

**TOWN OF BRIDGTON  
SUBDIVISION REGULATIONS**

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**TOWN OF BRIDGTON  
SUBDIVISION REGULATIONS**

**ARTICLE I. PURPOSE**

**SECTION 1. Standards**

The purpose of these Standards shall be to assure the comfort, convenience, safety, health and welfare of the people; to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Bridgton, Maine, the Planning Board shall evaluate the proposed subdivisions using the following criteria:

1. Will not result in undue water or air pollution. In making this determination, the Planning Board shall at least consider:

a. The elevation of the land above sea level and its relation to flood plains; (3/2004)

b. The nature of soils and subsoils and their ability to adequately support waste disposal;

c. The slope of the land and its effect on effluents; and

d. The availability of streams for disposal of effluents; and (3/2004)

e. The applicable State and local health and water resource regulations.

2. Has sufficient water available for the reasonably foreseeable need of the subdivision;

3. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

4. Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads existing or proposed and if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, Section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, Section 704 and any rules adopted under that section; (3/2004)

6. Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized; (3/2004)

7. Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized; (3/2004)

8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetic, historic sites significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; (3/2004)

9. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans; and (3/2004)

10. The subdivider has adequate financial and technical capacity to meet the standards of this section; (3/2004)

11. Whenever situated, entirely or partially, within the watershed of any pond or lake or within 250 feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. (3/2004)

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet. (3/2004)

1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore. (3/2004)

2. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, Chapter 3, Subchapter I, Article 2-B, or within areas designated by Ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Section 44-1, Subsection 1, on September 23, 1983; (3/2004)

12. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
13. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation; (3/2004)
14. All freshwater wetlands, within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soils and water conservation district; (3/2004)
- 14-A. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district; (4/2014)
15. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, Section 480-B, Subsection 9; (3/2004)
16. Will provide for adequate storm water management; (3/2004)
17. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ration greater than 5 to 1; (3/2004)
18. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision; and (3/2004)
19. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located. (3/2004)

20. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, Chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12 section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership. (4/2014)

## **ARTICLE II. AUTHORITY AND ADMINISTRATION**

### **SECTION 1. Authority**

1. These standards have been prepared in accordance with the provisions of the Maine Revised Statutes Amended, Title 30-A, Section 4401-4407 and all amendments thereto. (7/2002)

2. These Standards shall be known and may be cited as "Subdivision Regulations of the Town of Bridgton, Maine."

## **ARTICLE II. AUTHORITY AND ADMINISTRATION**

### **SECTION 2. Administration**

1. The Planning Board of the Town of Bridgton, hereinafter called the Board, shall administer these Standards. The Board shall contain five members and two alternates. A quorum of three members shall be necessary to conduct a meeting. A majority vote of at least three Planning Board members is required for the passage or denial of any motion before the Board.

2. The provisions of these Standards shall pertain to all land within the boundaries of the Town of Bridgton, Maine.

**ARTICLE II. AUTHORITY AND ADMINISTRATION**  
**SECTION 3. Waivers and Modifications**

1. The Planning Board may, for good cause shown and only upon the written request of an applicant specifically stating the reasons therefor, waive any of the application submission requirements set forth below provided such waiver will not unduly restrict the review process. The Planning Board may condition such a waiver on the applicant's compliance with alternative requirements. Good cause may include the Board's finding that particular submissions are inapplicable, unnecessary, or inappropriate for a complete review. Notwithstanding the waiver of a submission requirement, the Planning Board may, at any later point in the review process, rescind such waiver if it appears that the submission previously waived is necessary for an adequate review. A request for a submission previously waived shall not affect the pending status of an application

2. The Planning Board may, only upon the written request of an applicant specifically stating the reasons therefor, waive or modify the general standards when necessary to protect the public health, safety, or welfare or to address particular site characteristics.

3. In no event shall the Planning Board grant a waiver or modification that has the effect of altering or nullifying the purpose or intent of the Comprehensive Plan, or Site Plan Review. In granting a waiver modification under this section, the Planning Board may impose performance conditions reasonably necessary to promote the purposes, goals and objectives of the Comprehensive Plan.

**ARTICLE III. DEFINITIONS**

In general, words and terms used in these Standards shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows:

**Antenna** - A device for radiating or receiving radio waves and which is situated on a permanent or temporary foundation.

**Central Sewage System** -A wastewater disposal system that receives wastewater from two or more dwelling units. A "centralized" system may have a private sewer collection system flowing into a larger septic tank or it may have building drains flowing into individual smaller septic tanks. The wastewater, after receiving primary treatment in the septic tank or tanks may be pumped or gravity fed to



a single subsurface disposal field or several fields on a common land area.

**Cluster Housing Development** - Means detached or attached residential dwelling units placed on individual lots within an overall tract with remaining area devoted to common open space.

**Common Open Space** - Means a parcel or area of land or land and water within the site designed and intended for the use or enjoyment of residents and property owners living within the development area. Common open space may contain such complementary structures and improvements as are necessary and shall be freely accessible to all residents and property owners living within the development area.

**Comprehensive Plan** - Any part or element of the overall plan and policy for development of the Town of Bridgton, Maine, as defined in the Maine Revised Statutes Amended, Title 30-A, Section 4301-4357 and all amendments and revisions, thereto.

**Condominium** - A form of housing tenure and other real property where a specified part of a piece of real estate is individually owned while use of and access to common facilities in the piece such as hallways, heating system, elevators, exterior areas is executed under legal rights associated with individual ownership and controlled by the association of owners that jointly represent ownership of the whole piece.

**Construction Drawings** - Drawings showing the location, profile, grades, size and type of drain, sewers, water main, underground power and telephone ducts, pavements, cross section of streets, miscellaneous structures, etc.

**Density** - Means the buildable area divided by the number of units.

**Developer** - a person who develops real estate; improves, subdivides land, builds and sells houses thereon. (9/2003)

**Driveway** - Access route or right-of-way to any ~~single-family~~ *single-family* dwelling or to a duplex, triplex or fourplex building except where such buildings are developed as part of a larger subdivision.

**Dwelling Unit** - Means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, apartments and time-share units.

**Easement** - The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.

**Engineer** - Consulting engineer licensed by the State of Maine.

**Farmland** - means any tract or tracts of land used for commercial farming; (4/2014)

- a. That consists of 5 or more contiguous acres;
- b. That has produced a gross income averaging no less than \$300 per acre for 3 or more of the previous 6 calendar years;
- c. Where use of agricultural chemicals has occurred; and
- d. That includes only the land on which the crop is produced.

"Farmland" does not include land used for woodlots, Christmas tree production, homes, farm buildings, roads, pastures, lawns or any area covered with non-crop vegetation that borders abutting land.

**Final Subdivision Plan** - The final drawings on which the developer's plan of the subdivision is presented to the Board for approval and which, if approved, shall be filed for record with the Town and the Cumberland County Registry of Deeds.

~~Infrastructure~~**Infrastructure** - All common roads, drainage structures and ~~ditches,~~ ~~erosion~~**ditches,** **erosion,** sedimentation and ~~stormwater~~**storm water** control measures, utilities, landscaping, fire protection systems, recreation facilities and any additional common property or basic facilities associated with a development. (4/2014)

**Joint Meetings** - If any portion of the proposed subdivision crosses the boundary of an adjacent municipality, the Planning Board shall meet jointly with that municipality's Planning Board to discuss the application.

**Legislative Body** - Town Meeting.

**Liquidation Harvesting** - means the purchase of timberland followed by a harvest that removes most or all commercial value in standing timber, without regard for long-term forest management principles, and the subsequent sale or attempted resale of the harvested land within 5 years. (4/2014)

**Manufactured Housing Unit** - Structures, transportable in one or more sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

**Mobile Home Park** - A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.

**Multiplex Housing** - Attached dwelling units including, but not limited to, apartments and condominium units.

**Municipality** - Town of Bridgton, Maine.

**Person** - Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

**Planned Unit Development (PUD)** - Means an integrated design for development for residential, commercial, industrial or other uses, or a combination, on a specific parcel of land or several contiguous parcels of land, which is/are proposed to be developed in accordance with a concept plan approved by the Bridgton Planning Board. Planned Unit Development can include a mix of residential, commercial, industrial or other uses.

**Planning Board** - The Planning Board of the Town of Bridgton, Maine created under Title 30-A, 4324(2)(A) of the Maine Revised Statutes, as amended.

**Preliminary Subdivision Plan** - The preliminary drawing indicating the proposed layout of the subdivisions to be submitted to the Board for its consideration.

**Resubdivision** - The division of a previously subdivided lot at any future point in time.

**Road** - A strip of smoothed cleared land, usually provided with a hard surface for the passage from place to place of vehicles, riders, pedestrians, etc. (7/2002)

**Sidewalk** - A paved way for pedestrian traffic which is constructed parallel to a road.

**Street** - The word "street" means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other rights-of-way. The term "street" shall also apply to areas on subdivision plans designated as "streets."

**Structure** - Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, except for fences six (6) feet or less in height. Antennas shall be considered structures.

**Subdivision** - Subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or

more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

1. Both dividings are accomplished by a subdivider who has retained one of the lots for the ~~subdivider's~~ subdivider's own use as a single-family residence or for open space land as defined in Title 36, section 1102, for a period of at least 5 years before the 2nd dividing occurs; or

2. The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres shall not be counted as a lot, except: (3/2005)

1. When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance; or (3/2005)

2. When a municipality has, by ordinance, or the municipal reviewing authority has, by regulation, elected to count lots of 40 or more acres as lots for the purposes of this subchapter when the parcel of land being divided is located entirely outside any shoreland area as defined in Title 38, section 435, or a municipality's shoreland zoning ordinance. (3/2005)

D.1. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. (12/2001)

2. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. (12/2001)

3. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this ~~subchapter.~~(subchapter. (12/2001)

4. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph can not be given for consideration that is more than 1/2 the assessed value of the real estate. (12/2001)

5. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. (12/2001)

6. A division accomplished by the transfer of any interest in land to the owners of land abutting that land that does not create a separate lot does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter. If the real estate exempt under this paragraph is transferred within 5 years to another person without all the merged land, then the previously exempt division creates a lot or lots for the purposes of this subsection. (12/2001)

E. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

F. In determining the number of dwelling units in a structure, the provisions of this subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

G. Notwithstanding the provisions of this subsection, leased dwelling units are not subject to subdivision review if the municipal reviewing authority has determined that the units are otherwise subject to municipal review at least as stringent as that required under this subchapter.

