

**BRIDGTON PLANNING BOARD
MEETING**

Downstairs Meeting Room

**November 4, 2014
7:00p.m.**

The Bridgton Planning Board was called to order at 7:00p.m. by Steve Collins, Chair. Those in attendance were: Steve Collins, Chair; Fred Packard, Vice Chair; Dee Miller; Brian Thomas; Phyllis Roth, Alternate
Absent were: Michael Figoli; Alternate position vacant.

The Pledge of Allegiance

Appoint Alternate(s) to vote in place of any absent regular member(s), if necessary -

Steve appointed Phyllis Roth, Alternate, to act in the capacity of absent regular member.

Approval of Minutes - October 7, 2014

Fred moved to approve the minutes as presented. Brian 2nd.

5 Approve / 0 Oppose

Approval of Minutes - October 21, 2014

Brian moved to approve the minutes with amendments as discussed.

Phyllis 2nd. 4 Approve / 0 Oppose / 1 Abstain (Dee - not present for meeting)

Old Business

The Estates at Long Lake/Maine Property Investments Inc.

Long Lake/Kansas Road; Map 10 Lot 47

6 Lot Subdivision

Represented by George Sawyer

Steve said does any member feel that they have a conflict in hearing this application or does anyone in the attending public feel that there is a conflict on the Board? Hearing none, we will proceed.

Steve said there were several items that needed to be addressed. A fire protection proposal, construction details of the driveway, driveway construction third party oversight, an analysis of a common drive for lots 1-3, a road agreement for lots 4 and 5, removing lots 4 and 5 for phosphorous purposes.

Mr. Sawyer said note #11 on the plan has been added which states "each new house shall have a residential sprinkle system which meets the Town of Bridgton Fire Protection Ordinance for Subdivisions Only". Steve said how will that trigger review in however long it takes to build the houses? Mr. Sawyer said it will have to be part of the building permit application. Rob Baker, Code Enforcement Officer, said

I will look at the plan prior to issuing a building permit to see what conditions might be on the plan.

Mr. Sawyer said I provided a letter regarding a possible common road for access by lots 1, 2 and 3 which states that if we were to build a common road it would need to be approximately 250' long we actually disturb more area than we do by making three separate driveways. Dee said I am concerned that it might be better to have one driveway. Mr. Sawyer said Jim Kidder, Public Works Director, did not have any comments. I added a note about the clearing of the driveways. Steve said how wide are the driveways? Mr. Sawyer said the entry way is just wide enough to accommodate the driveway, approximately 12-14' wide which is a typical driveway size. There is also construction detail on the plan for the driveways. Mr. Baker said who is the designated individual that is going to make sure the roads or driveways are sufficiently constructed, is it the contractor? Mr. Sawyer said what about someone from Lakes Environmental Association. If they are a certified environmental individual which is what we are trying to accomplish, you don't need to be a "PE", it is more for erosion control and making sure it is graded properly. Steve said can you both work together and submit a name to the Board for consideration?

Mr. Sawyer said I submitted a copy of a road agreement that has been used by this same developer in other projects.

Mr. Sawyer said for the phosphorous I took an area of 1 acre for each of the two existing houses that the house on what was shown as lot 4 has a cleared area of a little more than one acre. The house that exists on lot 5 has considerably less than one acre. Then I took about ½ acre for the driveway that exists and subtracted that amount of allocation from the total and then we are still well under the allocation which meets the guidelines.

Brian moved that the application is complete. Fred 2nd.
5 Approve / 0 Oppose

Steve said does the Board want to hold a Public Hearing on the application? The Board concurred that they do not need a Public Hearing.

Steve said does the Board want to conduct a site walk? The Board concurred that they do not need to conduct a site walk.

The Board reviewed the criteria for compliance of the application with the Town of Bridgton Subdivision Regulations and because the lots are in shoreland the criteria for compliance of the application with the Town of Bridgton Shoreland Zoning Ordinance shall also apply.

The Board reviewed the criteria for subdivisions to establish the Findings of Fact and Conclusions of Law.

