

# Town of Bridgton

## BEAR RIVER AQUIFER PROTECTION ORDINANCE

Bear River Aquifer Ordinance



Effective: June 19, 1990.

Amended: June 2000, June 2007, June 10, 2014, June 11, 2019.

**TOWN OF BRIDGTON  
BEAR RIVER AQUIFER  
PROTECTION ORDINANCE**

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**Town of Bridgton**  
**Bear River Aquifer Protection Ordinance**

**Section 1. Purpose**

A. To manage the groundwater recharge areas of the Bear River aquifer in order to maintain the present rate of recharge and, where possible, to enhance recharge thus ensuring a dependable water supply to the town for the future.

B. To protect the aquifer from contaminants which can reasonably be expected to accompany certain uses of land or activities, thereby maintain the aquifer's high water quality.

**Section 2. Findings**

A. The Towns of Bridgton and Harrison are fortunate in that they have access to a water supply that is both plentiful and of excellent quality. From the Bear River aquifer, the Harrison Water District draws water to serve many customers in Harrison and North Bridgton (including Bridgton Academy). The total demand from customers is 3,000,000 gallons of water per month, a rate that is consistent throughout the year. This rate of demand is significantly lower than the rate defined as being a "safe yield rate" by Robert G. Gerber, Inc.

B. Rainfall replenishes the aquifer through a process known as recharge. Increasing density of development creates impervious surfaces (areas which water cannot penetrate to reach ground water) which decrease the amount of water available for use from aquifers. Diminishing recharge also decreases the amount of water available to dilute pollutants.

C. The most likely sources of toxic water pollution are not necessarily large industries, but often small businesses such as gas stations, dry cleaners, and automotive shops. Other pollution problems result from elevated concentrations of nitrates, and are linked to more common land uses such as household septic systems and use of fertilizers for agriculture.

D. W. Bradford Caswell, after completing a hydro geological study of the Bear River Aquifer in the summer of 2000 states: "A overlying glacial-marine clay layer tends to protect the geographically small aquifer from accidental surface spills of contaminants. The Water District currently owns much of the land overlying the aquifer. Establishment of the travel-time boundaries for control of certain land uses will provide still more protection of the aquifer from contaminants introduced at or near land surface. Most importantly, however, this investigation and analysis show without a doubt that the Bear River is your primary source of groundwater recharge when the aquifer is pumped, and that maintenance of high quality river

water through protection of the Bear River Watershed from introduction of potential contamination substances is of the utmost importance to the Water District and its customer. Commonsense land use control measures to ensure that the present high quality of river water is not diminished in future years are required.

E. Changes in the Federal Drinking Water Standards may require utilities now using surface water supplies to undertake additional treatment processes, which could entail significant future costs. Maintaining the high quality of underground water sources such as the Bear River Aquifer, including potential well points less influenced by the river itself, will give the Harrison Water District flexibility in the future when considering options for the efficient delivery of clean drinking water.

### **Section 3. Definitions**

Definitions from Bridgton's Shoreland Zoning Ordinance and Subdivision Guidelines shall apply unless the definitions below are more restrictive.

**Agriculture:** The cultivation of soil, producing or raising of crops, for commercial or other purposes, on more than one acre. The term shall also include tree, plant and shrub nurseries and versions thereof.

**Animal Husbandry:** Keeping of more than 5 animal units (1 animal unit represents 1,000 pounds of live animal weight).

**Aquifer:** A saturated body of soil or rock that will yield economically significant quantities of water to wells and springs. Aquifers that yield over 10 gallons per minute are considered "high yield" aquifers. The estimated yield of the Bear River Aquifer is 50 gallons per minute and over.

**Automobile Graveyard:** as defined by 30-A M.R.S.A. Section 3752.

**Commercial Animal Feedlots:** A lot, building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals for commercial purposes and specifically designed as a confinement area in which manure may accumulate. Pastures shall not be considered animal feedlots under this ordinance.

