

**MEMBERS PRESENT**

Steve Collins, Chair  
Deb Brusini, Vice Chair  
Cathy Pinkham  
Doug Oakley-recused from Hotel  
Dee Miller  
Ken Gibbs  
Diane Paul-recused from hotel

**MEMBERS ABSENT**

**STAFF PRESENT**

Robert Baker, Code Enforcement  
Brenda Day, Secretary

**Item #1 Call to Order**

Steve, Chair, called the meeting to order in the downstairs conference room at 1:30 p.m. on May 29, 2019.

**Item #2 The Pledge of Allegiance**

**Item #3 Appoint Alternate(s)**

All regular members in attendance. No alternates appointed for voting.

**Item #4 Approval of Minutes**

none.

**Item #5 Old Business-**

**Item #6 Public Hearing**

Hotel Bridgton

Saunders Mills, LLC

12 Bacon St. Map 22 Lot 85, 86 70

Hotel

Presented by Michael E. Tadema-Wielandt, Terradyn Consultants, LLC

Public Hearing Closed on May 22, 2019

As stated in Article VII Review Standards of the Site Plan Review Ordinance, “standards presented in the Site Plan Review Ordinance are intended to achieve the following objectives: Preserve the traditional New England character of the downtown; present an attractive gateway area; facilitate safe vehicular and pedestrian

access; protect the value of the abutting properties and the character of natural surroundings; promote intelligent, attractive and useful design; ensure economic investment and vitality; anticipate future growth”.

Performance Standards required for any approval by the Planning Board. The Planning Board shall approve or approve with conditions a submitted application if there is an affirmative finding based on information presented that the application meets the following standards. The applicant shall have the burden of establishing by demonstrable evidence that the application and project is in compliance with the requirements of this Ordinance.

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

Motion-Deb moved that we find number one acceptable and with the following conditions that two to three foot shrubbery will be placed along the fencing that surrounds the home on Kennard Street and the plantings along Stevens Brook will be done as soon as is possible and preferably prior to construction and that any changes in a landscaping design quantity. The planning board will be notified of those changes. Second made by Ken. 5 approved 0 opposed.

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;

**Motion-Cathy moved that this is met with conditions 1. that the design, as shown and the scale as shown in the application and all the drawings, does not change. If there are any changes, then that must go back to the planning board. 2. Any changes to the silhouette, the footprint of the building would need to come back to the Planning Board. Second by Deb. 3 approved 2 opposed.**

#### Section 12. Non-conformance

A. Purpose It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming. Section

#### 12. Non-conformance

B. General 1. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance. 2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not - 7 - involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require. Reference Building and Razing Ordinance for additional requirements. Section

#### 12. Non-conformance

C. Non-conforming Structures 1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below. a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)3 and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date. b. An application for a permit to expand an existing nonconforming structure by more than 200sf shall be accompanied by scaled drawings showing the dimensions and volume of the existing structure and the dimensions and volume of the structure after the proposed expansion. The drawings shall include floor plans for each level, exterior elevation drawings for each façade and a building cross section. Prior to issuing a building permit, a Maine registered engineer, or architect, or surveyor shall visit the site to certify that the

existing conditions are as shown on the above-mentioned drawings and to compare the existing plan to the proposed plan. The architect, surveyor, or engineer's certification shall be procured and paid for by the Applicant. The Code Enforcement Officer shall use these certified scaled drawings to determine if the proposed expansion conforms to Section 12C.1.a. For all expansions within 30 days of completion of the expansion a "Notice of Expansion" bearing the signature of the Code Enforcement Officer, shall be recorded at the Cumberland County Registry of Deeds and proof of such recording submitted to the Code Enforcement Officer. The Owner's original deed for the property shall be referenced in the recording. The proof of recording and the scaled drawings shall be on file in the Code Enforcement Office at the Town of Bridgton. The Notice of Expansion will provide evidence that the expansion has been built in accordance with the proposed plans submitted for a building permit and any subsequent amendments to the building permit. The Notice will warrant that the completed construction has not exceeded the limits set forth by Section 12.C.1.a - 8 - c. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Code Enforcement Officer, basing its decision on the criteria specified in Section 12(C)2,; if the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) and the foundation does not cause the structure to be elevated by more than three (3) additional feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure. d. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland. 2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In determining where the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows: a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed. - 9 - Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed. b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof. 3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or

wetland and which is removed, or damaged or destroyed regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Code Enforcement Officer in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be placed or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal. In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Code Enforcement Officer shall consider in addition to the criteria in 12(C)(2) above, the physical condition and type of foundation present, if any. - 10 -

