

**Bridgton Planning Board Agenda**

**Planning Board Workshop**

**Monday August 1, 2022**

**1:00pm-2:00pm**

1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes
4. Workshop on Solar Standards with Legal 5. Other
6. Adjourn

Join Zoom Meeting

<https://us06web.zoom.us/j/88202346048?pwd=bHRHemJVZDZISGZOa1pYTGIPdVFFUT09>

Meeting ID: 882 0234 6048

Passcode: 789004

**AMENDMENTS TO BRIDGTON LAND USE CODE  
TO ESTABLISH STANDARDS FOR SOLAR ENERGY FACILITIES**

Administrative Draft  
July 26, 2022

PREPARED FOR PLANNING BOARD WORKSHOP  
TO BE HELD AUGUST 11, 2022

*The Town of Bridgton Land Use Code is proposed to be amended by adding the text shown in underline form, and by removing the text shown in ~~strikethrough~~ form, below.*

# Town of Bridgton

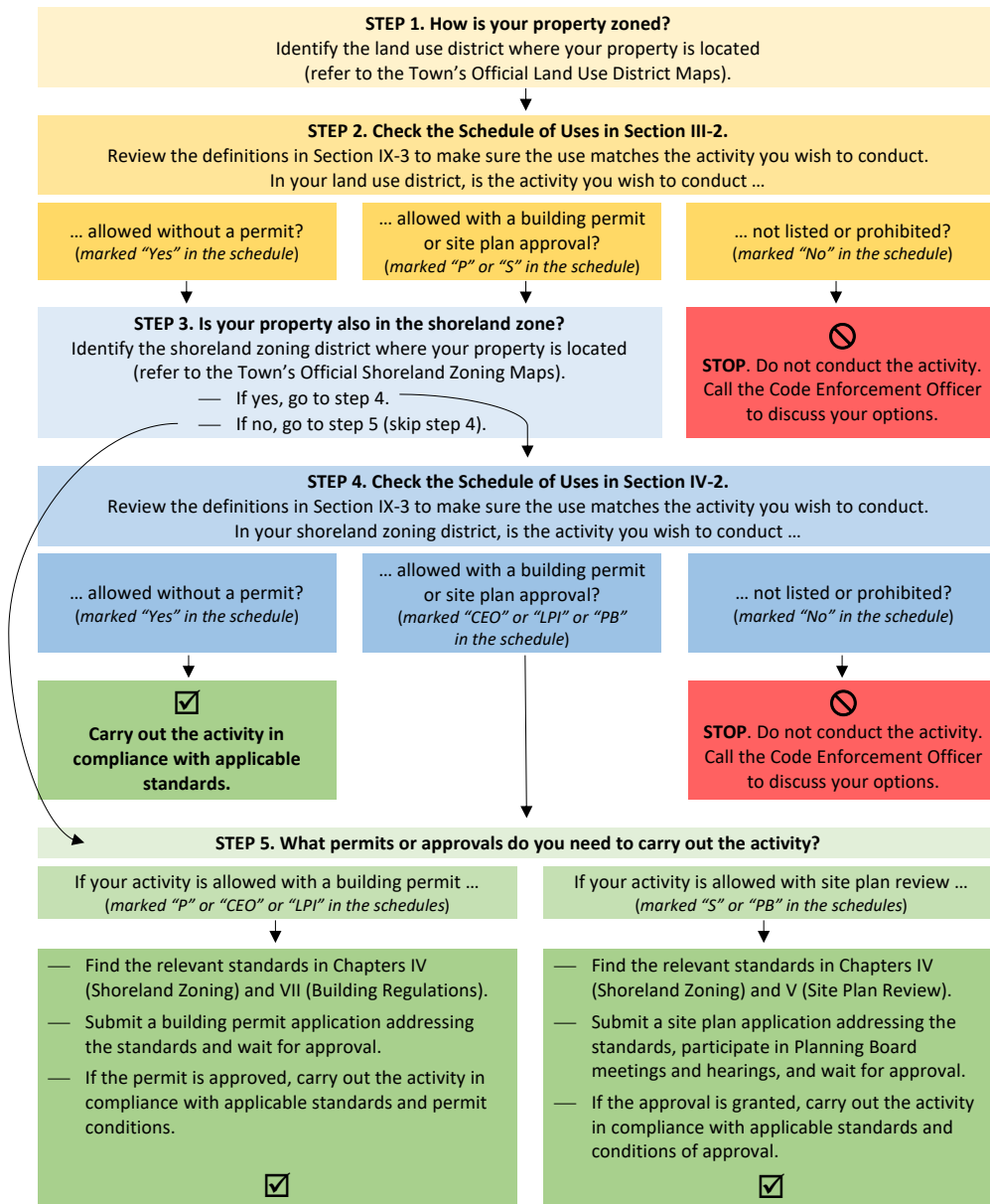
## Land Use Code



Enacted 11/02/2021

Amended 06/14/2022; 11/08/2022

## A ROAD MAP FOR USING AND UNDERSTANDING THE BRIDGTON LAND USE CODE



## HOW IS THE BRIDGTON LAND USE CODE ORGANIZED?

The Bridgton Land Use Code is organized into the following Chapters:

**Chapter I. Administration.** Chapter I provides information on:

- Which activities require permits or approvals and which ones do not
- What types of permits or approvals are needed
- What must be included in an application
- How are applications processed, and by whom
- What is the process for appealing a decision of the Code Enforcement Officer or Planning Board
- How to request a variance or a waiver

**Chapter II. Nonconforming Uses, Structures, and Lots.** Chapter II sets out the rules for lots, structures, and uses that lawfully existed before this Code was enacted or amended and, as a result, don't comply with one or more of the Code's requirements (such as dimensional standards).

**Chapter III. Land Use Districts.** The Town has established land use districts to protect the Town's character and prevent conflicts between incompatible uses. Chapter III describes these districts and, in Section III-2, identifies the activities that are allowed in each district as follows:

- Uses allowed without a permit (marked "Yes" in the schedule of uses)
- Uses requiring a permit or site plan approval (marked "P" or "S" in the schedule of uses)
- Uses that are prohibited (marked "No" in the schedule of uses)

Section III-3 describes the dimensional standards that apply to each district, including minimum lot size, minimum frontage, maximum lot coverage, minimum and maximum setbacks, and minimum and maximum height requirements. Section III-4 describes the space and bulk standards that apply in each land use district.

**Chapter IV. Shoreland Zoning.** In addition to its land use district, the Town has established shoreland zoning districts to protect important natural resources. Chapter IV describes these districts and, in Section IV-2.B, identifies the activities that are allowed in each district as follows:

- Uses allowed without a permit (marked "Yes" in the schedule of uses)
- Uses requiring a permit or other approval (marked "CEO" or "LPI" or "PB" in the schedule of uses)
- Uses that are prohibited (marked "No" in the schedule of uses)

Section IV-3 and Section IV-4 spell out the review criteria that applications must meet to get a permit from the Code Enforcement Officer or the Planning Board. Section IV-5 allows the Planning Board to approve single-family dwellings in the RP district by special exception.

**Chapter V. Site Plan Review.** Chapter V explains the process and review standards for obtaining site plan approval from the Code Enforcement Officer or the Planning Board. It identifies special review standards for projects involving large-scale water extraction, mineral extraction, and marijuana establishments.

**Chapter VI. Subdivision Regulations.** Chapter IV explains out the process and review standards for obtaining subdivision approval from the Planning Board.

**Chapter VII. Building Regulations.** Chapter VII spells out the process and review standards for obtaining a building permit from the Code Enforcement Officer.

**Chapter VIII. Legal.** Chapter VII contains miscellaneous legal provisions.

**Chapter IX. Rules of Construction, Acronyms, and Definitions.** Chapter IX contains rules for how the Code should be interpreted, and lists acronyms and definitions used in the Code.

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*Note: The above Cover Sheet, Road Map and Table of Contents, as well as the pagination of this document, are not a part of the officially adopted Bridgton Land Use Code and are subject to change by the Town at any time. The Road Map and Table of Contents are included here for convenience to the reader.*

## **CHAPTER I. ADMINISTRATION**

### **Section I-1. What Are the Purposes of This Code?**

The purposes of this Code are to:

- A. Promote and conserve the health, safety, and general welfare of the inhabitants of the Town;
- B. Implement the vision and goals of the *Town of Bridgton Comprehensive Plan*;
- C. Ensure compatible, orderly, and beneficial development of the Town and the most appropriate use of land in keeping with the purposes of the land use districts in which development is proposed, and minimize the adverse effects of development;
- D. Protect the character of the Town while protecting residents from incompatible uses and preserving the private property rights of its inhabitants;
- E. Provide incentives to direct commercial growth to appropriate growth areas;
- F. Expand and nurture economic growth that contributes to the vitality of the downtown and plan for commercial development in designated growth areas along the inner Route 302 and Route 117 corridors;
- G. Retain and protect the historic character of the downtown and the outlying villages through thoughtful planning and the use of development and design standards;
- H. Encourage development that is human scale, walkable, pleasant, dense, and accessible; and
- I. Protect and conserve the Town's natural resources, and further the maintenance of safe and healthful conditions in the watersheds and shoreland areas of the Town; prevent and control water pollution; protect fish spawning grounds, aquatic life, and bird and other wildlife habitat; protect buildings and land from flooding and accelerated erosion; protect historical, cultural, and archaeological resources; protect forested and freshwater wetlands; control building sites, placement of structures, and land uses; conserve shore cover, as well as visual and actual points of access to inland waters; conserve natural beauty and open space; and anticipate and respond to the impacts of development in shoreland areas.

### **Section I-2. To Which Activities Does This Code Apply?**

This Code applies to any structure, or any part of a structure, that is proposed to be erected, altered, improved, renovated, enlarged, moved (including removed from, moved onto, or moved within a lot), or demolished; land that is used or occupied; any proposed use, or a change or expansion of a use; and the creation or conveyance of a lot.

### **Section I-3. Who Is Responsible for Administering This Code?**

The CEO, Planning Board, and Board of Appeals of the Town are responsible for administering this Code.



A. **CEO.** The CEO has the following duties and powers in administering and enforcing this Code:

1. Review and act on all building permit applications in accordance with Chapter VII (Building Regulations) and issue disability structures permits in accordance with Section I-13.F.
2. Determine whether uses, structures, and lots comply with Chapter II (Nonconforming Uses, Structures, and Lots).
3. For applications and matters that are not subject to the jurisdiction of the Planning Board, determine whether a proposed use, or any structure associated with or devoted to such use, is allowed pursuant to Chapter III (Land Use Districts).
4. Review and act on all matters requiring CEO approval in Chapter IV (Shoreland Zoning).
5. For applications and matters that are not subject to the jurisdiction of the Planning Board, review and act on all site plan applications in accordance with Chapter V (Site Plan Review). Otherwise, refer the site plan application to the Planning Board.
6. Refer all subdivision applications to the Planning Board.
7. Issue certificates of occupancy.
8. Interpret the Official Land Use District Maps, Official Shoreland Zoning Maps, and the location of land use district and shoreland zoning district boundaries.
9. Enforce the provisions of this Code and the terms and conditions of permits or approvals issued under this Code, by inspecting premises, investigating complaints, issuing notices of violation, suspending or revoking permits or approvals, participating in legal prosecution of violations as needed, and processing or acting on consent agreements.
10. Keep written records of all essential transactions under this Code, including applications submitted, permits and approvals granted or denied, variances granted or denied, revocation and suspension actions, appeals, inspections, violations investigated, notices of violation, legal prosecution of violations, court actions, consent agreements, fees collected, penalties imposed, and proposed and enacted amendments to this Code.
11. Interpret the provisions of this Code, including the meaning of terms used in this Code, when performing the duties in the preceding subsections A.1-10.

B. **Planning Board.** The Planning Board, duly established pursuant to the *Establishment of the Bridgton Planning Board Ordinance*, has the following duties and powers in administering this Code:

1. For applications and matters that are not subject to the jurisdiction of the CEO, determine whether a proposed use, or any structure associated with or devoted to such use, is allowed pursuant to Chapter III (Land Use Districts).
2. Review and act on all matters requiring Planning Board approval in Chapter IV (Shoreland Zoning).

3. For applications and matters that are not subject to the jurisdiction of the CEO, review and act on applications for site plan approval in accordance with Chapter V (Site Plan Review).
4. Review and act on subdivision applications in accordance with Chapter VI (Subdivision Regulations).
5. Serve as the municipal reviewing authority for purposes of holding public hearings pursuant to 30-A M.R.S.A. § 4352 concerning proposed amendments to the Code, the Official Land Use District Maps, or the Official Shoreland Zoning Maps.
6. Recommend to the Municipal Officers whether or not an article to amend the Code, the Official Land Use District Maps, or the Official Shoreland Zoning Maps should be included in the warrant for a regular or special Town meeting.
7. Interpret the provisions of this Code, including the meaning of terms used in this Code, when performing the duties in the preceding subsections B.1-6.

C. **Board of Appeals.** The Board of Appeals, duly established and organized pursuant to 30-A M.R.S.A. § 2691, has the following duties and powers in administering this Code:

1. Upon written application of an aggrieved party, hear and decide any appeal from any written decision or failure to act of the CEO or Planning Board in the administration of this Code, except that the Board of Appeals does not have jurisdiction to hear appeals from notices of violation, enforcement orders, suspensions or revocations of permits or approvals, written determinations of no violation, or any other enforcement decisions of the CEO.
2. Upon written application, review and act on variance requests.
3. Interpret the location of land use district and shoreland zoning district boundaries upon referral from the CEO.

STATE LAW REFERENCE—30-A M.R.S.A. § 4352 (MUNICIPAL REVIEWING AUTHORITY); § 2691 (BOARD OF APPEALS).

#### **Section I-4. Which Activities Do Not Require Permits or Approvals Under This Code?**

No permit or approval from the reviewing authority is required for the following activities under this Code as long as the activities are conducted in compliance with applicable standards:

- A. Land uses, and any structures associated with or devoted to such uses, that are identified as allowed without a permit in the schedules of uses in Chapter III (Land Use Districts) or Chapter IV (Shoreland Zoning).
- B. Repair, maintenance, and improvement of a structure within the footprint of the structure, including insulation, plumbing, painting, re-roofing, and minor efficiency upgrades such as replacement doors or windows, but not replacement foundations. If in the shoreland zone, such activities must comply with Section II-4.G.
- C. Non-structural residential gardening, agricultural, and landscaping activities. If in the shoreland zone, such activities must comply with any applicable dimensional standards in Section III-3 and land use standards in Section IV-4.
- D. Non-structural use of land for agricultural or forestry purposes. If in the shoreland zone, such activities must comply with any applicable dimensional standards in Section III-3 and land use standards in Section IV-4. Note that forest management activities, including

timber harvesting activities, are regulated by the DACF Bureau of Forestry pursuant to 12 M.R.S.A. §§ 8866 *et seq.*

- E. Enclosure of a pasture or area with a fence.
- F. Outside of the shoreland zone, erection of free-standing structures that are accessory to residential uses, not more than 100 square feet in floor area, and not exceeding 10 feet in height.
- G. Outside of the shoreland zone, construction of farm or fire ponds. Note that a DEP NRPA permit may be required for such activities.
- H. Creation or conveyance of a lot that is not part of a subdivision, as defined in 30-A M.R.S.A. § 4401(4).
- I. Repair and maintenance of an existing road culvert, or replacement of an existing road culvert as long as (a) the replacement culvert is not more than 25% longer than the culvert being replaced and not longer than 75 feet, (b) erosion control measures are taken to prevent sedimentation of the affected water body, and (c) the culvert does not block fish passage. Ancillary culverting activities, including excavation and filling, are included in this exemption.
- J. Archaeological excavation, as long as the excavation is conducted by an archaeologist listed on Level 1 or Level 2 approved list in accordance with the State Historic Preservation Officer's Standards for Archaeological Work in Maine, 94-089 C.M.R. ch. 812, and adequate erosion control measures are taken to prevent sedimentation of any affected water body.
- K. Outside of the shoreland zone, outdoor storage or stockpiles of winter abrasives (sand and salt) used for the maintenance of private or public roads, except for any storage or stockpiles associated with mineral extraction.
- L. Replacement or reconstruction of damaged or destroyed public utility transmission and distribution lines and related equipment.

STATE LAW REFERENCE—30-A M.R.S.A. § 4401 (SUBDIVISIONS; DEFINITIONS); 38 M.R.S.A § 438-A (MANDATORY SHORELAND ZONING; MUNICIPAL AUTHORITY); 38 M.R.S.A. § 480-A *ET SEQ.* (NATURAL RESOURCES PROTECTION ACT); 94-089 C.M.R. CH. 812 (STATE HISTORIC PRESERVATION OFFICER'S STANDARDS FOR ARCHAEOLOGICAL WORK IN MAINE).

#### **Section I-5. Which Activities Require Permits or Approvals Under This Code?**

A written permit or written approval from the CEO or Planning Board is required before undertaking any of the following activities, unless the activity is listed as not requiring a permit in Section I-4:

- A. Erecting, altering, improving, renovating, enlarging, moving (including removing from, moving onto, or moving within a lot), or demolishing a structure, or any part of a structure.
- B. Establishing, changing, or expanding a land use.
- C. Renewing a discontinued nonconforming use.
- D. Creating a lot that is part of a subdivision or selling, leasing, developing, building upon, or conveying any land in a subdivision, as defined in 30-A M.R.S.A. § 4401(4).

- E. Land uses, and any structures associated with or devoted to such uses, that are identified as allowed with a permit in the schedules of uses in Chapter III (Land Use Districts) and Chapter IV (Shoreland Zoning).

Permits or approvals will be issued only if the reviewing authority determines that the application materials, plans, and proposed structures and uses comply with the requirements of this Code and any other applicable Town ordinances, regulations, and rules. Any permits required by this Code are in addition to any other permits or approvals required by other law, rule, or ordinance.

STATE LAW REFERENCE—30-A M.R.S.A. § 4401 (SUBDIVISIONS; DEFINITIONS).

#### **Section I-6. What Types of Permits or Approvals Are Required?**

- A. **Building Permits.** A building permit from the CEO is required before undertaking any of the following activities:
  - 1. Allowed Uses. Any use, and any structure associated with or devoted to such use, listed in the schedules of uses in Chapter III (Land Use Districts) or Chapter IV (Shoreland Zoning) as requiring a permit from the CEO.
  - 2. Site Plan Approvals. Any use, and any structure associated with or devoted to such use, that has been granted site plan approval pursuant to Chapter V (Site Plan Review).
- B. **Site Plan Approval.** Site plan approval from the CEO or Planning Board pursuant to Chapter V (Site Plan Review) is required before undertaking any of the following activities:
  - 1. Allowed Uses. Any use listed in the schedules of uses in Chapter III (Land Use Districts) or Chapter IV (Shoreland Zoning) as requiring site plan approval, any change of use to another land use category listed in the schedules of uses that requires site plan approval, and any expansion of any such use.
  - 2. Allowed Structures. Any structure associated with or devoted to a use listed in the schedules of uses in Chapter III (Land Use Districts) or Chapter IV (Shoreland Zoning) as requiring site plan approval, including the construction, alteration, or enlargement of any existing structure associated with or devoted to a use requiring site plan approval.
  - 3. Parking, Loading, Outdoor Display. The expansion of any parking, loading, outdoor display, or storage area of any nonresidential use.
  - 4. Amendments. Any modifications or changes to an approved site plan.
- C. **Subdivision Approval.** Subdivision approval from the Planning Board pursuant to Chapter VI (Subdivision Regulations) is required before selling, leasing, developing, building upon, or conveying for consideration any land in a subdivision, as defined in 30-A M.R.S.A. § 4401(4). Such activities may occur only after a final subdivision plan has been reviewed, approved, and endorsed by the Planning Board as required by Chapter VI (Subdivision Regulations), and an attested copy of the approved and endorsed plan has been recorded in the Cumberland County Registry of Deeds.

STATE LAW REFERENCE—30-A M.R.S.A. § 4401 (SUBDIVISIONS; DEFINITIONS).

#### **Section I-7. What Must Be Included in An Application for a Permit or Approval?**

Any application for a permit or approval required under this Code must be submitted in writing to the reviewing authority on forms provided by the Town for that purpose and signed and dated by the applicant. Each application must be accompanied by:

- A. The name, address, and telephone number of the applicant and the name, address, and telephone number of the property owner, if different from the applicant.
- B. A fee as provided in the *Town of Bridgton Uniform Fee Ordinance*.
- C. Except for building permit applications, proof of adequate technical and financial capacity to carry out the proposed activities in conformance with this Code.
- D. Proof that the applicant holds right, title, or interest in the property.
- E. If the applicant is not the property owner, a letter of authorization from the owner.
- F. A layout or plot plan drawn to scale showing, at minimum:
  - 1. The dimensions of the lot to be built upon and all roads on or adjacent to the lot;
  - 2. The location and size of all existing structures and other significant features of the lot;
  - 3. The exact size and location of all structures proposed to be erected, altered, enlarged, moved, or demolished;
  - 4. The existing and proposed use of each existing and proposed structure;
  - 5. Any areas within the shoreland zone, all water bodies and wetlands within 250 feet of the property boundaries, and all shoreline buffers;
  - 6. All maximum and minimum setback lines;
  - 7. All district boundaries, including shoreland zoning district boundaries;
  - 8. Where applicable, the location of floodplains and floodplain elevations; and
  - 9. Where applicable, the location of soil test pits, subsurface wastewater disposal systems, site drainage, parking lots, driveways, roads, signs, buffer strips, fences, and private wells.
- G. Copies of any notices required by this Code, including verification of mailing of notices to abutters and the Town Manager.
- H. If the property is not served by a public sewer and the nature of the proposal requires the installation of a subsurface wastewater disposal system, a valid plumbing permit or a completed application for a plumbing permit, including the subsurface wastewater disposal system application (HHE-200 form) approved by the local plumbing inspector.
- I. Any submission requirements specific to the type of permit or approval being sought, including the following:
  - 1. For building permit applications, a written statement and other evidence demonstrating that the proposal satisfies each of the review standards in Section VII-2.

2. For activities located in the shoreland zone that are allowed with a permit, pre-construction photographs of the shoreline vegetation and development site, and a written statement and other evidence demonstrating that the proposed activity satisfies the applicable dimensional requirements in Section III-3, each of the review criteria in Section IV-3, the applicable land use standards in Section IV-4, and the special exception requirements of Section IV-5, if applicable.
  3. For site plan applications, the application submission requirements identified in Chapter V (Site Plan Review).
  4. For subdivision applications, the application submission requirements identified in Chapter VI (Subdivision Regulations).
- J. Such other information as may be required by the reviewing authority to determine conformance with this Code.

STATE LAW REFERENCE—38 M.R.S.A. § 439-A(10) (PHOTOGRAPHIC RECORD REQUIRED).

**Section I-8. What Are the Procedures for Administering Permits and Approvals Under This Code?**

- A. **Dated Receipt—Subdivision Applications.** When a subdivision application is received, the reviewing authority will give a dated receipt to the applicant.
- B. **Completeness Review.** Within 30 days of the date of receiving a written application for a permit or approval, the reviewing authority must determine whether the application is complete for review. If the application is found incomplete, the reviewing authority must notify the applicant in writing and direct the applicant to submit any omitted or incomplete information within a specified period of time. If the omitted or incomplete information has not been submitted by then, the reviewing authority may return the application as incomplete and conclude its review. If the application is found complete for review, the reviewing authority must notify the applicant and begin its full evaluation of the proposal.
- C. **Written Decision.** The reviewing authority must issue a written decision to approve, approve with conditions, or deny each application for a building permit, shoreland zoning approval, site plan approval, or subdivision approval which is deemed complete for review.
1. **Decision; Time Limits—Subdivision Applications.** The Planning Board must issue a written decision on a subdivision application within 30 days of a public hearing or, if no hearing is held, within 60 days of finding the application complete for review.
- D. **Burden of Proof.** The applicant has the burden of proving, by demonstrable evidence, that a proposal complies with the requirements of this Code.
- E. **Access to and Display of Permits and Approvals.** The permit holder must have a copy of all written permits or approvals on site while the authorized work is performed. Building permits must be displayed conspicuously on or adjacent to the project site, must be clearly visible from the principal traveled road, and must remain displayed until the work is completed. A building permit issued for a mobile accessory structure will be assigned a number, which must be affixed in a visible and permanent location on the mobile accessory structure for identification purposes.

STATE LAW REFERENCE—30-A M.R.S.A. § 4403(3) (NOTICE OF SUBDIVISION APPLICATIONS).

#### **Section I-9. How Must an Applicant Give Notice to Abutting Property Owners?**

Whenever a provision of this Code requires the notification of owners of abutting properties of an application submission, public meeting, public hearing, site visit, or other filing or event, the following requirements apply unless otherwise specified:

- A. The applicant must send a notice, in form acceptable to the reviewing authority, to the owners of property located within 100 feet of the boundary of the lot affected by the proposal and to the Town Manager. The notice must contain a description of the application and sketch plan, together with the date, time, and location of any public meeting, public hearing, site visit, or other event (collectively, “Event”). The notice must be sent using certified mail, return receipt requested, at least 12 days before the date of the Event. For purposes of this Section I-9, the “owners of property” are the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, prepared by the Assessing Department and amended periodically, and available at the Town Office.
- B. In addition, for subdivision and site plan applications, the Town must send the notice described in subsection A, above, to (i) the municipal clerk and the reviewing authority of any municipalities that abut or include any portion of the subdivision or site plan, and (ii) the public drinking water supplier if the subdivision or site plan is within its source water protection area.

STATE LAW REFERENCE—30-A M.R.S.A. § 4403(3) (NOTICE OF SUBDIVISION APPLICATIONS).

#### **Section I-10. What Time Limits Apply to Work Authorized by a Permit or Approval?**

- A. **Substantial Start.** If the work authorized under a permit or approval is not substantially started within two years of the date of issuance of the permit or approval, the permit or approval lapses and becomes void.
- B. **Substantial Completion.** A permit or approval expires if the authorized work is not substantially completed within two years of the date of issuance of the permit or approval, except that a building permit expires if the authorized work is not substantially completed within one year of the date of issuance of the permit.
- C. **Conditions of Approval.** Notwithstanding subsections A and B, above, the Planning Board may condition its permits and approvals to require authorized work to be phased in or to set a longer or shorter timeframe for the substantial start or the substantial completion of the authorized work if the circumstances of a proposal so require.
- D. **Extensions.** The reviewing authority may grant a one-year time extension for a lapsed or expired permit or approval upon a showing of good cause by the permit holder. Extensions beyond one year require a new permit or approval and must comply with all applicable requirements in effect at that time.
- E. **Discontinuation of Use.** A permit or approval expires if the use for which the permit or approval was granted is discontinued for 12 or more consecutive months.
- F. **Expiration of Permits.** A permit has no expiration date, except that a large-scale water extraction site plan approval expires on the fifth anniversary of the issuance of approval.

#### **Section I-11. What Activities Require a Certificate of Occupancy?**

After a structure, or any part of a structure, has been constructed, erected, altered, improved, renovated, enlarged, relocated, or demolished and before a use has been initiated, changed, or expanded, a certificate of occupancy must be obtained from the CEO before occupancy or use. A certificate of occupancy is also required for:

- A. Any increase in the number of dwelling units in a structure or on a lot.
- B. The establishment or change of use of a home occupation.
- C. A change of use of a nonconforming structure or lot.
- D. Occupancy and use, or change of use, of vacant land.

#### **Section I-12. What Is the Process for Appealing a Decision of the CEO or Planning Board?**

- A. Any person aggrieved by a decision of the CEO or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.
  - 1. Notwithstanding subsection A, above, notices of violation, enforcement orders, suspensions or revocations of permits or approvals, written determinations of no violation, or any other enforcement decisions of the CEO are advisory only and may not be appealed.
- B. All appeals and requests for reconsideration must be accompanied by a fee as provided in the *Town of Bridgton Uniform Fee Ordinance*.
- C. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, are de novo. The CEO must transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based, which may be considered as evidence in the de novo proceeding. The Board of Appeals must conduct a public hearing at which all persons have the right to present additional testimony and documentary evidence. At the public hearing, any party has the right to cross-examine witnesses. The standard of review is whether, on the basis of the evidence before the Board of Appeals, the application complies with the requirements of the Code. The burden of proof is on the applicant for the permit or approval. The Board of Appeals has authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.
- D. Appeals from decisions of the Planning Board made after conducting a public hearing are purely appellate. The CEO must transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals must conduct a public proceeding at which all persons have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals may not permit the introduction of additional testamentary or documentary evidence. The standard of review is whether the decision of the Planning Board was arbitrary or capricious, based on error of law, or based on findings of fact not supported by substantial evidence in the record. The Board of Appeals has authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.



- E. The Board of Appeals may not continue a public hearing on an appeal to a future date except for good cause.
- F. The affirmative vote of no less than three members of the Board of Appeals is necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within 35 days of the close of the public hearing constitutes a denial of the appeal.
- G. Any aggrieved party may appeal a decision of the Board of Appeals to the Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. §§ 2691 and 4353, and Rule 80B of the Maine Rules of Civil Procedure.

STATE LAW REFERENCE—30-A M.R.S.A. § 2691 (BOARD OF APPEALS); 30-A M.R.S.A. § 4353 (ZONING ADJUSTMENT).

### **Section I-13. What is the Process for Seeking a Variance?**

- A. **Review Procedures.** Except as provided in subsection F, below, the Board of Appeals hears and decides variance requests in accordance with the following review procedures:
  1. **Variance Application.** An application for a variance must be submitted in writing to the Board of Appeals on forms provided by the Town for that purpose and signed and dated by the applicant. Each application must be accompanied by:
    - (a) A fee as provided in the *Town of Bridgton Uniform Fee Ordinance*.
    - (b) A written statement and other evidence demonstrating that the proposal satisfies each of the applicable standards in subsection B, C, D, or E.
  2. **Copy of Variance Application to DEP.** For any variance request within the shoreland zone, the Board of Appeals must forward a copy of each variance request, including the application and all supporting information supplied by the applicant, to the DEP Commissioner at least 20 days prior to action by the Board of Appeals. Any comments received from the DEP Commissioner prior to the action by the Board of Appeals must be made part of the record and must be considered by the Board of Appeals prior to taking action on the variance request.
  3. **Notice and Public Hearing.** The Board of Appeals must hold a public hearing on each variance request. The applicant must give notice of the public hearing in accordance with Section I-9. Failure of any property owner to receive a notice of the public hearing will not necessitate another public hearing or invalidate any action of the Board of Appeals.
  4. **Written Decision.** The Board of Appeals must state the reasons and basis for its decision in writing. The Board of Appeals must cause written notice of its decision to be mailed or hand-delivered within seven days of the decision to the applicant and, when a variance is issued for property located within shoreland zone, to the DEP Commissioner.
  5. **Certificate; Recording.** If the Board of Appeals grants a variance pursuant to this Section I-13, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title, and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, must be prepared in recordable form.

This certificate must be recorded by the applicant in the Cumberland County Registry of Deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval is the date stated on the written approval.

6. Conflict with State Law. In the event of a conflict between this Section I-13 and 30-A M.R.S.A. §§ 4353(4), 4353(5), or 4353-A, the state law provision controls.

B. **Undue Hardship.** The Board of Appeals may grant a variance if a proposed structure or use complies with all of the provisions of this Code except for the specific provisions from which relief is sought, and only when strict application of this Code to the applicant and the applicant's property would cause undue hardship. The term "undue hardship" as used in this subsection B means:

1. The land in question cannot yield a reasonable return unless a variance is granted;
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
3. The granting of the variance will not alter the essential character of the locality; and
4. The hardship is not the result of action taken by the applicant or a prior owner.