**Commercial Use:** A business in which the principal use is the sale of goods and/or services to the general public or other businesses. Indoor storage of goods and equipment is permitted as an accessory use. Outdoor storage and uses that fit the definition of industrial use are not included in this definition.

**Cone of Depression (or Drawdown Cone):** A depression that is created by a well in the potentiometric surface of a body of groundwater and

that has the shape of an inverted cone and develops around the well from which water is being drawn.

**Disposal:** The discharge, deposit, injection, dumping, spilling, leaking, incinerating, or placing of leachable materials in or on any land or water.

**Dog Kennel** - Possession of more than 3 dogs on any one property constitutes a kennel.

**Drawdown:** The difference between the elevation of static water elevation and of the water table at that point when the well is being pumped.

**Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as living quarters for only one family, including provisions for living, sleeping, cooking and eating. This term shall not include hotels, motels, and bed and breakfast establishments without cooking facilities in individual rooms or suites.

**Engineered Subsurface Disposal System:** A system or a combination of individually or jointly owned systems which serve a single building or group of associated buildings with a total design flow in excess of 2,000 gallons per day. Examples include condominium projects and clustered systems serving residential dwellings. Residential dwellings with individual systems shall not be included.

**Full Hydro geological Study:** A study done by a Maine licensed geologist or hydro geologist that analyzes the subsurface geology of a site, particularly as it relates to groundwater characteristics, also assesses the impact a proposed subsurface waste disposal system or other activity will have on the quality of this groundwater.

**Hazardous Material:** Any gaseous, liquid or solid materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

**Home Occupation:** An occupation or profession carried out for gain by a resident and conducted as an accessory use in or about the residential dwelling unit. To be considered a home occupation and not a commercial business, the home occupation must be secondary and incidental to the primary use of the premises as a residence, be carried on wholly within the principal structure or accessory structures hereto and be conducted primarily by a member or members of the family residing in the dwelling unit.

Examples of Home Occupations include:

1. Beauty shops
2. Office of physician or dentist
3. Day care center
4. Woodworking

The term does not include auto repair or auto body shops.

**Impervious Surface:** Natural or man-made material on the ground that does not allow water to penetrate into the soil. Impervious surfaces consist of all buildings, paved parking lots, driveways, roads and sidewalks, and any area of concrete, asphalt, plastic, metal or gravel.

**Industrial Use:** A use that involves the mechanical transformation of materials into new products, including manufacture, compounding, assembly or treatment of articles or materials.

**In-Law Apartment:** Separate living quarters included in an existing single-family residence for use by parents, grandparents, or dependents. An in-law apartment shall not be considered an additional dwelling unit if no expansion of the structure takes place to accommodate the apartment.

**Junkyards:** As defined by 30-A M.R.S.A. Section 3752

**Leachable Material:** Liquid or solid materials that are capable of releasing harmful contaminants.

**Multi-family Dwelling:** A structure that houses two or more dwelling units as defined.

**Off Road Vehicle:** Any vehicle not manufactured for on highway use and intended for recreational purposes.

**Petroleum:** Oil, gasoline, petroleum products and their by-products, and all other hydrocarbons which are liquid under normal atmospheric conditions.

**Primary Recharge Area:** The area contributing most directly to the groundwater source. For the purpose of this ordinance, the primary recharge area is that area within the Town of Harrison identified in the Robert G. Gerber report as "Maximum Primary Recharge Area". The primary recharge area also includes the lateral limits of the aquifer, which is defined as the area of glacial outwash that extends approximately 1,000 feet to either side of the Bear River.

**Recharge Area:** The area of land or water that contributes water to an aquifer. For the purpose of this Ordinance, the recharge area of the Bear River aquifer is comprised of a primary and secondary recharge area.

**Safe Yield:** The amount of water that can be withdrawn annually from a groundwater source without producing an undesirable effect. Undesirable effects include depletion of groundwater reserves, intrusion of low quality water, contravention of water rights and others, such as depletion of stream flow and land subsidence.

**Secondary Recharge Area:** The area contributing less directly than the primary recharge area but which constitutes a significant percentage of total recharge to the aquifer. For the purpose of the

Ordinance, the secondary recharge area shall consist of the drainage area of the Bear River in Harrison and Bridgton as established by topographical high points, excluding the area defined as the primary recharge area.