4. Change of Use of a Non-conforming Structure The use of a non-conforming structure may not be changed to another use unless the Code Enforcement Officer after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use. In determining that no greater adverse impact will occur, the Code Enforcement Officer shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources and other functionally water-dependent uses.

#### Section 12. Non-conformance

D. Non-conforming Uses

1. Expansion: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within the existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.
2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Code Enforcement Officer may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Code Enforcement Officer. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C)(4) above.

#### Section 12. Non-conformance

E. Non-conforming Lots

1. Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and

that all provisions of this - 11 - Ordinance except lot area lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals. 2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. section 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with. If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance. 3. Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements. This provision shall not apply to 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules and: a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or b. Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Motion-Cathy moved that this is a conforming lot in the General Development and stream protection. Second made by Ken. 4 approved 1 opposed.

Motion-Ken moved that a parking lot is a structure. Second made by Deb.

Motion-Ken moved that a gravel parking area is equivalent to a paved parking area. Second made by Dee. 4 approved 1 opposed.

Motion-Cathy moves that the replacement parking area in the General Development area is less non-conforming then the existing gravel structure and is set back to the greatest possible extent. Second made by Ken. 4 approved 1 opposed.

#### Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Allowed with approval from the Planning Board

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector Abbreviations:

RP - Resource Protection

SP – Stream Protection District

LR - Limited Residential GDI – General Development I District

GDII – General Development II District  
E & S – Erosion and Sedimentation Control District

Motion-Dee moved that the applicant is proposing to remove the non-conforming Structure (gravel road), then he is making the structure nonconforming by eliminating it. Second by Ken. 5 approved 0 opposed.

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES DISTRICTS SP RP LR GDI GDII

1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking Yes Yes Yes Yes Yes
2. Motorized vehicular traffic on existing roads & trails Yes Yes Yes Yes Yes
3. Clearing or removal of vegetation for activities other than timber harvesting CEO CEO1 Yes Yes Yes
4. Fire prevention activities Yes Yes Yes Yes Yes
5. Wildlife management practices Yes Yes Yes Yes Yes
6. Soil & Water conservation practices Yes Yes Yes Yes Yes
7. Mineral exploration No Yes2 Yes2 Yes2 Yes2
8. Mineral extraction including sand & gravel extraction No PB3 PB PB PB
9. Surveying and Resource analysis Yes Yes Yes Yes Yes
10. Emergency Operations Yes Yes Yes Yes Yes
11. Agriculture No No No No No
12. Aquaculture PB PB PB Yes Yes
13. Principal structures & uses A. One & two family Residential, B. Driveways for One & two Family Residential C. Multi-unit residential D. Commercial E. Industrial F. Governmental and Institutional G. Small non-residential Facilities for educational, scientific, or nature interpretation purposes No PB No No No No No PB9 PB No No10 No No No CEO CEO PB No10 No No CEO CEO CEO PB PB PB PB CEO CEO CEO PB PB PB PB CEO
14. Structures accessory to allowed uses No No CEO Yes Yes
- Per town attorney 1-14 does not apply
15. Docks, bridges and other Structures & uses extending over or below the Normal high-water line or within a wetland a. Temporary b. Permanent CEO PB CEO PB CEO PB CEO PB
16. Conversions of seasonal Residences to year-round residences LPI LPI LPI LPI LPI
17. Home occupations PB NO PB Yes Yes
18. Private sewage disposal systems for allowed uses LPI LPI LPI LPI No
19. Essential services PB6 PB6 PB PB PB
20. Service drops, as defined, to allowed uses Yes Yes Yes Yes Yes - 16 –
21. Public & private recreational areas involving minimal structural development PB PB PB CEO CEO
22. Individual, private campsites CEO CEO CEO CEO CEO
23. Campgrounds No No7 PB PB PB
24. Road construction PB No8 PB PB PB
25. Parking facilities No No7 PB PB PB
26. Marinas PB No PB PB PB
27. Filling & earthmoving of less than 10 cubic yards No CEO Yes Yes Yes
28. Filling & earthmoving of greater than 10 cubic yards No PB CEO CEO CEO
29. Signs Yes Yes Yes Yes Yes
30. Uses similar to allowed uses CEO CEO CEO CEO CEO
31. Uses similar to uses requiring a CEO permit CEO CEO CEO CEO CEO
32. Uses similar to uses requiring a PB approval PB PB PB PB PB

