

BRIDGTON BOARD OF SELECTMEN'S MEETING AGENDA

DATE: Tuesday, February 22, 2022

TIME: 5:00 P.M.

PLACE: Board of Selectmen's Meeting Room, 10 Iredale Street, Bridgton

Please join the meeting from your computer, tablet, or smartphone.

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1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes
 - a. February 4, 2022
 - b. February 8, 2022
4. Public Comments on Non-Agenda Items (*Each speaker **may** be limited to 3 minutes.*)
5. Committee/Liaison Reports
6. Correspondence, Presentations and Other Pertinent Information
 - a. Request from Stephen Meahan to Reactivate North Road as a Town Road
 - b. Comprehensive Plan Update Workplan
7. New Business
 - a. Awards and Other Administrative Recommendations
 1. Recognition of Scott Smith by Public Services Director David Madsen
 2. Recognition of Forrest Kollander by Public Services Director David Madsen
 - b. Permits/Documents Requiring Board Approval
 1. Approval of Loon Echo Trail Rehab
 2. Accept Payment and Approve Quitclaim Deed to Carolyn Huntress
- Pond Road, Map 15, Lot 35B
 3. Commitment of Sewer User Rates #260
 - c. Selectmen's Concerns
 - d. Town Manager's Report/Deputy Town Manager's Report
8. Old Business (*Board of Selectmen Discussion Only*)
 - a. Wastewater Status Update
 - b. Discussion of Crosswalk Damage
 - c. Discussion of Proposed "Pay-As-You-Throw Ordinance"
9. Treasurer's Warrants

10. Public Comments on Non-Agenda Items (*Each speaker may be limited to 3 minutes.*)
11. Dates for the Next Board of Selectmen's Meetings
February 28, 2022 at 9:00 A.M. Budget Meeting
March 1, 2022 at 9:00 A.M. Budget Meeting
March 8, 2022 at 5:00 P.M. Regular Meeting
12. Adjourn

Future Agenda Items:

1. Workshop for Review of Committees

Town Manager's Notes
Board of Selectmen's Meeting
February 22, 2022

1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes
 - a. February 4, 2022
Suggested motion: Move to approve the February 4th Meeting Minutes.
 - b. February 8, 2022
Suggested motion: Move to approve the February 8th Meeting Minutes.
5. Committee/Liaison Reports
6. Correspondence, Presentations and Other Pertinent Information
 - a. In your binder, please find information from the MMA Roads Manual and a copy of the abandonment of the portion of North Road in question.
 - b. The Community Development Director will be providing additional information regarding her proposed plan for updating the Comprehensive Plan.
7. New Business
 - a. Awards and Other Administrative Recommendations
 1. Public Services Director Madsen will be recognizing Scott Smith.
 2. Public Services Director Madsen will be recognizing Forrest Kollander.
 - b. Permits/Documents Requiring Board Approval
 1. At a previous Board Meeting permission was granted to Loon Echo to pursue grant opportunities to create a more accessible opportunity for recreation at Pondicherry Park. Please see the September 11, 2020, proposal in your packet. Having been successful in securing funding, they are seeking Board approval to undertake the project.
Suggested motion: Move to grant permission to Loon Echo to commence trail upgrades from Willett Road to Dunning Bridge in Pondicherry Park including in-kind materials and/or labor provided by Public Works under supervision of the Public Services Director or his designee.
 2. Carolyn Huntress, pursuant to the Town's *Tax Acquired Policy and Procedures* revised 01/22/08 (a copy of which is in your binders), is requesting that the Town quitclaim Map 15 Lot 35B back to her having paid the required fees (please refer to the copy of the receipt in your binders). The property has been inspected by the Code Enforcement Officer and a memo provided.
Suggested Motion: Move to accept payment and approve a Municipal Quitclaim Deed to Carolyn Huntress for property described as Map 15 Lot 35B Town of Bridgton Tax Maps.
 3. Pursuant to 30-A M.R.S. § 3406 (copy of statute in your packet), please refer to Certificate of Commitment of Sewer User Rates: #60 in your packet.
Suggested motion: Move to commit the November 1, 2021, to January 31, 2022, Sewer User Rate Commitment #260 comprising 2 pages totaling \$8,260.52 to the Treasurer for collection.
10. Old Business
 - a. Wastewater Update
 - b. Discussion of additional damage to the crosswalks that has occurred since the Board's last discussion and decision.
 - c. In your binder, please find a proposed MSW "Pay As You Throw" Ordinance. The Recycling Committee desires placement of the Ordinance on the June Town Meeting Warrant.
Suggested Motion: Move to approve the draft MSW "Pay As You Throw" Ordinance.

Board of Selectmen's Meeting Minutes

February 4, 2022; 12:00 P.M.

Board Members Present: Carmen E. Lone, Chairman; Glenn R. Zaidman, Vice-Chairman; Paul A. Tworog;
Robert J. McHatton, Sr.; G. Frederick Packard

Administration Present: Deputy Town Manager Georgiann Fleck

1. Call to Order

Chairman Lone called the meeting to order at 12:00 P.M.

2. Pledge of Allegiance

The Board recited the "Pledge of Allegiance."

3. Executive Session Per MRS Title 1, Section 405.6.A for Personnel Matters

Motion was made by Vice-Chairman Zaidman to enter executive session at 12:01 P.M. per MRS Title 1, Section 405.6.A for personnel matters; second from Selectman McHatton. 5 approve/0 oppose

Motion was made by Selectman Packard to exit executive session at 1:37 P.M.; second from Vice-Chairman Zaidman. 5 approve/0 oppose

4. Adjourn

Motion was made by Selectman McHatton to adjourn the meeting at 1:40 P.M.; second from Selectman Packard. 5 approve/0 oppose

Respectfully submitted,

Laurie L. Chadbourne
Town Clerk

Board of Selectmen's Meeting Minutes

February 8, 2022; 5:00 P.M.

Board Members Present: Carmen E. Lone, Chairman; Glenn R. Zaidman, Vice-Chairman; Paul A. Tworog; Robert J. McHatton, Sr.
Board Members Remote: G. Frederick Packard
Administration Present: Town Manager Robert A. Peabody, Jr.; Deputy Town Manager Georgiann Fleck; Town Clerk Laurie Chadbourne; Community Development Director Linda LaCroix, Recreation Director Gary Colello; Police Chief Philip Jones

1. Call to Order

Chairman Lone called the meeting to order at 5:00 P.M.

2. Pledge of Allegiance

The Board recited the "Pledge of Allegiance."

Chairman Lone read the following statement into the record: "The Town Manager's contract was on the agenda prematurely. The Board of Selectmen is currently in negotiations with the Town Manager. And those negotiations are confidential."

3. Approval of Minutes

a. January 25, 2022

b. February 2, 2022

Motion was made by Selectmen McHatton for approval of the minutes from the January 25, 2022 and February 2, 2022 Board Meetings; second from Vice-Chairman Zaidman. 5 approve/0 oppose

4. Public Comments on Non-Agenda Items

Jonathan Morrell stated, "Good evening, I'm Jonathan Morrell. My wife Trudy and I retired here nine years ago. Prior to retiring, I spent ten years managing federal work and training programs, five of those years in Hancock County and almost twenty-six years in higher education at the cabinet level. During that time, there were hundreds of cases where I was part of a negotiation team on various contracts both vendors, purveyors of service, food service vendors as well as personnel at the senior level. Those negotiations, when we thought they were finalized, were placed on the agenda for the Board. At those board meetings, when the agenda was there, the outcome of our vote in negotiation was confirmed publicly. Two weeks ago, supposably, you had an agenda item that had been negotiated and at that time, votes were changed. In my line of work, yes there were a number of cases where after negotiation seemed to be done, things arised and that point, we removed the agenda item before it ever got to a public hearing. That didn't happen two weeks ago. In between your negotiations and your meeting, votes were changed. I understand exactly who worked behind the scenes to have those votes changed. All I can say is that we love this Town, we've chosen to be here. But I was terribly embarrassed to be a part of this Town that day, watching it on tv. I've never seen such unprofessional behavior publicly by a ruling body. I was embarrassed, I hope some of you are. You need to do a better job. You got our votes but we're really questioning our choices at this point. You need to do better."

5. Committee/Liaison Reports

Selectman Packard has not heard anything from the Fryeburg Airport Authority since last October or November.

Chairman Lone noted that the Ordinance Review Committee meeting rescheduled their meeting from last week to tomorrow (February 9, 2022) at 5:00 P.M.

Selectman McHatton reported that the Community Development Advisory Committee will be meeting tomorrow (February 9, 2022) and the Recycling Committee will meet on Thursday (February 10, 2022).

6. Correspondence, Presentations and Other Pertinent Information

a. Discussion of the Comprehensive Plan Update and Public Input

Community Development Director Linda LaCroix reported that her office is developing an overview of the roll-out for the Comprehensive Plan Update. The Update will take place over two phases. Phase one will be researching, updating and/or validating current statistics, circumstances, opportunities, and challenges for each of the required subjects that are part of the Comprehensive Plan. Phase two will be targeted on community engagement, with the caveat that engagement is already underway with the work of organizing and detailing the engagement effort. Lengthy discussion ensued. Director LaCroix will put together a proposed task force and provide a work plan for Board review and consideration at the next meeting.

7. Public Hearing at 5:30 P.M.

a. To accept oral and written comments on a new Liquor License Application from Mountain Range (146 Harrison Road)

Chairman Lone opened the public hearing to accept oral and written comments on a new liquor license application from Mountain Range at 5:30 P.M. New owner, Ingrid Vivente, introduced herself and provided a summary of their plans for the restaurant. There were no other public comments. Chairman Lone closed the public hearing at 5:32 P.M.

8. Action Items Following Public Hearing

a. Approval of a New Liquor License Application from Mountain Range (146 Harrison Road)

Motion was made by Vice-Chairman Zaidman for approval of a new liquor license application from Mountain Range; second from Selectman Packard. 5 approve/0 oppose Town Manager Peabody welcomed them to the Bridgton business community and wished them best of luck in their new endeavor.

9. New Business

a. Awards and Other Administrative Recommendations

There were no awards or other administration recommendations.

b. Permits/Documents Requiring Board Approval

1. Victualer's License to Mountain Range (146 Harrison Road)

Motion was made by Selectman Tworog for approval of a Victualer's License to Mountain Range; second from Selectman Packard. 5 approve/0 oppose

2. Victualer's License to Venezia Ristorante (251 North High Street)

Motion was made by Vice-Chairman Zaidman for approval of a Victualer's License to Venezia Ristorante; second from Selectman McHatton. 5 approve/0 oppose

c. Selectmen's Concerns

- **Selectman Packard** suggested that snow be removed and the area outside the downstairs meeting room should be salted and sanded, especially when there is a Board Meeting to which Chairman Lone noted that there has been improvement.
- **Selectman Tworog** had no concerns.
- **Vice-Chairman Zaidman** commended the highway crew for doing a great job and requested that the snow on the left side at the intersection by Paris Farmers Union be removed due to the lack of visibility for vehicles.
- **Selectman McHatton** asked if the company has been contacted to make a pay per bag presentation to which Executive Assistant Nikki Hodgkins responded that she has made several attempts to reach them.
- **Selectman McHatton** asked for clarification of the policy for non-citizen-initiated referendum questions to be submitted to BOS two months prior to deadline to which Town Manager Peabody responded that the Board set the policy and the Board has the authority to amend their policy.
- **Chairman Lone** thanked town staff for their professionalism. She also stated that the Public Works Department has been working very hard to keep up, even while short staffed, and expressed her appreciation.

d. Town Manager's Report/Deputy Town Manager's Report

Town Manager Peabody read the following into the record:

General

A reminder that masks are no longer required at the Town Office, Town Hall and Transfer Station for vaccinated individuals. Unvaccinated individuals are asked to wear a mask.

An important reminder that with winter weather upon us, it is important to keep your driveways and private roads cleared and sanded so that, if the need arises, emergency personnel can safely access your property.

Regarding weather events, please be aware that we post information on the Town's Facebook page and the Town's website. Additionally, all the local television channels are notified when the Town Office closes.

Recreation Department

The Town Ice Rink is open 10am-6pm Monday-Thursday; 10am-8pm Friday and Saturday; and 10am-1pm Sunday. The schedule may be found on the Recreation page on the Town's website. Skating is free to the public and there are a limited number of skates which are also available free.

There will be a Happy Valentines Day Parent Night Out February 11th from 6:00pm to 10:00pm. Enjoy a night out while the kids hangout with Bridgton Rec. Activities include dinner, ice skating, games, arts and crafts physical activity, movie and popcorn. The cost is \$15.00. To register go bridgtonmaine.org/bridgton-recreation/.

Finance Office

The Finance Office has completed and dispersed all 1099's and W-2's and completed all year end reporting. Work continues with RHR Smith on the 2021 audit.

Personnel

Health Officer Cathy Pinkham resigned effective February 26. Thanks to her for all her efforts during the COVID pandemic.

A thank you to Forrest Kollander for his quick actions when he discovered one of the plow trucks on fire."

Town Manager Peabody added that the Town of Bridgton has a great staff and they are dedicated and give one hundred percent. He is blessed to have them working for him and the Town is indeed fortunate.

Deputy Town Manager Fleck recognized Public Works Department Employee Scott Smith for approaching forty years of employment with the Town. She also noted that she has been working for the Town for twenty-seven years.

10. Old Business

a. Wastewater Status Update

Town Manager Peabody provided a brief update on the Wastewater Status. He thanked Executive Assistant Nikki Hodgkins for all her work on the documents.

b. Proposed Senior Property Tax Assistance Ordinance

Town Manager Peabody noted the changes as requested by the Board at their last meeting. **Motion** was made by Vice-Chairman Zaidman to approve the wording of the Senior Property Tax Assistance Ordinance; second from Selectman Tworog. 5 approve/0 oppose

11. Treasurer's Warrants

Motion was made by Selectman McHatton for approval of Treasurer's Warrants numbered 78 through 85; second from Vice-Chairman Zaidman. Selectman McHatton asked Town Manager Peabody if the Town is reimbursed for legal expenses for land use issues to which Town Manager Peabody responded that the Town is not reimbursed. 5 approve/0 oppose

12. Public Comments on Non-Agenda Items

There were no public comments.

13. Dates for the Next Board of Selectmen's Meetings
February 22, 2022 at 5:00 P.M. Regular Meeting
February 28, 2022 at 9:00 A.M. Budget Meeting
March 1, 2022 at 9:00 A.M. Budget Meeting
March 8, 2022 at 5:00 P.M. Regular Meeting

14. Adjourn

Motion was made by Selectman McHatton to adjourn the meeting at 6:00 P.M.; second from Selectman Packard.
5 approve/0 oppose

Respectfully submitted,

Laurie L. Chadbourne
Town Clerk

Laurie Chadbourne

From: Brenda Day
Sent: Wednesday, February 2, 2022 11:46 AM
To: Laurie Chadbourne
Subject: BOS agenda

Stephen Meahan has requested to be place on the February 22, 2022 BOS agenda to discuss a discontinued road (North Rd). He would like to reactivate the road and have it town maintained.

Thank you.

Brenda Day

Code Enforcement Officer
bday@bridgtonmaine.org
207-803-9963
Fax: 207-647-8789



TOWN OF BRIDGTON
ONE CHASE COMMON
BRIDGTON, MAINE 04009-1264

Municipal
Office
(207) 647-8786

PUBLIC HEARING NOTICE

The Municipal Officers of the Town of Bridgton will hold a Public Hearing at 7 P.M. on Tuesday, November 23, 1993, in the Meeting Room at the Municipal Office Building in Bridgton to take testimony and receive evidence to support or rebut the presumption that a portion of the North Road (starting approximately 1,000 feet after the paved portion ends and continuing to the Hio Ridge Road) has been abandoned as per the provisions of 23 MRSA 3028. Anyone with information about this section of the North Road or anyone who disputes the fact that the road has been abandoned is invited to attend this hearing and give testimony.


James K. McMahon, Town Manager

Posted: November 10, 1993 at the Municipal Office
Mailed: November 10, 1993 to abutters
Advertised: November 18, 1993 in the Bridgton News

MINUTES

The Meeting was called to order at 7 P.M. by Chairman Ed Hatch. Four Board Members were present. Mr. Tarr was absent.

MINUTES

The Minutes of November 9, 1993 were approved. McHatton/Noble 4/0. The Minutes of November 16, 1993 were approved. McHatton/Noble 4/0. The Minutes of November 17, 1993 were approved. McHatton/Noble 3/0/1 (Mr. Harmon abstained).

PUBLIC HEARING - NORTH ROAD

The Chairman called the Hearing to order. Its purpose was to take testimony and receive evidence to support or rebut the presumption that a portion of the North Road (starting approximately 1,000 feet after the paved portion ends and continuing to the Hio Ridge Road) has been abandoned as per the provisions of 23 MRSA 3028. The Town Manager explained that a Notice of the Hearing had been posted at the Municipal Office on November 10, 1993, had been mailed to abutters on November 10, 1993 and had been advertised in the Bridgton News on November 18, 1993. Several abutters were present and participated in the discussion. General discussion ensued the full details of which are included on the tape of the Meeting. No one present could remember the Town having spent any money on the road for at least forty years. The Town Manager recounted a conversation he had had with former Road Commissioner James Graffam wherein Mr. Graffam stated that the Town did not maintain the road or spend money on it when he served as Road Commissioner. No one knew if the road had ever been formally discontinued but the Town Manager observed that even if it had been discontinued without the retention of a public easement one may have been reestablished through the years by continued public use of the road. Following the close of the Hearing, the Board voted that the presumption of abandonment has been established due to the evidence that is available and the lack of any evidence to the contrary. McHatton/Noble 4/0. The Town Manager advised those present that the public easement over the road remains and that anyone destroying parts of the roadway should be reported to the Police Department. He further noted that should the area be developed in the future, a request to lay out the road again as a Town Way could be submitted to the Board of Selectmen.