H. Nothing in this subchapter may be construed to prevent a municipality from enacting an ordinance under its home rule authority

which expands the definition of subdivision to include the division of a structure for commercial or industrial use or which otherwise regulates land use activities.

I. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraph D or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this subchapter.

**Tract or parcel of land** - A tract or parcel of land means all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road.

Exceptions to the Town of Bridgton Subdivision Regulations shall be in accordance with Maine State Law Title 30-A, section 4401, subsection 4 and section 4402.

**ARTICLE IV. PREAPPLICATION CONFERENCE (OPTIONAL)**

**SECTION 1. Procedure**

1. The developer or authorized agent for the developer shall submit for informal discussion a Sketch Plan and other data relative to the proposed subdivision which may be of assistance to the Board in discussing the proposed project.

2. The Sketch Plan shall be submitted to the Board at least twelve (12) days prior to the Planning Board meeting at which the developer wishes to be heard. The applicant shall submit eight (8) copies of all documents 8½x11 and fifteen (15) copies of all documents larger than 8½x11. (3/2016)

3. Rights not vested. The submission or review of or public comments about a pre-application sketch plan or the conduct of a site inspection shall not be construed to be a substantive review of the proposed subdivision as defined by 1.M.R.S.A § 302. No application for subdivision review shall be deemed pending until the Planning Board has determined the subdivision application to be complete. (4/2014)

**ARTICLE V. PRELIMINARY PLAN**

**SECTION 1. Procedure**

1. The developer or authorized agent for the developer shall submit an application for the consideration of a Preliminary Plan for the Subdivision. Eight (8) copies of all documents 8½x11 and Fifteen (15) copies of all documents larger than 8½x11 of the application and all required preliminary plan documentation shall be submitted to the Town

at least Twelve (12) days prior to the Planning Board meeting at which the developer wishes to be heard. (3/2016)

2. The developer or authorized agent for the developer shall notify owners of all properties within five hundred (500) feet of the proposed development by certified mail return receipt requested not less than twelve (12) days prior to the meeting. The developer or authorized agent for the developer shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the Planning Board Meeting and a sketch of the proposed project. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. (3/2015)

3. The application shall be accompanied by a fee according to the Town of Bridgton fee schedule.

a. An escrow fee according to The Town of Bridgton Fee Schedule shall be deposited in an escrow account established by the Town, which monies may be used by the Town for related expenses or the Bridgton Planning Board to pay for professional reviews and advice related to the developer's application as it deems necessary. Those monies deposited by the developer and not spent by the Planning Board in the course of its review shall be returned within thirty (30) days after the Board renders its final decision on the application. (4/2014)

b. Additional amounts may be required as determined by the Board.

4. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Plan.

5. At said meeting, a dated receipt that acknowledges the submission of plans and other information shall be issued to the developer. The Planning Board shall then determine whether the application is complete or incomplete and shall notify the developer of the Board's determination in writing within 30 days of the date that the receipt is issued. If determined to be incomplete, the Planning Board shall list in its written determination the materials that must be submitted in order to make the application complete. When the application is determined to be complete, the Planning Board shall notify the developer and begin full evaluation of the proposed subdivision. Any application not determined to be complete within 180 days of the issued receipt date shall become null and void.

6. At said meeting, the Planning Board and the developer may arrange for a joint inspection of the site with the Board or a committee member or individual appointed by the Chairman of the Board to act as the Board's representative for such inspection. ***The Planning board shall also act on the applicant's request for submission of waivers. The Planning board shall also act on the applicant's request for submission of modifications or waivers of standards.***

7. Following the joint inspection the Planning Board shall inform the developer in writing of any deficiencies in the plans and data submitted which are evident to the Board and may inform the developer of features of the proposal which the Board feels do not meet the objectives of these standards.

8. The Planning Board may hold a public hearing within 30 days of the determination of application completeness. The developer or authorized agent for the developer shall notify owners of all properties within five hundred (500) feet of the proposed development by certified mail return receipt requested no less than twelve (12) days prior to the hearing. The developer or authorized agent for the developer shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the hearing and a sketch of the proposed project. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. Notice shall be published in a newspaper of general circulation in the Town of Bridgton at least two times. Related advertising fees will be deducted from the Escrow. Failure to receive notice shall not invalidate the public hearing. The hearing may be continued from one meeting to a later meeting or meetings as the Board determines to be necessary. Although an application has been deemed complete by the Board, if the Board subsequently determines as a result of new information that further data is required, the Board may continue the hearing and require the developer to submit such further information as the Board deems necessary. (3/2011, 4/2014, 3/2015)

9. Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed as an expression of approval of the design concept submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted



for approval of the Board upon fulfillment of the requirements of these Standards and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

10. Within sixty (60) days after the date that the application is determined to be complete or within thirty (30) days of a public hearing, if held, whichever is longer, or within such other time limit as may be otherwise mutually agreed to, the Board shall take action to approve or disapprove such Final Plan. Public hearings conducted by the Board may be continued from one meeting to another as the Board determines to be necessary or desirable. In issuing its decision, the Board shall make findings of fact that the proposed subdivision does or does not meet the criteria of Article I, Section 1, (1) to 20). At the request of any party, the Board shall issue its decision in writing and shall make written findings of fact.

11. Supplemental information must be submitted to the Planning Board at least twelve (12) days prior to the proposed meeting or Public Hearing. (3/2008)

12. During the review process of the application the Planning Board shall have the authority to request additional information. If the information requested by the Planning Board is not submitted within three (3) months from the date the Planning Board made the request the application is considered null and void. The Planning Board may grant an extension to the three (3) months upon request by the applicant in writing and a showing that the time—period ~~can not~~ cannot be complied with due to circumstances beyond the control of the applicant. (5/2010)

## **ARTICLE V. PRELIMINARY PLAN**

### **SECTION 2. Submissions**

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred feet (400') to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area.

2. Preliminary Plan. The Applicant shall submit eight (8) copies of all documents 8½x11 and fifteen (15) copies of all documents larger than 8½x11 of each map, drawing or attachment required for approval. All dimensions shall be shown in feet or decimals of a foot and drawn to a scale of not more than 100' to the inch (preferably forty (40) feet to the inch). The Preliminary Plan and accompanying materials shall show: (3/2016)

a. All existing information provided as part of the Sketch Plan.

- b. Number of acres within the proposed subdivision.
  - c. Proposed lot lines with approximate dimensions, lot numbers areas in square feet and suggested locations of buildings.
  - d. Proposed easements, watercourses, buffers and setback requirements. (5/2010)
  - e. Contour lines at intervals of not more than five (5) feet or at such lesser intervals as the Board may require.
  - f. Typical cross sections of the proposed grading for roadways and sidewalks including width, type of pavement, elevations and grades.
  - g. Connection with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
  - h. Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
  - i. A medium-intensity soils map that encompasses the area to be subdivided. The Planning Board may require submission of a high-intensity soils map in situations where it determines that more detailed soils information is necessary to enable the Board to conduct an adequate review of the project.
  - j. If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil groundwater conditions and depths to maximum ground water level.
- A completed HHE-200 form must be submitted with the preliminary application for all multiplex housing structures of if required by the Maine Department of Human Services.
- k. A letter from a hydrogeologist stating that septic runoff from the proposed development will not adversely affect adjacent property or private water supplies shall be submitted with the preliminary application.
  - l. Provisions for collection and discharging storm drainage in the form of a drainage plan prepared by a professional engineer that demonstrates changes in hydrologic conditions will not cause offsite flood damage to public or private property. Changes in runoff shall be calculated by using the TR-55 method or subsequent approved methods developed by the U.S.D.A Soil Conservation Service.
  - m. Preliminary designs of any bridges or culverts which may be required along with State approval if required.

n. The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.

o. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

p. The location of all natural features or site elements to be preserved.

q. A soil erosion and sediment control plan shall be prepared by a professional engineer or geologist. The Board may require the review and endorsement of this plan by the Cumberland County Soil and Water Conservation District.

r. Certification by a registered professional engineer or a registered land surveyor that all survey, deed and supporting information accurately reflects the true conditions existing on the proposed subdivision.

s. Base Flood Elevation Data.

t. A landscaping plan.

u. All the area within 1,000 feet of any property line of the proposed subdivision showing:

(aa) All existing subdivisions and approximated tract lines of acreage parcels.

(bb) Location, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the properties as designated in Section 1 above.

(cc) The boundaries and designations of parks and other public spaces.

(dd) An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the ~~subdivider's~~subdivider's entire holding.

*(ee). Any written request for the waiver or modification of application submissions or standards that the applicant intends to submit pursuant to Article II, Sections 3.*

**ARTICLE VI. FINAL PLAN**  
**SECTION 1. Procedure**

1. The developer shall, within six (6) months after the preliminary approval of the Preliminary Plan, file with the Board an application for approval of the Final Subdivision Plan in the form described herein. The developer may be granted an extension by the Board if a letter is submitted explaining the need for additional time. If the Final Plan is not submitted to the Board within six (6) months after the approval of the Preliminary Plan, the Board may refuse the act and may require the developer to resubmit the Preliminary Plan. The application and all required final plans shall be submitted to the Town Office at least twelve (12) days prior to the Planning Board meeting at which the developer wishes to be heard.

