 4" of reinforced concrete
14. Deadend Dead-end or cul-de- sac right-of-way Width	50'
Radii of turnaround	65'
At Centerline of Right of Way (minimum)	
Or Hammerhead turnaround (50' right-of-way, 60' from centerline - see diagram below) (3/28/06)	

Or "T" turnaround (50' right-of-way, 60' from centerline of right-of-way to left and 60' from centerline of right-of-way to right see diagram below) (3/28/06)



*Other materials may be used, upon approval by the Planning Board and the Public Works Director.

**Other materials and specifications may be used, upon approval by the Planning Board and the Public Works Director.

b. Grades of all streets shall conform in general to the terrain, and shall not be less than one-half (1/2) of one percent or more than 6% for collector streets or 8% for minor streets, except that minor road grades may increase to a 10% maximum for lengths of 200 feet or less if the average grade for entire road is 7% or less. In no case shall a street grade be more than 3% within fifty feet (50') of an intersection.

c. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a minimum distance of two hundred feet (200') as per American Association of State Highway and Transportation Officials.

d. Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no ~~case~~~~case~~, shall two (2) streets intersect at an angle smaller than 60 (60) degrees. To this end, where one street approaches another between 60 and 90 degrees, the former street should be curved approaching the intersection.

e. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic, with a minimum continuous sight distance standard of 10 feet of sight distance per every 1 mph of the posted speed limit to be applied to all intersections and curves. If directed, ground shall be excavated to achieve adequate sight distance.

f. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water of a ~~25-year~~~~25-year~~ storm to prevent flooding of the pavement and erosion of adjacent surfaces.

g. Side slopes in cuts or fills shall not be steeper than three feet (3') horizontal and one foot (1') vertical, graded, loamed (4"compacted) and seeded as required.

h. Developers solely at their expense, shall assure that all streets and drainage related construction conform with any Town standards that exist at the time of the Planning Board approval or issuance of building permits or with requirements for a non-conforming road permitted by Article X Section 4.6. Further, during the construction phase(s) the developers, solely at their expense shall have their licensed engineer certify full compliance to those standards and that upon completion, the developer shall deliver to the Code Enforcement Officer any and all "as-builts" and drawings as required by the Planning Board with the developers' licensed Engineer's certifications of compliance to those standards. (3/2008)

5. Paving

1. The bituminous paving provision for private minor streets may be waived by the Planning Board if engineering studies presented by the developer are considered to show that no undo maintenance would result.

6. Nonconforming Roads

Nonconforming roads, which do not conform to geometric standards of above, may be permitted within a subdivision, upon approval of the Planning Board and the Public Works Director, provided that the developer in writing agrees to specifically stipulate on the ~~mylar~~~~Myllar~~ and in each deed issued to a lot owner that the lot is served by a nonconforming road and that it is not intended that the said road now, or at any future date become a Town road.

a. Safe Passage: All such roads shall be designed and constructed to facilitate the safe and convenient movement of motor vehicles, emergency vehicles, and pedestrian traffic.

b. Drainage: Adequate provisions shall be made for the disposal of all surface waters and underground water through ditches, culverts, underdrains, and/or storm water drainage systems. Provisions must be made for natural water courses. The design shall be in conformance with the Best Management Practices as outlined by the Cumberland County Soil and Water ~~conservation~~Conservation District guidelines and certified by a State of Maine registered engineer.

c. Maintenance: A road maintenance plan submitted which shall show at a minimum, the following:

1. Intended ownership of the road system.

2. A description of how the Plan shall be implemented.

d. The Planning Board shall not approve a road with less than 18' of travel width with all other specifications remaining the same.

ARTICLE X. DESIGN STANDARDS

SECTION 5. Sidewalks

Sidewalks may be required to be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street, and at such other locations as the Board may deem necessary.

ARTICLE X. DESIGN STANDARDS

SECTION 6. Water Supply

The water supply system shall be designed, approved and installed in accordance with requirements of the Maine Department of Human Services.

ARTICLE X. DESIGN STANDARDS

SECTION 7. Fire Protection

Fire Protection measures shall meet requirements set forth in the Town of Bridgton Fire Protection Ordinance for Subdivisions Only as annotated on the approved plan.

ARTICLE X. DESIGN STANDARDS

SECTION 8. Sewage Disposal

1. A soils evaluation for a subsurface wastewater disposal system shall be completed by a licensed site evaluator in full compliance with the requirements of the State of Maine Plumbing Code.

2. Plans for Engineered Subsurface Wastewater Systems as defined in the Maine State Plumbing Code shall be designed by a Maine registered engineer and approved by the Department of Human Services.

ARTICLE X. DESIGN STANDARDS

SECTION 9. Surface Drainage

1. Where a subdivision is traversed by a watercourse, drainage way or future sewer line, or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and locations as the Board deems adequate.

2. The developer shall provide a statement from a Maine Registered Engineer, that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in adjacent properties. The developer's surface drainage plan shall show ditching, culverts, easements and other proposed improvements.

3. Top soil shall be considered part of the subdivision. Except for "surplus" top soil for roads, parking areas and building excavations, it is not to be removed from the site.

4. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision as detailed in a sedimentation and erosion plan, unless the developer can show the Planning Board that such a plan is not necessary.

5. To prevent soil erosion of shoreline areas, tree cutting on the shoreline shall conform to the Shoreland Zoning Ordinance of the Town of Bridgton, Maine.

ARTICLE XI. MOBILE HOME PARKS

1. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations.

Where the provisions of this section conflict with specific provisions of these Regulations, the provisions of this section shall prevail.

2. Lot Area and Lot Width Requirements. Notwithstanding the dimensional requirements located in Article X Section 1 of these Regulations, lots in a mobile home park shall meet the following lot area and lot width requirements.

a. Lots served by individual subsurface wastewater disposal systems:
Minimum Lot Area - 20,000 square feet
Minimum Lot Width - 100 feet

b. Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Human Services:
Minimum Lot Area - 12,000 square feet
Minimum Lot Width - 75 feet

c. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.

d. Lots located within any Shoreland Zoning district shall meet the lot area, lot width and shore frontage requirements for that district.

3. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Cumberland County Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

a. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.

b. No dwelling unit other than a manufactured housing unit shall be located within the park.

ARTICLE XII. PLANNED UNIT DEVELOPMENT (PUD)

Section 1. Purpose

The purpose of this provision is to allow greater flexibility and more innovative approaches to housing and environmental design for the development of single family, two family, multi-family residential areas, commercial, industrial or other uses, or a combination, than may be possible under strict application of the lot size and dimension requirements set forth in the Subdivision Regulations. To protect and preserve natural resources and features, environmentally sensitive areas and wildlife cover. To establish permanent preservation of common open space, recreation areas and facilities and agricultural uses particularly suited to the proposed development and the parcel on which it is located.

ARTICLE XII. PLANNED UNIT DEVELOPMENT (PUD)

Section 2. General Requirements

1. The tract or tracts of land included in a proposed Planned Unit Development may be in one ownership or control, or the subject of a joint application by owners of all the property included.
2. All applicable provisions of the Subdivision Regulations shall apply to applications submitted for Planned Unit Development.
3. Density requirements shall be based on Lot size and Dimension requirements set forth in the Town of Bridgton Subdivision Regulations Article X Section 1.
4. Signs shall be in accordance with provisions set forth in the Town of Bridgton Sign Ordinance.
5. A complete landscape plan shall be submitted as part of the application.
6. For commercially related uses and structures provisions of the Site Plan Review Ordinance shall apply specifically to those uses and structures only
7. A Planned Unit Development project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, utilities and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users and residents of the project.
 - a. For a project which is proposed to be done in phases, the applicant or applicant's agent must submit with the initial application a conceptual plan for the overall parcel. If adjacent property is going to be included in the overall development it must also be included in the conceptual plan.
 - b. If a project is proposed to be presented in phases a lot of 40 or more acres shall be counted as a lot and shall not be exempt.

ARTICLE XII. PLANNED UNIT DEVELOPMENT (PUD)

Section 3. Buffers

1. A buffer strip of at least twenty-five (25) feet shall be required along the existing road frontage and along the perimeter of the land area for which the development is proposed. Free standing commercial structures are exempt from this provision.

2. The buffer strip shall consist of undisturbed vegetation provided that the existing vegetation consists of mature trees and acts as an effective screen. If existing vegetation provides a poor visual screen, a mix of new landscaping including trees, shrubs and grasses shall be planted.

3. The buffer strip shall be maintained in a natural vegetative state and shall not be cut, except for the creation of a pedestrian pathway up to 6' wide, and/or the removal of dead, diseased or storm damaged trees.

4. No buildings or structures may be erected in the buffer strip.

5. There shall be no storage of items, such as, but not limited to, snowmobiles, boats, trailers, campers, motor homes, ATV's, satellite dishes, septic systems or wells.

6. Buffer strips shall be shown on the development plan and a note shall be added to the plan regarding maintenance.

7. Buffers related to structures and buildings in the Downtown District as referred to in the Town of Bridgton Site Plan Review Ordinance may not be required subject to the review and approval of the Planning Board. (10/2011)

ARTICLE XII. PLANNED UNIT DEVELOPMENT (PUD)

Section 4. Vehicular and Pedestrian Systems

A. The vehicular and pedestrian circulation system within each development shall safely and conveniently accommodate the movement of vehicles, bicycles and pedestrians throughout the proposed development and must provide a system of pedestrian ways within the development appropriate to the type and scale of development. Circulation systems are provided to link residential groupings, open space areas, schools and local shopping areas. This system must connect major building entrances/exits with parking areas and with existing sidewalks, if they exist, or are planned in the vicinity of the project.

1. Streets

a. Access to all structures/lots within the development shall be located on a new interior road system constructed as part of the development.

b. Internal streets shall be built to meet the design standards set forth in the Town of Bridgton Subdivision Regulations.

c. Internal streets shall be built to provide connectivity to adjacent parcels, where applicable.

2. Sidewalks and Pedestrian Paths

- a. Sidewalks and pedestrian paths shall be built to meet the design standards set forth in the Town of Bridgton Subdivision Regulations.
- b. Sidewalks must conform to American with Disabilities Act (ADA).
- c. Logical connections to and extensions of sidewalks and pedestrian paths outside of the development project shall be provided where applicable.
- d. The Bridgton Planning Board may approve alternative designs for sidewalks or pedestrian paths or may waive the requirement upon determination that it would not serve the purpose of providing adequate pedestrian access and circulation.

ARTICLE XII. PLANNED UNIT DEVELOPMENT (PUD)

Section 5. Common Open Space

1. The building area designated for a Planned Unit Development project may be reduced from the lot size and dimension requirements set forth in the Town of Bridgton Subdivision Regulations Article X Section 1 providing the project meets density requirements which includes the remaining portion not designated for the building area dedicated as common open space. Multiple common open space areas are allowed.
2. Adequate guarantee must be provided to ensure permanent retention of common open space. This guarantee may be satisfied by the creation of a nonprofit ~~homeowners~~homeowner's association to ensure maintenance of the area and will include preservation of natural features, agricultural uses, environmentally sensitive areas and wildlife cover with respect to the physical qualities of the land.
3. Multiple common open space areas or phased in projects with a common open space or multiple common open spaces shall become unified for the use or enjoyment of residents and property owners living within the development area.
4. The designated open space shall not consist of required yard areas or storm water retention or detention ponds and shall be identified on the plan.
5. The open space shall be usable for recreational, agricultural or other outdoor living purposes and for preserving natural features including but not limited to, large trees, tree groves, woods, ponds, streams, rock outcrops, natural plant life and wildlife cover, deer yards and to the greatest extent possible, shall be contiguous open space.