The establishment of a new use or the expansion of an existing use that is otherwise prohibited in the district in which the use is located is not allowed by variance.

C. **Variance from Dimensional Standards; Practical Difficulty.**

1. The Board of Appeals may grant a variance from the dimensional standards of this Code when strict application of the dimensional standards to the applicant and the applicant's property would cause a practical difficulty and when the following conditions exist:
  - (a) The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
  - (b) The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
  - (c) The practical difficulty is not the result of action taken by the petitioner or a prior owner;
  - (d) No other feasible alternative to a variance is available to the applicant;
  - (e) The granting of a variance will not unreasonably adversely affect the natural environment; and
  - (f) The property is not located in whole or in part within the shoreland zone.
2. As used in this subsection C:
  - (a) "Dimensional standards" means and is limited to those provisions of this Code relating to lot area, lot coverage, lot frontage, and setback requirements.

- (b) “Practical difficulty” means that the strict application of the dimensional standards of this Code to the property for which a variance is sought would preclude the ability of the applicant to pursue a use of the property which is allowed in the district in which the property is located and would result in significant economic injury to the applicant.
- (c) “Significant economic injury” means the value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

D. **Setback Variance for Single-family Dwellings.** The Board of Appeals may grant a variance from the minimum and maximum setback requirements of this Code for a single-family dwelling that is the primary year-round residence of the applicant only when the Board of Appeals determines that strict application of the Code to the applicant and the applicant’s property would cause an undue hardship. A variance granted under this subsection D may not exceed 20% of the applicable setback requirement and may not be granted if the variance would cause the area of the single-family dwelling to exceed the maximum lot coverage. For purposes of this subsection D, “undue hardship” means:

- 1. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- 2. The granting of a variance will not alter the essential character of the locality;
- 3. The hardship is not the result of action taken by the applicant or a prior owner;
- 4. The granting of the variance will not substantially reduce or impair the use of abutting property; and
- 5. The granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

E. **Disability Vehicle Storage Variance.** The Board of Appeals may grant a variance to an owner of a dwelling unit who resides in the dwelling unit and who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and no other purpose. The width and length of the structure may not be larger than two times the width and length of the noncommercial vehicle. The owner must submit proposed plans for the structure with the request for the variance pursuant to this subsection E to the Board of Appeals.

- 1. The person with the permanent disability must prove by a preponderance of the evidence that the person’s disability is permanent.
- 2. For purposes of this subsection E, “noncommercial vehicle” means a motor vehicle as defined in 29-A M.R.S.A. § 101(42) with a gross vehicle weight of no more than 6,000 pounds, bearing a disability registration plate issued pursuant to 29-A M.R.S.A. § 521, and owned by the person with the permanent disability.
- 3. The Board of Appeals may impose conditions on any variance granted under this subsection E.

4. All medical records submitted to the Board of Appeals and any other documents submitted for the purpose of describing or verifying a person's disability are confidential.

F. **CEO Authority to Issue Disability Structures Building Permit.** The CEO may issue a building permit to an owner of a dwelling unit for the purpose of making that dwelling unit accessible to a person with a disability who resides in or regularly uses the dwelling unit. If the building permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling unit by the person with the disability.

1. The CEO may impose conditions on the permit granted under this subsection F, including limiting the permit to the duration of the disability or to the time that the person with the disability lives in the dwelling unit.
2. All medical records submitted to the CEO and any other documents submitted for the purpose of describing or verifying a person's disability are confidential.
3. For purposes of this subsection F, the term "structures necessary for access to or egress from the dwelling unit" includes ramps and associated railings, walls, or roof systems necessary for the safety or effectiveness of the ramps.
4. Certificate; Recording. If the CEO issues a building permit under this subsection F, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title, and indicating the fact that a disability structures building permit, including any conditions on the permit, has been granted and that the permit is deemed to include a variance, and the date of the issuance, must be prepared in recordable form. This certificate must be recorded by the applicant in the Cumberland County Registry of Deeds within 90 days of the date of the issuance of the building permit or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the issuance of the building permit is the date stated on the building permit.

STATE LAW REFERENCE—30-A M.R.S.A. § 4353(4) (VARIANCE); 38 M.R.S.A. § 438-A(6-A) (VARIANCES IN THE SHORELAND ZONE).

#### **Section I-14. What is the Process for Seeking Waivers?**

Upon written request from an applicant, the Planning Board may grant the following waivers.

- A. **Submission Requirements.** The Planning Board may waive any of the submission requirements contained in this Code if it finds that: (i) due to special circumstances of the application, the information is not necessary for it to determine compliance with the standards governing its review of the application; and (ii) granting a waiver would not adversely affect abutting properties or the general health, safety, and welfare of the residents of the Town and would be consistent with federal and state law.
- B. **Site Plan Review.** The Planning Board may modify or waive any of the review criteria contained in Chapter V (Site Plan Review) if it finds that: (i) due to special circumstances of the site, the standards are not applicable or would be an unnecessary burden upon the applicant; and (ii) granting a waiver would not adversely affect abutting properties or the general health, safety, and welfare of the residents of the Town.

- C. **Subdivisions.** Where the Planning Board finds that extraordinary and unnecessary hardship may result from strict compliance with the regulations contained in Chapter VI (Subdivision Regulations), or where there are special circumstances of a particular plan, the Planning Board may waive any of the regulations contained in Chapter VI (Subdivision Regulations) as long as such waiver would not be contrary to law or have the effect of nullifying the purpose of this Code, the *Town of Bridgton Comprehensive Plan*, or any other ordinance. In granting a waiver, the Planning Board must require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived.

## CHAPTER II. NONCONFORMING USES, STRUCTURES, AND LOTS

### Section II-1. Purpose

It is the intent of this Chapter that all nonconforming conditions comply with this Code over time. Nonconforming conditions that legally existed before the effective date of the provisions of this Code, or that are created by amendments to this Code, are allowed to continue if they comply with the requirements in this Chapter II (Nonconforming Uses, Structures, and Lots).

### Section II-2. General

- A. **No Greater Nonconformity.** Except as otherwise expressly provided in this Chapter II (Nonconforming Uses, Structures, and Lots), a nonconforming condition may not become more nonconforming.
- B. **Conversion to Conformity.** Once converted to a conforming condition, a lot, structure, or use may not revert to a nonconforming condition.
- C. **Prohibited Nonconformity.** A nonconformity not expressly allowed by this Chapter II (Nonconforming Uses, Structures, and Lots) is prohibited and must cease or be corrected immediately.
- D. **Burden of Proof.** The burden of establishing that a nonconformity is legally existing rests on the owner of such nonconformity and not upon the Town or any reviewing authority.
- E. **Transfer of Ownership.** Legally existing nonconforming uses, structures, or lots may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Chapter II (Nonconforming Uses, Structures, and Lots).

### Section II-3. Nonconforming Uses

The nonconforming use of a structure or lot, or any portion of a structure or lot, may be continued but only in strict compliance with the following requirements:

- A. **Actual and Substantial Use.** A use is nonconforming if (i) the use existed prior to the enactment of the Code provision that restricts or prohibits the use; (ii) the preexisting use was actual and substantial, as demonstrated by substantial investment in the use or substantial financial loss if the use is discontinued; and (iii) the nonconforming use reflects the original nature and purpose of the preexisting use, is not different in quality or character as well as in degree of the preexisting use, and is not different in kind in its effect on the neighborhood where it is located.
- B. **Expansion of Nonconforming Use—Outside Shoreland Zone.** Outside of the shoreland zone:
  - 1. A nonconforming use may be expanded within the boundaries of a lot if the expanded use complies with dimensional standards to the greatest extent practicable, as determined by the CEO, except as provided in subsection B.2, below.

2. A nonconforming use may be expanded within one or more existing residential structures located on an existing lot if the residential structures comply with the minimum and maximum setback requirements of this Code to the greatest extent practicable, as determined by the CEO.
- C. **Expansion of Nonconforming Use—Within Shoreland Zone.** Within the shoreland zone, the expansion of a nonconforming use is prohibited except that a nonconforming residential use may be expanded within one or more existing residential structures or within any expansions of such structures allowed pursuant to Section II-4.C. For purposes of this subsection C, and notwithstanding the definition of expansion in Section IX-3, “expansion” means an enlargement in the footprint, floor area, or ground area devoted to a use; a change in the location of a use; or the addition of one or more months to a use’s operating season.
- D. **Resumption Prohibited.** Except as provided in subsection E, below, if a nonconforming use ceases or is discontinued for any reason for a period of 12 or more consecutive months, any subsequent use must comply with the requirements of this Code in all respects. The Planning Board may, for good cause shown by the applicant, grant up to a 12-month extension to that time period. If a nonconforming use is superseded by a conforming use for any period of time, the prior nonconforming use must not be resumed.
- E. **Resumption of Nonconforming Residential Uses.** A nonconforming residential use on a lot may resume if it is discontinued for any reason for a period of 12 or more consecutive months, but not more than a period of five years, as long as the residential structures on the lot comply with the minimum and maximum setback requirements of this Code to the greatest extent possible, as determined by the CEO.
- F. **No Change of Nonconforming Use.** Except as provided in subsection G, below, a nonconforming use may not be changed to another nonconforming use.
- G. **Change of Use of a Nonconforming Structure in the Shoreland Zone.** The use of a nonconforming structure located in the shoreland zone may be changed to another use if the Planning Board, after receiving a written application, finds that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, on the subject property and resources, or on adjacent properties and resources than the existing use.

In finding that no greater adverse impact will occur, the Planning Board must require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, commercial fishing, and other functionally water-dependent uses.

38 M.R.S.A. § 435 *ET SEQ.* (MANDATORY SHORELAND ZONING); 06-096 C.M.R. CH. 1000 (GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES).

#### **Section II-4. Nonconforming Structures**

A nonconforming structure may be continued, but only in strict compliance with the following requirements:

- A. **Repair, Maintenance, and Improvement.** A nonconforming structure may be maintained, repaired, and improved within the footprint of the structure as it existed at the time the structure became nonconforming.

- B. **Expansion of Nonconforming Structure—Outside Shoreland Zone.** A nonconforming structure located outside of the shoreland zone may be added to or expanded only if:
1. The addition or expansion satisfies all applicable dimensional standards, including height limits and setback requirements, of the district in which the structure is located;
  2. The addition or expansion results in no new nonconforming conditions; and
  3. The addition or expansion does not cause or worsen safety problems (including reduction of sight distances from driveways, entrances, or intersections) and does not increase any adverse impact on adjacent properties.
- C. **Expansion of Nonconforming Structure—Within Shoreland Zone.** A nonconforming structure located in the shoreland zone may be added to or expanded as follows:
1. All new principal and accessory structures, excluding functionally water-dependent uses, must comply with the minimum shoreland setback requirements in Section III-3.B. A nonconforming structure may be added to or expanded after obtaining a permit from the same reviewing authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and complies with subsections C.1.(a) and C.1.(b), below.
    - (a) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the minimum shoreland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the minimum shoreland setback requirement.
    - (b) Notwithstanding subsection C.1.(a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable standards are met and the expansion is not prohibited by subsection C.1:
      - i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
    - (c) All other legally existing nonconforming principal and accessory structures that do not comply with the minimum shoreland setback requirements may be expanded or altered as follows, as long as other applicable standards are met and the expansion is not prohibited by subsections C.1 or C.1.(a), above:



- i. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint of all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
    - ii. For structures located less than 100 feet from the normal high-water line of a great pond or a river flowing to a great pond, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must comply with the footprint and height limits in subsections C.1.(b).(i) and C.1.(c).(i), above.
    - iii. In addition to the limitations in subsections C.1.(c).(i) and C.1.(c).(ii), above, for structures that are legally nonconforming due to their location within the RP district when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the RP district was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must comply with the footprint and height limits in subsections C.1.(b).(i) and C.1.(c).(i), above.
  - (d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant in the Cumberland County Registry of Deeds within 90 days of approval. The recorded plan must show the existing and proposed footprint of the nonconforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zoning district boundary, and evidence of approval by the review authority.
- D. **Foundations—Within Shoreland Zone.** Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure located in the shoreland zone, the structure and new foundation must be placed such that the minimum shoreland setback is met to the greatest extent possible, as determined by the reviewing authority, basing its decision on the considerations specified in the definition of “greatest extent possible.”

- E. **Relocation.** A nonconforming structure may be relocated within the boundaries of the lot on which the structure is located as long as (i) the site of relocation complies with all setback requirements to the greatest extent possible as determined by the reviewing authority, and (ii) the existing subsurface wastewater disposal system or replacement system, if any, complies with the requirements of the state wastewater disposal rules. In no circumstance may a structure be relocated in a manner that causes the structure to be more nonconforming.
1. In determining whether the relocation of a structure complies with setback requirements to the greatest extent possible, the Planning Board must base its decision on the considerations specified in the definition of “greatest extent possible.”
  2. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board must require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section IV-4.R (Revegetation Requirements). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting must comply with the following provisions:
    - (a) Trees removed to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree may make up more than 50% of the number of trees planted. Replaced trees must be planted no farther from the water body or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be reestablished. An area at least the same size as the area where vegetation and ground cover was disturbed, damaged, or removed must be reestablished within the minimum shoreland setback area. The vegetation and ground cover must consist of similar native vegetation and ground cover that was disturbed, damaged, or removed.
    - (b) Where feasible, when a structure is relocated on a parcel, the original location of the structure must be replanted with vegetation which may consist of grasses, shrubs, or trees.
- F. **Reconstruction or Replacement—Outside Shoreland Zone.** A nonconforming structure located outside of the shoreland zone that is removed, demolished, damaged, or destroyed, regardless of the cause, may be reconstructed or replaced within the footprint of the structure as it existed immediately prior to the event of destruction. Reconstruction or replacement of the structure must commence within two years of the event of removal, demolition, destruction, or damage; otherwise, the reconstructed or replacement structure must comply with all requirements of the district in which the structure is located. In no case may a structure be reconstructed or replaced so as to increase its nonconformity. A structure reconstructed or replaced pursuant to this subsection F may be added to or expanded pursuant to subsection B, above.

**G. Reconstruction or Replacement—Within Shoreland Zone.**

1. A nonconforming structure in the shoreland zone that is located less than the required setback from a water body, tributary stream, or wetland that is removed, damaged, or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such removal, damage, or destruction may be reconstructed or replaced as long as (i) a permit is obtained within 18 months of the date of the removal, damage, or destruction and (ii) such reconstruction or replacement is in compliance with the minimum shoreland setback requirement to the greatest extent possible, as determined by the Planning Board.
2. In no case may a structure be reconstructed or replaced so as to increase its nonconformity.
3. If the reconstructed or replacement structure is less than the required setback it must not be any larger than the original structure, except as allowed pursuant to subsection C.1, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure may be replaced or constructed at less than the setback requirement for a new structure.
4. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation must be replanted in accordance with subsection E (Relocation).
5. A nonconforming structure that is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the CEO within one year of such damage, destruction, or removal.
6. In determining whether the reconstruction or replacement complies with the setback to the greatest extent possible, the Planning Board must base its decision on the considerations specified in the definition of “greatest extent possible,” as well as the physical condition and type of foundation present, if any.

STATE LAW REFERENCE—38 M.R.S.A. § 435 *ET SEQ.* (MANDATORY SHORELAND ZONING); 06-096 C.M.R. CH. 1000 (GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES); 10-144 C.M.R. CH. 241 (MAINE SUBSURFACE WASTEWATER DISPOSAL RULES).

**Section II-5. Nonconforming Lots**

- A. **Nonconforming Lots.** A nonconforming lot of record may be built upon, without the need for a variance, if the lot is in separate ownership and not contiguous with any other lot in the same ownership, and if all provisions of this Code except the minimum lot size, lot frontage, and shore frontage requirements can be met.
- B. **Merger of Contiguous Lots, Vacant or Partially Built.** Two or more nonconforming lots of record that are in or become under single or joint ownership of record must be consolidated to form a single lot if:

1. At least one of the lots is nonconforming with respect to lot size; and
  2. At least one of the lots is vacant or does not have a principal structure.
- C. **Merger of Contiguous Lots, with Principal Structure.** One or more nonconforming vacant lots of record adjoining a lot in single or joint ownership of record that contains a principal structure must be consolidated so as to bring the nonconforming vacant lot into conformity to the greatest extent possible.
- D. **Re-division.** Lots consolidated by operation of subsections B or C, above, may be re-divided if:
1. As a result of the re-division, no lot is smaller than the minimum lot size required by the district in which the lot is located; and
  2. No lot becomes nonconforming in any respect to the dimensional standards of the district in which the lot is located.
- E. **Multiple Principal Structures on Single Lot.** If two or more principal structures exist on a single lot of record, each may be transferred or sold on a separate lot of record, as long as the separate lots are each in compliance with all applicable setback requirements, the state minimum lot size law, and the state wastewater disposal rules.
- F. **Contiguous Subdivision Lots.** The lot merger provisions in subsections B and C, above, do not apply to two or more nonconforming lots that are in single or joint ownership of record in an approved subdivision.
- G. **Merger of Contiguous Lots—Within Shoreland Zone.** The lot merger provisions in subsections A and B, above, do not apply to lots in the shoreland zone. The following lot merger provisions apply in the shoreland zone:
1. **Contiguous Built Lots.** If two or more contiguous lots are in a single or joint ownership of record on June 12, 1996, if all or part of the lots do not comply with the dimensional standards of this Code, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, as long as the lots comply with the state minimum lot size law and the state wastewater disposal rules.  
  
If two or more principal uses or structures existed on a single lot of record on June 12, 1996, each may be sold on a separate lot as long as each lot complies with the state minimum lot size law and the state wastewater disposal rules. When such lots are divided, each lot thus created must conform to the dimensional standards of this Code to the greatest extent possible.
  2. **Contiguous Lots, Vacant or Partially Built.** If two or more contiguous lots or parcels are in single or joint ownership of record on June 12, 1996, if any of these lots do not individually comply with the dimensional standards of this Code and if one or more of the lots are vacant or contain no principal structure, the lots must be combined to the extent necessary to comply with the dimensional standards.  
  
This provision does not apply to two or more contiguous lots, at least one of which is nonconforming, owned by the same person on June 12, 1996, and recorded in the Cumberland County Registry of Deeds as long as the lot is served by a public sewer or can accommodate a subsurface wastewater disposal system in compliance with the state wastewater disposal rules and:

- (a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- (b) Any lots that do not comply with the shore frontage and lot size requirements of subsection G.2.(a), above, are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area.

STATE LAW REFERENCE—12 M.R.S.A. § 4807 *ET SEQ.* (MINIMUM LOT SIZE); 38 M.R.S.A §§ 435-448 (MANDATORY SHORELAND ZONING); 06-096 C.M.R. CH. 1000 (GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES); 10-144 C.M.R. CH. 241 (MAINE SUBSURFACE WASTEWATER DISPOSAL RULES).

#### **Section II-6. Lots in Two Municipalities**

When a lot is transected by a municipal boundary, this Code applies only to that portion of the lot located in the Town.

## CHAPTER III. LAND USE DISTRICTS

### Section III-1. Land Use Districts

- A. **Land Use Districts Established.** To implement the provisions of this Chapter III (Land Use Districts), the Town is divided into the following land use districts:

Land Use District Symbol	Land Use District Name	Characteristics	Comprehensive Plan Land Use Designation (for historical reference)
DVB-I	Downtown Village Business I District	Village commercial, high-density growth area; business, retail, and entertainment uses; pedestrian-oriented with historic buildings	Downtown Village Business District
DVB-II	Downtown Village Business II District	Low-density mixed use transition to downtown	Downtown Village Business District
DVN	Downtown Village Neighborhood District	Designated growth area; residential and historic areas	Downtown Village Neighborhood
IC	Inner Corridor District	Designated growth area for mixed-use development	Inner Corridor
OC	Outer Corridor District	Highway auto-oriented mixed use, transitional area	Outer Corridor
MUC	Mixed Use Corridor District	Low-density, mixed-use development along rural highway	Version of Outer Corridor
LN	Lakeside Neighborhood District	Primarily low-density single-family homes oriented toward a lake	Lakeside Neighborhood
OV	Outer Village District	Village nodes providing transition to rural areas	Outer Village
RN	Rural Neighborhood District	Low-density residential areas	Rural Neighborhood

- B. **Official Land Use District Maps.** The location and boundaries of the land use districts are established as depicted on the Official Land Use District Maps for the Town, which are made part of this Code and attached as Appendix A. The Official Land Use District Maps are certified by the attested signature of the Town Clerk and are on file with the Town Clerk.
- C. **Relationship to Shoreland Zoning.** Shoreland zoning districts, as established by Section IV-1.B and depicted on the Official Shoreland Zoning Maps, are overlay districts. Accordingly, uses, structures, and lots located in the shoreland zone are also located in one or more land use districts.

**D. Interpretation of Land Use District Boundaries.**

1. Boundaries indicated as approximately following the center lines of roads, highways, public utilities, or rights-of-way follow such center lines.
2. Boundaries indicated as approximately following established lot lines or Town boundaries follow such lines.
3. Boundaries indicated as approximately following shorelines of any water body follow the normal high-water line of the water body. Boundaries indicated as approximately following the thread of a stream follow the lower edge of the stream. Boundaries indicated as approximately following the edge of a wetland follow the upland edge of the wetland.
4. Boundaries indicated as being parallel to or extensions of any of the features listed in subsections D.1, D.2, or D.3, above, are so construed.
5. Distances not specifically indicated on the Official Land Use District Maps are determined by the scale of the maps.
6. Any conflict between the Official Land Use District Maps and a description by metes and bounds is resolved in favor of the description by metes and bounds.
7. The CEO has the initial authority to interpret the Official Land Use District Maps and the location of land use district boundaries. Any minimum shoreland setback must be determined by actual site measurement. Where physical or natural features existing on the ground are at variance with those shown on the Official Land Use District Maps or in other circumstances where the CEO cannot definitely determine the location of a district boundary by the rules in this subsection D, the CEO may refer the matter to the Board of Appeals. Referrals of the CEO and appeals from boundary interpretation decisions of the CEO are de novo. The Board of Appeals is the final administrative authority as to the location of district boundaries.

**E. Description and Purpose of Land Use Districts**

1. Downtown Village Business District I (DVB-I). Refer to Official Land Use District Map for this district in Appendix A, Map 3 of 11.
  - (a) *Description*. The DVB-I district encompasses Bridgton's traditional downtown along its Main Street and includes Depot Street and the Post Office block. In this area are located Town government uses including police and fire departments; the District Court; public services such as the Bridgton Public Library and Bridgton Community Center; parks; retail, professional, and service businesses, including restaurants and bars; along with single family homes and apartments. Pondicherry Park lies in the center of Town along Stevens Brook. Both on-street and off-street parking are available.
  - (b) *Purpose*. The purpose of the DVB-I district is to achieve a lively, highly functional downtown supporting an intentional mix of retail, office, institutional, and residential uses at relatively high densities. The rehabilitation of older buildings is encouraged. Businesses are encouraged to remain as unique, independent enterprises offering complementary yet diverse goods and services appealing to both residents

and visitors. The scale, pattern, and character of Bridgton's historic town center should be maintained. While commercial use of the ground floor is required, second story residential use is permitted and encouraged.

2. Downtown Village Business District II (DVB-II). Refer to Official Land Use District Map for this district in Appendix A, Map 4 of 11.
  - (a) *Description*. The DVB-II district, located at the edges of the downtown along Portland Road, Harrison Road, and North High Street, creates a transition into Bridgton's downtown, where the traffic slows and the road character changes.
  - (b) *Purpose*. The purpose of the DVB-II district is to maintain the historic pattern while enriching the experience for people coming into Town. The enhancement of pedestrian activity from and to the downtown, the residential neighborhoods, and into outlying districts is a major goal for development in this area. Rehabilitation of existing buildings is encouraged, and new construction should respect the existing scale location, and massing of adjacent buildings and driveways so as to limit clutter and driver confusion. New development should seek to combine driveways, signage and parking wherever possible.
3. Downtown Village Neighborhood District (DVN). Refer to Official Land Use District Map for this district in Appendix A, Map 5 of 11.
  - (a) *Description*. The DVN district includes historically residential areas surrounding Bridgton's historic downtown, having a mixture of classic New England homes, converted multifamily dwellings, and single-family homes.
  - (b) *Purpose*. The purpose of the DVN district is to retain and expand the residential opportunities within walking distance to the downtown. Permitted uses include mixed density residential, low impact community services, and appropriately scaled home-based business uses suitable for a central business area and mixed-use village.
4. Inner Corridor District (IC). Refer to Official Land Use District Map for this district in Appendix A, Map 6 of 11.
  - (a) *Description*. The IC district is the area between the historic business districts and the more rural OC and MUC districts, encompassing lots fronting Portland Road (Route 302) from near Willett Road south to near Sandy Creek Road. This area is served by water and sewer.
  - (b) *Purpose*. The IC district is a growth area. New development and expansion of existing development should utilize shared entrances and parking, connecting sidewalks, lighting, and signage, and should provide for the installation and maintenance of active and passive green space. Flexible design for modern business development is encouraged to limit clutter and driver confusion. A mix of uses at higher densities is intended to allow residential, commercial, recreation, and employment uses in proximity to each other.



5. Outer Corridor District (OC). Refer to Official Land Use District Map for this district in Appendix A, Map 7 of 11.
  - (a) *Description*. The OC district is characterized by scenic highway approaches into Bridgton from Naples to the south, encompassing lots fronting Portland Road (Route 302) from near Sandy Creek Road to the Naples town line. This section of Route 302 lends residents, visitors, and passers-through an appealing vision of rock outcroppings, woods, and swamps, with a smattering of residences, businesses, and side roads along the way.
  - (b) *Purpose*. The OC district offers a transitional area supporting a wide range of uses, at medium and low densities, with requirements to balance development with open space. To minimize conflicts between large-scale development and single-family dwellings, larger scale multi-family housing is encouraged in this district. Buffer and landscape requirements are intended to preserve the natural wooded vistas along the corridor into town. Side road access, shared entries, and rear access roads are all required in order to accommodate the higher speed of travel.
6. Mixed Use Corridor District (MUC). Refer to Official Land Use District Map for this district in Appendix A, Map 8 of 11.
  - (a) *Description*. The MUC district extends along Route 302 west to the Fryeburg town line, along Route 117 north to the Harrison town line and along Route 117 south to the Denmark town line. The MUC district contains extensive rural areas, with some existing residential and commercial uses.
  - (b) *Purpose*. The purpose of the MUC district is to encourage an appropriate mix of low-impact commercial and recreational uses along with continued residential development, and to preserve the overall rural and scenic characteristics of this district.
7. Lakeside Neighborhood District (LN). Refer to Official Land Use District Map for this district in Appendix A, Map 9 of 11.
  - (a) *Description*. The LN district includes the mostly residential areas that surround Bridgton's lakes. Along with all properties in the shoreland zone, this district also includes land and development outside of the shoreland zone, including lake associations and their roads as they abut other districts. There are many seasonal businesses, including summer camps, campgrounds, and lodging, in this district.
  - (b) *Purpose*. The purpose of the LN district is to protect access for residents while also protecting lakes from excessive development activity and supporting the continued use of seasonal businesses located this district. New construction should be compatible with adjacent structures. Special care should be taken to protect existing native vegetation in these critical watershed areas.

8. Outer Village District (OV). Refer to Official Land Use District Map for this district in Appendix A, Map 10 of 11.
  - (a) *Description*. The OV district includes areas of the community that are largely settled around a central node and are suitable for medium density development not requiring expansion of municipal facilities. These areas do not include significant agricultural production, natural resources, or large areas of undivided and undeveloped land. The areas of North Bridgton and South Bridgton located along and off the highway corridors each have their own distinct history and identity.
  - (b) *Purpose*. The OV district represents the small village nodes, where residential density has developed over time. The purpose of this district is to protect special and historic neighborhood features and identities, and support small, compatible, community-serving businesses. These neighborhoods provide limited suburban or rural residential development opportunities as a transition to rural areas.
9. Rural Neighborhood District (RN). Refer to Official Land Use District Map for this district in Appendix A, Map 11 of 11.
  - (a) *Description*. The RN district reflects the countryside of Bridgton's village and rural development pattern. It encompasses the large majority of Bridgton's land, is the largest district, and is home to a majority of its residents.
  - (b) *Purpose*. The purpose of the RN district is to protect the rural character and natural beauty of these areas, while supporting low-density residential development at no more than one unit per two acres. Cluster housing development, allowing smaller lots or condominium clusters to occupy a percentage of the land in order to preserve open space and environmental features, is encouraged. Small-scale, low intensity, rural-serving commercial and agricultural uses should be located at intersections of arterial roads or major crossroads.

STATE LAW REFERENCE—30-A M.R.S.A. § 4352(3) (ZONING MAP REQUIRED).

### Section III-2. Schedule of Uses

- A. **Symbols Used in the Schedule of Uses.** The symbols contained in the schedule of uses in subsection B, below, have the following meanings:

1. Land Use District Symbols

DVB-I Ground Story	Downtown Village Business District I—Ground Story
DVB-I Upper Stories	Downtown Village Business District I—Upper Stories
DVB-II	Downtown Village Business District II
DVN	Downtown Village Neighborhood District
IC	Inner Corridor District
OC	Outer Corridor District
MUC	Mixed Use Corridor District
LN	Lakeside Neighborhood District
OV	Outer Village District
RN	Rural Neighborhood District

2. Permit Symbols

Yes	The use, and any structures associated with or devoted to such use, is allowed without a permit
P	The use, and any structures associated with or devoted to such use, is allowed with a building permit from the CEO
S	The use, and any structures associated with or devoted to such use, is allowed with site plan approval from the Planning Board or the CEO
No	The use, and any structures associated with or devoted to such use, is prohibited
1, 2, 3, etc.	Numbers adjacent to letter symbols refer to notes at the end of the schedule of uses containing additional requirements and conditions

**B. Schedule of Uses.**

LAND USE CATEGORY	DVB-I Ground Story <sup>1</sup>	DVB-I Upper Stories <sup>2</sup>	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
Accessory Use <sup>3</sup>	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S
Agriculture, Commercial <sup>4</sup>	No	No	No	No	P	P	P	No	No	P
Agriculture, Eco-Tourism	No	No	No	No	No	No	P	P	P	P
Agriculture, Noncommercial	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Agriculture, Piggery	No	No	No	No	No	No	No	No	No	S
Agriculture, Poultry	No	No	No	No	No	No	No	No	No	S
Agriculture, Products Processing	No	No	No	No	No	S	S	No	No	S
Ambulance Service	No	No	No	No	S	S	S	No	S	S
Animal Shelter	No	No	No	No	S	S	S	No	No	S
Aquaculture	No	No	No	S	S	S	S	No	No	No
Assisted Living Facility	No	No	No	S	S	S	S	No	No	S
Auction / Auction House	No	No	No	No	S	S	S	No	S	S
Auto Repair Service	No	No	No	No	S	S	S	No	No	No
Auto Sales and Service	No	No	No	No	S	S	S	No	No	No
Auto Washing Service	No	No	No	No	S	S	S	No	No	No

<sup>1</sup> If a structure is composed of a single story, the uses listed as allowed in the DVB-I Upper Stories column of the schedule of uses are also uses allowed within the DVB-I Ground Story as long as (i) the uses are not clearly visible from any public lot line, and (ii) one or more of the uses listed as allowed in the DVB-I Ground Story column occupies a portion of the ground story that is most proximate to and visible from any public lot line.