**Single-family dwelling:** A dwelling designed for or occupied exclusively by one family.

**Sludge:** Residual materials produced by water or sewage treatment processes and by septic tanks.

**Solid Waste:** Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk and refuse.

**Toxic Substance:** Any substance that has the capacity to produce injury, or illness to humans through ingestion, inhalation, or absorption into the body.

**Watershed:** The area of contribution to a surface water body. It is defined by topographic high points.

#### **SECTION 4. DISTRICT BOUNDARIES**

A. For the purposes of this Ordinance, and in order to carry out its regulations, the Bear River Aquifer Protection District shall be delineated on a tax map titled "Aquifer Protection District Map: Town of Bridgton".

B. A copy of said map will be available for inspection in the Town Office and shall be updated as new information relevant to the criteria listed below, provided by a Maine licensed geologist, warrants that it be changed.

C. The Aquifer Protection District includes two sub districts.

1. District A consists of the primary recharge area for the aquifer within the Town of Bridgton as defined herein.

2. District B consists of the watershed of the Bear River within the Town of Bridgton as determined by U.S.G.S. maps, exclusive of District A. This area constitutes a secondary recharge area.

D. Revisions to Map

1. Where the bounds of Aquifer Protection District, or the position of a site in relation to the District, is in dispute, the burden of proof shall be upon the owner(s) or occupier(s) of the land in questions to show where they should be properly located.

2. The Aquifer Protection District Map may be amended by referendum. Amendments must comply with Title 30A §4352. No changes to the Aquifer Protection District Map shall be made until the

Planning Board holds a public hearing. Notice must be published at least 2 times in a newspaper of general circulation in the Town of Bridgton and to all abutters of affected property. The date of the first publication must be at least 12 days before the hearing and the date of the 2<sup>nd</sup> publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area. At said hearing the Planning Board shall hear evidence demonstrating why the boundary of the Aquifer Protection District or sub district shall be changed. Evidence shall include a report from a geologist licensed in the State of Maine with proven experience in hydrogeology. The Board shall also notify the Harrison Water District of the hearing at least fourteen (14) days prior to the date of the hearing. Within thirty (30) days of the hearing, the Planning Board shall decide whether to recommend to the Selectmen that the proposed Aquifer Protection Map amendment be placed on the next Annual Town Meeting Warrant.

3. Any time the Aquifer Protection Map is revised, the date of adoption of the revised map by town meeting and the signature of the Town Clerk certifying the revision shall be noted on the map.

E. Revision(s) to The Ordinance

1. This Ordinance may be amended by referendum. Amendments must comply with Title 30A §4352. No changes to the Aquifer Protection Ordinance shall be made until the Planning Board holds a public hearing. Notice must be published at least 2 times in a newspaper of general circulation in the Town of Bridgton. The date of the first publication must be at least 12 days before the hearing and the date of the 2<sup>nd</sup> publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area. At said hearing, the Planning Board shall hear evidence pertaining to the proposed changes. The Board shall also notify the Harrison Water District at least 14 days prior to the hearing. Within 30 days the Planning Board shall decide whether to recommend to the Board of Selectmen that the proposed changes be placed on the next Annual Town Meeting Warrant.

**SECTION 5. DISTRICT USE AND SPACE STANDARDS**

A. Uses of Land within Districts A and B

Land Use	<b>Zone A</b>	<b>Zone B</b>
<b>1. Residential</b>		
Accessory uses	P	P
Single-family homes	P	P
Home occupations	PB	PB

Multi-family homes	X	
PB		
In-Law apartments	PB	PB

## 2. Commercial

Agriculture	P	P
Animal husbandry other than commercial		
animal feed lots	X	PB
Boat, small engine & motor vehicle service		
& repair	X	PB
Campgrounds	X	X
Car washes	X	X
Commercial uses with non-domestic		
waste streams	X	X
Dry cleaning establishments	X	X
Forestry/timber harvesting subject to the		
performance standards of the Town's		
Shoreland Zoning Ordinance within 250'		
of Bear River	P	P
Furniture Stripping	X	X
Gas Stations	X	X
Kennels	X	X
Photo processors	X	X
Truck Terminals	X	X

