

Town of Bridgton

Site Plan Review Ordinance



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SITE PLAN REVIEW ORDINANCE**

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**TOWN OF BRIDGTON
SITE PLAN REVIEW ORDINANCE**

ARTICLE I. PURPOSE

1. Large-scale development or major land-use changes have a profound effect upon the cost and efficiency of municipal service, upon the environment of the Town of Bridgton and upon the general health, safety, and welfare of the residents of the Town. Unplanned development may result in overcrowded schools and highways, increased costs of municipal services and degraded air and water quality.

2. The purpose of this Ordinance is to ensure an orderly growth of the Town and to minimize the adverse effects of that growth when caused by development, by way of, but not limited to: commercial, industrial, retail or institutional buildings, structures and/or uses, multiple dwellings of three (3) or more attached units, campgrounds and mobile home parks.

ARTICLE II. AUTHORITY AND ADMINISTRATION AND GENERAL PROVISIONS

SECTION 1 Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30, M.R.S.A., Section 1917. (Present reference is Article VIII, Part Second, Section 1 of the Maine Constitution and Title 30A M.R.S.A, Section 3001.

2. This Ordinance shall be known as the "Site Plan Review Ordinance" of the Town of Bridgton, Maine adopted and effective by vote of the Town Meeting.

ARTICLE II. AUTHORITY AND ADMINISTRATION

SECTION 2. Administration

The Planning Board of the Town of Bridgton shall administer this Ordinance.

ARTICLE II. AUTHORITY AND ADMINISTRATION

SECTION 3. General Provisions

1. The Reviewing Authority may modify or waive any of the application requirements or performance standards when it determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

2. The Planning Board may require the filing of a Performance Bond, a certified check payable to the Town, an irrevocable letter of credit or the execution of a conditional agreement with the municipality by the applicant. Such measures may be required to assure proper completion of some or all site improvements including, but not limited to roads, parking areas, sewage systems, water lines, open areas and sedimentation and erosion control systems.

3. The Planning Board may use any technical and professional services necessary to assist in the review of any application submitted. Services may include but are not limited to: a technical analysis of the consequences of other users of property within the town or on other towns within one thousand (1,000) feet of the site, an analysis of the visual impact, an analysis of any applicable federal and state requirements, an analysis of alternative sites, an analysis of road transportation effects, and other issues to satisfy the requirements of this Ordinance. The applicant shall be required to pay all costs involved in these professional services. If any cost, the applicant shall be required to pay to the Town, in advance of the scheduling of any Meeting or Public Hearing a sum equal to said projected or estimated cost. Any part of said sum in excess of the final cost shall be returned to the applicant.

ARTICLE III. APPLICABILITY

1. No large scale development or major land use change, as defined in this Ordinance, shall be undertaken without the prior review and approval of the Code Enforcement Officer or Fire Chief and the Planning Board, as provided herein.

2. This Ordinance does not apply to:

a. Construction of detached one and two family dwellings when built on individual lots and customary outbuildings for the use of residents thereof.

b. Construction of barns, stables, and other agriculturally related buildings. This Exemption shall not apply to Registered Medical Marijuana Dispensaries.

c. All non-structural uses of land for agricultural or forestry purposes.

d. Existing buildings or premises legally established prior to the adoption of this Ordinance unless one or more of the factors described in Article III Section 3.a through Section 3.i is present.

e. Surface and Subsurface mineral extraction activities that affect less than two (2) acres of surface area of the entire property that is active or unreclaimed and the removal or handling of less than 1,500 cubic yards of material in twelve consecutive months.

f. Storage or stockpiles of winter abrasives (sand) used for the maintenance of private or public road. This applies to the stockpile of storage area itself and not any associated with mineral extraction activity or area.

g. Removal or filling of materials for all improvements incidental to construction, alteration or repair of a structure, town or state roads, or in the landscaping incidental thereto.

h. Construction of farm and fire ponds and normal agricultural operations.

3. This Ordinance shall apply to all development proposals for:

a. New or substantial enlargement as defined herein of commercial, retail, industrial, institutional and recreational building(s), structures(s) and uses, and projects to be constructed on an existing footprint or foundation.

b. Multi-family dwellings consisting of three (3) or more attached dwelling units and their accessory uses and structures.

c. Campgrounds.

d. Mobile home parks.

e. New or expanded uses of existing structures or land or existing uses when such new or expanded uses are likely to generate greater vehicular traffic, or which would employ new materials and/or processes or the sale of goods not normally associated with the previous use.

f. Bed and Breakfast establishments.

g. Large Scale Water Extraction exceeding 50,000 gallons on any given day or 1,000,000 annually. See section relating to Large Scale Water Extraction. Large Scale Water Extraction is subject to the general provisions set forth in this Ordinance.

h. Water extraction operations which are less than 50,000 gallons on any given day are subject to the general provisions set forth in this Ordinance.

i. New or proposed Surface and Subsurface Mineral Extraction greater than 2 acres and expansions of permitted Surface and Subsurface Mineral Extraction Activities.

j. Telecommunications facilities, towers or wind energy systems.

ARTICLE IV. REVIEW PROCEDURES

SECTION 1. Department Review

1. The Code Enforcement Officer, Fire Chief, Public Works Director, Police Chief, Planning and Development Director and Transfer Station Manager of the Town of Bridgton are delegated authority to approve site plan review applications without prior submission to the Planning Board if, after careful study, those applications present no increased impact on the environment, health and public safety of the Town of Bridgton. The Department Heads shall use Article VII. "Review Standards" of the Site Plan Review Ordinance to guide them in the process. Decisions or decisions with conditions on Department Review shall be completed within 15 days upon receipt of the application. Upon completion of Department Review it shall be the responsibility of the Code Enforcement Officer to notify the applicant in writing of the decision or decision with conditions.
2. If a particular department is vacant at the time an application is submitted, the application is automatically forwarded to the Planning Board for a full review. For purposes of Planning Board Review, the applicant must comply with Article VII. "Review Standards" of the Site Plan Review Ordinance. The Planning Board has the authority to apply all provisions of the Site Plan Review Ordinance to conduct a full and comprehensive review of the application submitted.
3. If an application is denied by a Department Head the applicant may proceed to the Planning Board for a full review. The applicant or authorized agent for the applicant shall notify owners of all properties within one hundred (100) feet from the property involved of the proposed application using certified mail return receipt requested not less than twelve (12) days prior to the meeting. The applicant or authorized agent for the applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the Planning Board Meeting and a sketch of the of the proposed project. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. For purposes of Planning Board review, the applicant must comply with Article VII. "Review Standards" of the Site Plan Review Ordinance. The application shall also include documentation from the particular Department Head stating reason for denial. The Planning Board has the authority to apply all provisions of the Site Plan Review

Ordinance to conduct a full and comprehensive review of the application submitted.

4. Impact Statements to this effect are to be provided by the Code Enforcement Officer, Fire Chief, Public Works Director, Police Chief and Transfer Station Manager.

5. When comments are made on an impact statement by a particular Department Head they must cite the section of the Ordinance or state law that is applicable to their comments.

6. If the following thresholds are not exceeded the proposed use shall be deemed eligible for Department Review.

a. Does not involve a new building or accessory building over 600 square feet.

b. Accessory buildings associated with the primary use or structure not exceeding 600 square feet which does not have sanitary plumbing i.e., toilet(s), shower(s), sink(s) are eligible for Department Review provided that only one such new construction project shall be permitted in a five-year period.

c. Expansions less than a 25 percent expansion or 3,000 square feet, whichever is less, of current use.

d. Creates no increased traffic, change of traffic pattern, noise level, use, storage or sale of hazardous, toxic or noxious materials, or significant changes in numbers of personnel.

e. Proposed use constitutes a minor change only.

7. All other cases are subject to full Planning Board review.

8. The Planning Board is to be informed of all Departmental approvals at its next scheduled meeting.

ARTICLE IV. REVIEW PROCEDURES

SECTION 2. Pre-application meeting before the Planning Board

1. Prior to submitting an application for development, the developer or his authorized agent may appear at a regular or special meeting of the Planning Board to informally discuss the proposed development.

2. The developer or his authorized agent shall be responsible for notifying owners of all properties within one hundred (100) feet from the property involved of the proposed application using certified mail return receipt requested at least twelve (12) days before the meeting of the Planning Board at which the applicant wants to be heard. The applicant shall also notify the Bridgton Town Manager at the Bridgton Town Office, Three Chase Street, Suite

1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt. Along with the notification to the property owners and the Town Manager the applicant shall include a sketch of the proposed project. Copies of the letter and verification of the certified mailing from the USPS, or the equivalent carrier, shall be submitted to the Planning Board. For the purpose of this section, the owners of property shall be considered to the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically.

3. The developer shall present to the Planning Board at this time, for informal review and comment, a sketch plan of the proposed development. The sketch plan shall consist of a rough description of the proposed development, and may be a free hand, penciled sketch of the parcel, showing the proposed exterior and layout of buildings, roads and other features which may be of assistance to the Planning Board in making its determinations.

4. The Planning Board may request that the developer arrange for an inspection of the site with the Planning Board, or an individual appointed by the Board Chairman to act as the Board's representative.

5. No binding commitments shall be made between the developer and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what is acceptable. No vested interests shall attach or accrue as a result of any pre-application meeting with the Planning Board.

ARTICLE IV. REVIEW PROCEDURES

SECTION 3. Full Planning Board Review

1. The Planning Board of the Town of Bridgton is empowered to approve, deny, or approve with conditions an application coming before it. Upon receiving a completed application as determined by the Planning Board, the Planning Board will begin the process of review according to the procedures established by this Ordinance.

2. The Applicant or a duly authorized representative shall attend the meeting of the Board when the application is reviewed.

3. The Planning Board may hold a public hearing within (30) days of beginning review of an application. The time, date, and place of the hearing shall be published at least two times prior to the hearing in a newspaper of area-wide circulation. The applicant or authorized agent for the applicant shall notify owners of all properties within one hundred (100) feet of the property involved of the proposed application using certified mail return receipt requested not less than twelve (12) days prior to the hearing. The

applicant or authorized agent for the applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the hearing and a sketch of the proposed project. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30, M.R.S.A., Section 2411, Subsection 3 (A), (B), (C), (D) and (E).