As required by Title 30-A ss4404 Review Criteria; “When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:”

1. **Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

- A. The elevation of the land above sea level and its relation to the flood plains;
- 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;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;

The Board concurred that this section has been met

2. **Sufficient Water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

The Board concurred that this section has been met

3. **Existing Water Supply.** The proposed subdivision will not cause unreasonable burden on an existing water supply, if one is to be utilized;

The Board concurred that this section has been met

4. **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results;

The Board concurred that this section has been met

5. **Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the 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;

Dee said I am concerned about the additional highway cuts as an issue that needs to be balanced with the disturbance of land. I am satisfied that this will be o.k. but I know that Kansas Road has had problems in the past. Fred said the road has been redone.

The Board concurred that this section has been met

6. **Sewage Disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized

The Board concurred that this section has been met

7. **Municipal Solid Waste Disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality’s ability to dispose of solid waste, if municipal services are to be utilized;

The Board concurred that this section has been met

8. **Aesthetic, Cultural and Natural Values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or the rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

The Board concurred that this section has been met

9. **Conformity with Local Ordinances and Plans.** The proposed subdivision conforms with duly adopted subdivision regulations or ordinances, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these Ordinances and plans;

The Board concurred that this section has been met

10. **Financial and Technical Capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section;

The Board concurred that this section has been met

11. **Surface Waters; Outstanding River Segments.** 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 unreasonable affect the shoreline of that body of water.

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.

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.

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 4401, Subsection 1, on September 23, 1983.

The Board concurred that this section has been met

12. **Ground Water.** The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;

The Board concurred that this section has been met

13. **Flood Areas.** Based on Federal Emergency Management Agency's Flood Boundary and Floodwater 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 subdivision shall determine the 100-year flood elevation and flood hazard boundaries with the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structure in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

The Board concurred that this section has been met

14. **Freshwater Wetlands.** 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;

The Board concurred that this section has been met

14-A Farmland. 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.

The Board concurred that this section is not applicable

15. **River, Stream or Brook.** 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;

The Board concurred that this section has been met

16. **Storm Water.** The proposed subdivision will provide for adequate storm water management;

The Board concurred that this section has been met

17. **Spaghetti-lots Prohibited.** 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;

The Board concurred that this section is not applicable.

18. **Lake Phosphorus Concentration.** 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

The Board concurred that this section has been met

19. **Impact on Adjoining Municipality.** 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.

The Board concurred that this section is not applicable

20. **Timber.** 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.

The Board concurred that this section has been met

As sited in the Town of Bridgton Subdivision Regulations; Article XIII Design Standards, the subdivision meets or exceeds the following;

1. **Lot Size and Dimensions.** The Board concurred that this section has been met
2. **Monuments.** The Board concurred that this section has been met
3. **Street Signs/Fire Lane Signs.** The Board concurred that this section has been met
4. **Streets.** The Board concurred that this section has been met
5. **Sidewalks.** The Board concurred that this section has been met
6. **Water Supply.** The Board concurred that this section has been met
7. **Fire Protection.** *Steve said is the Fire Department satisfied with the proposed fire protection language? Corin Meehan, Fire Inspector, said yes.* The Board concurred that this section has been met
8. **Sewage Disposal.** The Board concurred that this section has been met
9. **Surface Drainage.** The Board concurred that this section has been met

Phyllis moved to tentatively approve the project as presented conditional upon language consensual between the applicant and the Bridgton Code Enforcement Officer for a qualified individual to oversee the driveway construction. Final judgment is withheld pending review of the Findings of Fact and Conclusions of Law Fred 2nd.

5 Approve / 0 Oppose

The Board reviewed the criteria for compliance of the application with the Town of Bridgton Shoreland Zoning Ordinance.

The Board used the review standards of the Town of Bridgton Shoreland Zoning Ordinance as their guideline in reviewing the application.

1. Will maintain safe and healthful conditions;
2. Will prevent and control water pollution;
3. Will protect fish spawning grounds, aquatic life, bird and other wildlife habitat;
4. Will protect buildings and lands from flooding and accelerated erosion;
5. Will protect archaeological and historic resources;
6. Will protect commercial fishing and maritime industries;
7. Will protect freshwater wetlands;
8. Will control building sites, placement of structures and land uses;
9. Will conserve shore cover and visual as well as actual points of access to inland waters;
10. Will conserve natural beauty and open space;
11. And will anticipate and respond to the impact of development in shoreland areas.

