

**BRIDGTON PLANNING BOARD  
MEETING**

**Downstairs Meeting Room**

**January 5, 2016  
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; Brian Thomas; Dee Miller; Phyllis Roth, Alternate; Catherine Pinkham, Alternate. Absent were: Michael Figoli.

**The Pledge of Allegiance**

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

Steve appointed Catherine Pinkham, Alternate, to act in the capacity of absent regular member.

**Approval of Minutes - December 1, 2015**

**Brian moved** to approve the minutes with the revision as discussed. Fred 2<sup>nd</sup>. 5 Approve / 0 Oppose

**Approval of Minutes - December 15, 2015**

**Brian moved** to approve the minutes as presented. Dee 2<sup>nd</sup>. 5 Approve / 0 Oppose

**Old Business**

**Daniel Carroll/Bridgton Automotive**

**721 Portland Road; Map 6 Lot 27A**

**Revision to Site Plan of Development**

**Represented by Daniel Carroll**

**Review and Accept Findings of Fact and Conclusions of Law**

Steve said at the Board's request Ms. Fleck has prepared written Findings of Fact and Conclusions of Law with respect to the Carroll Application. The draft decision has been distributed to the Board. The Planning Board is tasked with approving or approving with conditions an application if we affirmatively find, based on information presented, that the application meets the standards set forth in Article VII of the Town of Bridgton Site Plan Review Ordinance. The applicant has the burden of establishing by demonstrable evidence that the application and project is in compliance with the requirements of the Ordinance.

Are there any questions or proposed revisions that the Board wishes to make to the Findings of Fact or Conclusions of Law in the Draft Decision?

Steve said on page 1 paragraph 3 "time" should be plural.

**Fred moved** to approve the Findings of Fact as amended by the Board for Bridgton Automotive subject to the conditions set forth in the document. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

**New Age Builders**

**527 Portland Road; Map 6 Lot 4A**

**Medical Marijuana Cultivation**

**Represented by James E. Messer Jr.**

**Tabled November 3, 2015 and December 1, 2015**

Steve said we received a memorandum from Rob Baker, Code Enforcement Officer, requesting the Board table the application (see attached).

**Fred moved** to table the application to February 2, 2016. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

**James Apovian III**

**18 Depot Street; Map 23 Lot 134**

**Relocation of Cigar Lounge from 28 Main St. to 18 Depot St.**

**Represented by James Apovian III**

**Tabled December 1, 2015**

Steve removed the application from the table to continue discussion.

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

Steve said are there any rules and regulations from the State regarding smoking within a certain proximity of a restaurant? Mr. Apovian said the only guideline that the state has is there must be a 20' away from any outdoor restaurant or café which we will be well within that guideline from the state.

Steve said are you o.k with respect to the Tap House's back deck? Mr. Apovian said yes, we don't have a deck of our own and we will be operating more as a retail shop than a lounge.

Phyllis said am I to understand that you will not have people smoking cigars? Mr. Apovian said we would be more likely to during the evening hours, when the Tap House's back deck is open, we won't be able to have cigars there but during the day before they open if someone chooses they may but only indoors.

Phyllis said do you have provisions to clear the air of second hand smoke? Mr. Apovian said I have two large air handlers that are currently used. The square footage of this shop is 865 sf and the handlers are adequate for up to 1,200sf.

Dee said I didn't see anything about a fire exit from the second floor? Mr. Apovian said there is a separate entrance to access the

second floor. Dee said is that the only entrance or can you get downstairs from the second floor. Mr. Apovian said that is the only entrance and it is my understanding that anything under 1,000sf does not need a second form of egress but I will confirm that. Dee said are you going to have fire extinguishers? Mr. Apovian said yes. Mr. Baker said it does not require a second form of egress.

Brian said on the impact statement we received from Glen Garland, Fire Chief, he wanted a plan for disposal of ashes and cigar butts from the building and provide an address on front of building per the Town of Bridgton's addressing ordinance. Mr. Apovian said we let the ashes go out in the ash tray and then I have a metal container that we fill with water to put the ashes in and then they are disposed of properly.

Brian said we did not receive a lease agreement from the applicant showing that you have a legal right, title or interest to the property. Mr. Apovian said I did not submit that until we completed this process. Steve said we can make that a condition of approval.

Brian said we also need a statement of financial and technical capability. I know that you are not doing anything to the building because you are leasing the premises. Mr. Apovian said we have been operating this type of business for approximately 5 years, we are only relocating the business.