<sup>2</sup> The uses listed as allowed in the DVB-I Upper Stories column of the schedule of uses are also allowed within the roof of any structure where the roof is configured as a half-story.

<sup>3</sup> Accessory uses, and any structures associated with such uses, are allowed with a permit from the reviewing authority designated to review the principal use in this schedule of uses.

<sup>4</sup> Principal structures other than a barn or stable are allowed with site plan approval from the Planning Board.

LAND USE CATEGORY	DVB-I Ground Story <sup>1</sup>	DVB-I Upper Stories <sup>2</sup>	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
Bank	S	S	No	No	S	S	S	No	S	No
Bar / Tavern / Cocktail Lounge	S	S	S	No	S	S	S	No	S	No
Bed and Breakfast / Small Inn	S	S	S	S	S	S	S	S	S	S
Boarding House	P	P	P	P	P	No	P	No	P	P
Boarding Kennel	No	No	No	No	S	S	S	No	No	S
Boat Launching Facility	No	No	No	No	No	No	No	S	No	No
Boat Sales, Service and Storage, Indoor	No	No	No	No	S	S	S	S	No	S
Boat Sales Service and Storage, Outdoor	No	No	No	No	S	S	S	S	No	S
Brewery / Distillery / Winery	S	S	S	No	S	S	S	No	S	No
Building Materials Yard	No	No	No	No	No	S	S	No	No	S
Campground	No	No	No	No	No	No	S	S	No	S
Cemetery	No	No	No	No	No	P	P	P	No	P
Children's Summer Camp	No	No	No	No	No	No	S	S	No	S
Communication Service	No	No	No	No	S	S	S	No	No	S
Community Center	S	S	S	No	S	S	S	S	S	S
Community Garden	No	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes
Day Care Facility	No	No	S	No	S	S	S	S	S	S
Dwelling, Above Commercial	No	P	P	P	P	No	P	P	P	P

LAND USE CATEGORY	DVB-I Ground Story <sup>1</sup>	DVB-I Upper Stories <sup>2</sup>	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
Dwelling, Attached In-law Apartment	No	P	P	P	P	P	P	P	P	P
Dwelling, Detached In-law Apartment	No	No	No	P	P	P	P	P	P	P
Dwelling, Multi-family	No	S	S	S	S	S	S	S	S	S
Dwelling, Single-family	No	P	P	P	P	P	P	P	P	P
Dwelling, Two-family	No	P	P	P	P	P	P	P	P	P
Education Facility	S	S	S	No	S	S	S	No	S	S
Equestrian Facility	No	No	No	No	No	S	S	No	No	S
Equipment Rental Service	No	No	No	No	S	S	S	No	No	No
Essential Services	S	S	S	S	S	S	S	S	S	S
Farmers Market / Farm Stand <sup>5</sup>	S	No	S	No	S	S	S	No	S	S
Firewood Processing and Sales	No	No	No	No	S	S	S	No	No	S
Forest Management Activities / Timber Harvesting Activities <sup>6</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fuel Storage Depot, Bulk	No	No	No	No	No	S	S	No	No	No
Function Hall / Lodge / Clubhouse	No	No	S	No	S	S	S	No	S	S
Funeral Home	S	S	S	No	S	S	S	No	S	No
Garden Materials Yard	No	No	No	No	S	S	S	No	No	S
Gas Station	No	No	No	No	S	S	S	No	No	No

<sup>5</sup> Farm stands are allowed with a building permit from the CEO.

<sup>6</sup> Forest management activities, including timber harvesting activities, are regulated by the DACF Bureau of Forestry pursuant to 12 M.R.S.A. §§ 8866 *et seq.*

LAND USE CATEGORY	DVB-I Ground Story <sup>1</sup>	DVB-I Upper Stories <sup>2</sup>	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
General Contractor Yard <sup>7</sup>	No	No	No	No	No	S	S	No	No	S
Governmental and Institutional	S	S	S	S	S	S	S	S	S	S
Group Home, Large	No	No	No	No	S	No	S	No	No	S
Group Home, Small	No	No	P	P	P	No	P	P	P	P
Health Institution	No	No	No	No	S	S	S	No	No	S
Home Occupation	P	P	P	P	P	P	P	P	P	P
Hospice Facility	No	No	No	No	S	S	S	S	S	S
Hotel / Large Inn	S	S	S	No	S	S	S	S	S	No
Laundry Service	No	No	No	No	S	S	S	No	S	No
Liquor Store	S	No	S	No	S	S	S	No	No	No
Live Theater / Music / Entertainment	S	No	S	No	S	S	S	S	S	S
Livestock, Personal Use	No	No	No	No	No	Yes	Yes	Yes	No	Yes
Manufacturing, Heavy	No	No	No	No	No	S	S	No	No	No
Manufacturing, Light	No	S	No	No	S	S	S	No	No	S
Marijuana Establishment, Medical Marijuana Registered Dispensary	No	No	No	No	S	S	No	No	No	No
Marijuana Establishment, Medical Marijuana Large-Scale Caregiver Operation	No	No	No	No	S	S	No	No	No	No
Marijuana Establishment, Medical Marijuana Multiple Registered Caregiver Facility	No	No	No	No	S	S	No	No	No	No

<sup>7</sup> Temporary storage of materials and equipment on site of a construction project is allowed without a permit.

LAND USE CATEGORY	DVB-I Ground Story <sup>1</sup>	DVB-I Upper Stories <sup>2</sup>	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
Marijuana Establishment, Medical Marijuana Caregiver Retail Store	No	No	No	No	S	S	No	No	No	No
Marijuana Establishment, Medical Marijuana Inherently Hazardous Substances Extraction Operation	No	No	No	No	S	S	No	No	No	No
Marijuana Establishment, Medical Marijuana Testing Facility	No	No	No	No	S	S	No	No	No	No
Marijuana Establishment, Adult Use Marijuana Cultivation Facility	No	No	No	No	S	S	No	No	No	No
Marijuana Establishment, Adult Use Marijuana Store	No	No	No	No	S	S	No	No	No	No
Marijuana Establishment, Adult Use Marijuana Products Manufacturing Facility	No	No	No	No	S	S	No	No	No	No
Marijuana Establishment, Adult Use Marijuana Testing Facility	No	No	No	No	S	S	No	No	No	No
Marijuana Home Cultivation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Marina	No	No	No	No	No	No	No	S	No	No
Mass Gathering	S	No	S	No	S	S	S	S	S	S
Medical Marijuana Small-Scale Caregiver Operation	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Midway / Fair	S	No	S	No	S	S	S	No	S	S
Mineral Extraction <sup>8</sup>	No	No	No	No	No	No	S	No	No	S

<sup>8</sup> Mineral extraction is allowed with a building permit from the CEO if (i) the mineral extraction area contains less than two acres, and (ii) no more than 1,500 cubic yards of material are removed, handled, or processed within any 12-month period.



LAND USE CATEGORY	DVB-I Ground Story <sup>1</sup>	DVB-I Upper Stories <sup>2</sup>	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
Minimart	No	No	No	No	S	S	S	No	No	No
Mobile Home Park	No	No	No	No	No	No	S	No	No	S
Mobile Temporary Vendor	P	No	P	No	P	P	P	No	P	No
Motel	No	No	S	No	S	S	S	S	S	No
Movie Theater	S	S	S	No	S	S	S	No	No	No
Neighborhood Convenience Store	S	S	S	No	S	S	S	S	S	No
Office Building, Large	S	S	S	No	S	S	S	No	S	No
Office Building, Small	S	S	S	No	S	S	S	S	S	No
Outdoor Flea Market / Open-Air Market	No	No	No	No	No	S	S	No	S	S
Parking Garage	S <sup>9</sup>	S <sup>10</sup>	S	No	S	S	S	No	No	No
Pawn Shop	No	No	No	No	S	S	S	No	No	No
Public Open Space	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Recreation, Indoor	S	No	S	No	S	S	S	No	No	S
Recreation, Low-Intensity <sup>11</sup>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Recreation, Outdoor	No	No	No	No	S	S	S	No	No	S
Redemption / Recycling / Transfer Facility	No	No	S	No	S	S	S	No	No	No
Religious Assembly	S	S	S	S	S	S	S	S	S	S
Research Facility	No	S	S	No	S	S	S	S	S	S

<sup>9</sup> Structures, entries, and exits may not front or utilize Main Street.

<sup>10</sup> Structures, entries, and exits may not front or utilize Main Street.

<sup>11</sup> Structures accessory to low-intensity recreation are allowed with a building permit from the CEO.

LAND USE CATEGORY	DVB-I Ground Story <sup>1</sup>	DVB-I Upper Stories <sup>2</sup>	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
Restaurant	S	S	S	No	S	S	S	No	S	No
Restaurant, Drive-Through	No	No	No	No	S	S	S	No	No	No
Retail Business, Large	No	No	No	No	S	S	S	No	No	No
Retail Business, Small	S	S	S	S	S	S	S	No	S	S
Retail Fuel Distributor	No	No	No	No	No	No	S	No	No	No
Salvage Yard	No	No	No	No	No	S	S	No	No	No
Sawmill	No	No	No	No	No	S	S	No	No	S
Self-Storage Facility	No	No	No	No	No	S	S	No	No	No
Solar <del>Farm</del> Energy Facility	No	No	No	No	No	S	No	No	No	S
<u>Solar Energy System, Accessory</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Vehicle and Small Engine Repair Shop	No	No	No	No	No	S	S	No	No	S
Veterinary Service	No	No	No	No	S	S	S	No	No	S
Warehousing and Distribution	No	No	No	No	No	S	S	No	No	No
Water Extraction, Large-Scale	No	No	No	No	No	S	No	No	No	No
Water Extraction, Small-Scale	No	No	No	No	S	S	S	No	No	S
Wind Farm	No	No	No	No	No	No	No	No	No	No

C. **Uses Not Listed in Schedule of Uses.**

1. No use is allowed unless it is listed as an allowed use in the schedule of uses in subsection B, above, except as provided in subsection C.2, below, and, if located in the shoreland zone, it is also listed as an allowed use in the schedule of uses in Section IV-2.B. Any use not expressly allowed or expressly prohibited in a land use district is prohibited in that district.
2. For any proposed use not listed in the schedule of uses in subsection B, above, as an allowed use in a land use district, the Planning Board must determine if such use is similar to a use that is listed as an allowed use in that district. In determining similarity of uses, the Planning Board must consider the following factors: size and appearance, impact on abutting properties, scale of operations, traffic, environmental impacts, the purposes of the district, and compliance with the provisions of all Town codes and ordinances. In no case may this subsection be used to allow a prohibited use, or to allow a use which does not comply with all dimensional requirements and performance standards of this Code. If the Planning Board so finds, the proposed use is allowed in that district, as long as it complies with all requirements that apply to the similar allowed use.

**Section III-3. Dimensional Standards**

- A. **Purpose and Intent.** The reasons for regulating the dimensional standards listed in subsection B, below, are as follows:
1. Open Space and Buildable Area. To preserve and enhance the density, character, and historic form of the districts to which these dimensional standards apply; to create an attractive balance of building and green space, thereby encouraging high-value development; and to preserve and enhance the balance of natural vegetation in the LN district, thereby protecting the watershed from over-development.
  2. Placement of Structures on Lots. To preserve and enhance the visual interest of the historic form while allowing for commercial development in the DVB-I and DVB-II districts; to create a high-functioning and attractive growth area in the IC district; to preserve the wooded and undeveloped feel of the OC district; to preserve and enhance the character of the MUC district; and to preserve the natural and wooded character of the LN district.
  3. Height. To ensure that new structures will coexist in harmony with the Town's varied and eclectic skyline.
- B. **Schedule of Dimensional Standards.** Except as provided in Section VI-7(K) (Dimensional Standards for Subdivision Lots), all uses, structures, and lots must comply with the following dimensional standards. The land use district symbols contained in the schedule of dimensional standards have the meanings set forth in Section III-2.A.1. "N/A" means "not applicable in this district."

	DVB-I	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
<b>Open Space and Buildable Area</b>									
Minimum lot size <sup>12</sup> (square feet)	2,500	20,000	20,000	40,000	80,000	80,000	50,000	20,000	40,000 / 80,000 <sup>13</sup>
	If in the shoreland zone:								
	50,000 for any residential use, per dwelling unit.								
	60,000 for any governmental, institutional, commercial, or industrial use, per principal structure.								
	40,000 for any low-intensity recreation use.								
	20,000 for any use in the GD-I district. <sup>14</sup>								
Minimum lot frontage <sup>16</sup> (feet)	None	None	100	100	100	200	100	75	100
Minimum shore frontage (in the shoreland zone) (feet)	200 for any residential use, per dwelling unit.								
	300 for any governmental, institutional, commercial, or industrial use, per principal structure.								
	200 for any low-intensity recreation use.								
	0 for any use in the GD-I or GD-II districts.								
Maximum lot coverage (%)	N/A	N/A	N/A	N/A	N/A	50%	30%	N/A	30%
	If in the shoreland zone:								
	70% for any lot in the GD-I or GD-II district.								
	20% for any lot in any other shoreland zoning district. <sup>17</sup>								
Minimum contiguous private open area <sup>18</sup> (%)	N/A	15%	N/A	15%	N/A	N/A	N/A	N/A	N/A

<sup>12</sup> Except that a minimum lot size of 25 acres is required for salvage yards, and a minimum lot size of 100 acres is required for large-scale water extraction. The minimum lot size standards for land use districts do not apply to any lot created as part of a subdivision approved by the Planning Board pursuant to Chapter VI (Subdivision Regulations); refer to Section VI-7.K. If a lot is within the shoreland zone, the more restrictive minimum lot size standard applies.

<sup>13</sup> 40,000 square feet for retail business use; 80,000 square feet for all other uses.

<sup>14</sup> Except that the following lots must contain a minimum of 5,000 square feet per dwelling unit; principal governmental, institutional, commercial, or industrial structure or use; or combination thereof: Map 23 Lot 132; Map 23 Lot 133; Map 23 Lot 134; Map 23 Lot 135.

<sup>15</sup> 5,000 square feet or 1,000 square feet per bedroom, whichever is greater.

<sup>16</sup> The minimum lot frontage standards do not apply to any lot created as part of a subdivision approved by the Planning Board pursuant to Chapter VI (Subdivision Regulations); refer to Section VI-7.K.

<sup>17</sup> The 20% maximum lot coverage does not apply to public boat launching facilities, regardless of the shoreland zoning district in which the facility is located.

<sup>18</sup> A contiguous private open area of at least 15% of the buildable area must be preserved on each lot located in the DVB-II or IC districts.

	DVB-I	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
Placement of Structures on Lots									
Maximum front setback line (applicable to principal buildings) <sup>19</sup> (feet)	6	15	25	25	N/A	N/A	N/A	N/A	N/A
Minimum front setback line (applicable to all structures) (feet)	At the public lot line	10	At the public lot line	15	75 / 25 / <u>110</u> <sup>20</sup>	75	20	20	75
Minimum setback line from any common lot line (applicable to all structures) (feet)	2	5	10	15	15 / 25 / <u>110</u> <sup>21</sup>	15 / 25 <sup>22</sup>	10	10	25
Minimum setback line from any DVN, MUC, LN, OV, or RN district boundary (feet)	N/A	N/A	N/A	20	20	N/A	N/A	N/A	N/A
Minimum shoreland setback line (applicable to principal and accessory structures, unless otherwise provided in Section IV-4) <sup>23</sup> (feet)	If in the shoreland zone:								
	112 from the normal high-water line of great ponds and rivers that flow to great ponds, if the structure has or will have a solid wall foundation.								
	100 from the normal high-water line of great ponds and rivers that flow to great ponds, if the structure does not or will not have a solid wall foundation (e.g., deck or patio).								
	75 from the normal high-water line of other water bodies, tributary streams, or the upland edge of wetlands.								
	50 in the GD-I or GD-II district, from the normal high-water line of great ponds, rivers that flow to great ponds, tributary streams, or wetlands. <sup>24</sup>								
	250 in the RP district, from the normal high-water line of great ponds, rivers that flow to great ponds, tributary streams, or wetlands, except for structures, roads, parking spaces, or other activities specifically allowed in the RP district in which case the minimum shoreland setback line specified above applies.								

<sup>19</sup> Unless DOT regulations require a principal building to be located farther from a state highway than the maximum front setback line allows, in which case the principal building must be located at the DOT-required minimum setback from the state highway.

<sup>20</sup> Except for solar energy facilities, 75 feet from the public lot line of Route 302 (Portland Road); 25 feet from any other public lot line. Note that this dimensional standard applies to all structures, including display areas for outdoor flea markets / open-air markets. The minimum front setback line for the solar land area occupied by a solar energy facility is 110 feet.

<sup>21</sup> Except for solar energy facilities, 15 feet for accessory residential structures; 25 feet for all other structures. The minimum setback line from any common lot line for the solar land area occupied by a solar energy facility is 110 feet.

<sup>22</sup> 15 feet for single-family dwellings; 25 feet for all other structures.

<sup>23</sup> The minimum shoreland setback line does not apply to (i) structures that require direct access to the water body or wetland as an operational necessity, such as docks and retaining walls or other functionally water-dependent uses, or (ii) campgrounds and individual campsites; refer to Section III-3.E.

<sup>24</sup> The Planning Board may reduce this setback requirement by up to 50% in accordance with Section III-3.D.

	DVB-I	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
<b>Height</b>									
Maximum height of principal structure or accessory structure (feet)	The lesser of: <u>12</u> <del>If a solar energy facility or an accessory solar energy system, or</del> 35 if in the shoreland zone; <sup>25</sup> or :								
	35	35	35	45	60 <sup>26</sup>	35 / 60 <sup>27</sup>	35	35	35
Minimum height of principal structure (feet)	18	18	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ground story floor elevation height	0-21 in. <sup>28</sup>	2-4 ft. / 0-21 in. <sup>29</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**~~C. Rules for Determining Conformance with Dimensional Standards:~~**

**~~1. For uses, structures, and lots in the shoreland zone:~~**

- ~~(a) Land below the normal high water line of a water body or upland edge of a wetland and land beneath roads serving more than two lots are not included in calculating minimum lot size.~~
  - ~~(b) Lots located on opposite sides of a public or private road are each a separate lot, unless such road was established by the property owner on both sides of the road after September 22, 1971.~~
  - ~~(c) The minimum width of any portion of any lot within 100 feet of the normal high water line of a water body or upland edge of a wetland must be equal to or greater than the minimum shore frontage for a lot with the proposed use.~~
- ~~If more than one dwelling unit or principal governmental, institutional, commercial, or industrial structure or use is constructed or established on a single~~

<sup>25</sup> The 35-foot maximum height standard in the shoreland zone does not apply to:

- (i) A structure having no floor area, such as a transmission tower, windmill, antenna, and similar structures; or
- (ii) A feature that is not habitable and is mounted on a building roof for observation purposes, such as a cupola, dome, widow's walk, and similar features, as long as the feature: (a) is on a legally existing conforming structure, (b) is not located in the RP or SP district, (c) does not extend beyond the exterior walls of the existing building, (d) has a floor area of 53 square feet or less, and (e) does not increase the height of the existing building by more than seven feet.

<sup>26</sup> The maximum height standard in the OC district does not apply to telecommunications facilities, communication towers, or wind energy systems.

<sup>27</sup> 35 feet for single-family dwellings, two-family dwellings, and multi-family dwellings; 60 feet for all other principal structures (including commercial structures); 35 feet for any accessory structures.

<sup>28</sup> The average ground story finished floor elevation within 30 feet of the maximum front setback line must not be lower than the front sidewalk elevation and must not be higher than 21 inches above the front sidewalk unless a higher elevation is required to comply with floodplain or flood insurance requirements.

<sup>29</sup> For residential uses, the average ground story finished floor elevation is a minimum of two feet and a maximum of four feet above the exterior sidewalk or front yard elevation at the maximum front setback line. For commercial uses, the average ground story finished floor elevation within 30 feet of the maximum front setback line must not be lower than the front sidewalk or front yard elevation and must not be higher than 21 inches above the sidewalk or front yard elevation.

parcel, all dimensional standards must be met for each dwelling unit, principal structure, or use.

**D.C. Rules for Determining Conformance with Dimensional Standards.**

1. For uses, structures, and lots in the shoreland zone:
  - (a) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two lots are not included in calculating minimum lot size.
  - (b) Lots located on opposite sides of a public or private road are each a separate lot, unless such road was established by the property owner on both sides of the road after September 22, 1971.
  - (c) The minimum width of any portion of any lot within 100 feet of the normal high-water line of a water body or upland edge of a wetland must be equal to or greater than the minimum shore frontage for a lot with the proposed use.
2. If more than one dwelling unit or principal governmental, institutional, commercial, or industrial structure or use is constructed or established on a single parcel, all dimensional standards must be met for each dwelling unit, principal structure, or use.

**D.D. Dimensional Standards for Shorefront Common Areas.** The following dimensional standards apply to shorefront common areas located within the shoreland zone:

1. Shorefront common areas must contain a minimum of two acres. For shorefront common areas that serve fewer than three dwelling units or grant less than three rights of use to the common area, the minimum lot size is one acre.
2. Shorefront common areas must have a minimum shore frontage of 25 feet for each dwelling unit with access to the shorefront common area and for each right of use granted to any dwelling unit or other legal entity.
3. Use of shorefront common areas within a subdivision must be limited to dwelling units contained within the subdivision.
4. Accommodations for motorized watercraft are limited to one watercraft per 25 feet of shore frontage. This limit does not apply to motorized watercraft of transient users who remain at the shorefront common area for less than 48 hours and watercraft with motors of less than 10 horsepower.
5. The provisions of this subsection D do not apply to municipal beach facilities or to shorefront common areas established before June 8, 1987 if there has been no increase in rights of use granted since said date. Such shorefront common areas may be improved with temporary docking facilities with approval of the Planning Board, subject to Section IV-4.D.

**D.E. Dimensional Standards for Campgrounds and Individual Private Campsites.** The following dimensional standards apply to campgrounds and individual private campsites:

1. Campgrounds.
  - (a) *Minimum Lot Size.* Campgrounds must contain a minimum of 5,000 square feet of land, not including roads and driveways, for each site. Land



supporting wetland vegetation and land above the normal high-water line of a water body are included in calculating land area per site.

- (b) *Minimum Shoreland Setback.* The areas intended for placement of a recreational vehicle, tent, or shelter, and utility and service buildings must be set back a minimum of 100 feet from the normal high-water line of a great pond or a river flowing to a great pond and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

2. Individual Private Campsites.

- (a) *Minimum Lot Size.* One campsite per lot existing as of June 12, 1996, or 30,000 square feet of lot area within the shoreland zone, whichever is less.
- (b) *Multiple Structures or Uses.* When an individual private campsite is proposed on a lot that contains another principal use or structure, the lot must comply with the minimum dimensional standards for the principal structure or use, as well as the individual private campsite separately.
- (c) *Minimum Shoreland Setback.* Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, must be set back 100 feet from the normal high-water line of a great pond or river flowing to a great pond and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (d) *Additional Review Standards.* Refer to Section IV-4.E for additional land use standards applicable to individual private campsites located in the shoreland zone.

G.F. **Dimensional Standards for Long-Term Siting of Temporary Shelters.** When a recreational vehicle, tent, or similar shelter is placed on-site for more 120 days per year, all requirements for residential structures must be met, including the installation of a subsurface wastewater disposal system in compliance with the state wastewater disposal rules, unless served by public sewage facilities.

H.G. **Dimensional Standards for Parking Areas.**

- 1. Minimum Shore Frontage. Parking areas must comply with the minimum shore frontage standards for structures for the shoreland zoning district in which they are located.
- 2. Minimum Shoreland Setback. The minimum shoreland setback for parking areas serving public boat launching facilities in any shoreland zoning district other than the GD-I or GD-II districts is 50 feet from the shoreline or tributary stream if the CEO finds that no other reasonable alternative exists farther from the shoreline or tributary stream.

H.H. **Dimensional Standards for Roads and Driveways.**

- 1. Roads and driveways must be set back at least 100 feet from the normal high-water line of a great pond or a river that flows to a great pond and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no reasonable alternative exists, the minimum shoreland setback for

roads and driveways is 50 feet upon clear showing by the applicant that effective techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of settling basins, and the use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

2. On slopes of greater than 20%, the minimum shoreland setback for roads and driveways is increased by 10 feet for each 5% increase in slope above 20%.
3. This subsection H does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures, and facilities located near to the shoreline or tributary stream due to an operational necessity, excluding permanent or temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area must comply with this subsection H except for that portion of the road or driveway necessary for direct access to the structure.

**J-1. Reduction in Minimum Shoreland Setback in the GD-I and GD-II Districts.**

The Planning Board may reduce the minimum shoreland setback for structures in the GD-I and GD-II districts by up to 50% upon a positive finding that, for each lot of record, all of the following provisions are met:

1. The total area impacted by the proposed setback reduction does not exceed 25% of the portion of the lot within 50 feet of the normal high-water mark of any river or tributary stream.
2. Infiltration systems must be installed and maintained to infiltrate stormwater runoff from all man-made impervious surfaces on the property. Systems must be sized to accommodate all runoff from a two-inch precipitation event of 24-hour duration and must be located at least 50 feet from the normal high-water mark of any river or tributary stream.
3. There must be a net increase in the area of the lot that is covered by multi-level vegetation combining ground cover, bushes, and trees with at least 50% evenly distributed tree leaf canopy as viewed from above. All areas of the property not covered by structures must be revegetated and maintained in such a manner.
4. The proposal must be designed and built to reduce the gross amount of phosphorus exported from the property by a minimum of 10%.
5. On a nonconforming lot on which only a residential structure exists, where an accessory structure cannot be located to comply with the minimum shoreland setbacks, the CEO may issue a permit to place a single accessory structure, containing no utilities, for the storage of yard tools and similar equipment. Such accessory structure must (i) not exceed 80 square feet in area or eight feet in height, (ii) be located from the water body to the greatest extent possible, and (iii) comply with all other applicable standards, including maximum lot coverage and vegetation clearing limitations. In no case may the accessory structure be located closer to the water body than the principal structure.

**K.J. Exemption from Minimum Shoreland Setback for Decks Extending Over Rivers Within a Downtown Revitalization Project.** The Planning Board may exempt a deck from the minimum shoreland setback if it finds that:

1. The deck does not exceed 700 square feet;
2. The deck is cantilevered over a segment of a river that is located within the boundaries of a downtown revitalization project;
3. The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within a downtown revitalization project; and
4. The deck complies with all applicable standards, except the minimum shoreland setback.

A downtown revitalization project under this subsection J must be defined in a project plan approved by the legislative body of the Town and may include the revitalization of buildings formerly used as mills that do not comply with the minimum shoreland setback. A deck exempt under this subsection may be either privately or publicly owned and maintained.

**L.K. Exemption from Minimum Shoreland Setback for Walkways and Trails Over Rivers Within a Downtown Revitalization Project.** The Planning Board may exempt a pedestrian walkway or trail from the minimum shoreland setback if it finds that:

1. The walkway or trail is adjacent to a river segment that is located within the boundaries of a downtown revitalization project;
2. If cantilevered over a river segment, the walkway or trail does not extend over the river more than 10 feet from the normal high-water line;
3. If cantilevered over a river segment, the walkway or trail is attached to a structure that was constructed prior to 1971 and is located within a downtown revitalization project; and
4. If cantilevered over a river segment, there is no practical means to construct the walkway or trail without cantilevering over that river segment, in which case, approaches to the cantilevered walkway or trail may also cantilever off adjacent retaining walls but not more than is necessary to access the cantilevered walkway or trail; and
5. The walkway or trail complies with all applicable standards, except the minimum shoreland setback.

A downtown revitalization project under this subsection K must be defined in a project plan approved by the legislative body of the Town and may include the revitalization of buildings formerly used as mills that do not comply with the minimum shoreland setback. A walkway or trail exempt under this subsection may be either privately or publicly owned and maintained.

STATE LAW REFERENCE—12 M.R.S.A. § 4807 *ET SEQ.* (MINIMUM LOT SIZE); 38 M.R.S.A § 438-A *ET SEQ.* (MANDATORY SHORELAND ZONING); 06-096 C.M.R. CH. 1000 (GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES); 10-144 C.M.R. CH. 241 (MAINE SUBSURFACE WASTEWATER DISPOSAL RULES).

#### **Section III-4. District-Specific Space and Bulk Standards**

Unless otherwise expressly provided, the standards in this Section III-4 apply to any uses, and any structures associated with or devoted to such uses, that are allowed (with or without a permit or approval) in the district in which the use or structures are or will be located. This Section III-4 does not apply to the Planning Board's review of any subdivision application submitted pursuant to Chapter VI (Subdivision Regulations).

##### **A. Downtown Village Business District I (DVB-I).**

1. Maximum Front Setback Area Requirements. The following requirements apply to the maximum front setback area:
  - (a) At least 65% of the principal building façade must be located within the maximum front setback area. To add variety and diversity to a principal building, up to 35% of a principal building's façade may have an architectural recess.
  - (b) Protrusions on any portion of a principal building above the ground story must be cantilevered.
  - (c) No portion of a principal building façade within the maximum front setback area may exceed 60 feet of continuous linear plane.
  - (d) No portion of any structure may obstruct a public or private sidewalk, or extend beyond a property line, except as expressly provided herein.
2. Façade; Fenestration.
  - (a) Lengths of façade uninterrupted by windows or other exterior openings exceeding 15 feet are prohibited on all ground story façades.
  - (b) Ground story fenestration must comprise a minimum of 30% of the ground story façade.
  - (c) Upper story fenestration must comprise a minimum of 20% of the façade of each upper story.
  - (d) Functioning doors are required along the ground story façade at intervals of no greater than 50 feet.
3. Façade; Building Projection.
  - (a) No portion of any structure may obstruct a public or private sidewalk, or extend beyond a property line, except as provided herein.
  - (b) Awnings on the ground story may project over a public sidewalk as long as a clearance height of at least eight feet, but no more than 12 feet, is maintained above the sidewalk.
  - (c) Signs may project over a public sidewalk as long as a clearance height of at least 10 feet is maintained above the sidewalk.
  - (d) Awnings, balconies, stoops, porches, and walkways must be set back at least two feet from a common lot line, except for alleys for which the property owners have recorded an instrument allowing a lesser setback. Walkways and stoops providing access into a structure are not subject to this requirement.

4. Street Wall.
  - (a) A street wall of not less than 42 inches in height or greater than four feet in height is required in connection with new construction on any portion of a lot which abuts a public road and is not to be occupied by a principal building, drive, garage entry or pedestrian gate. The street wall must be set back a maximum of four feet from the structure façade.
  - (b) One pedestrian gate or opening no wider than six feet is allowed within any required street wall.
  - (c) The street wall height is measured from the adjacent sidewalk, or, when not adjacent to a sidewalk, from the average finished grade in the maximum front setback area.
  - (d) Lots containing open public spaces and parks are exempt from the street wall requirements in subsections (a), (b), and (c), above.
5. Garage and Parking.
  - (a) All parking lots must be set back a minimum of 15 feet from the front public lot line.
  - (b) Unless otherwise required by DOT or unless the reviewing authority finds that a greater curb cut width is necessary to provide for safe vehicular access, curb cuts must have a maximum clear width of no greater than 18 feet. To the greatest extent practicable, development must utilize shared egress and minimize the number of curb cuts on Route 302, Route 117, and Main Street.
  - (c) Openings for parking garage access must have a maximum clearance height of 16 feet and an access width no greater than 24 feet.
  - (d) Parking lots and garages on lots with frontage on Main Street and another road may not use Main Street for vehicular access.
6. Corner Lots. All structures located on corner lots must comply with all applicable standards with respect to each road.
7. Landscaping in Conjunction with Project Development. Not regulated in this district. Developers are encouraged to plant trees where appropriate and create attractive green space as part of a project.
8. Sidewalks. Sidewalks are required along any arterial or public lot line of the property, unless (i) otherwise required by DOT or (ii) an alternate trail, bike path, or transit stop is provided.