2. If the proposed subdivision:

a. Occupies a land area in excess of twenty (20) acres and is not exempt from the Site Location of Developmental Act;

b. Involves a structure or structures, having in excess of sixty thousand (60,000) square feet of ground area coverage;

c. Requires a license from the Department of Environmental Protection under some other regulation such as waste discharge or air quality; or

d. In any other way falls within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Protection; then the approval of the State of Maine Department of Environmental Protection shall be secured in writing before official submission of the Final Plan.

3. The Board may require the developer to submit the results of water quality tests as performed by the State of Maine Department of Human Services, Division of Health Engineering.

4. Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:

a. The State of Maine Department of Human Services if a separate engineered subsurface wastewater system is to be utilized, or the local Plumbing Inspector if individual subsurface wastewater disposal systems are to be installed by the builder. Such approval shall be secured before official submission of the Final Plan.

5. A public hearing may be held concerning the proposed development as prescribed in Article V Section 1, Paragraph 8.

6. The subdivider, or authorized representative, shall attend the Planning Board meeting to present and discuss the Final Plan.

7. At said meeting, a dated receipt shall be issued to the developer. The Planning Board shall then determine whether the application is

complete or incomplete and shall notify the developer of the Board's determination in writing within 30 days of the date that the receipt is issued. If determined to be incomplete, the Planning Board shall list in its written determination the materials that must be submitted in order to make the application complete. When the application is determined to be complete, the Planning Board shall notify the developer and begin full evaluation of the proposed subdivision.

8. Within sixty (60) days from the date the application is determined complete, or thirty (30) days from a public hearing, if held, whichever is later, or within such other time limit as may be otherwise mutually agreed to, the Board shall take action to approve, with or without modifications, or disapprove the Final Plan. In issuing its decision, the Board shall make findings of fact that the proposed subdivision does or does not meet the criteria of Article 1, Section 1, (1) to (20). At the request of any party, the Board shall issue its decision in writing and shall make written findings of fact.

9. After the Final Plans have Planning Board approval, one signed ~~mylar~~ Mylar (24 x 36" in size), shall be returned to the developer and one signed ~~mylar~~ Mylar and one signed paper copy shall be retained by the Town to be maintained in the Subdivision Plan File.

a. The developer shall also submit a reduced copy of the plan that replicates the division of the parcel as it would be reflected on the Tax Maps for the Town of Bridgton.

The Plan shall be filed by the developer with the Cumberland County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved, shall become null and void, unless the Board finds that there is good cause for an extension which shall not exceed one hundred and twenty (120) days. The developer shall provide the Planning Board with a receipt from the Registry of Deeds within that time limit stating that the Plan has been filed and giving the Book and Page numbers. No building permits for an approved plan will be issued until the plan has been registered with the Registry of Deeds and a letter from the developer has been submitted to the Town stating that all permanent monuments have been installed as required in this Regulation.

10. Once the Planning Board has undertaken a substantive review of the Final Plan, the proposed subdivision shall not be affected by any change of these regulations.

11. Supplemental information must be submitted to the Planning Board at least twelve (12) days prior to the proposed meeting or Public Hearing. (3/2008)

12. During the review process of the application the Planning Board shall have the authority to request additional information. If the

information requested by the Planning Board is not submitted within three (3) months from the date the Planning Board made the request the application is considered null and void. The Planning Board may grant an extension to the three (3) months upon request by the applicant in writing and a showing that the time period can not be complied with due to circumstances beyond the control of the applicant. (5/2010)

**ARTICLE VI. FINAL PLAN**

**SECTION 2. Submissions**

The Final Plan Shall Show:

1. All of the information presented on the Preliminary Plan, Location Map and any amendments thereto suggested or required by the Board, or as otherwise required by the Preliminary Plan Submission Standards.

2. The name, registration number and seal of the land survey or engineer or planning consultant who prepared the plan.

3. Street names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.

4. Sufficient data to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision shall be shown.

5. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves and central angles of all curves, tangent distances and tangent bearing for each street.

6. Lots within the subdivision numbered as prescribed by the Board.

7. By proper designation, all public open space for which offers of cession are made by the developer and those spaces to which title is reserved by him.

8. Permanent reference monuments shown thus: "X". They shall be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the Final Plan.

9. The plan shall indicate the proposed landscaping program of the developer.

**ARTICLE VII. AMENDMENTS/REVISIONS**

**SECTION 1. Amendments to Previously Approved Subdivision Plans**

1. No changes, erasures, modifications, or revisions shall be made to any final plan which has been approved by the Planning Board and endorsed in writing on the plan unless the amendment/revision is approved by the Planning Board.

2. The provisions of Article V Section 1 and Article V Section 2 shall apply to all applications for Amendments/Revisions.

**ARTICLE VII. AMENDMENTS**

**SECTION 2. Public Acceptance of Streets, Recreational Areas**

1. The approval by the Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Town of Bridgton, Maine of any street, easement or other open space shown on such Plan.

2. When a park, playground or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the Town of Bridgton of such areas. The Board shall require the Plan to be endorsed with the appropriate notes to this effect.

**ARTICLE VII. AMENDMENTS**

**SECTION 3. Compliance with Street(s) Specifications**

1. Any modification to a subdivision which will increase the number of lots, whether accomplished one at a time or concurrently will provide for access to the lots in compliance with the current road standards.

**ARTICLE VIII. PERFORMANCE GUARANTEES**

**SECTION 1. Project Review**

A. The Planning Board may require the applicant or his/her authorized agent to deposit in escrow with the Town an amount of money to cover the costs for any professional review of the plan and documents which the Board may feel is reasonably necessary to protect the environmental quality or general welfare of the Town. The Board shall determine the amount required to be placed in escrow. This escrow payment shall be made before the Board engages any outside party to undertake review and make recommendations to the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or his/her agent. Any such review shall be performed by a Professional Engineer registered in Maine, mutually acceptable to the applicant or his/her agent and the Planning Board.  
(4/2014)

B. In the event that the Bridgton Planning Board receives an application that requires the applicant also file for a permit from the Maine Department of Environmental Protection for Site Location of

Development under Title 38, Chapter 3, Subchapter 1, Article 6 or Storm Water Management Review under Title 38, Chapter 3, Subchapter 1, Article 2 §420D the review process conducted by the Maine Department of Environmental Protection, in the course of issuing their permit, shall be considered sufficient third party review of the applicant's plan. (4/2014)

**ARTICLE VIII. PERFORMANCE GUARANTEES**

**SECTION 2. Performance Guarantees**

The Planning Board shall require the applicant or his/her authorized agent to post a performance guarantee prior to final approval of any subdivision involving more than 10,000 square feet of ground disturbance. A performance guarantee may be in the form of a bond, a certified check payable to the Town of Bridgton, an irrevocable letter of credit to cover the full cost of required site improvements as estimated by the applicant or his/her authorized agent or some other form of surety that is acceptable to the Town Manager. For the purposes of this section, required site improvements shall mean all public and private roads, all drainage structures and ditches, all erosion, sedimentation and ~~stormwater~~storm water control measures, all utilities, all landscaping and all recreation facilities. Any such guarantee shall be satisfactory to the Town Manager, in consultation with the Planning Board Chairman and Code Enforcement Officer, as to amount, form, sufficiency, manner of execution and surety. (4/2014)

A period of one year (or such period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the performance guarantee or letter of credit as the time within which required improvements must be completed. (4/2014)

**ARTICLE VIII. PERFORMANCE GUARANTEES**

**SECTION 3. Release of Performance Guarantee**

1. The Planning Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the developer can demonstrate, to the satisfaction of the Planning Board good cause for such extension. (4/2014)

2. Before an applicant may be released from any obligation requiring his/her guarantee of performance, the Board will require certification from the reviewing engineer to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards (State, Federal, and Local codes, Ordinances, Laws and Regulations). (4/2014)

**ARTICLE VIII. PERFORMANCE GUARANTEES**

**SECTION 4. Construction Inspections**



At least seven (7) days prior to commencing construction of required improvements, the applicant or his/her authorized agent shall deposit in escrow with the Town an amount of money to cover the costs for site inspection(s). The site inspection(s) shall be conducted by an engineer. The contractual rate and all indirect charges shall constitute the "expenses" for which the agent or the developer's escrow account shall be charged. The contracted engineer shall be a Professional Engineer registered in Maine, mutually acceptable to the applicant or his/her agent and the Planning Board. The Board shall determine the type and frequency of inspections reasonably necessary to protect the environmental quality or general welfare of the Town and the amount required to be placed in escrow. No building permits shall be issued for any project and no work shall begin until the escrow payment has been made. Any part of this escrow payment in excess of the final costs for inspection(s) shall be returned to the applicant or his/her authorized agent. (4/2014)

If the inspector shall find, upon any inspection of the improvement(s) that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the developer, or that the erosion and sedimentation control measures for construction have not been followed, they shall so report to the Code Enforcement Officer. The Code Enforcement Officer shall then notify the applicant or his/her authorized agent and, if necessary, the parties involved with the performance guarantee surety, and shall take the necessary steps to preserve the municipality's rights under the performance guarantee surety. Any part of this escrow payment in excess of the final costs of inspection(s) shall be returned to the applicant or his/her authorized agent. (4/2014)

**ARTICLE VIII. PERFORMANCE GUARANTEES**  
**SECTION 5. Long-Term Maintenance**

Long-term maintenance of certain required site improvements is necessary to protect environmental quality and the general welfare of the Town. For all projects requiring a performance guarantee, the Planning Board shall require the applicant or his/her authorized agent to present a legally-binding Plan to be administered by a homeowner's association for accomplishing long-term maintenance of ~~stormwater~~storm water controls, vegetated buffer areas, roads and all other site improvements essential for protecting environmental quality and the general welfare of the Town as required by the Planning Board. (4/2014)

The Plan shall provide for ongoing monitoring and inspections appropriate for the required site improvements. The Plan shall provide a process for maintaining sufficient financial resources for accomplishing ongoing maintenance and proper repair for all such improvements. The Plan shall also provide for a process that authorizes the Town to take any enforcement action deemed necessary by

the Planning Board. No building permits shall be issued for any project and no work shall begin until the Plan has been reviewed and approved by the Planning Board. (4/2014)

**Article IX. GENERAL REQUIREMENTS**

**SECTION 1. Developers Responsibility**

**NOTE:** See Bear River and Willis Brook Aquifer Ordinances for further requirements.

In reviewing applications for the subdivision of land, the board shall consider the following general requirements. In all instances, the burden of proof shall be upon the person proposing the subdivision.