4. The Planning Board may request an inspection of the site by the Board or by an individual appointed by the Board Chairman to act as the Board's representative.

5. In the event of a public hearing or site review, the Planning Board shall again review the application at the next scheduled meeting.

6. The time frame for review by the Planning Board may be altered or delayed in cases when more time, public reaction and/or information is needed. In these cases, Planning Board review will proceed with all deliberate speed to a conclusion of the matter.

7. Applicants present at Planning Board meetings will be given oral notice of Board action and the reason for taking such action. In such cases the minutes of the meeting will provide the written record. Written notice of Board action, if warranted, will be provided within seven (7) business days of a decision.

8. Supplemental information which the applicant may wish to present must be submitted to the Planning Board at least twelve (12) days prior to the proposed meeting or Public Hearing.

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

ARTICLE V. SITE PLAN OF DEVELOPMENT APPLICATION
SECTION 1. Submission Requirements

NOTE: Please review Article VII. "Review Standards" for comprehensive review standards.

1. The Applicant shall submit eight (8) copies of all documents 8½x11 and fifteen (15) copies of all documents larger than 8½x11 of the completed application along with all required documentation to the Town at least twelve (12) days before the meeting of the Planning Board at which the Applicant wants to be heard. If an application for Site Plan of Development is submitted after twelve (12) days but prior to the Planning Board meeting, the application may be heard at the discretion of the Planning Board.

2. A map or maps prepared at a scale of not less than one (1) inch to one hundred (100) feet containing:

a. Name and address of the Applicant or his authorized agent and name of proposed development and any land within five hundred (500) feet of the proposed development in which the Applicant has title or interest;

b. Description of existing soil conditions as established by a soil scientist, geologist, engineer or by soil conservation service medium-intensity soil surveys;

c. Municipal tax maps and lot numbers and names of property owners within one hundred (100) feet;

d. Perimeter survey of the parcel and interior lot layout made and certified by a registered land surveyor relating to reference points, showing true north point, graphic scale, corners of parcel and date of survey and total acreage;

e. Existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways and public or private rights-of-way;

f. If the site is not to be served by a public sewer line, then an on-site soils investigation report by a Department of Human Services licensed site-evaluator shall be provided. The report shall contain the types of soil, location of test pits, and proposed location and design of the best practical subsurface disposal system for the site;

g. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of entrances and exits of vehicles to and from the site onto public streets and curb and sidewalk lines;

h. Topography indicating contours at intervals of either 5, 10 or 20 feet in elevation as specified by the Planning Board;

i. Location of aquifers and aquifer recharge areas, if mapped.

3. Drawing or drawings showing:

a. Exterior of building with statement of exterior materials, texture and color;

b. Floor plan of building(s) showing location, maximum floor area and ground coverage and placement on site;

c. Landscaping sketch plan showing approximate placement and types of vegetation, fencing and screening;

d. Location, description and placement of signs.

e. Location, description and placement of exterior lighting.

4. A written statement or statements by the Applicant that shall consist of:

a. Evidence from the applicant of his title and/or interest in the land for which the application covers;

b. A description of the proposed uses to be located on the site, including quantity and type of residential unit(s), if any;

c. Total maximum floor area and ground coverage of each proposed building and structure and maximum percentage of lot covered by each building or structures;

d. Summary of existing and proposed easements, restrictions and covenants placed on the property;

e. Method of solid waste disposal;

f. Erosion and sedimentation control plan;

g. The applicant or authorized agent for the applicant shall notify owners of all properties within one hundred (100) feet from the property involved of the proposed application using certified mail return receipt requested not less than twelve (12) days prior to the meeting. The applicant or authorized agent for the applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the Planning Board Meeting and a sketch of the proposed project. For the purpose of this section, the owners of property shall be considered to be the persons listed

in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application;

h. The applicant's evaluation of the availability and suitability of off-site public facilities;

i. A statement from the developer that the requirements of the Fire Chief as to the availability of fire hydrants and/or fire ponds, or provisions of fire protection services will be provided;

j. A statement from the developer that the proposed road construction will meet town specifications as detailed by the Public Works Department;

k. An estimate of the date when construction will start and when the development will be completed.

l. Proposal for protecting existing vegetation during construction and replacing that which may become damaged by construction.

m. Any additional information that the Planning Board deems necessary.

5. All applications shall be accompanied by a fee as provided in the Town Fee Schedule and may be amended from time to time, and which is incorporated herein by reference.

ARTICLE VI. AMENDMENTS TO PREVIOUSLY APPROVED SITE PLAN OF DEVELOPMENT APPLICATIONS

1. Prior to making any change or revision to an application that has been approved by the Planning Board, the applicant must submit A Departmental Review Application to the Code Enforcement Officer. The applicant shall submit eight (8) copies of all documents 8½x11 and fifteen (15) copies of all documents larger than 8½x11 of the request along with all required documentation. The applicant or authorized agent for the applicant shall notify owners of all properties within one hundred (100) feet from the property involved of the proposed amendment or revision using certified mail return receipt requested postmarked the date application is submitted. The applicant or authorized agent for the applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed amendment or revision by certify mail return receipt requested postmarked the date application is submitted. The notification to the property owners and the Town Manager shall include a description of the proposed project, a sketch if there are proposed revisions to the

footprint or a new structure, and a statement that written comments must be received by the Code Enforcement Officer within 10 days of the date of notice. Copies of the letter, description, sketch and verification of the certified mailing from the USPS, or equivalent carrier shall be made a part of the application. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically.

2. The Planning Board may hold a Public Hearing concerning the amendment or revision within thirty (30) days of beginning review of an application. The time, date and place of hearing shall be published at least two times prior to the hearing in a newspaper of area-wide circulation. The applicant or authorized agent for the applicant shall notify owners of all properties within one hundred (100) feet from the property involved of the proposed amendment or revision using certified mail return receipt requested not less than twelve (12) days prior to the hearing. The notification to the property owners and the Town Manager shall include the time, place and date of the hearing and a sketch of the proposed project. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30, M.R.S.A., Section 2411, Subsection 3 (A), (B), (C), (D), and (E).

3. The application shall be accompanied by a fee as provided in the Town Fee Schedule and may be amended from time to time.

ARTICLE VII. REVIEW STANDARDS

A. Standards presented herein are intended to achieve the following objectives: Preserve the traditional New England character of the downtown; present an attractive gateway area; facilitate safe vehicular and pedestrian access; protect the value of abutting properties and the character of natural surroundings; promote intelligent, attractive and useful design; ensure economic investment and vitality; anticipate future growth.

B. Performance Standards required for any approval by the Planning Board. The Planning Board shall approve or approve with conditions a submitted application if there is an affirmative finding based on information presented that the application meets the following

standards. The applicant shall have the burden of establishing by demonstrable evidence that the application and project is in compliance with the requirements of this Ordinance.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state by minimizing disturbance of soil and removal of existing vegetation during construction. Landscaping shall be incorporated into the final plan and shall be designed and planted in such a way that shall define, soften or screen off-street parking areas from the public right of way and abutting properties, will enhance the physical design of the building and site and will minimize adverse impact on neighboring land uses. Invasive plants shall not be used in any landscaping project.

2. Relationship to Surroundings: Proposed structures or additions to existing structures shall be harmonious with the terrain and existing buildings in the vicinity and shall;

a. Be of compatible scale and size;

b. Not to exceed thirty-five (35) feet in height measured from the ground or rise in sight above the Main Street church steeple;

c. Be of compatible architectural style, incorporating features such as, but not limited to, simple rectangular shape, gable roof or other traditional compatible roof line, dormers, compatible windows, doors and trim;

d. Include as an integral element of design varying roof lines, awnings and canopies above windows or doors and other architectural elements to reduce bulk or scale of buildings. Designs shall seek to eliminate unadorned or blank walls through use of varying architectural elements, windows or other reflective surfaces. The Planning Board shall consider the use, location and surroundings of the structure when determining the appropriateness of the building's façade.

e. Have exterior of wood, stone, brick, or other material having the same architectural and visual properties;

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

3. Vehicular Access: The proposed layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. Applicants shall make all reasonable efforts to incorporate shared driveways, providing primary access to adjacent properties, reducing curb cuts on the main road.

4. Parking and Circulation: The design of vehicular and pedestrian circulation areas including walkways, interior drives and parking areas shall be safe and convenient and promote clearly delineated traffic patterns for pedestrian, private vehicle and service use.

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

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

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

d. Applicants may satisfy parking requirements by entering into a written agreement with another property owner or through the utilization of municipal parking lots allowing for overnight and winter parking. The applicant must demonstrate to the Planning Board a long term lease or other arrangement within close proximity of the proposed development site. The lease or other arrangement must have a duration of at least five (5) years plus two consecutive five (5) year automatic renewal periods. The Planning Board shall have the ability to determine if alternative agreements or use of public lots is sufficient to address the needs of the proposed development. (12-13-2011)

5. Surface Water Drainage: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion or the public storm drainage system. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a ten-year storm frequency.

6. Applicants shall be required to meet any and all state and local regulated setbacks from all applicable vehicle rights of way. The applicant shall be restricted from building any non-impervious development within the setback area. This shall not restrict the construction of vehicular or pedestrian entrances to and exits from the property. Applications subject to dimensional requirements set forth in Article XI Section 2 and Section 2.a through 2.b are exempt from this section.

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

8. Advertising Features: The design and lighting of signs and other advertising structures shall be shielded and non-flashing and not

detract from the design of the proposed building and other surrounding structures and properties.

9. Special Features of the Development: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audiovisual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

10. Exterior Lighting: All exterior lighting shall be shielded and non-flashing, energy efficient and ensure safe movement of people and vehicles. Placement of lighting shall minimize glare and reflections on adjacent properties and the traveling public. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties.

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

12. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, emergency medical unit, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

13. Protection Against Undue Water Pollution:

a. In making this determination, the Planning Board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoil's, and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluents; the aquifers and aquifer recharge areas; the existence of streams and surface runoff characteristics; cumulative impact of increased phosphorus loading to lakes; and the applicable federal, state and local laws, ordinances, codes and regulations.