PUBLIC PARTICIPATION

Dave MacFarland asked several questions about the recent land revaluation and the outcome of recent abatement hearings.

RECYCLING PROGRAM & FEES

The Chairman noted that he wanted to establish a lower fee for small trucks that didn't recycle. Karen Weir noted that local haulers are doing their best to recycle. Following discussion, it was voted to establish the following fee schedule for smaller trucks: \$50 for a half ton, \$75 for a three-quarter ton and \$100 for a ton or more except for a compactor truck for which a fee of \$525 per load has previously been established. These fees are to be applied to haulers who refuse to recycle.. Harmon/McHatton 4/0.

Underlined names indicate present owner/occupants.

○ - buildings gone
 ⊙ - new bldg; old site

Map labels include: H10, Herrick, Allen, Minchin, Knight Ballard, Andrews, Haleo, Schoolhouse #15, O. Roes, Anderson, A. Roes, Martin Gray, Eastman, Grant, Dearborn, Roes, Winn, Perkins Stevens, L. Martin, R. Flint, Martin McIver, Libby Bryant, Day, W. Sanborn, Smith, Libby Bryant Field, Barker, L. Gray, Bacon Jack, Long Winn, Fadden, DENMARK LINE, DENMARK, and Route #117.

*North Road now discontinued between Minchin and Roes.

0 - buildings gone
 @ - new bldg; old site

NORTH ROAD

Total Distance 1.7 miles

Gravel

End of Warren Douglass Farm Rd. to Hio Rd.

--part in question--

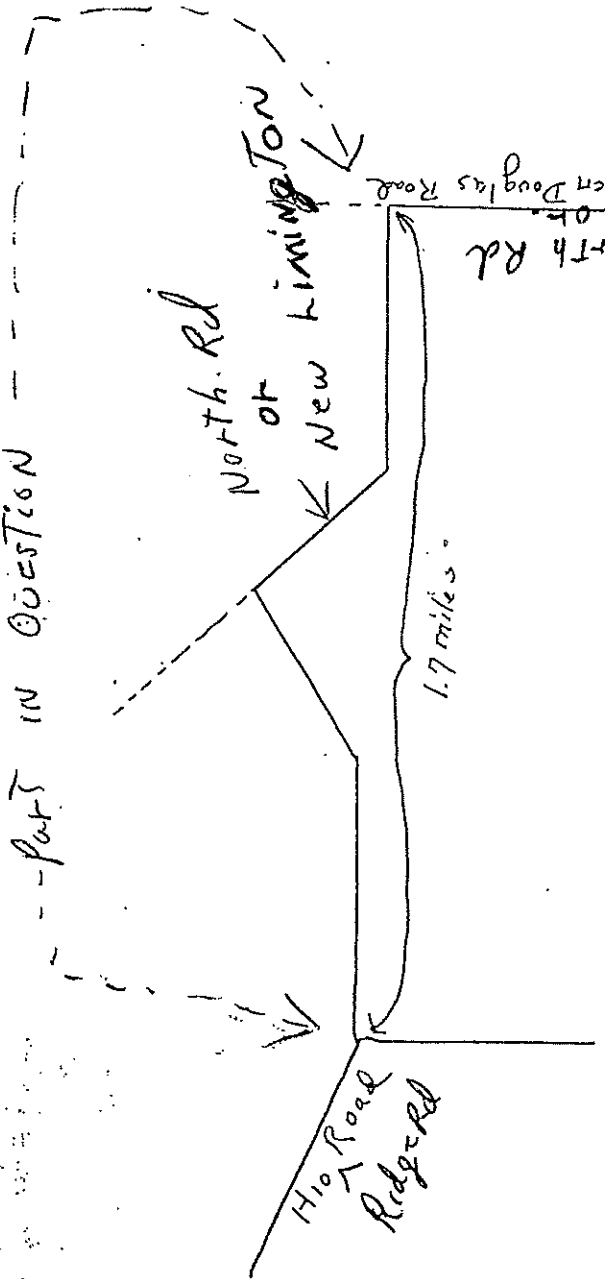
North Rd

or
New
Linnington

North Rd
or
Warren Douglass Road

1.7 miles

Hio Road
Ridge Rd



LOCAL HIGHWAY LAW
Title 23

ordered. That person shall
ting of the names of the
record whose interest in
deeds shall also index the
the appendix.

erson causing the order to
at owners of lots on the
ling by the United States
them of his claim and
s, they must file a claim
ie notice shall conform in

officers of _____
- (Name of Town or City)
n upon a subdivision plan
of Deeds Book of Plans,

ed above. A copy of the
Registry of Deeds on
rest in (these ways) (this
ne (1) year of the date of
oath in the Registry of
fter, commence an action
with the Revised Statutes,

d or shown in recorded
e date of this section.

ements, see Real Estate
e, Vol. 1, Cowan, § 283.

ACQUISITION OF PROPERTY
Ch. 304

23 § 3028

WESTLAW Research

Highways cases: 200k[add key number].

§ 3028. Abandonment of public ways

1. **Presumption of abandonment.** It is prima facie evidence that a town or county way not kept passable for the use of motor vehicles at the expense of the municipality or county for a period of 30 or more consecutive years has been discontinued by abandonment. A presumption of abandonment may be rebutted by evidence that manifests a clear intent by the municipality or county and the public to consider or use the way as if it were a public way. A proceeding to discontinue a town or county way may not prevent or estop a municipality from asserting a presumption of abandonment. A municipality or its officials are not liable for nonperformance of a legal duty with respect to such ways if there has been a good faith reliance on a presumption of abandonment. Any person affected by a presumption of abandonment, including the State or a municipality, may seek declaratory relief to finally resolve the status of such ways. A way that has been abandoned under this section is relegated to the same status as it would have had after a discontinuance pursuant to section 3026, except that this status is at all times subject to an affirmative vote of the legislative body of the municipality within which the way lies making that way an easement for recreational use. A presumption of abandonment is not rebutted by evidence that shows isolated acts of maintenance, unless other evidence exists that shows a clear intent by the municipality or county to consider or use the way as if it were a public way.

2. **Status of town way or public easement.** The determination of the municipal officers regarding the status of a town way or public easement is binding on all persons until a final determination of that status has been made by a court, unless otherwise ordered by a court during the pendency of litigation to determine the status.

3. **Removal of obstructions.** If the municipal officers have determined under subsection 2 that the way is a town way or public easement and a court has not ordered otherwise, the municipality or an abutter on the way, acting with the written permission of the municipal officers, may remove any gates, bars or other obstructions in the way.

1975, c. 711, § 8; 1977, c. 479, § 4, eff. July 8, 1977; 1979, c. 127, § 154, eff. April 23, 1979; 1979, c. 629; 1989, c. 395; 1991, c. 195.

Historical and Statutory Notes

Amendments

1977 Amendment. Laws 1977, c. 479, § 4, inserted the third sentence.

1979 Amendments. Laws 1979, c. 127, § 154, substituted "estop" for "stop" in the third sentence.

Laws 1979, c. 629, added last sentence.

1989 Amendment. Laws 1989, c. 395, deleted requirements that the way must have been es-

tablished before Jan. 1, 1946, and that the failure to maintain the road for 30 or more years has begun before Jan. 1, 1976.

1991 Amendment. Laws 1991, c. 195, repealed and replaced this section, which, in effect, prior text as subsec. 1 and adding subsecs. 2 and 3.

Derivation:

R.S.1954, c. 96, § 46.

Creation of Municipal Roads

There are three basic methods for creating municipal roads:¹ (1) dedication and acceptance; (2) laying out and taking under State law,² which includes purchase and acceptance and eminent domain; and (3) prescriptive use.³ The first two methods are “formal” in the sense that documents are executed and there is a prescribed process by which the road is accepted. The last method, prescriptive use, is “informal” in the sense that it occurs over time without following any statutory procedure, and usually does not involve the exchange or recording of documents.

In addition, town ways can be created by operation of law⁴ or by MaineDOT reclassification.⁵ Also, a town way may result from the discontinuance of a State highway.⁶ These methods are outside the municipality’s control.

Dedication and Acceptance⁷ ✱

Roads must be accepted by the municipal legislative body before becoming town ways or public easements. The exception is for roads created by prescription.

By State statute, dedication and acceptance is a two-step process.

Dedication. First, the landowner must file with the municipal officers (selectmen or council) a “petition, agreement, deed, affidavit or other writing” describing the property that the owner intends to dedicate (give) to the municipality for highway purposes, and stating that the owner waives any claim for damages. Dedication also may be accomplished by the sale of lots with reference to a subdivision plan, recorded in the registry of deeds, which shows or describes the property as a road. (If more than one person has a legal interest in the road, all must join in the dedication.) In either event, the better practice is to memorialize the dedication in a deed that the municipality’s legislative body can accept (see Appendix A for a sample warrant article for acceptance and Appendix B for a sample road deed).

Acceptance. Second, the legislative body of the municipality must vote to accept the dedication,⁸ and once the dedication is accepted, the municipality acquires a fee simple interest in the property (see Chapter 1 for discussion of the nature of title interest). A fee simple interest is granted by default, unless the dedication document (deed) or acceptance article states otherwise.⁹ Note that before December 31, 1976, municipalities generally acquired easement interests, except where the municipality acquired the fee interest in the so-called “rangeways” laid out by the colonial proprietors of Massachusetts or where a deed expressly conveyed the fee interest.

Municipalities should record the deed to the road and, although not required by law except for eminent domain and for discontinuance, should **record** a certification of the acceptance in the registry of deeds to create an official record of the acceptance.

Alternative Means of Acceptance. A vote by the legislative body is not the exclusive means by which a municipality may accept a dedication of property for road purposes. A municipality also may accept a dedication by prescription (at least twenty consecutive years of use by the public),¹⁰ or by some affirmative act, such as the reconveying of the property subject to the rights of the public to use it as a public street.¹¹ Because acceptance of a road as a town way creates significant municipal responsibilities and liabilities (discussed later in this manual), it is better for a municipality to affirmatively accept the dedication of a way by vote of its legislative body than to accept it informally by long public use or by some other affirmative act.

Conditional Acceptances Not Valid. A very important legal limitation on dedication and acceptance is that a road may not be accepted on a conditional basis, such as the occurrence of some future event. Maine courts have declared conditional acceptances void.¹² For example, a town meeting vote to accept a road provided (or on condition) that it is widened to fifty feet and paved is a conditional acceptance, and so is invalid.



Purchase and Acceptance¹³

Purchase and acceptance is voluntary: the landowner agrees to sell his property and the municipality agrees to buy the owner's property.

A municipality may obtain property for road purposes by purchase and acceptance. This differs from a dedication in that the landowner is paid for the property; it is not a gift to the municipality. Purchase and

acceptance is voluntary: the landowner agrees to sell and the municipality agrees to buy the property, as opposed to eminent domain, which is a forced sale.

The municipal officers should contact the owners of the land in question and discuss the purchase price. It may be appropriate for the municipal officers to hire an expert real estate appraiser, depending upon the type or amount of property to be purchased, in order to arrive at an agreed upon fair price that will minimize the need for the municipality to take the property by eminent domain. At this point, the municipal officers cannot sign any contracts or otherwise bind the municipality to purchase the property unless the contract expressly is contingent upon approval by the legislative body. The municipal officers should make it clear to prospective sellers that the purchase will require approval of the legislative body, both to accept the property and to appropriate the money to buy it.

Appendix A contains a sample article authorizing purchase and acceptance of property for highway purposes. Appendix B contains a sample deed that can be used to convey property or interests to municipalities for road purposes.

Eminent Domain

Eminent domain, also called “laying out and acceptance” or “condemnation,” is a process which allows the municipality to purchase private land for public use even if the landowner objects.¹⁴ A municipality may use eminent domain to take property for many purposes¹⁵ but the discussion in this manual is limited to road purposes.

Eminent domain can be used to create either a town way or a public easement.¹⁶ Title to land taken by eminent domain (for road purposes) after December 31, 1976 is in fee simple unless otherwise specified in the condemnation documents.¹⁷

Eminent domain is available if “the municipal officers determine that public exigency (necessity) requires the immediate taking of such property interests, or if the municipality is unable to purchase it at what the municipal officers deem reasonable valuation, or if title is defective.” We recommend that the municipal officers first ask the owner to sell voluntarily for a reasonable price; if no reasonable amount is agreed upon, the municipality then may use eminent domain.

Procedure: By State statute, eminent domain is a multi-step process which is described below. Appendix C contains forms for this process.

- **First**, the municipal officers, either upon petition or on their own initiative, give written notice of their intentions to take certain property, to include a description of the proposed way.¹⁸ This notice must be posted for at least seven days in two public places in the municipality and in the vicinity of the proposed way.
- **Second**, they meet at the scheduled time and place to determine the location of the proposed way and whether circumstances require a taking.
- **Third**, they file with the clerk an order of condemnation, specifying the property to be taken and the damages to be paid to the landowners of record.¹⁹ (The determination of damages is a critical matter and is discussed further below). In a town meeting community, a copy of the order is sent to the owners by registered mail, but no check is issued until the voters approve the transaction. In a town or city council municipality where the municipal officers have been granted the power of appropriation by charter, the condemnation order and a check for damages are *served* upon the owners.
- **Fourth**, and only in a town meeting municipality, the voters approve the taking and appropriate the money to pay damages, and a check is *served* upon the owners of record. (This is one of the rare instances in which the town meeting may vote to *increase* the dollar amount (for damages) in a warrant article).
- **Fifth**, a deed or a certificate evidencing the taking and attested by the town clerk is recorded in the registry of deeds.²⁰ The taking is complete and title to the property

passes: (1) to the town (in a town meeting community) when the check is served or the certificate is recorded, whichever occurs first, and (2) to the town or city in a council community when the order and check are served or the certificate is recorded, whichever occurs first.²¹

Damages.²² The damages to which the landowner is entitled include not only the fair market value of the land taken, but also may include “severance damages,” which is the reduction in value to the remaining land as a result of the taking.²³ Municipal officers should obtain the services of a real estate appraiser for any major taking. An expert’s determination will be given great weight if the matter goes to court. Underestimating damages can be costly to the municipality, as the court may fix a substantially higher price than was anticipated and litigation can be costly. Also, an expert appraisal should provide the public with greater assurance of the fairness of the amount of damages being offered and may reduce the likelihood of appeals on the issue of damages.

Appeals. A party may appeal an eminent domain proceeding to Superior Court. The time allowed for an appeal depends upon whether the issue on appeal is the amount of damages or the necessity for the taking. Appeals of the damages award must be made within sixty days after the taking.²⁴ If, however, the landowners feel that the taking itself was not for a public use or a public exigency (necessity), they must appeal within thirty days of the taking, pursuant to Rule 80-B of the Maine Rules of Civil Procedure.²⁵ The courts are unlikely to overturn the legislative body’s determination that a public use and a public necessity exist to support the taking unless the determination has no rational basis.²⁶

Prescriptive Use

A public road can be created by long-term public use, without any formal acceptance or taking by the municipality. Prescriptive use is recognized at common law and by statute.²⁷ A road created in this manner is called a “prescriptive easement.” Depending upon the type of use that has been made of the road, a road created by prescriptive use can be a town way, a public easement, or even a private right-of-way. These distinctions are discussed later in this section.

Prescriptive use is similar to adverse possession (commonly known as “squatter’s rights”), except that the user is entitled only to the use of the property, not to full ownership and possession of it.²⁸

Elements of Prescriptive Use. The requirements for creation of a public road by prescription parallel those for establishment of a prescriptive easement.²⁹ Prescriptive use has several elements: (1) there must be continuous, uninterrupted use by the municipality, the general public or private individuals for at least twenty consecutive years; (2) the use must be “under a claim of right, adverse to the owner, with his knowledge and

acquiescence, or a use so open, notorious, visible, and uninterrupted that knowledge and acquiescence will be presumed.”³⁰ A prescriptive easement will not arise where the use is with the landowner’s permission or agreement. For example, if a municipality has plowed and maintained a school bus turn-around on privately-owned land adjacent to a public road for twenty-five years with the landowner’s permission, the turn-around has not become part of the public way. Similarly, where a municipality has (illegally) plowed a private road for a number of years at the request of the homeowners along that road, the homeowners’ permission to do so shows a lack of adverse use that may defeat their argument that the municipality must maintain their road.

Also note that a town way also will not arise by prescription where the municipality holds a right-of-way over property and simply permits the public to use it as access to a public facility.³¹ This principle was emphasized in a case where the abutters to a town owned right-of-way argued that the Town was required to maintain the so-called “Dump Road” because for over fifty years, the Town had allowed the public to travel over this road in order to access the town dump. The Town did not accept the road as a right of way, nor did it own the fee in the road, nor had there been a dedication of a town way to the Town when it acquired the right-of-way. After the Town ceased to use the road for access to the dump, it closed the road by placement of a pile of gravel and then ceased to keep the road in good repair (although it did perform some plowing and maintenance on the road at the request of abutters to this road). The Law Court observed that the use of the road by neighbors (one of whom owned the fee in the road) and by the public was permissive—not adverse—and so did not create a town way by prescription.