6. The open space(s) shall be shown on the plan with appropriate notation on the face thereof to indicate that it shall not be used for future development, buildings or structures.

7. Some or all of the open space may be dedicated to a nonprofit land trust for conservation, passive recreation purposes or active recreation purposes.

a. Any dedication of open space must be made through appropriate legal instruments submitted and approved by the Bridgton Planning Board.

8. If any or all of the open space is to be reserved by the individual unit owners as common open space, each unit owner shall own a fraction of interest in the common open space and the developer shall be required, prior to final subdivision plan approval, to incorporate a ~~homeowners~~homeowner's associations, which incorporation must comply with the following:

a. Proposed covenant shall be placed in each deed from the developer to the individual owner, which deed covenants shall require mandatory membership in the ~~homeowners~~homeowner's association and shall set forth the unit owner's rights, interests privileges and obligations in the association and in the common open space, including the ~~homeowners~~homeowner's associations responsibility and obligation to maintain the common open space and any recreational facilities located therein.

b. The ~~homeowners~~homeowner's association shall develop a system to levy and collect annual charges against ~~any and all~~all individual lot owners to defray any expense connected with the maintenance of common open space and any recreational facilities located therein, and this system shall be described in said deed covenant or by some other legal instrument made binding upon the individual unit owner and running with the land.

c. The developer shall maintain control of the common open space and be responsible for its maintenance until eighty percent (80%) of the units in the development have been sold, at which time the ~~homeowners~~homeowner's association shall be responsible for such maintenance, and this obligation shall be described in said deed covenant or by some other legal instrument made binding upon the individual dwelling unit owner and running with the land.

d. All such proposed deed covenants and other legal documents pertaining to common open space shall be approved by the Planning Board, recorded in the Cumberland County Registry of Deeds and included or referred to in the deed to each unit.

9. Common space buffers related to structures and buildings in the Downtown District as referred to in the Town of Bridgton Site Plan

Review Ordinance may not be required subject to the review and approval of the Planning Board. (10/2011)

ARTICLE XIII. CLUSTER HOUSING DEVELOPMENT

Section 1. Purpose

A cluster subdivision generally allows greater flexibility and more innovative approaches to housing and environmental design for the development of single-family, two-family and multi-family residential areas than may be possible under strict application of the lot size and dimension requirements set forth in the Subdivision Regulations while the additional land that would have been allocated to individual lots is converted to common shared open space for the use and enjoyment of residents and property owners living within the development.

ARTICLE XIII. CLUSTER HOUSING DEVELOPMENT

Section 2. General Requirements

1. All applicable provisions of the Subdivision Regulations shall apply to applications submitted for Cluster Housing Development.

2. Density requirement shall be based on lot size and dimension requirements set forth in the Town of Bridgton Subdivision Regulations Article X Section 1 "Design Standards - Lot Size and Dimensions".

3. Signs shall be in accordance with provisions set forth in the Town of Bridgton Sign Ordinance.

4. A complete landscape plan shall be submitted as part of the application.

5. A Cluster Housing Development project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, utilities and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users and residents of the project.

a. For a project which is proposed to be done in phases, the applicant or applicant's agent must submit with the initial application a conceptual plan for the overall parcel. If adjacent property is going to be included in the overall development it must also be included in the conceptual plan.

b. If a project is proposed to be presented in phases a lot of 40 or more acres shall be counted as a lot and shall not be exempt.

6. No commercial activity shall be conducted on any lot or in any structure within the Cluster Housing Development. This restriction

shall not prevent the owner of said lot or structure from the practice of a profession, craftwork, artistic endeavor or similar occupation which shall be conducted within a private residence.

ARTICLE XIII. CLUSTER HOUSING DEVELOPMENT

Section 3. Buffers

1. A buffer strip of at least twenty-five (25) feet shall be required along the existing road frontage and along the perimeter of the land area for which the development is proposed.
2. The buffer strip shall consist of undisturbed vegetation provided that the existing vegetation consists of mature trees and acts as an effective screen. If existing vegetation provides a poor visual screen, a mix of new landscaping including trees, shrubs and grasses shall be planted.
3. The buffer strip shall be maintained in a natural vegetative state and shall not be cut, except for the creation of a pedestrian pathway up to 6' wide, and/or the removal of dead, diseased or storm damaged trees.
4. No buildings or structures may be erected in the buffer strip.
5. There shall be no storage of items, such as, but not limited to, snowmobiles, boats, trailers, campers, motor homes, ATV's, satellite dishes, septic systems or wells.
6. Buffer strips shall be shown on the development plan and a note shall be added to the plan regarding maintenance.

ARTICLE XIII. CLUSTER HOUSING DEVELOPMENT

Section 4. Vehicular and Pedestrian Systems

A. The vehicular and pedestrian circulation system within each development shall safely and conveniently accommodate the movement of vehicles, bicycles and pedestrians throughout the proposed development and must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist, or are planned in the vicinity of the project.

1. Streets

a. Access to all structures/lots within the development shall be located on a new interior road system constructed as part of the development.

- b. Internal streets shall be built to meet the design standards set forth in the Town of Bridgton Subdivision Regulations.
- c. Internal streets shall be built to provide connectivity to adjacent parcels, where applicable.

2. Sidewalks and Pedestrian Paths

- a. Sidewalks and Pedestrian Paths shall be built to meet the design standards set forth in the Town of Bridgton Subdivision Regulations.
- b. Sidewalks must conform to American with Disabilities Act (ADA).
- c. Logical connections to and extensions of sidewalks and pedestrian paths outside of the development project shall be provided where applicable.
- d. The Bridgton Planning Board may approve alternative designs for sidewalks or pedestrian paths or may waive the requirement upon determination that it would not serve the purpose of providing adequate pedestrian access and circulation.

ARTICLE XIII. CLUSTER HOUSING DEVELOPMENT

Section 5. Common Open Space

- 1. The building area designated for a Cluster Housing project may be reduced from the lot size and dimension requirements set forth in the Town of Bridgton Subdivision Regulations Article X Section 1 providing the project meets density requirements which includes the remaining portion not designated for the building area dedicated as common open space. Multiple common open space areas are allowed.
- 2. Adequate guarantee must be provided to ensure permanent retention of common open space. This guarantee may be satisfied by creation of a nonprofit ~~homeowners~~homeowner's association to ensure maintenance of the area and will include preservation of natural features, agricultural uses, environmentally sensitive areas and wildlife cover with respect to the physical qualities of the land.
- 3. Multiple common open space areas or phased in project with a common open space or multiple common open spaces shall become unified for the use or enjoyment of residents and property owners living within the development area.
- 4. The designated open space shall not consist of required yard areas or storm water retention or detention ponds and shall be identified on the plan.
- 5. The open space shall be usable for recreational, agricultural or other outdoor living purposes and for preserving natural features including but not limited to, large trees, tree groves, woods, ponds, streams, rock outcrops, natural plant life and wildlife cover, deer

yards and to the greatest extent possible, shall be contiguous open space.

6. The open space(s) shall be shown on the plan with appropriate notation on the face thereof to indicate that it shall not be used for future development buildings or structures.

7. Some or all of the open space may be dedicated to a nonprofit land trust for conservation, passive recreation purposes or active recreation purposes.

a. Any dedication of open space must be made through appropriate legal instruments submitted and approved by the Bridgton Planning Board.

8. If any or all of the open space is to be reserved by the individual unit owners as common open space, each unit owner shall own a fraction of interest in the common open space and the developer shall be required, prior to final subdivision plan approval, to incorporate a ~~homeowners~~homeowner's associations, which incorporation must comply with the following:

a. Proposed covenant shall be placed in each deed from the developer to the individual owner, which deed covenants shall require mandatory membership in the ~~homeowners~~homeowner's association and shall set forth the unit owner's rights, interests privileges and obligations in the association and in the common open space, including the ~~homeowners~~homeowner's associations responsibility and obligation to maintain the common open space and any recreational facilities located therein.

b. The ~~homeowners~~homeowner's association shall develop a system to levy and collect annual charges against any and all individual lot owners to defray any expense connected with the maintenance of common open space and any recreational facilities located therein, and this system shall be described in said deed covenant or by some other legal instrument made binding upon the individual unit owner and running with the land.

c. The developer shall maintain control of the common open space and be responsible for its maintenance until eighty percent (80%) of the units in the development have been sold, at which time the ~~homeowners~~homeowner's association shall be responsible for such maintenance, and this obligation shall be described in said deed covenant or by some other legal instrument made binding upon the individual dwelling unit owner and running with the land.

d. All such proposed deed covenants and other legal documents pertaining to common open space shall be approved by the Planning Board, recorded in the Cumberland County Registry of Deeds and included or referred to in the deed to each unit.

ARTICLE XIV. CONDOMINIUM DEVELOPMENT

Section 1. Purpose

To provide a flexible policy for quality residential and non-residential condominium development consistent with the character, health, safety and welfare of the Town of Bridgton and which will result in a more economical subdivision layout; encourage a variety of residential dwellings; preserve open space to serve recreational, scenic, conservation and other purposes related thereto whenever possible.

ARTICLE XIV. CONDOMINIUM DEVELOPMENT

Section 2. General Requirements

1. Condominium development applies to residential or non-residential, attached or detached units, or a combination.
2. All applicable provisions of the Subdivision Regulations shall apply to applications submitted for Condominium Development.
3. Density shall be based on Lot Size and Dimension requirements set forth in the Town of Bridgton Subdivision Regulations Article X Section 1.
4. Signs shall be in accordance with the provisions set forth in the Town of Bridgton Sign Ordinance.
5. A complete landscape plan shall be submitted as part of the application.
6. For commercially related uses and structures provisions of the Site Plan Review Ordinance shall apply specifically to those uses and structures only.
7. A condominium development may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facility, utilities and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users and residents of the project.
 - a. For a project which is proposed to be done in phases, the applicant or applicant's agent must submit with the initial application a conceptual plan for the overall parcel. If adjacent property is going

to be included in the overall development it must also be included in the conceptual plan.

b. If a project is proposed to be presented in phases a lot of 40 or more acres shall be counted as a lot and shall not be exempt.

8. The Bridgton Planning Board may consider specific provisions of the Town of Bridgton Site Plan Review Ordinance when reviewing an application for condominium development.

ARTICLE XIV. CONDOMINIUM DEVELOPMENT

Section 3. Condominium Conversion(s)

1. No building may be converted to a condominium development unless all applicable provisions of the Subdivision Regulations are met. Refer to Article X Section 1 "Design Standards - Lot Size and Dimensions" for exemption. (05/2010)

2. The Bridgton Planning Board may consider specific provisions of the Town of Bridgton Site Plan Review Ordinance when reviewing a proposal for condominium conversion.