**Article IX. GENERAL REQUIREMENTS**

**SECTION 2. Development Within Two (2) Years**

If construction of the ~~infastructure~~*infrastructure* ~~areis~~ is not completed within two years from the approval date, the approval shall lapse and the developer shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not completed and the reasons why the developer will be able to complete the activity within two years from the granting of a new approval, if granted. Reapplication for approval may include information submitted in the initial application.

**Article IX. GENERAL REQUIREMENTS**

**SECTION 3. Conformity with the Comprehensive Plan**

Any proposed subdivision shall be in conformity with the Comprehensive Plan of the Town of Bridgton and with the provisions of all pertinent State, Local Codes, Ordinances and Regulations.

1. As expressed in its Comprehensive Plan, it is the Towns goal to preserve the current water quality of its great ponds for the benefit of present and future generations. To this end, the water quality impact of each subdivision shall be evaluated. Each application for subdivision approval shall include a nutrient (phosphorous) loading study conducted using the methodology contained in the ~~handbook,~~ *handbook*, "~~Stormwater~~*Storm water* Management for Maine", published by the Maine Department of Environmental Protection in 2006 or latest revision.

The following assumptions shall be used regarding the future growth (in percentage of each watershed's acreage) to be expected in the next 50 years and regarding the allowable lake phosphorous level increase (in parts per billion above 1992 levels). (3/2004)

Lake % of Watershed Expected Allowable Increase to be Developed in Phosphorous

Adams Pond 35% 0.75ppb  
Beaver Pond 40% 1.00ppb  
Foster Pond 35% 1.00ppb  
Hancock Pond\* 30% 0.75ppb  
Highland Lake 40% 0.75ppb  
Holt Pond 35% 1.00ppb  
~~Kezar~~Kear Pond 30% 1.00ppb  
Long Lake 40% 0.75ppb  
Moose Pond 35% 0.75ppb  
Otter Pond 40% 1.00ppb  
Peabody Pond 30% 0.75ppb  
Woods Pond 35% 1.00ppb

\* No lakeshore, only watershed acreage

## **Article IX. GENERAL REQUIREMENTS**

### **SECTION 4. Relationship to Community Services**

1. Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Preliminary Plan shall include a list of the construction items that will be completed by the developer prior to the sale of lots, and the list of construction and maintenance items that must be borne by the developer and by the municipality, which shall include, but not be limited to:

Road maintenance and snow removal; Police and Fire protection; Solid Waste disposal; Recreational facilities; and on-site and off-site drainage facilities.

2. The Board may require the developer to provide a Community Impact Statement to the Town for the above services, including reasonable cost estimates to the Town.

## **Article IX. GENERAL REQUIREMENTS**

### **SECTION 5. Retention of Proposed Public Sites and Open Spaces**

1. It is desirable that areas reserved for recreation be at least one acre in size and easily accessible from all lots within the subdivision.

Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or playfield should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet.

Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and shall have no less than fifty (50) feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

2. When the proposed subdivision is located on a lake, pond, river or stream, a portion of the waterfront area shall be included in reserved land, which shall be twenty-five (25) feet for each unit/lot with deeded rights-of-way to said waterfront areas, with a minimum of 200 feet of waterfront. (In compliance with the Town of Bridgton Shoreland Zoning Ordinance)

3. The final plan shall clearly indicate the owner of all reserved recreational land. In cases where the developer intends to convey the recreational land to the lot owners, or to an association, or other organization, the terms of such conveyance, and the organizational documents of such association or organization shall be subject to review and approval by the Planning Board to ensure that the association or organization will have the necessary powers and the authority to raise the funds necessary to maintain the reserved recreational land.

**Article IX. GENERAL REQUIREMENTS**

**SECTION 6. Preservation of Natural and Historic Features**

The Board may require that the proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible and a buffer strip may be provided where the proposed subdivision abuts an existing road.

**Article IX. GENERAL REQUIREMENTS**

**SECTION 7. Traffic Impact**

The Board may require that a traffic study and/or a fiscal impact study be prepared for a proposed subdivision.

**Article IX. GENERAL REQUIREMENTS**

**SECTION 8. Conformance to Shoreland Zoning**

Wherever situated, *in whole or in part,* ~~in whole or in part,~~ within 250 feet of the normal high water mark of any pond, river or other fresh water body, or otherwise as shown on the Official Shoreland map, the proposed subdivision shall conform to the Shoreland Zoning Ordinance for the Town of Bridgton, Maine.

**Article IX. GENERAL REQUIREMENTS**

**SECTION 9. Easement for Drainage Ways**

There shall be provided a storm water easement or drainage right of way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.

**Article IX. GENERAL REQUIREMENTS**

**SECTION 10. Utilities**

1. The size, type and location of public utilities, such as street lights, electricity, telephones, fire hydrants, other fire protection mechanisms, shall be approved by the Board and installed in accordance with the requirements of the Board and these Standards.

2. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or avoid flood damage.

3. When a tract is subdivided into lots larger than the minimum size required in the Zoning district in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these standards, unless restrictive covenants are placed at the time of the original subdivision.

**Article IX. GENERAL REQUIREMENTS**

**SECTION 11. Required Improvements**

1. The following are required improvements: monuments, street signs, streets, landscaping, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of these Standards.

**Article IX. GENERAL REQUIREMENTS**

**SECTION 12. Road/Homeowner's Association**

1. In accordance with State Statute any private roads in existence or to be constructed that are connected to or contiguous to another private road requires a road/homeowner's association(s) to fully coordinate the road's operation and maintenance and pay their fair share based upon a formula that includes their portion of the larger road or by any other method that is mutually agreed to and conforms with the statute. This shall assure the consistency of winter plowing and summer maintenance of the private road for public safety, health and welfare purposes. (3/2008)

2. The developer or the authorized agent for the developer shall provide evidence upon submitting an application to the Planning Board that the infrastructure will be maintained by the lot owners or a Homeowner's Association. Proof may consist of a declaration of covenants that will be recorded and become part of each deed and specifies how the costs associated with maintenance will be apportioned among the lot owners or appropriate Homeowner's Association documents. In the event that a Homeowner's Association is formed, each lot deed shall refer to the Homeowner's Association and shall require the lot owner to be a member of the Homeowner's Association. (4/2014)

## **ARTICLE X. DESIGN STANDARDS**

### **SECTION 1. Lot Size and Dimensions**

1. The minimum lot size for any residential or commercial lot approved by the Planning Board in an approved subdivision shall comply with State law and municipal ordinances and regulations.

2. The minimum lot size for any residential or commercial lot approved by the Planning Board in an approved subdivision shall be 40,000sq. ft. with the following exceptions:

a. The minimum lot size for lots served by central water system OR central sewer system may be 30,000sq. ft.

b. The lot size for the lots served by central water system AND central sewer system may be 20,000sq. ft. or less, with the minimum of 5,000sq. ft.

c. Lot size for the lots located in the General Development District I or General Development District II. See Article X. Section 1.5 and 1.6 below and the Town of Bridgton Shoreland Zoning Ordinance.

d. Mobile home parks which are defined in the Town of Bridgton Subdivision Regulations Article XI Mobile Home Parks.

3. Lots shall have a ~~100-foot~~100-foot frontage along a public or private street.

4. Condominium Conversions are exempt from the Town of Bridgton minimum lot size and frontage requirements but must meet all other regulations of the Town of Bridgton and the State of Maine (See Article XIV Section 3 "Condominium Development - Condominium Conversion(s).") (5/2010)

5. The minimum lot size for structures and buildings in the General Development I District and the General Development II District as

referred to in the Town of Bridgton Shoreland Zoning Ordinance shall apply. (10/2011)

6. Where a non-conforming lot in the General Development I District or the General Development II District as referred to in the Town of Bridgton Shoreland Zoning Ordinance is less than the standard, the Planning Board may approve a change of use so long as the ratio of one bedroom for each 1,000 square feet of lot area is met and the lot is connected to the downtown municipal waste water system and the Bridgton Water District water system. (10/2011)

7. If the applicant proposal calls for retail and/or commercial space the ratio of land to bedrooms shall be applied to all of the development without reduction for retail and/or commercial space. In the absence of ground floor retail and/or commercial space, the project shall be limited to the ratio of land to bedroom as specified in 5 above. (10/2011)

## **ARTICLE X. DESIGN STANDARDS**

### **SECTION 2. Monuments**

1. Permanent monuments shall be set at all corners and angle points of the subdivision lots and boundaries; and at all intersections and points of curvature.

2. All monuments shall be constructed of a reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. Reinforced concrete, and/or stone cairns may be used. The monument shall clearly show the registration number or temporary certificate number of the registered land surveyor responsible for the survey.

When the placement of a required monument at its proper location is impractical, it shall be permissible to set a reference monument close to that point.