Brian said this also comes under shoreland zoning so we would need to review this application under that ordinance also.

Brian said shoreland zoning has restrictive standards when it comes to signs. The structure itself is only allowed to have two 6sf size signs (total size) and the signs existing are probably over 6sf. Mr. Apovian said I was not aware of that standard but I will comply with the restrictions and put a sign on the window.

Dee said in the evening will there be smoking outside? Mr. Apovian said we do not have an outside area. Dee said so you will be open at night? Mr. Apovian said yes, we are within the state guidelines as far as the restaurant goes plus we are enclosed because we are not outside and I have smoke handlers to take care of the smoke.

Mr. Apovian said I have checked with both state alcohol and tobacco to confirm the restrictions and their only restriction is that I have a separate entrance. Dee said so your customers can not travel from the Tap House to your establishment? Mr. Apovian said that is correct.

Phyllis said what about noise? Mr. Apovian said my business is very low-key, there is no loud music, there is a television which is rarely watched, it is mostly conversation between patrons. One time we had live music and that was to celebrate my one year anniversary.

Brian said what are your hours of operation? Mr. Apovian said currently I am closed Sunday and Monday, open Tuesdays and Wednesdays from 10:00a.m. to around 6:00p.m. and Thursday, Friday and Saturday's from 10:00a.m. to around 9:00p.m. Obviously being in a new space I will probably maintain those same hours but may change accordingly.

Brian said in your letter you stated that you would not be serving alcohol. Mr. Apovian said that is correct. Brian said can someone go into the Tap House and take a drink from there to your establishment? Mr. Apovian said no.

Brian said has the sewer capacity been reviewed and approved? Mr. Baker said yes.

Mr. Baker said for ADA compliance it comes under the existing building code. To remodel the building you have to use 20%, so it takes \$10,000 to remodel the building and 20% of that would be \$2,000.00 to put in an elevator if possible which you cannot do for that amount of money. So the owner of the building has concurred to install a handicap accessible bathroom upstairs for to comply with the ADA requirement and the approximate remodel fee of \$2,000.00.

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

As stated in Article VII 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. Landscaping shall be incorporated into the final plan and shall be designed and planted in such a way that shall define, soften or screen off-street parking areas from the public right of way and abutting properties, will enhance the physical design of the building and site and will minimize adverse impact on neighboring land uses. Invasive plants shall not be used in any landscaping project.

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 to exceed thirty-five (35) feet in height measured from the ground or rise in sight above the Main Street church steeple;
- c. Be of compatible architectural style, incorporating features such as, but not limited to, simple rectangular shape, gable roof or other traditional compatible roof line, dormers, compatible windows, doors and trim;
- d. Include as an integral element of design varying roof lines, awnings and canopies above windows or doors and other architectural elements to reduce bulk or scale of buildings. Designs shall seek to eliminate unadorned or blank walls through use of varying architectural elements, windows or other reflective surfaces. The Planning Board shall consider the use, location and surroundings of the structure when determining the appropriateness of the building's façade.
- e. Have exterior of wood, stone, brick, or other material having the same architectural and visual properties;

f. Present minimal disruption to such natural features as slope, soil type and drainage ways;

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. Applicants shall make all reasonable efforts to incorporate shared driveways, providing primary access to adjacent properties, reducing curb cuts on the main road.

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 and promote clearly delineated traffic patterns for pedestrian, private vehicle and service use.

a. Loading areas and general parking areas shall be separate and not detract from the proposed building or from neighboring properties.

b. Parking lots serving multiple establishments or providing general off street parking are strongly encouraged. Applicant must provide adequate turning capacity for all public safety vehicles.

c. New construction, substantial enlargements or adaptive reuse of existing buildings subject to Planning Board review shall be required to provide adequate parking for employees and customers.

d. Applicants may satisfy parking requirements by entering into a written agreement with another property owner or through the utilization of municipal parking lots allowing for overnight and winter parking. The applicant must demonstrate to the Planning Board a long term lease or other arrangement within close proximity of the proposed development site. The lease or other arrangement must have a duration of at least five (5) years plus two consecutive five (5) year automatic renewal periods. The Planning Board shall have the ability to determine if alternative agreements or use of public lots is sufficient to address the needs of the proposed development.

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. The applicant shall be restricted from building any non-impervious development within the setback area. This shall not restrict the construction of vehicular or pedestrian entrances to and exits from the property. Applications subject to dimensional requirements set forth in Article XI Section 2 and Section 2.a through 2.b are exempt from this section.