3. Structures which are subject to the request for a condominium conversion must, at the time of the request, exist as a legal structure. The burden shall be on the applicant to demonstrate that the units sought to be converted have legal status.

4. There must be adequate parking available to support the request for a condominium conversion.

ARTICLE XIV. CONDOMINIUM DEVELOPMENT

Section 4. Buffers

1. A buffer strip of at least twenty-five (25) feet shall be required along the existing road frontage and along the perimeter of the land area for which the development is proposed. Free standing commercial structures are exempt from this provision.

2. The buffer strip shall consist of undisturbed vegetation provided that the existing vegetation consists of mature trees and acts as an effective screen. If existing vegetation provides a poor visual screen, a mix of new landscaping including trees, shrubs and grasses shall be planted.

3. The buffer strip shall be maintained in a natural vegetative state and shall not be cut, except for the creation of a pedestrian pathway up to 6' wide, and/or the removal of dead, diseased or storm damaged trees.

4. No buildings or structures may be erected in the buffer strip.

5. There shall be no storage of items, such as, but not limited to, snowmobiles, boats, trailers, campers, motor homes, ATV's, satellite dishes, septic systems or wells.

6. Buffer strips shall be shown on the development plan and a note shall be added to the plan regarding maintenance.

ARTICLE XIV. CONDOMINIUM DEVELOPMENT

Section 5. Vehicular and Pedestrian Systems

A. The vehicular and pedestrian circulation system within each development shall safely and conveniently accommodate the movement of vehicles, bicycles and pedestrians throughout the proposed development and must provide a system of pedestrian ways within the development appropriate to the type and scale of development. Circulation systems are provided to link residential groupings, open space areas, schools and local shopping areas. This system must connect major building entrances/exits with parking areas and with existing sidewalks, if they exist, or are planned in the vicinity of the project.

1. Streets

a. Access to all structures/lots within the development shall be located on a new interior road system constructed as part of the development.

b. Internal streets shall be built to meet the design standards set forth in the Town of Bridgton Subdivision Regulations.

c. Internal streets shall be built to provide connectivity to adjacent parcels, where applicable.

2. Sidewalks and Pedestrian Paths

a. Sidewalks and pedestrian paths shall be built to meet the design standards set forth in the Town of Bridgton Subdivision Regulations.

b. Sidewalks must conform to American with Disabilities Act (ADA).

c. Logical connections to and extensions of sidewalks and pedestrian paths outside of the development project shall be provided where applicable.

d. The Bridgton Planning Board may approve alternative designs for sidewalks or pedestrian paths or may waive the requirement upon determination that it would not serve the purpose of providing adequate pedestrian access and circulation.

ARTICLE XIV. CONDOMINIUM DEVELOPMENT

Section 6. Common Open Space

1. The building area designated for a Condominium Development project may be reduced from the lot size and dimension requirements set forth in the Town of Bridgton Subdivision Regulations Article X Section 1 providing the project meets density requirements which includes the remaining portion not designated for the building area dedicated as common open space. Multiple common open space areas are allowed.

2. Adequate guarantee must be provided to ensure permanent retention of common open space. This guarantee may be satisfied by the creation of a nonprofit ~~homeowners~~homeowner's association to ensure maintenance of the area and will include preservation of natural features, agricultural uses, environmentally sensitive areas and wildlife cover with respect to the physical qualities of the land.

3. Multiple common open space areas or phased in projects with a common open space or multiple common open spaces shall become unified for the use or enjoyment of residents and property owners living within the development area.

4. The designated open space shall not consist of required yard areas or storm water retention or detention ponds and shall be identified on the plan.

5. The open space shall be usable for recreational, agricultural or other outdoor living purposes and for preserving natural features including but not limited to, large trees, tree groves, woods, ponds, streams, rock outcrops, natural plant life and wildlife cover, deer yards and to the greatest extent possible, shall be contiguous open space.

6. The open space(s) shall be shown on the plan with appropriate notation on the face thereof to indicate that it shall not be used for future development buildings or structures.

7. Some or all of the open space may be dedicated to a nonprofit land trust for conservation, passive recreation purposes or active recreation purposes.

a. Any dedication of open space must be made through appropriate legal instruments submitted and approved by the Bridgton Planning Board.

8. If any or all of the open space is to be reserved by the individual unit owners as common open space, each unit owner shall own a fraction of interest in the common open space and the developer shall be required, prior to final subdivision plan approval, to incorporate a ~~homeowners~~homeowner's associations, which incorporation must comply with the following:

a. Proposed covenant shall be placed in each deed from the developer to the individual owner, which deed covenants shall require mandatory membership in the ~~homeowners~~homeowner's association and shall set forth the unit owner's rights, interests privileges and obligations in the association and in the common open space, including the ~~homeowners~~homeowner's associations responsibility and obligation to maintain the common open space and any recreational facilities located therein.

b. The ~~homeowners~~homeowner's association shall develop a system to levy and collect annual charges against any and all individual lot owners to defray any expense connected with the maintenance of common open space and any recreational facilities located therein, and this system shall be described in said deed covenant or by some other legal instrument made binding upon the individual unit owner and running with the land.

c. The developer shall maintain control of the common open space and be responsible for its maintenance until eighty percent (80%) of the units in the development have been sold, at which time the ~~homeowners~~homeowner's association shall be responsible for such maintenance, and this obligation shall be described in said deed covenant or by some other legal instrument made binding upon the individual dwelling unit owner and running with the land.

d. All such proposed deed covenants and other legal documents pertaining to common open space shall be approved by the Planning Board, recorded in the Cumberland County Registry of Deeds and included or referred to in the deed to each unit.

9. Common space buffers related to structures and buildings in the Downtown District as referred to in the Town of Bridgton Site Plan Review Ordinance may not be required subject to the review and approval of the Planning Board. (10-25-11)

ARTICLE XV. ENFORCEMENT

SECTION 1. Enforcement

No plan of a subdivision of land within the boundaries of the Town of Bridgton which would constitute a subdivision as defined herein shall hereafter be filed or recorded in Cumberland County Registry of Deeds until a Final Plan thereof shall have been approved by the Board in accordance with all of the requirements, design standards and construction specifications set forth elsewhere in these Standards, not until such approval shall have been entered on such Final Plan by the Board.

ARTICLE XV. ENFORCEMENT

SECTION 2. Conveyance

No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Cumberland County Registry of Deeds.

ARTICLE XV. ENFORCEMENT

SECTION 3. Violations

Any person, firm, corporation, or other legal entity who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration, any land in a subdivision which has not been approved as required by this section, shall be punished by a fine of not more than \$1,000. for each such occurrence.

The Planning Board, the Code Enforcement Officer or the municipal officers may institute proceedings to enjoin violation of these regulations and, if a violation is found, the code enforcement officer, municipal planning board or municipal officers may be allowed attorney's fees.

ARTICLE XV. ENFORCEMENT

SECTION 4. Penalty

Except as provided in Section 3 above, any person, firm or corporation being the owner of or having control or use of any building, structure or land who violates any provision of these regulations or any condition imposed by the Code Enforcement Officer, Planning Board or Board of Appeals pursuant to the provisions of these regulations commits a civil violation and shall be liable for a civil penalty of no less than \$100. and no more than \$2,500. for each violation. Each day such violation is permitted to exist after notification thereof shall constitute a separate violation. All penalties collected hereunder shall inure to the Town of Bridgton.

ARTICLE XV. ENFORCEMENT

SECTION 5. Public Utilities

No public utility of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

ARTICLE XV. ENFORCEMENT

SECTION 6. Invalidity

The invalidity of any section or provision of these Standards shall not be held to invalidate any other section or provision of these Standards.

ARTICLE XVI. LEGAL PROVISIONS

SECTION 1. Appeal

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals. (7/2007)

2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. (7/2007)

3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings. (7/2007)

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings. (7/2007)

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause. (7/2007)

6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the

Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within ~~thirty-five~~thirty-five (35) days of the close of the public hearing shall constitute a denial of the appeal. (7/2007)

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure. (7/2007)

ARTICLE XVI. LEGAL PROVISIONS

SECTION 2. Adoption

These Standards are effective as adopted by the Bridgton Planning Board on May 6, 1997.

W.C. Bloomquist, Chairman

David A. Lee, Vice Chairman

Harold E. Meade

Frederick M. Potter

Dwight M. Pierce

ARITCLE XVI. LEGAL PROVISIONS

SECTION 3. Regulation Amendment

A. These Regulations may be amended by the Bridgton Planning Board. Amendments must comply with Title 30A §4352. Amendments will become effective following the requirements below for publishing and posting a public hearing: (4/2014)

1. The notice must be posted in the municipal office at least 13 days before the public hearing; (4/2014)

2. The notice must be published at least 2 times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen; (4/2014)

3. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area. (4/2014)

Enacted: March 1994

Amended: May 1997, November 1998, May 1999, August 1999, August 2001, December 2001, July 2002, September 2003, March 2004, March 2005, March 2006, July 2007, March 2008, March 2009, May 2010, March 2011, October 25, 2011, March 20, 2012, April 1, 2014, March 24, 2015, March 29, 2016, *May 2, 2017* ~~+~~

“Exemption for Residents Permanently Stationed or Deployed for Military Service Outside of the State Ordinance”

Enacted: November 6, 2012

Exemption for Residents Permanently Stationed or Deployed for Military Service Outside of the State Ordinance

The Town of Bridgton exempts from the annual excise tax imposed pursuant to Title 36, Section 1482 vehicles owned by a resident who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days who desires to register that resident's vehicle in this State. To apply for the exemption, the resident must present to a designated municipal official certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days. For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces. For purposes of this section, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A.

Enacted: November 6, 2012

**TOWN OF BRIDGTON
TRAFFIC ORDINANCE**

AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE TOWN OF BRIDGTON AND REPEALING ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT HEREWITH.

Be it enacted by the Board of Selectmen for the Town of Bridgton as follows:

Article I. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.

Section I.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with law, or the directions of a Police Officer, or traffic controlled device, in any of the following places:

1. On a sidewalk;
2. In front of a public or private driveway or alley way;
3. Within an intersection;
4. Within ten feet of a fire hydrant;
5. On a crosswalk;
6. Within 15 feet of the near corner of the curbs at intersection, except where otherwise designated;
7. Within 15 feet upon the approach to any stop sign located at the side of a roadway;
8. Within Fire Lane where signs are erected giving notice thereof as described in Schedule III, included in this Ordinance;
9. On the roadway side of any vehicle stopped or parked at the edge of a curb or street;
10. Upon any bridge;
11. At any place where official signs, white painted curbs or other curb painting or other road painting or markings so prohibit.

Section II.

No person shall stop, stand, park or leave his vehicle on any street in such a manner or under such condition so as to obstruct the free passage of other vehicles in either direction unless specifically permitted by a Police Officer, or so as to leave available less than fifteen feet of the width of the roadway for free movement of vehicular traffic.

Section III.