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 any State Law which the municipality is responsible for enforcing.

NOTE: Section 15 "Land Use Standards" of the Town of Bridgton Shoreland Zoning Ordinance shall apply to the proposed application.

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)	#5,000 square feet or #5,000 square feet per bedroom, which ever is greater	0
General Development II District (GDII)	#5,000 square feet or #1,000 square feet per bedroom, which ever is greater*	0

*Wherever situated in whole or in part, the requirements set forth for the General Development II District shall apply.

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.

The Board concurred that this section has been met

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)

The Board concurred that this section is not applicable.

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.

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 District 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.

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.
5. 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.
6. 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)

The Board concurred that this section has been met

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 contracted 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.

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

Section 15. Land Use Standards

G. Parking Areas

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section has been met

Section 15. Land Use Standards

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and General Development 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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

Section 15. Land Use Standards

O. Timber Harvesting

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.

1. Lots in Resource Protection may be harvested in accordance with the following provisions.
 - a. Within a strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 - (1) The ground is frozen;
 - (2) There is no resultant soil disturbance;
 - (3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
 - (4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4½ feet above ground level, are cut in any 10 year period; and a well-distributed stand of trees and other natural vegetation remains; and
 - (5) A licensed professional forester has marked the trees to be harvested and a harvest plan submitted to the Code Enforcement Officer of the Town of Bridgton prior to a permit being issued by the municipality.
2. Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions in all other districts:

- a. A licensed professional forester has marked the trees to be harvested and a harvest plan submitted to the Code Enforcement Officer of the Town of Bridgton prior to a permit being issued by the municipality.
- b. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4½ feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - (i) 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 other water bodies, tributary streams or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - (ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
- c. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high water line of a water body or tributary stream shall be removed.
- d. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - (i) Surface waters are frozen; and
 - (ii) The activity will not result in any ground disturbance.
- e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

The Board concurred that this section is not applicable

Section 15. Land Use Standards

P. Clearing or Removal of Vegetation for Development

- 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).

The Board concurred that this section has been met

Section 15. Land Use Standards

Q. 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".

The Board concurred that this section has been met

Section 15. Land Use Standards

R. 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.

The Board concurred that this section has been met

Section 15. Land Use Standards

S. 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.
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.

The Board concurred that this section has been met

Section 15. Land Use Standards

T. 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.

The Board concurred that this section has been met

Section 15. Land Use Standards

U. 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.

The Board concurred that this section has been met

Fred moved to tentatively approve the project as presented and submitted but withhold final judgment pending review of the Findings of Fact and Conclusions of Law. Brian 2nd. 5 Approve / 0 Oppose

Steve said the one condition on the Subdivision Regulations is the applicant's agent and Mr. Baker determine an agreeable definition of competent oversight for the driveway construction and there are no conditions on the Shoreland Zoning Ordinance.

New Business

James Burke and Joan Wilson
18A Depot Street; Map 23 Lot 134
Full Service Restaurant
Represented by James Burke

Steve said does anyone on the Board have a conflict of interest with respect to the application? There were none.

Steve said does anyone feel that any member feel that any other member have a conflict? There were none.

Steve said does any member of the public feel that a Board member has a conflict? There were none.

Mr. Burke said we have an opportunity to purchase a building on Depot Street to operate a small full serve Italian restaurant.

Steve said does the Board feel that the application is complete? The Board concurred that the application is complete.

Steve said we have received a letter (copy attached) from an abutter concerning a previously approved application for a business on Depot Street. The subject of the letter raises concern for annoying noise and smoking on the abutting property. I think this is a matter for the Board of Selectmen and/or the Bridgton Police Department and that the Planning Board does not have jurisdiction over the issues raised.

Steve said are you proposing any changes to the structure? Mr. Burke said no.

Phyllis said are you proposing any outside seating? Mr. Burke said possibly in the future between the Tap House and our building we are considering a brick patio.