## 3. Industrial

Sand and gravel extraction	X	PB
Junkyard/Automobile graveyard	X	X
Manufacturing	X	X
Metal plating	X	X
Sawmills or wood processing plants	X	X
Other industrial uses with non-domestic		
waste streams	X	X

## 4. Miscellaneous

Cemetery	X	X
Disposal or storage of solid waste, hazardous		
materials, or leachable materials (unless		
specifically permitted within the district)	X	X
"Engineered" (wastewater disposal) system when		
accompanied by a full hydro geological study		
and meeting the performance standards herein	X	PB
Open Space	P	P
Outdoor recreation, except those which disrupt		
the surfaces of hillsides or other water-		
shed areas	P	P
Foot bridge and bicycle paths	P	P
Uncontained salt sand/salt storage piles	X	X
Wastewater disposal system	P	P
Use of off-road vehicles	X	P

Public utilities	PB	PB
Contained salt, sand/salt storage piles	X	X
Roads and parking areas within impervious surface standards	P	P
Application of chemical fertilizers, herbicides or pesticides on more than 1 acre of land	X	PB
Application of chemical fertilizers, herbicides or pesticides on more than 5 acres of land	X	X
Demolition/stump dumps	X	PB
Subsurface storage of petroleum and other refined petroleum products with the exception of household heating oil where the underground storage tank is in full compliance with volume 2 of the Code of ME Rules, 4th Printing, DEP Bureau of Oil and Hazardous Materials, Chapter 691 Regulations for...Underground Storage Facilities	X	X
Petroleum storage for commercial or industrial use	X	X
Land application of manure on 1 acre or more of land	X	X
Non-residential pipelines for transmission of oil, gas, or hazardous materials	X	X
Aerial spraying of herbicides, pesticides	X	X

X = Non permitted

P = Permitted (Provided that performance standards contained in Section 8 of this Ordinance are met)

PB = Requiring Planning Board review according to the procedures and standards contained in the Town of Bridgton Site Plan Review Ordinance.

B. Space Standards within Zone A

1. Minimum Lot Size: 120,000 square feet
2. Maximum Density: One dwelling unit per 120,000 square feet
3. Minimum Road Frontage: 250 feet per lot. Road frontage may be measured at the building setback line for lots on cul-de-sacs.
4. Minimum Setbacks
  - a. Street - 50 feet
  - Side and rear: 20 feet
5. Maximum lot coverage with impervious surface: 10%
6. Setbacks from Bear River:
  - a. Building - 100 feet
  - b. Wastewater disposal - 200 feet
 Replacement system - as close to 200 feet as lot will allow.

C. Space Standards within Zone B

1. Minimum Lot Size: 40,000 square feet
2. Maximum Density: One dwelling unit per 40,000 square feet
3. Minimum Road Frontage: 150 feet per lot, plus 50' for each additional dwelling unit beyond the first. Road frontage may be measured at the building setback line for lot on cul-de-sacs.

4. Minimum setbacks:
  - a. Building: Front: 50 feet  
Side and Rear: 20 feet
  - b. River: 100 feet
  - c. Septic: New Construction - 200 feet from river  
Replacement system - as close to 200 feet as lot will allow
5. Maximum lot coverage with impervious surface: 30%