No person shall allow, permit or suffer any vehicle in his possession to stand or park on any street, headed in the direction of lawful traffic movement a distance greater than 12 inches from the curb or edge of the roadway or to stand or park on any street facing oncoming traffic.

Article II. PARKING TIME LIMITED ON STREETS

Section I.

Between November 15th and April 15th no vehicle shall be parked on any public street or way from 11:00p.m. to 6:00a.m. Also, parking may be prohibited with notification of a parking ban (10/05).

The Chief of Police or his designee may cause any vehicle so parked on any street or way to be moved and placed in a suitable parking space off of the street, at the expense of the owner of such vehicle, and without the Town being liable for any damage that may be caused by such removal.

Section II.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets described in Article IV Section I Schedule I, II and III included in this Ordinance.

When signs have been erected giving notice thereof, parking will be limited to those with appropriate handicap identification in the spaces designated at the main entrance to the Bridgton Municipal Complex, Three Chase Street Suite 1, Bridgton, Maine.

When signs have been erected giving notice thereof, parking will be limited to thirty minutes in the spaces designated at the main entrance to the Bridgton Municipal Complex, Three Chase Street Suite 1, Bridgton, Maine. This is for the purpose of allowing parking for people to conduct short term business at either the Town Office or the District Court Office during business hours. Overnight parking is prohibited (10/05).

Parking on both sides of Main Street from Pondicherry Square to the Monument is limited to 2 hours between the hours of 9:00a.m. and 10:00p.m. Vehicles exceeding the time limit may be subject to a parking fine pursuant to Article VII. (12/2016)

Section III.

When signs are erected giving notice thereof, no person shall park a vehicle for longer than the period of time specified in Article IV Section IV, between the hours of 9:00a.m. to 10:00p.m., except Sundays and Legal Holidays, upon any of the streets or parts described in Article IV Section III of this Ordinance.

Article III. SCHEDULE OF STREETS AND WAYS AND SECTIONS THEREOF PROHIBITING PARKING AT ANY TIME

Section I.

SCHEDULE I. The northeasterly side of Main Street from the easterly side of the driveway at 90 Main Street to Chase Street; from exit of TD Bank to Elm Street; from Hayes Block (i.e.; Bridgton News) to Tannery Bridge; (12/2016)

SCHEDULE II. The southerly side of Main Street from Walker Street to Cottage Street; from west side of Church Street to Tannery Bridge; from Renys Main Street entrance to lower intersection of Depot Street (12/2016)

SCHEDULE III. The easterly side of Gibbs Avenue to Fire Station; the northerly and southerly side of lower section of Gibbs Avenue from the Fire Station to Main Street.

SCHEDULE IV. The northeasterly and southeasterly sides of North High Street from the Civil War Monument to Larrabees Run.

SCHEDULE V. No Parking Zone on Route 302, Moose Pond Causeway, on the southeast side of Route 302 from Moose Pond boat launch to Kendal Ham Drive and from the boat launch for a distance of 550 feet in a westerly direction.
(1/02) (5/10) (06/18).

SCHEDULE VI. No Parking Zone on the West side of Chase Street between Main Street and Bennett Street for a distance of 425 feet (3/02).

SCHEDULE VII. No parking zone on either side of Depot Street from the intersection of Main Street heading southerly up to the first bridge on Depot Street in the vicinity of the Bridgton Community Center (2/12)

Article IV. SCHEDULE OF STREET AND SECTIONS OF STREETS PERMITTING PARKING WHERE SIGNS ARE ERECTED GIVING NOTICE THEREOF AND TIME LIMIT

Section I.

- SCHEDULE I. The southerly side of Main Street from the east side of the parking lot of 17 Main Street to Walker Street; from Cottage Street to Church Street; from Depot Street to Renys Main Street entrance; from lower intersection of Depot Street to Portland Road. (12/2016)
- SCHEDULE II. The northeasterly side of Main Street from the easterly side of Bacon Street to Hayes Block; From Tannery Bridge to 90 Main Street.
- SCHEDULE III. When signs are erected giving notice thereof on Chase Street, designated parking will be allowed for District Court Employees during hours of operation 12/2016).

Section II.

The provisions of this Ordinance prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

Section III.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described in Article III Section I Schedule I, II, III, IV, V, VI and VII included in this Ordinance.

Section IV.

When signs are erected giving notice thereof, no person shall park a vehicle for longer than the time specified between the hours of 9:00a.m. and 10:00p.m. of any day except Sundays and public holidays upon any of the streets described in Article IV Section I, Schedule I, II, and III included in this Ordinance.

Section V.

Whenever by this or any other ordinance of this Town any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the Town Manager or his designee to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

Section VI.

The Town Manager with the approval of the Board of Selectmen shall place and maintain, or cause to be placed and maintained, traffic-control signs, signals and devices when and as required or authorized under this Ordinance, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under this Ordinance or under State Law, or to guide or warn traffic, including angle parking signs, and markings, turning markers, and signs prohibiting left, right or U turns, the location of which he is authorized to determine. All traffic control devices so erected and not inconsistent with the provisions of the State Law or this Ordinance shall be official traffic control devices.

Article V. MUNICIPAL PARKING LOTS

Section I.

All Municipal Parking Lots shall be closed to overnight parking between the hours of 1:00a.m. and 6:00a.m. (12/2016)

The Chief of Police or his designee may cause any vehicle so parked on any street or way to be moved and placed in a suitable parking space off of the street, at the expense of the owner of such vehicle, and without the Town being liable for any damage that may be caused by such removal. (12/2016)

Article VI. MUNICIPAL PARKS PARKING LOTS

Section I

All Municipal Park Parking Lots shall be closed to overnight parking between the hours of 10:00p.m. and 6:00a.m.(12/2016)

The Chief of Police or his designee may cause any vehicle so parked on any street or way to be moved and placed in a suitable parking space off of the street, at the expense of the owner or such vehicle, and without the Town being liable for any damage that may be caused by such removal. (12/2016)

Article VII. GENERAL PENALTY

Section I.

Unless another penalty is expressly provided by State Law, any person convicted of a violation of any provisions of this Ordinance shall be punished by a fine of not more than \$100.00 except as otherwise provided in the following subsections of this section; and any such fines or penalties shall accrue to the Town.

Any person violating any parking provisions of this Ordinance shall be subject to the general penalty imposed for violation of this Ordinance, and such person shall pay a fee as provided in the Town of Bridgton Fee Schedule, which may be amended from time to time, and which is incorporated herein by reference. (12/2016)

After one hour if a vehicle is still parked in violation after being cited for a first offense, the second offense penalty will apply and the vehicle shall be subject to being towed at the owner's expense.

Article VIII. Validity

If any part of parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Article IX. Previous Ordinances

All former traffic ordinances of this Town are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed prior to the enactment of this Ordinance.

Article X. Certification

The Town Clerk shall certify to the passage of this Ordinance and cause the same to be published in the Bridgton News.

Article XI. Name

This Ordinance may be known and cited as the Traffic Ordinance.

Article XII. Adoption

This Ordinance shall take effect upon its adoption by the Board of Selectmen.

This Ordinance was adopted on January 10, 1995 following the public hearing held for that purpose under the authority granted by 30A MRSA 3009.

Enacted: January 10, 1995

Amended: August 1996, January 2002, March 2002, October 2005, May 25, 2010, August 9, 2011, January 24, 2012, December 13, 2016 and June 12, 2018.

TOWN OF BRIDGTON
Ordinance to Establish Uniform Procedures
For Appeals to the Bridgton Board of Appeals

Section 1. Section 11 of the **Town of Bridgton Site Plan Review Ordinance** is repealed and the following is enacted in its place:

Section 11. Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.
3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.
5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 2. Sections 16.G.3 and 16.G.4 of the **Town of Bridgton Shoreland Zoning Ordinance** are repealed and the following is enacted in their place:

Section 16.G.3. Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO"), Local Plumbing Inspector or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.
3. Appeals from decisions of the CEO, the Local Plumbing Inspector, and the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO, Local Plumbing Inspector, or Planning Board for further proceedings.
4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of

Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or Local Plumbing Inspector, or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 3. Section 10.A of the **Town of Bridgton Bear River Aquifer Protection Ordinance** is repealed and the following is enacted in its place:

A. Administrative Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.
3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.
4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on

which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 4. Section 10.A of the **Town of Bridgton Willis Brook Aquifer Ordinance** is repealed and the following is enacted in its place:

A. Administrative Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.
3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.
4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on

which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 5. Section 10.G of the **Town of Bridgton Flood Plain Ordinance** is repealed and the following is enacted in its place:

G. Appeal Procedure for Administrative and Variance Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision, or request a variance, by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.
3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, and variance appeals shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit, approval, or variance. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings, or in the case of variances, to grant or deny the variance.

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.
5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO, to grant an appeal from a decision of the Planning Board, or to grant a variance. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 6. The last paragraph of Section 7.C and Section 7.D of the **Town of Bridgton Sewage Ordinance** are repealed and the following is enacted in their place:

D. Appeal Procedure

1. Any person, firm or corporation aggrieved by a decision of any agent or officer of the Town which arises from the provisions of this Ordinance may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.
3. Appeals from decisions of any agent or officer of the Town made without conducting a public hearing shall be de novo. The Superintendent shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the agent or officer of the Town for further proceedings.
4. Appeals from decisions of agents or officers of the Town made after conducting a public hearing shall be purely appellate. The Superintendent shall transmit to the Board of Appeals the decision of the agent or

officer of the Town and all documents and other evidence comprising the record on which the decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision or to remand the matter to the agent or officer of the Town for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit or to grant an appeal from a decision of an agent or officer of the Town. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 7. Section X of the **Town of Bridgton Telecommunications Towers, Antennas and Associated Facilities Ordinance** is repealed and the following is enacted in its place:

Section X. Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.
3. Appeals from decisions of the CEO shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO for further proceedings.
4. Appeals from decisions of the Planning Board shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at

which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 8. Section 1XB of the **Town of Bridgton Sign Ordinance** is repealed and the following is enacted in its place:

B. Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.
3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.
4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on

which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 9. Section 12 of the Town of Bridgton Amended **Ordinance to Regulate Automobile Graveyards, Junkyard and Automobile Recycling Business** is repealed and the following is enacted in its place:

Section 12. Appeals

1. Any person, firm or corporation aggrieved by a decision of the municipal officers may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.
3. Appeals from decisions of the municipal officers shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the municipal officers and all documents and other evidence comprising the record on which the municipal officers' decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the municipal officers. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the municipal officers was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the municipal officers or to remand the matter to the municipal officers for further proceedings.
4. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

5. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an appeal from a decision of the municipal officers. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.
6. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Section 10. Article 7 of the **Town of Bridgton Building, Razing and Plumbing Permit Ordinance** is repealed and the following is enacted in its place:

Article 7. Appeal

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.
3. Appeals from decisions of the CEO shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO for further proceedings.
4. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.
5. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO. The

failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

6. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Enacted: June 12, 2007

TOWN OF BRIDGTON
ORDINANCE RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

Section 1. Purpose and Authority

The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of Bridgton which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A. § and 29-A M.R.S.A. §2395 and §2388.