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

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

15. Water Use: There is sufficient water available for the reasonable foreseeable needs of the development and will not cause

an unreasonable burden on an existing water supply, if one is to be utilized.

16. Protection against unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition will not result.

17. Provision for adequate sewage waste disposal.

18. Protection against any undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

19. Protection of waters and shoreland: Whenever situated in whole or in part, within 250 feet of any pond, lake, river, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Bridgton.

20. Limit of Noise levels. Will not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.

a. Noise: Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume (please refer to table below).

b. The maximum permissible sound pressure level of any continuous regular or frequent source of sound produced by any activity regulated by this Ordinance shall be as established by the time period and type of land use listed below. Sound pressure levels shall be measured on a sound level meter at all major lot lines of the proposed site, at a height of at least four (4) feet above the ground surface.

Sound Pressure Level Limit

7a.m. - 8p.m.

8p.m. - 7a.m.

70 dB (A)

55 dB (A)

c. The following uses and activities shall be exempt from the sound pressure level regulation:

1. Noises created by construction and maintenance activities between 6:30a.m. and 8:00p.m.

2. The noises of safety signals, warning devices, and emergency pressure relief valves and any other emergency activity.

3. Traffic noise on public roads.

21. Conformance with Comprehensive Plan for the Town.

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

23. Location in Flood Zone: The sub divider shall determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the proposed development in whole or part, is in a flood prone area. If the proposed development, or any part of it, is in such an area, the applicant shall determine the one hundred (100) year flood elevation and flood hazard boundaries within the development. The proposed development plan shall as a condition of site plan approval assure that principal structures on lots in the subdivision shall be constructed with their lowest floor, including basement, at least one (1) foot above the one hundred (100) year flood elevation.

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

ARTICLE VIII. LARGE SCALE WATER EXTRACTION

SECTION 1. Inapplicability

1. The requirement of review and approval shall not apply to extraction of ground water which is to be used within the Town of Bridgton for standard agricultural purposes, for part of a community non-transient public drinking water supply as defined under Maine Drinking Water Program rules or for domestic water supplies to private residences within the Town of Bridgton. Also exempt is water supply for public facilities such as schools within the Town of Bridgton, fire suppression, or for existing residential, commercial, agricultural, or industrial use and consumption within the Town of Bridgton

ARTICLE VIII. LARGE SCALE WATER EXTRACTION

SECTION 2. Applicability

1. The extraction of more than 50,000 gallons on any given day or 1,000,000 annually of ground water, spring water, surface water and/or water from an aquifer by any one entity of person, or consortium or association of entities or persons acting in concert, regardless of the number of extraction facilities utilized, shall require review and approval by the Bridgton Planning Board.

ARTICLE VIII. LARGE SCALE WATER EXTRACTION

SECTION 3. Pre-application Meeting Before the Planning Board

1. Prior to submitting an application for development, the developer or his authorized agent may appear at a regular or special meeting of the Planning Board to informally discuss the proposed development.

2. Requirements set forth in Article IV Section 2 of this Ordinance shall apply.

ARTICLE VIII. LARGE SCALE WATER EXTRACTION
SECTION 4. Application Process

1. Applications for Large Scale Water Extraction shall be in writing, stamped and certified by a Maine Registered professional Engineer or Maine-Certified Geologist and be accompanied by Site Plans stamped by a Maine-Licensed surveyor.

2. Application requirements set forth in Article V of this Ordinance shall also apply.

3. The Planning Board shall have thirty (30) days from the date of submission to conduct a preliminary review of the application solely for the purpose of determining whether the application is complete as required by this Ordinance.

a. If within said thirty (30) day period the Planning Board determines the application is incomplete, in any material or relevant respect, it shall inform the applicant, either by writing, or verbally at a regularly scheduled meeting of the Board at which the applicant or its duly authorized representative is present, after which the applicant shall have a reasonable period of time, not to exceed sixty (60) days to complete its application in accordance with this Ordinance, upon failure of which the application shall be deemed withdrawn.

b. If by the end of said thirty (30) day period for review of completeness the Planning Board has not informed the applicant the application is incomplete, it shall be deemed complete, in which case the Board shall schedule a public hearing no later than sixty (60) days from the date the application was originally submitted, or no later than sixty (60) days from the date a supplemental application was submitted.

c. The Planning Board shall hold a Public Hearing within thirty (30) days of the determination of application completeness. The applicant or authorized agent for the applicant shall notify owners of all properties within one thousand (1,000) feet of the property involved by certified mail return receipt requested not less than twelve (12) days prior to the meeting. The applicant or authorized agent for the applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. The notification to the property owners and the Town Manager shall include the time, place and date of the hearing and a sketch of the proposed project. Copies of the letter, sketch and verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. For the purpose of this section, the owners of property shall be

considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Notice shall be published in a newspaper of general circulation in the Town of Bridgton at least two times and posting of notice in at least three conspicuous public places within the Town. Related advertising fees will be deducted from the Escrow.

d. Within thirty (30) days of the Public Hearing, or within such other time limit as may be otherwise mutually agreed to, the Board shall meet to render a decision.

e. No later than thirty (30) days following the official decision, the Board shall issue a written decision with findings of fact and rulings and conclusions.

4. Any independent technical evaluation shall be at the applicant's expense.

5. Copies of approved state and federally mandated permits. Applications will not be accepted until all state and federal permits are complete and approved;

6. Evidence of applicant's right, title and interest to the property(ies) from which the water is to be extracted, whether by lease, option, contract or otherwise. Ownership and title as evidenced by a deed, in its entirety, duly recorded in the Cumberland County Registry of Deeds;

7. A statement of total maximum quantity of water to be extracted, as the annual total, then maximum monthly total and the maximum daily total from all extraction points operated by the same individual or entity, or consortium or association of individuals or entities;

a. The location(s) of points of extraction;

b. The method(s) of extraction;

c. The proposed use for which the water is to be extracted, including the identity of any end user of the extracted water whose facilities for use, processing, transporting, storage, bottling, shipping, piping, sales or other similar activities are located outside the Town of Bridgton;

8. A copy of any related application and exhibits, reports, and public correspondence for such extraction and related facilities filed or to be filed with any other municipal authority or any agency or department of the State of Maine or federal government, including as required by 38MRSA 481-490 (Site Location of

Development), 38MRSA 480-A to 480-Z (Natural Resources Protection Act), 22 MRSA 2660 et seq. (transportation of water for commercial purposes) or under other applicable Department of Environmental Protection (DEP) or Department of Health and Human Services rules and regulations;

9. A copy of any related permit, approval, or denial for such extraction or related facilities as may have been issued by any agency including but not limited to DHHS bulk Water Transport Permit, DHHS Public Water Supply approval, DEP Site Location License, or DEP Wetlands Alteration Permits (all such permits are needed prior to application);

10. A written report, certified to the Bridgton Planning Board, procured and paid for by the applicant, of a hydro geologic investigation and study conducted, prepared and stamped and certified by a Maine Registered Professional Engineer or Maine Certified Geologist or any other professional engineer as may be determined by the Planning Board. The report shall be based on a hydro geologic investigation of sufficient detail to provide but not be limited to the following information;

11. A map of the entire topographic drainage basin up gradient of the water extraction site(s) showing the basin boundaries, sub basin boundaries that may be of significance to the recharge of the water extraction site(s), and the location of the extraction site(s);

12. Two maps of the aquifer as specified below showing the spring(s), well(s) or excavation(s) from which water is to be extracted; and the wetlands, including significant vernal pools, and surface water bodies within two thousand (2,000) feet of the extraction site(s). These maps shall be at a scale of one hundred feet (100) to an inch and shall depict topographic contours at an interval of twenty (20) feet or less. The two maps shall show the following information, respectively 1) Water Table contours under ambient conditions, and 2) Water Table contours under actual pumping conditions at the completion of a five day constant rate pumping test at a rate at or above that proposed for operation. These maps shall be based on Water Table elevation measurements from monitoring wells and surface water bodies in the vicinity of the extraction site(s), and must include estimated surface water elevations for more distant locations. The applicant shall take reasonable measures to obtain such data from land not owned by the applicant but not required to include such data if other land owners do not allow access;

13. A map showing the long-term zone of contribution to the extraction site(s) based on maximum proposed extraction rates, and a quantitative water budget analysis that includes precipitation input, evapotranspiration losses, surface water runoff, ground water flux, and discharge-recharge relationships between surface water and ground water;

14. Two scaled geologic cross-sections effects of long-term water extraction on local and regional ground water levels, wetlands; ponds or lakes levels; base flow in streams; and any water quality changes in ground water and surface water bodies due to the proposed use;

15. Locations and logs of all subsurface explorations, including but not limited to test pits, borings, probes, and geophysical data. Installation diagrams of all wells, including, as applicable, depth, screened interval(s), casing length, elevation of ground surface and top of casing materials used, length of seals, and other relevant information. Background water level and water quality data, including, as applicable, stream flow, spring flow, wetland boundaries and hydro period, and other information as determined to be necessary by the Board. Precipitation data from a location or locations and for a period determined to be acceptable by the Board;

o. The aquifer characteristics including hydraulic conductivity and transmissivity, average daily, monthly, and annual extraction rates;

16. The applicant shall be responsible for notifying owners of all properties within one thousand (1,000) feet of the extraction point(s), as identified by the application, by written notification of time, place and date of Planning Board Meeting. Notification shall also include an explanation of the intent, scope, location of the proposed water extraction in terms readily understandable to a layman. Such notice shall be sent certified with a return receipt not less than fifteen (15) days before the Meeting. A copy of the notice along with verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. For the purpose of this section, the owners of properties shall be considered to be the persons listed as those against whom taxes are assessed in the most recent tax records of the Town of Bridgton;

17. A small scale site plan showing existing network of public or private roads leading to or by the extraction point(s);

18. Any proposed new roads or driveways to be constructed for access to and egress from the extraction point(s), and the point(s) of intersection of such proposed roads or driveways with existing roads;

19. The location and type of monitoring and test wells;

20. Any existing or proposed pipes, pipelines, aqueducts or similar that are intended to facilitate transport of the extracted water from the extraction point(s) towards the intended end user;

21. Any existing or proposed utility lines to be used in the extraction operation(s);

22. A detailed plan of the extraction point(s) including without limitation: well heads, pumping facilities, monitoring or test wells, lighting, all structures including but not limited to buildings, sheds, tanks, and silos, paving, vehicular drives, parking and turnaround, utility lines, fencing, pipelines, access roads or driveways, elevation and contour lines;

23. Any other relevant material detail(s) bearing on the proposed extraction process the omission of which would tend to hinder the ability of the reviewing authority, affected landowners, or the public from developing a full understanding of the scope and impact of the proposal.