33. Earthmoving, vegetation removal, or construction affecting more than 100 square feet of land area on any property parcel with-in any two year period. CEO CEO CEO CEO CEO

34. Earthmoving, vegetation removal, or construction affecting more than 10,000 square feet of land area on any property parcel within any two-year period. PB PB PB PB PB Note: All land uses listed above are allowed within the Erosion and Sedimentation Control District without a shoreland zoning permit. Within the Erosion and Sedimentation Control District, no construction-related activity or land use condition shall cause or contribute erosion and sedimentation to any land area within 250 feet, horizontal distance, of the normal high-water line of any great pond or within 250 feet, horizontal distance, of the upland edge of any freshwater wetland contiguous to a great pond.

1. In RP not allowed within 75 feet horizontal distance of the normal high-water line of great ponds, except to remove safety hazards

2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

3. In RP not allowed in areas so designated because of Wildlife value - 17 –

4. Provided that a variance from the setback requirement is obtained from the Board of Appeals

5. Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page)

6. See further restrictions in Section 15(L)(2).

7. Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.

8. Except as provided in Section 15(H)3.

9. Single family residential structures may be allowed by special exception only according to the provisions of Section 16.E “Special Exceptions. Two-family residential structures are prohibited.

10. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to 38 M.R.S.A., section 480-C, if the activity occurs in, on over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;

B. Draining or otherwise dewatering;

C. Filling; or

D. Any construction or alteration of any permanent structure

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

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

##### **A. Minimum Lot Standards**

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

1. Minimum Lot Area Minimum Shore  
(sq. ft.) Frontage (ft)  
Per Residential dwelling unit 50,000 200

Governmental, Institutional,



Commercial or Industrial Per  
principal structure 60,000 300

Public and Private Recreational  
Facilities 40,000 200

General Development I  
District (GDI)

Minimum lot area: 20,000 square feet per residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, except that the following parcels shall contain a minimum of 5,000 square feet per residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof: Map 23 Lot 132; Map 23 Lot 133; Map 23 Lot 134; Map 23 Lot 135.

Minimum Lot Area Minimum Shore (sq. ft.) Frontage (ft)  
General Development II District (GDII)  
\*5,000 square feet or \*1,000 square feet per  
bedroom, whichever ever is greater 0

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
5. If more than one residential dwelling unit principal governmental institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
6. Shorefront Common Areas shall meet the following criteria:

a. Shorefront common areas shall contain a minimum of two acres. For those which serve less than three residential dwelling units or provide less than three rights of use, the minimum lot size shall be reduced to one acre.

b. The shorefront common area shall have a minimum of 25 feet of shoreline frontage for each residential dwelling unit which has access to the common area and for each right of use granted to any family unit or other legal entity.

c. Use of common areas within a subdivision shall be limited to residential dwelling units contained within said subdivision.

d. Accommodations for motorized watercraft shall be limited to 1 craft for each 25 feet of shoreline frontage. This limit shall not apply to motorized watercraft of transient visitors which remain at the common area for less than 48 hours and craft with motors of less than ten horsepower:

e. The provisions of this Section shall not apply to municipal beach facilities.

f. The provision of this Section shall apply to new commercial campground sites located within the shoreland zone.

g. Shorefront common areas established before June 8, 1987 are exempt from the preceding criteria if there has been no increase in rights of use granted since said date. They may be improved with temporary docking facilities with approval of the Planning Board, subject to Section 15 paragraph C. (6/03)

Motion-Ken moved that this is met. Second made by Cathy. 5 approved  
0 opposed.