Brian said there is a sidewalk being installed as part of the revitalization to Depot Street. Is there a new sidewalk planned for that side of the street? Anne Kreig, Economic and Development Director said yes. Brian said Jim Kidder, Public Works Director, on his impact statement wanted to know where the dumpsters were going to be located and how the rubbish company was going to get over the sidewalk as well as deliveries. Mr. Burke said I am not sure, I knew there was going to be a revitalization but I was unaware of the new sidewalk. Is there going to be a "cut" there or not? Ms. Kreig said no curb cuts were planned, it is just going to be one long continuous sidewalk beginning from 8 Depot Street, property owned by Main Eco Properties LLC, to just before the bridge. Fred said I am not sure if you can deny property owners access to their backyard. Do they put the dumpster in the road and deliveries in the road? Brian said I have seen deliveries made curbside. Dee said I assume you need to have truck access to maintain the dumpster but would it be possible to allow a small ramp and would that disturb the curb? Ms. Krieg said I don't think so. Mr. Burke said I would assume the dumpster company would be able to figure something out because they are in more difficult places than this. We could get a smaller dumpster on wheels.

Brian said what are your plans for parking? Mr. Burke said we will use the public parking lot across the street.

Brian said will there be outside lighting? Mr. Burke said yes on the sign.

Brian said any other exterior lighting? Mr. Burke said yes off the front at the entrance.

Phyllis said sometimes restaurants that use fryers omit odors, will there be a trap to prevent odors? Mr. Burke said newer hood systems

do have a better quality of filtration, however, it will not prevent all of it. We are not planning a lot of frying. Brian said do we need a letter from the Bridgton Water District that there is sufficient water available for the restaurant? Steve said I didn't see a letter from the Water District but this is not an extraordinary application for large quantities of water.

Chuck Renneker, property owners, said the Burkes provided information on other restaurants which only had a use of 750 vs. the state requirements of 1800, they asked for 900 and since I am owner of the property I made the application which was approved by the Sewer Committee and Board of Selectmen. Steve said do we have that documentation in our packets? Mr. Baker said I did add to my impact statement that you would need a 750 grease interceptor/trap. I requested a 1,500 gallon tank, however, there is an existing 1,000 gallon septic tank so I confirmed with George Sawyer that a smaller tank would be sufficient. Brian said is there sufficient room on the property to add the additional tank? Mr. Renneker said yes. Steve said in our packets there are minutes from the Wastewater Committee of their meeting from October 16, 2014 stating that "(2) Depot Street Investments LLC (Chuck Renneker) has applied again for 900 gals for 18A Depot Street for restaurant. The reduced amount (from former application) of gals needed is supported by records for similar restaurant operation. Chuck spoke to the process which brought the required gals down. Lucia moved, Dave 2nd to recommend the BOS grant the allocation with verification of grease trap and tank size required. Committee voted in favor 5-0. (3) In discussion of the above, the motion was made by Ray, 2nd by Jim, that payment for sewer allocation become due upon submission of entire application to Planning Board, and be administered in accordance with existing procedures for fees. Committee voted in favor 5-0". Steve said we can look upon this as an agreement between the Wastewater Committee and the Board of Selectmen or we can include this as a condition. Mr. Renneker said at the last Wastewater Committee they have made recommendation to the Board of Selectmen to change the manner in which payments are made for sewer allocation and that is going to be before the Board of Selectmen on November 8, 2014. I have no problem with the Board making that a condition but it may be revised. Steve said we don't administer the sewer system and we can just acknowledge that the question exists and let those two Boards make a determination. Brian said we have a recommendation from the Board. Mr. Zaidman said there is a proposal but I don't believe they will be able to take any action because it is a workshop on November 8, 2014. Currently, as you read the Wastewater Committee did make a recommendation to the Board of Selectmen that any applications coming in would be treated the same as your applications which requires monies for an application be submitted with the application and if it was not approved the money would be returned to the applicant but I don't know when it becomes effective. Mr. Renneker said in this particular case the application was submitted to the Planning Board before this new payment