## **ARTICLE X. DESIGN STANDARDS**

### **SECTION 3. Street Signs**

1. All new developments shall comply with the Town of Bridgton Street Naming and Addressing Ordinance. (9/2003)

2. Fees for necessary street signs are determined in the Town of Bridgton Fee Schedule and will be deducted from any escrow monies. (9/2003)

3. Purchase and installation of sign(s) will be the responsibility of the Town of Bridgton Public Works Department. (9/2003)

## **ARTICLE X. DESIGN STANDARDS**

### **SECTION 4. Streets**

**1. Classification.** For the purposes of these Standards, streets are classified by function, as follows:

a. Arterial Streets: Streets that serve primarily as major traffic ways for travel between and through towns.

b. Collector Streets: Serve as feeder streets to arterial streets, as collectors of traffic from minor streets, and for circulation and access in commercial and industrial areas.

**2. Minor Streets**

a. Local Streets: that are used primarily for access to abutting residential, commercial or industrial properties, including interior roads within single and multi-family subdivisions.

**3. Layout**

a. Proposed streets shall conform, as far as practical, to the requirements of these Standards.

b. All streets in the subdivision shall be designed that, in the opinion of the Board, they shall provide safe vehicular travel while discouraging movement of through traffic.

c. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of land to be served by such streets. Grades of streets shall conform as closely as possible to the original topography within the limits of these Standards.

d. Adequate off-street parking, suitably surfaced, shall be provided in connection with lots designed for commercial and industrial uses. Applicants may satisfy parking requirements by entering into a written agreement with another property owner or through the utilization of municipal parking lots allowing for overnight and winter parking. The applicant must demonstrate to the Planning Board a ~~long-term~~long-term lease or other arrangement within ~~close-proximity~~proximity of the proposed development site. The lease or other arrangement must have a duration of at least five (5) years plus two consecutive five (5) year automatic renewal periods. The Planning Board shall have the ability to determine if alternative agreements or use of public lots is sufficient to address the needs of the proposed development. (10/2011)

e. Subdivisions containing twenty (20) lots or units or more shall have at least (2) two connections with existing public streets or streets on an approved Subdivision Plan unless the Planning Board



makes a finding that this standard would not substantially promote increased emergency vehicle access or traffic safety.

f. Street entrances leading onto existing or proposed arterial or collector streets shall not be located within 400 feet from one another.

1. The minimum distance between street entrances may be reduced in the Downtown District as referred to in the Town of Bridgton Site Plan Review Ordinance upon review and approval by the Planning Board. (10/2011)

g. Commercial subdivisions may have one dead-end street up to 1000' in length. Such street shall be constructed with a cul-de-sac or turnaround at its terminal end. If two entrances to a commercial subdivision are proposed, such entrances shall meet the spacing requirements set forth in Article X Section 4.3.f. of these Regulations.

h. Entrances, whether proposed driveways or streets, onto existing state-aid or state highways must be approved by the Maine Department of Transportation. Copies of such approval shall be submitted to the Board prior to the final review.

#### **4. Design and Construction Standards**

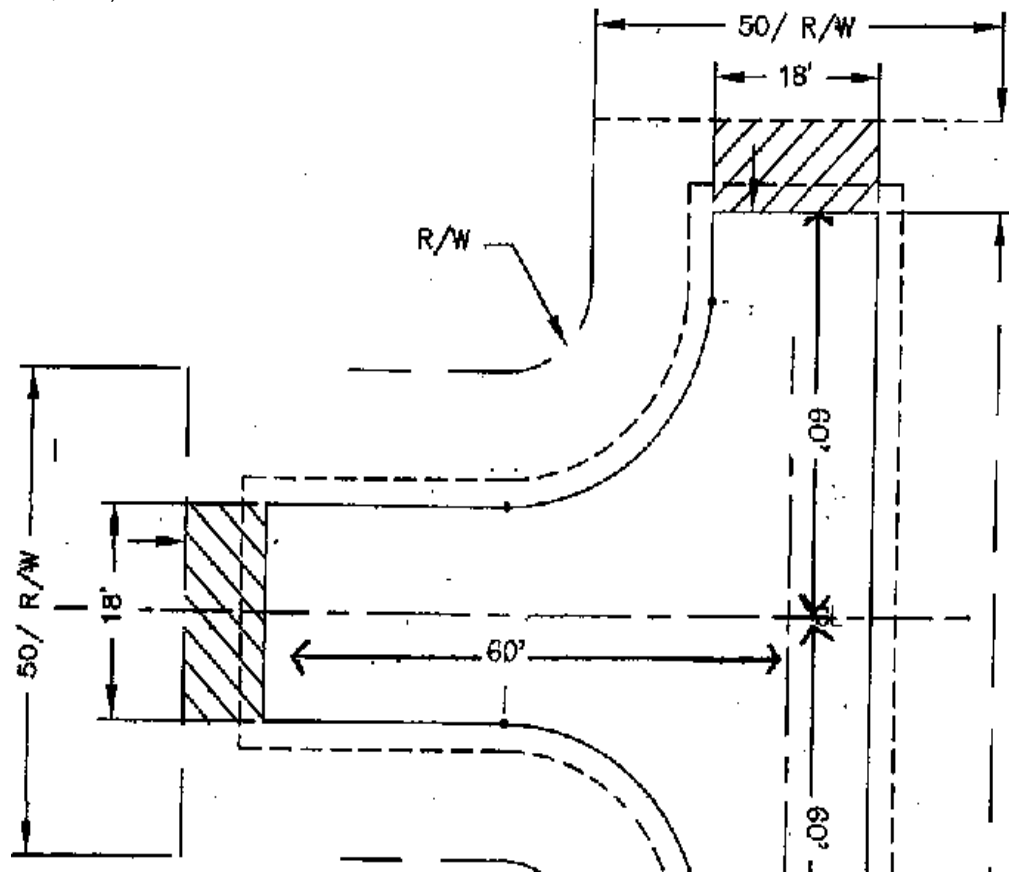
a. All streets in a subdivision shall be designed and constructed to meet the following standards for streets according to their classification as determined by the Board.

##### **DESIGN AND CONSTRUCTION STANDARDS FOR STREETS PUBLIC OR PRIVATE**

<b>ITEM</b>	<b>STREET</b>
1. Minimum width right-of-way	50'
2. Minimum width of travel surface	18'
3. Minimum grade	.5%
4. Maximum grade 8%**	
*Except as otherwise provided for by Article X Section 4, 6.	
**Except as otherwise provided for by Article X Section 4, b.	
5. Maximum grade at intersections 3% within 50 ft of intersection	
6. Minimum angle of intersection	60 degrees
7. Pavement radius at intersection	25'

8. Width of shoulders - shoulders may be graveled, paved or grassed	6'
9. Minimum centerline radii on curves	200'
10. Road base (minimum)	20"*** 6" minus (screened w/ rocks no larger than 6")
Upper Base (minimum)	4" compacted 3/4 crushed gravel or 2" compacted 3/4 crushed gravel if paved
11. Bituminous paving base coat (in accordance with current MDOT specifications)	1 1/2"*** of <del>of</del> -Type B mix as defined
Surface coat	3/4" of Type D mix as defined in Section 703.09 of State of Maine DOT Standard Specifications, Highways & Bridges, surface coat paving shall be placed and compacted as set forth in Section 401 of the referenced specifications.
12. Road Crown (minimum)	1/8"/ft
13. Sidewalks (when re- quired)	
Width (minimum)	4'
Depth of filtering	8"
Material	
Hot Top* or Concrete	1"of Type C mix overlaid by 1" of Type D mix 4" of reinforced concrete
14. <del>Deadend</del> <i>Dead-end</i> or cul-de- sac right-of-way Width	50'
Radii of turnaround	65'
At Centerline of Right of Way (minimum)	
Or Hammerhead turnaround (50' right-of-way, 60' from centerline - see diagram below) (3/28/06)	

Or "T" turnaround (50' right-of-way, 60' from centerline of right-of-way to left and 60' from centerline of right-of-way to right see diagram below) (3/28/06)



\*Other materials may be used, upon approval by the Planning Board and the Public Works Director.

\*\*Other materials and specifications may be used, upon approval by the Planning Board and the Public Works Director.

b. Grades of all streets shall conform in general to the terrain, and shall not be less than one-half (1/2) of one percent or more than 6% for collector streets or 8% for minor streets, except that minor road grades may increase to a 10% maximum for lengths of 200 feet or less if the average grade for entire road is 7% or less. In no case shall a street grade be more than 3% within fifty feet (50') of an intersection.

c. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a minimum distance of two hundred feet (200') as per American Association of State Highway and Transportation Officials.

d. Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no ~~ease~~case, shall two (2) streets intersect at an angle smaller than 60 (60) degrees. To this end, where one street approaches another between 60 and 90 degrees, the former street should be curved approaching the intersection.

e. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic, with a minimum continuous sight distance standard of 10 feet of sight distance per every 1 mph of the posted speed limit to be applied to all intersections and curves. If directed, ground shall be excavated to achieve adequate sight distance.

f. All streets shall be provided with adequate drainage facilities to provide for the removal of storm water of a ~~25-year~~25-year storm to prevent flooding of the pavement and erosion of adjacent surfaces.

g. Side slopes in cuts or fills shall not be steeper than three feet (3') horizontal and one foot (1') vertical, graded, loamed (4"compacted) and seeded as required.

h. Developers solely at their expense, shall assure that all streets and drainage related construction conform with any Town standards that exist at the time of the Planning Board approval or issuance of building permits or with requirements for a non-conforming road permitted by Article X Section 4.6. Further, during the construction phase(s) the developers, solely at their expense shall have their licensed engineer certify full compliance to those standards and that upon completion, the developer shall deliver to the Code Enforcement Officer any and all "as-builts" and drawings as required by the Planning Board with the developers' licensed Engineer's certifications of compliance to those standards. (3/2008)

## **5. Paving**

1. The bituminous paving provision for private minor streets may be waived by the Planning Board if engineering studies presented by the developer are considered to show that no undo maintenance would result.