**Section 6. ADMINISTRATION AND ENFORCEMENT**

A. Enforcement

1. No activity or land use may be conducted in Zone A or B except in accordance with these provisions. Failure to conform with these provisions shall constitute a violation and shall be subject to penalties and actions set forth in this Ordinance.
2. In reviewing subdivisions and site plans located entirely or partially within the Aquifer Protection Districts, the Planning Board shall apply the requirements and standards of this Ordinance to those of the Subdivision Regulations or Site Plan Review Ordinance.
3. For areas within Aquifer Protection Districts that are governed by the Shoreland Zoning Ordinance, the more restrictive standards shall be applied.
4. If any portion of a lot is located in Zone A or Zone B, all the land located in Zone A shall be governed by the regulations for Zone A, and the land located in Zone B shall be governed by the regulations for Zone B.
5. Individuals proposing uses listed a permitted in Section 5 shall submit all applicable information required in Section 7 (submission requirements) to the CEO with a building permit application. The CEO shall review this information to determine whether the proposed use or dwelling meets the requirements of the Aquifer Protection District, The CEO shall notify the Chairman of the Planning Board and the Chairman of the Harrison Water District Trustees of any applications for uses proposed in the Aquifer Protection District. The Harrison Water District Board of Trustees will have 30 days from postmarked date to review the application before the permit is issued by the Code Enforcement Officer.
6. The Planning Board (hereafter referred to as "the Board") shall review all other proposed uses requiring review listed in Section 5.
  - a. The Planning Board may consult other local boards or groups regarding uses or development in the Aquifer Protection District such as the Conservation Commission.
  - b. The Planning Board may require an applicant to submit a hydro geological study examining the potential impact of the proposed use

on groundwater quality. The study must be prepared by a State Certified Geologist with proven experience in hydrogeology. The Board may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant if the Board of Selectmen designates the application as a Special Application as provided in the Town of Bridgton Uniform Fee Ordinance.

c. The Board shall notify the Harrison Water District of any applications for uses proposed in the Aquifer Protection District. The Board shall request Water District review of the development or use as a condition of its approval.

d. Such information requested by the Board from outside parties shall be incorporated into the public record and be made available to the applicant.

e. The Board shall, after a public hearing with due notice, approve, deny, or approve with conditions an application if it makes a positive finding, based on the information presented, that:

The proposed use meets the specific requirements set forth in this ordinance and will be in compliance with all applicable state and federal laws;

The proposed use meets all applicable performance standards;

The proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone A;

Control measures proposed to prevent adverse impacts on water quality are adequate and reliable;

The use will not involve disposal of solid waste, hazardous materials, or leachable materials as prohibited under the terms of this District;

Petroleum stored-on-site will be properly contained so as to prevent contamination of the groundwater by leaks or spills.

7. The Code Enforcement Officer shall enforce the provisions of the Aquifer Protection District. The Code Enforcement Officer may, at reasonable hours, with the consent of the property owner, occupant, or agent enter on any property for compliance with the provisions of this District.

8. The Planning Board can require installation and regular sampling of water quality monitoring wells for any use deemed to be significant actual or potential source of pollution.

a. The number, location, and depth of the monitoring wells shall be determined by a licensed engineer or hydro geologist chosen or approved by the Town in accordance with "Guidelines for Monitoring

Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983).

b. Results from monitoring well samples shall be submitted to the Water District with evidence showing that contaminate concentrations meet the performance standards for pollution levels.

9. For subdivisions located in the Aquifer Protection District, the Planning Board shall apply the purpose, terms, and criteria of this district to its review. The Board may require submissions of a hydro geological study, prepared by a State Certified Geologist with proven experience in hydrogeology, which examines a subdivisions impact on groundwater quality.

10. The Code Enforcement Officer is authorized to issue a cease and desist order whenever he becomes aware of violations of this Ordinance. Any person, firm or corporation being the owner of or having contract for use of any building or premises who violates this cease and desist order, or is found guilty of violating any other provisions of this Ordinance, commits a civil violation and is subject to a fine of not less than \$100 and not more than \$2,500 for each violation. Each day such a violation is permitted to exist after notification thereof shall constitute as separate offense.

#### **SECTION 7. SUBMISSION REQUIREMENTS**

A. Applications for permission to carry out any activity in Zone A or Zone B shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance and the following information. (6-11-19)

1. Site Plan drawn to a scale no smaller than 1 inch equals 100 feet showing:

- a. Aquifer Protection District boundaries if they cross the parcel;
- b. boundaries of the property and abutting streets;
- c. outlines of all buildings;
- d. layout and location of access drives, parking areas and vehicular maneuvering areas;
- e. location of all petroleum storage tanks;
- f. location of buffers, landscaping, and existing vegetation which will be retained;
- g. location and description of storage areas and types of materials to be stored;
- h. location of wastewater disposal systems or public sewer facilities;
- i. location of all public and private water supplies on the property and abutting properties.