requirement was put in place. Mr. Zaidman said that is true but in the Ordinance there was no place as to when a payment would be due so they asked that we make recommendations. Steve said would they be willing to make the fee payment before we grant final approval of the application. Mr. Burke said it is still uncertain. Dee said it does not seem reasonable to hold an applicant to a standard that has not been adopted. Steve said we can make the application conditional upon satisfactory compliance with the Wastewater Committee. Mr. Zaidman said the Board of Selectmen are the Sewer Commissioners the Wastewater Committee can only make recommendations. Dee said it should be dated as of this date, I don't think you can hold someone responsible for a pending policy. Mr. Zaidman said it is not pending, the Board of Selectmen passed it the other night. Dee said then it is the existing procedure? Mr. Zaidman said they accepted the recommendation but did not say when it would become effective. Steve said we might want to consider that it is conditional upon payment of a fee agreeable to the Sewer Commissioners.

Steve said does Cornshop Brook require the Board to review the project under the Shoreland Zoning Ordinance also? Mr. Baker said Cornshop does not but Stevens Brook and Willett Brook join so you would need to.

The Board reviewed the criteria for compliance of the application with the Town of Bridgton Site Plan Review Ordinance and because the property is in shoreland the criteria for compliance of the application with the Town of Bridgton Shoreland Zoning Ordinance shall also apply.

Brian said are you planning on any entertainment? Mr. Burke said not at the moment. Steve said that would go to the Board of Selectmen for an entertainment license? Mr. Baker said if they say that they are not having entertainment and in the future they decide to they need to come back to the Planning Board for approval.

Glen Zaidman, Citizen, said to comply with ADA compliance how is someone supposed to get a wheelchair to the facility if there are no curb cuts? Ms. Krieg said the curb cut would be going into the building not to the drive. Mr. Baker said there are also planned crosswalks. Ms. Krieg said there are three cross walks with one right in front of the Community Center, one in front of Reny's and one in front of property owned by Main Eco Properties LLC so there will be three opportunities. When we met with the property owners the only way we could do a sidewalk on that side of the street was to have it be a continuous sidewalk with crosswalks only.

Brian said what are your plans for the second floor? Mr. Burke said in the future we are considering offices. Brian said anything required with the fire department? Steve said that would be a

significant enough change it would need to come back to the Planning Board for further review.

Brian said your letter states it is dining for 30 people dining and 18 at the bar, however, your plan shows 25. Mr. Burke said that is a typo it is 48.

Brian said Section 15.I of the Town of Bridgton Shoreland Zoning Ordinance requires signs no greater than 6 square feet in area in the General Development Districts. Mr. Baker said the property is located in the GD I district. Fred said this provision was not intended for Depot Street but for the GD I district on Main Street. Brian said can we issue a variance? Mr. Baker said no they would need to submit an application to the Appeals Board. Mr. Zaidman said what about the newer signs that have been installed. Mr. Baker said they are probably in violation of the Ordinance. Mr. Burke said we are planning a 5x3 sign. Fred said that is 15sf but you have a curved sign so it is probably on 9sf in area. Mr. Burke said we will have two signs not exceeding 6sf, it doesn't matter if they are stuck together as long as they are 2 signs.

The Board reviewed the criteria for Site Plan to establish the Findings of Fact and Conclusions of Law.

As stated in Section 8 Review Standards of the Site Plan Review Ordinance, "standards presented in the Site Plan Review Ordinance 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 the abutting properties and the character of natural surroundings; promote intelligent, attractive and useful design; ensure economic investment and vitality; anticipate future growth".

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. After construction is complete, landscaping shall be designed and planted that will 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.

The Board concurred that this section has been met

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 exceed 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 compatible roof line, dormers, compatible windows, doors and trim;
- d. Have exterior of wood, stone, brick, or other material having the same architectural and visual properties;
- e. Present minimal disruption to such natural features as slope, soil type and drainage ways;

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

4. Parking and Circulation: The design of vehicular and pedestrian circulation areas including walkways, interior drives and parking areas shall be safe and convenient. Pedestrian, private vehicle and service traffic, including loading areas and general parking areas, shall be separate and not detract from the proposed building or from neighboring properties. 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. 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 business.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

6. Applicants shall be required to meet any and all state and local regulated setbacks from all applicable vehicle rights of way and in addition shall be no closer than 25' from pavement or traveled 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 Section 9B. and 9B.1 are exempt from this section.