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

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

NOTE: Section 16.I of this Ordinance provides significant penalties for violations involving vegetative cutting, earth-moving or other construction conducted before or after the issuance of any permit.

NOTE: See Section 15.R "Water Quality" for additional requirements.

1. All new principal and accessory structures utilizing solid wall foundations shall be set back at least one hundred and twelve (112) feet horizontal distance, from the normal high-water line of

great ponds classified GPA, rivers that flow to great ponds classified GPA and the upland edge of any wetland contiguous to those great ponds and rivers. Areas more than 100 feet horizontal distance, from the normal high water line of all great ponds, rivers that flow to great ponds, tributaries and wetlands contiguous to those great ponds, rivers and tributaries may be used for construction of structures such as decks and patios which do not have solid wall foundations. All new principal and accessory structures shall be set back at least seventy-five 75 feet horizontal distance, from the normal high-water line of other water bodies, streams, and the upland edge of other wetlands. In the General Development Districts the setback from the normal high-water line shall be a minimum of fifty (50) feet horizontal distance. The water body or wetland setback provision shall not apply to docks and retaining walls. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

The Planning Board may reduce the setback requirement for projects in the General Development District by up to 50% upon a positive finding of fact that, for any lot of record, all of the following provisions are met:

- a. The total area impacted by the proposed setback reduction shall not exceed 25% of the portion of the lot lying within 50 feet of the normal high water mark of any river or tributary stream regulated by this Ordinance.
- b. Infiltration systems shall be installed and maintained to infiltrate storm water runoff from all man-made impervious surfaces on the property. Systems shall be sized to accommodate all runoff from a two inch precipitation event of 24-hour duration and shall be located at least 50 feet from the normal high water mark of any river or tributary stream regulated by this Ordinance.
- c. There shall be a net increase in the area of the lot which is covered by multi-level vegetation combining ground cover, bushes and trees with at least 50% evenly-distributed tree leaf canopy as viewed from above. All areas of the property not covered by structures (roads, buildings, parking areas, septic systems, etc.) shall be re- vegetated and maintained in such a manner.
- d. The proposal shall be designed and built to reduce the gross amount of phosphorus exported from the property by a minimum of 10%.

e. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. Cupolas, domes, widow's walks and similar features that are not inhabited and are mounted on a building roof for observation purposes are exempt providing they meet the following standards:

- a. The feature is on a legally existing conforming structure.
- b. The structure is not located in Resource Protection or Stream Protection Districts.
- c. The feature does not extend beyond the exterior walls of the existing structure.
- d. The feature has a floor area of 53 square feet or less.
- e. The feature does not increase the height of the existing structure by more than seven feet.

3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District where lot coverage shall not exceed seventy (70) percent.

5. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

a. The site has been previously altered and an effective vegetated buffer does not exist;

b. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high water line of a water body, tributary stream, or upland edge of a wetland;

c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

d. The total height of the wall(s), in aggregate, are no more than 24 inches;

e. Retaining walls are located outside of the 100 year floodplain on rivers, streams and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood record, or in the absence of these, by soil types identified as recent flood plain soils.

f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics.

i. The buffer must include shrubs and other woody and herbaceous vegetation. Where the natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

ii. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

iii. Only native species may be used to establish the buffer area;

iv. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

v. A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer.

6. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and the applicant demonstrates that no reasonable access alternative exists on the property.

7. All new principal and accessory structures shall be set back at least 10 feet from all side and rear (non-shoreline) lot lines. (6/03)

Motion-Dee moved that this is met. Second by Ken. 5 approved 0 opposed.

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

### **C. Docks, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water body or Within a Wetland.**

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.

3. The facility shall be located so as to minimize adverse effects on fisheries.

4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses, of the area. A temporary dock shall not be wider than six (6) feet for non-commercial uses.

5. When more than one residential dwelling unit has water access rights such accommodations shall be one docking system with slips for watercraft. The Code Enforcement Officer, upon written documentation, that one docking system is not feasible may authorize additional docking systems be created.