**B. Downtown Village Business District II (DVB-II)**

1. Maximum Front Setback Area Requirements. The following requirements apply to the maximum front setback area:
  - (a) At least 65% of the principal building façade must be located within the maximum front setback area. To add variety and diversity to a principal building, up to 35% of a principal building's façade may have an architectural recess.

- (b) Protrusions on any portion of a principal building above the ground story must be cantilevered.
  - (c) No portion of a principal building façade within the maximum front setback area may exceed 60 feet of continuous linear plane.
  - (d) No portion of any structure may obstruct a public or private sidewalk, or extend beyond a property line, except as expressly provided herein.
2. Façade; Fenestration.
- (a) Lengths of façade uninterrupted by windows or other exterior openings exceeding 15 feet are prohibited on all ground story façades.
  - (b) Ground story fenestration must comprise a minimum of 25% of the ground story façade.
  - (c) Upper story fenestration must comprise a minimum of 15% of the façade of each upper story.
  - (d) Functioning doors are required along the ground story façade at intervals of no greater than 50 feet.
3. Façade; Building Projection.
- (a) No portion of any structure may obstruct a public or private sidewalk, or extend beyond a property line, except as provided herein.
  - (b) Awnings on the ground story may project over a public sidewalk as long as a clearance height of at least eight feet, but no more than 12 feet, is maintained above the sidewalk.
  - (c) Signs may project over a public sidewalk as long as a clearance height of at least 10 feet is maintained above the sidewalk.
  - (d) Awnings, balconies, stoops, porches, and walkways must be set back at least two feet from a common lot line, except for alleys for which the property owners have recorded an instrument allowing a lesser setback. Walkways and stoops providing access into a structure are not subject to this requirement.
4. Street Wall. Not regulated in this district.
5. Garage and Parking.
- (a) All parking lots must be set back a minimum of 20 feet from the front public lot line.
  - (b) Unless otherwise required by DOT or unless the reviewing authority finds that a greater curb cut width is necessary to provide for safe vehicular access, curb cuts must have a maximum clear width of no greater than 22 feet. To the greatest extent practicable, development must utilize shared egress and minimize the number of curb cuts on Route 302, Route 117, and Main Street.
  - (c) Openings for parking garage access must have a maximum clearance height of 16 feet and an access width no greater than 24 feet.

- (d) Garage entries may be set back up to a maximum of two feet behind the front façade of the structure.
  - (e) Parking lots and garages on lots with frontage on more than one road must use the lesser road for vehicular access.
6. **Corner Lots.** All structures located on corner lots must comply with all applicable standards with respect to each road.
7. **Landscaping in Conjunction with Project Development.**
- (a) Shade trees must be placed in the minimum setback area and the maximum front setback area at a minimum density of one tree per 50 linear feet of lot frontage. Native species must be used. Trees planted or saved to comply with this requirement must be a minimum of two inches in diameter, measured at 4½ feet above ground level, for new trees and a minimum of four inches in diameter, measured at 4½ feet above ground level, for existing trees. No existing trees may be counted toward this requirement if they are included on the Maine invasive plant list.
  - (b) Medium sized trees must be placed on the property at a minimum density of one tree per 900 square feet of pervious area. Existing medium sized trees may be saved on the property to comply with this requirement. Planted or existing trees must be at least six to eight feet in height for evergreen and multi-stemmed trees and 1½ to two inches in diameter, measured at 4½ feet above ground level, for flowering deciduous trees.
  - (c) Plantings, including shrubs, perennials, and native ornamental grasses and ferns, must be placed in the setback area so as to cover at least 15% of the setback area. Plants must be installed in continuous beds and spaced and sized appropriately for the species. Plant sizing must be two-quart minimum for perennials, grasses, and ferns and two-gallon minimum for woody shrubs.
  - (d) Any constructed berms with slopes greater than 10% must be planted with groundcover, perennials, or native ornamental grasses so as to cover at least 50% of the berm area.
  - (e) Any front yard fence or wall may not be more than four feet in height.
  - (f) All required plantings must be installed prior to the issuance of a certificate of occupancy.
  - (g) There must be a guaranteed 85% survival rate of plantings after one year. If the survival rate is not met after one year, additional plantings are required to comply with the 85% rule.
8. **Sidewalks.** Sidewalks are required along any arterial or public lot line of the property, unless (i) otherwise required by DOT or (ii) an alternate trail, bike path, or transit stop is provided.

C. **Downtown Village Neighborhood District (DVN)**

1. Maximum Front Setback Area Requirements. Not regulated in this district.
2. Façade; Fenestration. Not regulated in this district.
3. Façade; Building Projection. Not regulated in this district.
4. Street Wall. Not regulated in this district.
5. Garage and Parking.
  - (a) All parking lots must be set back a minimum of 30 feet from the front public lot line.
  - (b) Unless otherwise required by DOT or unless the reviewing authority finds that a greater curb cut width is necessary to provide for safe vehicular access, curb cuts must have a maximum clear width of no greater than 22 feet. To the greatest extent practicable, development must utilize shared egress and minimize the number of curb cuts on Route 302, Route 117, and Main Street.
  - (c) Openings for parking garage access must have a maximum clearance height of 16 feet and an access width no greater than 24 feet.
  - (d) Garage entries may be set back up to a maximum of two feet behind the front façade of the structure.
  - (e) Parking lots and garages on lots with frontage on more than one road must use the lesser road for vehicular access.
6. Corner Lots. All structures located on corner lots must comply with all applicable standards with respect to each road.
7. Landscaping in Conjunction with Project Development. Not regulated in this district. Developers are encouraged to plant trees and create green space where appropriate to enhance the livability of the neighborhood.
8. Sidewalks. Not regulated in this district.

D. **Inner Corridor District (IC)**

1. Maximum Front Setback Area Requirements. The following requirements apply to the maximum front setback area:
  - (a) At least 65% of the principal building façade must be located within the maximum front setback area. To add variety and diversity to a principal building, up to 35% of a principal building's façade may have an architectural recess subject to the requirements of subsection (b), below. For lots with multiple principal buildings, at least one principal building must comply with this requirement.
  - (b) No portion of a principal building façade within the maximum front setback area may exceed 200 feet of continuous linear plane.



2. Façade; Fenestration.
  - (a) Lengths of façade uninterrupted by windows or other exterior openings exceeding 15 feet are prohibited on all ground story façades.
  - (b) Ground story fenestration must comprise a minimum of 30% of the ground story façade.
  - (c) Upper story fenestration must comprise a minimum of 20% of the façade of each upper story.
3. Façade; Building Projection.
  - (a) No portion of any structure may obstruct a public or private sidewalk, or extend beyond a property line, except as provided herein.
  - (b) Awnings on the ground story may project over a public sidewalk as long as a clearance height of at least eight feet, but no more than 12 feet, is maintained above the sidewalk.
4. Street Wall. Not regulated in this district.
5. Garage and Parking.
  - (a) All parking lots must be set back a minimum of:
    - i. 25 feet from any public lot line,
    - ii. 15 feet from any common lot line, and
    - iii. 20 feet from any rear lot line.
  - (b) Vehicle parking areas must be located behind the parking minimum setback lines set forth in subsection (a), above, except where parking is underground.
  - (c) Unless otherwise required by DOT or unless the reviewing authority finds that a greater curb cut width is necessary to provide for safe vehicular access, curb cuts must have a maximum clear width of no greater than 22 feet. To the greatest extent practicable, development must utilize shared egress and minimize the number of curb cuts on Route 302, Route 117, and Main Street.
  - (d) Openings for parking garage entries must have a maximum clearance height of 16 feet and an access width no greater than 22 feet.
  - (e) Garage entries may be set back up to a maximum two feet behind the surrounding façade.
6. Corner Lots. All structures located on corner lots must comply with all applicable standards with respect to each road.

7. Landscaping in Conjunction with Project Development.
  - (a) Any applicant whose proposal requires a permit from the Planning Board must prepare and submit to the Planning Board a landscaping plan for the minimum setback area which provides green space within the lot boundaries and complies with the requirements of subsections (b), (c), and (d), below.
  - (b) Any constructed berms with slopes greater than 10% must be planted with groundcover, perennials, or native ornamental grasses so as to cover at least 50% of the berm area.
  - (c) Any front yard fences or walls may not be more than four feet in height.
  - (d) There must be a guaranteed 85% survival rate of plantings after one year. If the survival rate is not met after one year, additional plantings are required to comply with the 85% rule.
8. Sidewalks. Sidewalks are required along any arterial or public lot line of the property, unless (i) otherwise required by DOT or (ii) an alternate trail, bike path, or transit stop is provided.

**E. Outer Corridor District (OC)**

1. Maximum Front Setback Area Requirements. Not regulated in this district.
2. Façade; Fenestration. Not regulated in this district.
3. Façade; Building Projection. Not regulated in this district.
4. Street Wall. Not regulated in this district.
5. Garage and Parking.
  - (a) Minimum front setback line: 75 feet from public lot line.
  - (b) Minimum side and rear setback line: 20 feet from any public lot line or common lot line.
  - (c) Unless otherwise required by DOT or unless the reviewing authority finds that a greater curb cut width is necessary to provide for safe vehicular access, curb cuts must have a maximum clear width of no greater than 24 feet. To the greatest extent practicable, development must utilize shared egress and minimize the number of curb cuts on Route 302, Route 117, and Main Street.
6. Corner Lots. All structures located on corner lots must comply with all applicable standards with respect to each road.
7. Landscaping in Conjunction with Project Development.
  - (a) Except as provided in Section V-10.C.3 for solar energy facilities, aAny applicant whose proposal requires a permit from the Planning Board must prepare and submit to the Planning Board a landscaping plan for the 75-foot minimum setback area for commercial uses on a major artery which preserves the wooded buffers and undeveloped character of this minimum

setback area and complies with the requirements of subsections (b) and (c), below.

- (b) To the extent wooded buffers exist within the 75-foot minimum setback area, maintaining such buffers is preferable to planting.
- (c) There must be a guaranteed 85% survival rate of plantings after one year. If the survival rate is not met after one year, additional plantings are required to comply with the 85% rule.

8. Sidewalks. Not regulated in this district.

F. **Mixed Use Corridor District (MUC)**

1. Maximum Front Setback Area Requirements. Not regulated in this district.

2. Façade; Fenestration. Not regulated in this district.

3. Façade; Building Projection. Not regulated in this district.

4. Street Wall. Not regulated in this district.

5. Garage and Parking.

- (a) Minimum front setback line: 75 feet from public lot line.
- (b) Minimum side and rear setback line: 20 feet from any public lot line or common lot line.
- (c) Unless otherwise required by DOT or unless the reviewing authority finds that a greater curb cut width is necessary to provide for safe vehicular access, curb cuts must have a maximum clear width of no greater than 24 feet. To the greatest extent practicable, development must utilize shared egress and minimize the number of curb cuts on Route 302, Route 117, and Main Street.

6. Corner Lots. All structures located on corner lots must comply with all applicable standards with respect to each road.

7. Landscaping in Conjunction with Project Development.

- (a) Any applicant whose proposal requires a permit from the Planning Board must prepare and submit to the Planning Board a landscaping plan for the 75-foot minimum setback area for commercial uses on a major artery which preserves the wooded buffers and undeveloped character of this minimum setback area and complies with the requirements of subsections (b) and (c), below.
- (b) To the extent wooded buffers exist within the 75-foot minimum setback area, maintaining such buffers is preferable to planting.
- (c) There must be a guaranteed 85% survival rate of plantings after one year. If the survival rate is not met after one year, additional plantings are required to comply with the 85% rule.

8. Sidewalks. Not regulated in this district.

**G. Lakeside Neighborhood District (LN)**

1. Maximum Front Setback Area Requirements. Not regulated in this district.
2. Façade; Fenestration. Not regulated in this district.
3. Façade; Building Projection. Not regulated in this district.
4. Street Wall. Not regulated in this district.
5. Garage and Parking. Not regulated in this district.
6. Corner Lots. All structures located on corner lots must comply with all applicable standards with respect to each road.
7. Landscaping in Conjunction with Project Development. Not regulated in this district. Careful planning and oversight is encouraged so that native vegetation is preserved wherever possible and tree plantings and green spaces are created in keeping with the purposes of this district.
8. Sidewalks. Not regulated in this district.

**H. Outer Village District (OV)**

1. Maximum Front Setback Area Requirements. Not regulated in this district.
2. Façade; Fenestration. Not regulated in this district.
3. Façade; Building Projection. Not regulated in this district.
4. Street Wall. Not regulated in this district.
5. Garage and Parking.
  - (a) Commercial parking must be located at the side or back of the principal building.
  - (b) Driveways:
    - i. Residential: maximum width, 15 feet.
    - ii. Commercial: minimum width, 20 feet; maximum width, 22 feet.
6. Corner Lots. All structures located on corner lots must comply with all applicable standards with respect to each road.
7. Landscaping in Conjunction with Project Development. Not regulated in this district. Developers are encouraged to plant trees and create green space where appropriate to enhance the livability of the neighborhood.
8. Sidewalks. Not regulated in this district.

**I. Rural Neighborhood District (RN)**

1. Maximum Front Setback Area Requirements. Not regulated in this district.
2. Façade; Fenestration. Not regulated in this district.
3. Façade; Building Projection. Not regulated in this district.

4. Street Wall. Not regulated in this district.
5. Garage and Parking.
  - (a) Commercial parking must be located at the side or back of the principal building.
  - (b) Driveways:
    - i. Residential: maximum width, 15 feet.
    - ii. Commercial: minimum width, 20 feet; maximum width, 22 feet.
6. Corner Lots. All structures located on corner lots must comply with all applicable standards with respect to each road.
7. Landscaping in Conjunction with Project Development. Not regulated in this district, except as provided in Section V-10.C.3 for solar energy facilities.
8. Sidewalks. Not regulated in this district.

## CHAPTER IV. SHORELAND ZONING

### Section IV-1. Shoreland Zoning Established

- A. **Applicability.** The provisions of this Chapter IV (Shoreland Zoning) apply to uses, structures, and lots located within the shoreland zone.
- B. **Shoreland Zoning Districts Established.** To implement the provisions of this Chapter IV (Shoreland Zoning), the Town is divided into the following shoreland zoning districts:

Shoreland Zoning District Symbol	Shoreland Zoning District Name
RP	Resource Protection District
LR	Limited Residential District
GD-I	General Development I District
GD-II	General Development II District
SP	Stream Protection District
LC	Limited Commercial District

- C. **Official Shoreland Zoning Maps.** The location and boundaries of the shoreland zoning districts established in subsection B, above, are depicted on the Official Shoreland Zoning Maps for the Town, which are made part of this Code and are attached as Appendix B. The Official Shoreland Zoning Maps must be drawn at a scale of not less than one inch equals 2,000 feet. Shoreland zoning district boundaries must be clearly delineated and a legend indicating the symbols for each district must be placed on the map. The Official Shoreland Zoning Maps are certified by the attested signature of the Town Clerk and are filed with the Town Clerk.
- D. **Relationship to Land Use Districts.** Shoreland zoning districts are overlay districts. Accordingly, uses, structures, and lots located in the shoreland zone are also located in one or more land use districts.
- E. **Interpretation of Shoreland Zoning District Boundaries.**
1. Shoreland zoning district boundaries are interpreted in accordance with the rules for the interpretation of land use district boundaries in Section III-1.D, subsections 1 through 6. Any conflict between the Official Shoreland Zoning Maps and the shoreland zoning district descriptions in subsection F, below, are resolved in favor of the shoreland zoning district descriptions.
  2. The CEO has the initial authority to interpret the Official Shoreland Zoning Maps and the location of shoreland zoning district boundaries. Any minimum shoreland setback must be determined by actual site measurement. Where physical or natural features existing on the ground are at variance with those shown on the Official Shoreland Zoning Maps or in other circumstances where the CEO cannot definitely determine the location of a district boundary by the rules in this Section IV-1.E, the CEO may refer the matter to the Board of Appeals. Referrals of the CEO and appeals from boundary interpretation decisions of the CEO are de novo. The Board of Appeals is the final administrative authority as to the location of district boundaries.

F. **Description of Shoreland Zoning Districts**

1. Resource Protection (RP) District. The RP district includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district includes the following areas when they occur within the limits of the shoreland zone, exclusive of the SP district, except that areas which are currently developed and areas which comply with the criteria for the GD-I, GD-II, LC, and LR districts need not be included within the RP district:
  - (a) Floodplains.
  - (b) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
  - (c) Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland and which are not surficially connected to a water body during the period of normal high water. These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.
  - (d) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.
2. Limited Residential (LR) District. The LR district includes areas suitable for residential and recreational development. It includes areas other than those in the RP or SP districts, and areas which are used less intensively than those in the LC, GD-I, and GD-II districts.
3. General Development (GD-I and GD-II) Districts. The GD-I and GD-II districts include the following types of existing, intensively developed areas:
  - (a) Areas of two or more contiguous acres devoted to commercial, industrial, or intensive recreational activities, or a mix of such activities, including:
    - i. Areas devoted to manufacturing, fabricating, or other industrial activities;
    - ii. Areas devoted to wholesaling, warehousing, retail, trade, and service activities or other commercial activities; and
    - iii. Areas devoted to intensive recreational development and activities, including amusement parks, race tracks, and fairgrounds.
  - (b) Areas otherwise discernible as having patterns of commercial, industrial, or intensive recreational uses.

Portions of the GD-I and GD-II districts may also include residential development, but no area may be designated as a GD-I or GD-II district based solely on residential use. In areas adjacent to great ponds and adjacent to rivers flowing to great ponds, the designation of an area as a GD-I or GD-II district must be based upon uses existing as of June 12, 1996. No new GD-I and GD-II districts or expansions in area of existing GD-I and GD-II districts adjacent to great ponds or adjacent to rivers that flow to great ponds may be established.

4. Stream Protection (SP) District. The SP district includes all land areas within 75 feet of the normal high-water line of a stream, exclusive of those areas within 250 feet of the normal high-water line of a great pond or river or within 250 feet of the upland edge of a freshwater wetland, which are regulated under the shoreland zoning district associated with that water body or wetland.
5. Limited Commercial (LC) District. The LC district includes areas of mixed, light commercial and residential uses, exclusive of the SP district, which should not be developed as intensively as the GD-I or GD-II districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

STATE LAW REFERENCE—38 M.R.S.A. § 435 (MANDATORY SHORELAND ZONING; SHORELAND AREAS); 06-096 C.M.R. CH. 1000 (GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES).

#### **Section IV-2. Schedule of Uses for the Shoreland Zone**

- A. **Symbols Used in the Schedule of Uses.** The symbols contained in the schedule of uses in subsection B, below, have the following meanings:

1. Shoreland Zoning District Symbols

RP	Resource Protection District
LR	Limited Residential District
GD-I	General Development I District
GD-II	General Development II District
SP	Stream Protection District
LC	Limited Commercial District

2. Permit Symbols

Yes	Allowed without a permit, subject to applicable standards
CEO	Allowed with a building permit from the CEO
LPI	Allowed with a permit from the local plumbing inspector
PB	Allowed with site plan approval or a shoreland zoning permit from the Planning Board
No	The use, and any structures associated with or devoted to such use, is prohibited
1, 2, 3, etc.	Numbers adjacent to letter symbols refer to notes at the end of the schedule of uses containing additional requirements and conditions



**B. Schedule of Uses in the Shoreland Zone.**

LAND USES	SP	RP	LR	GD-I	GD-II	LC
1. Non-intensive recreational uses not requiring structures, including hunting, fishing, and hiking	Yes	Yes	Yes	Yes	Yes	Yes
2. Motorized vehicular traffic on existing roads and trails	Yes	Yes	Yes	Yes	Yes	Yes
3. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO <sup>30</sup>	Yes	Yes	Yes	Yes
4. Fire prevention activities	Yes	Yes	Yes	Yes	Yes	Yes
5. Wildlife management practices	Yes	Yes	Yes	Yes	Yes	Yes
6. Soil and water conservation practices	Yes	Yes	Yes	Yes	Yes	Yes
7. Mineral exploration	No	Yes / CEO <sup>31</sup>	Yes / CEO <sup>31</sup>	Yes / CEO <sup>31</sup>	Yes / CEO <sup>31</sup>	Yes / CEO <sup>31</sup>
8. Mineral extraction, including sand and gravel extraction:						
A. Mineral extraction, small	No	No / CEO <sup>32</sup>	CEO	CEO	CEO	CEO
B. Mineral extraction, large	No	No / PB <sup>32</sup>	PB	PB	PB	PB
9. Surveying and resource analysis	Yes	Yes	Yes	Yes	Yes	Yes
10. Emergency operations	Yes	Yes	Yes	Yes	Yes	Yes
11. Agriculture	No	No	No	No	No	No
12. Aquaculture	PB	PB	PB	PB	PB	PB
13. Principal structures and uses:						
A. Single-family dwelling or two-family dwelling	No	PB <sup>33</sup>	CEO	CEO	CEO	CEO
B. Driveway for single-family dwelling or two-family dwelling	PB	PB	CEO	CEO	CEO	CEO
C. Multi-family dwelling	No	No	PB	PB	PB	PB

<sup>30</sup> In the RP district, not allowed within 75 feet of the normal high-water line of a great pond, except to remove safety hazards.

<sup>31</sup> Allowed with a building permit from the CEO if 100 square feet or more of surface area, in total, is disturbed.

<sup>32</sup> In the RP district, not allowed in areas so designated because of wildlife value; otherwise, allowed with CEO or Planning Board approval as indicated in the schedule of uses.

<sup>33</sup> In the RP district, single-family dwellings are allowed by special exception subject to Section IV-5; two-family dwellings and multi-family dwellings are prohibited.

LAND USES	SP	RP	LR	GD-I	GD-II	LC
D. Commercial	No	No <sup>34</sup>	No <sup>34</sup>	PB <sup>35</sup>	PB <sup>35</sup>	PB <sup>35</sup>
E. Industrial	No	No	No	PB <sup>35</sup>	PB <sup>35</sup>	No
F. Governmental and Institutional	No	No	No	PB	PB	PB
G. Small non-residential facilities for educational, scientific, or nature interpretation purposes	No	No	CEO	CEO	CEO	CEO
14. Structures accessory to allowed uses	No	No	CEO	Yes	Yes	CEO
15. Docks, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland:						
A. Temporary <sup>36</sup>	CEO	CEO	CEO	CEO	CEO	CEO
B. Permanent <sup>37</sup>	PB	PB	PB	PB	PB	PB
16. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	LPI
17. Home occupations	PB	No	PB	Yes	Yes	PB
18. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	No	LPI
19. Essential services	PB <sup>38</sup>	PB <sup>37</sup>	PB	PB	PB	PB
20. Service drops to allowed uses	Yes	Yes	Yes	Yes	Yes	Yes
21. Recreation, low-intensity	PB	PB	PB	CEO	CEO	CEO

<sup>34</sup> Except for commercial uses otherwise listed in this schedule of uses, such as marinas and campgrounds, that are allowed in the respective shoreland zoning district.

<sup>35</sup> Except for the following new commercial and industrial uses, which are prohibited within 250 feet of the normal high-water line of any great pond or river and within 75 feet of the normal high-water line of any stream which flows to a great pond:

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

<sup>36</sup> Structures which remain in or over the water for less than seven months in any period of 12 consecutive months.

<sup>37</sup> Structures which remain in or over the water for seven months or more in any period of 12 consecutive months.

<sup>38</sup> Refer to further restrictions in Section IV-4.K.2.

LAND USES	SP	RP	LR	GD-I	GD-II	LC
22. Individual private campsites	CEO	CEO	CEO	CEO	CEO	CEO
23. Campgrounds	No	No / PB <sup>39</sup>	PB	PB	PB	PB
24. Road construction	PB	No <sup>40</sup>	PB	PB	PB	PB
25. Parking facilities	No	No <sup>39</sup>	PB	PB	PB	PB
26. Marinas	PB	No	PB	PB	PB	PB
27. Filling and earthmoving of less than 10 cubic yards	No	CEO	Yes	Yes	Yes	Yes
28. Filling and earthmoving of 10 cubic yards or more	No	PB	CEO	CEO	CEO	CEO
29. Signs	Yes	Yes	Yes	Yes	Yes	Yes
30. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
31. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
32. Uses similar to uses requiring a PB approval	PB	PB	PB	PB	PB	PB
33. Earthmoving, vegetation removal, or construction affecting more than 100 square feet but less than 10,000 square feet of land area on any property parcel within any two year period	CEO	CEO	CEO	CEO	CEO	CEO
34. Earthmoving, vegetation removal, or construction affecting 10,000 square feet or more of land area on any property parcel within any two year period	PB	PB	PB	PB	PB	PB

- C. **Uses Not Listed in Schedule of Uses.** No use is allowed in the shoreland zone unless it is listed as an allowed use in the schedule of uses in subsection B, above, and it is also listed as an allowed use in the schedule of uses in Section III-2.B in the applicable land use district. Any use not expressly allowed or expressly prohibited in a shoreland zoning district is prohibited in that district.

STATE LAW REFERENCE—38 M.R.S.A. § 435 *ET SEQ.* (MANDATORY SHORELAND ZONING); 06-096 C.M.R. CH. 1000 (GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES).

<sup>39</sup> Except when area is zoned for resource protection due to floodplain criteria, in which case a permit is required from the Planning Board.

<sup>40</sup> Except as provided in Section IV-4.G.

### Section IV-3. General Review Criteria

For structures and uses located in the shoreland zone that are allowed with a permit from the CEO or the Planning Board in the schedule of uses in Section IV-2.B, the proposal must comply with the following general review criteria:

- A. Will maintain safe and healthful conditions;
- B. Will not result in water pollution, erosion, or sedimentation to surface waters;
- C. Will adequately provide for the disposal of all wastewater;
- D. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;
- E. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
- F. Will protect archaeological and historic resources;
- G. Will avoid problems associated with floodplain development and use; and
- H. Is in conformance with the dimensional standards in Section III-3 and all applicable provisions of Section IV-4 and Section IV-5.

STATE LAW REFERENCE—38 M.R.S.A. § 435 *ET SEQ.* (MANDATORY SHORELAND ZONING); 06-096 C.M.R. CH. 1000 (GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES).

### Section IV-4. Land Use Standards in the Shoreland Zone

In addition to complying with all other applicable standards (including the dimensional standards in Section III-3, the applicable district-specific space and bulk standards in Section III-4), all uses, structures, and lots in the shoreland zone must comply with the following standards, as applicable:

- A. **Retaining Walls.** Retaining walls that are not necessary for erosion control must comply with the minimum setback for structures in the shoreland zone, except if all of the following conditions are met:
  - 1. The site where the retaining wall will be constructed has been previously altered and an effective vegetated buffer does not exist;
  - 2. The retaining wall is at least 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
  - 3. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
  - 4. The total height of the retaining wall is no more than 24 inches;
  - 5. The retaining wall is located outside of a floodplain;
  - 6. The area behind the retaining wall is revegetated with grass, shrubs, or trees, and no further structural development (including patios and decks) will occur within the setback area; and

7. A vegetated buffer area is established within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must comply with the following characteristics:
  - (a) The buffer must include shrubs and other woody and herbaceous vegetation. Where the natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
  - (b) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
  - (c) Only native species may be used to establish the buffer area; and
  - (d) A footpath not to exceed the standards in subsection O.2(a) may traverse the vegetated buffer area.
- B. **Stairways.** Stairways or similar structures are allowed with a building permit from the CEO to provide shoreline access in areas of steep slopes or unstable soils as long as (i) the structure is limited to a maximum of four feet in width, (ii) the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland unless permitted by DEP pursuant to 38 M.R.S.A. § 480-C, and (iii) the applicant demonstrates that no reasonable access alternative exists on the property.
- C. **Minimum Floor Elevation in Floodplain.** The lowest floor elevation or openings of all buildings including basements must be elevated at least one foot above the elevation of the floodplain. Accessory structures may be placed in accordance with the *Town of Bridgton Floodplain Management Ordinance* and need not comply with the elevation requirements of this subsection C.
- D. **Docks, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.**
  1. No more than one dock, wharf, or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section III-3.B, a second structure may be allowed and may remain as long as the lot is not further divided.
  2. Access from shore must be developed on soils appropriate for such use and constructed so as to control erosion.
  3. The location must not interfere with existing developed or natural beach areas.
  4. The facility must be located so as to minimize adverse effects on fisheries.
  5. The facility must be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses, of the area. A temporary dock must not be wider than six feet for noncommercial uses.
  6. No new structure may be built on, over, or abutting a dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

7. New permanent docks are not allowed unless it is clearly demonstrated to the Planning Board that a temporary dock is not feasible, and a NRPA permit has been obtained from DEP.
  8. Existing structures built on, over or abutting a dock or other structure extending beyond the normal high-water body or within a wetland may not be converted to dwelling units in the shoreland zone.
  9. Except in the GD-I or GD-II districts, structures built on, over, or abutting a dock or other structure extending beyond the normal high-water line of a water body or within a wetland must not exceed 20 feet in height above the dock or other structure.
  10. Temporary structures that are specifically designed and manufactured to be removed from the water on a seasonal basis may be installed once ice has melted in the spring and must be removed prior to the formation of ice in the fall.
  11. Vegetation may be removed in excess of the standards in subsection O (Clearing or Removal of Vegetation) to conduct shoreline stabilization of an eroding shoreline, as long as a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible, as determined by the Planning Board.
    - (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site by land must be limited to no more than 12 feet in width. When the stabilization project is complete, the construction equipment accessway must be restored.
    - (b) Revegetation must occur in accordance with subsection O (Clearing or Removal of Vegetation).
- E. **Individual Private Campsites.** Individual, private campsites not associated with campgrounds are allowed if the following standards are met:
1. Only one recreational vehicle is allowed on a campsite. The recreational vehicle must not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy may be attached to the recreational vehicle.
  2. The clearing of vegetation for the siting of a recreational vehicle, tent, or similar shelter in the RP district is limited to 1,000 square feet.
  3. A written subsurface wastewater disposal plan describing the proposed method and location of sewage disposal is required for each campsite and must be approved by the local plumbing inspector. If disposal is proposed to be off-site, written authorization from the receiving facility or property owner is required.
- F. **Parking Areas.**
1. Parking areas must be adequately sized for the proposed use and designed to prevent stormwater runoff from flowing directly into a water body, tributary stream, or wetland and, where feasible, to retain all runoff on-site.

2. Parking areas must be sized as follows:
  - (a) Typical parking space: Approximately 10 feet wide and 20 feet long, except that parking spaces for a vehicle and boat trailer must be 40 feet long.
  - (b) Internal travel aisles: Approximately 20 feet wide.
- G. **Roads and Driveways.** The following standards apply to the construction of roads or driveways and drainage systems, culverts, and other related features.
  1. Existing public roads may be expanded in width within the legal right-of-way regardless of their setback from a water body, tributary stream, or wetland.
  2. New roads and driveways are prohibited in the RP district except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in an RP district upon a finding that no reasonable alternative route or location is available outside of the district. When a road or driveway is permitted in an RP district, the road or driveway must be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
  3. Road and driveway banks must be no steeper than a slope of two horizontal to one vertical, and must be graded and stabilized in accordance with subsection S (Erosion and Sedimentation Control Standards).
  4. Road and driveway grades must be no greater than 10% except for segments of less than 200 feet.
  5. To prevent road and driveway surface drainage from directly entering water bodies, tributary streams, and wetlands, roads and driveways must be designed, constructed, and maintained to empty onto an unscarified buffer strip at least 50 feet plus two times the average slope in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage that is directed to an unscarified buffer strip must be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
  6. Ditch relief (cross drainage) culverts, drainage dips, and water turnouts must be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch.