## **6. Nonconforming Roads**

Nonconforming roads, which do not conform to geometric standards of above, may be permitted within a subdivision, upon approval of the Planning Board and the Public Works Director, provided that the developer in writing agrees to specifically stipulate on the ~~mylar~~Mylar and in each deed issued to a lot owner that the lot is served by a nonconforming road and that it is not intended that the said road now, or at any future date become a Town road.

a. Safe Passage: All such roads shall be designed and constructed to facilitate the safe and convenient movement of motor vehicles, emergency vehicles, and pedestrian traffic.

b. Drainage: Adequate provisions shall be made for the disposal of all surface waters and underground water through ditches, culverts, underdrains, and/or storm water drainage systems. Provisions must be made for natural water courses. The design shall be in conformance with the Best Management Practices as outlined by the Cumberland County Soil and Water ~~conservation~~Conservation District guidelines and certified by a State of Maine registered engineer.

c. Maintenance: A road maintenance plan submitted which shall show at a minimum, the following:

1. Intended ownership of the road system.
2. A description of how the Plan shall be implemented.

d. The Planning Board shall not approve a road with less than 18' of travel width with all other specifications remaining the same.

**ARTICLE X. DESIGN STANDARDS**

**SECTION 5. Sidewalks**

Sidewalks may be required to be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street, and at such other locations as the Board may deem necessary.

**ARTICLE X. DESIGN STANDARDS**

**SECTION 6. Water Supply**

The water supply system shall be designed, approved and installed in accordance with requirements of the Maine Department of Human Services.

**ARTICLE X. DESIGN STANDARDS**

**SECTION 7. Fire Protection**

Fire Protection measures shall meet requirements set forth in the Town of Bridgton Fire Protection Ordinance for Subdivisions Only as annotated on the approved plan.

**ARTICLE X. DESIGN STANDARDS**

**SECTION 8. Sewage Disposal**

1. A soils evaluation for a subsurface wastewater disposal system shall be completed by a licensed site evaluator in full compliance with the requirements of the State of Maine Plumbing Code.

2. Plans for Engineered Subsurface Wastewater Systems as defined in the Maine State Plumbing Code shall be designed by a Maine registered engineer and approved by the Department of Human Services.

## **ARTICLE X. DESIGN STANDARDS**

### **SECTION 9. Surface Drainage**

1. Where a subdivision is traversed by a watercourse, drainage way or future sewer line, or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and locations as the Board deems adequate.

2. The developer shall provide a statement from a Maine Registered Engineer, that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in adjacent properties. The developer's surface drainage plan shall show ditching, culverts, easements and other proposed improvements.

3. Top soil shall be considered part of the subdivision. Except for "surplus" top soil for roads, parking areas and building excavations, it is not to be removed from the site.

4. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision as detailed in a sedimentation and erosion plan, unless the developer can show the Planning Board that such a plan is not necessary.

5. To prevent soil erosion of shoreline areas, tree cutting on the shoreline shall conform to the Shoreland Zoning Ordinance of the Town of Bridgton, Maine.

## **ARTICLE XI. MOBILE HOME PARKS**

1. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations.

Where the provisions of this section conflict with specific provisions of these Regulations, the provisions of this section shall prevail.

2. Lot Area and Lot Width Requirements. Notwithstanding the dimensional requirements located in Article X Section 1 of these Regulations, lots in a mobile home park shall meet the following lot area and lot width requirements.

a. Lots served by individual subsurface wastewater disposal systems:  
Minimum Lot Area - 20,000 square feet  
Minimum Lot Width - 100 feet

b. Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Human Services:  
Minimum Lot Area - 12,000 square feet  
Minimum Lot Width - 75 feet

c. The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.

d. Lots located within any Shoreland Zoning district shall meet the lot area, lot width and shore frontage requirements for that district.

3. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Cumberland County Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

a. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.

b. No dwelling unit other than a manufactured housing unit shall be located within the park.

## **ARTICLE XII. PLANNED UNIT DEVELOPMENT (PUD)**

### **Section 1. Purpose**

The purpose of this provision is to allow greater flexibility and more innovative approaches to housing and environmental design for the development of single family, two family, multi-family residential areas, commercial, industrial or other uses, or a combination, than may be possible under strict application of the lot size and dimension requirements set forth in the Subdivision Regulations. To protect and preserve natural resources and features, environmentally sensitive areas and wildlife cover. To establish permanent preservation of common open space, recreation areas and facilities and agricultural uses particularly suited to the proposed development and the parcel on which it is located.

**ARTICLE XII. PLANNED UNIT DEVELOPMENT (PUD)**

**Section 2. General Requirements**

1. The tract or tracts of land included in a proposed Planned Unit Development may be in one ownership or control, or the subject of a joint application by owners of all the property included.
2. All applicable provisions of the Subdivision Regulations shall apply to applications submitted for Planned Unit Development.
3. Density requirements shall be based on Lot size and Dimension requirements set forth in the Town of Bridgton Subdivision Regulations Article X Section 1.
4. Signs shall be in accordance with provisions set forth in the Town of Bridgton Sign Ordinance.
5. A complete landscape plan shall be submitted as part of the application.
6. For commercially related uses and structures provisions of the Site Plan Review Ordinance shall apply specifically to those uses and structures only
7. A Planned Unit Development project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, utilities and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users and residents of the project.
  - a. For a project which is proposed to be done in phases, the applicant or applicant's agent must submit with the initial application a conceptual plan for the overall parcel. If adjacent property is going to be included in the overall development it must also be included in the conceptual plan.
  - b. If a project is proposed to be presented in phases a lot of 40 or more acres shall be counted as a lot and shall not be exempt.

**ARTICLE XII. PLANNED UNIT DEVELOPMENT (PUD)**

**Section 3. Buffers**

1. A buffer strip of at least twenty-five (25) feet shall be required along the existing road frontage and along the perimeter of the land area for which the development is proposed. Free standing commercial structures are exempt from this provision.



2. The buffer strip shall consist of undisturbed vegetation provided that the existing vegetation consists of mature trees and acts as an effective screen. If existing vegetation provides a poor visual screen, a mix of new landscaping including trees, shrubs and grasses shall be planted.

3. The buffer strip shall be maintained in a natural vegetative state and shall not be cut, except for the creation of a pedestrian pathway up to 6' wide, and/or the removal of dead, diseased or storm damaged trees.

4. No buildings or structures may be erected in the buffer strip.

5. There shall be no storage of items, such as, but not limited to, snowmobiles, boats, trailers, campers, motor homes, ATV's, satellite dishes, septic systems or wells.

6. Buffer strips shall be shown on the development plan and a note shall be added to the plan regarding maintenance.

7. Buffers related to structures and buildings in the Downtown District as referred to in the Town of Bridgton Site Plan Review Ordinance may not be required subject to the review and approval of the Planning Board. (10/2011)

## **ARTICLE XII. PLANNED UNIT DEVELOPMENT (PUD)**

### **Section 4. Vehicular and Pedestrian Systems**

A. The vehicular and pedestrian circulation system within each development shall safely and conveniently accommodate the movement of vehicles, bicycles and pedestrians throughout the proposed development and must provide a system of pedestrian ways within the development appropriate to the type and scale of development. Circulation systems are provided to link residential groupings, open space areas, schools and local shopping areas. This system must connect major building entrances/exits with parking areas and with existing sidewalks, if they exist, or are planned in the vicinity of the project.

#### 1. Streets

a. Access to all structures/lots within the development shall be located on a new interior road system constructed as part of the development.

b. Internal streets shall be built to meet the design standards set forth in the Town of Bridgton Subdivision Regulations.

c. Internal streets shall be built to provide connectivity to adjacent parcels, where applicable.

## 2. Sidewalks and Pedestrian Paths

- a. Sidewalks and pedestrian paths shall be built to meet the design standards set forth in the Town of Bridgton Subdivision Regulations.
- b. Sidewalks must conform to American with Disabilities Act (ADA).
- c. Logical connections to and extensions of sidewalks and pedestrian paths outside of the development project shall be provided where applicable.
- d. The Bridgton Planning Board may approve alternative designs for sidewalks or pedestrian paths or may waive the requirement upon determination that it would not serve the purpose of providing adequate pedestrian access and circulation.

## **ARTICLE XII. PLANNED UNIT DEVELOPMENT (PUD)**

### **Section 5. Common Open Space**

1. The building area designated for a Planned Unit Development project may be reduced from the lot size and dimension requirements set forth in the Town of Bridgton Subdivision Regulations Article X Section 1 providing the project meets density requirements which includes the remaining portion not designated for the building area dedicated as common open space. Multiple common open space areas are allowed.
2. Adequate guarantee must be provided to ensure permanent retention of common open space. This guarantee may be satisfied by the creation of a nonprofit ~~homeowners~~homeowner's association to ensure maintenance of the area and will include preservation of natural features, agricultural uses, environmentally sensitive areas and wildlife cover with respect to the physical qualities of the land.
3. Multiple common open space areas or phased in projects with a common open space or multiple common open spaces shall become unified for the use or enjoyment of residents and property owners living within the development area.
4. The designated open space shall not consist of required yard areas or storm water retention or detention ponds and shall be identified on the plan.
5. The open space shall be usable for recreational, agricultural or other outdoor living purposes and for preserving natural features including but not limited to, large trees, tree groves, woods, ponds, streams, rock outcrops, natural plant life and wildlife cover, deer yards and to the greatest extent possible, shall be contiguous open space.

6. The open space(s) shall be shown on the plan with appropriate notation on the face thereof to indicate that it shall not be used for future development, buildings or structures.

7. Some or all of the open space may be dedicated to a nonprofit land trust for conservation, passive recreation purposes or active recreation purposes.

a. Any dedication of open space must be made through appropriate legal instruments submitted and approved by the Bridgton Planning Board.