Sporadic, minor repairs financed by the municipality are not enough to create a town way or public easement by prescriptive use.³² Also, occasional recreational use by the public (hiking, hunting, fishing, cross-country skiing, snowmobiling or using all-terrain vehicles) is not sufficient to create a public way by prescription; there is a rebuttable presumption that such use is permissive, and not adverse.³³

Prescriptive use can cut both ways. A municipality can rely on it to exercise legal control over a road and to keep abutters from blocking the road. On the other hand, it may be used against the municipality by landowners who assert that the municipality has a duty, based on past maintenance, to continue to repair and maintain a road.

While prescriptive use may obligate a municipality to maintain a town way, at common law neither prescriptive use nor adverse possession can be used to take interests in real property away from the State or municipalities.³⁴ The “longtime buildings and fences” law, creates one exception to this doctrine

that a person cannot acquire property interests from the sovereign by adverse possession or by prescriptive use (this law is discussed further in Chapter 4 regarding road boundaries).³⁵

Type of Road Created. The type of road created by prescriptive use will depend on the particular facts of use and maintenance. If, for example, the general public uses a privately-owned road for twenty years in the requisite manner and the municipality maintains it at a level consistent with the maintenance of other town ways, then it is likely that the road will be declared a town way. However, unlike a private road established by prescription, the use of a town way “is not restricted by the type or extent of traffic which utilized the road during the prescriptive period”; the level of use of the public way may increase or decrease with the demands of the public.³⁶

Whether the town way or public easement is created by prescription rather than by dedication and acceptance, purchase and acceptance, or eminent domain, does not change the municipality’s obligation to maintain the road. The municipality’s obligation to maintain a town way and its right (but not the obligation) to maintain a public easement are based on the type of road (town way, public easement or private road), and not on how the municipality acquired its legal interest in the road. Therefore, the fact that a town way was created by prescription rather than by a formal method does not reduce the municipality’s maintenance obligation.

Not all roads created by prescriptive use are open to the public. For example, if a particular individual crosses a neighbor’s property in an open and notorious manner for over twenty years, that person may have obtained a private right to continue doing so, but this right is to use a private road, and is not available to the general public. The scope and nature of a prescriptive easement for a private road (as compared with a town way or public easement acquired by prescription) are determined by its use and its users during the prescriptive period.³⁷

Proving prescriptive use is a complex factual matter, and can only be determined by a court.

How Prescriptive Use is Determined. Usually, this is done through a declaratory judgment action.³⁸ As noted above, the mere fact of use for twenty years is not alone sufficient to prove prescriptive use. The party seeking to prove prescriptive use also must establish the other elements. This

can be difficult since there usually are no documents (deeds, town meeting records, and so on) accompanying the prescriptive use process. Municipal officials often must piece together the history of use and maintenance and make their own preliminary decision about the existence of a prescriptive easement and what type of road it is. That decision is subject to court review, if contested. Municipal officials may find that it is cheaper and faster to take a road by eminent domain rather than to litigate the issue of prescriptive use.

Boundaries of Road Created by Prescriptive Use. The actual use and maintenance of the road determines the width and location of a road created by prescriptive use. Ditches and areas beyond the traveled portion of the road may be part of the prescriptive easement, but only if the municipality has exercised control over those areas for the

requisite time and manner. If there has been no maintenance or control of land outside the travel way (as is often the case with public easements), then the public right of way is limited to the traveled way only.³⁹

Paper Streets

The laws surrounding paper streets are complex. To understand how they operate, it is necessary first to understand what a paper street is. A "paper street," referred to in State law as a "proposed, unaccepted way,"⁴⁰ is a road shown on the face of a subdivision or plan, but which never actually was constructed on the face of the earth. Upon the sale of lots with reference to a recorded subdivision plan, the public acquires rights of "incipient dedication" to accept the streets shown on the plan when and if the municipality's legislative body deems it appropriate to do so (usually after the developer has constructed the road in accordance with local road standards). The individual lot owners also acquire private rights over all of the streets shown on the plan.⁴¹

State law establishes the nature and duration of public and private rights in paper streets in subdivisions recorded on or after September 29, 1987.⁴²

For subdivisions recorded prior to September 29, 1987, the nature and duration of public and private rights in paper streets are established by 23 M.R.S.A. § 3032 and by court decisions. See *Callahan v. Ganneston Park Development Corp.* and *Glidden v. Belden*. (See Chapter 3, "Disposing of Municipal Roads," for a discussion of the nature and duration of public and private rights in paper streets.

Beyond the question of rights in paper streets is the question of ownership of the land under a paper street. Ownership is determined by the date of dedication. For streets dedicated prior to December 31, 1976, abutters own to the centerline.⁴³ For streets dedicated after December 31, 1976, the municipality acquires fee simple

interest in the way, unless otherwise provided.⁴⁴ This means the municipality will own all rights in the road (subject to utility easements) and the land beneath it (upon acceptance).

Note: where a paper street was dedicated prior to December 31, 1976, and where the fee (title to the land) is otherwise reserved for transfer after December 31, 1976, or where the municipality has not yet accepted the incipient dedication of the street, the abutters own to the centerline unless the developer has specifically reserved title.⁴⁵

Because many subdivision plans have been recorded depicting streets that never have been constructed or used, and yet lots in such subdivisions have been sold, questions have arisen frequently about the status of public and private rights in these roads. In addition, the existence of these paper streets has constituted a legal obstacle to other uses of the property that underlies them, given the uncertainty regarding the existence of public and private rights to pass over this property. For these reasons, terminating rights in paper

streets is an important topic which is discussed in Chapter 3, “Disposing of Municipal Roads.”

¹ *Avaunt v. Town of Gray*, 634 A.2d 1258 (Me. 1993); *Hartwell v. Stanley*, 2002 ME 29, 790 A.2d 697.

² 23 M.R.S.A. § § 3022 and 3023.

³ See *Town of Kittery v. MacKenzie*, 2001 ME 170, 785 A.2d 1251, 1254; *Stickney v. City of Saco*, 2001 ME 69, 770 A.2d 592, 601; *Longley v. Knapp*, 1998 ME 142, 713 A.2d 939; *Glidden v. Belden*, 684 A.2d 1306 (Me. 1996); and *Inhabitants of Town of Manchester v. Augusta Country Club*, 477 A.2d 1124 (Me. 1984).

⁴ 23 M.R.S.A. § 3021(3)(B) regarding former county ways.

⁵ 23 M.R.S.A. § § 53 and 3021(3)(C).

⁶ 23 M.R.S.A. § 651.

⁷ 23 M.R.S.A. § 3025.

⁸ *Glidden v. Belden*, 684 A.2d 1306 (Me. 1996); *Comber v. Inhabitants of Dennistown*, 398 A.2d 376 (Me. 1979); and *Harris v. City of South Portland*, 118 Me. 356, 108 A.326 (1919).

⁹ 23 M.R.S.A. § 3025.

¹⁰ *Glidden v. Belden*.

¹¹ *Vachon v. Inhabitants of the Town of Lisbon*, 295 A.2d 255 (Me. 1972); *Avaunt v. Town of Gray*, 634 A.2d 1258 (Me. 1993); *Town of Kittery v. MacKenzie*, 2001 ME 170, 785 A.2d 1251.

¹² *State v. Calais*, 48 Me. 456 (1860); and *Wardens of Christ's Church v. Woodward*, 26 Me. 172 (1846).

¹³ 23 M.R.S.A. § 3030.

¹⁴ 23 M.R.S.A. § § 3022, 3023.

¹⁵ See for example 30-A M.R.S.A. § § 3101, 4746, 5108 and 5204.

¹⁶ 23 M.R.S.A. § 3022.

¹⁷ 23 M.R.S.A. § 3023.

¹⁸ 23 M.R.S.A. § 3022.

¹⁹ 23 M.R.S.A. § 3023.

²⁰ 23 M.R.S.A. § 3024.

²¹ *Luce v. City of Portland*, 556 A.2d 656 (Me. 1989).

²² Damages in an eminent domain proceeding are determined in accordance with 23 M.R.S.A. § 3029 and 23 M.R.S.A. § § 154-154E.

²³ *August Realty Inc. v. Inhabitants of Town of York*, 431 A.2d 1289 (Me. 1981); *McTeague v. MaineDOT*, 2000 ME 183.

²⁴ 23 M.R.S.A. § 3029.

²⁵ 23 M.R.S.A. § 3029.

²⁶ *Brown v. Warchalowski*, 471 A.2d 1026 (Me. 1984); and *Ace Ambulance Service, Inc. v. City of Augusta*, 337 A.2d 661 (Me. 1975); *Dyer v. MaineDOT*, 2008 ME 106.

²⁷ 14 M.R.S.A. § 812 and 23 M.R.S.A. § 3030.

²⁸ For a detailed discussion of these concepts, see Creteau, *Principles of Real Estate Law* (1977); Cowan, *Maine Real Estate Law and Practice*, Vol. 1 (1990); and *McKenna v. Seasmont*, 349 A.2d 760 (Me. 1976).

²⁹ *Lyons v. Baptist Sch. of Christian Training*, 2002 ME 137; *S.D. Warren Co. v. Vernon*, 1997 ME 161, 697 A.2d 1280.

³⁰ *Town of Kittery v. MacKenzie*, 2001 ME 170, 785 A.2d 1251, 1255-1256; *Stickney v. City of Saco*, 2001 ME 69, 770 A.2d 592, 601; *Longley v. Knapp*, 1998 ME 142, 713 A.2d 939; *S.D. Warren Co. v. Vernon*; *King v. Town of Monmouth*, 1997 ME 151, 697 A.2d 837; *Taylor v. Nutter*, 687 A.2d 632 (Me. 1996); *Great Northern Paper Co. v. Eldredge*, 686 A.2d 1075 (Me. 1996); *Inhabitants of Town of Kennebunkport v. Forrester*, 391 A.2d 831 (Me. 1978); and *Inhabitants of Town of Manchester v. Augusta Country Club*, 477 A.2d 1124 (Me. 1984), quoting *Dartnell v. Bidwell*, 115 Me. 227, 230, 98 A.743 (1916).

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- ³¹ See *Town of Kittery v. MacKenzie*, 2001 ME 170, 785 A.2d 1251.
- ³² *Comber v. Inhabitants of Plantation of Dennistown*, 398 A.2d 376 (Me. 1979); Articles: Maine Roads and Easements, 48 Me. L. Rev. 197 (1996).
- ³³ *S.D. Warren Co. v. Vernon*; *Comber v. Inhabitants of Plantation of Dennistown*; and *Inhabitants of Town of Kennebunkport v. Forrester*.
- ³⁴ *Portland Water Dist. v. Town of Standish*, 2006 ME 104; *Town of Sedgwick v. Butler*, 1998 ME 280, 722 A.2d 357; *Flower v. Town of Phippsburg*, 644 A.2d 1031 (Me. 1994); *Phinney v. Gardner*, 121 Me. 44 (1921); *Carey v. Whitney*, 48 Me. 516 (1860).
- ³⁵ Title 23 M.R.S.A. § 2952.
- ³⁶ *King v. Town of Monmouth*, 1997 ME 151, 697 A.2d 837; and *McKenna v. Searsmont*, 349 A.2d 760, 762-763 (Me. 1976).
- ³⁷ *Mill Pond Condo. Ass'n v. Manalio*, 2006 ME 135; *Gutcheon v. Becton*, 585 A.2d 818, 822 (Me.1991); *Pace v. Carter*, 390 A.2d 508 (Me. 1978); and *Pillsbury v. Brown*, 82 Me. 450, 19 A.858 (1890).
- ³⁸ 14 M.R.S.A. § 5951, *et seq.*
- ³⁹ See *Jost v. Resta*, 536 A.2d 113 (Me. 1988) (nature and scope of prescriptive easement, including width, are factual issues).
- ⁴⁰ 23 M.R.S.A. § 3031.
- ⁴¹ See *Glidden v. Belden*, 684 A.2d 1306 (Me. 1996); and *Callahan v. Ganneston Park Development Corp.*, 245 A.2d 274 (Me. 1968), which discuss the creation of public and private interests in rights-of-way through the depiction of “paper streets” on recorded subdivision plans.
- ⁴² Title 23 M.R.S.A. § 3031.
- ⁴³ Unless the developer has specifically reserved title; see 33 M.R.S.A. § § 460, 469-A.
- ⁴⁴ 23 M.R.S.A. 3025.
- ⁴⁵ This is not the case if the dedicated paper street is a “rangeway,” see *Glidden v. Belden*.

Sample Articles for Dedication and Acceptance and for Purchase and Acceptance

1. Dedication and Acceptance

Article _____. To see if the Town, pursuant to 23 M.R.S.A. § 3025, will vote to accept the dedication made by _____ (name of grantor) of [an easement interest or title in fee simple (choose one)] in a strip of land bounded and described as follows: (insert description from deed here), and to accept and establish a [public easement or town way (choose one)] on said strip of land.

(Note: In the foregoing article, be certain to decide whether title will be by easement or in fee simple, and delete the inappropriate one; likewise, decide whether the legal status of the road is a town way or public easement, and delete the inappropriate language.)

2. Purchase and Acceptance

Art. _____. To see if the Town, pursuant to 23 M.R.S.A. § 3030, will vote to authorize the municipal officers to execute all documents necessary to purchase from _____ (name of seller) a strip of land bounded and described as follows: (here, insert deed description), title to said land to be [an easement interest or in fee simple (choose one)], to accept and establish a [public easement or town way (choose one)] on said strip of land, and to [raise and appropriate or appropriate from surplus (choose one)] the sum of \$ _____ to purchase the aforementioned strip of land.

(Note: In the foregoing article, be certain to decide whether title will be by easement or in fee simple, and delete the inappropriate one; also, decide whether the legal status of the road is a town way or public easement, and delete the inappropriate language and decide whether the town meeting will be voting to raise and appropriate funds for purchase from taxes or from surplus and delete the inappropriate language)

**Sample Road Deed
Warranty Deed**

KNOW ALL PERSONS BY THESE PRESENTS that _____ of _____, County of _____, and State of Maine ("Grantor(s)"), for consideration paid, the receipt of which is acknowledged, grants and conveys to the Town/City of _____ a Municipal corporation under the laws of the State of Maine with a mailing address of _____, Maine _____, located in the County of _____ and State of Maine ("Grantee"), with Warranty Covenants, the land located in the Town/City of _____, County of _____, and State of Maine (hereinafter referred to as "the Premises"), which land is more particularly described as follows:

(Description and encumbrances, if any)

Said Premises are conveyed for highway purposes pursuant to 23 M.R.S.A. § 3025. The Grantor(s) voluntarily convey this property to Grantee without claim for damages.

_____, spouse of the Grantor, releases all rights in the Premises being conveyed (if applicable).

WITNESS my/our hand(s) and seal(s) this _____ day of _____, _____.

WITNESS

GRANTOR(S)

State of Maine

Date: _____, _____

_____, ss. (County)

Personally appeared the above-named _____ and acknowledged the above instrument to be his/her/their free act and deed

Before me,

Notary Public/Attorney at Law

(Print Name)

Bridgton, Maine



Est. 1794



TOWN OF BRIDGTON, MAINE COMPREHENSIVE PLAN UPDATE 2022-2024

PHASE I

Research and Validation



SECTIONS

WORKING COPY

Love always,
BRIDGTON
MAINE



Planning Terms

The Planning Process Under State of Maine
Regulation & Requirements

Decision-Making

Statutory Planning Topic Descriptions

The Parties

Work Plan Briefs

The following terms are defined as follows under the Comprehensive Plan Update:

Creative Growth Opportunity Community development that establishes new institutional, industrial, or commercial capacity that fills a gap in infrastructure, services, opportunities, or mitigates challenges and increases resilience and equity within a community.

Community Wellbeing The state of being comfortable, healthy, prosperous, or happy. Wellbeing encompasses the environmental factors that affect a community, and the experiences individuals have throughout their lives.

Growth Dynamics The interplay between infrastructure, services, opportunities, and challenges impacting a creative development decision.

Life Cycle Analysis Life Cycle Analysis is a broad-based methodology for examining, assessing, and improving technologies, products and processes. It includes ‘cradle-to-grave’ evaluation, i.e. evaluation of the upstream supply network management and manufacturing, the downstream aspects of product sale, use and end-of-life considerations, and all of the entities related to any of these processes.

Multi-dimensional Assessment and Holistic Planning Multi-dimensional assessments arm the decision maker with a full play list of risk and opportunity to inform investment decisions: to select from among the solutions that make real gains, satisfy the immediate requirements and elongate the success out into the future past economic, political, social, resource, environmental, and technological change.

Holistic Planning hones the selected options developed in the assessment and provides a detailed roadmap to a definitive and comprehensive set of action plans to achieve successful and enduring implementation.

Decision makers need to assess and understand the broader context of the natural environment and social world to develop more comprehensive and inclusive perspectives of influence and contemplate the effects, impacts, and consequences of their decisions and actions on the natural environment and social/human world.

Natural Environment The Natural Environment consists of all the ecosystems that include natural resources and all living species. The ecosystems include oceans and coastal areas, farmlands, forests, grasslands and shrub lands, freshwater, urban and suburban areas, and other geographical formations like deserts and mountains. An ecosystem encompasses the physical, chemical, and biological phenomena. It is the total collection of biological organisms in a geographical area and the supporting physical, chemical and biological mechanisms.