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

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

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is 10% or less.
- (c) On sections having slopes greater than 10%, ditch relief culverts must be placed at approximately a 30 degree angle downslope from a line perpendicular to the centerline of the road or driveway.
- (d) Ditch relief culverts must be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends must be stabilized with appropriate materials.
7. Ditches, culverts, bridges, dips, water turnouts, and other stormwater runoff control installations associated with roads and driveways must be maintained on a regular basis to ensure effective functioning.

H. **Signs.** The following provisions govern signs in the RP and SP districts:

- Signs relating to goods and services sold on the premises must not exceed six square feet in area or two signs per premises. Signs relating to goods or services not sold or rendered on the premises are prohibited.
- Name signs must not exceed two signs per premises or 12 square feet in the aggregate.
- A single sign relating to the sale, rental, or lease of the premises, no larger than three square feet in area, may be displayed on residential premises.
- Signs relating to trespassing and hunting are allowed without restriction as to number as long as no such sign exceeds two square feet in area.
- Signs relating to public safety are allowed without restriction as to number, size, height, or lighting.
- No sign may be placed higher than 10 feet above the ground.
- Signs may be illuminated only by shielded, non-flashing lights.



I. **Stormwater Runoff.**

1. All new construction and development must be designed to minimize stormwater runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features such as berms, swales, terraces, and wooded areas must be retained in order to reduce runoff and encourage infiltration of stormwater.
2. Stormwater runoff control systems must be maintained as necessary to ensure proper functioning.

J. **Septic Waste Disposal.** All subsurface wastewater disposal systems must be installed in conformance with the state wastewater disposal rules and the following standards:

1. Clearing or removal of woody vegetation necessary to site a new subsurface wastewater disposal system and any associated fill extensions must not extend closer than 100 feet from the normal high-water line of a water body or the upland edge of a wetland.
2. A holding tank is not allowed for a first-time residential use in the shoreland zone.
3. The minimum shoreland setback for a new subsurface wastewater disposal system is 100 feet, except that this minimum setback must be increased within the shoreland zone to the most suitable location, as determined by the CEO. In making this determination, the CEO must consider soil suitability, runoff conditions, and existing land uses. The minimum setback distances from water bodies for new subsurface wastewater disposal systems may not be reduced by variance.
4. A structure must not be expanded in a manner that causes an increase in wastewater unless the structure is or can be served by a subsurface wastewater disposal system that complies with this subsection J.
5. When a new subsurface wastewater disposal system is constructed on a lot, old systems which do not comply with the standards contained in this subsection J must be discontinued.

K. **Essential Services.**

1. Where feasible, the installation of essential services must be limited to existing public rights-of-way and existing service corridors.
2. The installation of essential services, other than roadside distribution lines, is not allowed in an RP or SP district, except (i) to provide services to a permitted use within the district or (ii) where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities must be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

L. **Mineral Exploration.** Mineral exploration to determine the nature or extent of mineral resources must be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than 100 square feet of ground surface. A permit from the CEO is required for mineral exploration which exceeds this disturbance limitation. All excavations, including test pits and holes, must be immediately capped, filled, or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

**M. Mineral Extraction.**

1. A reclamation plan must be approved by the Planning Board. The plan must describe in detail procedures to be undertaken to fulfill the requirements of subsection M.3, below.
2. No part of any mineral extraction operation, including drainage and runoff control features is permitted within (i) 100 feet of the normal high-water line of a great pond or a river flowing to a great pond; (ii) 75 feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland; or (iii) 75 feet of any property line, without written permission of the owner of such adjacent property.
3. Within 12 months following the completion of mineral extraction operations at any extraction site, which operations are deemed completed when less than 100 cubic yards of materials are removed in any consecutive 12-month period, ground levels and grades must be established as follows:
  - (a) All debris, stumps, and similar material must be removed for disposal in an approved location or buried on-site. Only materials generated on-site may be buried or covered on-site.
  - (b) The final graded slope must be 2½ to one slope or flatter.
  - (c) Topsoil or loam must be retained to cover all disturbed land areas, which must be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam must be obtained from off-site sources if necessary to complete the stabilization project.
4. In keeping with the purposes of this Chapter IV (Shoreland Zoning), the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction on surrounding uses and resources.

**N. Agriculture.**

1. All spreading of manure must comply with the *Manure Utilization Guidelines* (DACF, Nov. 1, 2001), the Nutrient Management Act (codified at 7 M.R.S.A. §§ 4201-4214), and the rules adopted pursuant to the Nutrient Management Act.
2. Manure must not be stored or stockpiled within 100 feet of a great pond or a river flowing to a great pond or within 75 feet of other water bodies or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater.
3. Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the shoreland zone require a conservation plan to be filed with the Planning Board. Agricultural activities must comply with the provisions of the conservation plan.
4. New tilling of soil is not allowed within 100 feet of the normal high-water line of a great pond, within 75 feet from other water bodies, or within 50 feet of tributary streams or freshwater wetlands. Operations in existence as of June 12, 1996 that are not in conformance with this provision may be maintained but must not be enlarged.

5. Newly established livestock grazing areas are not allowed within 100 feet of the normal high-water line of a great pond, within 75 feet of other water bodies, or within 25 feet of tributary streams or freshwater wetlands. Livestock grazing associated with ongoing agricultural activities that are not in conformance with these setback provisions may continue, as long as such grazing is conducted in accordance with a conservation plan that has been filed with the Planning Board.

**O. Clearing or Removal of Vegetation—for Activities Other Than Timber Harvesting.**

1. Clearing Vegetation in RP District. In an RP district abutting a great pond, cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water line is not allowed, except to remove hazard trees in compliance with subsection P. Elsewhere in the RP district, the cutting or removal of vegetation is limited to that which is necessary for uses expressly authorized in the RP district.
2. Vegetative Buffer Strip. Except in areas as described in subsection O.1, above, within the shoreline buffer, a buffer strip of vegetation must be preserved as follows:
  - (a) *Cleared Openings; Footpath.* Cleared openings greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present), as measured from the outer limits of the tree or shrub crown, are not allowed, except that a single footpath not to exceed six feet in width as measured between tree trunks and shrub stems is allowed for accessing the shoreline, as long as a cleared line of sight to the water through the buffer strip is not created.
  - (b) *Selective Cutting; Well-Distributed Stand of Trees.* Selective cutting of trees within the buffer strip is allowed as long as a well-distributed stand of trees and other natural vegetation is maintained.
    - i. *Well-Distributed Stand of Trees.* A “well-distributed stand of trees” adjacent to a great pond or a river or stream flowing to a great pond, is defined as maintaining a rating score of 24 or more points in each 25-foot by 50-foot rectangular (1,250 square foot) area as determined by the following rating system:

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - < 4	1
4 - < 8	2
8 - < 12	4
12 or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

In applying this point system:

- a. The 25-foot by 50-foot rectangular plots must be established where the property owner or lawful land occupant proposes clearing within the required buffer strip;
  - b. Each successive plot must be adjacent to, but not overlap, a previous plot;
  - c. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this subsection O;
  - d. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this subsection O;
  - e. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.
- ii. *Other Natural Vegetation.* “Other natural vegetation” is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five tree saplings less than two inches in diameter, measured at 4½ feet above ground level, for each 25-foot by 50-foot rectangular area. If five tree saplings do not exist, no woody stems less than two inches in diameter, measured at 4½ feet above ground level, may be removed until five tree saplings have been recruited into the plot.
  - iii. *Total Volume Limit.* Notwithstanding subsections O.2.(b)(i) and (ii), above, no more than 40% of the total volume of trees four inches or more in diameter, measured at 4½ feet above ground level, may be removed in any 10-year period.
- (c) *Preservation of Ground Cover.* In order to protect water quality and wildlife habitat, existing vegetation under three feet in height and other ground cover including leaf litter and the forest duff layer, must not be cut, covered, or removed, except to provide for a footpath or other permitted uses pursuant to subsection O.2 and O.2.(a), above.
  - (d) *Pruning Allowed.* Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
  - (e) *Replanting Cleared Openings.* In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, dead, or hazard trees results in the creation of cleared openings, these openings must be replanted with native tree species in accordance with subsection P, below, unless existing new tree growth is present.
  - (f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside of the shoreline buffer, must comply with the requirements of this subsection O.2.

3. Volume and Cleared Opening Limits—Outside Shoreline Buffer.
  - (a) Outside of the shoreline buffer, selective cutting of not more than 40% of the volume of trees four inches or more in diameter, measured at 4½ feet above ground level, is allowed on any lot in any 10-year period. Tree removal in conjunction with the development of permitted uses must be included in the 40% calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.
  - (b) In no event may cleared openings for any purpose, including principal and accessory structures, driveways, lawns, and sewage disposal areas, exceed in the aggregate 25% of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone (including the buffer area), but it does not apply to the GD-I or GD-II district.
4. No Enlargement of Nonconforming Cleared Openings. Legally existing nonconforming cleared openings may be maintained, but must not be enlarged, except as allowed by this Chapter IV (Shoreland Zoning).
5. Reverted Cleared Openings. Fields and other cleared openings that have reverted to primarily shrubs, trees, or other woody vegetation are regulated under the provisions of this subsection O.

**P. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.**

1. Hazard Trees. Hazard trees in the shoreland zone may be removed without a permit after consultation with the CEO if the following requirements are met:
  - (a) *Within Shoreline Buffer.* Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than 250 square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at 4½ feet above ground level. If new growth is not present, then replacement trees must consist of native species and be at least four feet in height, and be no less than two inches in diameter, measured at 4½ feet above ground level. Stumps may not be removed.
  - (b) *Outside Shoreline Buffer.* Outside of the shoreline buffer, when the removal of hazard trees exceeds 40% of the volume of trees four inches or more in diameter, measured at 4½ feet above ground level, in any 10-year period, or results in cleared openings exceeding 25% of the lot area within the shoreland zone, or 10,000 square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two inches in diameter, measured at 4½ feet above ground level. If new growth is not present, then replacement trees must consist of native species and be at least two inches in diameter, measured at 4½ feet above ground level.

- (c) *Standing Dead Trees.* The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision, dead trees are those trees that contain no foliage during the growing season.
  - (d) *Evaluation.* The CEO may require the property owner to submit an evaluation from a forester or arborist before any hazard tree can be removed within the shoreland zone.
  - (e) *Replacement.* The CEO may require more than a one-for-one replacement for hazard trees removed that exceed eight inches in diameter, measured at 4½ feet above ground level.
2. **Storm-Damaged Trees.** Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the CEO if the following requirements are met:
- (a) *Within Shoreline Buffer.* Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than 250 square feet, replanting is not required, but the area is required to naturally revegetate, and the following requirements must be met:
    - i. The area from which a storm-damaged tree is removed may not result in new lawn areas or other permanently cleared areas;
    - ii. Stumps from the storm-damaged trees may not be removed;
    - iii. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third of the tree; and
    - iv. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or tree saplings is required at a density of one tree seedling per every 80 square feet of lost canopy.
  - (b) *Outside Shoreline Buffer.* Outside of the shoreline buffer, if the removal of storm-damaged trees exceeds 40% of the volume of trees four inches or more in diameter, measured at 4½ feet above ground level, in any 10-year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or tree saplings must be replanted on a one-for-one basis.

**Q. Exceptions to Clearing and Vegetation Removal Requirements.** The following activities are exempt from the standards in subsection O (Clearing or Removal of Vegetation), as long as all other applicable requirements of this Chapter IV (Shoreland Zoning) are complied with, and the removal of vegetation is limited to that which is necessary:

- 1. The removal of vegetation that occurs at least once every two years for the maintenance of legally existing areas that do not comply with the vegetation standards in this Chapter IV (Shoreland Zoning), such as cleared openings in the

canopy or fields. Such areas may not be enlarged, except as allowed by this subsection Q. If any of these areas, due to lack of removal of vegetation every two years, reverts back to primarily woody vegetation, the requirements of subsection O apply;

2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreland setback requirements of Section III-3.B are not applicable.
3. The removal of vegetation from the location of public swimming areas associated with allowed public low-intensity recreation areas.
4. The removal of vegetation associated with allowed agricultural uses, as long as best management practices are utilized and all requirements of subsection N (Agriculture) are complied with.
5. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects, as long as the removal of vegetation is necessary for remediation activities to clean up contamination on a site in a GD-I or GD-II district or other equivalent zoning district approved by the DEP Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A. § 343-E and that is located along a river that does not flow to a great pond pursuant to 38 M.R.S.A. § 465-A.
6. The removal of non-native invasive vegetation, as long as the following minimum requirements are met:
  - (a) If removal of vegetation occurs by wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment must be operated and stored at least 25 feet from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces such as pavement or gravel;
  - (b) Removal of vegetation within 25 feet from the shoreline occurs by hand tools; and
  - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive vegetation, the area must be revegetated with native species so as to achieve compliance.
7. The removal of vegetation associated with emergency response activities conducted by DEP, the U.S. Environmental Protection Agency, and their agents.

- R. **Revegetation Requirements.** When revegetation is required in response to violations of the vegetation standards in subsection O (Clearing or Removal of Vegetation), to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements:

1. Revegetation Plan.
  - (a) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
  - (b) If part of a permitted activity, revegetation must occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan must be submitted with any renewal or new permit application.
2. Revegetation in Same Area; Comparable Density. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.
3. Trees and Tree Saplings. Revegetation activities must comply with the following requirements for trees and tree saplings:
  - (a) All trees and tree saplings removed must be replaced with native non-invasive species.
  - (b) Replacement vegetation must at a minimum consist of tree saplings.
  - (c) If more than three trees or tree saplings are planted, then at least three different species must be used.
  - (d) No one species may make up 50% or more of the number of trees and tree saplings planted.
  - (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and tree saplings in the same area where trees or tree saplings were removed, then trees or tree sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures.
  - (f) A survival rate of at least 80% of planted trees or tree saplings is required for a minimum five-year period.
4. Woody Vegetation; Vegetation Under Three Feet in Height. Revegetation activities must comply with the following requirements for woody vegetation and other vegetation under three feet in height:
  - (a) All woody vegetation and vegetation under three feet in height must be replaced with native non-invasive species of woody vegetation and vegetation under three feet in height as applicable.



- (b) Woody vegetation and vegetation under three feet in height must be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater.
  - (c) If more than three woody vegetation plants are to be planted, then at least three different species must be planted.
  - (d) No one species may make up 50% or more of the number of planted woody vegetation plants.
  - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this Chapter IV (Shoreland Zoning) for a minimum of five years.
5. Ground Vegetation; Ground Cover. Revegetation activities must comply with the following requirements for ground vegetation and ground cover:
- (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater.
  - (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four-inch depth of leaf mulch or bark mulch to prevent erosion and provide for effective infiltration of stormwater.
  - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this Chapter IV (Shoreland Zoning) for minimum of five years.

**S. Erosion and Sedimentation Control Standards.**

- 1. All activities involving filling, grading, excavation, or other similar activities which result in destabilized soil conditions and require a permit also require a soil erosion and sedimentation control plan. The plan must be submitted to the reviewing authority for approval and must include, where applicable, provision for:
  - (a) Mulching and revegetation of disturbed soil;
  - (b) Temporary runoff control features such as hay bales, silt fencing, or diversion ditches; and
  - (c) Permanent stabilization structures such as retaining walls or riprap.
- 2. To create the least potential for erosion, development must be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required must be avoided wherever possible, and natural contours must be followed as closely as possible.
- 3. Erosion and sedimentation control measures apply to all aspects of the proposed project involving land disturbance, and must be in operation during all stages of the activity. The amount of exposed soil at every phase of construction must be minimized to reduce the potential for erosion.

4. Any exposed ground area must be temporarily or permanently stabilized within one week from the time it was last actively worked by use of riprap, sod, seed, mulch, or other effective measures. In all cases permanent stabilization must occur within nine months of the initial date of exposure. In addition:
  - (a) Where mulch is used, it must be applied at a rate of at least one bale per 500 square feet and must be maintained until a catch of vegetation is established.
  - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  - (c) Additional measures must be taken where necessary to avoid siltation into the water. Such measures may include the use of staked hay bales/or silt fences.
5. Natural and man-made drainage ways and drainage outlets must be protected from erosion from water flowing through them. Drainage ways must be designed and constructed to carry water from a 25-year storm or greater, and must be stabilized with vegetation or lined with riprap.
6. No activity may cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
7. Adequate provision must be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, or soil erosion. On-site absorption must be utilized to minimize discharges whenever possible.
8. In areas where ground cover is removed, with the exception of roads and parking areas, permanent seeding must be placed as soon as is practical but not later than 30 days from the start of construction.
9. Ground cover must not be removed between October 1 and May 1 from areas with an average slope in excess of 8% without approval of the reviewing authority.
10. Water channels, including ditches, culvert inlets, culvert outlets, and detention basin outlets, must be stabilized.
11. Cut and fill slopes must not exceed a three to one slope unless no reasonable alternative exists, as determined by the CEO. Cut and fill slopes must be stabilized with vegetation, rock, or other suitable measures.
12. Until a disturbed area is permanently stabilized, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps, filter berms, check dams, or other suitable measures.
13. Existing catch basins and culverts on or adjacent to the site must be protected from sedimentation.
14. Stone check dams must be built and maintained at all points where newly-constructed ditches channelize runoff flows to an adjacent property parcel.
15. Roof runoff from any newly-constructed or enlarged portion of an existing structure must drain to a roof drip edge collection system with the capacity to infiltrate and store runoff from a two-inch in 24-hour rainfall event.

16. Phosphorus export from any proposal required to obtain a permit from the Planning Board must not result in total annual export from the entire property parcel that exceeds 0.05 pounds per acre, as determined by using methods described in the *Maine Stormwater Management Design Manual: Phosphorus Control Manual, Vol. II* (DEP, Mar. 2016).
- T. **Soils.** All uses and structures must be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. For uses requiring subsurface wastewater disposal and for commercial or industrial development and other similar intensive land uses, a soils report prepared by a professional consultant such as a soil scientist, engineer, geologist, or other person with training and experience in the recognition and evaluation of soil properties must be submitted to the reviewing authority. The soils report must be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum groundwater elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report must include recommendations for a proposed use to counteract soil limitations where they exist.
- U. **Water Quality.**
1. No activity may deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream, or wetland.
  2. One of the following methods of phosphorus mitigation must be employed if the footprint of any structure is enlarged within the minimum shoreland setback area:
    - (a) The existing undisturbed natural wooded buffer strip between the structure and the water body must be at least 50 feet in depth;
    - (b) A 50-foot natural wooded buffer strip must be created by allowing a 50-foot strip to revert to natural vegetation. Woody vegetation must be planted if lacking; or
    - (c) An infiltration system designed to accommodate the runoff from the entire structure that would be generated by a 24-hour two-inch rainfall must be constructed following reviewing authority approval.
  3. Wells may be located within the minimum shoreland setback area if all of the following provisions are met:
    - (a) The access corridor for equipment does not exceed 20 feet in width and must follow any existing or proposed footpath. The reviewing authority may expand this 20-foot limit to the minimum extent needed where access is difficult.
    - (b) All slag must be removed from the ground, and no erosion or sedimentation may enter any adjacent water body.
    - (c) All areas not covered by a footpath must be stabilized immediately and fully revegetated within nine months.

4. No provision of this Chapter IV (Shoreland Zoning) may prohibit the revegetation or stabilization of a disturbed area if a stabilization plan is filed with and approved by the reviewing authority.
  5. The use of fertilizer containing phosphorus within the shoreland zone is prohibited except as part of an approved stabilization plan.
  6. Subdivisions in Shoreland Zone. Applications for proposed subdivisions located partially or completely within the shoreland zone must contain information indicating the anticipated water quality impact of the subdivision relative to its proportional area within the watershed of any great pond. The Planning Board must consider such information, particularly how projected phosphorous loading relates to existing phosphorous levels and the ability of the water body to maintain its existing water quality, when reviewing the proposed subdivision.
- V. **Archeological Sites.** Any application for a proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, must be submitted by the applicant to the Maine Historic Preservation Commission, for review and comment, at least 20 days prior to action being taken by the reviewing authority. The reviewing authority must consider comments received from the Commission prior to rendering a decision on the application.
- W. **Photographic Record.** Any application for a proposed land use activity involving structural development or soil disturbance within the shoreland zone must provide to the reviewing authority pre-construction photographs and, no later than 20 days after completion of construction, post-construction photographs of the shoreline vegetation and development site.

STATE LAW REFERENCE—38 M.R.S.A. § 435 *ET SEQ.* (MANDATORY SHORELAND ZONING); 06-096 C.M.R. CH. 1000 (GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES); 38 M.R.S.A. § 480-A *ET SEQ.* (NATURAL RESOURCES PROTECTION ACT); 10-144 C.M.R. CH. 241 (MAINE SUBSURFACE WASTEWATER DISPOSAL RULES).

#### Section IV-5. Special Exceptions

The Planning Board may approve a permit for a single-family dwelling unit in the RP district by special exception if the applicant demonstrates that all of the following conditions are met:

- A. The proposal satisfies the review criteria of Section IV-3 and, as applicable, the land use standards of Section IV-4.
- B. There is no location on the property, other than within the RP district, where the structure can be built.
- C. The lot on which the structure is proposed is undeveloped and was established and recorded in the Cumberland County Registry of Deeds before the adoption of the RP district.
- D. All proposed buildings, sewage disposal systems, and other improvements are:
  1. Located on natural ground slopes of less than 20%; and
  2. Located outside of the floodplain or, in the case of principal buildings including basements, elevated at least one foot above the 100-year floodplain elevation, and the development is otherwise in compliance with the *Town of Bridgton Floodplain Management Ordinance*.

- E. The total combined footprint of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation may not be altered by variance.
- F. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream, or upland edge of a wetland to the greatest extent possible, but not less than 75 feet. In its determination of setback to the greatest extent possible, the Planning Board must base its decision on the considerations specified in the definition of “greatest extent possible,” as well as the proposed building site’s elevation in regard to the floodplain and its proximity to moderate value and high-value wetlands.

STATE LAW REFERENCE—38 M.R.S.A. § 435 *ET SEQ.* (MANDATORY SHORELAND ZONING); 06-096 C.M.R. CH. 1000 (GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES).

## CHAPTER V. SITE PLAN REVIEW

### Section V-1. Applicability

Site plan review and approval under this Chapter V (Site Plan Review) is required for the following activities:

- A. Any use, or any structures associated with or devoted to such use, identified in the schedules of uses in Section III-2 or Section IV-2 as allowed with site plan approval, including:
  - 1. The construction, alteration, or enlargement of any existing structure associated with or devoted to a use requiring site plan approval; and
  - 2. Marijuana establishments, including new marijuana establishments, enlargements of existing marijuana establishments, changes of use to other types of marijuana establishment, or the addition of other types of marijuana establishments to existing marijuana establishments.
- B. Expansion of a use conducted in one or more existing structures or on land when such expanded use would (i) employ new materials or processes or (ii) involve the sale of goods not normally associated with the original use.

### Section V-2. Delegation of Reviewing Authority; Reporting

- A. **Delegation of Reviewing Authority.** The CEO is delegated the authority to review site plan applications for:
  - 1. Principal structures that do not exceed 600 square feet in floor area.
  - 2. Structures accessory to an existing principal use or structure that (i) do not exceed 600 square feet in aggregate floor area and (ii) do not have sanitary plumbing (toilets, showers, or sinks).
  - 3. Expansions of the floor area of existing structures which (i) over a five-year period, amount an aggregate floor area expansion of no more than a 25% or 3,000 square feet, whichever is less, and (ii) are proposed to accommodate an existing use.

The Planning Board is delegated the authority to review all other site plan applications.

- B. **Reporting.** The CEO must inform the Planning Board of all actions taken on site plan applications at the next regularly scheduled meeting of the Planning Board.

### Section V-3. Review Procedures—CEO Review

- A. **Site Plan Application Submission; Completeness Review.** The applicant must submit a site plan application in accordance with Section V-5. The CEO must determine if the application is complete for review in accordance with Section I-8.B except that if the application is found to be incomplete, the CEO must notify and direct the applicant to submit any omitted information within seven days of notice of incompleteness. If the omissions have not been submitted by then, the CEO must return the application as incomplete and conclude its review.

- B. **Impact Statements.** At any time after receiving an application, the CEO must solicit impact statements from Department Heads, and must consider any statements received in rendering a decision. The Department Heads must cite to the provision of this Code or other applicable ordinance, statute, rule, or law when making an impact statement and must submit their impact statements to the CEO within five days of the request.
- C. **Review and Written Decision.** Within 15 days of receipt of an application that is complete for review, the CEO must make a written decision containing findings of fact and conclusions of law as to whether the application complies with the general review criteria in Section V-6 and must provide the decision to the applicant.
- D. **Right of Full Review by Planning Board.** If the CEO denies the site plan application, the applicant may proceed to the Planning Board for a full review pursuant to Section V-4.

**Section V-4. Review Procedures—Planning Board Review**

- A. **Pre-Application Meeting—Sketch Plan (Optional).**
  - 1. Before submitting a site plan application, the applicant may appear at a regular or special meeting of the Planning Board to informally discuss the proposed development. The pre-application meeting is informal and informational in nature, and the purposes of the pre-application meeting are to (i) allow the Planning Board to understand the nature of the proposed structures and uses, (ii) allow the applicant to understand the review process and required submissions, and (iii) identify issues that need to be addressed in future submissions.
  - 2. The applicant must give notice of the pre-application meeting in accordance with Section I-9.
  - 3. The applicant may present to the Planning Board at the pre-application meeting, for informal review and comment, a sketch plan of the proposed development. The sketch plan consists of a rough description of the proposed development, and may be a free-hand, penciled sketch of the subject property showing the proposed exterior and layout of structures, roads, and other existing and proposed features relevant to site plan review. The applicant may identify and discuss any requests for waivers pursuant to Section I-14.
  - 4. The Planning Board may request that the applicant arrange for a site visit with the Planning Board and the public. The applicant must give notice of the site visit in accordance with Section I-9.
  - 5. No binding commitments may be made between the applicant and the Planning Board at this stage. No vested interests will attach or accrue as a result of any pre-application meeting, and such meeting will not cause an application to be deemed complete for review pursuant to Section I-8.B.
- B. **Site Plan Application Submission; Completeness Review.** The applicant must submit a site plan application in accordance with Section V-5. The Planning Board must determine whether the application is complete for review pursuant to Section I-8.B.
- C. **Impact Statements.** At any time after receiving an application (including prior to the Planning Board's determination that the application is complete for review; prior to the meeting or hearing held pursuant to the subsection D, below; and whenever an applicant modifies the proposal), the Planning Board may solicit impact statements from the

Department Heads. The Department Heads must cite to the provision of this Code or other applicable ordinance, statute, rule, or regulation when making an impact statement, and must submit their initial impact statements to the Planning Board within five days of the solicitation.

- D. **Meeting or Hearing.** After finding an application complete for review, the Planning Board may decide, in its discretion, to schedule a public hearing in accordance with subsection D.2, below. In deciding whether to hold a public hearing, the Planning Board may consider, among other factors, whether the application presents matters or issues of substantial controversy or public importance, or whether a public hearing would likely unearth new information relevant to the Planning Board's review.
1. If no public hearing is held, the application will be placed on the agenda of the Planning Board's next regularly scheduled meeting for review. The applicant must give notice of the application and the Planning Board meeting in accordance with Section I-9. The applicant must attend the meeting of the Planning Board when the application is reviewed. If the Planning Board finds, during its review, that the application presents matters or issues of substantial controversy or public importance or a public hearing would likely unearth new relevant information, the Planning Board may, in its discretion, schedule a public hearing in accordance with subsection D.2, below.
  2. If the Planning Board decides to hold a public hearing, the hearing must be scheduled within 30 days of the Planning Board's finding that the application is complete for review. The Town must publish the time, date, and place of the hearing at least 12 days prior to the hearing in a newspaper of area-wide circulation, and the applicant must give notice of the hearing in accordance with Section I-9.
- E. **Site Visits.** At any time during its review of a site plan application, the Planning Board may request that the applicant arrange for a site visit with the Planning Board and the public. The applicant must give notice of the site visit in accordance with Section I-9.
- F. **Supplemental Information; Proposed Modifications by Applicant.** At any time during its review of a site plan application, the Planning Board may accept, in its discretion, supplemental information or proposed modifications to the application which the applicant requests to submit. Any such supplemental information or proposed modifications must be submitted to the Planning Board at least 12 days prior to the meeting or public hearing scheduled pursuant to subsection D, above.
- G. **Additional Information.** At any time during its review of the application, the Planning Board may request additional information from the applicant. If the information requested by the Planning Board is not submitted by the applicant within three months from the date the Planning Board made the request, the application must be returned as incomplete. The Planning Board may grant an extension of the 3-month deadline upon written request and a showing of good cause by the applicant.
- H. **Written Decision.** The Planning Board must issue a written decision in accordance with Section I-8.C.



#### Section V-5. Application Submission Requirements

- A. **Copies.** The applicant must submit one paper copy and one electronic PDF of the site plan application and any supporting documents or evidence, except that 15 paper copies must be submitted of all documents (including site plans) that are larger than 8½ x 11 inches.
- B. **Application Submission Requirements.** In addition to the application submission requirements in Section I-7, the applicant must submit the following materials unless waived by the Planning Board in accordance with Section I-14:
  - 1. A site plan or plans prepared at a scale of not less than one inch to 100 feet on paper size no smaller than 24 x 36 inches containing:
    - (a) The name and address of the applicant, the name of proposed development, and the name and address of the property owner, if different.
    - (b) The date the plan was prepared with the name, address, and contact information of the person who prepared the plan.
    - (c) Any land within 500 feet of the proposed development area in which the applicant has right, title, or interest.
    - (d) A soil survey (including a soils map, location of soil test pits, soil narrative report, and soil profile log description) of existing soil conditions, conducted by a professional consultant such as a soil scientist, engineer, or geologist according to the *Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping* (Maine Association of Professional Soil Scientists, Mar. 2009). The intensity level of the soil survey within the buildable area must be:
      - i. Class A (high intensity) for proposed structures and uses on a lot less than two acres with on-site subsurface wastewater disposal.
      - ii. Class B (high intensity) for proposed structures and uses on a lot less than two acres with a public sewer connection.
      - iii. Class C (medium-high intensity) for structures and uses on a lot two acres or greater with on-site subsurface wastewater disposal.
      - iv. Class D (medium intensity) for all other proposals and for all areas outside of the buildable area.
    - (e) Topographic contours at elevation intervals of two, five, 10, or 20 feet, as specified by the Planning Board.
    - (f) Municipal tax map and lot numbers and names of property owners within 100 feet of the property lines of the proposed development area.
    - (g) A perimeter survey of the parcels encompassing the proposed development area and interior lot layout made and certified by a land surveyor relating to reference points, showing true north point, graphic scale, corners of parcels, date of survey, lot size, lot frontage, lot coverage, any contiguous private open space, maximum and minimum setback lines, and total acreage.
    - (h) Existing and proposed locations and dimensions of any essential services, utility lines, sewer lines, water lines, easements, drainage ways (including

all existing and proposed storm drainage facilities and dimensions of culverts and pipes), roads, and public or private rights-of-way.