Section 2. Definitions

The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices

The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way.

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions

Vehicles that are exempt from the Maine Department of Transportation's (MDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended on March 4, 1998 a copy of which is attached hereto and is hereby incorporated as part of this Ordinance, are exempt from this Ordinance; provided however, any vehicle in excess of 23,000 pounds must obtain a permit from the municipal officers pursuant to Section 5 of this Ordinance.

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers from a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

- a. No other route is reasonably available to the applicant;
- b. It is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
- c. The applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the municipal officers make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways and bridges.

In determining whether to issue a permit, the municipal officers shall consider the following factors:

- a. The gross registered weight of the vehicle;
- b. The current and anticipated condition of the way or bridge;
- c. The number and frequency of vehicle trips proposed;
- d. The cost and availability of materials and equipment for repairs;
- e. The extent of use by other exempt vehicles; and

f. Such other circumstances as may, in their judgment, be relevant.

The municipal officers may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Section 6. Administration and Enforcement

This Ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designated representative, the road commissioner.

Section 7. Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1,000.00. Each violation shall be deemed a separate offense. IN addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

Section 8. Amendments

This Ordinance may be amended by the municipal officers at any properly noticed meeting.

Section 9. Severability; Effective Date

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the municipal officers at a properly noticed meeting.

Enacted: March 13, 2001
Board of Selectmen's Meeting

DEPARTMENT OF TRANSPORTATION

RULES AND REGULATIONS RESTRICTING HEAVY LOADS ON CLOSED WAYS

SUMMARY: The following rules and regulations restrict heavy loads on posted State and State Aid Highways from November 15 to June 1, pursuant to the Department's authority under Title 29-A M.R.S.A., Section 2395.

1. DEFINITIONS

A. The definitions contained in Title 29-A, Section 101 of the Maine Revised Statutes Annotated shall govern the construction of the words contained in this regulation.

B. Gross weight is the combined weight of the vehicle and its load.

C. Special Mobile Equipment. "Special Mobile Equipment" shall mean every self-propelled vehicle not designed or used primarily for the transportation of persons or property but which is operated over the highways, including road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only as snowplows and for carrying sand for ballast only, well drillers and wood-sawing equipment used for hire. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section.

2. DESIGNATED CLOSED WAYS

In order to prevent excessive damage to State and State-Aid Highways, the Director of Bureau of Maintenance and Operations or the Division Engineer in whose Division the highway lies may close all or part of a highway to heavy vehicles during any time from November 15 to June 1. No vehicles shall travel over closed ways except those permitted by this regulation.

3. NOTICE

Notice shall be given by erecting at each end of the closed highway a poster indicating the following: (1) the date of the posting, (2) a description of the highway closed, (3) a summary of the vehicles exempt from the closing, (4) the name of the Division Engineer, and (5) statutory and regulatory references.

4. EXEMPTION - FROZEN HIGHWAYS

This regulation shall not apply to any closed highway which is solidly frozen. The highway is considered "solidly frozen" only when the air temperature is 32 degrees Fahrenheit or below and no water is showing in the cracks of the road. Both conditions must be met.

5. EXEMPT VEHICLES

The following vehicles are exempt from this regulation:

- A. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
- B. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile equipment.
It shall be a defense to a violation of this sub-section if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and its load is in fact less than 23,000 pounds.
- C. Maine Department of Transportation highway maintenance vehicles or vehicles under the direction of a public jurisdiction with permission of the Department engaged in emergency maintenance of public highways or appurtenances thereto.
- D. Passenger cars, pickup trucks, emergency vehicles, school buses, and vehicles with three axles or less under the direction of a public utility and engaged in plant maintenance or repair.
- E. Any vehicle transporting home heating fuel (oil, gas, coal, stove size wood) to a private consumer, gasoline, groceries, bulk milk, bulk feed, solid waste, rubbish, or medical gases may apply for an exemption certificate (Attachment A). These vehicles must be registered in excess of 23,000 pounds and must be carrying a partial load with a weight equal to or less than that indicated on an exemption certificate issued by the Maine Department of Transportation (Attachment B). This certificate shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried. The allowable weight indicated on the exemption certificate will be based on weights listed in the table in Attachment C. Applicants for exemption certificates must present a certified weigh slip for the empty weight of the unloaded vehicle as a prerequisite to obtaining an exemption certificate.
- F. Any combination vehicle of five axles or more weighing 80,000 pounds gross or less hauling perishable products. A permit issued by the Department of Transportation shall accompany any load of perishable products. (See Attachment D).
- G. Division Engineers, at their discretion and in extraordinary circumstances, may allow heavy loads over posted roadways involving singular, nonrecurring moves. Such permission shall be made in writing and shall accompany the vehicle at all times.

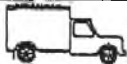






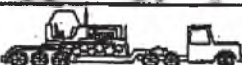
6. PROCEDURES FOR OBTAINING AND USING TRIP TICKETS FOR HAULING PERISHABLE PRODUCTS OVER SEASONALLY POSTED ROADS

- A. It is now possible for a shipper to haul perishable products over seasonally closed ways by securing a permit from the Maine Department of Transportation at any one of MDOT's seven Division Offices.
- B. The permit issued will be in the form of individual pre-numbered trip tickets for hauling of perishable products by 5 axle or more combination vehicles and will be limited to a combined weight of 80,000 lbs. and may, on occasion, be further limited by time, route, and temperature.
- C. These trip tickets for hauling perishable products over seasonally closed ways will cost \$5.00 each. (Checks payable to Treasurer, State of Maine). These trip tickets will consist of three copies each with the following distribution: (1) original copy (white) - for driver, (2) second copy (green) - to be returned immediately to the Maine Department of Transportation, and (3) third copy (pink) - to be retained by the shipper.
- D. The shipper or shipper's agent will call the appropriate Division Office and complete his/her form simultaneously with, and under guidance of the Permit Clerk. The customer is to have all the information that is required on the trip ticket before he/she makes the call. Trip tickets are to be made out in ink.
- E. After routing check and verification, the customer will be given a permit number which must be entered on the form in order to make it valid for law enforcement purposes. When the required information is entered and the call is completed, the permit is issued and the move may be made. The original trip ticket must accompany the load.
- F. Each time a trip ticket is filled out, the green copy must be mailed immediately to the Maine Department of Transportation.
- G. MDOT clerks will be available to take information for these trip tickets between the hours of 8 A.M. and 4 P.M. Monday through Friday at the appropriate Division Office.
- H. Additional trip tickets will not be issued to shippers in continual violation of any of the required procedures.
- I. The Department will retain the right to close any posted road to the hauling of perishable products in extreme circumstances.

EFFECTIVE DATE: December 31, 1996

SIGNED John G. Melrose
JOHN G. MELROSE, COMMISSIONER
MAINE DEPARTMENT OF TRANSPORTATION

TOWN OF BRIDGTON
GROSS VEHICLE WEIGHT ALLOWANCES
FOR
EXEMPTION CERTIFICATE
 (Weights are in Lbs.)

TRUCK TYPE		TIRE WIDTHS			
		9"	10"	11"	12" or more
	S I N G L E	24,200	25,200	26,200	27,200
		36,650	38,625	40,575	42,525
		41,325	43,750	46,200	48,625
	C O M B I N A T I O N	37,225	38,900	40,575	42,250
		45,250	48,050	50,850	53,650
		46,875	49,350	51,850	54,325
		58,375	61,350	64,300	67,250
		65,250	69,000	72,775	76,525

GVW From Chart

Empty Weight

Payload

- NOTES: 1. All axles must have four tires except for the steering axle which normally has two tires.
2. The tire width used in the above table shall be the most common tire size on axles other than the steering axle. Tire widths shall be based on the manufacturer's rating.

Town of Bridgton, Maine

“VICTUALERS LICENSING ORDINANCE”

Enacted: November 8, 2011

1. PURPOSE

The purpose of the Victualers Licensing Ordinance is to insure that establishments serving food or drink prepare their food and drink in a safe and sanitary environment.

2. LICENSE REQUIRED

Any establishment that serves food or drink prepared for consumption by the public within the corporate boundaries of the Town of Bridgton shall be required to annually apply for and be issued a Victualers License. A license shall be specific to the premises and entity which is requesting the license. For example, a facility which is owned or operated at more than one location, or in the same location and is operated by different parties or personnel or which are physically separated shall require separate permits. However, no license shall be required for an establishment which only serves food or drink prepared by a licensed establishment or by a licensed catering firm.

3. EXEMPTIONS

A Public or Private School, Public Service Organization, Private Club, Church Organization, Fire Department, or any other non-profit organization selling food or drink on an infrequent basis to solely raise money for a charitable cause shall be exempt from the requirements of this license. Grocery stores, except those selling food items prepared on the premises, shall be exempt. Establishments selling food and drink only through vending machines shall also be exempt. The local exemption does not relieve an organization of state requirements.

The Municipal Officers or Town Clerk shall have the authority to decide if an establishment is exempt.

4. APPLICATIONS

A. Applicant: For the purposes of this ordinance, the applicant shall be the principal owner of the establishment. If the owner is a corporation the applicant shall be the principal stock holder of that corporation. If the principal owner of the establishment, or the principal stockholder of the corporation owning the establishment, is not the person primarily responsible for the actual operation of the establishment, then the person(s) primarily responsible for the actual operation of the establishment, as well as the owner, shall be reviewed as co-applicant(s) together with the owner.

B. Renewals: The Municipal Officers shall annually review all renewal applications for the purpose of determining the status of the applicant's previous conformance to this ordinance and at such time make a decision as to (1) approve the renewal request, (2) table the renewal request, setting a date for the applicant to come before the Officers to answer questions affecting consideration of the renewal request, or (3) for reason(s) noted, disapprove the request. Applicants for renewal shall submit a completed application with fees annually to the Town Clerk at least 30 days prior to the expiration date.

C. New Applications: New applicants may apply to the Town Clerk at any time during the year.

D. License Term: A license, when granted, shall be valid immediately following said granting of license and will expire on May 31st.

4. ISSUANCE OR DENIAL OF A LICENSE

The Municipal Officers may deny the application for a license for one or more of the reasons described as follows:

1. If the applicant fails any part of a state inspection or local health inspection.
2. If the applicant is not of good moral character. In determining good moral character the Municipal Officers shall consider all evidence presented but shall, in addition, check the applicant's police record, if any. Conviction of a class D or more serious crime may be considered as evidence that the applicant lacks good moral character.
3. Failure to pay an outstanding fine, penalty or tax owed to the Town of Bridgton by the individual, corporation or principal stockholder of the corporation that is applying for the license.

5. REQUIREMENTS AND CONDITIONS

The Municipal Officers may place conditions and requirements on the license. These conditions and requirements must be reasonably designed to promote the health, safety or welfare of the Public. Examples of possible conditions include, but are not limited to, specific opening and closing times, and measures designed to reduce noise.

6. FEEES

The fees for a License shall be adopted by the Board of Selectmen through the Fee Schedule.