Policy

Regulation

Resilience The capacity to prepare for, respond to, mitigate, manage, and recover from significant threats, risks, vulnerabilities, and challenges with minimum negative effect, impacts and consequences to the social, economic, ethical, technological, and environmental dimensions in the short term and in the long term. Resilience is context specific, i.e. internal and external. Resilience is based on the entity’s solutions, systems, scope, situations, location, and time horizon.

Resilience involves a broad array of management approaches and techniques, and includes contributions from business leaders, scientists, academics, government officials, stakeholder groups, lawyers, individuals, and members of the public. The overarching desire is for these parties to work together protecting the social world and the natural environment, ensuring stability and success of the community and business environment, and promoting wellbeing and harmony.

The following terms are defined as follows under the Comprehensive Plan Update:

Social Equity The term “equity” refers to fairness and justice and is distinguished from equality. Whereas equality means providing the same to all, equity means recognizing that we do not all start from the same place and must acknowledge and make adjustments to imbalances. The process is ongoing, requiring us to identify and overcome intentional and unintentional barriers arising from bias or systemic structures. [Equity Definition \(naceweb.org\)](https://naceweb.org)

Social World The Social World is a subset of the natural environment encompassing how people live, the built environment that they live in, the social systems and structures that support existence, social and economic development, human progress, and the cultural aspects that enrich the diversity of the human experience. The social world involves human well-being, the quality of life, living conditions, lifestyles, and the needs, wants, and expectations of people. It underpins the business environment.

Strategy

Structural Growth Opportunity Community development that expands existing institutional, industrial or commercial capacity in infrastructure, services, opportunities, or mitigates challenges and increases sustainability within a community.

Subject Matter Expert

Sustainable Solutions

Sustainable Success A multifaceted construct that includes dramatically improving and sustaining the social, economic, ethical, technological, and environmental positives and significantly decreasing and eliminating hidden defects, burdens, harms, impacts, and other negative aspects. Sustainable success requires strategic thinking and actions beyond just the tangible realities of today by exploring the best means and mechanisms for assuring success in both the short term and long term. The imperatives are to create value and assure sustainable success in which everyone benefits. They involve timeless principles, including human rights, fair play, openness, trust, fiduciary responsibilities, and accountability. These are the areas in which every entity, entrepreneur, leader, contributor, and participant can excel.

Sustainability

Task Force A group established to work on a single defined task, activity, or specific problem. Task forces are short in duration and specific in focus. Task forces are work groups typically comprising experts in specified areas of knowledge or practice. They are small groups brought together with the expectation that the group will disband when the objective has been completed. A task force may bring together board members, institutional partners, staff, funders, representatives of the community and other interested parties to identify recommendations and actions to achieve an objective.

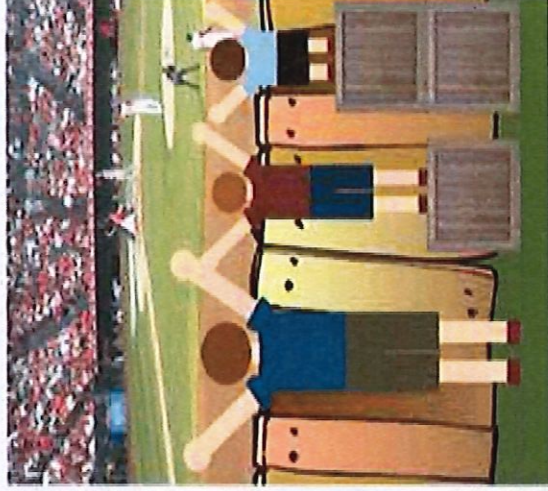
WORKING COPY

FOCUS ON EQUITY

EQUALITY VERSUS EQUITY



In the first image, it is assumed that everyone will benefit from the same supports. They are being treated equally.



In the second image, individuals are given different supports to make it possible for them to have equal access to the game. They are being treated equitably.



In the third image, all three can see the game without any supports or accommodations because the cause of the inequity was addressed. The systemic barrier has been removed.

Business continuity planning is a subset of resilience planning and leads to sustainable outcomes for the whole community.



Business continuity is the capacity of the organization to continue delivering products and services (solutions), providing desirable outcomes, and sustaining its systems and operations at acceptable predefined levels following a disruptive incident or unexpected event. Business continuity involves determining and assessing the salient factors and forces effecting the organization and integrating the interrelationships and interactions between affected parties and key contributors to eliminate or reduce potential for negative situations and outcomes. Business continuity includes planning, developing, assessing, and deploying means and mechanisms for assuring sustainable success (short term and long term) through the constructs of program management, prevention, preparedness, mitigation, incident management, crisis management, and emergency planning and responses.

Business resilience is the capacity of the entity to withstand shocks and stresses and to continue to function at acceptable levels for a predetermined time frame. Business resilience is important because the related underpinnings and key constructs provide mechanisms to avoid shutdowns, avert security attacks, and lessen the impacts of incidents, crises, and disaster among many of the catastrophic situations. IBS Global Technology Services defines business resilience as: "The ability to rapidly adapt and respond to business disruptions and to maintain continuous business operations, which in turn builds trusted relationships and enable growth."

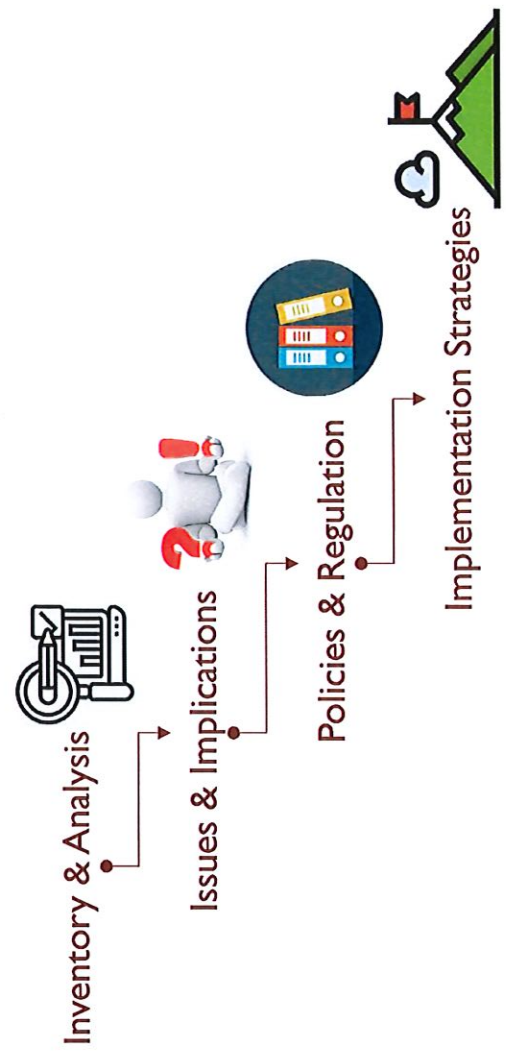


Maine’s Comprehensive Planning and Land Use Regulation Act (MRSA Title 30-A §4301-4350) calls for a three-part process:




First, inventory and analyze existing conditions;

Second, prepare policies to address the issues raised in the inventories, and designate “growth” and “rural” areas; and

Third, prepare strategies to implement the plan.



The Comprehensive Planning and Land Use Regulation Act prescribes topical data to be gathered and analyzed: these are the inventories detail **what we have** to shape, enable, and carry out government mandates. Comprehensive planning also requires specific locational assessments that form the basis of **what we do** to achieve desired outcomes as well as strategies that determine **what we impact**. **In this first phase of planning, we will consider all these aspects of our community in preparation for input and assessment by town residents in Phase II. Phase I is the research and validation phase.**

INFRASTRUCTURE (Constructed and Natural)		SERVICES		COMMUNITY	
					
WHAT WE HAVE		WHAT WE DO		WHAT WE IMPACT	
January 22 – April 22		May 22 – August 22		September 22 – December 22	
Topography, Soils & Water		Hazard Mitigation		The Local & Regional Economy	
Habitats & Other Critical Natural Resources		Transportation		Population & Demographics	
Historic & Archeological Resources		Public Facilities & Services		Housing	
Agriculture & Forestry; Marine Resources		Government and Fiscal Capacity		Community Wellbeing	
Land Use Patterns				Future Land Use Plan	
Recreation & Open Space				Regional Approaches	

ROAD MAP TO EQUITY: BUILDING COMMUNITY RESILIENCE

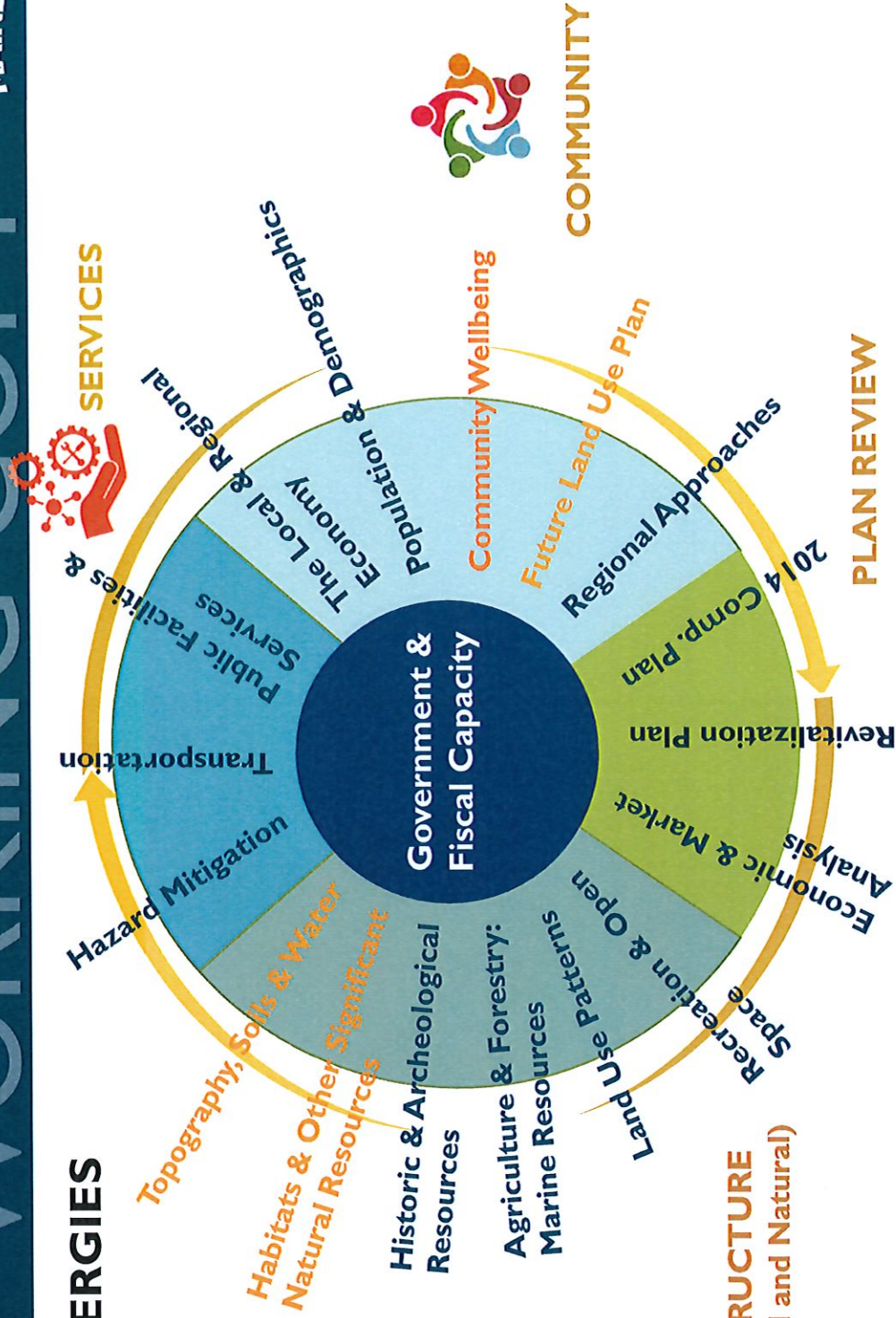
At first, the required inventories may seem to be disjointed topics. But they are connected. You can think of them as a layer cake, in which one layer depends and is built upon the one before it. Some call this “ecological” planning, because it makes clear the relationships among the natural foundations of a community and the human activities that take place upon them. Together, they tell a constantly evolving story of the community.



MULTI-DIMENSIONAL ASSESSMENT AND HOLISTIC PLANNING

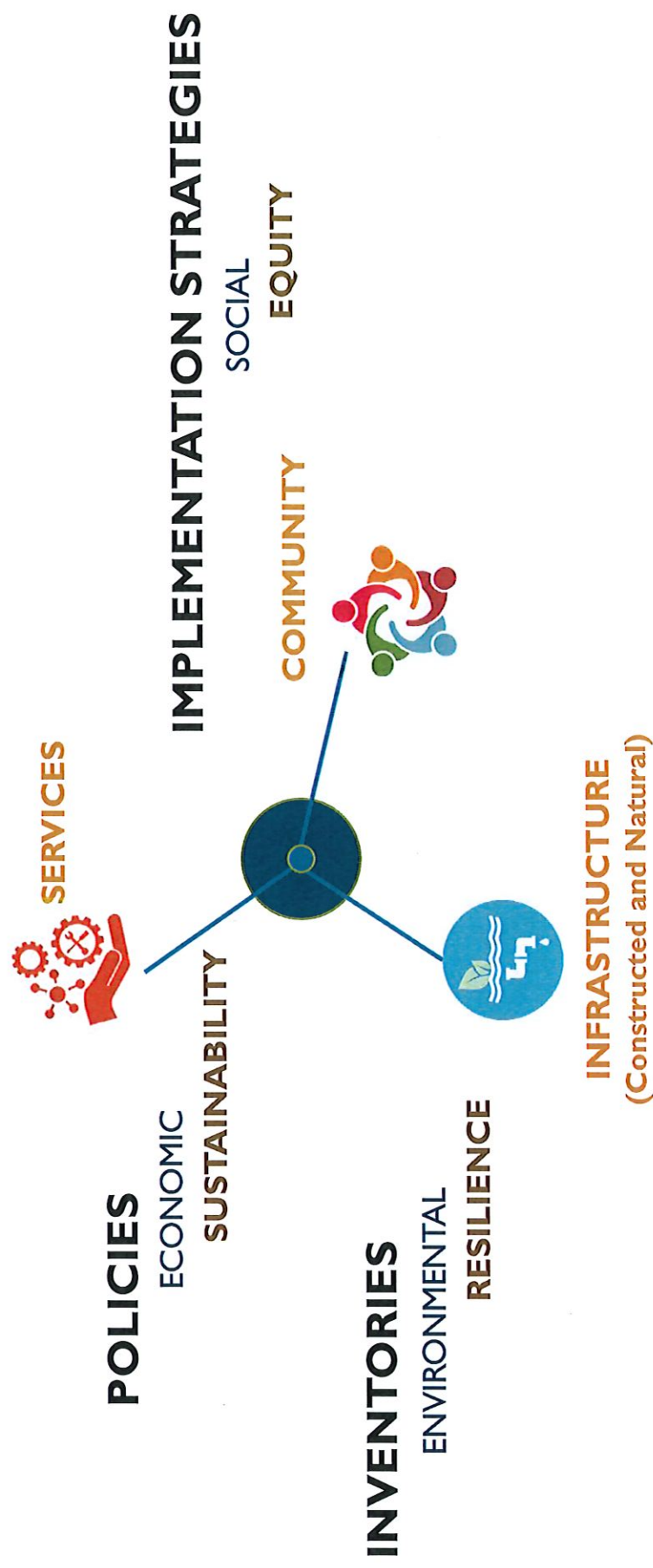
INTERNAL SYNERGIES

For example, once critical natural resources are inventoried, the outline of a future land use plan will begin to take shape and will directly impact community wellbeing. Government & Fiscal Capacity forms the cog in the wheel that drives this process.