- (i) If the development is not proposed to be served by public sewer, an on-site soils investigation report by a licensed site evaluator or engineer. The report must contain the types of soil, location of test pits, and proposed location and design of the subsurface wastewater disposal system for the proposed development. If an engineered subsurface wastewater disposal system is proposed to serve the development, approvals of such system design from DHHS must be submitted.
  - (j) The location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of entrances and exits of vehicles to and from the site onto public roads, and curb and sidewalk lines.
  - (k) The location of all land use and shoreland zoning district boundaries.
  - (l) The location of mapped aquifers and aquifer recharge areas.
  - (m) The location of floodplains and floodplain elevations.
2. Drawings and descriptions showing:
- (a) The exterior of existing and proposed structures, including additions and expansions, identifying structure height, ground story floor elevation height (if applicable), exterior materials, texture, and color. Drawings and descriptions must demonstrate how structures will comply with applicable land use district façade requirements (including fenestration and building projection standards) and garage and parking requirements in Section III-4.
  - (b) A floor plan of existing and proposed structures showing location, footprint, floor area, ground coverage, and placement on site.
  - (c) A landscaping plan showing approximate placement and types of existing and proposed vegetation, berms, hedges, tree lines, fencing, and screening. The plan must demonstrate compliance with applicable district-specific landscaping requirements in Section III-4.
  - (d) The location, description, and placement of signs.
  - (e) The location, description (including intensity, type, size, and direction), and placement of exterior lighting.
3. A written statement consisting of:
- (a) A description of the existing and proposed uses of the site, and any existing or proposed structures, including quantity and type of dwelling units, if any.
  - (b) The floor area and footprint of each existing and proposed structure, and the lot coverage by each structure, each impervious surface, and all structures and impervious surfaces in the aggregate.
  - (c) Information relating to projected numbers and types of clients, staff and duties in sufficient detail to allow the Planning Board to evaluate the availability of municipal services.

- (d) A summary of existing and proposed easements, restrictions, and covenants placed on the development area.
- (e) A description of the proposed method of solid waste disposal.
- (f) A soil erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sediment Control Best Management Practices (BMPs): Manual for Designers and Engineers* (DEP, Oct. 2016).
- (g) An evaluation of the availability and suitability of off-site public facilities that will serve the proposed development.
- (h) A proposed plan for fire protection services, including an evaluation of the availability and suitability of fire hydrants, fire ponds, and other fire protection services.
- (i) A statement that any proposed road construction will comply with all applicable ordinances, rules, and regulations of the Town and any recommendations of the Public Works Director.
- (j) A construction schedule identifying all major stages of construction and including an estimate of the date when construction will start and be substantially completed.
- (k) A plan for protecting existing vegetation during construction and replacing vegetation that may become damaged by construction.
- (l) A decommissioning plan containing, at minimum, a proposed decommissioning schedule and statements and plans addressing physical removal of all facilities and structures; disposal of all solid and hazardous waste in accordance with applicable laws and rules; stabilization or revegetation of the site to minimize erosion and return the site to substantially its pre-development state; and an estimate of costs for decommissioning (including methodology and data supporting the estimate), prepared by an engineer.

#### **Section V-6. General Review Criteria**

For structures and uses that are allowed with site plan approval in the schedule of uses in Section III-2.B, the proposal must comply with the following review criteria:

##### **A. General.**

- 1. The proposed uses, and any structures associated with or devoted to such uses, are allowed within the land use and shoreland zoning district in which they are proposed to be located and comply with all standards applicable to uses and structures located in that district;
- 2. The proposal complies with all other applicable requirements of this Code and the Town's ordinances, rules, and regulations; and
- 3. The proposal is consistent with the *Town of Bridgton Comprehensive Plan*.

- B. **Preservation and Enhancement of the Landscape.** The landscape must be preserved in its natural state by minimizing disturbance of soil and removal of existing vegetation during construction. A landscaping plan must be incorporated into the final site plan, and landscaping must be designed and planted to (i) define, soften, or screen off-street parking areas from the public roads and abutting properties; (ii) enhance the physical design of existing and proposed buildings and the site; and (iii) minimize adverse audiovisual impacts on neighboring land uses. Invasive plants may not be used in any landscaping plan.
- C. **Relationship to Surroundings.** Proposed structures or additions to existing structures must:
1. Be of compatible scale and size to existing buildings in the vicinity;
  2. Be of compatible architectural style, incorporating features such as simple rectangular shape, gable roof or other traditional compatible roof line, dormers, compatible windows, doors and trim;
  3. Include as an integral element of design varying roof lines, awnings and canopies above windows or doors and other architectural elements to reduce bulk or scale of buildings. Designs must seek to eliminate unadorned or blank walls through use of varying architectural elements, windows, or other reflective surfaces. If applicable, designs must comply with the façade requirements in Section III-4. The Planning Board may consider the use, location, and surroundings of the structure when determining the appropriateness of the building's façade;
  4. Have exterior of wood, stone, brick, or other material having the same architectural and visual properties; and
  5. Avoid or minimize disruption to natural features, including slope, soil type, and drainage ways.
- D. **Vehicular and Pedestrian Traffic.** The proposal must not cause vehicular and pedestrian traffic conditions to become unsafe or to exceed reasonable traffic limits for the neighborhood. In evaluating this standard, the Planning Board may consider the location, number and control of access points, adequacy of adjacent roads, traffic flow, traffic volume, sight distances, turning lanes, existing or proposed traffic signalization, and pedestrian-vehicular contacts. To the greatest extent practicable, applicants must incorporate shared driveways to provide common access to adjacent properties and reduce curb cuts on the main road. In addition, for any proposal that crosses municipal boundaries, the proposal must not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the proposal is located.
- E. **Traffic Circulation.** The design of walkways, crosswalks, interior drives and parking areas must promote safe, clearly delineated, and convenient traffic patterns for pedestrian, vehicular and service use. The proposed layout must also provide adequate turning capacity for public safety vehicles. All public and private roads in a development area must comply with the following design and construction standards:
1. At minimum, a 20-foot wide all-weather access way must be provided from a public way into the development area.
  - ~~1.~~2. Any access ways around or through the development area must be at least 14 feet in width.

- F. **Parking.** The proposal must provide adequate parking to accommodate the projected needs of the proposed development, including projected numbers of employees and customers. Parking lots serving multiple establishments or providing general off-street parking are strongly encouraged. Applicants may satisfy this parking requirement by (i) demonstrating that existing public parking areas accommodate projected needs of the proposed development; (ii) entering into a written lease or other legally binding agreement, having a minimum duration of five years plus two consecutive five-year automatic renewal periods, with another property owner or with the Town to use, exclusively or on a shared basis, private or municipal parking lots that are proximate to the proposed development site and allow overnight and winter parking; or (iii) proposing an alternative agreement or arrangement sufficient to address the parking needs of the proposed development.
- G. **Surface Water Drainage.** Adequate provision must be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or the public storm drainage system. On-site absorption must be utilized to minimize discharges whenever possible. All drainage calculations must be based on a 10-year storm frequency. Additionally, for multi-family dwelling units, there must be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will assure that no flooding occurs and all stormwater can be disposed of properly. Such easement or right-of-way must be not less than 30 feet in width.
- H. **Impervious Surfaces.** No impervious surface may be constructed or installed within any minimum setback area, other than vehicular or pedestrian entrances to and exits from the site.
- I. **Public Utilities.** The proposal must not unreasonably burden public utilities.
- J. **Advertising Features.** Lighted signs and other lighted advertising structures or features must be shielded and non-flashing. Signs and other advertising structures or features must not detract from the design of any proposed structures or surrounding structures and properties.
- K. **Special Features of the Development.** Exposed storage areas, exposed machinery installation, service areas, truck and service loading areas, utility buildings, and similar structures must be sufficiently set back and screened from public roads, abutting properties, and proposed buildings to provide an audiovisual buffer sufficient to minimize their adverse impact on land uses within the development area and on surrounding properties. Loading areas must be separated from general parking areas.
- L. **Exterior Lighting.** All exterior lighting must be shielded, non-flashing, and energy efficient and must be designed to ensure safe movement of people and vehicles. Lighting must be located so as to minimize glare and reflection on adjacent properties and roads.
- M. **Emergency Vehicle Access.** Provision must be made for convenient and safe emergency vehicle access to the proposed development, including all existing and proposed structures.
- N. **Municipal Services.** The proposal must not have an unreasonable adverse impact on municipal services including municipal road systems, fire protection, police services, emergency medical unit services, solid waste program, schools, public open spaces, recreational programs and facilities, and other municipal services and facilities.

- O. **Water Quality.** The proposal must not, alone or in conjunction with existing activities, have an unreasonable adverse impact on water quality. In making this determination, the Planning Board must consider:
1. The elevation of land above sea level and its relation to floodplains;
  2. The nature of soils and subsoils, and, as applicable, their ability to adequately support subsurface wastewater disposal or any other approved or licensed discharge;
  3. The slope of the land and its effect on effluents;
  4. The impact on aquifers and aquifer recharge areas;
  5. The existence of streams and surface runoff characteristics;
  6. The cumulative impact of increased phosphorus export to water bodies; and
  7. Any other applicable federal, state, and local laws and rules pertaining to water quality.
- P. **Groundwater Quantity and Quality.** The proposal must not, alone or in conjunction with existing activities, have an unreasonable adverse impact on the quality or quantity of groundwater.
- Q. **Air Quality.** The proposal must not, alone or in conjunction with existing activities, have an unreasonable adverse impact on air quality. The applicant must consult federal and state authorities to determine applicable air quality laws and regulations and must furnish evidence to the Planning Board of compliance with such laws and regulations.
- R. **Water Supply.** Sufficient water must be available for the reasonably foreseeable needs of the proposed development, and the proposal must not cause an unreasonable burden on any existing water supplies.
- S. **Soils and Erosion Control.** The proposal must not, alone or in conjunction with existing activities, cause unreasonable soil erosion or a dangerous or unhealthy reduction in the capacity of the land to hold water.
- T. **Sewage Disposal.** The proposal must provide for adequate sewage disposal.
- U. **Scenic Impacts.** The proposal must not, alone or in conjunction with existing structures, have an unreasonable adverse effect on the scenic or natural beauty of the Town, including its aesthetics, historic sites, and rare and irreplaceable natural areas.
- V. **Noise.**
1. The proposal must not, alone or in conjunction with existing activities, raise noise levels to the extent that abutting or nearby residents or properties are adversely affected.
  2. Excessive noise at unreasonable hours must be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness.
  3. Except as provided in subsection V.4, below, the maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any activity must not exceed the following sound pressure level limits:

7:00 a.m. – 8:00 p.m.	8:00 p.m. – 7:00 a.m.
70 dB(A)	55 dB(A)

Sound pressure levels must be measured on a sound level meter at all major lot lines of the proposed development area, at a height of at least four feet above the ground surface.

4. The following activities are exempt from the sound pressure level limits of subsection V.3, above:
  - (a) Noises created by construction and maintenance activities between 6:30 a.m. and 8:00 p.m.
  - (b) Noises of safety signals, warning devices, and emergency pressure relief valves and any other emergency activity.
  - (c) Traffic noise on public roads.
- W. **Location in Floodplain.** If the proposal, or any part of it, is in a floodplain, the applicant must determine the 100-year flood elevation and flood hazard boundaries within the proposed development area. Principal structures must be constructed with their lowest floor, including basement, at least one foot above the 100-year flood elevation and the proposal otherwise comply with the *Town of Bridgton Floodplain Management Ordinance*.
- X. **Adequate Technical and Financial Capacity.** The applicant must have adequate financial and technical capacity to comply with the review standards in this Section V-6.
- Y. **Special Regulations.**
  1. An institutional use requiring federal or state licensing must obtain such license before site plan approval is granted by the Planning Board.
  2. All residential childcare and educational institutions and facilities must comply with the DHHS Rules for the Licensing of Child Care Facilities, codified at 10-148 C.M.R. ch. 32.
  3. Any industrial use which is found by the Planning Board to constitute a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration, or other disturbance is prohibited. No such finding may be made by the Planning Board until after a public hearing has been held in accordance with Section V-4.D.
  4. Any outdoor storage of articles, supplies, and materials must not be located within the minimum setback area and must be screened from view from abutting residential property owners or roads by a solid wall or vegetative hedge.
- Z. **Road Design.** For multi-family dwellings, the subdivision road design standards in Section VI-7.N apply.

#### **Section V-7. Additional Procedures and Review Criteria for Large-Scale Water Extraction**

- A. **Applicability.**
  1. Except as provided in subsection A.2, below, the extraction of more than 50,000 gallons on any given day or 1,000,000 annually of groundwater, spring

water, surface water, or water from an aquifer by any person, regardless of the number of extraction facilities utilized, must comply with the additional site plan review procedures and standards of this Section V-7.

2. This Section V-7 does not apply to:
  - (a) Extraction of groundwater to be used within the Town for standard agricultural purposes;
  - (b) Extraction of groundwater for any part of a community water system, as defined under the Maine Rules Relating to Drinking Water, codified at 10-144 C.M.R. Ch. 231.
  - (c) Domestic water supply to residential dwelling units within the Town;
  - (d) Water supply for public facilities, schools, or fire suppression; or
  - (e) Existing residential, commercial, agricultural, or industrial use and consumption within the Town.

**B. Review Procedures.** Notwithstanding Section V-4:

1. Notice to Abutting Property Owners. The applicant must give notice of the filing of an application for large-scale water extraction in accordance with Section I-9, except that the applicant must notify the owners of property located within 1,000 feet of the proposed extraction sites.
2. Completeness Review. The Planning Board has 30 days from the date of submission to conduct a preliminary review of the application solely for the purpose of determining whether the application is complete for review. Applications will not be accepted until all required state and federal permits are complete and approved by the agencies charged with reviewing and approving such permits. The applicant must furnish to the Planning Board copies of all applicable permits required by state or federal law. If within the 30 day period the Planning Board determines the application is incomplete in any material or relevant respect, it must inform the applicant, either in writing or verbally at a regularly scheduled meeting of the Planning Board at which the applicant is present, after which the applicant must be given a reasonable period of time, not to exceed 60 days to complete its application. Failure to complete the application in such time will cause the application to be deemed incomplete. If by the end of the 30 day period for review of completeness the Planning Board has not informed the applicant that the application is incomplete, the application is deemed complete.
3. Public Hearing. The Planning Board must hold a public hearing within 30 days of the determination of application completeness. The applicant must give notice of the hearing in accordance with Section I-9.
4. Decision. Within 30 days of the public hearing, or within such other time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board must hold a public meeting to render a decision as to whether to accept, accept with conditions, or deny the application. No later than 30 days following the meeting at which the Planning Board renders its decision, the Planning Board must issue a written decision with findings of fact and conclusions of law.



C. **Application Submission Requirements.** In addition to the requirements in Section V-5, an application for large-scale water extraction must include the following:

1. An application stamped and certified by an engineer or a geologist and accompanied by site plans stamped by a land surveyor.
2. A statement of total maximum quantity of water to be extracted, as the annual total, then maximum monthly total and the maximum daily total from all extraction points operated by the same individual or entity, or consortium or association of individuals or entities. This statement must also include:
  - (a) The location of points of extraction;
  - (b) The method of extraction; and
  - (c) The proposed use for which the water is to be extracted, including the identity of any end user of the extracted water whose facilities for use, processing, transporting, storage, bottling, shipping, piping, sales or other similar activities are located outside of the Town.
3. A copy of any related application and exhibits, reports, and public correspondence for such extraction and related facilities filed or to be filed with any other municipal authority, the state, or the federal government, including as required by NRPA, 38 M.R.S.A. §§ 481-490 (site location of development), 22 M.R.S.A. § 2660 *et seq.* (transportation of water for commercial purposes) or under other applicable DEP or DHHS laws and rules.
4. A copy of any related permit, approval, or denial for such extraction or related facilities as may have been issued by the state or federal government, including any DHHS bulk water transport permit, DHHS public water supply approval, DEP site location license, or DEP wetlands alteration permit. Such permits must be granted prior to application being made to the Planning Board.
5. A written report of a hydrogeologic investigation conducted, prepared, stamped, and certified by an engineer, a geologist or a hydrogeologist. The report must be based on a hydrogeologic investigation of sufficient detail to provide but not be limited to the following information:
  - (a) A map of the entire topographic drainage basin upgradient of the water extraction sites showing the basin boundaries, sub-basin boundaries that may be of significance to the recharge of the water extraction sites, and the location of the extraction sites.
  - (b) Two maps of the aquifer as specified below showing the springs, wells, or excavations from which water is to be extracted and the wetlands (including significant vernal pools) and water bodies within 2,000 feet of the extraction sites. The maps must be at a scale of one inch to 100 feet and must depict topographic contours at an interval of 20 feet or less. The maps must show the following information:
    - i. Map 1: Water table contours under ambient conditions, and
    - ii. Map 2: Water table contours under actual pumping conditions at the completion of a five-day constant rate pumping test at a rate at or above that proposed for operation.

The maps must be based on water table elevation measurements from monitoring wells and water bodies in the vicinity of the extraction sites and must include estimated surface water elevations for more distant locations. The applicant must take reasonable measures to obtain such data from land not owned by the applicant but is not required to include such data if other property owners do not allow access.

- (c) A map showing the long-term zone of contribution to the extraction sites based on maximum proposed extraction rates, and a quantitative water budget analysis that includes precipitation input, evapotranspiration losses, surface water runoff, groundwater flux, and discharge-recharge relationships between surface water and groundwater.
  - (d) Two scaled geologic cross-sections effects of long-term water extraction on local and regional groundwater levels, wetlands, ponds or lakes levels, base flow in streams, and any water quality changes in groundwater and surface water bodies due to the proposed use.
  - (e) Locations and logs of all subsurface explorations, including test pits, borings, probes, and geophysical data. Installation diagrams of all wells, including, as applicable, depth, screened intervals, casing length, elevation of ground surface and top of casing materials used, length of seals, and other relevant information.
  - (f) Background water level and water quality data, including, as applicable, stream flow, spring flow, wetland boundaries and hydro period, and other information as determined to be necessary by the Planning Board.
  - (g) Precipitation data from a location or locations and for a period determined to be acceptable by the Planning Board.
  - (h) The aquifer characteristics including hydraulic conductivity and transmissivity, average daily, monthly, and annual extraction rates.
6. A small-scale site plan showing:
- (a) Existing network of public or private roads leading to or by the extraction points.
  - (b) Any proposed new roads or driveways to be constructed for access to and egress from the extraction points, and the points of intersection of such proposed roads or driveways with existing roads.
  - (c) The location and type of monitoring and test wells.
  - (d) Any existing or proposed pipes, pipelines, aqueducts, or similar that are intended to facilitate transport of the extracted water from the extraction points towards the intended end user.
  - (e) Any existing or proposed utility lines to be used in the extraction operations.

- (f) A detailed plan of the extraction points including wellheads, pumping facilities, monitoring or test wells, lighting, all structures (including buildings, sheds, tanks, and silos), paving, vehicular drives, parking and turnaround, utility lines, fencing, pipelines, access roads or driveways, elevation and contour lines.
- (g) Any other relevant material details bearing on the proposed extraction process and whose omission would tend to hinder the ability of the reviewing authority, affected property owners, or the public from developing a full understanding of the scope and impact of the proposal.

D. **Additional Review Criteria.** In addition to the general review criteria in Section V-6, a large-scale extraction operation must comply with the following review criteria:

1. Any vehicular demand on existing Town roads or public easements occasioned by the operation of the extraction and related storage and transfer facility must not exceed the capacity of those roads, as determined by the Town Road Commissioner, or cause the premature failure, aging, or diminished utility of those roads.
2. If the extraction facility will be served by pipes, pipelines, aqueducts or similar installations, such installations must be sited and constructed so as to not interrupt the public's use of any existing road; interrupt the public's access to any private facility, great pond, or public property; interrupt private access to private property; or pose the risk of damage to any property along or through which such installations traverse as a result of any failure or malfunction which might cause ponding, erosion, stormwater runoff, or sedimentation.
3. The proposed extraction and activities incident to such extraction, including increased traffic (volume and type), parking, noise, glare from lights, or similar potential for nuisances, must not cause a negative impact on adjacent properties or the nearby vicinity as a whole. The Planning Board may condition approval of the proposal by limiting hours of operation.
4. Provision must be made for vehicular access to the extraction facility and for circulation, loading, and unloading upon the lot in such manner as to safeguard against hazards to traffic and pedestrians on adjacent roads and to avoid traffic congestion and traffic safety hazards, or other safety risks.
5. Any driveways or access roads to the extraction facility must be designed in profile and grading and located so as to provide sight distances as specified by DOT.
6. Driveways and access roads to the extraction facility must comply with the subdivision road standards in Section VI-7.
7. All water extraction meters must be calibrated, certified, and sealed annually by DACF Division of Quality Assurance and Regulation with all costs to be paid by the applicant or the extractor.
8. The quantity of groundwater to be extracted must not have a negative impact on groundwater flow patterns relating to the aquifer, its recharge areas, or other groundwater sources within the Town.

9. The quantity of groundwater to be extracted must not negatively impact, diminish, or alter any surface waters within the Town, including during any periods of drought.
10. The quantity of groundwater to be extracted must not cause any ground subsidence beyond the property lines of the applicant's property.
11. The quantity of groundwater to be extracted must not adversely affect the long-term sustainability of the aquifer, or its recharge areas, including during periods of drought.
12. The quantity of groundwater to be extracted must not negatively impact the quality of the groundwater in the aquifer.
13. Trucks transporting water must only use roads approved by the Planning Board.
14. The CEO, Police Chief, and Fire Chief must have access to all wells and facilities for oversight purposes.
15. Extraction wells must not have a negative impact on the water quality or quantity of any public or private wells or spring in the Town.

**E. Post-Approval Requirements.**

1. Every extraction well site must be provided with a minimum of three monitoring test wells, and the location of these monitoring test wells must first be approved by the CEO. These wells must monitor the same geologic unit that is producing the groundwater for the extraction well. Any private wells within the zone of contribution must be monitored.
2. The applicant of an approved project must provide the CEO with quarterly hydro geologic status reports documenting compliance with the site plan approval, the effects of the extraction on the local and regional groundwater system, and confirmation that the extraction is not degrading water quality or quantity. The report must include but not be limited to a tabulation of groundwater extraction volumes on a daily and monthly basis; monthly groundwater level trends from each monitoring well set associated with the extraction well, and a discussion of any variation in the effects of extraction compared to predicted hydro geologic response. All quarterly reports must be submitted to an independent expert selected by the Planning Board for review. The costs of the independent expert review must be paid for by the applicant.
3. The applicant must submit quarterly operating records to the Planning Board. Such reports must show daily, monthly, and yearly totals of water extracted and the amount stored and shipped for each interval. Detailed records must also be kept as to the vehicles on which water is shipped, including the loading weight and the vehicle gross weight, the departure time, and the intended destination.
4. Groundwater samples must be collected on an annual basis during the month of August and analyzed for an appropriate suite of water quality parameters. Samples must be collected from at least two hydraulically upgradient locations and two hydraulically downgradient locations. In addition, representative samples from 10% of the private wells within the zone of contribution must be

included in the August water quality analysis. The water quality parameters and sample locations must be approved beforehand by the CEO. An itemized report defining sample locations and results must be submitted to the CEO no later than 30 days following the collection of such samples.

5. If in any seven days out of a 12-day rolling window, the flows are below 120% of the proposed minimum base flows, the alert level is triggered. While on alert status, the reporting frequency will increase to weekly reporting of flow monitoring and include a weekly description of operational modifications to ensure that the minimum base flows are not reached. Operational modification will entail reduction in pumping. The reduction in pumping will vary between a complete stop of pumping to no reduction in pumping. If the alert level is triggered, the applicant must notify the CEO before the end of the following workday (weekends and holidays excluded). The applicant must implement, within 24 hours, any operational changes (potentially including cessation or reduction in pumping rate and/or supplementing existing flows) required by the CEO following review of the weekly reports. The CEO will determine whether and when the previously approved reporting schedule may be resumed.

F. **Enforcement.** In addition to Section VII-11, the following enforcement provisions apply to large-scale water extraction operations:

1. The applicant assumes any and all liability for the loss, interruption, degradation or interference with the pre-existing beneficial domestic use of groundwater by a property owner or lawful land occupant, or other public or private water supply, caused by applicant's withdrawal or extraction of water.
2. Liability for harmful groundwater withdrawal is governed by 38 M.R.S.A. § 404.
3. The applicant's liability is for compensatory damages only, and is limited to the following:
  - (a) All costs necessary to restore the property owner or lawful land occupant to a status which is reasonably equivalent in terms of quantity and quality of groundwater, made available on a similarly accessible and economic basis;
  - (b) Compensatory damages for loss or damage to the property, including the loss of habitability of residence, caused to the property owner or lawful land occupant by reason of the interference prior to restoration of the status provided for in subsection a; and
  - (c) Reasonable costs, including expert witness and attorney fees incurred in initiating and prosecuting an action when necessary to secure a judgment granting the relief provided for under this Section V-7.

STATE LAW REFERENCE—38 M.R.S.A. § 404 (GROUND WATER PROTECTION PROGRAM).

**Section V-8. Additional Procedures and Review Criteria for Mineral Extraction**

- A. **Applicability.** The additional site plan review procedures and standards in this Section V-8 apply to surface and subsurface mineral extraction operations.
- B. **Review Procedures.** In addition to the requirements of Section V-4, the applicant must give notice of the filing of an application for surface or subsurface mineral extraction in accordance with Section I-9, except that the applicant must notify the owners of property located within 1,000 feet of the proposed extraction site and such notice must additionally include an explanation of the intent, scope, and location of the proposed extraction in terms readily understandable to a layperson.
- C. **Application Submission Requirements.** In addition to the requirements in Section V-5, an application for surface or subsurface mineral extraction must include the following:
  - 1. A map of the proposed extraction site prepared at a scale of not less than one inch to 40 feet and not more than one inch to 100 feet containing:
    - (a) Notwithstanding Section V-5.B.1.(e), contour lines showing elevations in relation to mean sea level at appropriate intervals to show the effect on the land of existing and proposed grades for areas proposed to be excavated or filled. Contour intervals must be a maximum of five feet.
    - (b) Notwithstanding Section V-5.B.1.(f), municipal tax map and lot numbers and the names of all the property owners within 1,000 feet of the property lines of the proposed development.
    - (c) The location of existing and proposed mineral extraction activities and structures on the property.
    - (d) The approximate location of residential structures on properties within 1,000 feet of the proposed activity.
    - (e) The location and identification of any existing public and private roads and rights-of-way associated with the property.
    - (f) The location of any proposed access roads to the mineral extraction activity from public roads.
    - (g) The location of all vegetated buffers, open space, conservation areas, and protected natural resources.
    - (h) The location of known existing wells within 1,000 feet of the proposed activity, if five acres or more, or within 500 feet of the proposed activity if less than five acres; and all wells on the property.
    - (i) The location of proposed hazardous material storage areas, including fuel storage and handling, and washdown areas, per DEP specifications.
  - 2. The name of the proposed manager of operations.
  - 3. An estimate of the average daily traffic and a traffic impact narrative during periods of operation projected to be generated by the activity.
  - 4. A narrative description of the surface and groundwater impacts, including protection plans and the identification of any significant mapped aquifers.

5. A reclamation plan in conformance with the requirements of subsection D.4, below, and showing the final grades, including a revegetation plan, and any phasing of the plan.
6. A narrative description of the project's impact on the wildlife habitat, and the location of any deer yards or other significant wildlife habitat designated by MDIFW, including any proposed mitigation measures.
7. A narrative description of the present use of the parcel and property within 500 feet of the activity.
8. The estimated longevity of the operation, including phasing.
9. The proposed hours and days of operation.
10. If any petroleum products or other materials with potential to contaminate groundwater will be stored on site, a spill prevention, control and containment (SPCC) plan in accordance with subsection D.5 and DEP regulations.
11. A blasting plan, if any proposed blasting activity is to occur.
12. Copies of all submissions made to any federal or state agencies concerning the property.
13. For rock mining/extraction operations, a surveyed report of the quarry material on site to be excavated, calculated and certified by an engineer.
14. A valid DEP permit for the mineral extraction activity or a complete pending DEP application, if available at the time of filing the site plan application.

**D. Additional Review Criteria.** In addition to the general review criteria in Section V-6, a surface or subsurface mineral extraction operation must comply with the following review criteria:

1. Generally.
  - (a) Mineral extraction activities must comply with all applicable federal and state laws and local ordinances, rules, and regulations.
  - (b) The owner and operator of a mineral extraction operation must be responsible, both jointly and severally, for ensuring the maintenance of all infrastructure, structures, and their sites.
  - (c) Mineral extraction activities in the shoreland zone must comply with the provisions of Section IV-4.M.
  - (d) Sediment must not leave the parcel or enter a protected natural resource.
2. Internally Drained Projects. If the project is internally drained:
  - (a) Land must be restored and stabilized according to a reclamation plan in compliance with subsection 4, below, as approved by the Planning Board.
  - (b) A volume calculation must be provided demonstrating that the area will safely hold a volume of precipitation at least equal to that which may be expected in the area from the 10-year, 24-hour storm event for the region.

3. Externally Drained Projects. If the project is externally drained:
  - (a) If surface water flows out of and away from the proposed site during and after the site is excavated, the site plan must ensure proper erosion control and prevent siltation of downstream waters. Temporary erosion control measures, such as hay bale barriers, silt fencing, and riprap, must be included in the project design. Plans must show the location and installation details and include a description of the timing of installation, inspection and maintenance of erosion control measures.
  - (b) The site plan must show pre-construction and post-construction contours, and if applicable, phased contours. The plan must also show the watershed, on- and off-site watershed boundaries, and hydrologic surface water flow lines.
4. Reclamation Plan. The affected land must be restored to a condition or physical state that is either similar to and compatible with that which existed prior to any development, or encourages the productive use of the land. The reclamation plan must comply with the following specifications:
  - (a) *Soil Stockpiling*. Soil that is stripped or removed must be stockpiled for use in reclaiming disturbed land, unless it is demonstrated to the Planning Board that it is not needed for reclamation purposes. Soil stockpiles must be seeded, mulched, or otherwise stabilized. At least four inches of any previously stripped topsoil must be used for final cover.
  - (b) *Regrading*. A slope no greater than the natural angle of deposition for the type of material being deposited must be used.
  - (c) *Vegetative Cover*. Vegetative cover must be established on all affected land. Topsoil must be placed, seeded, and mulched within 30 days of final grading. Vegetative material used in reclamation must consist of grasses, legumes, herbaceous plants, or woody plants. Plant material must be planted during the first growing season following the reclamation phase. Selection and use of vegetative cover must take into account soil and site characteristics, including drainage, pH, nutrient availability, and climate.
  - (d) Within one growing season of seeding, the planting of trees and shrubs must result in a permanent stand, or regeneration and succession rate, sufficient to ensure a 50% survival rate and the planting results in 90% ground coverage.
5. Petroleum Usage.
  - (a) If any petroleum products or other materials with potential to contaminate groundwater are proposed to be stored on the site, a spill prevention, control and containment (SPCC) plan must be prepared in accordance with DEP regulations and this subsection D.5.
  - (b) Crankcase oil, hydraulic fluids, or similar products must not be disposed of within the excavation area or otherwise violate DEP regulations.
  - (c) Any discharge or leak of petroleum product over a gallon must be immediately reported to the CEO. All discharges or leaks of any size must be cleaned up promptly in accordance with DEP regulations.