6. No new structure shall be built on, over or abutting a dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

7. New permanent docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

8. No existing structures built on, over or abutting a dock or other structure extending beyond the normal high-water body or within a wetland shall be converted to residential dwelling units in any district.

9. Except in the General Development Districts, structures built on, over or abutting a dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the dock or other structure.

10. Temporary structures that are specifically designed and manufactured to be removed from the water on a seasonal basis may be installed once ice has melted in the spring and must be removed prior to the formation of ice in the fall.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A., section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

Motion-Ken moved that we accept the bridge as proposed but with a condition that if they have to have Dep approval that they get it. Second by Cathy. 5 approved 0 oppose.

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

### **D. Campgrounds**

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

Motion-Cathy moved that it doesn't involve campgrounds. Second by Deb. 5 approved 0 opposed.

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

### **E. Individual Private Campsites**

Individual, private campsites not associated with campgrounds are allowed provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.



3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the sitting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

Motion-Deb moved that this is not applicable. Second made by Ken. 5 approved 0 opposed.

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

### **F. Commercial and Industrial Uses**

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- a. Auto washing facilities
- b. Auto or other vehicle service or repair operations, including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
- e. Commercial painting, wood preserving, and furniture stripping
- f. Dry cleaning establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing
- j. Petroleum or petroleum product storage or sale except storage on same property as use occurs and except for storage and sales associated with marinas

- k. Photographic processing
- l. Printing

Motion-Deb moved that this is not applicable. Second made by Dee.  
5 approved 0 opposed.

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

### **G. Parking Areas**

NOTE: Section 16.H of this Ordinance provides significant penalties for violations involving vegetative cutting, earth-moving or other construction conducted before or after the issuance of any permit.

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located.

The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development Districts, shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Code Enforcement Officer finds that no other reasonable alternative exists further from the shoreline or tributary stream.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

3. In determining the appropriate size of proposed parking facilities, the following shall apply:

a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

b. Internal travel aisles: Approximately twenty (20) feet wide.

Motion-Cathy moved that this is met. Second by Ken. 5 approved 0 opposed. 5 approved 0 opposed

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

### **H. Roads and Driveways**

NOTE: Section 16.H of this Ordinance provides significant penalties for violations involving vegetative cutting, earth-

moving or other construction conducted before or after the issuance of any permit.

The following standards shall apply to the construction of roads or driveways and drainage systems, culverts and other related features.

1. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream or wetland.

On slopes of greater than twenty (20) percent the road or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15(H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding permanent or temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.

3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District upon a finding

that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in section 15(Q)

5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams and wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade	Spacing
(Percent)	(Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent less.

c. On sections having slopes greater than ten (10) percent ditch relief culverts shall be placed at approximately a thirty (30)

degree angle downslope from a line perpendicular to the centerline of the road or driveway.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

Motion-Dee moves that this has met. Second by Deb. 5 approved 0 opposed.

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

### **I. Signs**

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection and Limited Residential Districts:

1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises.

3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

5. Signs relating to public safety shall be allowed without restriction.

6. No sign shall extend higher than ten (10) feet above the ground.

7. Signs may be illuminated only by shielded, non-flashing lights.

Motion-Deb moves that this not applicable. Second by Cathy. 5 approved 0 opposed.

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

### **J. Storm Water Runoff**

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

Motion-Dee moved this has been met. Second by Cathy. 5 approved 0 opposed. 5 approved 0 opposed.

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

### **K. Septic Waste Disposal**

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than one hundred (100) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in shoreland zone.

a. The minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

b. Replacement systems shall meet the standards for replacement systems as contained in the Rules.

2. In addition to the standards contained in the Rules, the following provisions shall be met for the construction of wastewater disposal systems:

a. The setback from the normal high-water mark of any great pond, river, or the upland edge of a wetland for wastewater disposal systems shall be a minimum of 100 horizontal feet. This setback shall be increased to the most suitable location within the shoreland zone, as determined by the C.E.O. In making this determination, the C.E.O. shall consider soil suitability, runoff conditions and existing land uses.

b. Expansion of a structure which causes an increase in wastewater shall not be approved or begun unless it is demonstrated that the structure is or can be served by a system which complies with all provisions of this Section and the Rules.

c. When a new system is constructed on a lot, old systems which do not meet the standards contained in this Section shall be discontinued.

Motion-Cathy moved that this has been met. Second by Dee. 5 approved 0 opposed.

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

### **L. Essential Services**

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impact.

Motion-Ken moved that this has been met. Second by Dee. 4 approved 1 opposed

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

### **M. Mineral Exploration and Extraction**

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations,

including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, to restore disturbed areas and to protect the public health and safety. Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15(M)(3) below.

2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.

3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed completed when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period ground levels and grades shall be established in accordance with the following:

a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

b. The final graded slope shall be two and one half to one ( $2\frac{1}{2}$ :1) slope or flatter.

c. Top soils or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area.

Additional top soils or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.



Motion-Deb moved that this is not applicable. Second made by Ken.  
5 approved 0 opposed

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

### **N. Agriculture**

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

3. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies ; nor within fifty (50) feet, horizontal distance, or tributary streams, and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained but shall not be enlarged.

4. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor, within twenty-five (25) feet, horizontal distance, or tributary streams, and freshwater wetlands. Livestock grazing that legally existed at the effective date of this Ordinance, and that has not been discontinued for any period of twelve consecutive months or more, may continue, provided that such grazing is not expanded in scope and is conducted in accordance with a Soil and Water Conservation Plan.

Motion-Deb moved that this is not applicable. Second made by Cathy.  
5 approved 0 opposed

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

### **O. Clearing or Removal of Vegetation for Activities other than Timber Harvesting**

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of wetland, a buffer strip of vegetation shall be preserved as follows:

a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 12 or more in each 25-foot by 25 foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches) Points		
2-4 in.	1	
> 4-12 in.	2	
12 in. or greater	4	

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

For the purposes of Section 15(P)(2)(b), "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least three (3) saplings less than two (2) inches in diameter at four and one-half (4½) feet above ground level for each 25-foot by 25-foot rectangular area. If three (3) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 3 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4½ feet above ground level may be removed in any ten (10) year period.

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a). above.

d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas, are limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of

permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed ten thousand (10,000) square feet for each detached single family dwelling, including land previously cleared. This provision shall not apply to the General Development Districts.

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Motion-Deb moved that this has been met. Second made by Ken. 5 approved 0 opposed.

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

### **P. Erosion and Sedimentation Control Standards**

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

a. Mulching and revegetation of disturbed soil.

b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

c. Permanent stabilization structures such as retaining walls or riprap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales or silt fences.

5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

6. No activity shall cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. In determining whether the applicant has made adequate provision for controlling erosion and sedimentation, all relevant evidence shall be considered.

7. Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality or soil erosion. On-site absorption shall be utilized to minimize discharges whenever possible.

8. In areas where ground cover is removed, with the exception of roadways and parking areas, permanent seeding shall be placed as soon as is practical but not later than thirty days from the start of construction unless a waiver is obtained.

9. Ground cover shall not be removed between October 1st and May 1st from areas with an average slope in excess of 8% without Planning Board or C.E.O. approval.

10. Water channels, including ditches, culvert inlets, culvert outlets, and detention basin outlets shall be stabilized.

11. Cut and fill slopes shall not exceed a 3 to 1 slope unless no reasonable alternative exists as determined by the Code Enforcement Officer. Cut and fill slopes shall be stabilized with vegetation, rock or other suitable measures.

12. Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, filter berms, check dams or other suitable measures.

13. Existing catch basins and culverts on or adjacent to the site shall be protected from sedimentation.

14. Stone check dams shall be built and maintained at all points where newly-constructed ditches channelize runoff flows to an adjacent property parcel.

15. Roof runoff from any newly-constructed or enlarged portion of an existing structure shall drain to a roof drip edge collection system with the capacity to infiltrate and store runoff from a 2" in 24 hour rainfall event.

16. Phosphorus export from any proposal required to obtain a permit from the Planning Board shall not result in total annual export from the entire property parcel that exceeds .05 pounds per acre as determined by using methods described in the manual "Phosphorus Control in Lake Watersheds".

Motion-Cathy moved that this has been met. Second made by Dee. 5 approved 0 opposed.

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

### **Q. Soils**

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial

development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include

Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

Motion-Deb moved that this has been met. Second made by Ken. 5 approved 0 opposed.

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

### **R. Water Quality**

1. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland. The washing, bathing, or cleaning of humans, animals, or objects with soaps, detergents, or cleaning agents shall be prohibited in surface waters or in areas adjacent to surface waters if wash water can enter the surface water without absorption into the soils.

2. One of the following methods of phosphorus mitigation must be employed if the footprint of any structure is enlarged within the setback area.

a. The existing undisturbed natural wooded buffer strip between the structure and the water body shall be at least 50 feet in depth; or

b. A 50 foot natural wooded buffer strip shall be created by allowing a 50 foot strip to revert to natural vegetation. Woody vegetation shall be planted if lacking; or

c. An infiltration system designed to accommodate the runoff from the entire structure that would be generated by a 24 hour two-inch rainfall shall be constructed following C.E.O. approval.

d. All new structures in the shoreland zone with a solid wall foundation shall comply with Section 15.R.2.c above.

3. Wells may be located within the setback area if all of the following provisions are met:

a. The access corridor for equipment does not exceed 20 feet in width and must follow any existing or proposed footpath. The C.E.O. may expand this 20 foot limit to the minimum extent needed where access is difficult.

b. All slag shall be removed from the ground, and no erosion or sedimentation shall enter any adjacent waterbody.

c. All areas not covered by the footpath shall be stabilized immediately and fully revegetated within nine months.

4. No provision of this Ordinance shall prohibit the revegetation or stabilization of a disturbed area if a stabilization plan is filed with and approved by the C.E.O. The use of fertilizer containing phosphorus within the buffer area is prohibited except as part of an approved stabilization plan.

5. The application for each proposed subdivision falling partially or completely within the shoreland zone shall contain information indicating the projected water quality impact of the project relative to its proportional area within the watershed of any great pond. The Planning Board shall consider such information, particularly how projected phosphorous loading relates to existing phosphorous levels and the ability of the water body to maintain its existing water quality, when reviewing the proposed subdivision.

Motion-Ken moved that this has been met. Second made by Cathy. 5 approved 0 opposed.

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

### **S. Archaeological Sites**

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall



consider comments received from the Commission prior to rendering a decision on the application.

Motion- Cathy moved that this is not applicable. Second made by Deb. 5 approved 0 opposed.

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

### **T. Erosion and Sedimentation Control District Provisions**

The Code Enforcement Officer is empowered to inspect and identify any existing source of erosion or sedimentation which has the potential to deliver soils or sediment to any water body protected by this Ordinance.

Any such sources shall be immediately stabilized to temporarily prevent such erosion and sedimentation. Following temporary stabilization, which must be accomplished within one week of notice of violation, an erosion and sedimentation control plan and maintenance provisions shall be submitted for review within thirty days of notice of violation. The erosion stabilization plan shall demonstrate that the requirements of Section 15.Q of this Ordinance will be met. The erosion stabilization plan shall be completed within two years of notice of violation.

Motion- Deb moved that this has been met with a condition to satisfy the code enforcement officer that they are meeting these 15 tangos to the extent applicable. Second made by Ken. 5 approved 0 opposed.

## **Item #7 New Business**

none

## **Item #8 Approved Applications as per Bridgton Site Plan Review Ordinance 4.A.1**

none.

## **Item #9 Topics of Discussion**

- 1. Motion-Ken moved to hold meeting to review findings of fact and conclusion of law on June 10, 2019 at 3:00 p.m. Second by Deb. 5 approved 0 opposed.**

## **Item #10 Adjourn**

**Motion-**To adjourn the meeting at 4:31 p.m. was moved by Ken and a 2<sup>nd</sup> by Cathy. Discussion of the motion. Hearing none. All in favor 5 to 0 to adjourn.