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.

Brian said we need to know where the sign will be placed. Steve said we might want to make that a condition.

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 subsoil's, and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluents; the aquifers and aquifer recharge areas; the existence of streams and surface runoff characteristics; cumulative impact of increased phosphorus loading to lakes; and the applicable federal, state and local laws, ordinances, codes and regulations.

b. The proposed development will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

The Board concurred that this section has been met

14. Protection Against Undue Air Pollution: The applicant shall consult federal and state authorities to determine applicable air quality laws and regulations, and shall furnish evidence to the Planning Board of compliance with the required consultation.

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 will not 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 unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland 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 (4) 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 this 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 sub divider shall determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the proposed development in whole or part, is in a flood prone area. If the proposed development, or any part of it, is in such an area, the applicant shall determine the one hundred (100) year flood elevation and flood hazard boundaries within the development. The proposed development plan shall as a condition of site plan approval assure that principal structures on lots in the subdivision shall be constructed with their lowest floor, including basement, at least one (1) foot above the one hundred (100) year flood elevation.

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.

Steve said we should make this a condition for submittal of the additional information

The Board concurred that this section has been met

25. Special Regulations

a. An institutional use requiring federal, state and or local licensing shall obtain such license before a Conditional Use Permit is granted by the Planning Board.

b. The applicant shall furnish the Planning Board detailed information relating to projected numbers and types of clients; planned and projected numbers of staff and duties, so that the Planning Board can determine the availability of necessary Town services.

c. The Planning Board, as a condition of approval, may require assurances or bond to protect the health, safety and general welfare of the community.

d. All residential child care and/or educational institutions and/or facilities shall comply with Rules for the Licensure of Residential Child Care Facilities as adopted by the Department of Mental Health and Mental Retardation, Department of Educational and Cultural Services, Bureau of Mental Health and Bureau of Instruction.

e. Any industrial use which is found by the Planning Board to constitute a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance shall be expressly prohibited. No such finding shall be made by the Planning Board until after a public hearing has been held.

f. Any outdoor storage of articles, supplies, and materials shall not be within the required setback and shall be screened from view of abutting residential property owner or streets by a solid wall or vegetative hedge.

The Board concurred that this section has been met

26. Dimensional Requirements

1. Lots and structures for residential-institutional, industrial, commerce and commercial uses, shall meet the following standards where applicable.

Minimum road frontage	100 feet
Minimum front setback from edge of ROW	25 feet
Minimum side and rear setback	20 feet
Minimum shoreland setback	Refer to Town of Bridgton Shoreland Zoning Ordinance

a. All structures in the Village Center District shall meet the following standards (See Downtown Site Plan District Map).

Minimum side and rear setback	2 feet
Minimum front setback from edge of ROW	0 feet

b. On any parcel that is 20,000sf or greater within the Village Center District (See Village Center District Map) at least 25% of the portion of the building which fronts on any street shall be used for retail, office, business or professional use. Home occupations and usual appurtenant uses associated with the building are exempt from this provision. Notwithstanding the provisions of 1 MRS §302, and regardless of the date on which it is approved by the Town, this Article XI Section 2.1.b shall be retroactive to February 20, 2012 and shall be applicable to any and all applications for permits or approvals required under the Site Plan Review Ordinance that were or have been pending before any officer, board, or agency of the Town of Bridgton on or at any time after February 20, 2012. The Reviewing Authority may modify or waive the 25% minimum requirement when it determines that one of the following factors is applicable.

- a. Special circumstances of the site;
- b. building placement;
- c. building design;
- d. building use;
- e. surrounding building placement; or
- f. surrounding building uses.

The Board concurred that this section has been met

27. Large Scale Water Extraction

The Board concurred that this section is not applicable

28. Surface and Subsurface Mineral Extraction Applications

The Board concurred that this section is not applicable

The Board reviewed the criteria for Shoreland Zoning establish the Findings of Fact and Conclusions of Law.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

**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 Governmental, Institutional, Commercial or Industrial Per principal structure	50,000	200
Public and Private Recreational Facilities	60,000	300
General Development I District (GDI)	40,000	200
	#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 is not applicable

**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 has been met

## **Section 15. Land Use Standards**

### **B. Principal and Accessory Structures**

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 there of, 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.

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**

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 is not applicable

**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**

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:

- Mulching and revegetation of disturbed soil.
- Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
- 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:

- 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 is not applicable

## **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 is not applicable

## **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 not applicable

**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 is not applicable

**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 is not applicable

Steve said we have received a correspondence in support of the project from Ingrid M. Wildhage (copy attached) along with some cookies. I want the record to show that I will make them available to the Board and the public so we can maintain our unbiased review of the application.