8. If any or all of the open space is to be reserved by the individual unit owners as common open space, each unit owner shall own a fraction of interest in the common open space and the developer shall be required, prior to final subdivision plan approval, to incorporate a ~~homeowners~~homeowner's associations, which incorporation must comply with the following:

a. Proposed covenant shall be placed in each deed from the developer to the individual owner, which deed covenants shall require mandatory membership in the ~~homeowners~~homeowner's association and shall set forth the unit owner's rights, interests privileges and obligations in the association and in the common open space, including the ~~homeowners~~homeowner's associations responsibility and obligation to maintain the common open space and any recreational facilities located therein.

b. The ~~homeowners~~homeowner's association shall develop a system to levy and collect annual charges against ~~any and all~~all individual lot owners to defray any expense connected with the maintenance of common open space and any recreational facilities located therein, and this system shall be described in said deed covenant or by some other legal instrument made binding upon the individual unit owner and running with the land.

c. The developer shall maintain control of the common open space and be responsible for its maintenance until eighty percent (80%) of the units in the development have been sold, at which time the ~~homeowners~~homeowner's association shall be responsible for such maintenance, and this obligation shall be described in said deed covenant or by some other legal instrument made binding upon the individual dwelling unit owner and running with the land.

d. All such proposed deed covenants and other legal documents pertaining to common open space shall be approved by the Planning Board, recorded in the Cumberland County Registry of Deeds and included or referred to in the deed to each unit.

9. Common space buffers related to structures and buildings in the Downtown District as referred to in the Town of Bridgton Site Plan

Review Ordinance may not be required subject to the review and approval of the Planning Board. (10/2011)

**ARTICLE XIII. CLUSTER HOUSING DEVELOPMENT**

**Section 1. Purpose**

A cluster subdivision generally allows greater flexibility and more innovative approaches to housing and environmental design for the development of single-family, two-family and multi-family residential areas than may be possible under strict application of the lot size and dimension requirements set forth in the Subdivision Regulations while the additional land that would have been allocated to individual lots is converted to common shared open space for the use and enjoyment of residents and property owners living within the development.

**ARTICLE XIII. CLUSTER HOUSING DEVELOPMENT**

**Section 2. General Requirements**

1. All applicable provisions of the Subdivision Regulations shall apply to applications submitted for Cluster Housing Development.
2. Density requirement shall be based on lot size and dimension requirements set forth in the Town of Bridgton Subdivision Regulations Article X Section 1 "Design Standards - Lot Size and Dimensions".
3. Signs shall be in accordance with provisions set forth in the Town of Bridgton Sign Ordinance.
4. A complete landscape plan shall be submitted as part of the application.
5. A Cluster Housing Development project may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, utilities and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users and residents of the project.
  - a. For a project which is proposed to be done in phases, the applicant or applicant's agent must submit with the initial application a conceptual plan for the overall parcel. If adjacent property is going to be included in the overall development it must also be included in the conceptual plan.
  - b. If a project is proposed to be presented in phases a lot of 40 or more acres shall be counted as a lot and shall not be exempt.
6. No commercial activity shall be conducted on any lot or in any structure within the Cluster Housing Development. This restriction

shall not prevent the owner of said lot or structure from the practice of a profession, craftwork, artistic endeavor or similar occupation which shall be conducted within a private residence.

**ARTICLE XIII. CLUSTER HOUSING DEVELOPMENT**

**Section 3. Buffers**

1. A buffer strip of at least twenty-five (25) feet shall be required along the existing road frontage and along the perimeter of the land area for which the development is proposed.
2. The buffer strip shall consist of undisturbed vegetation provided that the existing vegetation consists of mature trees and acts as an effective screen. If existing vegetation provides a poor visual screen, a mix of new landscaping including trees, shrubs and grasses shall be planted.
3. The buffer strip shall be maintained in a natural vegetative state and shall not be cut, except for the creation of a pedestrian pathway up to 6' wide, and/or the removal of dead, diseased or storm damaged trees.
4. No buildings or structures may be erected in the buffer strip.
5. There shall be no storage of items, such as, but not limited to, snowmobiles, boats, trailers, campers, motor homes, ATV's, satellite dishes, septic systems or wells.
6. Buffer strips shall be shown on the development plan and a note shall be added to the plan regarding maintenance.

**ARTICLE XIII. CLUSTER HOUSING DEVELOPMENT**

**Section 4. Vehicular and Pedestrian Systems**

A. The vehicular and pedestrian circulation system within each development shall safely and conveniently accommodate the movement of vehicles, bicycles and pedestrians throughout the proposed development and must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/exists with parking areas and with existing sidewalks, if they exist, or are planned in the vicinity of the project.

1. Streets

a. Access to all structures/lots within the development shall be located on a new interior road system constructed as part of the development.

- b. Internal streets shall be built to meet the design standards set forth in the Town of Bridgton Subdivision Regulations.
- c. Internal streets shall be built to provide connectivity to adjacent parcels, where applicable.

2. Sidewalks and Pedestrian Paths

- a. Sidewalks and Pedestrian Paths shall be built to meet the design standards set forth in the Town of Bridgton Subdivision Regulations.
- b. Sidewalks must conform to American with Disabilities Act (ADA).
- c. Logical connections to and extensions of sidewalks and pedestrian paths outside of the development project shall be provided where applicable.
- d. The Bridgton Planning Board may approve alternative designs for sidewalks or pedestrian paths or may waive the requirement upon determination that it would not serve the purpose of providing adequate pedestrian access and circulation.

**ARTICLE XIII. CLUSTER HOUSING DEVELOPMENT**

**Section 5. Common Open Space**

- 1. The building area designated for a Cluster Housing project may be reduced from the lot size and dimension requirements set forth in the Town of Bridgton Subdivision Regulations Article X Section 1 providing the project meets density requirements which includes the remaining portion not designated for the building area dedicated as common open space. Multiple common open space areas are allowed.
- 2. Adequate guarantee must be provided to ensure permanent retention of common open space. This guarantee may be satisfied by creation of a nonprofit ~~homeowners~~homeowner's association to ensure maintenance of the area and will include preservation of natural features, agricultural uses, environmentally sensitive areas and wildlife cover with respect to the physical qualities of the land.
- 3. Multiple common open space areas or phased in project with a common open space or multiple common open spaces shall become unified for the use or enjoyment of residents and property owners living within the development area.
- 4. The designated open space shall not consist of required yard areas or storm water retention or detention ponds and shall be identified on the plan.
- 5. The open space shall be usable for recreational, agricultural or other outdoor living purposes and for preserving natural features including but not limited to, large trees, tree groves, woods, ponds, streams, rock outcrops, natural plant life and wildlife cover, deer

yards and to the greatest extent possible, shall be contiguous open space.

6. The open space(s) shall be shown on the plan with appropriate notation on the face thereof to indicate that it shall not be used for future development buildings or structures.

7. Some or all of the open space may be dedicated to a nonprofit land trust for conservation, passive recreation purposes or active recreation purposes.

a. Any dedication of open space must be made through appropriate legal instruments submitted and approved by the Bridgton Planning Board.

8. If any or all of the open space is to be reserved by the individual unit owners as common open space, each unit owner shall own a fraction of interest in the common open space and the developer shall be required, prior to final subdivision plan approval, to incorporate a ~~homeowners~~homeowner's associations, which incorporation must comply with the following:

a. Proposed covenant shall be placed in each deed from the developer to the individual owner, which deed covenants shall require mandatory membership in the ~~homeowners~~homeowner's association and shall set forth the unit owner's rights, interests privileges and obligations in the association and in the common open space, including the ~~homeowners~~homeowner's associations responsibility and obligation to maintain the common open space and any recreational facilities located therein.

b. The ~~homeowners~~homeowner's association shall develop a system to levy and collect annual charges against any and all individual lot owners to defray any expense connected with the maintenance of common open space and any recreational facilities located therein, and this system shall be described in said deed covenant or by some other legal instrument made binding upon the individual unit owner and running with the land.

c. The developer shall maintain control of the common open space and be responsible for its maintenance until eighty percent (80%) of the units in the development have been sold, at which time the ~~homeowners~~homeowner's association shall be responsible for such maintenance, and this obligation shall be described in said deed covenant or by some other legal instrument made binding upon the individual dwelling unit owner and running with the land.

d. All such proposed deed covenants and other legal documents pertaining to common open space shall be approved by the Planning Board, recorded in the Cumberland County Registry of Deeds and included or referred to in the deed to each unit.

**ARTICLE XIV. CONDOMINIUM DEVELOPMENT**

**Section 1. Purpose**

To provide a flexible policy for quality residential and non-residential condominium development consistent with the character, health, safety and welfare of the Town of Bridgton and which will result in a more economical subdivision layout; encourage a variety of residential dwellings; preserve open space to serve recreational, scenic, conservation and other purposes related thereto whenever possible.

**ARTICLE XIV. CONDOMINIUM DEVELOPMENT**

**Section 2. General Requirements**

1. Condominium development applies to residential or non-residential, attached or detached units, or a combination.
2. All applicable provisions of the Subdivision Regulations shall apply to applications submitted for Condominium Development.
3. Density shall be based on Lot Size and Dimension requirements set forth in the Town of Bridgton Subdivision Regulations Article X Section 1.
4. Signs shall be in accordance with the provisions set forth in the Town of Bridgton Sign Ordinance.
5. A complete landscape plan shall be submitted as part of the application.
6. For commercially related uses and structures provisions of the Site Plan Review Ordinance shall apply specifically to those uses and structures only.
7. A condominium development may be proposed for construction in phases, in which case the project shall be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facility, utilities and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users and residents of the project.
  - a. For a project which is proposed to be done in phases, the applicant or applicant's agent must submit with the initial application a conceptual plan for the overall parcel. If adjacent property is going



to be included in the overall development it must also be included in the conceptual plan.

b. If a project is proposed to be presented in phases a lot of 40 or more acres shall be counted as a lot and shall not be exempt.

8. The Bridgton Planning Board may consider specific provisions of the Town of Bridgton Site Plan Review Ordinance when reviewing an application for condominium development.