7. REVOCATION OF LICENSE; DETERMINATION OF VIOLATIONS

If after investigation and hearing, the Municipal Officers conclude that the Licensee is unfit to hold a license, it may revoke the license at any time. The Municipal Officers, for any cause which it considers satisfactory, may suspend a license for any period of time that it considers proper. The Municipal Officers may determine that an establishment which has not obtained a license is required to obtain a license, or that a licensed establishment has violated conditions and restrictions applicable to its license. The Municipal Officers shall provide the Licensee, at least three days prior to the hearing date, notice of the time and place of the hearing at which any of these issues will be considered.

A. Compliance Certification: An establishment requesting a Victualers License or renewal of the same shall certify to the Municipal Officers and prove to said Officers' satisfaction that it is not in violation of any Municipal Ordinance, including Zoning, or State or Federal Law, Statute or Regulation. The applicant shall also certify that all taxes, fines or penalty assessed by the Town of Bridgton on the establishment or equipment and fixtures contained therein are fully paid, as of the date of the application. The Municipal Officers shall deny any application which fails to meet these requirements.

B. Inspection: An establishment requesting a license for the first time shall be inspected by the Codes Enforcement Officer and Fire Chief prior to any action being taken on the license application. Any alterations or changes to an establishment will require additional inspections.

C. Application Form: An establishment shall apply for a Victualers License or renewal on a form designed for that purpose by the Town of Bridgton. Failure of an applicant to fill out the form completely or any misstatements on said form shall result in the denial of the license.

D. Health: An establishment licensed as a Victualer, and providing for on-premises food consumption, shall provide with its renewal application a copy of its current state "Eating License" issued by the Department of Health Services. A new application shall be granted by the Municipal Officers only under the condition that the Victualer License becomes effective after the Department of Health Services has issued a current state "Eating License."

9. PENALTY

Penalty: Any act made unlawful by this Ordinance and any violation of this Ordinance shall be punishable by a fine of not less than \$25.00 and not more than \$100.00 for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense.

10. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

TOWN OF BRIDGTON
WILLIS BROOK AQUIFER

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**TOWN OF BRIDGTON
WILLIS BROOK AQUIFER**

Section 1. Purpose

A. To manage the groundwater recharge areas of the Willis Brook Aquifer in order to maintain the present rate of recharge and, where possible, to enhance recharge - thus ensuring a dependable water supply to the Town for the future.

B. To protect the aquifer from contaminants which can reasonably be expected to accompany certain uses of land or activities, thereby maintaining the aquifer's high water quality. The water quality for the municipal water supply will require efforts by all of Bridgton as well as surrounding communities to ensure degradation of the quality of the supply does not occur.

Section 2. Findings

A. The Town of Bridgton is fortunate in that it has access to a water supply that is both plentiful and of excellent quality. From the Willis Brook aquifer, the Bridgton Water District draws water to serve roughly 722 customers in Bridgton. The total demand from customers is 6,000,000 gallons of water per month, a rate that is relatively consistent throughout the year. This rate of demand is significantly lower than the rate defined as being a "safe yield rate" by Caswell, Eichler, and Hill.

B. Rainfall replenishes the aquifer through a process known as recharge. Increasing density of development creates impervious surfaces (area which water cannot penetrate to reach groundwater) which decrease the amount of water available for use from aquifers. Diminishing recharge also decreases the amount of water available to dilute pollutants.

C. The most likely sources of toxic waste pollution are not necessarily large industries, but often small businesses such as gas stations, dry cleaners, and automotive shops. Other pollution problems result from elevated concentrations of nitrates, and are linked to more common land uses such as household septic systems and use of fertilizers for agriculture.

D. A report on the aquifer done in the he fall of 1990 by Caswell, Eichler, and Hill entitled "Evaluation of the Willis Brook Aquifer" states that because of the likelihood of future development within the Willis Brook drainage basin, the possibility exists that future water quality may be adversely affected unless timely and appropriate resource management steps are taken.

E. The report continues: "In that some water is taken into the aquifer from the Willis Brook during heavy pumping of the District wells, the entire Willis Brook drainage basin upstream of the well is in effect the recharge area for the well".

F. Changes in the Federal Drinking Water Standards may require utilities now using surface water supplies to undertake additional treatment processes, which could entail significant future costs. Maintaining the high quality of underground water sources such as the Willis Brook Aquifer, including potential well points less influenced by the brook itself, will give the Bridgton Water District flexibility in the future when considering options for the efficient delivery of clean drinking water.

Section 3. Definitions

Definitions from Bridgton Shoreland Zoning Ordinance and Bridgton Subdivision Regulations shall apply unless the definitions below are more restrictive.

Agriculture: The cultivation of soil, producing or raising of crops, for commercial or other purposes, on more than one (1) acre. The term shall also include tree, plant and shrub nurseries and versions thereof.

Animal Husbandry: Keeping of more than five (5) animal units (one (1) animal unit represents 1,000 pounds of live animal weight).

Aquifer: A saturated body of soil or rock that will yield economically significant quantities of water to wells and springs. Aquifers that yield over 10 gallons per minute are considered "high yield" aquifers. The estimated yield of the Willis Brook Aquifer is 400 gallons per minute and over.

Automobile Graveyard: As defined by 30-A M.R.S.A. Section 3752.

Commercial Animal Feedlots: A lot, building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals for commercial purposes and specifically designed as a confinement area in which manure may accumulate. Pastures shall not be considered animal feedlots under this ordinance.

Commercial Use: A business in which the principal use is the sale of goods and/or services to the general public or other businesses. Indoor storage of goods and equipment is permitted as an Accessory use. Outdoor storage and uses that fit the definition of industrial use are not included in this definition.

Cone of Depression (or Drawdown Cone): A depression that is created by a well in the potentiometric surface of a body of groundwater and that has the shape of an inverted cone and develops around the well from which water is being drawn.

Disposal: The discharge, deposit, injection, dumping, spilling, leaking, incinerating, or placing of leachate materials in or on any land or water.

Drawdown: The difference between the elevation or static water elevation and of the water table at that point when the well is being pumped.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating. This term shall not include hotels, motels, and bed and breakfast establishments without cooking facilities in individual rooms or suites.

Engineered Subsurface Disposal System: A system or a combination of individually or jointly owned systems which serve a single building or group of associated buildings with a total design flow in excess of 2,000 gallons per day. Examples include condominium projects and clustered systems serving residential dwellings. Residential dwellings with individual systems shall not be included.

Full Hydrogeological Study: A study done by a Maine certified geologist or hydrogeologist that analyzes the subsurface geology of a site, particularly as it relates to groundwater characteristics, and assesses the impact a proposed subsurface waste disposal system or other activity will have on the quality of this groundwater.

Hazardous Material: This term shall mean any gaseous, liquid or solid materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

Home Occupation: An occupation or profession carried out for gain by a resident and conducted as an accessory use in or about the residential dwelling unit. To be considered a home occupation and not a commercial business, the home occupation must be secondary and incidental to the primary use of the premises as a residence, be carried on wholly within the principal structure or accessory structures hereto and be conducted primarily by a member or members of the family residing in the dwelling unit.

Examples of Home Occupations include:

1. Beauty shops
2. Office of physician or dentist
3. Day care center
4. Woodworking

The term does not include auto repair or auto body shops.

Impervious Surface: Natural or man-made material on the ground that does not allow water to penetrate into the soil. Impervious surfaces consist of all buildings, paved parking lots, driveways, roads and sidewalks, and any area of concrete, asphalt, plastic or metal.

Industrial Use: A use that involves the mechanical transformation of materials into new products, including manufacture, compounding, assembly or treatment of articles or materials.

In-Law Apartment: A separate living quarters added to an existing single-family residence for use by parents, grandparents, or dependents. An in-law apartment shall not be considered an additional dwelling unit if no expansion of the structure takes place to accommodate the apartment.

Junkyards: As defined by 30-A M.R.S.A. Section 3752

Leachable Material: Liquid or solid materials that are capable of releasing harmful contaminants.

Multi-family dwelling: A structure that houses three (3) or more dwelling units as defined.

Petroleum: Oil, gasoline, petroleum products and their by-products, and all other hydrocarbons which are liquid under normal atmospheric conditions.

Primary Recharge Area: The area contributing most directly to the groundwater source. For the purpose of this Ordinance, the primary recharge area is that within the Town of Bridgton identified in the Caswell, Eichler and Hill report as "Maximum Primary Recharge Area". The primary recharge area also includes the lateral limits of the aquifer, which is defined as the area of glacial outwash that extends approximately 500 feet to either side of the Willis Brook.

Recharge Area: The area of land or water that contributes water to an aquifer. For the purpose of this Ordinance, the recharge area of the Willis Brook Aquifer is comprised of a primary and secondary recharge area.

Safe Yield: The amount of water that can be withdrawn annually from a groundwater source without producing an undesirable effect. Undesirable effects include depletion of groundwater reserves, intrusion of low quality water, contravention of water rights and others, such as depletion of stream flow and land subsidence.

Secondary Recharge Area: The area contributing less directly than the primary recharge area but which constitutes a significant percentage of total recharge to the aquifer. For the purpose of this Ordinance, the secondary recharge area shall consist of the drainage area of the Willis Brook in Bridgton as established by topographical high points, excluding the area defined as the primary recharge area.

Single-family Dwelling: A dwelling designed for or occupied exclusively by one (1) family.

Sludge: Residual materials produced by water or sewage treatment processes and by septic tanks.

Solid Waste: Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk and refuse.

Two-family Dwelling: A dwelling designed for or occupied exclusively by two (2) families.

Watershed: The area of contribution to a surface water body. It is defined by topographic high points.

Section 4. District Boundaries

A. For the purposes of this Ordinance, and in order to carry out its regulations, the Willis Brook Aquifer Protection District shall be delineated on a tax map titled "Aquifer Protection District Map: Town of Bridgton".

B. A copy of said map will be available for inspection in the Town Office and shall be updated as new information relevant to the criteria listed below, provided a State certified geologist, warrants that it be changed.

C. The Aquifer Protection District includes three (3) zones:

Zone 1 consists of land that is owned or fully controlled by the Water District; and

Zone 2 which consists of

1. District A consists of the primary recharge area for the aquifer within the Town of Bridgton as defined herein.
2. District B consists of secondary recharge area for the aquifer within the Town of Bridgton as defined herein.

Zone 3 which consists of the watershed of the Willis Brook within the Town of Bridgton as determined by U.S.G.S. maps, exclusive of Zone 2. This area also constitutes a secondary recharge area.

D. Revision of Map

1. Where the bounds of Aquifer Protection District, or the position of a site in relation to the District, is in dispute, the burden of proof shall be upon the owner(s) or occupier(s) of the land in questions to show where they should be properly located.

2. The Aquifer Protection District Map may be amended by referendum. Amendments must comply with Title 30A §4352. No changes to the Aquifer Protection District Map shall be made until the Planning Board holds a public hearing. Notice must be published at least 2 times in a newspaper of general circulation in the Town of Bridgton and to all abutters of affected property. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area. At said hearing the Planning Board shall hear the evidence demonstrating why the boundary of the Aquifer Protection District or subdistrict shall be changed. Evidence shall include a report from a geologist certified in the State of Maine with proven experience in hydrogeology. The Board shall also notify the Bridgton Water District of the hearing at least 14 days prior to the date of the hearing. Within 30 days of the hearing, the Planning Board shall decide whether to recommend to the Selectmen that the proposed Aquifer Protection Map amendment be placed on the next Town Meeting or special Town Meeting warrant.