24. Any vehicular demand on existing town roads or public easements occasioned by the operation of the extraction and related storage and transfer facility(ies) shall not exceed the capacity of those roads as determined by the Bridgton Road Commissioner, or cause the premature failure, aging or diminished utility of those roads;

a. To the extent the extraction facility(ies) will be served by pipes, pipelines, aqueducts or similar, such installations shall be sited and constructed in a manner which shall not interrupt the public's use of any existing roadway, interrupt the public's access to any private facility, great pond or similar; interrupt private access to private property; or pose the risk of damage to any property along or through which such installation traverses as a result of any failure or malfunction which might cause ponding, erosion, run off or similar.

b. The proposed extraction and activities incident to such extraction such as increased traffic (volume and type), parking, noise, glare from lights, or similar potential for nuisances shall not cause a negative impact on adjacent properties, and nearby vicinity as a whole. Hours of operation to be determined by the Planning Board and implemented according to type of activity.

c. Provisions shall be made for vehicular access to extraction facility(ies) and for circulation, loading and unloading upon the lot in such manner as to safeguard against hazards to traffic and pedestrians on adjacent streets or roads, to avoid traffic congestion and traffic safety hazards, or other safety risks.

od. Any driveways or access roads to the extraction facility(ies)
d. Any driveways or access roads to the extraction facility(ies) shall be designed in profile and grading and located so as to provide sight distances as specified by the Maine Department of Transportation.

e. Driveways or access roads to the extraction facility(ies) shall conform to the standards outlined in the Town of Bridgton Subdivision Regulations.

25. All water extraction meters must be calibrated, certified and sealed annually by the Maine State Department of Weights and Measurers with all costs to be paid by the applicant or the extractor.

26. The quantity of ground water to be extracted will not have a negative impact on ground water flow patterns relating to the aquifer, its recharge areas, or other ground water sources within the Town of Bridgton.

27. The quantity of ground water to be extracted will not negatively impact, diminish or alter any surface waters within the Town of Bridgton, including during any periods of drought.

28. The quantity of ground water to be extracted will not cause any ground subsidence beyond the property lines of applicant's property.

29. The quantity of ground water to be extracted will not adversely affect the long-term sustainability of the aquifer, or its recharge areas, including during periods of drought.

30. The quantity of ground water to be extracted will not negatively impact the quality of the ground water in the aquifer.

31. Trucks transporting water must only use roads approved by the Planning Board.

32. Representative(s) of the Town of Bridgton shall have access to all wells and facilities for oversight purposes.

33. Extraction well(s) shall not have a negative impact on the water quality or quantity of any public or private wells or spring in the Town of Bridgton, Maine.

ARTICLE VIII. LARGE SCALE WATER EXTRACTION

SECTION 5. Enforcement

1. Standards outlined in Article XIV shall also apply.

2. The applicant assumes any and all liability for the loss, interruption, degradation or interference with the pre-existing beneficial domestic use of ground water by a landowner or lawful land occupant, or other public or private water supply, caused by applicant's withdrawal or extraction of water.

3. Liability for harmful ground water withdrawal shall be governed by 38MRS 404.

4. Also, the liability of applicant shall be for compensatory damages only, and shall be limited to the following:

5. All costs necessary to restore the landowner or lawful land occupant to a status which is reasonable equivalent in terms of quantity and quality of ground water, made available on a similarly accessible and economic basis;

6. Compensatory damages for loss or damage to the property, including, without limitation, the loss of habitability of residence, caused to the landowner or lawful land occupant by reason of the interference prior to restoration of the status provided for in subparagraph F.3.a.; and

7. Reasonable costs, including expert witness and attorney fees incurred in initiating and prosecuting an action when necessary to secure a judgment granting the relief provided for under this section.

ARTICLE VIII. LARGE SCALE WATER EXTRACTION

SECTION 6. Performance Standards

1. Every extraction well site shall be provided with a minimum of three monitoring test wells, the location of these monitoring test wells must first be approved by the Town of Bridgton and these wells must monitor the same geologic unit that is producing the ground water for the extraction well. Any private wells within the zone of contribution shall be monitored.

2. The approved applicant shall provide the Town of Bridgton with quarterly hydro geologic status reports documenting compliance with their permit, the effects of the extraction on the local and regional ground water system, and confirmation that the extraction is not degrading water quality or quantity. The report shall include but not be limited to a tabulation of ground water extraction volumes on a daily and monthly basis; monthly ground water level trends from each monitoring well set associated with the extraction well, and a discussion of any variation in the effects of extraction compared to predicted hydro geologic response. All quarterly reports will be submitted to an independent expert for review. The independent expert will be chosen by the Bridgton Planning Board and paid for the applicant.

3. The applicant must submit quarterly operating records to the Bridgton Planning Board. Such reports shall show daily, monthly, and yearly totals of water extracted and the amount stored and shipped for each interval. Detailed records must also be kept as to the vehicles on which water is shipped, including the loading weight and the vehicle gross weight, the departure time and the intended destination.

4. Ground water samples shall be collected on an annual basis in August and analyzed for an appropriate suite of water quality parameters. Samples shall be collected from at least two hydraulically up gradient locations and two hydraulically down

gradient locations. In addition, representative samples from 10% of the private wells within the zone of contribution will be included in the August water quality analysis. The water quality parameters and sample locations shall be approved beforehand by the Town of Bridgton or its representative. An itemized report defining sample location(s) and results shall be submitted to the Bridgton Planning Board no later than thirty (30) days following the collection of such samples.

5. If in any seven (7) days out of a twelve (12) day rolling window, the flows are below 120 percent of the proposed minimum base flows, the alert level is triggered. While on alert status the reporting frequency to the Planning Board will increase to weekly reporting of flow monitoring and include a weekly description of operational modifications to ensure that the minimum base flows are not reached. Operational modification will entail reduction in pumping. The reduction in pumping will vary between a complete stop of pumping to no reduction in pumping. If the alert level is triggered, the applicant must notify the Planning Board before the end of the following workday (weekends and holidays excluded). The applicant must implement, within twenty-four hours, any operational changes potentially including cessation or reduction in pumping rate and or supplementing existing flows required by the Planning Board following Planning Board review of the weekly reports. The Planning Board will determine whether and when the previously approved reporting schedule may be resumed.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS

SECTION 1. Purpose

1. In addition to the requirements of Article I "Purpose" of this Ordinance the following criteria shall also apply to applications for Surface and Subsurface Mineral Extraction.

2. The purpose of this section is to put into law minimum removal, and reclamation standards, and municipal procedures intended to regulate the removal, processing and storage of topsoil, loam, rock, flat rock, sand, gravel, metallic minerals, or other similar materials. These standards and procedures are intended to protect the public health, safety, and general welfare; and to minimize the adverse impact of extraction to the Town, abutting property owners, citizens of the Town and wildlife and natural resources by:

a. Preserving and protecting surface and groundwater quality and quantity for current and future use of the town and/or its residents.

b. Preserving the value of property and its future ability to be an asset to the town and its residents.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 2. Review Procedures

1. Requirements stated in Section 4 "Review Procedures" shall also apply.

2. The applicant shall be responsible for notifying owners of all properties within one thousand (1,000) feet of the extraction site by written notification of time, place and date of Planning Board Meeting as identified by the applicant using certified mail return receipt requested. The applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt. Along with the notification to the property owners and the Town Manager the applicant shall include a sketch of the proposed project. Notification shall also include as explanation the intent, scope, location of the proposed extraction in terms readily understandable to a layman. Such notice shall be sent not less than fifteen (15) days before the Planning Board Meeting. A copy of the notice along with verification of the certified mailing from the USPS, or equivalent carrier, shall be made a part of the application. For the purpose of this section, the owners of properties shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically.

3. The Planning Board shall hold a Public Hearing within thirty (30) days of the determination of application completeness. The applicant or authorized agent shall be responsible for notifying owners of all properties within one thousand (1,000) feet of the extraction site by written notification of time, place and date of such hearing. The applicant shall also notify the Bridgton Town Manager at Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt requested. Along with the notification to the property owners and the Town Manager the applicant shall include a sketch of the proposed project. Copies of the letter, sketch and return receipts shall be made a part of the application. This notice shall be sent not less than fifteen (15) days before the Public Hearing. For the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, applicant must reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended periodically. Notice shall be published in a newspaper of general circulation in the Town of Bridgton at least two times and posting of notice in at least three conspicuous public places within the Town. Related advertising fees will be deducted from the Escrow.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 3. Application requirements

1. Application requirements stated in Article V shall also apply.

a. Name and address and telephone number of the applicant, and the name, address and telephone number of the owner of the property, if different from the applicant.

b. Verification of the right, title or interest the applicant has in the property; a copy of the deed(s) of the property together with copies of all covenants, deed restrictions, easements, rights of way, or other encumbrances, including, but not limited to, liens and mortgages currently affecting the property.

c. The date the plan was prepared with the name, address and telephone number of the person or company that prepared such plan.

d. Scale is to be no more than one hundred (100) feet or less than forty (40) feet per inch. All dimensions to be marked in feet or decimals of a foot, north arrow shown and paper size no smaller than 24" x 36".

e. Contour lines showing elevations in relation to mean sea level at appropriate intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated or filled. Contour intervals shall be a maximum of five (5) feet.

f. Boundaries of the tract of land showing lot lines of properties within one thousand (1,000) feet as defined on the Town of Bridgton Tax Assessor's Maps with total acreage of the subject parcel(s) indicated including the Town of Bridgton Tax Assessor's map(s) and lot number(s); the names of all the property owners within one thousand (1,000) feet of any line, as determined by the Bridgton Tax Records, shall be shown. The Planning Board may require a boundary survey of the property by a licensed surveyor if the boundaries are in question.

g. Location of existing and proposed mineral extraction activities and structures on the property.

h. Approximate location of residential structures on properties within 1,000 feet of the proposed activity.

i. Location and identification of existing public and private streets, roadways and rights-of-way associated with the subject property(ies).

j. Location of proposed access road to the mineral extraction activity from public roadways.

k. Location of all setbacks, buffers and conservation areas and protected natural resources.