The Board concurred that this section has been met

7. Existing Utilities: The development shall not impose an unreasonable burden on public utilities.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

11. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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 subsoils, and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land 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.

The Board concurred that this section is not applicable

14. Protection Against undue air pollution: The applicant shall consult federal and state authorities to determine applicable air quality laws and regulations, and furnish evidence of compliance to the Board.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

16. Protection against unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

The Board concurred that this section has been met

17. Provision for adequate sewage waste disposal.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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 unreasonable affect the shoreline of such body of water, and will be in compliance with the Shoreline Zoning Ordinance of the Town of Bridgton.

The Board concurred that this section has been met

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 feet above the ground surface.

Sound Pressure Level Limit

7a.m. – 8p.m. 8p.m. – 7a.m.

70 dB (A) 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.

The Board concurred that this section has been met

21. Conformance with Comprehensive Plan for the Town.

The Board concurred that this section has been met

22. ADA Compliance. All new construction and substantial enlargements or renovations of existing buildings as defined in the Site Plan Review Ordinance, requiring a permit, shall adhere to all applicable sections of the American's with Disability Act (ADA).

The Board concurred that this section has been met

23. Location in Flood Zone: The subdivider 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 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 foot above the 100 year flood elevation.

The Board concurred that this section has been met

24. Proof that the applicant has adequate financial and technical capacity to meet the above standards.

The Board concurred that this section has been met

25. Large Scale Water Extraction.

The Board concurred that this section is not applicable

26. Surface and Subsurface Mineral Extraction Applications.

The Board concurred that this section is not applicable

Fred moved to tentatively approve the project as presented and submitted conditional upon a dumpster on rollers for ease of disposal and the fee for the sewer allocation satisfactory to the Sewer Commissioners of the Town of Bridgton but withhold final judgment pending review of the Findings of Fact and Conclusions of Law.
Brian 2nd.

Dee said I am concerned with the amount of food waste that might be generated because the facility and dumpster are small. Mr. Burke said we plan on composting all of the vegetable matter and making arrangements with someone who can use it and a smaller dumpster just means more frequent trips to the dump.

Steve called for a vote to the motion. 5 Approve / 0 Oppose

Dee said I am not sure we should specify a rolling dumpster because it might be too specific. Mr. Burke said it could be rolling garbage cans.

Dee moved to reconsider the original motion specifically the dumpster on rollers. Brian 2nd. 5 Approve / 0 Oppose

Mr. Zaidman said you are putting a stipulation on how someone is going to dispose of their trash. If it is piled up creating a hazard the Code Enforcement Officer will need to contact them because it is a violation. The restaurant is responsible for the disposal of their wastes generated, why are you telling them they need to have a dumpster, do you tell all the other businesses they have to have a dumpster? Brian said it was included in their application and we are just addressing what was stated in their application. Mr. Zaidman said maybe they should retract their statement and say they are going to take care of the trash because they did not know about the non-existent curb cut.

Phyllis said what is the facility next door doing who is also generating waste of this type? Mr. Burke said she takes it to the dump. Brian said it is limited as to what she serves. Phyllis said she is still doing it.

Fred moved to tentatively approve the project as presented and submitted conditional upon a dumpster on wheels or any equivalent functional trash receptacle. Dee 2nd. 5 Approve / 0 Oppose

The Board used the review standards of the Town of Bridgton Shoreland Zoning Ordinance as their guideline in reviewing the application.

1. Will maintain safe and healthful conditions;
2. Will prevent and control water pollution;
3. Will protect fish spawning grounds, aquatic life, bird and other wildlife habitat;
4. Will protect buildings and lands from flooding and accelerated erosion;
5. Will protect archaeological and historic resources;
6. Will protect commercial fishing and maritime industries;
7. Will protect freshwater wetlands;
8. Will control building sites, placement of structures and land uses;
9. Will conserve shore cover and visual as well as actual points of access to inland waters;
10. Will conserve natural beauty and open space;
11. And will anticipate and respond to the impact of development in shoreland areas.

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 any State Law which the municipality is responsible for enforcing.