3. Any time the Aquifer Protection Map is revised, the date of adoption of the revised map by Town Meeting and signature of the Town Clerk certifying the revision shall be noted on the map.

Section 5. District Use and Space Standards

A. Uses of land within Districts A and B

Land Use	Zone 2		
	District A	District B	Zone 3
1. Residential			
Accessory Uses	P	P	P
Single-family homes	P	P	P
Home occupations	Pr	Pr	P
Two-family homes	P	P	P
Multi-family homes	X	Pr	Pr
In-law apartments	P	P	P
2. Commercial			
Agriculture	P	P	P
Animal husbandry other than commercial animal feed lots	P	P	P
Boats and motor vehicle service and repair	X	P	P
Campgrounds	X	X	Pr
Car washes	X	X	Pr
Commercial uses with non-domestic waste streams	X	X	Pr
Dry cleaning establishments	X	X	Pr
Forestry/timber harvesting subject to the performance standards of the Town's Shoreland Zoning Ordinance within 250' of Willis Brook	P	P	P
Furniture stripping	X	X	X
Gas stations	X	X	X
Kennels	X	Pr	P
Photo processors	X	X	Pr
Truck terminals	X	X	Pr
3. Industrial			
Sand and gravel extraction	X	Pr	Pr
Junkyard/Automobile graveyard	X	X	X
Manufacturing	X	X	Pr
Metal plating	X	X	X
Sawmills or wood processing plant	X	X	Pr
Other industrial uses with non-domestic waste streams	X	X	Pr
4. Miscellaneous			
Cemetery	X	X	Pr
Disposal or storage of solid waste, hazardous materials, or leachate materials (unless specifically			

permitted within the District)	X	X	X
"Engineered" (wastewater disposal)			
system when accompanied by a full			
hydrogeological study and meeting			
the performance standards herein	X	X	X
Open space	P	P	P
Outdoor recreation, except those which			
disrupt the surfaces of hillsides			
or other watershed areas	P	P	P
Foot bridge and bicycle paths	P	P	P
Uncontained salt, sand/salt storage			
piles	X	X	X
Wastewater disposal system	P	P	P
Use of off-road vehicles	X	P	P
Public utilities	Pr	Pr	Pr
Contained sale, sand/salt storage			
piles	X	Pr	Pr
Roads and parking areas within			
impervious surface standards	P	P	P
Application of chemical fertilizers,			
herbicides or pesticides on more			
than three (3) acres of land	X	P	P
Application of chemical fertilizers,			
herbicides or pesticides on more			
than (5) acres of land	X	X	Pr
Demolition/stump dumps	X	Pr	Pr
Subsurface storage of petroleum and			
other refined petroleum products			
with the exception of household			
heating oil where the underground			
storage tank is in full compliance			
with volume 2 of the Code of Maine			
Rules, 4th Printing, DEP Bureau of			
Oil and Hazardous Materials, Chapter			
691 Regulations for ... Underground			
Storage Facilities	X	X	Pr
Petroleum storage for commercial or			
industrial use	X	X	X
Land application of manure in confor-			
mance with the handbook "Maine			
Guidelines for Manure Disposal			
on Land" published by the Maine			
Soil and Water Conservation Comm.			
in July, 1972	X	P	P
Non-residential pipelines for			
transmission of oil, gas or			
hazardous materials	X	X	X
Aerial Spraying of herbicides,			
pesticides	X	X	X

X = Non permitted

P = Permitted (provided that performance standards contained in Section 8 of this Ordinance are met)

Pr = Requiring Planning Board review according to the procedures and standards in the Town of Bridgton Site Plan Review Ordinance

B. Space Standards within District A

1. Minimum Lot Size: 120,000 square feet (2.75 acres)
2. Maximum Density: One dwelling unit per 120,000 square feet
3. Minimum Road Frontage: 250 feet per lot. Road frontage may be measured at the building setback line for lots on cul-de-sacs.
4. Minimum Setbacks: Front = 50 feet; Side and rear = 20 feet
5. Maximum lot coverage with impervious surface: 10%

C. Space Standards within District B

1. Minimum Lot Size: 40,000 square feet (0.9 acres)
2. Maximum Density: One dwelling unit per 40,000 square feet
3. Minimum Road Frontage: 150 feet per lot plus 50': for each additional dwelling unit beyond the first. Road frontage may be measured at the building setback line for lots on cul-de-sacs.
4. Minimum Setbacks: Front = 50 feet; Side and rear = 20 feet
5. Maximum lot coverage with impervious surface: 30%

Section 6. Administration and Enforcement

A. No activity or land use may be conducted in Zone A or B except in accordance with these provisions. Failure to conform with these provisions shall constitute a violation and shall be subject to penalties and actions set forth in this Ordinance.

B. In reviewing subdivisions and site plans located entirely or partially within the Aquifer Protection Districts, the Planning Board shall apply the requirements and standards of this Ordinance to those of the Subdivision Regulations or Site Plan Review Ordinance.

C. For areas within Aquifer Protection Districts that are governed by the Shoreland Zoning Ordinance, the more restrictive standards shall be applied.

D. If any portion of a lot is located in Zone A or Zone B, all the land located in Zone A shall be governed by the regulations for Zone A, and the land located in Zone B shall be governed by the regulations for Zone B.

E. Individuals proposing uses listed as permitted in Section 5 shall submit all applicable information required in Section 7 (submission requirements) to the Town of Bridgton Code Enforcement Officer (hereafter referred to as the "CEO") with a building permit application. The CEO shall review this information to determine whether the proposed use or dwelling meets the requirements of the Aquifer Protection District, including performance standards for subsurface waste disposal systems, petroleum storage, lot coverage, any other applicable standards. A building permit shall not be issued until the applicant demonstrates that the proposed use or dwelling meets all requirements of the Aquifer Protection District. The CEO shall notify the Chairman of the Planning Board and the Chairman of the Bridgton Water District Trustees of any applications for uses proposed in the Aquifer Protection District.

F. The Planning Board (hereafter referred to as "the Board") shall review all other proposed uses requiring review listed in Section 5.

1. The Planning Board may consult other local boards or groups regarding uses or development in the Aquifer Protection District such as the Conservation Commission.

2. The Board may require an applicant to submit a hydrogeological study examining the potential impact of the proposed use on groundwater quality. The study must be prepared by a State Certified Geologist with proven experience in hydrogeology. The Board may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant.

3. The Board shall notify the Water District of any applications for uses proposed in the Aquifer Protection District. The Board shall request Water District review of the development or use as a condition of its approval.

4. Such information requested by the Board from outside parties shall be incorporated into the public record and be made available to the applicant.

5. The Board shall, after a public hearing with due notice, approve, deny or approve with conditions an application if it makes a positive finding, based on the information presented, that:

a. The proposed use meets the specific requirements set forth in this Ordinance and will be in compliance with all applicable state and federal laws;

- b. The proposed use meets all applicable performance standards.
 - c. The proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone A;
 - d. control measures proposed to prevent adverse impacts on water quality are adequate and reliable;
 - e. The use ill not involve disposal of solid waste, hazardous materials, or leachable materials as prohibited under the terms of this District;
 - f. Petroleum stored-on-site will properly contained so as to prevent contamination of the groundwater by leaks or spills.
- G. The CEO shall enforce the provisions of the Aquifer Protection District. The C.E.O. and/or a representative of the Water District may, at reasonable hours, with the consent of the property owner, occupant, or agent enter on any property for compliance with the provisions of this District.
- H. The Planning Board can require installation and regular sampling of water quality monitoring wells for any use deemed to be significant, actual or potential, source of pollution.
1. The number, location and depth of the monitoring wells shall be determined by a licensed engineer or hydrogeologist chosen or approved by the Town in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983).
 2. Results from monitoring well samples shall be submitted to the Water District with evidence showing that contaminate concentrations meet the performance standards for pollution levels.
- I. For subdivisions located in the Aquifer Protection District, the Board shall apply the purpose, terms and criteria of this District to its review. The Board may require submission of a hydrogeological study, prepared by a State Certified Geologist with proven experience in hydrogeology, which examines a subdivision's impact on groundwater quality.
- J. The CEO is authorized to issue a cease and desist order whenever he becomes aware of violations of this Ordinance. Any person, firm or corporation being the owner o or having contract for use of any building or premises who violates this cease and desist order, or is found guilty of violating any other provisions of this Ordinance, commits a civil violation and is subject to a fine of not less than \$100 and not more than \$2,500

for each violation. Each day such a violation is permitted to exist after notification thereof shall constitute a separate offense.

Section 7. Submission Requirements

A. Applications for permission to carry out any activity in Zone A or Zone B shall be accompanied by and following information.

1. Site Plan drawn to a scale no smaller than 1 inch equals 100 feet showing:

- a. Aquifer Protection District boundaries if they cross the parcel.
- b. Boundaries of the property and abutting streets.
- c. Outlines of all buildings.
- d. Layout and location of access drives, parking areas and vehicular maneuvering areas.
- e. Location of all petroleum storage tanks.
- f. Location of buffers, landscaping, and existing vegetation which may be retained.
- g. Location and description of storage areas and types of materials to be stored.
- h. Location of wastewater disposal systems or public sewer facilities.
- i. Location of all public and private water supplies on the property and abutting properties.

B. A description of the manner in which the applicant shall meet all applicable Performance Standards.

C. Where Applicable

1. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, and a description of measures to provide for control of spills.

2. For animal husbandry operations, a Conservation Plan, approved by the local Soil and Water Conservation District.

3. For dwelling with subsurface waste disposal systems a complete site evaluation form (HHE-200).

D. If required by the Planning Board

1. A map showing groundwater contours of the seasonal high water table.

2. A hydrogeological study of the proposed use's impact on groundwater quality.
3. Water quality data from on-site monitoring wells.
4. Any other information needed to prove that the use will not adversely affect groundwater quality.

Section 8. Performance Standards

All site plan and subdivision proposals and other proposals for structures, uses and activities within the Aquifer Protection District shall conform to use and space standards contained in the Ordinance and the following minimum levels of performance.

A. General Standards

1. All such proposals shall be consistent with the need to protect the quality and quantity of Bridgton's groundwater supply.
2. In cases where proposed uses are not listed as permitted or prohibited uses above, the Planning Board shall make a finding on whether the use is permitted or prohibited based on its similarity or dissimilarity with listed permitted and prohibited uses.
3. Whenever possible, streets, roads and parking areas shall be designed and constructed so that reduced application of road salt can occur without creating winter safety problems and so that runoff from such uses is channeled to avoid or minimize groundwater contamination.