2. A description of the manner in which the applicant shall meet all applicable Performance Standards.

3. Where applicable.

- a. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, and a description of measures to provide for control of spills;
  - b. For animal husbandry operations, a Conservation Plan, approved by the local Soil and Water Conservation District;
  - c. For dwellings with subsurface waste disposal systems, a completed site evaluation form (HHE-200).
4. If required by the Planning Board:
- a. A map showing groundwater contours of the seasonal high water table;
  - b. A hydro geological study of the proposed use's impact on groundwater quality;
  - c. Water quality data from on-site monitoring wells;
  - d. Any other information needed to prove that the use will not adversely affect groundwater quality.

## **SECTION 8. PERFORMANCE STANDARDS**

All site plan and subdivision proposals and other proposals for structures, uses and activities within the Aquifer Protection District shall conform to use and space standards of the governing sub district and the following minimum levels of performance.

### **A. General Standards**

1. All such proposals shall be consistent with the need to protect the quality and quantity of Harrison's and Bridgton's groundwater supply.
2. In cases where proposed uses are not listed as permitted or prohibited uses above, the Planning Board shall make a finding on whether the use is permitted or prohibited based on its similarity or dissimilarity with listed permitted and prohibited uses.
3. Whenever possible, street, roads and parking areas shall be designed and constructed so that reduced application of road salt can occur without creating winter safety problems and so that runoff from such uses is channeled to avoid or minimize groundwater contamination.

### **B. Erosion and Sedimentation Control**

1. Erosion and sedimentation shall be minimized by adherence to erosion control management practices contained in the Environmental Quality Handbook, dated March 1986, published by the Maine Soil and Water Conservation Commission.

2. For residential subdivisions, commercial and industrial developments and other large-scale developments, a sedimentation and erosion plan prepared according to the specifications of the Cumberland County Soil and Water Conservation District shall be submitted by the applicant.

**C. Home Occupations**

1. Home occupations shall be accessory to a residential use and clearly incidental and secondary to the residential use of the dwelling unit.

2. No more than two (2) persons other than the residents occupying such dwelling shall be employed.

3. In no way shall the appearance of the structure be altered or the occupation be conducted in a manner which would cause the premises to differ from its residential character either in the use of colors, materials, construction, lighting, or the emission of sounds, noises, smoke, dust, glare, odors, electrical interference, heat or vibrations.

4. No traffic shall be generated by such home occupation that would be considered incompatible in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

5. Provisions must be made for adequate off street parking requirements based on the maximum number of users that the home occupation may attract during peak operating hours, the vehicles of any outside employees, and parking to meet the normal requirements of the dwelling unit.

6. Evidence shall be provided that the subsurface disposal system on the site can accommodate the wastewater generated by the home occupation.

**D. Manure Storage**

Agricultural operations must provide manure containment facilities for manure storage. Facilities must have the storage capacity to contain one year's production and must be covered.

**E. Preservation of Landscape**

The landscape shall be preserved in its natural state, insofar as is practicable, by minimizing tree, vegetation and soil removal, retaining existing vegetation wherever possible, and keeping grade changes consistent with neighboring areas.

## **F. Runoff**

1. For residential subdivisions, commercial and industrial developments and other large-scale developments, the developer shall submit a storm water runoff plan showing calculations for pre-development and post-development runoff for the site for a 25 year, 24 hour frequency storm, and planned runoff control measures to accommodate this storm event.

2. Unless it can be shown that an increase in runoff will have no off-site impact, peak runoff from the site in the developed state shall not be increased beyond that in the undeveloped state.