**ARTICLE XIV. CONDOMINIUM DEVELOPMENT**

**Section 3. Condominium Conversion(s)**

1. No building may be converted to a condominium development unless all applicable provisions of the Subdivision Regulations are met. Refer to Article X Section 1 "Design Standards - Lot Size and Dimensions" for exemption. (05/2010)

2. The Bridgton Planning Board may consider specific provisions of the Town of Bridgton Site Plan Review Ordinance when reviewing a proposal for condominium conversion.

3. Structures which are subject to the request for a condominium conversion must, at the time of the request, exist as a legal structure. The burden shall be on the applicant to demonstrate that the units sought to be converted have legal status.

4. There must be adequate parking available to support the request for a condominium conversion.

**ARTICLE XIV. CONDOMINIUM DEVELOPMENT**

**Section 4. Buffers**

1. A buffer strip of at least twenty-five (25) feet shall be required along the existing road frontage and along the perimeter of the land area for which the development is proposed. Free standing commercial structures are exempt from this provision.

2. The buffer strip shall consist of undisturbed vegetation provided that the existing vegetation consists of mature trees and acts as an effective screen. If existing vegetation provides a poor visual screen, a mix of new landscaping including trees, shrubs and grasses shall be planted.

3. The buffer strip shall be maintained in a natural vegetative state and shall not be cut, except for the creation of a pedestrian pathway up to 6' wide, and/or the removal of dead, diseased or storm damaged trees.

4. No buildings or structures may be erected in the buffer strip.

5. There shall be no storage of items, such as, but not limited to, snowmobiles, boats, trailers, campers, motor homes, ATV's, satellite dishes, septic systems or wells.

6. Buffer strips shall be shown on the development plan and a note shall be added to the plan regarding maintenance.

**ARTICLE XIV. CONDOMINIUM DEVELOPMENT**

**Section 5. Vehicular and Pedestrian Systems**

A. The vehicular and pedestrian circulation system within each development shall safely and conveniently accommodate the movement of vehicles, bicycles and pedestrians throughout the proposed development and must provide a system of pedestrian ways within the development appropriate to the type and scale of development. Circulation systems are provided to link residential groupings, open space areas, schools and local shopping areas. This system must connect major building entrances/exists with parking areas and with existing sidewalks, if they exist, or are planned in the vicinity of the project.

1. Streets

a. Access to all structures/lots within the development shall be located on a new interior road system constructed as part of the development.

b. Internal streets shall be built to meet the design standards set forth in the Town of Bridgton Subdivision Regulations.

c. Internal streets shall be built to provide connectivity to adjacent parcels, where applicable.

2. Sidewalks and Pedestrian Paths

a. Sidewalks and pedestrian paths shall be built to meet the design standards set forth in the Town of Bridgton Subdivision Regulations.

b. Sidewalks must conform to American with Disabilities Act (ADA).

c. Logical connections to and extensions of sidewalks and pedestrian paths outside of the development project shall be provided where applicable.

d. The Bridgton Planning Board may approve alternative designs for sidewalks or pedestrian paths or may waive the requirement upon determination that it would not serve the purpose of providing adequate pedestrian access and circulation.

**ARTICLE XIV. CONDOMINIUM DEVELOPMENT**

**Section 6. Common Open Space**

1. The building area designated for a Condominium Development project may be reduced from the lot size and dimension requirements set forth in the Town of Bridgton Subdivision Regulations Article X Section 1 providing the project meets density requirements which includes the remaining portion not designated for the building area dedicated as common open space. Multiple common open space areas are allowed.

2. Adequate guarantee must be provided to ensure permanent retention of common open space. This guarantee may be satisfied by the creation of a nonprofit ~~homeowners~~homeowner's association to ensure maintenance of the area and will include preservation of natural features, agricultural uses, environmentally sensitive areas and wildlife cover with respect to the physical qualities of the land.

3. Multiple common open space areas or phased in projects with a common open space or multiple common open spaces shall become unified for the use or enjoyment of residents and property owners living within the development area.

4. The designated open space shall not consist of required yard areas or storm water retention or detention ponds and shall be identified on the plan.

5. The open space shall be usable for recreational, agricultural or other outdoor living purposes and for preserving natural features including but not limited to, large trees, tree groves, woods, ponds, streams, rock outcrops, natural plant life and wildlife cover, deer yards and to the greatest extent possible, shall be contiguous open space.

6. The open space(s) shall be shown on the plan with appropriate notation on the face thereof to indicate that it shall not be used for future development buildings or structures.

7. Some or all of the open space may be dedicated to a nonprofit land trust for conservation, passive recreation purposes or active recreation purposes.

a. Any dedication of open space must be made through appropriate legal instruments submitted and approved by the Bridgton Planning Board.

8. If any or all of the open space is to be reserved by the individual unit owners as common open space, each unit owner shall own a fraction of interest in the common open space and the developer shall be required, prior to final subdivision plan approval, to incorporate a ~~homeowners~~homeowner's associations, which incorporation must comply with the following:

a. Proposed covenant shall be placed in each deed from the developer to the individual owner, which deed covenants shall require mandatory membership in the ~~homeowners~~homeowner's association and shall set forth the unit owner's rights, interests privileges and obligations in the association and in the common open space, including the ~~homeowners~~homeowner's associations responsibility and obligation to maintain the common open space and any recreational facilities located therein.

b. The ~~homeowners~~homeowner's association shall develop a system to levy and collect annual charges against any and all individual lot owners to defray any expense connected with the maintenance of common open space and any recreational facilities located therein, and this system shall be described in said deed covenant or by some other legal instrument made binding upon the individual unit owner and running with the land.

c. The developer shall maintain control of the common open space and be responsible for its maintenance until eighty percent (80%) of the units in the development have been sold, at which time the ~~homeowners~~homeowner's association shall be responsible for such maintenance, and this obligation shall be described in said deed covenant or by some other legal instrument made binding upon the individual dwelling unit owner and running with the land.

d. All such proposed deed covenants and other legal documents pertaining to common open space shall be approved by the Planning Board, recorded in the Cumberland County Registry of Deeds and included or referred to in the deed to each unit.

9. Common space buffers related to structures and buildings in the Downtown District as referred to in the Town of Bridgton Site Plan Review Ordinance may not be required subject to the review and approval of the Planning Board. (10-25-11)

## **ARTICLE XV. ENFORCEMENT**

### **SECTION 1. Enforcement**

No plan of a subdivision of land within the boundaries of the Town of Bridgton which would constitute a subdivision as defined herein shall hereafter be filed or recorded in Cumberland County Registry of Deeds until a Final Plan thereof shall have been approved by the Board in accordance with all of the requirements, design standards and construction specifications set forth elsewhere in these Standards, not until such approval shall have been entered on such Final Plan by the Board.

## **ARTICLE XV. ENFORCEMENT**

### **SECTION 2. Conveyance**

No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Cumberland County Registry of Deeds.

**ARTICLE XV. ENFORCEMENT**

**SECTION 3. Violations**

Any person, firm, corporation, or other legal entity who sells, leases, develops, builds upon, or conveys for consideration, offers or agrees to sell, lease, develop, build upon or convey for consideration, any land in a subdivision which has not been approved as required by this section, shall be punished by a fine of not more than \$1,000. for each such occurrence.

The Planning Board, the Code Enforcement Officer or the municipal officers may institute proceedings to enjoin violation of these regulations and, if a violation is found, the code enforcement officer, municipal planning board or municipal officers may be allowed attorney's fees.

**ARTICLE XV. ENFORCEMENT**

**SECTION 4. Penalty**

Except as provided in Section 3 above, any person, firm or corporation being the owner of or having control or use of any building, structure or land who violates any provision of these regulations or any condition imposed by the Code Enforcement Officer, Planning Board or Board of Appeals pursuant to the provisions of these regulations commits a civil violation and shall be liable for a civil penalty of no less than \$100. and no more than \$2,500. for each violation. Each day such violation is permitted to exist after notification thereof shall constitute a separate violation. All penalties collected hereunder shall inure to the Town of Bridgton.

**ARTICLE XV. ENFORCEMENT**

**SECTION 5. Public Utilities**

No public utility of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

**ARTICLE XV. ENFORCEMENT**

**SECTION 6. Invalidity**

The invalidity of any section or provision of these Standards shall not be held to invalidate any other section or provision of these Standards.

**ARTICLE XVI. LEGAL PROVISIONS**

## **SECTION 1. Appeal**

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals. (7/2007)

2. The fee established by the Board of Selectmen (see fee schedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. (7/2007)

3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings. (7/2007)

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings. (7/2007)

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause. (7/2007)

6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the

Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within ~~thirty-five~~thirty-five (35) days of the close of the public hearing shall constitute a denial of the appeal. (7/2007)

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure. (7/2007)

**ARTICLE XVI. LEGAL PROVISIONS**

**SECTION 2. Adoption**

These Standards are effective as adopted by the Bridgton Planning Board on May 6, 1997.

W.C. Bloomquist, Chairman  
David A. Lee, Vice Chairman  
Harold E. Meade  
Frederick M. Potter  
Dwight M. Pierce

**ARITCLE XVI. LEGAL PROVISIONS**

**SECTION 3. Regulation Amendment**

A. These Regulations may be amended by the Bridgton Planning Board. Amendments must comply with Title 30A §4352. Amendments will become effective following the requirements below for publishing and posting a public hearing: (4/2014)

1. The notice must be posted in the municipal office at least 13 days before the public hearing; (4/2014)

2. The notice must be published at least 2 times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the 2<sup>nd</sup> publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen; (4/2014)

3. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area. (4/2014)

Enacted: March 1994

Amended: May 1997, November 1998, May 1999, August 1999, August 2001, December 2001, July 2002, September 2003, March 2004, March 2005, March 2006, July 2007, March 2008, March 2009, May 2010, March 2011, October 25, 2011, March 20, 2012, April 1, 2014, March 24, 2015, March 29, 2016, *May 2, 2017*~~+~~