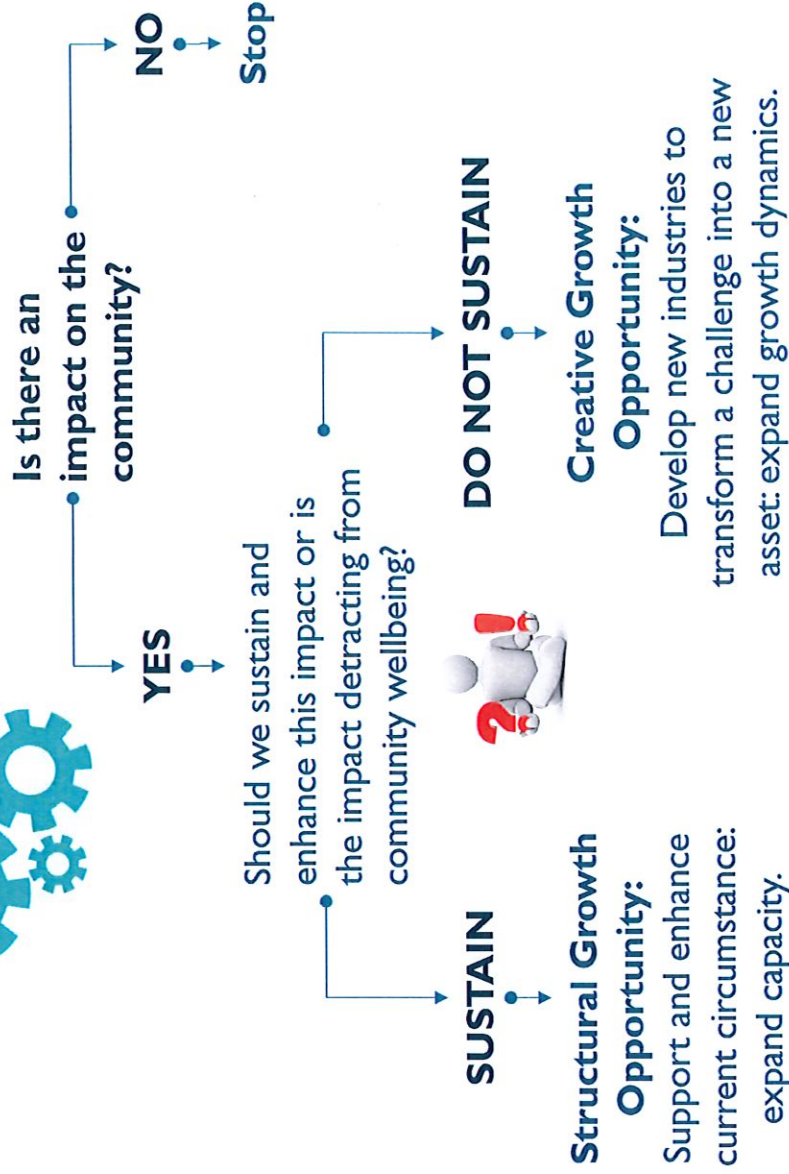
INFRASTRUCTURE
(Constructed and Natural)

This multi-dimensional planning approach carefully considers synergies and connections among plan layers that correspond to the three pillars of sustainability, resilience, and equity that in turn lead to community prosperity. The goal is to enhance synergies and balance competing needs and resource investments.



IMPACTS and OPPORTUNITIES

Decisions must be targeted to current and anticipated impacts on the community. Something is an impact on the community if it strengthens or weakens community resilience, sustainability, and equity. **Equity is the kingpin:** equity is necessary to maintain resilience and sustainability. Inequity leads to unsustainable circumstances that reduce the community capacity for resilience. If a circumstance is determined to be impacting the community the opportunity arises to sustain current drivers or reimagine new drivers that would turn a non-supporting circumstance around.



TAKING ACTION

Impacts good or bad present opportunities for new or sustained growth dynamics. Now the job is to identify growth capacities and set the stage for creating new synergies. All things have potential to be transformed into a greater capacity for resilience, and in so doing equity is increased. The process will require deeper inquiry into what we have, what we can do, and what we will impact when we take action. This investigation will lead to specific recommendations that will form the basis for community engagement in Phase II and will in turn generate implementation strategies.



What are the drivers and the dynamics leading to the impact?

What populations are impacted directly? What populations are impacted indirectly?

What industry failures or opportunity costs led to detracting impacts? What industries or actions are increasing equity, resilience, sustainability?

Do we have the necessary resources to continue growth now and how do we sustain key resources or acquire new resources?





The following pages highlight statutory requirements for each planning element of the Comprehensive plan.

The planning effort will reply heavily on **Comprehensive Planning: A Manual for Maine Communities** crafted by the Maine State Planning Office. Copies are available online ([Planning Manual](#)) or from the Community Development Office.



WHAT WE HAVE INFRASTRUCTURE (Constructed and Natural)



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MAINE

Topography, Soils & Water

The Act divides natural resources into two broad categories: water resources and “other critical natural resources.” Yet it is not possible to separate water resources from other natural resources. The interaction is so intimate and complete that one cannot be isolated from the other. Water can only be understood in relation to substances it flows through – soil and other geological materials – and surfaces it flows over – the topography.

State Goal:

To protect the quality and manage the quantity of the State’s water resources, including lakes, aquifers, great ponds, estuaries, rivers, and coastal areas.

Legislative Requirement:

The Act requires that each comprehensive plan include an inventory and analysis of:

Significant water resources such as lakes, aquifers, estuaries, rivers and coastal areas and when applicable, their vulnerability to degradation.

In addition, the Act requires that the implementation section of the plan:

Protect, maintain and, when warranted, improve the water quality of each water body pursuant to Title 38, chapter 3, subchapter 1, article 4-A [the part of state law that establishes water quality classifications] and ensure that the water quality will be protected from long-term and cumulative increases in phosphorus from development in great pond watersheds.

MRSA Title 30-A, §4312.3.E; §4326.1.B; §4326.3-A.C. (2001). Retrieved on October 17, 2005 from <http://janus.state.me.us/legis/statutes/search.asp>

WHAT WE HAVE INFRASTRUCTURE (Constructed and Natural)



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Habitats & Other Critical Natural Resources

Critical natural resources are part of ecological systems that provide essential services such as protection of air and water quality. The diversity of plants and animals that these resources support are central to the workings of whole ecosystems and often are of scientific importance. They have economic value for fishing, outdoor recreation, and tourist industries. For many, they also are a source of aesthetics, quiet escape, and solace.

State Goal:

To protect the State's other critical natural resources, including without limitation, wetlands, wildlife and fisheries habitat, sand dunes, shorelands, scenic vistas, and unique natural areas.

Legislative Requirement:

The Act requires that each comprehensive plan include an inventory and analysis of:

Significant or critical natural resources, such as wetlands, wildlife and fisheries habitats, significant plant habitats, coastal islands, sand dunes, scenic areas, shorelands, heritage coastal areas as defined under Title 5, section 3316, and unique natural areas.

The Act further requires that each comprehensive plan, as part of its implementation strategy:

Ensure that its land use policies and ordinances are consistent with applicable state law regarding critical natural resources. A municipality or multimunicipal region, if authorized to enact ordinances more stringent than applicable state law.

Comprehensive Planning and Land Use Regulation Act. MRSA Title 30-A, §4312.3.F; §4326.1.C; §4326.3-A.D. (2001). Retrieved on October 17, 2005 from <http://janus.state.me.us/legis/statutes/search.asp>

**WHAT WE HAVE
INFRASTRUCTURE** (Constructed and Natural)



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Historic & Archeological Resources

It is important for communities to identify and preserve traces of their own pasts. Houses, churches, farms, grange halls, mills, villages, neighborhoods, town halls, libraries, and archaeological sites contain important information about history and prehistory. Such buildings and sites contribute texture and richness to a town's character, bring history alive for children, and set a standard for our own contributions to future generations.

State Goal:

To preserve the State's historic and archaeological resources.

Legislative Requirement:

The Act requires that each comprehensive plan include an inventory and analysis of:

Historic and archaeological resources including, at the discretion of the municipality or multi-municipal region, stone walls, stone impoundments and timber bridges of historical significance.

In addition, the Act requires that the implementation section of the plan:

Ensure that the value of historical and archaeological resources is recognized and that protection is afforded to those resources that merit it.

Comprehensive Planning and Land Use Regulation Act. MRSA Title 30-A, §4312.3.I; §4326.1.I; §4326.3-A.H. (2001). Retrieved on October 17, 2005 from <http://janus.state.me.us/legis/statutes/search.asp>

WHAT WE HAVE

INFRASTRUCTURE (Constructed and Natural)



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Agriculture & Forestry; Marine Resources

Inventories and analyses in this section will establish the contribution of agriculture and forestry to the local economy. Agriculture is one of our primary forms of wealth creation and economic development. It makes good fiscal sense to retain farmland in your town. Farms and forestland have other values. They provide wildlife habitat. They provide open space and recreation for people. They provide scenic landscapes. And they provide support for a way of life which has endured for centuries in Maine, and which has done much to define Maine's character and landscape.

State Goal:

To safeguard the State's agricultural and forest resources from development which threatens those resources.

Legislative Requirement:

The Act requires that each comprehensive plan include an inventory and analysis of:

Commercial forestry and agricultural land.

In addition, the Act requires that the implementation section of the plan:

Ensure the protection of agricultural and forest resources. Each municipality or multimunicipal region shall discourage new development that is incompatible with uses related to the agricultural and forest industries.

Comprehensive Planning and Land Use Regulation Act. MRSA Title 30-A, §4312.3.H; §4326.1.E; §4326.3-A.F. (2001). Retrieved on October 17, 2005 from <http://janus.state.me.us/legis/statutes/search.asp>

WHAT WE HAVE INFRASTRUCTURE (Constructed and Natural)



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Land Use Patterns

This section of the plan gives a bird's eye view of how the town has developed, historically and recently. It will tell whether the community's pattern of growth has respected natural, historic, rural, and other resources—all of which by now will have been inventoried—or whether it has tended to overrun them. It will lend understanding to the shape of villages, neighborhoods, and business centers, and how these might be either altered or reinforced in coming years.

State Goal:

To encourage orderly growth and development in appropriate areas of each community and region, while protecting the State's rural character, making efficient use of public services and preventing development sprawl.

Legislative Requirement:

The Act requires that each comprehensive plan include an inventory and analysis of:

Land use information describing current and projected development patterns.

In addition, the Act requires that the implementation section of the plan:

Identify and designate geographic areas in the municipality or multimunicipal region as growth areas and rural areas, as defined in this chapter.

WHAT WE HAVE INFRASTRUCTURE (Constructed and Natural)



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Housing

The centerpiece of many communities is not the local industry or town hall. It is the individual home. The inventory and analysis can be divided into two parts: first, an inventory of the town's housing stock, and second an assessment of its affordability.

State Goal:

To encourage and promote affordable, decent housing opportunities for all Maine citizens.

Legislative Requirement:

The Act requires that each comprehensive plan include an inventory and analysis of:
Residential housing stock, including affordable housing.

In addition, the Act requires that the implementation section of the plan:

Ensure that the municipality's or multimunicipal region's land use policies and ordinances encourage the siting and construction of affordable housing within the community and comply with the requirements of section 4358 pertaining to individual mobile home and mobile home park siting and design requirements. The municipality or multimunicipal region shall seek to achieve a level of at least 10% of new residential development, based on a 5-year historical average of residential development in the municipality or multimunicipal region, that meets the definition of affordable housing. A municipality or multimunicipal region is encouraged to seek creative approaches to assist in the development of affordable housing, including, but not limited to, cluster zoning, reducing minimum lot and frontage sizes, increased residential densities, and use of municipally owned land.

Comprehensive Planning and Land Use Regulation Act. MRSA Title 30-A, §4312.3.H; §4326.1.E; §4326.3-A.F.(2001). Retrieved on October 17, 2005 from <http://janus.state.me.us/legis/statutes/search.asp>

WHAT WE HAVE INFRASTRUCTURE (Constructed and Natural)



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Transportation

Roads are lifelines. They connect us to friends and neighbors. They are corridors of trade and tourism. They move freight. They are windows to scenic Maine. They provide frontage for homes and development of all kinds. The inventory and analysis should cover the road system, off-street parking (if the community has commercial, job, or other areas that attract large numbers of vehicles), and the various modes of transportation that exist or are desired.

State Goal:

To plan for, finance and develop an efficient system of public facilities and services to accommodate anticipated growth and economic development.

Legislative Requirement:

The Act requires that each comprehensive plan include an inventory and analysis of:

Existing transportation systems, including the capacity of existing and proposed major thoroughfares, secondary routes, pedestrian ways and parking facilities.

In addition, the Act requires that the implementation section of the plan:

Develop a capital investment plan for financing the replacement and expansion of public facilities and services required to meet projected growth and development

MRSA Title 30-A, §4312.3.E; §4326.1.B; §4326.3-A.C. (2001). Retrieved on October 17, 2005 from <http://janus.state.me.us/legis/statutes/search.asp>

WHAT WE HAVE INFRASTRUCTURE (Constructed and Natural)



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Recreation & Open Space

Today, opportunity for access to outdoor recreation is not as vast as it once was. As development spreads to rural and coastal lands, conflicts between new suburban property owners and traditional outdoor recreation are inevitable. Comprehensive planning should be used to help find the balance.

State Goal:

To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters.

Legislative Requirement:

The Act requires that each comprehensive plan include an inventory and analysis of:

Existing recreation, park and open space areas and significant points of public access to shorelands within a municipality or multimunicipal region.

In addition, the Act requires that the implementation section of the plan:

Encourage the availability of and access to traditional outdoor recreation opportunities, including, without limitation, hunting, boating, fishing and hiking; and encourage the creation of greenbelts, public parks, trails and conservation easements. Each municipality or multimunicipal region should identify and encourage the protection of undeveloped shoreland and other areas identified in the local planning process as meriting that protection.

Comprehensive Planning and Land Use Regulation Act. MRSA Title 30-A, §4312.3.H; §4326.1.E; §4326.3-A.F. (2001). Retrieved on October 17, 2005 from <http://janus.state.me.us/legis/statutes/search.asp>

Population and Demographics



State Goal:

Legislative Requirement:

WHAT WE DO SERVICES

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Hazard Mitigation

All Maine communities are vulnerable to natural hazards. Of all natural hazards, floods generate the most extensive damages in the state. Severe winds, winter and coastal storms, coastal erosion, earthquakes, mudslides and other natural events also put lives and property at risk. Hazard Mitigation can be defined as sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The best mitigation is to prevent development from occurring where it is at risk of suffering natural hazards.

State Goal:

To discourage development in natural hazard areas.

Legislative Requirement:

The Economy



State Goal:

Legislative Requirement:

Public Facilities and Services



State Goal:

Legislative Requirement:

Governmental and Fiscal Capacity



State Goal:

Legislative Requirement:

Future Land Use Patterns



State Goal:

Legislative Requirement:

Regional Approaches



State Goal:

Legislative Requirement:

THE PARTIES

WORKING COPY

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Development Team

Community Development
Community Development Director
Engagement Coordinator

Recreation Department
Recreation Director

Town Management
Deputy Town Manager

Research Team

Infrastructure Coordinator
Infrastructure Research Team

Services Coordinator
Services Research Team

Community Coordinator
Community Research Team

Plan Review Coordinator
2014 Plan Review Team

Community Outreach

Subject Matter Experts

Community Development Advisory
Conservancy Research Group
Arts & Culture Subcommittee
Future Community Leaders

Public Engagement Team
Engagement Coach
Engagement Coordinator
Community Engagement Team
The Public

THE TEAMS

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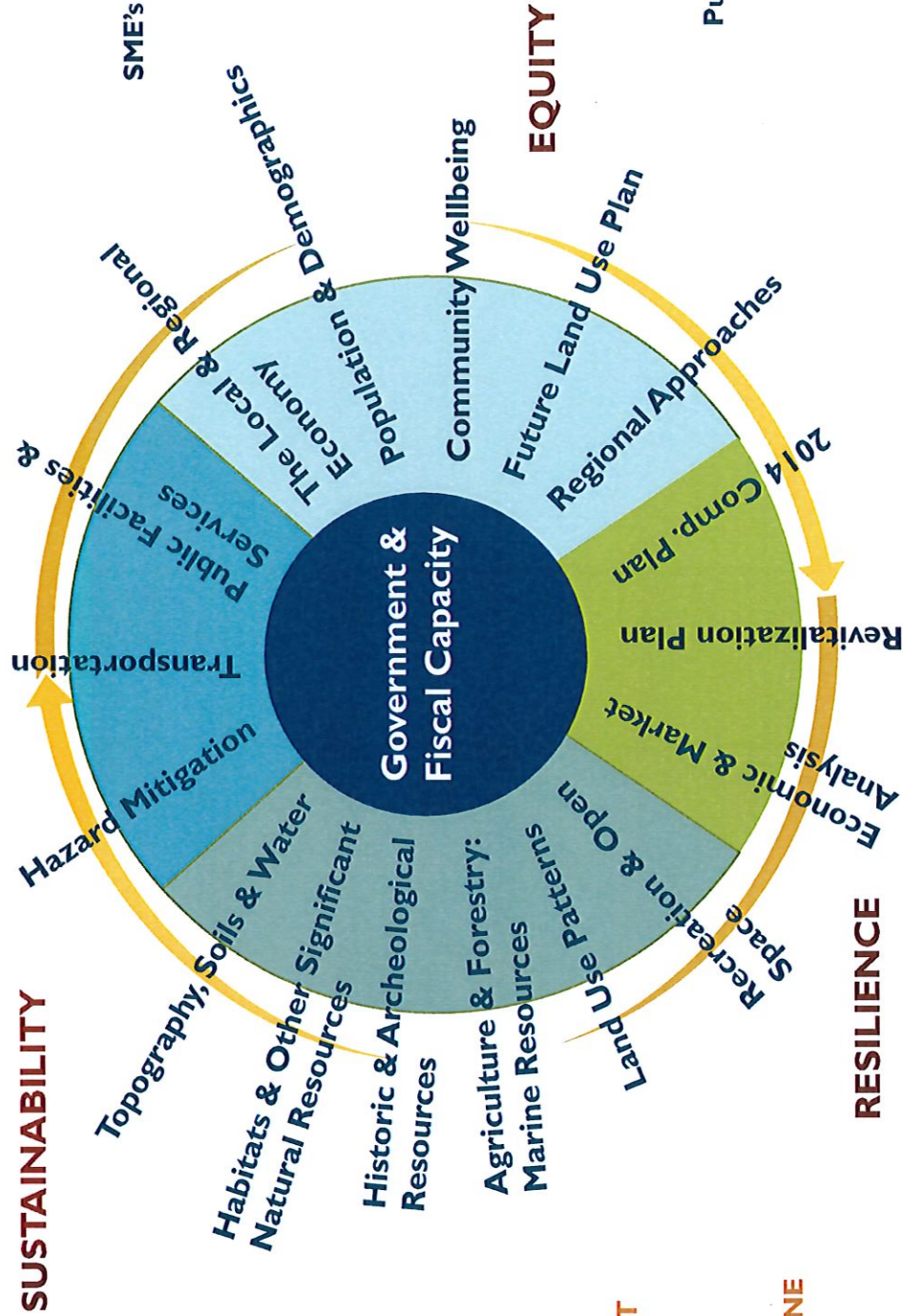
Love always,
BRIDGTON
MAINE

Services
Research Team
WHAT WE DO

Infrastructure
Research Team
WHAT WE HAVE

Community
Research Team
WHAT WE IMPACT

Plan Review Team
WHAT WE'VE DONE





THE PARTIES
Development Exchanges &
Interchanges

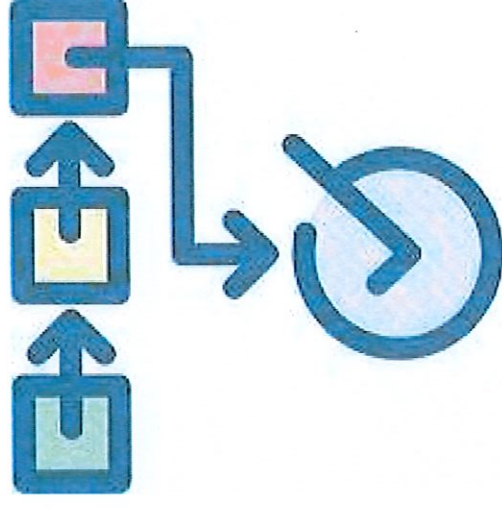
CDAC
Review &
Recommendation

SELECTBOARD
Consideration &
Placement on Warrant

VOTERS
Approval & Enactment

This section details in brief the Requirements, Sources, Goals and Impacts, Subject Matter Experts, and Responsible Working Group Parties. Work Plan Briefs are derived from the Maine State Planning Office *Comprehensive Planning: A Manual for Maine Communities*. That document lays out in great detail the full scope of work to be done for each of the required plan layers. Also to be referenced is the Self-Assessment Checklist provided by the state to help communities doing their own update to cover all the required topics, data, assessments, analysis, and statements.

In addition to these specific work briefs, the core working group will study the current 2014 Comprehensive Plan for successes and remaining gaps since that writing, with a focus on the Chapter 12 *Conclusions and Recommendations*. Other town and subject matter expert documents will of course apply throughout the work process.





Agriculture & Forestry; Marine Resources

This work Plan Brief focuses on agriculture and forestry but applies to marine resources as well.

Requirements

- Inventory and Analysis of farmlands, tree lots, and related activities.
The natural resource base consists of soils and plant life that covers the land.
- Develop a profile of actual Agricultural and Forestry Land Use and include related activities: food processors, equipment dealers, repair and maintenance services, feed stores and other suppliers, etc. Do the same for agriculture and forestry infrastructure including ownership patterns.
- Identify trends impacting the viability of existing operations short term and long term.
- Determine issues and implications raised by the inventory and analysis.
- Consider proposed policies and strategies that emerge from the inventory and analysis.
- Develop implementation strategies that “ensure protection of agricultural and forest resources.”

Sources

People who have personal knowledge about commercial forestry operations should be contacted since the best fact finding will be with farmers, foresters, tree farmers, and/or forest landowners to discuss their management programs and long-term outlooks.

Goals & Impacts

- Enhance economic ability.
- Protect the right to farm/manage woodlands.
- Encourage markets.

Subject Matter Experts

- Maine Department of Agriculture, Food and Rural Resources.
- The County Soil and Water Conservation District
- University of Maine Cooperative Extension County Extension Office
- Natural Resource Conservation Service (NRCS)
- Open Space Tax Act (36 MRSA Sec. 1101)
- Tree Growth Tax Act (36 MRSA Sec. 573)

Responsible Working Group Parties

TBD

Town of Bridgton, Maine
Expression of Interest in Comprehensive Plan Update
Task Force Membership

Name:

Address:

Phone:

Email:

Personal background information (education, related experience, etc.):

Occupation:

Please check your top three interests among the following:

- ☐ Topography, Soils & Water
- ☐ Habitats & other Critical Natural Resources
- ☐ Historic & Archeological Resources
- ☐ Agriculture & Forestry; Marine Resources
- ☐ Land Use Patterns

- ☐ Recreation & Open Space
- ☐ Hazard Mitigation
- ☐ Transportation
- ☐ Public Facilities & Services
- ☐ Government & Fiscal Capacity
- ☐ The Local & Regional Economy
- ☐ Population Demographics
- ☐ Housing
- ☐ Community Wellbeing
- ☐ Future Land Use
- ☐ Regional Approaches

Do you have experience or expertise in any of your chosen topics? Please explain:

Other Information:

Availability for Meetings (check all that apply):

- ☐ Morning ☐ Afternoon ☐ Evening

Signature:

Date:

For Municipal Use Only

Application Received on: _____

Application Received by: _____

Board of Selectmen will consider this application on: _____

Applicant was:

☐ Appointed for the task force

☐ Not appointed for the task force

Date: _____

Board of Selectman Signatures

----- Carmen E. Lone, Chairman

----- Glenn R. Zaidman, Vice Chairman

----- Robert J. McHatton

----- Frederick G. Packard

----- Paul A. Tworog

Applicant Notified of Board decision on: _____

Applicant notified by: _____

Proposal: Pondicherry Park Trail Upgrade

To: LELT Board of Directors

Date: September 11th, 2020

**** See attached Slide Deck****

Purpose:

- To support and participate in the greater Bridgton Community
- Address concerns about the Trail condition received from LELT membership
- Create a more accessible opportunity for recreation at Pondicherry Park
- Improve drainage and other environment conditions on the trail
- Improve capacity for long-term park maintenance by DPW
- Fortify park for anticipated increase in use (>16,000 visitors in 2017)

Current Conditions of the Trail:

- Tread surface deteriorating
- Bridging materials failing
- Erosion and runoff occurring
- Not accessible for individuals with mobility issues.

Proposed Actions:

- Work with the Town of Bridgton to raise funds (100k based on estimate from Warren Excavation)
- Improve the trail with gravel and widen where necessary
- Replace bridging with right-sized culverts

Steps Already Taken:

- Proposal Submitted to Bridgton Community Development Committee. Approved unanimously by Committee and will be endorsed by Committee Chair at September 22nd select board meeting.
- LELT ED to present proposal to Bridgton Select board seeking conceptual approval.

Timeline:

- LELT Board to Approve of Proposal and Fundraising – September 2020
- Bridgton Select board to Approve of Concept and LELT fundraising -- September 2020
- LELT ED to submit RTP Grant -- September 2020
- RTP Grant Award received or declined – December 2020
- Land and Water Conservation Funding Applied for by Town of Bridgton with LELT support –May 2021
- Construction to Begin – Summer/Fall 2021

Simple Budget:

Pondicherry Park Trail Upgrade -- Simple Budget
9/11/2020

Expenses

Contractor	\$	82,000
Materials	\$	12,500
Total	\$	94,500

Revenue

In-kind (Bridgton DPW)	\$	12,500	(plus additional \$5.5k in-kind labor)
Recreational Trails Program	\$	35,000	
Land and Water Conservation Fund	\$	42,000	
Private Donors	\$	5,000	
Total	\$	94,500	

Proposal: Pondicherry Park Trail Upgrade

State of the Park:

- Over 16,000 individual visits per year (source: Loon Echo Traftx counters 2017)
- Increase in visitation as a result of LEA ropes course
- A major attraction for visitors to the downtown business area
- Older infrastructure
- Difficult to access for DPW
- Lacks a universally accessible component
- Protected via perpetual conservation easement held by LElt



Proposal: Pondicherry Park Trail Upgrade

Existing Infrastructure:



www.lslt.org

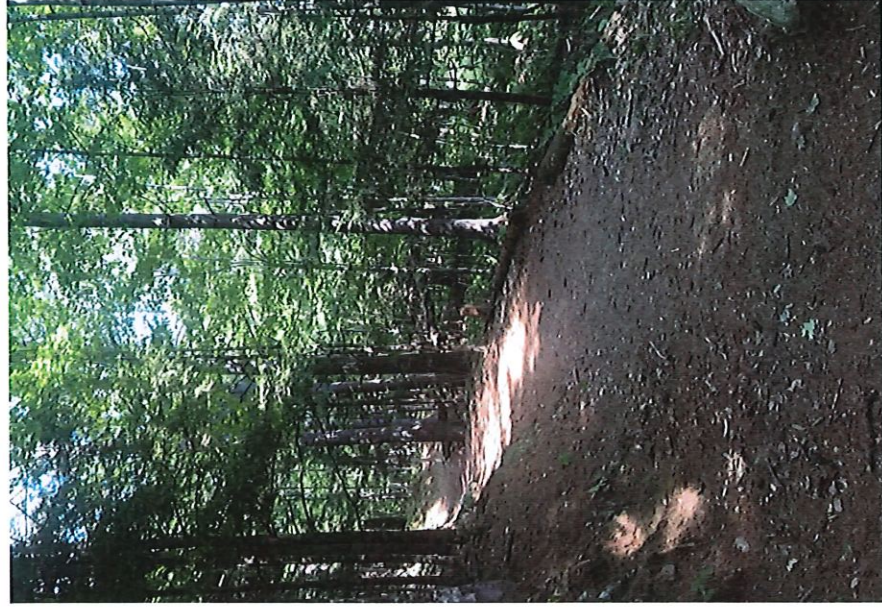
 Loon Echo Land Trust

 @loonecholandtrust

 @loonecholt

Proposal: Pondicherry Park Trail Upgrade

Existing Infrastructure:



www.lelt.org

 Loon Echo Land Trust

 @loonecholandtrust

 @loonechoit

Proposal: Pondicherry Park Trail Upgrade

Desired Outcomes:

- Improve public accessibility to the Park with a uniform trail surface
- Address maintenance concerns
- Fortify trail for long-term stewardship and anticipated use patterns
- Conservation of water and soil resources



www.lelt.org



Loon Echo Land Trust

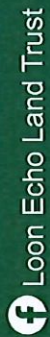


@loonecholandtrust



@loonechoit

Pondicherry Park Accessible Trail Project -- Proposed



www.lelt.org

@loonecholt

@loonecholandtrust

Loon Echo Land Trust

Proposal: Pondicherry Park Trail Upgrade

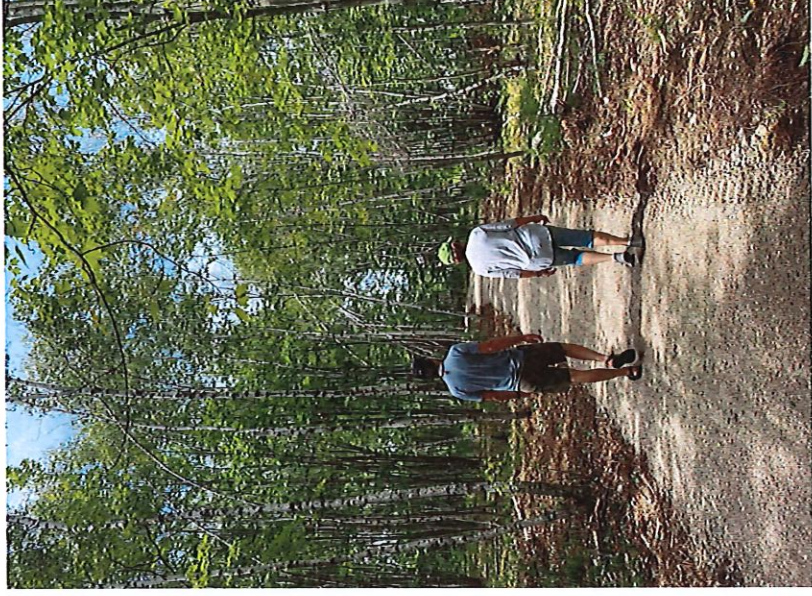
Proposed Actions:

- Upgrade Trail Surface from Willett Road to Dunning Bridge with gravel, excavate where needed to bring to grade
- Upgrade existing drainage infrastructure to fortify for seasonal changes and weather events
- Replace wood bridging with right-sized culverts




Proposal: Pondicherry Park Trail Upgrade


Example (Peabody-Fitch Woods, South Bridgton):



www.let.org

 Loon Echo Land Trust

 @loonecholandtrust

 @loonecholt

Proposal: Pondicherry Park Trail Upgrade

Funding Opportunities:

- Maine Recreational Trails Program
 - Grant proposal due 9/25/20
 - LELT has experience and can apply and receive funds
 - Requires 20% match, \$50,000 max award
 - In-kind labor and materials from DPW would satisfy match requirement
 - Competitive, no guarantees, LELT just received award in 2019
 - Reimbursement grant, costs paid upfront



Proposal: Pondicherry Park Trail Upgrade

Funding Opportunities:

- Land and Water Conservation Fund
 - Grant proposal due May 28th, 2021
 - Site visit prior to 10/31/20
 - Municipal eligibility only although LELT could support application process
 - Requires 50% match, can use RTP and in-kind as match
 - Max award \$500,000
 - Requires warrant article and commitment to long-term stewardship
 - Reimbursement grant, costs paid upfront




Proposal: Pondicherry Park Trail Upgrade


Funding Opportunities:


- Private Funding (individuals and grants)
 - Easier to manage and with fewer restrictions
 - May take longer, limited options
 - LET could be fiduciary agent for entire project



www.let.org

 Loon Echo Land Trust

 @loonecholandtrust

 @loonecholt

Proposal: Pondicherry Park Trail Upgrade

Next Steps:

- Seek conceptual approval and LOS from selectboard for RTP grant
- Seek Planning Board Approval and Consult w/ CEO and DEP re: Shoreland Buffers
- Coordinate fundraising (who takes the lead?)
- Raise \$80k-\$100k in funds per estimate



Huntress & Associates, P.A.

185 Portland Road • Unit 2 • P.O. Box 384 • Bridgton, Maine 04009 • 207.739.7000

Town of Bridgton
One Chase Common
Bridgton, Maine 04009

Re: Pond Road

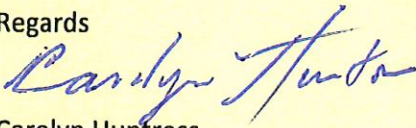
Dear Select Board:

Per my conversation with your office, I am requesting you transfer my Pond Road real estate back to me. I have enclosed a bank check in the full amount of taxes due. Will you please change my mailing address o to:

Huntress & Associates
P.O. Box #384
Bridgton, Maine 04009

Please accept my apology for any inconvenience I may have caused your office.

Regards


Carolyn Huntress

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON.



P.O. Box 347
Norway, Maine 04268

NO: 1023100329

Date February 03, 2022

Pay to the
Order of TOWN OF BRIDGTON

Amount \$1,452.61

**** One Thousand Four Hundred Fifty Two and 61/100****

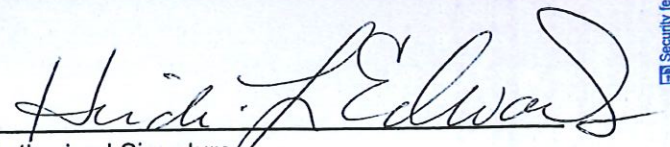
DOLLARS

OFFICIAL CHECK

Memo



Authorized Signature



⑈ 1023100329 ⑈

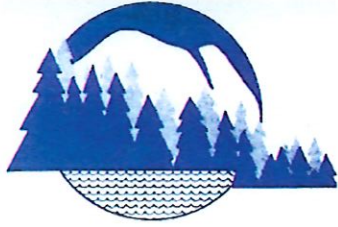
⑈ 211274515⑈ 801015770 ⑈

TOWN OF BRIDGTON

MEMO

TO: Brenda Day, Code Enforcement Officer
FROM: Laurie L. Chadbourne, Town Clerk/Deputy Tax Collector
RE: RE 5394; Pond Road
DATE: February 7, 2022

Prior owner, Carolyn Huntress, has submitted payment to redeem tax acquired property located on Pond Road (Map15, Lot 35B). Please review the property at your earliest convenience and provide a recommendation to the Board of Selectmen for consideration at their next meeting. Thank you.



TOWN OF BRIDGTON
THREE CHASE STREET, SUITE #1
BRIDGTON, MAINE 04009

Phone- 207-647-8786
Fax- 207-647-8789

MEMO

TO: Board of Selectmen
CC: Robert A. Peabody, Jr. Town Manager
FROM: Brenda Day, Code Enforcement Officer
RE: Tax Acquired Property
Pond Rd. Map 15 Lot 35B
DATE: March 3, 2020

On February 9, 2022, I did a visual inspection at 0 Pond Rd. located on Tax Map 15 Lot 35B.

This property is land only and appeared to be in good condition.

My recommendation is to release the deed back to Carolyn Huntress.

KNOW ALL MEN BY THESE PRESENTS,

Before me, _____
Laurie L. Chadbourne
Notary Public, State of Maine
My Commission Expires November 14, 2026

CERTIFICATE OF COMMITMENT OF SEWER USER RATES
COMMITMENT #260

To: Robert A. Peabody, Jr., the Treasurer of the Municipality of Bridgton, Maine.

Attached is a true list of the sewer rates established by us pursuant to 30-M.R.S. § 3406 for those properties, units and structures on **Route 1**, required by local and State Law to pay a sewer rate to the municipality, for the **period beginning 1 November 2021 and ending 31 January 2022**. This list is comprised of 2 pages which are attached to this certificate.

The date on which the rates included in this list are **due and payable is the 22nd day of March, 2022**. You are hereby required to collect from each person named in the attached list, his or her respective amount as indicated in the list; **the sum-total being \$8,260.52**. You are hereby required to charge interest at a rate of 6.0% per annum on any unpaid account balance. You are hereby authorized to collect these rates and any accrued interest by any means legally available to you under State Law.

Given under our hands this **22nd day of February 2022**.

Carmen Lone, Chair

Glenn R. Zaidman, Vice-Chair

G. Frederick Packard

Paul Tworog

Robert McHatton, Sr.

Billing Edit Report

Seq	Previous	Current	Cons	Water	Sewer	Total	Acct	Name	Location
Book #	1								
*1	1493300	1498300	5000	0.00	1,458.90	1,458.90	198	HILL STREET TERRACE HOUSING CORPORATION 0014-0077	42 WAYSIDE AVE.
*2	12400	14600	2200	0.00	175.58	175.58	206	WHERE ITS AT LLC 0023-0019	4 NULTY ST.
*3	29000	29200	200	0.00	105.78	105.78	207	BRIDGTON PUBLIC LIBRARY 0023-0145	1 CHURCH ST.
*4	131700	133700	2000	0.00	959.00	959.00	208	HAYES JR., ALLEN S 0023-0015	112 MAIN ST.
*5	31860	33150	1290	0.00	341.42	341.42	209	HEBB, HENRY; ETAL 0023-0146	109 MAIN ST.
*6	255200	259200	4000	0.00	238.40	238.40	210	HAYES JR., ALLEN S 0023-0014	118 MAIN ST.
*7	188800	192200	3400	0.00	612.66	612.66	211	108 MAIN STREET, LLC 0023-0012	108 MAIN ST.
*8	929	1561	632	0.00	219.66	219.66	9683	N.F.I. North, Inc.	7 Nulty Street
*9	242500	244500	2000	0.00	662.60	662.60	213	BROWN, C N 0022-0094	93 MAIN ST.
*10	30740	31160	420	0.00	1,200.26	1,200.26	217	CHALMERS BROTHERS, LLC 0022-0092	88 MAIN ST.
*11	3100	3100	0	0.00	197.60	197.60	219	EVERGREEN, JUDITH A 0022-0096	63 MAIN ST.
*13	38215	39215	1000	0.00	430.10	430.10	220	WILE, TIMOTHY S 0022-0090	76 MAIN ST.
*14	78300	78600	300	0.00	208.07	208.07	785	C & P NEW HORIZONS, LLC 0022-0091	82 MAIN ST.
*15	7585	7585	0	0.00	98.80	98.80	221	EVERGREEN, JUDITH A 0022-0097	59 MAIN ST.
*16	183400	187700	4300	0.00	1,039.27	1,039.27	225	LAKE VIEW SUITES, LLC 0022-0099	2 WALKER ST.
*17	39540	42410	2870	0.00	198.96	198.96	4091	ELEVATION SUSHI AND TACOS, LLC 0023-0147	103 MAIN ST.
*18	14865	15285	420	0.00	113.46	113.46	4092	THE CARRY ALL CORNER, LLC 0023-0147	103 MAIN ST.
Book 1 Total:				0.00	8,260.52	8,260.52			
Total:				0.00	8,260.52	8,260.52			

Consumption Report

- - - - Sewer - - - -										
Book	SEWER	RESRV	EDU	4	5	6	7	8	9	Total
1	30,032	0	0	0	0	0	0	0	0	30,032
Total:	30,032	0	0	0	0	0	0	0	0	30,032

Billing Edit Report

Calculation Summary Report

<u>Water</u>		<u>Sewer</u>	
Override	0.00	Override	0.00
Flat	0.00	Flat	0.00
Units	0.00	Units	7,212.40
Consumption	0.00	Consumption	1,048.12
Miscellaneous	0.00	Miscellaneous	0.00
Adjustments	0.00	Adjustments	0.00
Tax	0.00	Tax	0.00
Total	0.00	Total	8,260.52

User Category Summary

Category	<u>Water</u>	Cons	Amount	Category	<u>Sewer</u>	Cons	Amount
	Count				Count		
				1 SEWER METER	17	30032	8,260.52

Town of Bridgton **Municipal** Solid Waste "Pay Per Bag" Ordinance

Recycling Committee's **2021-2022** DRAFT based on "Town of Bridgton Solid Waste User Fee Ordinance proposed at Annual Town Meeting, June-~~2003~~**2022**"

Section 1. Purpose

Pursuant to MRS Title 38 §1305, ~~the~~ the purpose of this Ordinance is to establish a Pay Per Bag system for disposal of ~~domestic-municipal~~ solid waste (**MSW**). **Municipal** ~~solid~~ waste is a primary health, safety and environmental concern to all residents, and it is essential that the community develop a cost-effective, fair and efficient ~~solid-waste~~ **MSW** disposal program. ~~The~~ **A** Pay Per Bag plan promotes equity and fairness by linking the cost of ~~waste-MSW~~ disposal to the amount of waste actually generated by a person, ~~or household, or business~~. Through implementation of the Pay Per Bag plan, the Town of Bridgton encourages all residents and businesses to minimize their refuse through ~~free~~-recycling and composting. ~~There is no charge for recycling and composting. Pay Per Bag fees are not applicable to recycling and composting.~~

Section 2. Authority

This Ordinance is adopted pursuant to and in accordance with Article VIII, Part Second of the Constitution of the State of Maine, 30-A MRSA {3001 et seq.} and 38 MRSA {1301 et seq.}

Section 3. Scope

This Ordinance applies to all domestic and commercial ~~solid-waste-municipal solid waste~~ generated in the Town of Bridgton.

Section 4. Definitions

The following terms shall have the following definitions for purposes of this ordinance. Any undefined term shall be defined as set forth in 06-096 CMR 400.1 or, if not there defined, it shall have its common, ordinary meaning.

Commercial hauler – a person, firm, corporation, ~~or~~ other entity that collects, recycles or hauls the **municipal** solid waste of another person, firm, corporation or other entity for a fee.

~~Domestic-Municipal~~ solid waste (MSW) – solid waste generated by residential households, ~~or~~ dwelling units, ~~or commercial entities~~; it includes but is not limited to food scraps, garbage, trash, refuse and junk.

Single-sort recycling- allows combining paper, cardboard, glass, metal, and rigid plastic containers #1-7 into one recycling container.

Composting- the facility determines acceptable materials for composting
~~[We should differentiate between "domestic solid waste" that will go into the bags vs. what can be recycled and composted, so that people don't think this program charges for everything. This would mean including a legal definition of recyclables and also compostables.]~~

Packer truck —~~enclosed compactor truck used to haul solid waste of another person, firm, corporation or other entity for a fee.~~ The facility does not accept MSW hauled by packer trucks.

Transfer station — the municipal facility located in Bridgton for the collection and processing disposal of municipal solid waste, ~~for eventual movement to another for trucking to a~~ waste facility.

Designated bag — an approved bag, issued by the Town of Bridgton pursuant to this Ordinance, in which municipal solid waste is to be disposed of at the transfer station.

Violation — a violation occurs whenever a non-approved bag is disposed of at the transfer station or if non-recyclable materials are placed in the recycle bin. Each bag or each occurrence shall constitute a separate violation.

Section 5. Designated Bag Required

No person may dispose of municipal solid waste at the transfer station unless it is within a designated bag.

Section 6. Fees and Administration

The fee for a designated bag is ~~\$X.XX for 30-gallon bags (approximate weight 23 lbs) and \$X.XX for 13-gallon bags (approximate weight 10 lbs)~~ set annually by the Bridgton Board of Selectmen.

Commercial haulers collecting in Bridgton may pick up residential solid waste only in a designated bag.

The Town of Bridgton encourages all residents and businesses to minimize their refuse through ~~free~~-recycling and composting. There is no bag charge fee for recycling and composting.

The ~~Select Board~~ Board of Selectmen shall administer this Ordinance, and ~~to this end~~ shall have the following powers:

- ~~1. To adopt written rules for the day-to-day operation of the transfer station, including but not limited to hours of operation, inspection of materials delivered to the site, and sizes and types of solid waste containers allowed.~~
1. To determine where and when such designated bags will be available.
2. To determine a fee per bag.
3. To determine applicable fines for violation of this ordinance.
- ~~2. All fees shall be used to offset the costs associated with solid waste disposal.~~
- ~~3. To appoint and oversee personnel to maintain and operate the transfer station.~~
4. To review alleged violations of this Ordinance and to take (or authorize their duly appointed agents to take) appropriate action, including legal action, to enforce this Ordinance.

Section 7. Penalties

Each separate violation of this Ordinance (or rules adopted pursuant hereto) will result in a fine ~~of \$XX.XX.~~

Any person attempting to dispose of solid waste in a manner that violates this Ordinance (or rules adopted pursuant hereto) will be offered a choice ~~between of~~ buying a designated bag or leaving the premises with their ~~waste~~MSW. ~~For those fined for a violation, they will not be allowed access to the transfer station until all fines have been paid. Fines must be paid in full prior to accessing the facility.~~

Section 8. Severability

If any provision of this Ordinance is determined to be unenforceable, the remaining provisions shall continue in full force and effect.

This Ordinance shall become effective upon determination by the Select Board after adoption by the majority of voters.

Town of Bridgton Municipal Solid Waste “Pay Per Bag” Ordinance

Section 1. Purpose

Pursuant to MRS Title 38 §1305, the purpose of this Ordinance is to establish a Pay Per Bag system for disposal of municipal solid waste (MSW). Municipal solid waste is a primary health, safety, and environmental concern to all residents, and it is essential that the community develop a cost-effective, fair, and efficient MSW disposal program. A Pay Per Bag plan promotes equity and fairness by linking the cost of MSW disposal to the amount of waste generated by a person, household, or business. Through implementation of the Pay Per Bag plan, the Town of Bridgton encourages all residents and businesses to minimize their refuse through recycling and composting. Pay Per Bag fees are not applicable to recycling and composting.

Section 2. Authority

This Ordinance is adopted pursuant to and in accordance with Article VIII, Part Second of the Constitution of the State of Maine, 30-A MRSA {3001 et seq.} and 38 MRSA {1301 et seq.}

Section 3. Scope

This Ordinance applies to all domestic and commercial municipal solid waste generated in the Town of Bridgton.

Section 4. Definitions

The following terms shall have the following definitions for purposes of this ordinance. Any undefined term shall be defined as set forth in 06-096 CMR 400.1 or, if not there defined, it shall have its common, ordinary meaning.

Commercial hauler – a person, firm, corporation, or other entity that collects, recycles, or hauls the municipal solid waste of another person, firm, corporation or other entity for a fee.

Municipal solid waste (MSW) – solid waste generated by residential households, dwelling units, or commercial entities; it includes but is not limited to food scraps, garbage, trash, refuse and junk.

Single-sort recycling- allows combining paper, cardboard, glass, metal, and rigid plastic containers #1-7 into one recycling container.

Composting- the facility determines acceptable materials for composting

Packer truck –. The facility does not accept MSW hauled by packer trucks.

Transfer station – the municipal facility located in Bridgton for the collection and disposal of municipal solid waste for trucking to a waste facility.

Designated bag – an approved bag, issued by the Town of Bridgton pursuant to this Ordinance, in which municipal solid waste is to be disposed of at the transfer station.

Violation – a violation occurs whenever a non-approved bag is disposed of at the transfer station or if non-recyclable materials are placed in the recycle bin. Each bag or each occurrence shall constitute a separate violation.

Section 5. Designated Bag Required

No person may dispose of municipal solid waste at the transfer station unless it is within a designated bag.

Section 6. Fees and Administration

The fee for a designated bag is set annually by the Bridgton Board of Selectmen.

Commercial haulers collecting in Bridgton may pick up residential solid waste only in a designated bag.

The Town of Bridgton encourages all residents and businesses to minimize their refuse through recycling and composting. There is no bag fee for recycling and composting.

The Board of Selectmen shall administer this Ordinance, and shall have the following powers:

1. To determine where and when such designated bags will be available.
2. To determine a fee per bag.
3. To determine applicable fines for violation of this ordinance.
4. To review alleged violations of this Ordinance and to take (or authorize their duly appointed agents to take) appropriate action, including legal action, to enforce this Ordinance.

Section 7. Penalties

Each separate violation of this Ordinance (or rules adopted pursuant hereto) will result in a fine.

Any person attempting to dispose of solid waste in a manner that violates this Ordinance (or rules adopted pursuant hereto) will be offered a choice of buying a

designated bag or leaving the premises with their MSW. Fines must be paid in full prior to accessing the facility.

Section 8. Severability

If any provision of this Ordinance is determined to be unenforceable, the remaining provisions shall continue in full force and effect.

This Ordinance shall become effective upon determination by the Select Board after adoption by the majority of voters.

A possible recommended correction is: "The fee for a designated bag is set annually by the Bridgton Board of Selectmen." **[Robert "Bob" Peabody, Jr.] Good catch**

There have been some questions about numbering, but this appears to be a result of the program being used to view the document. There was also a question about the title, but it could be fine as it is. It is important for the Selectboard to know that we want this voted on in June.

Thank you for considering these points.

Sally

§3001. Ordinance power

Any municipality, by the adoption, amendment or repeal of ordinances or bylaws, may exercise any power or function which the Legislature has power to confer upon it, which is not denied either expressly or by clear implication, and exercise any power or function granted to the municipality by the Constitution of Maine, general law or charter. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Liberal construction. This section, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to effect its purposes. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

2. Presumption of authority. There is a rebuttable presumption that any ordinance enacted under this section is a valid exercise of a municipality's home rule authority. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

3. Standard of preemption. The Legislature shall not be held to have implicitly denied any power granted to municipalities under this section unless the municipal ordinance in question would frustrate the purpose of any state law. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

4. Penalties accrue to municipality. All penalties established by ordinance shall be recovered on complaint to the use of the municipality. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD).

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06-096

Department of Environmental Protection

Maine Solid Waste Management Rules

CHAPTER 400

GENERAL PROVISIONS

Last Revised: April 6, 2015

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Chapter 400: GENERAL PROVISIONS

SUMMARY: This Chapter establishes the rules regarding administrative matters and general standards concerning solid waste facilities and solid waste handling. It describes which facilities and activities are subject to the Maine Solid Waste Management Rules and which are exempted. Specifically included in this Chapter are definitions, licensing procedures, and licensing standards.

1. **Definitions.** The following terms, as used in the Maine Solid Waste Laws and in these rules have the following meanings, unless the context indicates otherwise:
 - A. **Abutter.** "Abutter" for the purposes of the notice provisions of this rule, means any person who owns property that is both (1) contiguous to the property boundary and (2) within 1 mile of the facility site on which the project will take place, including owners of property directly across a public or private right of way.
 - B. **Active portion.** "Active portion" of a landfill means that part of the landfill or landfill cell that has not received final cover in accordance with these or prior rules or with Federal rules or was not closed prior to the enactment of any solid waste management rules.
 - C. **Adequately wetted.** "Adequately wetted" means sufficiently mixed or coated with water or an aqueous solution to prevent dust emissions.
 - C-1. **Agricultural composting operation.** "Agricultural composting operation" means composting that takes place on a farm and uses only animal manure, animal carcasses and offal, fish waste, leaves, wood chips, animal bedding and other vegetative waste, produce and other vegetable and food waste.
 - D. **Agricultural waste.** "Agricultural waste," means wastes that result from agricultural activities (the growing of vegetables, fruits, seeds, nursery crops, poultry, livestock, field crops, cultivated or pasture hay and farmlot wood products, including Christmas trees) that are returned to the soils as fertilizers. It includes waste pesticides when generated by a farmer, provided that the farmer triple rinses each emptied pesticide container in accordance with Departmental rules and disposes of the pesticide residues in a manner consistent with the disposal instructions on the pesticide label. It does not include any material regulated as a residual under 06-096 CMR 419.
 - E. **Agronomic rate.** "Agronomic rate" means an application rate of plant nutrients that is recommended to provide the optimum plant growth and be utilized by the crop.
 - F. **Agronomic utilization.** "Agronomic utilization" or "utilization" means the land application of residuals in a controlled manner in order to:
 - (1) Increase the nutrient content of the soil at a rate commensurate with the nutritional needs of the crop to be grown and the assimilative capacity of the soil;
 - (2) Otherwise improve agricultural soil conditions; or
 - (3) Provide some other horticultural benefit.