NOTE: Section 15 “Land Use Standards” of the Town of Bridgton Shoreland Zoning Ordinance shall apply to the proposed application.

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)	#5,000 square feet or #5,000 square feet per bedroom, which ever is greater	0
General Development II District (GDII)	#5,000 square feet or #1,000 square feet per bedroom, which ever is greater*	0

*Wherever situated in whole or in part, the requirements set forth for the General Development II District shall apply.

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.

The Board concurred that this section has been met

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)

The Board concurred that this section is not applicable.

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.

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 District 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.
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.
5. 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.
6. 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)

The Board concurred that this section has been met

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 contracted 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.

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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

The Board concurred that this section has been met

Section 15. Land Use Standards

G. Parking Areas

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

Section 15. Land Use Standards

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and General Development 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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

Section 15. Land Use Standards

O. Timber Harvesting

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.

1. Lots in Resource Protection may be harvested in accordance with the following provisions.

a. Within a strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

(1) The ground is frozen;

(2) There is no resultant soil disturbance;

(3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;

(4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4½ feet above ground level, are cut in any 10 year period; and a well-distributed stand of trees and other natural vegetation remains; and

(5) A licensed professional forester has marked the trees to be harvested and a harvest plan submitted to the Code Enforcement Officer of the Town of Bridgton prior to a permit being issued by the municipality.

2. Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions in all other districts:

a. A licensed professional forester has marked the trees to be harvested and a harvest plan submitted to the Code Enforcement Officer of the Town of Bridgton prior to a permit being issued by the municipality.

b. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4½ feet above ground level on any lot in any ten (10) year period is permitted. In addition:

(i) 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 other water bodies, tributary streams or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

(ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

c. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high water line of a water body or tributary stream shall be removed.

d. Timber harvesting equipment shall not use stream channels as travel routes except when:

(i) Surface waters are frozen; and

(ii) The activity will not result in any ground disturbance.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

The Board concurred that this section is not applicable

Section 15. Land Use Standards

P. Clearing or Removal of Vegetation for Development

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).

The Board concurred that this section is not applicable

Section 15. Land Use Standards

Q. 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".

The Board concurred that this section has been met

Section 15. Land Use Standards

R. 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.

The Board concurred that this section has been met

Section 15. Land Use Standards

S. 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.
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.

The Board concurred that this section has been met

Section 15. Land Use Standards

T. 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.

The Board concurred that this section has been met

Section 15. Land Use Standards

U. 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.

The Board concurred that this section has been met

Fred moved to tentatively approve the project as presented and submitted conditional upon two 6sf signs but withhold final judgment pending review of the Findings of Fact and Conclusions of Law.

Brian 2nd. 5 Approve / 0 Oppose

Approved Applications as per Bridgton Site Plan Review Ordinance 4.A.1

- A. Flowerbed Farms Antiques
221 Middle Ridge Road; Map 19 Lot 34C
Residence/Antique and Flower Shop/Retail

- B. Bridgton Public Library
1 Church Street; Map 23 Lot 145
Parking Lot Renovations

Dee said our Site Plan Review Ordinance requires using landscaping to soften or define off-street parking areas and I was wondering if there were plans for them to do that? Ms. Fleck said this application was reviewed as a Department Review not Planning Board. You receive these applications as an FYI only.

Topics for Discussion

A. Schedule Workshop/Meeting to Continue Discussion of Ordinance/Regulation Revisions

Fred moved to schedule a workshop/meeting for November 18, 2014 at 7:00p.m. to continue review of Ordinance/Regulations revisions.
Brian 2nd. 5 Approve / 0 Oppose

B. Other/Miscellaneous

Mr. Zaidman said all the Boards and/or Committees should have a workshop meeting as to how **information is transferred from one Board or Committee** to another. Steve said we will have staff take your suggestion to one of their meetings to discuss.

Steve said assuming passage of the **Comprehensive Plan** a workshop should be scheduled to go through the action items so they can be worked on. Mr. Zaidman said the Board of Selectmen has already discussed forming an **Implementation Committee**.

Fred moved to adjourn the meeting at 8:45p.m. Brian 2nd.
5 Approve / 0 Oppose

Respectfully Submitted,

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton