

**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

**ABSENT MEMBERS**

**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 9:00 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.

Discussion was on May 22, 2019

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;

**Discussion was on May 22, 2019**

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

**Motion-Deb moved to accept as met with conditions: 1. Right turn only out of the hotel. 2. No construction vehicles are to park or access through Kennard St. 3. No Buses or service vehicles through Kennard St. The only exception would be for emergency. Second made by Ken. 4 approved 1 opposed.**

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

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

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

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

d. Applicants may satisfy parking requirements by entering into a written agreement with another property owner or through the utilization of municipal parking lots allowing for overnight and winter parking. The applicant must demonstrate to the Planning Board a long-term lease or other arrangement within close proximity of the proposed development site. The lease or other arrangement must have a duration of at

least five (5) years plus two consecutive five (5) year automatic renewal periods. The Planning Board shall have the ability to determine if alternative agreements or use of public lots is sufficient to address the needs of the proposed development.

Motion-Dee moved to approve as met with conditions: 1. 24-7 surveillance cameras on Nulty Street parking lot visible from the hotel lobby. 2. Nulty street will be lit with downward facing lighting. 3. Accommodation for guests to be transported between Nulty street and Hotel after dark. 4. No boats or trailers allowed in either parking lot. Second made by Cathy. 3 approved 2 opposed.

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

Motion-Deb moved to approve as met with conditions: Will comply with manual 7.7 second made by ken. 5 approved 0 opposed.

Cathy moved during the first 3 months thru porous pavement will be inspected once a week. Second made by Ken. 5 approved 0 opposed.

Cathy moved the inspection will be performed by a professional engineer with soils background. Second made by Ken. 5 approved 0 opposed.

Deb moved to approve as met with conditions. Second was made by Cathy. 5 approved 0 opposed.

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

Motion-Ken moved that the applicant has met. Second was made by Cathy. 5 approved 0 Opposed.

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

Motion- Cathy moved that the applicant has met. Second was made by Deb. 5 approved 0 opposed.

8. Advertising Features: The design and lighting of signs and other advertising structures shall be shielded and non-flashing and not detract from the design of the proposed building and other surrounding structures and properties.

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

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

Motion- Deb moved that this has been met with conditions: 1. Fencing in parking lot be surrounded by 2 to 3-foot shrubs and snow removal that butts up against fence facing Kennard St. have additional reinforcement to withstand storm load. A second was made by Ken. 5 approved. 0 opposed.

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

Motion-Cathy moved that this has been met with condition to dim lights at 10 o'clock and turn them off at Midnight. 1 approved 4 opposed.

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

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

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

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

spaces, recreational programs and facilities, and other municipal services and facilities.

**Motion-Cathy moved that this has been met. Second made by Deb. 3 approved 2 opposed.**

**13. Protection Against Undue Water Pollution:**

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

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

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

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

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

**15. Water Use:** There is sufficient water available for the reasonable foreseeable needs of the development and will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

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

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

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

17. Provision for adequate sewage waste disposal.

Motion-Ken moved that this has been met with condition that a licensed hauler to remove pool water. Second was made by Dee. 5 approved 0 opposed.

Motion-Deb moved that when the area for sewage is connected would need the sewer superintendent present for that service. Second made by Cathy. 5 approved 0 opposed.

Motion-Deb moved that if the bar is a self-service bar, and then if the applicant determines they would like to have a full-service cocktail bar, that it comes back to the planning board and then whatever is appropriate is done. The amount of EDU's, and if a grease traps are needed. Second made by Ken. 4 approved 1 opposed.

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

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

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

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

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

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

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

Sound Pressure Level Limit

7a.m. - 8p.m. 8p.m. - 7a.m.

70 dB (A) 55 dB (A)

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

1. Noises created by construction and maintenance activities between 6:30a.m. and 8:00p.m.
2. The noises of safety signals, warning devices, and emergency pressure relief valves and any other emergency activity.
3. Traffic noise on public roads.

**Motion-Ken moved that this has been met with a condition that they limit any outdoor events or entertainment end by 11:00 p.m. Second made by Deb. 5 approved 0 opposed.**

21. Conformance with Comprehensive Plan for the Town.

**Motion-Dee moves that this has been met. Second made by Ken. 5 approved 0 opposed.**

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

**Motion-Cathy moves that this has been met with condition that there are 4 ADA compliant parking spaces. Second made by Ken. Approved 0 opposed.**

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

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



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

## SPECIAL REGULATIONS AND DIMENSIONAL REQUIREMENTS

The following regulations shall be complied with in addition to the performance standards contained in Article VII "Review Standards" of the Site Plan Review Ordinance for residential-institutional, industrial and commercial.

**Motion-Deb moves that this has been met with a condition of a legal write up of a performance bond. Second made by Dee. 5 approved 0 opposed.**

### 25. Special Regulations

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

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

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

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

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

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

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

## 26. Dimensional Requirements

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

Minimum road frontage 100 feet

Minimum front setback from edge of ROW 25 feet

Minimum side and rear setback 20 feet

Minimum shoreland setback Refer to Town of Bridgton Shoreland Zoning Ordinance

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

Minimum side and rear setback 2 feet

Minimum front setback from edge of ROW 0 feet

b. On any parcel that is 20,000sf or greater within the Village Center District (See Village Center District Map) at least 25% of the portion of the building which fronts on any street shall be used for retail, office, business or professional use. Home occupations and usual appurtenant uses associated with the building are exempt from this provision. Notwithstanding the provisions of 1 MRS §302, and regardless of the date on which it is approved by the Town, this Article XI Section 2.1.b shall be retroactive to February 20, 2012 and shall be applicable to any and all applications for permits or approvals required under the Site Plan Review Ordinance

that were or have been pending before any officer, board, or agency of the Town of Bridgton on or at any time after February 20, 2012. The Reviewing Authority may modify or waive the 25% minimum requirement when it determines that one of the following factors is applicable.

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

f. surrounding building uses.

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

## LARGE SCALE WATER EXTRACTION

The Review Standards outlined above shall be inclusive with the following for Large Scale Water Extraction Applications.

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

27. The Review Standards outlined above shall be inclusive with the following for Large Scale Water Extraction Applications:

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

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

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

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

- e. The quantity of ground water to be extracted will not have a negative impact on ground water flow patterns relating to the aquifer, its recharge areas, or other ground water sources within the Town of Bridgton;
- f. The quantity of ground water to be extracted will not negatively impact, diminish or alter any surface waters within the Town of Bridgton, including during any periods of drought;
- g. The quantity of ground water to be extracted will not cause any ground subsidence beyond the property lines of applicant's property;
- h. The quantity of ground water to be extracted will not adversely affect the long-term sustainability of the aquifer, or its recharge areas, including during periods of drought;
- i. The quantity of ground water to be extracted will not negatively impact the quality of the ground water in the aquifer;
- j. Trucks transporting water must only use roads approved by the Planning Board;
- k. Representative(s) of the Town of Bridgton shall have access to all wells and facilities for oversight purposes;
- l. Extraction well(s) shall not have a negative impact on the water quality or quantity of any public or private wells or spring in the Town of Bridgton, Maine;
- m. Provisions shall be made for vehicular access to extraction facility(ies) and for circulation, loading and unloading upon the lot in such manner as to safeguard against hazards to traffic and pedestrians on adjacent streets or roads, to avoid traffic congestion and traffic safety hazards, or other safety risks;
- n. Any driveways or access roads to the extraction facility(ies) shall be designed in profile and grading and located so as to provide sight distances as specified by the Maine Department of Transportation;
- o. Driveways or access roads to the extraction facility(ies) shall conform to the standards outlined in the Town of Bridgton Subdivision Regulations.

## SURFACE AND SUBSURFACE MINERAL EXTRACTION APPLICATIONS

**Motion-not applicable**

28. The Review Standards outlined above shall be inclusive with the following for Surface and Subsurface Mineral Extraction Applications.

## A. Purpose

1. In addition to the requirements of Section 1 “Purpose” of this Ordinance the following criteria shall also apply to applications for Surface and Subsurface Mineral Extraction.

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

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

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

## B. Applicability

1. Refer to the requirements as indicated in Section 3 “Applicability” of this Ordinance.

## C. Review Procedures

1. Refer to the requirements as indicated in Section 4 “Review Procedures” of this Ordinance.

## D. Surface and Subsurface Mineral Extraction Application requirements

1. In addition to the requirements of Section 5 “Site Plan of Development Application” of this Ordinance the following criteria shall also apply to applications for Surface and Subsurface Mineral Extraction:

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

b. Verification of the right, title or interest the applicant has in the property; a copy of the deed(s) of the property together with copies of all covenants, deed restrictions,

easements, rights of way, or other encumbrances, including, but not limited to, liens and mortgages currently affecting the property.

2. Application for Surface and Subsurface Mineral Extraction shall include at a minimum:

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

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

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

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

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

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

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

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

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

j. Location, intensity, type, size and direction of all outdoor lighting.

k. Location and size of signs and all permanent outdoor fixtures such as fences, gates and utility poles.

l. Location and type of existing and proposed berms, fences, hedges and tree lines.

m. Location of known existing natural drainage ways and proposed storm drainage facilities, including dimensions of culverts, pipes, etc. If any portion of the mineral extraction activity is in a flood-prone area, the boundaries of any flood hazard areas and the one hundred (100) year flood elevation shall be delineated on the plan.

n. Location of known existing wells as defined by the owner within one thousand (1,000) feet of the proposed activity, if 5 acres or more; or within five hundred (500) feet of the proposed activity if less than (five) 5 acres; and all wells on the parcel itself.

o. Location of proposed hazardous material storage areas including, but not limited to, fuel storage and handling, and washdown areas per current Maine Department of Environmental Protection specifications.

p. Name of the proposed manager of operations.

q. An estimate of the average daily traffic and a traffic impact narrative during periods of operation projected to be generated by the activity to show that the minimum standards in Section 8 of this Ordinance have been met.

r. A narrative description of the surface and ground water impacts, including protection plans and the identification of any significant mapped aquifers.

s. Information and a map showing soils conditions on the site of the proposed mineral extraction activity. For subsurface sewage disposal proposed, the information shall include evidence of soil suitability according to the standards established in Section 8 of this Ordinance. The Site Plan shall show the location of soil test areas.

t. A Soil Erosion and Sedimentation Control Plan, prepared in accordance with the standards contained in the latest revision Best Management Practices (BMP's) as established by the State.

u. A Reclamation Plan showing the final grades and revegetation plan, and any phasing of the plan.

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

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

x. Estimated longevity of the operation, including phasing.

y. Proposed hours and days of operation.

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

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

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

#### E. Review Standards

1. In addition to the requirements of Section 8 “Review Standards” of this Ordinance the following criteria shall also apply to applications for Surface and Subsurface Mineral Extraction.

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

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

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

#### F. Performance Standards

1. In addition to the requirements of Section 9 “Performance Standards” of this Ordinance the following criteria shall also apply to applications for Surface and Subsurface Mineral Extraction:

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

b. Internally Drained Projects.



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

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

## 2. Externally Drained Projects.

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

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

## G. Reclamation Plan

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

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

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

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

5. Vegetative material used in reclamation must consist of grasses, legumes, herbaceous, or woody plants or a mixture thereof. Plant material must be planted during the first growing season following the reclamation phase. Selection and use of

vegetative cover must take into account soil and site characteristics such as drainage, pH, nutrient availability, and climate.

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

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

#### H. Petroleum Usage

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

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

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

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

#### I. Buffers and Setbacks

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

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

## 2. Existing Structures

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

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

## J. Road Design, Circulation and Traffic

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

a. The angle of an intersection shall be 60° to 90°.

b. The maximum permissible grade within seventy-five (75) feet of the intersection shall be five percent (5%).

c. A minimum sight distance of ten (10) feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of the shoulder line with the height of the eye 3½ feet above the pavement and the height of object 4¼ feet.

d. The center line of any road within the project intersecting an existing public road shall be no less than one-hundred-twenty-five (125) feet from the center line of any other road intersecting that public road.

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

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

4. Traffic impacts to be considered:

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

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

5. Routing.

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

K. Ground Water Impacts

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

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

b. Groundwater buffer

c. To provide an adequate buffer for ground water and allow for filtration of impurities from surface water, mineral extraction shall not be any closer than two (2) feet above the maximum seasonal high water level unless an application has been submitted to and approved by the State of Maine Department of Environmental Protection for excavation below the seasonal high groundwater table and all other minimum design and performance standards and application requirements per this Ordinance, are met. The applicant shall provide documentation of the groundwater table. The Planning Board may require monitoring of groundwater levels and quality

to assure there are no adverse impacts to any water supplies or wells within 500 feet of the perimeter of the work site.

#### L. Water Supply buffer

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

#### M. Water Use

1. A mineral extraction activity must not withdraw more than 5,000 gallons of ground water per day, unless a hydrogeologic study which supports withdrawal of more than 5,000 gallons per day is submitted by a qualified professional.

#### N. Standards for Acceptable Ground Water Impacts

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

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

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

#### O. Solid Waste Disposal

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

## P. Hours of Operation

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

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

## Q. Performance Standards - Rock Mining/Extraction Operations

1. In addition to the performance standards listed in Section 7.A “Purpose” of this ordinance, rock mining operations shall conform to the following:

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

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

## R. Reclamation Performance Guarantees

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

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

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

c. May propose alternatives to the above.

## 2. Contents of Guarantee

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

## 3. Performance Bond

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

## 4. Letter of Credit

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

## 5. Phasing of Development

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

## 6. Performance Bond Review

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

adjustments in the guarantee.

## 7. Release of Guarantee

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

## 8. Default

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

## S. Enforcement and Inspections

### 1. Reclamation Certification

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

### 2. Violations

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

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

## T. Alternate Submissions



1. Activities that already have a valid DEP permit or a complete pending DEP application may submit the DEP application to the Planning Board subject to the Planning Board request for additional

information on submissions above, not covered by the DEP application.

## 2. Waivers of Submissions

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

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

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

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

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

**Motion-not applicable**

## **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.**