- G. Airport.** "Airport" means an aircraft landing strip open to the public.
- G-1. Alkaline material.** "Alkaline material" means a high-pH material with a minimum pH of 10.5 standard units, which is not classified as hazardous, such as hydrated lime.
- H. Alter.** "Alter" means to increase the capacity of or to change the siting, design, construction or operation of a solid waste facility or activity in any way not previously approved by the Department.
- I. Amendment.** "Amendment" means a modification to a license that would permit a solid waste facility to significantly increase capacity of the facility; significantly alter the siting, design, construction or operation of the facility; or significantly alter the nature of an activity to an extent that would require the Department to modify any findings with respect to any of the licensing criteria. Amendments do not include minor revisions and other alterations.
- J. Ambient sound.** "Ambient sound" means the all-encompassing sound at a given location, being usually a composite of sounds from many sources at many directions, near and far.
- K. Annual report.** "Annual report" means the report prepared annually by each solid waste facility owner or operator to demonstrate compliance with the license for that facility and the applicable provisions of these rules.
- L. Asbestos.** "Asbestos" means a group of naturally occurring minerals that separate into fibers of high tensile strength and are resistant to heat, wear and chemicals, including, but not limited to the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), cummingtonite-gunerite (amosite), anthophyllite, actinolite, tremolite and any of these minerals that have been chemically treated or altered.
- M. Asbestos waste.** "Asbestos waste" means any asbestos-contaminated material or asbestos debris generated from an asbestos abatement activity and any other source, as these terms are defined in 06-096 CMR 425 - Asbestos Management Regulations.
- N. Ash.** "Ash" means the residue or the residual remaining after the combustion of a material such as coal, wood, oil, sludge or municipal solid waste.
- O. Asphalt batching plant.** "Asphalt batching plant" means any continuous flow or non-continuous asphalt plant that uses a rotary kiln, drum dryer, pug mill or drum mix device to process an aggregate-asphalt mix into a final bituminous product.
- P. Assessment monitoring.** "Assessment monitoring" means monitoring conducted to verify water quality and/or to assess the nature and extent of a release of contaminants to ground or surface water.
- Q. A.S.T.M.** "A.S.T.M." means American Society for Testing and Materials.
- R. Attendant.** "Attendant" means the individual who is the on-site supervisor of the day-to-day operations at a solid waste facility.

- S. Barrier layer.** "Barrier layer" means a continuous layer of natural and/or synthetic materials, over, beneath, or on the sides of a surface impoundment, landfill, or landfill cell, which restricts the downward or lateral escape of solid waste, any constituents of such waste, and leachate, or which minimizes the infiltration of rainwater to the extent required in these rules.
- T. Beneficial use.** "Beneficial use" means to use or reuse a solid waste or waste derived product:
- (1) As a raw material substitute in manufacturing,
 - (2) As construction material or construction fill,
 - (3) As fuel, or
 - (4) In agronomic utilization.
- T-1. Board.** "Board" means the Maine Board of Environmental Protection.
- U. Buffer strip.** "Buffer strip" means an area of land that is covered by vegetation, capable of regeneration and succession, whether retained as undisturbed vegetation or re-established following disturbance of the site. A buffer strip runs along the border between the facility site and an adjacent piece of land, body of water, or other specified area and serves to protect that area from adverse effects of the facility or preserves some existing quality or use in the area of development.
- V. Bypass.** "Bypass" means any solid waste that is destined for disposal, processing, or beneficial use at a solid waste facility, but which cannot be disposed, processed, or beneficially used at that facility because of malfunction, insufficient capacity, inability of the facility to process or burn, down-time, or any other reason.
- W. Cell.** "Cell" means a discrete area within a landfill site which has been designated to facilitate the systematic construction, operation, and closure of the landfill.
- X. Certified copy.** "Certified copy" means a copy of the Department approved operating manual implemented by the owner/operator of a landfill facility that is assigned to be updated and tracked by a person specified by the owner/operator.
- Y. Classified water.** "Classified water" means all ground water and any surface water, inland or tidal, and perennial or intermittent tributaries thereof, that are described and designated pursuant to 38 M.R.S.A. §§ 464 to 470.
- Z. Commercial solid waste disposal facility.** "Commercial solid waste disposal facility" means a solid waste disposal facility except as follows:
- (1) A solid waste facility owned by a public waste disposal corporation under 38 M.R.S.A. §1304-B(5) as long as the public waste disposal corporation controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;

- (2) A solid waste facility owned by a municipality under 38 M.R.S.A. §1305 as long as the municipality controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed at the facility;
- (3) A solid waste facility owned by a refuse disposal district under 38 M.R.S.A. §§1701 to 1757 as long as the refuse disposal district controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility;
- (4) A solid waste facility owned and controlled by the Department of Administrative and Financial Services, Bureau of General Services under Title 38 Chapter 24;
- (5) A solid waste facility owned and controlled by a single entity that generates at least 85% of the solid waste disposed of at the facility, except that the facility may accept from other sources, on a nonprofit basis, an amount of solid waste that is no more than 15% of all solid waste accepted on an annual basis. For purposes of this paragraph, "single entity" means an individual, partnership, corporation or limited liability company that is not engaged primarily in the business of treating or disposing of solid waste or special waste. This paragraph does not apply if an individual partner, shareholder, member or other ownership interest in the single entity disposes of waste in the solid waste facility. A waste facility receiving ash resulting from the combustion of municipal solid waste or refuse-derived fuel is not exempt from this subsection solely by operation of this paragraph; or
- (6) A private corporation that accepts material-separated refuse-derived fuel as a supplemental fuel and does not burn waste other than its own.

- AA. Commissioner.** "Commissioner" means the Commissioner of Environmental Protection.
- BB. Commercial waste.** "Commercial waste" means solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing, non-processing activities. Commercial waste does not include household, process, industrial or special wastes.
- CC. Composite liner.** "Composite liner" means a geomembrane placed over and in direct and uniform contact with a barrier soil layer and/or geosynthetic clay liner, without a leak detection or leachate collection layer between them.
- DD. Compost.** "Compost" means a residual that has undergone a composting process.
- DD-1. Compost Management Plan.** "Compost Management Plan" means a plan developed by an Agricultural Composting Operation to demonstrate compliance with the Department of Agriculture, Food and Rural Resources' best management practices for Agricultural Composting Operations.
- EE. Composting.** "Composting" means the biological decomposition of organic residuals under predominantly aerobic conditions and controlled temperatures between 110° and 160° F.
- EE-1. Composting facility.** "Composting facility" means any land area, structure, equipment, machine, device, system, or combination thereof, which is operated to facilitate the composting of solid waste.

- FF. Construction or demolition debris (CDD).** "Construction or demolition debris" means solid waste resulting from construction, remodeling, repair, and demolition of structures. It includes but is not limited to: building materials, discarded furniture, asphalt, wall board, pipes, and metal conduits. It excludes: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos; and other special wastes.
- GG. Construction fill.** "Construction fill" means fill that may contain solid waste utilized to provide material for construction projects such as roads, parking lots, buildings or other structures. It does not include fill needed to re-contour an area within a landfill or where no further construction is occurring. If the construction fill contains solid waste other than inert fill, the use of the fill is regulated under 06-096 CMR 418.
- HH. Contamination or Pollution**
- (1) As applied to ground water, "contamination" or "pollution" means exceeding water quality standards, the concentrations of which are attributable to the solid waste facility, as:
 - (a) Specified in 10-144 CMR 231 - Primary Drinking Water Standards, promulgated pursuant to 22 M.R.S.A. §2611; or
 - (b) Demonstrated by a statistically significant change in measured parameters which indicates deterioration of water quality determined through assessment monitoring.
 - (2) As applied to surface water, "contamination" or "pollution" means an unlicensed discharge to a classified body of surface water that is not exempt from licensing and is attributable to any aspect of the solid waste facility operation.
- HH-1. Conveyance.** "Conveyance" as that term is defined in 38 M.R.S.A. §1303-C(10) means any aircraft, watercraft, vehicle or other machine used for transportation on land, water or in the air. For the purposes of these rule, either the power unit, trailer, semi-trailer, or the container being transported shall be licensed.
- II. Crop for direct human consumption.** "Crop for direct human consumption" means a food crop that is distributed to consumers without prior processing such as blanching, frying or cooking to minimize pathogens.
- JJ. Daytime hours.** "Daytime hours" means the hours between 7:00 a.m. and 7:00 p.m.
- KK. Demolition debris.** See "construction or demolition debris".
- LL. Department.** "Department" means the Department of Environmental Protection composed of the Board of Environmental Protection and the Commissioner.
- MM. Department Supervised Clean-up.** "Department Supervised Clean-up" means a clean-up of oil contaminated soil that is undertaken under the direction of a representative of the Department.

- NN. Design leakage rate.** "Design leakage rate" means the amount of leakage expected through the liner system(s) within the solid waste boundary, plus an additional amount of leakage from waste handling areas, to account for factors such as changes in long-term performance of engineered products, operational considerations, and site-specific design features. The design leakage rate includes leakage during the operational, closure, and post-closure periods.
- OO. Detection monitoring.** "Detection monitoring" means monitoring conducted periodically throughout the active life of the facility, and through the closure and post-closure periods, to detect changes in water quality.
- PP. Dewatered septage.** "Dewatered septage" means the solid fraction removed from septage, by mechanical means such as a sand filter, clarifier or belt filter press.
- QQ. Disposal.** "Disposal", means the discharge, deposit, dumping, spilling, leaking, placing or incineration of any solid waste into or on any land, air or water so that the solid waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters. This term does not include beneficial use activities approved or exempted under these rules.
- RR. Dredge materials.** "Dredge materials" means sand, silt, mud, gravel, rock or other sediment or material removed from beneath any surface water.
- SS. E.P.A.** "E.P.A." means the United States Environmental Protection Agency.
- TT. Equipment.** "Equipment" means any item of machinery or implement used in the operation of a solid waste facility to perform site preparation, earth-moving and trucking, hauling, transporting, spreading, compacting or covering of waste.
- UU. Environmental monitoring.** "Environmental monitoring" means collecting and analyzing ground and surface water samples, leachate, leak detection and leachate treatment residue samples, air samples, landfill gas samples and/or measurements, waste characterization, and monitoring of solid waste settlement and landfill and/or site stability.
- VV. Existing hourly sound level.** "Existing hourly sound level" means the hourly sound level at a solid waste facility or at protected locations prior to the first expansion of that solid waste facility.
- WW. Expand.** "Expand", as it applies to solid waste landfills, means to dispose of solid waste beyond the horizontal boundaries previously licensed by the Department for solid waste disposal, except when allowed as part of a Department approved closure activity. "Expand", as it applies to solid waste incineration facilities, means to significantly increase the licensed disposal capacity of the facility. "Expand", as it applies to solid waste processing facilities, means to increase the waste handling area beyond the horizontal boundaries-previously licensed by the Department or to significantly increase the previously licensed volume of waste accepted.
- XX. Facility site.** "Facility site" means any developed land area of a solid waste facility, including internal access roads controlled by the facility site owner or operators, structures (including those for erosion and sedimentation control), parking lots, and waste handling

areas, or any areas thereof approved by the Department for that development, but excluding monitoring wells.

- XX-1. Farm.** "Farm" means the same as defined in 7 M.R.S.A. § 152 which states that farm means the land, plants, animals, buildings, structures, ponds and machinery used in the commercial production of agricultural products.
- YY. Fault.** "Fault" means a geologic fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.
- ZZ. Feed crop.** "Feed Crop" means a crop produced primarily for consumption by domestic animals.
- AAA. Fiber crop.** "Fiber crop" means a crop grown for fiber content such as straw, trees, flax and cotton.
- BBB. Fines.** "Fines" means the soil material that passes through a #200 U.S. Standard Sieve.
- CCC. Flowable fill.** "Flowable Fill" means a cementitious low-strength material comprised of cement, a non-hazardous ash, fine aggregate, and water and used in place of compacted soil in excavations and/or construction where high strength is not required.
- DDD. Food crop.** "Food crop" means a crop grown primarily for direct consumption by humans, such as fruits and vegetables.
- EEE. Fractured bedrock aquifer.** "Fractured bedrock aquifer" means a fractured consolidated rock formation that is saturated and recharged by precipitation percolating through overlying sediments to a degree that will permit wells drilled into the rock to produce a sufficient water supply for domestic use.
- FFF. Front-end process residue (FEPR).** "Front-end process residue (FEPR)" means solid waste removed by processing prior to incineration or landfilling, including but not limited to ferrous metals, glass, grit and fine organic matter.
- GGG. Generator.** "Generator" means any person whose act or process produces a solid waste or whose act first causes a solid waste to be subject to regulation under these rules.
- HHH. Handle.** "Handle" means to store, transfer, collect, separate, salvage, process, recycle, reduce, recover, incinerate, dispose of, treat, or beneficially use.
- III. Hazardous waste.** "Hazardous waste" means a waste substance or material, in any physical state, designated as hazardous by the Board under 38 M.R.S.A. §1319-O. It does not include waste resulting from normal household or agricultural activities. The fact that a hazardous waste or a part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.
- JJJ. Heavy metals.** "Heavy metals" means those metallic elements that have the potential for human, plant or animal toxicity including, but not limited to, the following: arsenic (As),

§1301. Short title

This chapter shall be known and may be cited as the "Maine Hazardous Waste, Septage and Solid Waste Management Act." [PL 1979, c. 383, §1 (AMD).]

SECTION HISTORY

PL 1973, c. 387 (NEW). PL 1979, c. 383, §1 (AMD).

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§1305. Municipalities; powers and duties

1. Disposal services. Each municipality shall provide solid waste disposal services for domestic and commercial solid waste generated within the municipality and may provide these services for industrial wastes and sewage treatment plant sludge.

[PL 1989, c. 585, Pt. E, §17 (RPR).]

2. Ordinances.

[PL 1983, c. 816, Pt. A, §43 (RP).]

3.

[PL 1983, c. 380, §3 (RP).]

4. Municipal status reports.

[PL 1989, c. 585, Pt. E, §18 (RP).]

5. Municipal permits. All permits issued pursuant to Title 30-A, chapter 183, subchapter I, shall, in addition to requirements imposed by those sections, be conditioned on compliance with rules adopted by the board concerning the operation of solid waste disposal facilities. Copies of permits issued by the municipality must be submitted to the commissioner within 30 days of issue.

[PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD); PL 1989, c. 890, Pt. A, §40 (AFF); PL 1989, c. 890, Pt. B, §231 (AMD).]

6. Municipal septage sites. Each municipality shall provide for the disposal of all refuse, effluent, sludge and any other materials from all septic tanks and cesspools located within the municipality. In addition, any person may provide a site for disposal of septage. In addition to making application to the Department of Environmental Protection for approval of any site, that person shall have written approval for the site location from the municipality in which it is located, unless the site is located in a Resource Protection District under the jurisdiction of the Maine Land Use Planning Commission. A municipality may determine whether approval of the site must be obtained first from the department or the municipality. The municipal officers shall approve, after hearing, any such private site if they find that the site complies with municipal ordinances and with local zoning and land use controls. In the absence of applicable municipal ordinances and local zoning and land use controls, the municipality shall base its approval of the site on compliance with the siting and design standards in the department's rules relating to septage management. For purposes of this subsection, "municipality" means a city, town or plantation.

[PL 1997, c. 40, §1 (AMD); PL 2011, c. 682, §38 (REV).]

7. On-site disposal of domestic septage; enforcement. Municipalities shall enforce the provisions of section 1306, subsection 2. Municipalities may recover all costs of enforcement, including attorneys' fees, from a septage pumper who violates the provisions of that subsection.

[PL 1983, c. 726, §2 (NEW).]

8. Septage and sludge permits; municipal enforcement. Pursuant to Title 30-A, section 4452, subsection 6, a municipality, after notifying the department, may enforce the terms and conditions of a septage land disposal or storage site permit or a sludge land application or storage site permit issued by the department under this subchapter.

[PL 1997, c. 38, §2 (AMD).]

9. Coordination between municipality and department. Coordination between the department and a municipality concerning applications and modifications in the terms or conditions of a permit or license for a sludge land application site or storage facility is governed by this subsection.

A. Within 14 working days of its receipt of a complete application for a sludge land application site or storage facility, the department shall notify the municipal officers or their designees from the municipality in which the site or facility would be located of the application and the name and

address of the applicant. The department shall provide the municipal officers with copies of all test results performed on the sludge material that is proposed to be spread in that municipality. Prior to approving an application for a sludge land application site or storage facility, the department shall consult with the municipal officers or their designees in the municipality in which the site or facility is proposed and provide them with an opportunity to suggest conditions, including additional setbacks, to be imposed on a permit or license. If the department does not impose conditions on a permit or license that have been suggested in writing by the municipal officers, the department shall provide a written explanation to the municipal officers. [PL 1999, c. 393, §3 (NEW).]

B. The department shall consult with the municipal officers within 10 days of receiving a request by the sludge generator to change the terms or conditions of a permit or license. The municipality may petition the commissioner to review a generating facility's testing protocol for sludge. The commissioner shall respond to the municipality in writing within 10 days of the municipality's petition. The commissioner may order the applicant to conduct an additional test at the applicant's cost. A copy of the additional test results must be provided to the municipal officers. [PL 1999, c. 393, §3 (NEW).]

[PL 1999, c. 393, §3 (RPR).]

SECTION HISTORY

PL 1973, c. 387 (NEW). PL 1979, c. 383, §9 (AMD). PL 1979, c. 541, §A277 (AMD). PL 1983, c. 11 (AMD). PL 1983, c. 380, §§2,3 (AMD). PL 1983, c. 726, §2 (AMD). PL 1983, c. 816, §A43 (AMD). PL 1985, c. 27 (AMD). PL 1987, c. 737, §§C97,C106 (AMD). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,C10 (AMD). PL 1989, c. 585, §§E17,E18 (AMD). PL 1989, c. 890, §§A40,B231 (AMD). PL 1991, c. 499, §21 (AMD). PL 1991, c. 732, §5 (AMD). PL 1997, c. 38, §§2-4 (AMD). PL 1997, c. 40, §1 (AMD). PL 1999, c. 393, §§3,4 (AMD). PL 2011, c. 682, §38 (REV).

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