- l. Location, intensity, type, size and direction of all outdoor lighting.
- m. Location and size of signs and all permanent outdoor fixtures such as fences, gates and utility poles.
- n. Location and type of existing and proposed berms, fences, hedges and tree lines.
- o. Location of known existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc. If any portion of the mineral extraction activity is in a flood-prone area, the boundaries of any flood hazard areas and the one hundred (100) year flood elevation shall be delineated on the plan.
- p. Location of known existing wells as defined by the owner within one thousand (1,000) feet of the proposed activity, if 5 acres or more; or within five hundred (500) feet of the proposed activity if less than (five) 5 acres; and all wells on the parcel itself.
- q. Location of proposed hazardous material storage areas including, but not limited to, fuel storage and handling, and washdown areas per current Maine Department of Environmental Protection specifications.
- r. Name of the proposed manager of operations.
- s. An estimate of the average daily traffic and a traffic impact narrative during periods of operation projected to be generated by the activity to show that the minimum standards in Article VII of this Ordinance have been met.
- t. A narrative description of the surface and ground water impacts, including protection plans and the identification of any significant mapped aquifers.
- u. Information and a map showing soils conditions on the site of the proposed mineral extraction activity. For subsurface sewage disposal proposed, the information shall include evidence of soil suitability according to the standards established in Article VII of this Ordinance. The Site Plan shall show the location of soil test areas.
- v. A Soil Erosion and Sedimentation Control Plan, prepared in accordance with the standards contained in the latest revision Best Management Practices (BMP's) as established by the State.
- w. A Reclamation Plan showing the final grades and revegetation plan, and any phasing of the plan.

x. A narrative description of the impact on the wildlife habitat, and the location of any deer yard or other significant wildlife habitat designated by Maine Dept. of Inland Fisheries and Wildlife, including any proposed mitigation.

y. A narrative description of the present use of the parcel and property within five hundred (500) feet of the activity.

z. Estimated longevity of the operation, including phasing.

aa. Proposed hours and days of operation.

bb. A Spill Prevention, Control & Containment (SPCC) Plan.

cc. Blasting Plan, if any proposed blasting activity is to occur.

dd. Copies of all submissions made to any federal or state agency(ies) concerning the property.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 4. Review Standards

1. In addition to the requirements of Article VII "Review Standards" of this Ordinance the following criteria shall also apply to applications for Surface and Subsurface Mineral Extraction.

a. Mineral extraction activities shall conform to all applicable state laws and local ordinances or regulations.

b. The owner and/or operator of a mineral extraction activity shall be responsible, both jointly and severally, for ensuring the maintenance of all infrastructure, structures and their sites.

c. Mineral extraction activities in the Shoreland Zone shall be in accordance with the Shoreland Zoning Ordinance or this Ordinance whichever is stricter.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 5. Performance Standards

1. Sediment may not leave the parcel or enter a protected natural resource.

2. Internally Drained Projects.

a. Land shall be restored and stabilized according to the Reclamation Plan.

b. A volume calculation shall be provided demonstrating that the area(s) will safely hold a volume of precipitation at least equal to that which may be expected in the area from the ten (10) year, twenty-four (24) hour storm event for the region.

3. Externally Drained Projects.

a. If surface water flows out of and away from the proposed site during and after the site is excavated, the following should be provided to assure proper erosion control and prevent siltation of downstream waters. Temporary erosion control measures shall be included in the project design, such as hay bale barriers, silt fencing, and riprap. Plans shall show the location and installation details and include a description of the timing of installation, inspection and maintenance of erosion control measures.

b. A site plan showing preconstruction and postconstruction contours, and if applicable, phased contours. The plan must show the watershed, on and off site watershed boundaries and hydrologic surface water flow lines.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS

SECTION 6. Reclamation Plan

1. The affected land must be restored to a condition or physical state that is either similar to and compatible with that which existed prior to any development or encourages the productive use of the land. A Reclamation Plan is required for all activities according to the following specifications.

2. Soil Stockpiling. Soil which is stripped or removed must be stockpiled for use in reclaiming disturbed land, unless it is demonstrated to the Planning Board that it is not needed for reclamation purposes. Soil stockpiles must be seeded, mulched, or otherwise stabilized. At least 4 inches of any previously stripped topsoil will be used for final cover.

3. Regrading. A slope no greater than the natural angle of deposition for the type of material being deposited.

4. Vegetative cover. Vegetative cover must be established on all affected land. Topsoil must be placed, seeded, and mulched within thirty (30) days of final grading.

5. Vegetative material used in reclamation must consist of grasses, legumes, herbaceous, or woody plants or a mixture thereof. Plant material must be planted during the first growing season following the reclamation phase. Selection and use of vegetative cover must take into account soil and site characteristics such as drainage, pH, nutrient availability, and climate.

6. The vegetative cover is acceptable if within one growing season of seeding. The planting of trees and shrubs results in a permanent stand, or regeneration and succession rate, sufficient to assure a 50% survival rate and the planting results in 90% ground coverage.

7. Phased Reclamation. For guidance in planning and implementation of reclamation see Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices (March 1991 or latest edition), Section 10 Pit Reclamation.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 7. Petroleum Usage

1. Spill prevention, control and countermeasures are applicable to all size projects.

2. If any petroleum products or other materials with potential to contaminate groundwater are to be stored on the site, a Spill Prevention and Countermeasures (SPCC) Plan shall be submitted. An SPCC Plan shall be developed in accordance with DEP regulations.

3. Crankcase oil, hydraulic fluids or similar products shall not be disposed of within the excavation area in violation of Department of Environmental Protection regulations.

4. Any discharge or leak of petroleum product over a gallon shall be immediately reported to the Code Enforcement Officer. All discharges or leaks of any size shall be cleaned up promptly according to Best Management Practices.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 8. Buffers and Setbacks

1. Buffers and setbacks shall be shown on the plan as follows:

a. To minimize visual impacts and provide for wildlife, a seventy-five (75) foot natural buffer shall be maintained from property boundaries. This buffer may be reduced to no less than twenty-five (25) feet with written permission of an abutting landowner; or may be eliminated between abutting properties provided that written permission is obtained and erosion and stormwater control standards on both properties are met. Said document to reduce buffer or eliminate buffer must be approved and signed by the abutter(s) and must be recorded in the Cumberland County Registry of Deeds. Any written permission to reduce or eliminate buffer must provide that it remains in effect until mining ceases.

2. Existing Structures

a. A three hundred (300) foot buffer from the closest edge of an existing residence, business structure or farm building used for livestock shall be maintained with all projects. This buffer may be reduced with written permission of the owner of the existing residence, business structure or farm building. Any written permission to reduce buffer must provide that it remains in effect until mining ceases. Said document to reduce buffer must be recorded in the Cumberland County Registry of Deeds.

b. A one hundred (100) foot undisturbed natural vegetated buffer from the closest edge of the shoulder of a public road shall be maintained with all projects. This provision shall not prevent the installation of an access road or utilities for the proposed project.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 9. Road Design, Circulation and Traffic

1. The intersection of any road within the development area and an existing public road shall meet the following standards:

- a. The angle of an intersection shall be 60° to 90°.
- b. The maximum permissible grade within seventy-five (75) feet of the intersection shall be five percent (5 percent).
- c. A minimum sight distance of ten (10) feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of the shoulder line with the height of the eye 3½ feet above the pavement and the height of object 4½ feet.
- d. The center line of any road within the project intersecting an existing public road shall be no less than one-hundred-twenty-five (125) feet from the center line of any other road intersecting that public road.

2. Turning lanes, traffic directional islands, frontage roads, and traffic controls shall be provided on Town roads at the developer's expense, where necessary, in the opinion of the Bridgton Planning Board to safeguard against hazards to traffic or pedestrians and/or to avoid traffic congestion. Additional review and approval may be required by the State of Maine Department of Transportation.

3. All access/egress roads leading to or from the extraction site to paved public ways shall be treated with suitable materials to reduce dust and mud and paved or maintained hard surface for a distance of at least two hundred (200) feet from the paved public road.

4. Traffic impacts to be considered:

a. Where mineral extraction activity traffic proposes to use Town maintained roads, the activity scope must be suitable and appropriate to the projected daily traffic impacts as determined by the Bridgton Planning Board.

b. The road giving access to the mineral extraction activity and neighboring roads which can be expected to carry traffic to and from the mineral extraction activity site shall have traffic carrying capacity. If this is a Town road the Planning Board may determine that it be suitably improved to handle the carrying capacity from

the project. Necessary studies and road improvements shall be at the owner's expense.