6. Vegetated Buffers.

- (a) To minimize visual impacts and provide for wildlife, a 75-foot undisturbed natural vegetated buffer must be maintained from property boundaries. This buffer may be reduced to no less than 25 feet with written permission of an abutting property owner, or may be eliminated between abutting properties as long as written permission is obtained and erosion and stormwater control standards on both properties are met. Any written permission to reduce or eliminate the vegetated buffer must be in the form of a legal instrument approved and signed by the abutters, must provide that such permission remains in effect until mining operations cease, and must be recorded in the Cumberland County Registry of Deeds.
- (b) A 30- foot undisturbed natural vegetated buffer must be maintained from the closest edge of an existing residence, business structure, or farm building used for livestock. This buffer may be reduced with written permission of the owner of the existing residence, business structure or farm building. Any written permission to reduce the vegetated buffer must be in the form of a legal instrument approved and signed by the owner of the existing residence, business structure, or farm building; must provide that such permission remains in effect until mining operations cease; and must be recorded in the Cumberland County Registry of Deeds.
- (c) A 100-foot undisturbed natural vegetated buffer from the closest edge of the shoulder of a public road must be maintained.

7. Road Design, Circulation, and Traffic Impacts.

- (a) The intersection of any road within the development area and an existing public road must comply with the following standards:
  - i. The angle of an intersection must be 60 to 90 degrees.
  - ii. The maximum permissible grade within 75 feet of the intersection is 5%.
  - iii. A minimum sight distance of 10 feet for every mile per hour of posted speed limit on the existing road must be provided. Sight distances must be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of the shoulder line with the height of the eye  $3\frac{1}{2}$  feet above the pavement and the height of object  $4\frac{1}{4}$  feet.
  - iv. The center line of any road within the project intersecting an existing public road must be no less than 125 feet from the center line of any other road intersecting that public road.
- (b) Turning lanes, traffic directional islands, frontage roads, and traffic controls must be provided on Town roads at the applicant's expense where necessary, in the judgment of the Planning Board, to safeguard against hazards to traffic or pedestrians or avoid traffic congestion.

- (c) All access or egress roads leading to or from the extraction site to paved public roads must be treated with suitable materials to reduce dust and mud and paved or maintained hard surface for a distance of at least 200 feet from the paved public road.
  - (d) Where mineral extraction activity traffic proposes to use Town maintained roads, the activity scope must be suitable and appropriate to the projected daily traffic impacts.
  - (e) The road giving access to the mineral extraction activity and neighboring roads which can be expected to carry traffic to and from the mineral extraction activity site must have traffic carrying capacity. If this is a Town road, the Planning Board may determine that it be suitably improved to handle the carrying capacity from the project. Necessary studies and road improvements are at the applicant's expense.
  - (f) *Routing.* Where necessary to safeguard against hazards to pedestrians, to avoid traffic congestion, or to avoid adverse impacts to Town roads, alternative routing may be required by the Planning Board.
8. Groundwater Impacts.
- (a) The proposed mineral extraction activity must not cause an adverse impact to groundwater quality and quantity.
  - (b) To provide an adequate buffer for groundwater and allow for filtration of impurities from surface water, mineral extraction must not be any closer than two feet above the maximum seasonal high-water level unless an application has been submitted to and approved by DEP for excavation below the seasonal high groundwater table and all other applicable review criteria of this Code are met. The applicant must provide documentation of the groundwater table. The Planning Board may require monitoring of groundwater levels and quality to ensure there are no adverse impacts to any water supplies or wells within 500 feet of the perimeter of the work site.
9. Water Supply Setback.
- (a) A 300-foot separation must be maintained between the limit of excavation and any pre-development private drinking water supply. Separation may be reduced to no less than 100 feet with written permission of the property owner. Any written permission to reduce the 300-foot separation must be in the form of a legal instrument approved and signed by the owner, must provide that such permission remains in effect until mining operations cease, and must be recorded in the Cumberland County Registry of Deeds.
  - (b) A 1,000-foot separation must be maintained between the limit of excavation and any well or spring which qualifies as a public drinking water supply. The Planning Board may require larger setbacks from water supplies if a hazard is shown to exist due to the mineral extraction activity.

10. Water Use. A mineral extraction activity must not withdraw more than 5,000 gallons of groundwater per day, unless a hydrogeologic study which supports withdrawal of more than 5,000 gallons per day is submitted by a qualified professional.
11. Standards for Acceptable Groundwater Quality Impacts.
  - (a) Projections of groundwater quality must be based on the assumption of drought conditions (assuming 60% of annual average precipitation) based on a 10-year average.
  - (b) No mineral extraction activity may increase any contaminant concentration in the groundwater to more than ½ of the National Primary Drinking Water Regulations (NPDWRs), codified at 40 C.F.R. parts 141 and 142. No mineral extraction activity may increase any contaminant concentration in the groundwater to more than the National Secondary Drinking Water Regulations (NSDWRs), codified at 40 CFR Part 143.
  - (c) If groundwater contains contaminants in excess of any NPDWR, and the mineral extraction activity is to be served by on-site groundwater supplies, the applicant must demonstrate how water quality will be improved or treated to comply with the requirements of subsection (b), above.
12. Solid Waste Disposal. No solid waste, including stumps and grubblings, may be placed, stored, or disposed of in the mineral extraction activity site unless it complies with DEP requirements.
13. Hours of Operation.
  - (a) The hours of operation must not be earlier than 7:00 a.m. and no later than 7:00 p.m. Monday through Friday, no earlier than 7:00 a.m. and no later than 2:00 p.m. Saturday, and are prohibited from operating on Sunday. These hours of operation limits may be adjusted by the Planning Board upon written request by the applicant and consideration of potential disruptions to surrounding properties and uses. Excluded from the hours of operation limits are hours related to general office duties, general maintenance and repair of equipment, and any unforeseen emergency.
  - (b) The hours of operation for rock crushing and blasting activity associated with gravel pits must not be earlier than 7:00 a.m. and no later than 5:00 p.m. Monday through Friday, no earlier than 8:00 a.m. and no later than 12:00 p.m. Saturday, and are prohibited from operating on Sunday. Rock crushing and blasting activity associated with gravel pits must be limited to three periods consisting of six consecutive days within a single three-year period. The Planning Board may adjust these hours of operation limits and rock crushing and blasting activity limits upon written request by the applicant and a showing of just cause for the adjustment. Any time not used during a three-year period cannot be carried over to the next three year period.
14. Rock Mining/Extracting Limit. The maximum limit of material that may be extracted from a rock mining/extracting operation per year is 100,000 cubic yards.

E. **Post-Approval Requirements.**

1. Annual Inspection Report. An annual inspection report identifying the quantity of materials extracted each year must be prepared by an engineer at the applicant's expense. The annual inspection report must be submitted to the CEO.
  - (a) *Reclamation; Performance Guarantee.* As determined by the annual inspection report, once the surface area of the extraction operation exceeds five acres, the property owner/applicant must comply with the performance guarantee requirements of Section VIII-10.
2. Recording Final Plan. No mineral extraction activity site plan may be recorded in the Cumberland County Registry of Deeds until a final plan has been approved and signed by the Planning Board in accordance with this Code.
3. Prohibition on Unapproved Sale of Materials. No person may sell or offer to sell any materials in a mineral extraction activity site if the sale or offer to sell has not been approved by the Planning Board.

**Section V-9. Additional Procedures and Review Criteria for Marijuana Establishments**

A. **Applicability; Local Limitation on Number of Medical Marijuana Registered Dispensaries**

1. Applicability. This Section V-9 applies to any marijuana establishment located or proposed to be located wholly or partially within the geographic boundaries of the Town. Any application for a marijuana establishment, including any proposed amendments to a previously authorized medical marijuana registered dispensary, requires review and approval by the Planning Board.
2. Local Limitation on Number of Medical Marijuana Registered Dispensaries. The number of medical marijuana registered dispensaries within the geographic boundaries of the Town is limited to two. For purposes of this limitation, each parcel of land, including any structures thereon, that is being used for the acquisition, possession, cultivation, manufacture, delivery, transfer, transport, sale, supply, or dispensing of medical marijuana or related supplies and educational materials is counted as one medical marijuana registered dispensary. Planning Board approval of an application for a medical marijuana registered dispensary is *prima facie* evidence of the existence of a medical marijuana registered dispensary.

B. **Application Submission Requirements.** In addition to the requirements in Section V-5, an application for a marijuana establishment must include the following:

1. Documentation of any required state approvals connected with the marijuana establishment, including the licensing or registration of entities engaged in such operation.
2. Proposed hours of operation for the marijuana establishment.
3. Property and building security plans must be submitted to the Bridgton Police Department at the time of filing a site plan application. If the site plan application is approved, the applicant must also submit amendments, if any, to such security plans to the Bridgton Police Department at the time such amendments are made.

4. Written statements, maps, and other documentation addressing each of the additional review criteria set forth in subsection C, below. At minimum, such documentation must include:

- (a) *Setbacks from Sensitive Uses.* A drawn-to-scale map of all lots within 1,000 feet of the lot lines of the site on which the marijuana establishment is proposed to be located. The map must identify the location of any of the sensitive uses and setback areas identified in subsections C.1, C.2, and C.3, below.
- (b) Statements that the marijuana establishment will be operated from a permanent, indoor location; will not have drive-through pick-up facilities; and will not display marijuana, marijuana products, or marijuana paraphernalia so as to be visible from outside of the premises.
- (c) Documentation evidencing compliance with the security and police services impacts criteria in subsection C.6.
- (d) A detailed odor and emissions control plan describing and documenting the equipment, practices, and technologies proposed to be used to control odors and emissions in accordance with subsection C.8.
- (e) An operations plan for proper disposal of marijuana, marijuana products, and related by-products.
- (f) For any proposed marijuana cultivation area, the proposed plant canopy size, the location of the marijuana cultivation area in relation to property lines and setbacks, and a proposed plan for visually buffering the marijuana cultivation area from view from all property lines.
- (g) Illustrations and graphics of all proposed signage and advertising associated with the marijuana establishment.
- (h) Evidence of compliance with state and local labeling and packaging laws and rules for marijuana and marijuana products.
- (i) For marijuana establishments proposing to provide any goods containing marijuana for human consumption, plans for the storage of goods in a secure area and documentation evidencing that the goods will not be prepared, produced, or assembled so as to appeal to persons under 21 years of age.

- C. **Additional Review Criteria.** In addition to the general review criteria in Section V-6, a marijuana establishment must comply with the following review criteria:

- 1. Setbacks from Sensitive Uses. No marijuana establishment may be located within 1,000 feet of the lot lines of any sensitive use.
  - (a) The distances this subsection C.1 must be measured between the lot lines of the proposed site for the marijuana establishment and the lot lines of the site of the sensitive uses at their closest points.
  - (b) A marijuana establishment may continue to operate in its present location as a pre-existing use if a sensitive use later locates within the 1,000-foot setback area, but the marijuana establishment does so at its own risk and

Town-issued permits or approvals provide no protection or indemnification against enforcement of federal or other applicable laws that may prohibit operation of a marijuana establishments proximate to such sensitive use.

2. Setbacks from Residential Uses. The primary entrance of any marijuana establishment must be sited no closer than 100 feet, as measured along the normal course of travel, from the primary entrance of an abutting residential property.
3. Setbacks from Other Marijuana Establishments. A property containing a structure housing one or more marijuana establishments may not be located within 300 feet of another property housing one or more marijuana establishments. This setback area must be measured from the lot lines of the properties at their closest points. This setback does not apply as between those medical marijuana registered caregivers that are operating in the same medical marijuana multiple registered caregiver facility.
4. A marijuana establishment must be operated from a permanent, indoor location; must remain in its approved location; and may not operate as a mobile establishment or operation. The prohibition on operating as a mobile establishment or operation does not apply to the delivery of marijuana or marijuana products by a medical marijuana large-scale caregiver operation to qualifying patients.
5. No Drive-Throughs. Marijuana establishments are prohibited from having drive-through pick-up facilities.
6. Security, Impact on Local Police Services. The owner or operator of a marijuana establishment must:
  - (a) Install security surveillance cameras, recording and operating 24 hours a day, seven days a week, to monitor all entrances and the exterior of the premises to discourage and facilitate the reporting of criminal acts and nuisance activities occurring at the premises. All video surveillance recordings must be retained for a minimum of 15 calendar days. Upon request, the security recordings must be made available to the Bridgton Police Department.
  - (b) Provide the Bridgton Police Department with the name and functioning telephone number of a 24-hour on-call staff person to whom notice of any operating problems associated with the marijuana establishment may be given, and must keep the name and contact information updated.
  - (c) Maintain and provide, upon request, all property and building security plans to the Bridgton Police Department.
  - (d) Install door and window intrusion robbery and burglary alarm systems with audible and notification components that are professionally monitored and maintained in good working condition.
  - (e) Maintain a locking safe or its functional equivalent permanently affixed to the premises that is suitable for storage of all marijuana, including marijuana products, and cash stored overnight on the premises. A "functional equivalent" may include the provision of secure and

restricted access to indoor spaces housing plant canopy, immature marijuana plants, or seedlings.

7. Display. No marijuana, marijuana products, or marijuana paraphernalia may be displayed or kept so as to be visible from outside of the premises of the marijuana establishment.
8. Control of Odors, Emissions, and Trash.
  - (a) The odor of marijuana must not be perceptible beyond the property boundary lines of any marijuana establishment.
  - (b) Adequate provision must be made to prevent smoke, debris, dust, fluids, and other noxious gases, fumes, and substances from exiting a marijuana establishment at all times. All such substances must be controlled and disposed of in a safe, sanitary, and secure manner.
  - (c) A marijuana establishment must have in place an operations plan for the disposal of marijuana, marijuana products, and related by-products in a safe, sanitary, and secure manner and in accordance with all applicable laws and regulations.
  - (d) Dumpsters and trash containers must not be overflowing, and the surrounding area must be kept free of litter and trash. All dumpsters and containers must be screened from public view. All trash receptacles on the premises of a marijuana establishment that are used to discard marijuana and marijuana products must have a metal cover or lid that is locked at all times.
9. Marijuana Cultivation Areas.
  - (a) Outdoor cultivation of marijuana associated with any marijuana establishment is prohibited.
  - (b) For any marijuana cultivation areas associated with a medical marijuana multiple registered caregiver facility, the aggregate plant canopy of all marijuana cultivation areas within the facility may not exceed 7,000 square feet.
  - (c) For any adult use marijuana cultivation facility, the plant canopy may not exceed 20,000 square feet, except that any adult use marijuana cultivation facility may request an expansion of the plant canopy to up to 30,000 square feet. These plant canopy limitations apply to each adult use marijuana cultivation facility that is co-located with any other adult use marijuana cultivation facility.
  - (d) Notwithstanding subsection C.1.9.(c), above, no more than two Tier 4 adult use marijuana cultivation facilities are allowed to operate within the Town. For purposes of this subsection C.1.9.(d), a “Tier 4 adult use marijuana cultivation facility” is an adult use marijuana cultivation facility that has been granted a Tier 4 cultivation facility license by the state licensing authority to allow cultivation by a licensee of not more than 20,000 square feet of plant canopy, pursuant to 28 M.R.S.A. § 301(4).

- (e) All marijuana cultivation areas must be visually buffered from view from all property lines.
- 10. Signage and Advertising. All signage and advertising associated with a marijuana establishment must comply with the *Town of Bridgton Sign Ordinance* and the following additional standards:
  - (a) Use of advertising material that is misleading, deceptive, or false, or that is designed to appeal to a person under 21 years of age is prohibited.
  - (b) Exterior signs may not advertise marijuana strains by name.
- 11. Labeling, Packaging, and Food Products.
  - (a) All medical marijuana (including any medical marijuana products) sold, prepared, produced, or assembled by a marijuana establishment must be packaged and labeled as required by the laws of the state licensing authority, including 22 M.R.S.A. § 2429-A.
  - (b) All adult use marijuana (including any adult use marijuana products) sold, prepared, produced, or assembled by a marijuana establishment must be packaged and labeled as required by the laws of the state licensing authority, including 28-B M.R.S.A. § 701.
  - (c) No food products may be sold, prepared, produced, or assembled by a marijuana establishment except in compliance with all operating and other requirements of state and local laws and regulations, including food establishment licensing requirements.
  - (d) Any goods containing marijuana for human consumption must be stored in a secure area.
  - (e) Any goods containing marijuana for human consumption must not be prepared, produced, or assembled so as to make the goods specifically appeal to persons under 21 years of age.
- 12. Inspections.
  - (a) The CEO, Police Chief, Fire Chief, and Health Officer must inspect every marijuana establishment prior to issuance of a certificate of occupancy by the CEO to verify that the marijuana establishment is constructed and can be operated in accordance with the application submitted, the site plan approval, and the requirements of this Code, local and state building codes, electrical codes, fire codes, and any other applicable life safety codes. No marijuana or marijuana products associated with a marijuana establishment will be allowed on the premises until the inspection is complete and a Certificate of Occupancy has issued.
  - (b) The CEO, Police Chief, Fire Chief, or Health Officer may additionally inspect a marijuana establishment as part of their ordinary duties and responsibilities.



**D. Additional Requirements for Marijuana Manufacturing Facilities**

1. Additional Submission Requirements for Marijuana Manufacturing Facilities. In addition to the requirements in Section V-5 and subsection B, the applicant of a proposed marijuana manufacturing facility must provide:
  - (a) Certification from an engineer of the safety of the equipment used for marijuana extraction and the location of the equipment and the engineer's approval of the standard operating procedures for the marijuana extraction;
  - (b) Documentation from an engineer or a state or local official authorized to certify compliance that the equipment used for marijuana extraction and the location of the equipment comply with state law and all applicable local and state building codes, electrical codes, and fire codes, including the chapters of the most recent NFPA Fire Code relating to marijuana extraction facilities;
  - (c) Documentation from the manufacturer of the marijuana extraction system or an engineer showing that a professional grade, closed-loop extraction system that is capable of recovering the solvents used to produce marijuana concentrate is used by the person; and
  - (d) Evidence that the person provided notice to the state reviewing authority prior to August 1, 2019 of the person's intent to engage in marijuana extraction using inherently hazardous substances and the location where the marijuana extraction will occur prior to engaging in marijuana extraction using inherently hazardous substances, in accordance with 22 M.R.S.A. § 2423-F(3), or has received the necessary state HIS registration to engage in this activity.
2. Additional Review Criteria for Marijuana Manufacturing Facilities. In addition to the requirements in Section V-6 and subsection C, a marijuana manufacturing facility must:
  - (a) Acquire and maintain in good working order marijuana extraction equipment which is certified by an engineer to be safe for marijuana extraction;
  - (b) Utilize a professional grade, closed-loop extraction system that is capable of recovering the solvents used to produce marijuana concentrate is used by the person;
  - (c) Locate all marijuana extraction equipment in a location which is certified by an engineer to be safe for marijuana extraction;
  - (d) Prepare and maintain standard operating procedures for the marijuana extraction operation that are approved by an engineer;
  - (e) Include ventilation systems that mitigate noxious gases or other fumes used or created as part of the manufacturing or extraction operation; and
  - (f) Comply with all applicable local and state building codes, electrical codes, and fire codes concerning the marijuana extraction equipment used and its location, including the chapters of the most recent NFPA Fire Code relating to marijuana extraction facilities.

E. **Additional Requirements for Marijuana Testing Facilities**

1. Additional Submission Requirements for Marijuana Testing Facilities. In addition to the requirements in Section V-5 and subsection B, a marijuana testing facility must provide its ISO/IEC accreditation and state license or registration.
2. Additional Review Criteria for Marijuana Testing Facilities. In addition to the requirements in Section V-6 and subsection C, a marijuana testing facility must:
  - (a) Obtain and be able to produce upon demand by the CEO its ISO/IEC accreditation and proof of state licensing.
  - (b) Include ventilation systems that mitigate noxious gases or other fumes used or created as part of testing.

**Section V-10. Additional Procedures and Review Criteria for Solar Energy Facilities**

A. **Applicability; Local Limitation on Number of Solar Energy Facilities.**

1. Applicability. The additional site plan submission requirements and review standards in this Section V-10 apply to solar energy facilities.
2. Local Limitation on Number of Solar Energy Facilities. The number of solar energy facilities within the geographic boundaries of the Town is limited to eight. For purposes of this limitation, each parcel of land that is approved to be used or is being used for the operation of a solar energy facility is counted as one solar energy facility. Planning Board approval of a site plan application for a solar energy facility is *prima facie* evidence of the existence of a solar energy facility.

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B. **Application Submission Requirements.** In addition to the requirements in Section V-5, an application for a solar energy facility must include the following:

1. A landscaping plan demonstrating compliance with the landscaping and vegetative screening requirements in Section V-10.C.3. At minimum, the landscaping plan must specify the locations, elevations, and height above finished grade of all vegetation, berms and plantings and must identify the plant species and other materials that will comprise the elements used to establish the vegetative buffer and substantially screen the facility from view from adjacent properties.
2. A visual impact assessment prepared by a landscape architect or other professional with expertise in evaluating visual impacts, which identifies the visual impacts of the solar energy facility on any public vantage points within a one-mile radius of the solar land area, and on abutting properties. At minimum, the assessment must include a line-of-sight profile analysis that illustrates what is visible and what is obstructed along a straight line running from the solar energy facility and each public vantage point. The Planning Board may require additional visual impact assessments, including digital viewshed maps, if it determines in its sole discretion that such assessments are necessary for the Planning Board to evaluate the facility's compliance with the scenic impact standards in Section V-0.C.5.
3. Pre-construction sound pressure levels measured at all major lot lines of the proposed development area, at a height of at least four feet above the ground surface.

4. A long-term operations and maintenance plan providing for ongoing monitoring and inspections of all site improvements. The plan must provide a method for maintaining sufficient financial resources for performing ongoing maintenance and repair of the solar energy facility.
5. A decommissioning plan for the removal of the solar energy facility and stabilization of the solar land area, which must include a proposed decommissioning time schedule, demonstration of compliance with the requirements in Section V-11.D, and a statement of the applicant's intent concerning the following:
  - (a) Physical removal of any solar energy system components, structures, foundations, supports, fencing, or security barriers from the site.
  - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal laws and rules.
  - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion and return the site to substantially its pre-construction state.

**C. Additional Review Criteria.** In addition to the general review criteria in Section V-6, a solar energy facility must comply with the following review criteria:

1. Maximum Solar Land Area. The solar land area of a solar energy facility must not exceed 20 acres.
2. Maximum Height. The maximum height must not exceed the height listed in Section III-3.B.
3. Landscaping; Vegetative Screening.
  - (a) A natural, undisturbed vegetative buffer must be established and maintained within the minimum setback area. Existing trees, shrubs, and other vegetation within the minimum setback area must be preserved. Roads and driveways providing access to the solar energy facility may cross the minimum setback area, but parking areas and internal drives must not be located in the minimum setback area.
  - (b) The solar energy facility must be substantially screened from view from adjacent properties and public roadways using existing vegetation, berms, and plantings. Plantings may include the planting of trees of the same species as existing trees in the immediate vicinity and must be of sufficient caliper and height to provide adequate screening.
4. Security Fencing. The solar land area of a solar energy facility must be enclosed by a black PVC coated bonded to the core wire chain link fence (minimum wire 8 gauge, minimum 22-foot mill length) with a top rail at a height of eight feet above the ground and containing at least one black or dark green PVC coated chain link locking gate. All gates must be locked to prevent unauthorized entry. The fence must be elevated five inches, on average, above the ground to accommodate crossings by small terrestrial animals.
5. Scenic Impacts. A solar energy facility must be located and designed to reasonably minimize its visual impact on the surrounding area, particularly when viewed from any public vantage points within a one-mile radius of the solar land area. To meet

this standard, during times of the year when deciduous vegetation retains its foliage:

- (a) The solar energy facility must not be substantially visible from any such public vantage point; and
  - (b) No portion of the silhouetted outline of the solar energy facility may be visible as an unbroken line from any such public vantage point, except if vegetation substantially similar in density, size, and species to surrounding vegetation exists behind the facility and is visible above the silhouetted outline from the public vantage point.
6. Noise. Except as provided in Section V-6.V.4 (activities exempt from sound pressure level limits), the maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by a solar energy facility must not exceed the lesser of (i) the maximum permissible sound pressure level provided in Section V-6.V.3, or (ii) the sound pressure level of the ambient noise measured prior to construction of the solar energy facility at all major lot lines of the proposed development area, at a height of at least four feet above the ground surface, during the quietest daytime hours or when dark.
7. Operation and Maintenance. The applicant must provide for the long-term operation of the solar energy facility and maintenance of the solar land area, including ensuring that vegetation is cut, roads are cleared and maintained, inspections are performed as needed, and the facility is accessible to police and fire in the event of an emergency.
8. Setbacks from Other Solar Energy Facilities. A property containing a solar energy facility may not be located within 2,000 feet of another property containing a solar energy facility. This setback area must be measured from the solar land areas of the facilities at their closest points.

#### **Section V-10, Section V-11. Post-Approval Requirements**

- A. **Incorporation of Approved Plan.** One copy of the approved site plan must be included with the application for a building permit for the project, and all construction activities must comply with the approved plan and any conditions of approval and incidental changes made pursuant to Section V-11.B.
- B. **Performance Guarantee.** Prior to the issuance of a building permit for a solar energy facility, the owner or operator of the facility must provide a performance guarantee to the Town, in accordance with the decommissioning plan and Section VIII-10, for all costs associated with solar energy facility decommissioning required by subsection D. The Planning Board may require the filing of a performance guarantee for any other approved site plan in accordance with Section VIII-10.
- C. **As-Built Drawings.** Any project involving the construction of more than 20,000 square feet of total floor area or 50,000 square feet of impervious surface must submit to the CEO within 30 days of the issuance of a certificate of occupancy a set of construction plans showing the buildings, structures, and site improvements as actually constructed on the site.
- D. **Solar Energy Facility Decommissioning.**

1. Within six months of the occurrence of a solar energy facility decommissioning event, the owner or operator of a solar energy facility must provide for a Phase I environmental site assessment on the solar land area, in accordance with the ASTM E1527-13 standard. If contamination is encountered or suspected, the owner or operator of the solar energy facility must provide for a Phase II environmental site assessment on the solar land area, in accordance with the ASTM E1903-11 standard. All discovered and encountered hazardous materials must be removed from the solar land area and disposed of in accordance with applicable law.
2. Within 12 months of the occurrence of a solar energy facility decommissioning event, the owner or operator of a solar energy facility must, at its own expense, complete the decommissioning, as that term is defined in 35-A M.R.S. § 3491(1), of the solar energy facility, in compliance with a decommissioning plan approved by the Planning Board. The owner or operator must notify the CEO of the date decommissioning is initiated and the date decommissioning is completed.

**Section V-11.Section V-12. Amendments to Approved Site Plans**

- A. Prior to making any change or revision to a site plan that has been approved by the Planning Board, the applicant must submit a site plan amendment application to the Planning Board, except as provided in subsection B, below. The amendment application is subject to the same review procedures, application submission requirements, review standards, and other provisions of this Code as apply to a site plan application.
- B. The following incidental changes or revisions to approved site plans may be approved by the CEO, if in the judgment of the CEO such changes or revisions will not alter any of the Planning Board's determinations with respect to any applicable review criteria or alter the essential nature of the approved site plan:
  1. Stripping, grading, grubbing, filling, or excavation of less than 1,000 square feet of land.
  2. Paving existing or approved parking areas.
  3. Immaterial corrections to locations of property boundary lines, setback lines, rights-of-way, easements, existing natural features, and existing or proposed structures.
  4. Typographical, clerical, or scrivener's errors.

Any such changes or revisions must be endorsed in writing on the approved plan by the CEO.

## **CHAPTER VI. SUBDIVISION REGULATIONS**

The subdivision regulations adopted, and amended from time to time, by the Planning Board pursuant to 30-A M.R.S.A. § 4403(2) are attached hereto and codified as Chapter VI (Subdivision Regulations). The Planning Board may, under the authority of and in accordance with 30-A M.R.S.A. § 4403(2), adopt, amend, or repeal additional reasonable regulations governing subdivisions, which control and which are automatically incorporated into this Chapter VI (Subdivision Regulations). Any such codification shall not be deemed an act of the legislative body of the Town to amend, repeal, or replace such regulations.

STATE LAW REFERENCE—30-A M.R.S.A. § 4403(2) (SUBDIVISIONS; MUNICIPAL REVIEW AND REGULATION); 30-A M.R.S.A. § 3004 (ORDINANCES; REVISION, CODIFICATION AND PUBLICATION).

### **SUBDIVISION REGULATIONS**

(as adopted, and amended from time to time, by the Planning Board)

#### **Section VI-1. Codification and Construction**

These subdivision regulations, adopted and amended by the Planning Board pursuant to 30-A M.R.S.A. § 4403(2) are codified as Chapter VI (Subdivision Regulations) of the Bridgton Land Use Code and must be construed with reference to the provisions of the Code including Chapter I (Administration), Chapter VIII (Legal), and Chapter IX (Rules of Construction, Acronyms, and Definitions).

#### **Section VI-2. Applicability**

This Chapter VI (Subdivision Regulations) governs the Planning Board's review of proposed subdivisions, except that it does not apply to:

- A. Subdivisions approved by the Planning Board or the Municipal Officers before September 23, 1971 in accordance with laws then in effect;
- B. Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law;
- C. A subdivision, a plan of which has been legally recorded in the Cumberland County Registry of Deeds before September 23, 1971;
- D. Any airport with an airport layout plan that has received final approval from the airport sponsor, DOT, and the Federal Aviation Administration;
- E. A subdivision in violation of this Chapter VI (Subdivision Regulations) or 30-A M.R.S.A. §§ 4401 et seq. that has been in existence for 20 years or more, except as provided in 30-A M.R.S.A. § 4402(5); or
- F. Beginning July 1, 2018, a division of a new or existing structure into three or more dwelling units whether the division is accomplished by sale, lease, development or otherwise where the project is subject to site plan review pursuant to Chapter V (Site Plan Review).

STATE LAW REFERENCE—30-A M.R.S.A. § 4402 (SUBDIVISIONS; EXCEPTIONS).

### **Section VI-3. Review Procedures**

#### **A. Pre-Application Meeting (Optional).**

1. Before submitting a subdivision application, the applicant may appear at a regular or special meeting of the Planning Board to informally discuss the proposed subdivision. The pre-application meeting is informal and informational in nature, and the purposes of the pre-application meeting are to (i) allow the Planning Board to understand the nature of the proposed subdivision, (ii) allow the applicant to understand the review process and required submissions, and (iii) identify issues that need to be addressed in future submissions.
2. The applicant must give notice of the pre-application meeting in accordance with Section I-9, except that the notice must be sent to the owners of property located within 500 feet of the boundary of the subject property.
3. The applicant may present to the Planning Board at the pre-application meeting, for informal review and comment, a sketch plan and other data relevant to the proposed subdivision which may be of assistance to the Planning Board in discussing the proposal. The sketch plan consists of a rough description of the proposed subdivision, and may be a free-hand, penciled sketch of the subject property, showing the proposed layout of lots, roads, dwelling units, and other existing and proposed features relevant to subdivision review. The applicant may identify and discuss any requests for waivers pursuant to -I-14. A sketch plan must describe the general intent of the development, and include a description of the site including its area, shape, and existing features both natural and man-made.
4. The Planning Board may request that the applicant arrange for a site visit with the Planning Board and the public. The applicant must give notice of the site visit in accordance with Section I-9, except that the notice must be sent to the owners of property located within 500 feet of the boundary of the subject property.
5. No binding commitments may be made between the applicant and the Planning Board at this stage. No vested interests will attach or accrue as a result of any pre-application meeting, and such meeting will not cause an application to be deemed complete for review pursuant to Section I-8.