## **G. Subsurface Waste Disposal Systems**

1. On-site waste disposal systems shall be designed and located so as to avoid or minimize groundwater contamination.

2. Disposal of hazardous or toxic materials to subsurface waste disposal systems, including organic solvents designed for cleaning septic systems is prohibited.

3. Engineered Systems in "B" Districts shall be reviewed and approved by the Division of Human Services, Health Engineering Division. In addition, the applicant shall submit to the Planning Board a full hydro geological study of the proposed engineered system.

The study shall demonstrate that the development will not increase any contaminant concentration in the groundwater to more than one-half of the Primary Drinking Water Standards adopted by the State of Maine, Department of Human Services. The study shall also demonstrate that the project will not increase any contaminant concentration in the groundwater to more than Secondary Drinking Water Standard adopted by the State of Maine, Department of Human Services.

## **H. Sand and Gravel Extraction**

1. Pits shall not be excavated lower than five (5) feet above the average seasonal high water table.

2. Petroleum products shall not be stored in pits. Refueling and oil changes that must be conducted in the pit shall take place over containment areas constructed to contain the maximum possible spill from entering the ground.

3. Absorbent pads shall be kept on-site to be used immediately should any petroleum products be spilled on the soil.

4. No hazardous materials shall be used, stored or deposited within the excavation area.

5. Access roads into and around the pit shall not be oiled, salted, or paved.
6. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.
7. Access to the pit shall be strictly controlled at all times with locking gates, and when the operations are finished, all vehicular entrances shall be made impassable.
8. Structures and subsurface waste disposal systems shall be sited a minimum of seventy-five (75) feet from the gravel pit slopes in excess of forty (40) percent.
9. Reclamation projects shall, whenever possible, use trees for revegetation purposes.

## **SECTION 9. Nonconforming Uses**

- A. Structures, uses and lots which were legally existing as of June 19, 1990 (the effective date of this Ordinance) but which do not conform to the requirements of the Ordinance shall be treated as non-conforming and may continue and be maintained, repaired and improved.
- B. All expansions of structures (outside the Shoreland Zone) non-conforming because of density, lot size, frontage, or setback shall be permitted as long as they meet the other standards of this Ordinance and do not make the structure more non-conforming.
- C. Expansions of nonresidential structures/facilities that are non-conforming because the use carried out within the structure or facility is prohibited by this Ordinance, shall not be permitted. In cases of undue hardship, the Board of Appeals may issue a variance for a one-time increase of no more than fifteen (15) percent of the gross floor area of the existing structure, as long as this expansion meets the other standards of this Ordinance.
- D. Construction of one principal, permitted use on non-conforming lots of record legally in existence on June 19, 1990 (the effective date of this Ordinance), is permitted if all other standards of this Ordinance are met.
- E. Expansion of uses or structures in excess of the impervious surface ratio shall only be permitted in cases of hardship and shall be reviewed by the Board of Appeals as variances.

## **SECTION 10. APPEALS**

### **A. Administrative Appeals**

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") or Planning Board may appeal such

decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the town of Bridgton Uniform Fee Ordinance. (6-11-19)

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

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

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

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

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the

vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

**B. Variances**

1. In certain instances where a literal application of the standards of this Ordinance would cause the imposition of an undue hardship, as defined in M.R.S.A. Title 30-A Section 4353 as amended, upon an applicant, the Board of Appeals may grant a variance to these standards. A variance shall not be granted by the Board of Appeals unless and until a written application for a variance has been filed and reviewed by the Board of Appeals in accordance with the provision of the Bridgton Shoreland Zoning Ordinance.

**SECTION 11. LEGAL PROVISIONS.**

**A. Authority**

This Ordinance has been prepared in accordance with the provision of Revised Statutes of Maine, as amended.

**B. Title**

This Ordinance shall be known and cited as the Bear River Aquifer Protection Ordinance.

**C. Interpretation**

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

**D. Conflict within this Ordinance or with other Ordinances**

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

**E. Separability**

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

**F. Effective Date**

The effective date of this Ordinance is June 19, 1990.  
Amended: June 2000, June 2007, June 10, 2014, June 11, 2019.