5. Routing.

a. Where necessary to safeguard against hazards to pedestrians and to avoid traffic congestion, or adverse impacts to Town roads, alternative routing may be required by the Planning Board.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 10. Ground Water Impacts

1. The following requirements apply to all projects unless otherwise noted:

a. Assessment Submitted. The Planning Board must be satisfied that the mineral extraction activity will not cause an adverse impact to ground water quality and quantity before approving any application.

b. To provide an adequate buffer for ground water and allow for filtration of impurities from surface water, mineral extraction shall not be any closer than two (2) feet above the maximum seasonal high water level unless an application has been submitted to and approved by the State of Maine Department of Environmental Protection for excavation below the seasonal high groundwater table and all other minimum design and performance standards and application requirements per this Ordinance, are met. The applicant shall provide documentation of the groundwater table. The Planning Board may require monitoring of groundwater levels and quality to assure there are no adverse impacts to any water supplies or wells within 500 feet of the perimeter of the work site.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 11. Water Supply Buffer

1. A three hundred (300) foot separation must be maintained between the limit of excavation and any predevelopment private drinking water supply. Separation may be reduced to no less than one hundred (100) feet with written permission of owner and recorded in the Cumberland County Registry of Deeds. A one thousand (1,000) foot separation must be maintained between the limit of excavation and any well or spring which qualifies as a public drinking water supply. The Planning Board may require larger buffers from water supplies, if they find that a hazard is shown to exist due to the mineral extraction activity.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 12. Water Use

1. A mineral extraction activity must not withdraw more than 5,000 gallons of ground water per day, unless a hydrogeologic study which

supports withdrawal of more than 5,000 gallons per day is submitted by a qualified professional.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 13. Standards for Acceptable Ground Water Impacts

1. Projections of ground water quality shall be based on the assumption of drought conditions (assuming sixty percent (60 percent) of annual average precipitation) based on a ten (10) year average.

2. No mineral extraction activity shall increase any contaminant concentration in the ground water to more than one half of the Federal Primary Drinking Water Standards. No mineral extraction activity shall increase any contaminant concentration in the ground water to more than the Federal Secondary Drinking Water Standards.

3. If ground water contains contaminants in excess of the primary standards, and the mineral extraction activity is to be served by on site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated, if necessary.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 14. Solid Waste Disposal

1. No solid waste, including stumps and grubblings, shall be placed, stored, or disposed of in the mineral activity site unless it meets the requirements of the rules and regulations of the Maine Department of Environmental Protection.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 15. Hours of Operation

1. The hours of operation shall not be earlier than 7:00a.m. and no later than 7:00p.m. Monday through Friday, no earlier than 7:00a.m. and no later than 2:00p.m. Saturday, and shall be prohibited from operating on Sunday. Exceptions may be approved by the Code Enforcement Officer. Depending on the location of the site the hours of operation may be revised by the Planning Board. Excluded from the specified hours of operation are hours related to general office duties, general maintenance and repair of equipment and any unforeseen emergency.

a. The hours of operation for rock crushing and blasting activity associated with gravel pits shall not be earlier than 7:00a.m. and no later than 5:00p.m. Monday through Friday, no earlier than 8:00a.m. and no later than 12:00p.m. Saturday, and shall be prohibited from operating on Sunday. It shall be limited to three (3) periods consisting of six consecutive days within a single three (3) year period. An extension shall be granted by the Code Enforcement Officer upon written request by the applicant and a showing of just cause for the extension. Any time not used during a

three (3) year period can not be carried over to the next three year period.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 16. Performance Standards - Rock Mining/Extraction Operations

1. In addition to the performance standards listed in Article X Section 1 "Purpose" of this ordinance, rock mining operations shall conform to the following:

a. The maximum limit of material that may be extracted per year is 100,000 cubic yards.

b. A surveyed report of the quarry material on site to be excavated must be calculated and submitted with the permit application and the amount extracted per year confirmed by an annual inspection report by a third party civil engineer at the applicant's expense. Said report to be submitted to the Bridgton Code Enforcement Officer for review and any comment.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 17. Reclamation Performance Guarantees

1. As determined by the annual report, once the project meets five (5) acres the owner/applicant must submit:

a. A performance bond payable to the Town issued by a surety company, approved by the Selectmen; or

b. An irrevocable bank letter of credit from a financial institution establishing funding for the construction or reclamation of the mineral extraction activity, from which the Town may draw if reclamation or construction is inadequate, approved by the Selectmen; or

c. May propose alternatives to the above.

2. Contents of Guarantee

a. The performance guarantee shall contain a reclamation schedule, cost estimates for each major phase of reclamation taking into account inflation, provisions for inspections of each phase of reclamation, provisions for the release of part or all of the performance guarantee to the permit holder, and a date after which the permit holder will be in default and the Town shall have access to the funds to finish reclamation. Inspection shall be done by the Code Enforcement Officer and/or Civil Engineer approved by the Board of Selectmen. Expenses of said inspection shall be the responsibility of the applicant.

3. Performance Bond

a. A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the developer, and the procedures for collection by the municipality. The bond documents shall specifically reference the mineral extraction activity for which approval is sought.

4. Letter of Credit

a. An irrevocable bank letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the complete reclamation of the mineral extraction activity and may not be used for any other project or loan.

5. Phasing of Development

a. The Board may approve phased performance guarantees, when a mineral extraction activity is approved in separate and distinct phases.

6. Performance Bond Review

a. Any performance bond or proof of financial capacity shall be reviewed no later than thirty (30) days before the expiration of the guarantee, and adjusted if necessary. The applicant may also request adjustments in the guarantee.

7. Release of Guarantee

a. Prior to the release of any part of the performance guarantee, the Board of Selectmen shall determine to its satisfaction, in part upon the report of a certified Civil Engineer and/or whatever other agencies and departments may be involved, that the reclamation meets or exceeds the design requirements for that portion of the reclamation for which the release is requested.

8. Default

a. If upon inspection, the Code Enforcement Officer or other inspecting official finds that any of the required reclamation has not been performed in accordance with the approved plans and specifications, they shall so report in writing to the Board of Selectmen, and the permit holder and guarantor. The permit holder shall have thirty (30) days from the date of such report unless otherwise specified by the Code Enforcement Officer, to remedy any insufficiency noted. Thereafter, the Board of Selectmen shall take any steps necessary to enforce the guarantee and remedy the insufficiencies.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 18. Enforcement and Inspections

1. Reclamation Certification

a. Upon completion of reclamation or a reclamation phase, a written certification signed by a professional Civil Engineer registered in the State of Maine shall be submitted to the Board of Selectmen at the expense of the applicant, certifying that the reclamation is in compliance with the approved plans.

2. Violations

a. No Mineral Extraction Activity Plan shall be recorded in the Cumberland County Registry of Deeds until a Final Plan has been approved and signed by the Planning Board in accordance with this Ordinance.

b. No person, corporation or other legal entity may sell or offer to sell any materials in a mineral extraction activity site which sale or offer to sell has not been approved by the Planning Board.

ARTICLE IX. SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS
SECTION 19. Alternate Submissions

1. Activities that already have a valid DEP permit or a complete pending DEP application may submit the DEP application to the Planning Board subject to the Planning Board request for additional information on submissions above, not covered by the DEP application.

2. Waivers of Submissions

a. The Planning Board may grant waivers from specific application submission requirements, provided the applicant can demonstrate all of the following;

b. A waiver would not be contrary to the public interest;

c. A literal enforcement of submission requirements would result in an unnecessary or undue hardship;

d. The intent of the item being waived can be met in some other manner;

e. There will be no adverse impacts resulting from the waiver.

ARTICLE X. SPECIAL REGULATIONS AND DIMENSIONAL REQUIREMENTS
SECTION 1. Special Regulations

1. The following regulations shall be complied with in addition to the performance standards contained in Article VII "Review

Standards" of this Ordinance for residential-institutional, industrial and commercial.

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

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

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

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

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

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

ARTICLE X. SPECIAL REGULATIONS AND DIMENSIONAL REQUIREMENTS

SECTION 2. Dimensional Requirements

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

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

2. All structures in the Village Center District shall meet the following standards (See Village Center District Map).

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

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

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

Furthermore, granting a waiver will not adversely affect the abutting landowners and the general health, safety and welfare of the Town.

ARTICLE XI. MEDICAL MARIJUANA DISPENSARIES OR FACILITIES

SECTION 1. Purpose, Authority; Conflict with Other Ordinances; Applicability; Local Limitation on Number of Dispensaries or Facilities

1. Purpose.

In addition to the purposes set forth in Article I of this Ordinance, the purpose of this Article XI is to enact reasonable regulations applicable to Registered Medical Marijuana Dispensary or Facilities, which regulations are not duplicative of or more restrictive than the provisions of the Maine Medical Use of Marijuana Act, as codified in Title 22, Chapter 558-C of the Maine Revised Statutes (the "Act"), and which do not frustrate the state law purpose of permitting registered dispensaries from cultivating and dispensing medical marijuana in accordance with the Act.

2. Authority.

In addition to the authority set forth in Article II of this Ordinance, this Article is adopted pursuant to the provisions of 22 M.R.S. § 2428(10) (2015).

3. Conflict with Other Laws.

Notwithstanding Article XIV Section 2 of this Ordinance, if any of the requirements of this Article are found inconsistent with the

requirements of the Act or the rules adopted thereunder, the requirements of the Act shall apply.

4. Applicability.

This Article shall apply to any Registered Medical Marijuana Dispensary Facility or Dispensary Facility as defined in this Ordinance (hereafter "Dispensary Facility") located or proposed to be located wholly or partially within the geographic boundaries of the Town of Bridgton.

5. Local Limitation on Number of Dispensary Facilities.

The number of Dispensary Facilities within the geographic boundaries of the Town of Bridgton is limited to two (2). For purposes of this limitation, each parcel of land, including any structures thereon, that is being used for the acquisition, possession, cultivation, manufacture, delivery, transfer, transport, sale, supply, and/or dispensing of medical marijuana or related supplies and educational materials shall be counted as one Dispensary Facility. Planning Board approval of an application for a Dispensary Facility shall be prima facie evidence of the existence of a Dispensary Facility.

ARTICLE XI. MEDICAL MARIJUANA DISPENSARY FACILITY

SECTION 2. Review Procedures; Application Submission Requirements

1. Review Procedures.

Notwithstanding Article IV Section 1 of this Ordinance, any application for a Dispensary Facility, including any proposed amendments to a previously authorized Dispensary Facility, shall require review and approval by the Bridgton Planning Board. Prior to submitting an application, the applicant or the applicant's authorized agent may appear at a regular or special meeting of the Planning Board to informally discuss the proposal. The requirements set forth in Article IV Section 2, Article IV Section 3, and Article VI of this Ordinance shall apply.

2. Application Submission Requirements.

The application requirements set forth in Article V of this Ordinance shall apply. In addition, the applicant shall provide documentation of any required state approvals connected with a medical marijuana dispensary operation including the licensing or registration of not-for-profit entities engaged in such operation.