B. Erosion and Sedimentation Control

1. Erosion and sedimentation shall be minimized by adherence to erosion control management practices contained in the Environmental Quality Handbook dated March 1986, published by the Maine Soil and Water Conservation Commission.
2. For residential subdivisions, commercial and industrial developments and other major subdivisions, a sedimentation and erosion plan prepared according to the specifications of the Cumberland County Soil and Water Conservation District shall be submitted by the applicant.

C. Home Occupations

1. Home occupations shall be accessory to a residential use and clearly incidental and secondary to the residential use of the dwelling unit.
2. No more than two (2) persons other than the residents occupying such dwelling shall be employed.
3. In no way shall the appearance of the structure be altered or the occupation be conducted in a manner which would cause the premises to differ from its residential character either in the use of colors, materials, construction, lighting, or the emission of sounds, noises, smoke, dust, glare, odors, electrical interference, heat or vibrations.
4. No traffic shall be generated by such home occupation that would be considered incompatible in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
5. Provisions must be made for adequate off street parking requirements based on the maximum number of users that the home occupation may attract during peak operating hours, the vehicles of any outside employees, and parking to meet the normal requirements of the dwelling unit.
6. Evidence shall be provided that the subsurface disposal system on the site can accommodate the wastewater generated by the home occupation.

D. Manure Storage

Agricultural operations must provide manure containment facilities for manure storage. Facilities must have the storage capacity to contain one year's production and must be covered.

E. Preservation of Landscape

The landscape shall be preserved in its natural site, insofar as is practicable, by minimizing tree, vegetation and soil removal, retaining existing vegetation wherever possible, and keeping grade changes consistent with neighboring areas.

F. Runoff

1. For residential subdivisions, commercial and industrial developments and other major subdivisions, the developer shall submit a stormwater runoff plan, showing calculations for

predevelopment and post-development runoff for the site for a 25 year, 24-hour frequency storm, and planned runoff control measures to accommodate this storm event.

2. Unless it can be shown that an increase in runoff will have no off-site impact, peak runoff from the site in the developed state shall not be increased beyond that in the undeveloped state.

G. Subsurface Waste Disposal Systems

1. On-site waste disposal systems shall be designed and located so as to avoid or minimize groundwater contamination.

2. Disposal of hazardous or toxic materials to subsurface waste disposal systems including organic solvents designed for cleaning septic systems is prohibited.

3. Engineered Systems in "B" Districts shall be reviewed and approved by the Division of Human Services, Health Engineering Division. In addition, the applicant shall submit to the Planning Board a full hydrogeological study of the proposed engineered system.

The study shall demonstrate that the development will not increase any contaminant concentration in the groundwater to more than one-half of the Primary Drinking Water Standards adopted by the State of Maine, Department of Human Services.

The Study shall also demonstrate that the project will not increase any contaminant concentration in the groundwater to more than Secondary Drinking Water Standards adopted by the State of Maine, Department of Human Services.

H. Sand and Gravel Extraction

1. Pits shall not be excavated lower than five (5) feet above the average seasonal high water table.

2. Petroleum products shall not be stored in pits. Refueling and oil changes that must be conducted in the pit shall take place over containment areas constructed to contain the maximum possible spill from entering the ground.

3. Absorbent pads shall be kept on-site to be used immediately should any petroleum products be spilled on the soil.

4. No hazardous materials shall be used, stored or deposited within the excavation area.

5. Access roads into and around the pit shall not be oiled, salted, or paved.
6. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.
7. Access to the pit shall be strictly controlled at all times with locking gates, and when the operation is finished, all vehicular entrances shall be made impassable.
8. Structures and subsurface waste disposal systems shall be sited a minimum 75 feet from the gravel pit slopes in excess of 40%.
9. Reclamation projects shall, in addition to loaming and seeding for stabilization, include revegetation of exposed areas with trees.

Section 9. Nonconformance

- A. Structures, uses and lots which were legally existing as of June 10, 1992 (the effective date of this ordinance) but which do not conform to the requirements of the ordinance shall be treated as nonconforming and may continue and be maintained, repaired and improved.
- B. All expansions of structures (outside the Shoreland Zone) nonconforming because of density, lot size, frontage, or setback shall be permitted as long as they meet the other standards of this Ordinance and do not make the structure more nonconforming.
- C. Expansions of nonresidential structures/facilities that are nonconforming because the use carried out within the structure or facility is prohibited by this Ordinance, shall not be permitted. IN cases of undue hardship, the Board of Appeals may issue a variance for a one-time increase of no more than 15% of the gross floor area of the existing structure, as long as this expansion meets the other standards of this Ordinance.
- D. construction of one principal, permitted use on nonconforming lots of record legally in existence on June 10, 1992 (the effective date of this Ordinance), is permitted if all other standards of this Ordinance are met.
- E. Expansion of uses or structures in excess of the impervious surface ration shall only be permitted in cases of hardship and shall be reviewed by the Board of Appeals as variances.

Section 10. Appeals

A. Administrative Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.

3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a

decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

B. Variances

1. In certain instances where a literal application of the standards of this Ordinance would cause the imposition of an undue hardship, as defined in M.R.S.A. Title 30-A Section 4353 as amended, upon an applicant, the Board of Appeals may grant a variance to these standards. A variance shall not be granted by the Board of Appeals unless and until a written application for a variance has been filed and reviewed by the Board of Appeals in accordance with the provisions of Section 12C.2.a. of the Bridgton Shoreland Zoning Ordinance.

Section 11. Legal Provisions

A. Authority

This Ordinance has been prepared in accordance with the provision of Revised Statutes of Maine, as amended.

B. Title

This Ordinance shall be known and cited as the Willis Brook Aquifer Protection Ordinance.

C. Interpretation

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

D. Conflict within this Ordinance or with other Ordinances.

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provisions of this ordinance or of any other Ordinance, regulation or stature, the more restrictive provision shall control.

E. Separability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

F. Revision(s) to the Ordinance

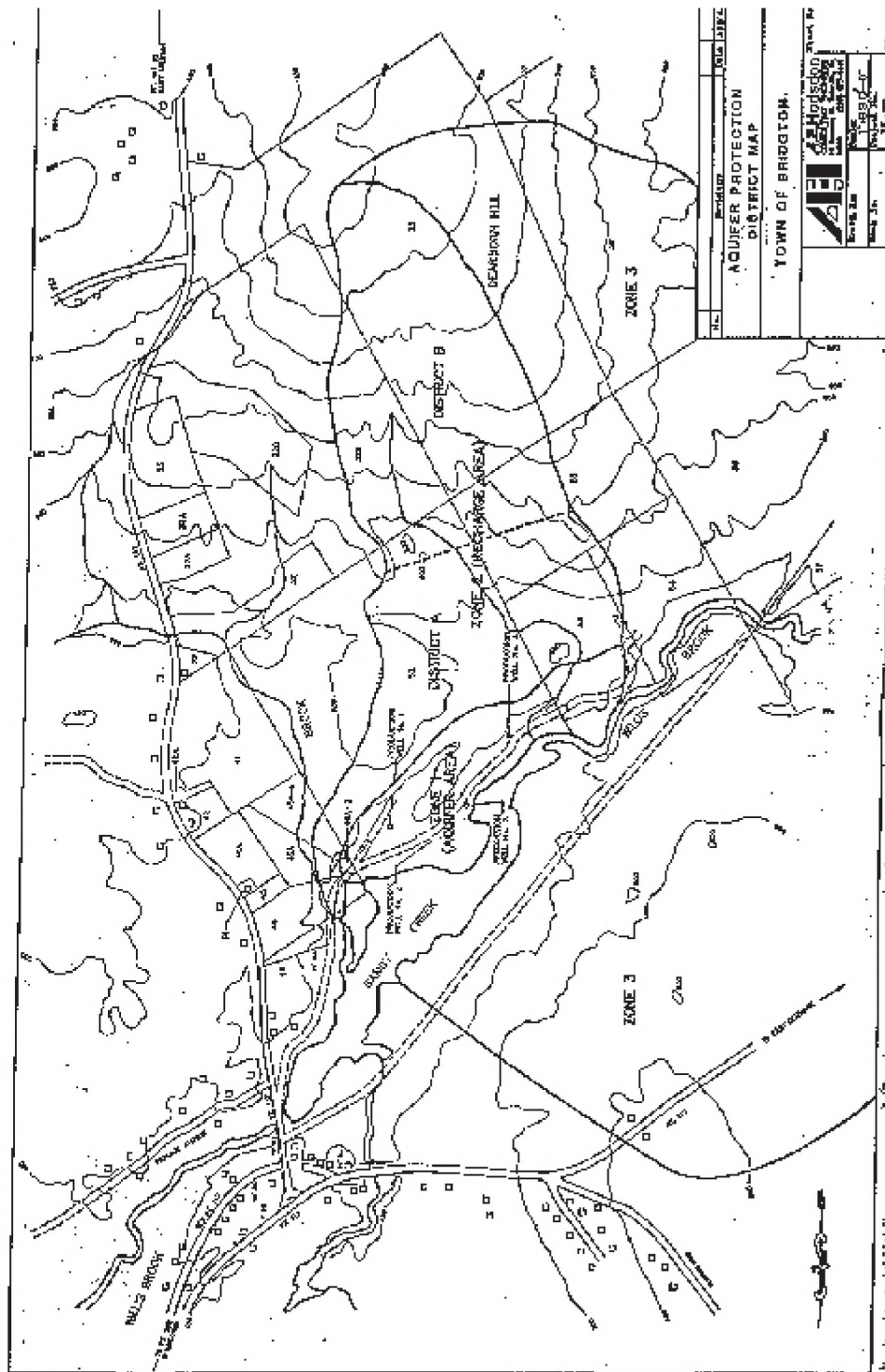
1. This Ordinance may be amended by referendum. Amendments must comply with Title 30A §4352. No changes to the Aquifer Protection Ordinance shall be made until the Planning Board holds a public hearing. Notice must be published at least 2 times in a newspaper of general circulation in the Town of Bridgton. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area. At said hearing, the Planning Board shall hear evidence pertaining to the proposed changes. The Board shall also notify the Harrison Water District at least 14 days prior to the hearing. Within 30 days the Planning Board shall decide whether to recommend to the Board of Selectmen that the proposed changes be placed on the next Annual Town Meeting Warrant.

G. Effective Date

The effective date of this Ordinance is June 10, 1992

Enacted: June 10, 1992

Amended: June 12, 2007, June 10, 2014



DISTRICT AQUIFER PROTECTION DISTRICT MAP TOWN OF BRIDGTON, ME.	
DATE 10-1-82	SCALE 1" = 1 MILE
PROJECT BRIDGTON AQUIFER PROTECTION DISTRICT MAP	
DRAWN BY J. H. HODSDON	
CHECKED BY J. H. HODSDON	
DATE 10-1-82	

TOWN OF BRIDGTON
ORDINANCE CONCERNING WITHDRAWALS
FROM CERTAIN TRUST FUNDS

Commencing on July 1, 2003, withdrawals from the Town of Bridgton Trust Funds and the Moose Pond Land Trust shall not exceed in any fiscal year four per cent (4%) of the average value of the trust over the immediately preceding three year period, the value for each year being as of June 30 of that year as determined by the Selectmen based upon information supplied by the Town auditors.

Enacted: June 10, 2003