**Fred moved** to tentatively approve the project as presented and submitted conditional upon submittal of a lease agreement with the property owner and review and approval of the signage with the Code Enforcement Officer to comply with the Town of Bridgton Sign Ordinance and Town of Bridgton Shoreland Zoning Ordinance but withhold final judgment pending review of the findings of fact and conclusions of law. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

Carry Castleman-Ross said I am the property owner and I am thrilled to be standing here three years after you accepted my proposal for the building and I am so excited about what has happened on Depot Street. Mr. Apovian and I have discussed a verbal lease agreement but I did not finalize it on paper because everything was pending Planning Board

approval. I can submit that tomorrow. Whoever my second floor tenant is I want to be able to offer them signage, not just in the window, so I will take it upon myself to work that through.

### New Business

**Pleasant View Estates Phase II/Ronald and Rosemary Leonard  
50 Aspen Drive; Map 12 Lot 58-10  
Revision to approved Subdivision  
Represented by Ronald Leonard**

Mr. Leonard said we are selling our house and when the mortgage inspection was done by the buyer it was discovered that part of the garage encroaches into the meadow buffer which is delaying the sale of the property. Our property is 5.5 acres and we are well away from the property lines. We contacted Jon Bliss, surveyor, to confirm that we were encroaching into the buffer and to resolve the encroachment by changing the meadow buffer and give back twice as much of an area which would be more beneficial by a wetland in the back of the property. The meadow buffer is there to protect the eastetics of the property.

Steve said the plot plan prepared by Mr. Bliss shows some contour lines but they are not identified, therefore, what is the slope like with respect to the new meadow buffer you are offering? Mr. Leonard said it is level where we are but where the new buffer is proposed has more of a slope.

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;

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 is not applicable

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 is not applicable

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 is not applicable

As sited in the Town of Bridgton Subdivision Regulations; Article X 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.** 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

**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 2<sup>nd</sup>. 5 Approve / 0 Oppose

Eileen Rounds said I am assisting the Leonard's in facilitating the sale of the property. Our time is of the essence with the sale of the property and my understanding was that the Department Heads have already reviewed the application so why does it need to come back before you? Steve said Ms. Fleck has to write up Findings of Fact and Conclusions of Law for the Board to review and approve as procedural step that we need to do. We are planning on a workshop/meeting later this month. Dee said do you have a closing date scheduled? Ms. Rounds said the original date was December 8<sup>th</sup> but the buyer agreed to extend it to later this month pending review by the Planning Board.

**Ovide Corbeil/Ovides Used Car Sales and Service  
730 Portland Road; Map 6 Lot 24G  
Used cars and service**

Steve said recently Mr. Corbeil's business suffered a significant loss due to a structure fire. We have a memo from Mr. Baker (copy attached) requesting the Board waive the requirement to come before the Planning Board and allow Departmental Review of his proposal to rebuild the business. We had a recent situation this past summer with Vivo Restaurant on Depot Street and we granted a waiver.

**Fred moved** to waive the requirement of Planning Board review and allow Department Review. Brian 2<sup>nd</sup>.

Brian said will the new structure comply with all the current Ordinances as well as the current building code? Mr. Baker said yes.

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

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

None

**Topics for Discussion**

A. Schedule Workshop/Meeting

**Brian moved** to schedule a workshop/meeting on January 19, 2015 at 7:00p.m. for the purpose of reviewing Ordinance/Regulation Revisions and to review the Findings of Fact and Conclusions of Law for Pleasant View Estates Phase II. Fred 2<sup>nd</sup>. 5 Approve / 0 Oppose

B. New/Revised MMA Planning Board Manual for your notebooks.

Brian said in the new manual there is a section on Planning Board members attending an Appeals Board meeting and it is encouraged as well as the

Appeals Board members questioning the Planning Board members during the process.

C. Other

Dee said with the Board's approval I have **met with another Planning Board member to come up with proposed revisions to the Sign Ordinance** which we would like to submit for the Board to consider. Steve said that would be fine as long as it does not become a meeting outside of a regular board meeting.

**Fred moved** to adjourn the meeting at 7:55p.m. Catherine 2<sup>nd</sup>.

5 Approve / 0 Oppose

Respectfully Submitted,

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Georgiann M. Fleck, Deputy Town Manager  
Town of Bridgton