ARTICLE XI. MEDICAL MARIJUANA DISPENSARY FACILITY

SECTION 3. Review Criteria

The review standards set forth in Article VII and X of this Ordinance shall apply to any application for a Dispensary Facility. In addition, the following review standards shall apply:

1. Location.

No Dispensary Facility shall be sited within 500 feet of the lot lines of any of the following:

- a. A juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center;
- b. A State of Maine licensed child care facility; or
- c. A State of Maine licensed family home child care facility.
- d. Areas designated as safe zones, and areas within 1,000 feet of real property comprising designated safe zones, as shown on an official Town of Bridgton Safe Zone Map which has been made part of a Town of Bridgton ordinance entitled, "An Ordinance to Regulate the Establishment of Safe Zones."
- e. The distances cited in this subsection shall be measured between the lot line of the proposed site for the Dispensary Facility and the lot line of the site of the use listed at their closest points.

2. Impact on Local Police Services.

The applicant shall:

- a. Install security surveillance cameras recording and operating 24 hours a day, 7 days a week, to monitor all entrances and the exterior of the premises to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises. Upon the request of the Bridgton Police Department, the requested security recordings shall be made available to the Police Chief or his designee.
- b. Provide the Bridgton Police Department with the name and functioning telephone number of a 24-hour on-call staff person to whom notice of any operating problems associated with the Dispensary Facility may be given, and shall keep the name and contact information updated.
- c. Provide all property and building security plans to the Bridgton Police Department.

3. Display.

No medical marijuana or paraphernalia shall be displayed or kept so as to be visible from outside the premises of the Dispensary Facility.

4. Control of Odors and Emissions.

Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a Dispensary Facility must be provided at all times. Sufficient measures shall be provided for the control and proper disposal of all such substances in a safe, sanitary and secure manner.

5. Cultivation Area.

If there is both the cultivation and dispensing of medical marijuana occurring on the same site, the cultivation area shall not be greater than 25% of the total floor area of the portion of the building used for dispensing of medical marijuana.

6. Signage and Advertising.

All signage and advertising for a Dispensary Facility shall comply with all applicable provisions of the Town of Bridgton Sign Ordinance.

ARTICLE XI. MEDICAL MARIJUANA DISPENSARY FACILITY

SECTION 4. Retroactivity

Notwithstanding the provisions of 1 M.R.S. § 302, and regardless of the date on which they are approved by the voters of the Town of Bridgton, the June 14, 2016 Amendments to the Medical Marijuana Dispensaries Provisions of the Bridgton Site Plan Review Ordinance shall be retroactively effective as of November 17, 2015, and shall govern any and all pending proceedings related to Dispensary Facilities (including any and all applications for permits or approvals for new Dispensary Facilities or amendments to existing or previously authorized Dispensary Facilities required under the Bridgton Site Plan Review Ordinance that are or have been pending before any officer, board, or agency of the Town of Bridgton) on or any time after November 17, 2015.

ARTICLE XII. EXPIRATION

1. Following the issuance of approval, if no substantial start is made in construction or in the use of the property within two (2) years from the date of approval, the approval shall lapse and become void with the exception of Large Scale Water Extraction Applications. Any Large Scale Water Extraction Application granted approval by the Bridgton Planning Board shall be for a period not to exceed five (5) years, but may be renewed subject to the same criteria contained herein.

ARTICLE XIII. ENFORCEMENT, NUISANCES, CODE ENFORCEMENT OFFICER, LEGAL ACTIONS, PENALTY.

SECTION 1. Nuisances

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

ARTICLE XIII. ENFORCEMENT

SECTION 2. Code Enforcement Officer

1. The Code Enforcement Officer shall enforce the provisions of this Ordinance. Upon finding that any provision of this Ordinance is being violated, the Code Enforcement Officer shall, by registered mail, notify those responsible for such violation, indicating the nature of the violation and order the action necessary to correct it.

2. Action may include discontinuance of illegal use of land, buildings, structures and abatement of nuisance conditions. A copy of such notices shall be maintained as a permanent record.

ARTICLE XIII. ENFORCEMENT

SECTION 3. Legal Actions

1. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby required to institute any and all actions and proceedings, in law or equity, including seeking injunction against violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

ARTICLE XIII. ENFORCEMENT

SECTION 4. Penalty

1. Any person, firm, corporation, or legal entity who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$2,500, and each day on which such violations shall continue shall constitute a separate offense.

ARTICLE XIV. VALIDITY AND SEVERABILITY AND CONFLICT WITH OTHER ORDINANCES

SECTION 1. Validity and Severability

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

ARTICLE XIV. VALIDITY AND SEVERABILITY AND CONFLICT WITH OTHER ORDINANCES

SECTION 2. Conflict with Other Ordinances

1. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

2. Nothing herein shall exempt any applicant or proposed development or land use from the requirement(s) of complying with other applicable Ordinances and Regulations of the Town of Bridgton.

ARTICLE XV. APPEALS

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

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

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

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

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

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

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

ARTICLE XVI. ORDINANCE AMENDMENTS

1. This Ordinance may be amended by referendum. Amendments must comply with Title 30A §4352. Amendments must be submitted to the Municipal Officers by the Planning Board following the requirements for publishing and conducting a public hearing:

a. The notice must be posted in the municipal office at least thirteen (13) days before the public hearing;

b. The notice must be published at least 2 times in a newspaper that complies with Title 1, section 602 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen;

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

ARTICLE XVII. REFERENCES AND DEFINITIONS

SECTION 1. References

1. In general, all words and terms used in this Ordinance shall have their customary dictionary meaning. More specifically, certain words and terms shall be described below.

2. Where there is a conflict between the language contained in this Ordinance and any other Town ordinances, the stricter language shall apply for purposes of this Ordinance.

3. All references in this ordinance to "Town", "The Town", "the Town of Bridgton", and to any board, official or officer, unless clearly defined otherwise, shall be construed to be references to the Town

of Bridgton, Maine, an incorporated municipality in the County of Cumberland County, State of Maine and its municipal boards, officials and officers.

ARTICLE XVII. REFERENCES AND DEFINITIONS

SECTION 2. Definitions

Air-blast - A horn or signal before blasting.

Agricultural Land Management Practices - Means those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Accessory Use or Structure - A subordinate use of a building, other structure or land, or a subordinate building or other structure:

1. The use of which is customary in connection with the principal building, other structure or use of land;
2. The use of which is clearly incidental to the use of the principal building, other structure or use of land; and
3. Which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

Appropriate Suite or Water Quality Parameters - Refers to all organic or inorganic primary and secondary Federal Drinking Water Standards including bacteria.

Aquifer - Means a saturated permeable geologic unit consisting of unconsolidated sediment or bedrock that can yield economically valuable quantities of water. The term "aquifer" as used in this Ordinance includes all areas specifically mapped as such by the Maine Geological Survey or as mapped by a certified geologist.

Blasting - The controlled use of explosives to excavate or remove rock.

Buffer Strip - A defined and described tract of land or parcel that is required to remain unaltered excepting any improvements to minimize erosion, noise or visual impact.

Building - Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals, goods or property of any kind. A building shall include a multiple family dwelling.

Campground - An area devoted to overnight recreational or educational use, where the land area is divided into sites or lots

for which a charge is made; either on a short or long-term basis by sale, rent or lease or condominium type of financing.

Clay - A fine grained material consisting mainly of hydrated aluminum silicates that occurs naturally in soil and sedimentary rock. Used in making bricks, ceramics and cement.

Commerce - The exchange or buying and selling of commodities on a large scale involving transportation from place to place.

Commercial - Connected with the buying or selling of goods or services or the provision of facilities for a fee.

Construction - Structural changes or additions to a building or structure other than repairs and modification in building equipment.

Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as living quarters for one family including provisions for living, cooking and eating.

Explosives - A substance that contains a great amount of stored energy that can provide an explosion, a sudden expansion of the material after initiation, usually accompanied by the production of light, heat, sound and pressure.

Extraction or (water extraction or extraction of water) - Means withdrawal, removal, diversion, taking, or collection by any means of water from ground water sources, aquifers, springs, wells, pumps, pipes or similar.

Extraction point - or Extraction facility - Means the physical location where water is extracted, whether by well, pump, pipeline, catchments, or other similar method.

Forest Management Activities - Includes timber cruising and other forest resource evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation or maintenance of land management roads.

Gravel - Small stones and pebbles or a mixture of them with sand.

Gravel Pit - An excavation for removal, processing, or storage of borrow, topsoil, loam, gravel, rock, sand, clay, silt or other similar non-metallic earth materials whether alone or in combination. Does not require the use of explosives.

Ground Water - Means underground water located in unconsolidated sediment or bedrock below the Water Table and includes ground water emanating to the surface in the form of springs.

Handling, Processing, or other Accessory Uses - Any washing, screening, crushing, mixing or storage of sand, gravel, stone, rock, clay, topsoils, or any other material of any kind from either on or off site; to include: any washing or screening operations; concrete mix or asphalt batching plants; blasting or mining of material; storage of material from off site; disposal, placing, or storing of any materials that are not going to be used in any process or production in conjunction with the extraction activity; or ore concentration processes.

Home Occupation - An occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit which is incidental to residential use and employs two or less full-time equivalent outside employees.

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

Institutional - A building devoted to some public, governmental, educational, charitable, medical or similar purpose.

Large Scale Water Extraction - Means extraction of water from ground water sources, aquifers, springs, wells or similar in a total daily amount on any given day of 50,000 gallons or 1,000,000 gallons annually, as extracted by the same individual or entity, or consortium or association of individuals or entities, regardless of the number of extraction facilities utilized.

Landscaping - The ornamental planting of trees, shrubs and other plants as foundation planting, in separate bedding areas and between the property and sidewalk or street so as to enhance the appearance of the property.

Marijuana - The leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination.

Medical Marijuana - Marijuana that is acquired, possessed, cultivated, manufactured, used, delivered, transferred, transported, sold, supplied or dispensed to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition. For the purposes of this definition, "qualifying patient" means a person who has been diagnosed by a medical provider as having a debilitating medical condition and who possesses a valid written certification regarding medical use of marijuana in accordance with State law.

Mineral - A naturally occurring solid chemical substance that is formed through geological processes and that has a characteristic chemical composition, a highly ordered atomic structure, and specific physical properties. By comparison, a rock is an aggregate of minerals and/or mineraloids and does not have a specific chemical composition. Minerals range in composition from pure elements and simple salts to very complex silicates with thousands of known forms.

Mineral Extraction Activity - Any excavation or removal, handling or storage of sand, gravel, borrow, rock, clay, minerals, or topsoil to include, but not limited to, sand or gravel pits, clay pits, borrow pits, quarries, mines and topsoil mining or removal.

Mineral Extraction Site or Area - All of the land area disturbed or otherwise developed for the extraction, removal, processing, or storage of sand, gravel, clay, minerals, stone, rock, or topsoil; including any access roads and cleared areas adjacent to a pit or excavation area.

Mobile Home Park - An area designed or planned for the placement of two or more mobile homes with design and lot size standards as required in the Bridgton Subdivision Regulations.

Multiple Family Dwelling - A building(s) consisting of three (3) or more attached dwelling units.

Office, Business or Professional - The place within and from which a person or persons conducts a business providing, by way of example, but not limited to, a trade, professional or service to clients or customers. Business and professional offices may include, but are not limited to, offices for plumbing, electrical, and other construction trades, firms or contractors (including headquarters); and for lawn care and building cleaning companies; and for lawyers, doctors, accountants, engineers and other professional consultants.

Persons - Means any person, firm, association, partnership, corporation, municipal or other local government entity, quasimunicipal entity, state agency, educational or charitable organization or institution, or other legal entity.

Public Drinking Water Supply - Any publicly or privately owned system of pipes or other constructed conveyances, structures and facilities through which water is obtained for or sold, furnished or distributed to the public for human consumption, if such a system has at least fifteen (15) service connections, regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year or bottles of water for sale. Any publicly or privately owned system that only stores and distributes water, without treating or collecting it; obtains all its water from, but is not owned or operated by a public water system; and does not sell water or bottled water to any person, is not a "public

water system". The term "public water system" includes any collection, treatment, storage or distribution pipes or other constructed conveyances, structures or facilities under the control of a supplier of water and used primarily in connection with such a system, and any collection or pretreatment storage facilities not under that control that are used primarily in connection with such a system. The system does not include the portion of service pipe owned and maintained by a customer of the public water system.

Quarry - An excavation or pit, usually open to air, from which building stone, slate, construction aggregate, riprap, or the like, is obtained by cutting, blasting, etc.

Reclamation - The restoration or continued maintenance of the area of land affected by mining under a Reclamation Plan. This may include but is not limited to, grading and shaping of the land, the creation of lakes or ponds, the planting of forests, the seeding of grasses, legumes, or crops for harvest, or the enhancement of wildlife and aquatic resources.

Reclamation Plan - A plan which depicts how the project will be restored, or maintained, after excavation is complete. Such a plan usually includes final grading and revegetation plans, of any given phase.

Recreational Vehicle - A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home.

Registered Medical Marijuana Dispensary Facility or Dispensary Facility - Any structure or use by a not-for-profit entity registered pursuant to State law connected with the acquisition, possession, cultivation, manufacture, delivery, transfer, transport, sale, supply or dispensing of medical marijuana or related supplies and educational materials for the purposes of the Bridgton Site Plan Review Ordinance, a "dispensary facility" shall be considered a commercial use.

Residential-Institutional - A use providing recreation, counseling, education and/or other rehabilitative services where the individuals commonly reside at the facility.

Retail - Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for trade.

Rock - A naturally occurring solid aggregate of minerals and/or mineraloids. In general rocks are of three types, namely, igneous, sedimentary and metamorphic.

Rock Crushing - A process of reducing large rocks into small rocks, gravel or rock dust, or changing the form of waste materials so they

can be more easily disposed of or recycled, or to reduce the size of a solid mix of raw materials so that pieces of different composition can be differentiated.

Seismograph - An instrument that measures motions of the ground and provides a continuous record of ground motion.

Setback - The horizontal distance from a lot line or referred location to the nearest part of a structure or activity.

Silt - A granular material of a grain size between sand and clay derived from soil or rock. Silt may occur as a soil or as suspended sediment in a surface water body. It may also exist as soil deposited at the bottom of a water body.

Small Mineral Extraction Operations - Extraction operations that are less than 2 acres in size.

Structure - Anything constructed, erected or placed on the ground which is permanent, temporary or mobile. Structure(s) include but are not limited to building(s), mobile homes, recreational vehicles, piers and pads, and storage and processing facilities. Boundary walls, fences and flagpoles are not considered structures.

Substantial Enlargement - An expansion by more than 25% at any one time. Excludes Surface and Subsurface Mineral Extraction Operations and any related activity.

Substantial Start - Any project that is considered 20% complete.

Surface Water - Shall include any lake, pond or perennial stream.

Use - Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Top Soil - The upper, outermost layer of soil, usually the top 2 inches to 8 inches. It has the highest concentration of organic matter and microorganisms and is where most of the Earth's biological soil activity occurs.

Variance - A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of a variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

Water Bodies or Surface Water(s) - Means lakes, ponds, river, streams, wetlands and similar.

Water Table - means the underground water surface at which the pressure is equal to that of the atmosphere. The water table elevation changes throughout the year in response to precipitation recharge and the level of nearby surface water.

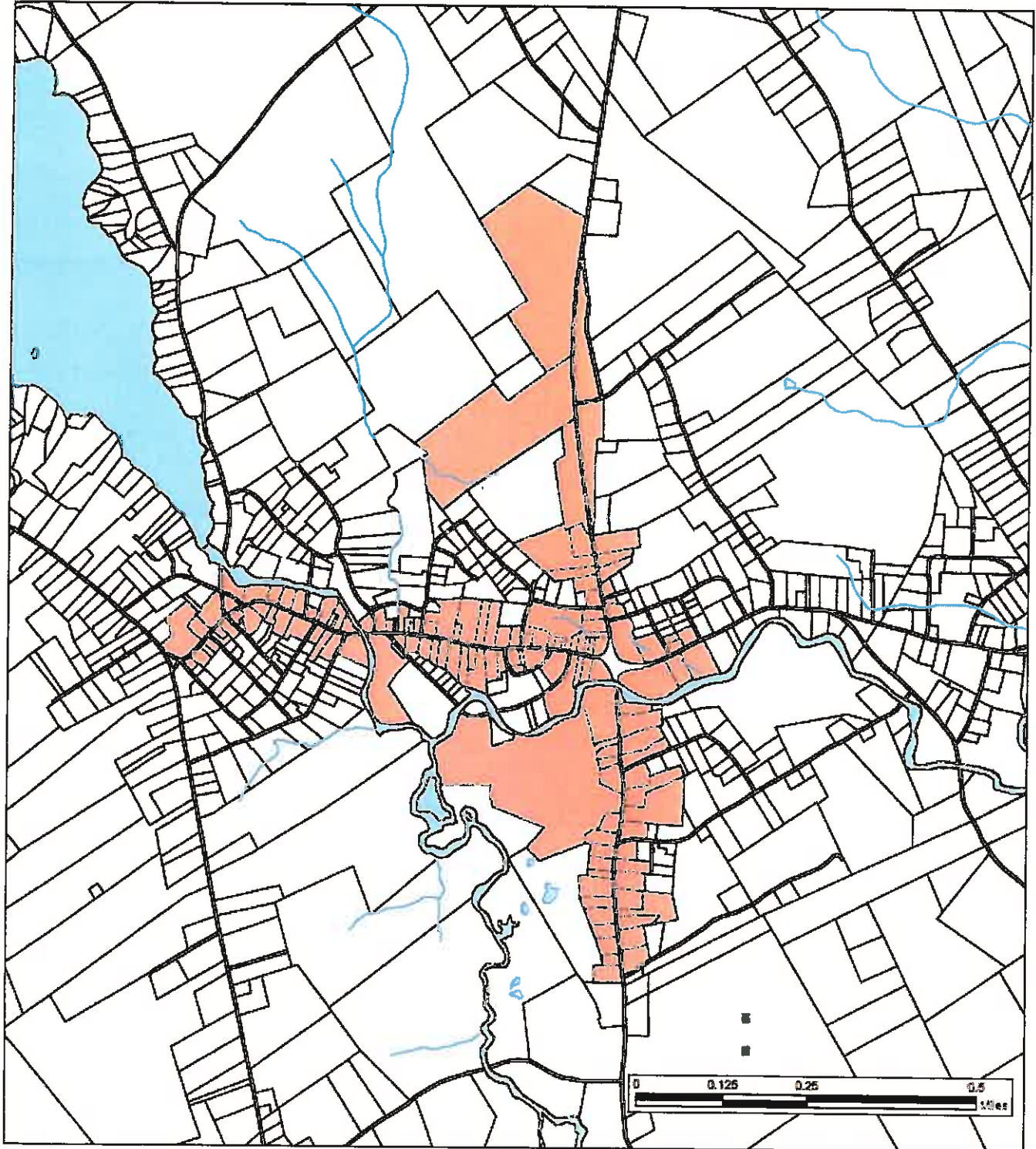
Working Pit or Area - The extraction area including side slopes and adjoining areas with overburden removed, excluding roads.

Zone of Contribution - Means the area of an aquifer that contributes water to a well or other extraction point under the most severe pumping and recharge conditions that can be realistically anticipated within the Town of Bridgton. It is bounded by the ground water divides that result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases the zone of contribution shall extend up gradient to its point of intersection with prevailing hydro geologic boundaries (a ground water flow divide, a contact with till or bedrock, or a recharge boundary).

Enacted: June 10, 1998

Amended: June 14, 2000, June 14, 2005, June 12, 2007, June 10, 2008, June 14, 2011, December 13, 2011, June 12, 2012, June 10, 2014, June 9, 2015, June 14, 2016.

Town of Bridgton
Site Plan Development Ordinance
Downtown Site Plan District Map
June 14th 2005



Town of Bridgton
Site Plan Review Ordinance
Village Center District Map
June 12, 2012