#### **B. Preliminary Subdivision Plan.**

1. Preliminary Subdivision Plan Submission; Completeness Review. The applicant must submit a preliminary subdivision plan application in accordance with Section VI-4. The Planning Board must determine whether the application is complete for review in accordance with Section I-8.B.
2. Impact Statements. At any time after receiving a preliminary subdivision plan application (including prior to the Planning Board's determination that the application is complete for review, prior to the meeting or hearing held pursuant to the following subsection D, below, and whenever an applicant modifies the proposal), the Planning Board may solicit impact statements from the Department Heads. The Department Heads must cite to the provision of this Code or other applicable ordinance, statute, rule, or regulation when making an impact statement, and must submit their initial impact statements to the Planning Board within five days of the request.

3. Public Hearing. The Planning Board may hold a public hearing on the preliminary subdivision plan in accordance with subsection D, below.
4. Written Decision. The Planning Board must issue a written decision on the preliminary subdivision plan in accordance with Section I-8.C.

C. **Final Subdivision Plan.**

1. Filing Deadline. The applicant must, within six months after the approval of the preliminary subdivision plan, file with the Planning Board an application for approval of the final subdivision plan, except that the Planning Board may extend the six-month filing deadline upon written request and for good cause shown. If the final subdivision plan is not submitted to the Planning Board within six months after the approval of the preliminary subdivision plan, the Planning Board may refuse to act and may require the applicant to resubmit the preliminary subdivision plan.
2. DEP Approval. DEP approval of the subdivision must be secured in writing before submission of the final subdivision plan if the proposed subdivision
  - (a) Occupies more than 20 acres of land area and is not exempt from the Site Location of Developmental Act, 38 M.R.S.A. §§ 481 *et seq.*;
  - (b) Involves a structure or structures occupying a ground area in excess of three acres;
  - (c) Requires a DEP permit or license under some other applicable state law or rule, such as waste discharge or air quality; or
  - (d) In any way falls within the jurisdiction of and is subject to DEP review.
3. Subsurface Wastewater Disposal System Approval. If an engineered subsurface wastewater disposal system is proposed to serve the subdivision, or if individual subsurface wastewater disposal systems are proposed to be installed, approvals of such system designs must be secured from DHHS or the local plumbing inspector before submission of the final subdivision plan.
4. Final Subdivision Plan Submission; Completeness Review. The applicant must submit a final subdivision plan application in accordance with Section VI-5. The Planning Board must determine whether the application is complete for review in accordance with Section I-8.B.
5. Public Hearing. The Planning Board may hold a public hearing on the final subdivision plan in accordance with subsection D, below.
6. Written Decision. The Planning Board must issue a written decision on the preliminary subdivision plan in accordance with Section I-8.C.
7. Recording.
  - (a) After a final subdivision plan is approved, the Planning Board must return one signed Mylar (24 x 36 inches in size) to the permit holder, and one signed Mylar and one signed paper copy must be retained by the Town in the subdivision plan file.



- (b) The permit holder must submit a reduced copy of the final subdivision plan that replicates the division of the parcel as it will be reflected on the Town's tax maps.
  - (c) The final subdivision plan must be recorded by the applicant in the Cumberland County Registry of Deeds. Any final subdivision plan not so recorded within 90 days of the date upon which the final subdivision plan is approved is null and void, unless the Planning Board finds upon written request of the applicant that there is good cause for an extension which may not exceed 120 days. The applicant must provide the Planning Board with a receipt from the Cumberland County Registry of Deeds within that time limit stating that the final subdivision plan has been recorded and giving the book and page numbers.
- 8. Building Permits. No building permits associated with an approved final subdivision plan will be issued until the final subdivision plan has been recorded in accordance with subsection C.7.(c), above, and the applicant has filed a letter to the CEO stating that all required permanent monuments have been installed.
- D. **Meeting or Hearing**. After finding a preliminary subdivision plan or final subdivision plan application complete for review, the Planning Board may decide, in its discretion, to schedule a public hearing in accordance with subsection D.2, below. In deciding whether to hold a public hearing, the Planning Board may consider, among other factors, whether the application presents matters or issues of substantial controversy or public importance, or whether a public hearing would likely unearth new information relevant to the Planning Board's review.
  - 1. If no public hearing is held, the application will be placed on the agenda of the Planning Board's next regularly scheduled meeting for review. The applicant must give notice of the application and the Planning Board meeting in accordance with Section I-9. The applicant must attend the meeting of the Planning Board when the application is reviewed. If the Planning Board finds, during its review, that the application presents matters or issues of substantial controversy or public importance or a public hearing would likely unearth new relevant information, the Planning Board may, in its discretion, schedule a public hearing in accordance with subsection D.2, below.
  - 2. If the Planning Board decides to hold a public hearing, the hearing must be scheduled within 30 days of the Planning Board's finding that the application is complete for review. This deadline may be extended by mutual agreement of the Planning Board and the applicant. The Town must publish the time, date, and place of the hearing at least 12 days prior to the hearing in a newspaper of area-wide circulation, and the applicant must give notice of the hearing in accordance with Section I-9. Copies of the letter, sketch and verification of the certified mailing must be made a part of the application.
  - 3. If any portion of a subdivision crosses municipal boundaries, all meetings and hearings to review the application must be held jointly by the reviewing authorities from each municipality. All meetings and hearings to review an application pursuant to Section VI-12.A for a revision or amendment to a subdivision that crosses municipal boundaries must be held jointly by the reviewing authorities from each municipality. The reviewing authorities in each municipality, upon written agreement, may waive the requirement for any joint meeting or hearing.

- E. **Site Visits.** At any time during its review of a preliminary subdivision plan or final subdivision plan application, the Planning Board may request that the applicant arrange for a site visit with the Planning Board and the public. The applicant must give notice of the site visit in accordance with Section I-9.
- F. **Supplemental Information; Proposed Modifications by Applicant.** At any time during its review of a preliminary subdivision plan or final subdivision plan application, the Planning Board may accept, in its discretion, supplemental information or proposed modifications to the application which the applicant may wish to present. Any such information or modifications must be submitted to the Planning Board at least 12 days prior to the meeting or public hearing scheduled pursuant to subsection D, above.
- G. **Additional Information.** At any time during its review of a preliminary subdivision plan or final subdivision plan application, the Planning Board may request additional information from the applicant.

STATE LAW REFERENCE—30-A M.R.S.A. § 4403 (SUBDIVISIONS; MUNICIPAL REVIEW AND REGULATION), § 4408 (SUBDIVISIONS; RECORDING UPON APPROVAL).

#### **Section VI-4. Application Submission Requirements—Preliminary Subdivision Plan**

- A. **Copies.** The applicant must submit one paper copy and one electronic PDF of the preliminary subdivision plan application and any supporting documents or evidence, except that 15 paper copies must be submitted of all documents (including the preliminary subdivision plan) that are larger than 8½ x 11 inches.
- B. **Application Submission Requirements.** In addition to the general application submission requirements in Section I-7, the applicant must submit the following materials unless waived by the Planning Board in accordance with Section I-14:
  - 1. Location Map. A location map drawn at a scale of not more 400 feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area.
  - 2. Preliminary Subdivision Plan. All dimensions must be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch, and preferably of a scale of 40 feet to the inch. A preliminary subdivision plan and accompanying materials showing:
    - (a) All existing information provided as part of the sketch plan. If no sketch plan was submitted, then the preliminary subdivision plan must describe the general intent of the development and include a description of the site including its area, shape, and existing features, both natural and man-made.
    - (b) Number of acres within the subdivision.
    - (c) Proposed lot lines with approximate dimensions, lot numbers, area (in square feet), buildable area, and suggested locations of buildings.
    - (d) Proposed easements, watercourses, buffers and setback requirements.
    - (e) Contour lines at intervals of not more than five feet or at such lesser intervals as the Planning Board may require.

- (f) Typical cross sections of the proposed grading for roads and sidewalks including width, type of pavement, elevations and grades.
- (g) Connection with existing or proposed water supply or alternative means of providing water supply to the proposed subdivision.
- (h) Connection with existing or proposed sanitary sewerage system or alternative means of treatment and disposal proposed.
- (i) A soil survey (including a soils map, location of soil test pits, soil narrative report, and soil profile log description) of existing soil conditions, conducted by a professional consultant such as a soil scientist, engineer, or geologist according to the *Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping* (Maine Association of Professional Soil Scientists, Mar. 2009). The intensity level of the soil survey within the buildable area must be:
  - i. Class A (high intensity) for a lot less than two acres with on-site subsurface wastewater disposal.
  - ii. Class B (high intensity) for a lot less than two acres with a public sewer connection.
  - iii. Class C (medium-high intensity) for a lot two acres or greater with on-site subsurface wastewater disposal.
  - iv. Class D (medium intensity) for all other proposals and for all areas outside of the buildable area.
- (j) If a subsurface wastewater disposal system is proposed, the location and results of test pits to ascertain subsurface soil groundwater conditions and depths to maximum groundwater level, and any subsurface wastewater disposal system applications (HHE-200 form) required by DHHE and approved by the local plumbing inspector.
- (k) A letter from a hydrogeologist stating that septic runoff from the proposed subdivision will not adversely affect adjacent property or private water supplies.
- (l) Documentation of adequate provision for the collection and discharging storm drainage in the form of a drainage plan prepared by an engineer that demonstrates changes in hydrologic conditions will not cause off-site flood damage to public or private property. Changes in runoff must be calculated by using the TR-55 method or subsequent approved methods developed by the USDA Soil Conservation Service.
- (m) Preliminary designs of any bridges or culverts which may be required along with state approvals, if required.
- (n) The location of temporary markers adequate to enable the Planning Board to locate readily and apprise the basic layout in the field.
- (o) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (p) The location of all natural features or site elements to be preserved.

- (q) A soil erosion and sedimentation control plan prepared by an engineer or a geologist. The Planning Board may require the review of the plan by the Cumberland County Soil and Water Conservation District.
- (r) Certification by an engineer or a land surveyor that all surveys, deeds, and supporting information accurately reflect the true conditions existing within the proposed subdivision.
- (s) Floodplains, if any, and base flood elevation data.
- (t) A landscaping plan.
- (u) A long-term maintenance plan.
- (v) All the area within 1,000 feet of any property line of the proposed subdivision showing:
  - i. All existing subdivisions and approximated tract lines of acreage parcels.
  - ii. Location, widths, and names of existing, filed, or proposed roads, easements, building lines, and alleys pertaining to the proposed subdivision.
  - iii. The boundaries and designations of parks and other public spaces.
  - iv. An outline of the proposed subdivision together with its road system and an indication of the future probable road system of the remaining portion of the tract, if the preliminary subdivision plan submitted covers only part of the applicant's entire holding.

#### **Section VI-5. Application Submission Requirements—Final Subdivision Plan**

- A. **Copies.** The applicant must submit one paper copy and one electronic PDF of the final subdivision plan application and any supporting documents or evidence, except that 15 paper copies must be submitted of all documents (including the final subdivision plan) that are larger than 8 ½ x 11 inches.
- B. **Application Submission Requirements.** In addition to the application submission requirements in Section I-7, the applicant must submit the following materials unless waived by the Planning Board in accordance with Section I-14:
  - 1. **Final Subdivision Plan.** All dimensions must be shown in feet or decimals of a foot and drawn to a scale of not more than 100 feet to the inch, and preferably of a scale of 40 feet to the inch. A final subdivision plan showing:
    - (a) All of the information presented on the preliminary subdivision plan, location map, and any amendments thereto suggested or required by the Planning Board, or as otherwise required by Section VI-4.
    - (b) The name, registration number, signature, and seal of the professional consultant who prepared the final subdivision plan. The Planning Board may not accept or approve a final subdivision plan that are not sealed and signed by the professional consultant under whose responsible charge it was completed.

- (c) Road names and lines, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.
  - (d) Sufficient data to determine readily the location, bearing and length of every road line, lot line, boundary line, and to reproduce such lines upon the ground. Parting lines of all lands adjoining the subdivision must be shown.
  - (e) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves and central angles of all curves, tangent distances and tangent bearing for each road.
  - (f) Lots within the subdivision numbered as prescribed by the Planning Board.
  - (g) By proper designation, all public open space for which offers of cession are made by the applicant and those spaces to which title is reserved by the applicant.
  - (h) Permanent reference monuments shown thus: "X". Such monuments must be constructed and placed in accordance with specifications herein, and their location noted and referenced upon the final subdivision plan.
- 2. Landscaping Plan. A proposed landscaping plan.
  - 3. Water Quality Test. The results of water quality tests as performed by DHHS Division of Health Engineering, upon the Planning Board's request.

STATE LAW REFERENCE—30-A M.R.S.A. § 4403(3) (SUBDIVISIONS; MUNICIPAL REVIEW AND REGULATION).

#### Section VI-6. Statutory Review Criteria

A proposed preliminary subdivision plan application and a final subdivision plan applications must comply with the following statutory review criteria:

- A. **Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, the Planning Board must at least consider:
  - 1. The elevation of the land above sea level and its relation to floodplains;
  - 2. The nature of soils and subsoils and their ability to adequately support waste disposal;
  - 3. The slope of the land and its effect on effluents;
  - 4. The availability of streams for disposal of effluents; and
  - 5. The applicable State and local health and water resource regulations.
- B. **Sufficient Water.** The proposed subdivision has sufficient water available for the reasonably foreseeable need of the subdivision.
- C. **Municipal Water Supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be utilized.
- D. **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

- E. **Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside of the urban compact area of an urban compact municipality as defined by 23 M.R.S.A. § 754, DOT has provided documentation indicating that the driveways or entrances comply with the requirements of 23 M.R.S.A. § 704 and any rules adopted under that section.
- F. **Sewage Disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.
- G. **Municipal Solid Waste Disposal.** The proposed subdivision will not cause an unreasonable burden on the Town's ability to dispose of solid waste, if municipal services are to be utilized.
- H. **Aesthetic, Cultural, and Natural Values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetic, historic sites, significant wildlife habitat identified by MDIFW or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
- I. **Comprehensive Plan.** The proposed subdivision complies with the *Town of Bridgton Comprehensive Plan*, and all applicable state and local rules and regulations, including this Code and other Town ordinances.
- J. **Financial and Technical Capacity.** The applicant has adequate financial and technical capacity to comply with the standards of this Section VI-6.
- K. **Surface Waters; Outstanding River Segments.** Whenever situated, entirely or partially, within the watershed of any pond or lake or within 250 feet of any wetland, great pond, or river, the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water line of 500 feet.
1. To avoid circumventing the intent of this subsection K, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision must be reviewed as if lot lines extended to the shore.
  2. The frontage and setback provisions of this subsection K do not apply within the GD-I or GD-II districts, or within areas designated by this Code as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of 30-A M.R.S.A. § 4401(1) on September 23, 1983.
- L. **Groundwater.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.
- M. **Floodplains.** If the subdivision, or any part of it, is in a floodplain, the applicant must determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The preliminary and final subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

- N. **Freshwater Wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soils and water conservation district.
- O. **Farmland.** All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.
- P. **River, Stream, or Brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this subsection P, “river, stream or brook” has the same meaning as in 38 M.R.S.A. § 480-B(9).
- Q. **Stormwater.** The proposed subdivision will provide for adequate stormwater management.
- R. **Spaghetti-lots Prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, or great pond, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than five to one.
- S. **Lake Phosphorus Concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision.
- T. **Impact on Adjoining Municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and
- U. **Lands Subject to Liquidation Harvesting.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to 12 M.R.S.A. § 8869(14). If a violation of rules adopted by the DACF Bureau of Forestry to substantially eliminate liquidation harvesting has occurred, the Planning Board must determine prior to granting approval for the subdivision that five years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Planning Board may request technical assistance from DACF Bureau of Forestry to determine whether a rule violation has occurred, or the Planning Board may accept a determination certified by a forester licensed pursuant to 32 M.R.S.A. Ch. 76. If the Planning Board requests technical assistance from the DACF Bureau of Forestry, the Bureau must respond within five working days regarding its ability to provide assistance. If the Bureau notifies the Planning Board that the Bureau will not provide assistance, the Planning Board may require the applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, “liquidation harvesting” has the same meaning as in 12 M.R.S.A. § 8868(6) and “parcel” means a contiguous area within one municipality, township, or plantation owned by one person or a group of persons in common or joint ownership.

STATE LAW REFERENCE—30-A M.R.S.A. § 4404 (SUBDIVISIONS; REVIEW CRITERIA).

#### Section VI-7. Additional Review Criteria

In addition to the statutory review criteria in Section VI-6, a proposed preliminary subdivision plan application and a final subdivision plan applications must comply with the following review criteria:

##### A. Phosphorus Export.

1. The preliminary subdivision plan application must include a nutrient (phosphorous) loading study conducted using the methodology contained in the *Maine Stormwater Management Design Manual: Phosphorus Control Manual, Vol. II* (DEP, Mar. 2016).
2. The following assumptions must be used regarding the future growth (in percentage of each watershed's acreage) to be expected in the next 50 years and regarding the allowable lake phosphorous level increase (in parts per billion above 1992 levels).

Lake % of Watershed Expected Allowable Increase to Be Developed in Phosphorus:
Adams Pond 35% 0.75ppb
Beaver Pond 40% 1.00ppb
Foster Pond 35% 1.00ppb
Hancock Pond* 30% 0.75ppb
Highland Lake 40% 0.75ppb
Holt Pond 35% 1.00ppb
Kear Pond 30% 1.00ppb
Long Lake 40% 0.75ppb
Moose Pond 35% 0.75ppb
Otter Pond 40% 1.00ppb
Peabody Pond 30% 0.75ppb
Woods Pond 35% 1.00ppb

\* No lakeshore, only watershed acreage.

- ##### B. Relationship to Community Services.
- The proposed subdivision must not unreasonably adversely affect existing services and facilities. The preliminary subdivision plan must include a list of the construction items that will be completed by the applicant prior to the sale of lots, and the list of construction and maintenance items that must be borne by the applicant and by the Town, which must include:

1. Road maintenance and snow removal;
2. Police and fire protection;
3. Solid waste disposal;
4. Recreational facilities; and
5. On-site and off-site drainage facilities.

The Planning Board may require the applicant to provide a community impact statement to the Town for the above services, including reasonable cost estimates to the Town.



C. **Retention of Proposed Public Sites and Open Spaces.**

1. Areas reserved for park or recreational purposes must be at least one acre in size, easily accessible from all lots within the subdivision, and of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or playfield must be reasonably level and dry, have a total frontage on one or more roads of at least 200 feet, and have no major dimensions of less than 200 feet. Sites selected primarily for scenic or passive recreation purposes must have suitable access and must have no less than 50 feet of road frontage. The configuration of such sites must be deemed adequate by the Planning Board with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, and similar features where necessary and appropriate.
2. When the proposed subdivision is located on a lake, pond, river or stream, a portion of the waterfront area must be included in reserved land, which must be 25 feet for each unit/lot with deeded rights-of-way to said waterfront areas, with a minimum of 200 feet of waterfront.
3. The final subdivision plan must clearly indicate the owner of all reserved recreational land. In cases where the applicant intends to convey the recreational land to the lot owners, or to an association, or other organization, the terms of such conveyance, and the organizational documents of such association or organization are subject to review and approval by the Planning Board to ensure that the association or organization will have the necessary powers and the authority to raise the funds necessary to maintain the reserved recreational land.

D. **Preservation of Natural and Historic Features.** The proposed subdivision plan must include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The road and lot layout must be adapted to the topography. Extensive grading and filling must be avoided as far as possible and a buffer strip may be provided where the proposed subdivision abuts an existing road.

E. **Traffic Impact.** The proposed subdivision must not have an unreasonable adverse impact on existing traffic patterns. In making this determination, the Planning Board may require that a traffic study or a fiscal impact study be prepared for a proposed subdivision at the applicant's expense.

F. **Shoreland Zoning.** Wherever situated, in whole or in part, within the shoreland zone, the proposed subdivision must comply with the requirements of Chapter IV (Shoreland Zoning), including Section IV-U.6.

G. **Easement for Drainage Ways.** There must be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width or construction, or both, as will ensure that no flooding occurs and all stormwater can be disposed of properly. Such easement or right-of-way must be not less than 30 feet in width.

H. **Utilities.**

1. The size, type, and location of public utilities, such as road lights, electricity, telephones, fire hydrants, other fire protection mechanisms, must be installed in accordance with the requirements of this Code.

2. All public utilities and facilities, including sewer, gas, electrical and water systems must be located and constructed to minimize or avoid flood damage.
  3. When a tract is subdivided into lots larger than the minimum size required in the district in which a subdivision is located, the Planning Board may require that roads and lots be laid out so as to permit re-subdivision in accordance with the requirements of this Code, unless restrictive covenants are placed at the time of the original subdivision.
- I. **Required Improvements.** The following are required improvements: monuments, road signs, roads, landscaping, sewage disposal, and storm drainage.
- J. **Road or Homeowner's Association.** The applicant must provide evidence upon submitting an application to the Planning Board that the infrastructure will be maintained by the lot owners or a homeowner's association. Proof may consist of a declaration of covenants that will be recorded and become part of each deed and specifies how the costs associated with maintenance will be apportioned among the lot owners or appropriate homeowner's association documents. In the event that a homeowner's association is formed, each lot deed must refer to the homeowner's association and must require the lot owner to be a member of the homeowner's association
- K. **Minimum Lot Size and Lot Frontage for Subdivision Lots.** Notwithstanding the dimensional standards in Section III-3.B:
1. Minimum Lot Size. The minimum lot size for any residential or commercial subdivision lot is 40,000 square feet with the following exceptions:
    - (a) The minimum lot size for lots served by either central water system or central sewer system, but not both, may be reduced to 30,000 square feet.
    - (b) The minimum lot size for lots served by both a central water system and a central sewer system may be reduced to 5,000 square feet.
  2. Minimum Lot Frontage. The minimum lot frontage for any residential or commercial subdivision lot is 100 feet.
  3. Mobile Home Parks. For the minimum lot size and lot frontage applicable to mobile home parks, refer to Section VI-8.A.
- L. **Monuments.**
1. Permanent monuments must be set at all corners and angle points of the subdivision lots and boundaries and at all intersections and points of curvature.
  2. All monuments must be constructed of a reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. Reinforced concrete or stone cairns may be used. The monument must clearly show the registration number or temporary certificate number of the land surveyor responsible for the survey. When the placement of a required monument at its proper location is impractical, it is permissible to set a reference monument as close as is practical to that point.

M. **Road Signs.**

1. All new developments must comply with the *Town of Bridgton Road Naming, Addressing and Driveway/Entrance Opening Ordinance*.
2. The purchase and installation of signs are the responsibility of the Public Works Department.

N. **Roads.**

1. Classification. For purposes of this subsection N, roads are classified by function, as follows:
  - (a) *Arterial Roads*: Serve primarily as major traffic ways for travel between and through towns.
  - (b) *Collector Roads*: Serve as feeder roads to arterial roads, as collectors of traffic from minor roads, and for circulation and access in commercial and industrial areas.
  - (c) *Minor Roads*: Local roads that are used primarily for access to abutting residential, commercial or industrial properties, including interior roads within single-family, two-family, and multi-family dwelling subdivisions.
2. Layout. Proposed roads must, to the greatest extent practicable, comply with the following standards:
  - (a) All roads in the subdivision must be designed to provide safe vehicular travel while discouraging movement of through traffic.
  - (b) The arrangement, character, extent, width, grade and location of all roads must be considered in their relation to existing or planned roads, to topographical conditions, to public convenience and safety, and their appropriate relation to the proposed use of land to be served by such roads. Grades of roads must conform as closely as possible to the original topography within the limits of these standards.
  - (c) Adequate off-road parking, suitably surfaced, must be provided in connection with lots designed for commercial and industrial uses. Applicants may satisfy parking requirements by entering into a written agreement with another property owner or through the utilization of municipal parking lots allowing for overnight and winter parking. The applicant must demonstrate to the Planning Board a long-term lease or other arrangement within reasonable proximity of the proposed development site. The lease or other arrangement must have a duration of at least five years plus two consecutive five year automatic renewal periods. The Planning Board may to determine if alternative agreements or use of public lots is sufficient to address the needs of the proposed development.
  - (d) Subdivisions containing 20 lots or units or more must have at least two connections with existing public roads or roads on an approved subdivision plan unless the Planning Board finds that this standard would not substantially promote increased emergency vehicle access or traffic safety.

- (e) Road entrances leading onto existing or proposed arterial or collector roads must not be located within 400 feet from one another.
- (f) Commercial subdivisions may have one dead-end road up to 1,000 feet in length. Such road must be constructed with a cul-de-sac or turnaround at its terminal end. If two entrances to a commercial subdivision are proposed, such entrances must comply with the spacing requirements of subsection (e), above.
- (g) Entrances, whether proposed driveways or roads, onto existing state-aid or state highways must be approved by DOT. Copies of such approval must be submitted to the Planning Board prior to review of the final subdivision plan.

3. Design and Construction Standards.

- (a) All public and private roads in a subdivision be designed and constructed to comply with the following design and construction standards:

Road Design and Construction Standards	
Minimum width of right-of-way	60 feet
Minimum width of travel surface	20 feet
Minimum grade	0.5%
Maximum grade	10% <sup>41</sup>
Maximum grade at intersections within 30 feet of intersection	5%
Minimum angle of intersection	75 degrees
Pavement radius at intersection	30 feet
Width of shoulders <sup>42</sup>	4 feet, each side
Minimum centerline radii on curves	200 feet
Minimum road base	20 feet, 6-inch minus (screened with rocks no larger than 6 inches) <sup>43</sup>
Minimum upper base	4-inch (or 2-inch if paved) compacted $\frac{3}{4}$ crushed gravel
Bituminous paving base coat	1½ inches of Type B mix <sup>44</sup>
Surface coat	$\frac{3}{4}$ inches of Type D mix <sup>45</sup>
Road crown	$\frac{1}{8}$ inches per foot

<sup>41</sup> Except as otherwise provided for by subsection N.3.(b), below.

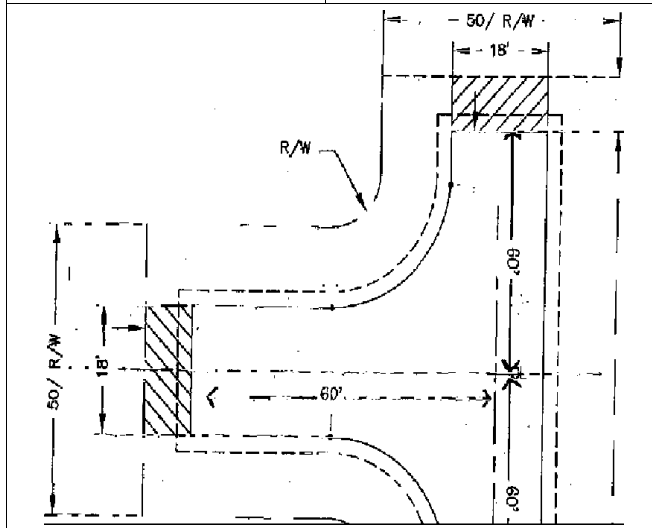
<sup>42</sup> Graveled, paved, or grassed.

<sup>43</sup> Other materials and specifications may be used with approval by the Planning Board after review by the Public Works Director.

<sup>44</sup> As defined in Section 703.09 of the *DOT Standard Specifications, Division 700—Materials* (DOT, Dec. 2002).

<sup>45</sup> As defined in Section 703.09 of the above-referenced DOT specifications. Surface coat paving must be placed and compacted as set forth in Section 401 of the above-referenced DOT specifications.

Road Design and Construction Standards	
Sidewalks (when required): — Width (minimum) — Depth of filtering material — Hot top <sup>42</sup> or concrete	4 feet 8 inches 1 inch of Type C mix overlaid with 1 inch of Type D mix <sup>42</sup>
Dead-end or cul-de-sac right-of-way width	50 feet
Minimum radii of turnaround at centerline of right-of-way	60 feet
Hammerhead turnaround	50-foot right-of-way, 60 feet from centerline (see diagram below)
"T" turnaround	50-foot right-of-way, 60 feet from centerline of right-of-way to left and 60 feet from centerline of right-of-way to right (see diagram below)



- (b) Grades of all roads must conform as much as possible with the terrain, but must not be less than 0.05% or more than 6% for collector roads or 8% for minor roads, except that minor road grades may increase to a 10% maximum for lengths of 200 feet or less if the average grade for entire road is 7% or less. In no case may a road grade be more than 3% within 50 feet of an intersection.
- (c) All changes in grade must be connected by vertical curves of such length and radius as required to provide clear visibility for a minimum distance of 200 feet.

- (d) Intersections of roads must be at angles as close to 90 degrees as possible, and in no case may two roads intersect at an angle smaller than 60 degrees. Where one road approaches another between 60 and 90 degrees, the former road should be curved approaching the intersection.
- (e) Road intersections and curves must be designed to permit adequate visibility for both pedestrian and vehicular traffic, with a minimum continuous sight distance of 10 feet per every mile per hour (mph) of the posted speed limit to be applied to all intersections and curves. If necessary, ground must be excavated to achieve adequate sight distance.
- (f) All roads must include adequate drainage facilities to provide for the removal of stormwater of a 25-year storm to prevent flooding of the pavement and erosion of adjacent surfaces.
- (g) Side slopes in cuts or fills must not be steeper than three feet horizontal and one foot vertical, graded, loamed (4-inch compacted), and seeded as required.
- (h) The applicant, solely at the applicant's expense, must ensure that all road- and drainage-related construction complies with (i) all applicable ordinances, rules, and regulations of the Town that exist at the time of the Planning Board approval or issuance of building permits or (ii) the requirements for a nonconforming road permitted by subsection O, below. Additionally, during any construction phase, the applicant, solely at the applicant's expense, must have an engineer certify full compliance to those standards.
- (i) Upon completion of the road to the applicable standards in subsection N.3.(h), above, the applicant must deliver to the CEO any and all "as-built" drawings as required by the Planning Board with an engineer's certifications of compliance to those standards.

**O. Nonconforming Roads.**

- 1. Roads that do not conform to the design and construction standards in subsection N.3, above, may be permitted within a subdivision, upon approval of the Planning Board after review by the Public Works Director, as long as the applicant stipulates on the final subdivision plan and in each deed issued to a lot owner that the lot is served by a nonconforming road and that it is not intended that the road, now or at any future date, will become a Town road.
- 2. All nonconforming roads must be designed and constructed to facilitate the safe and convenient movement of motor vehicles, emergency vehicles, and pedestrian traffic.
- 3. Adequate provision must be made for the disposal of all surface waters and underground water through ditches, culverts, underdrains, or stormwater drainage systems. Provision must be made for natural water courses. The design must comply with the *DOT Best Management Practices for Erosion and Sedimentation Control* (DOT, Feb. 2008), as certified by an engineer.
- 4. The applicant must submit a road maintenance plan, which must, at minimum (i) show the intended ownership of the road system and (ii) describe how the road maintenance plan will be implemented.

5. The Planning Board will not approve a road with less than 18 feet of travel width with all other specifications remaining the same.
- P. **Sidewalks.** Sidewalks may be required to be installed at the expense of the applicant where the subdivision abuts or fronts onto a major road, and at such other locations as the Planning Board may deem necessary.
- Q. **Water Supply.** The water supply system must be designed, approved, and installed in accordance with requirements of DHHS.
- R. **Fire Protection.** Fire Protection measures must comply with requirements set forth in the *Town of Bridgton Fire Protection Ordinance for Subdivisions*, as annotated on the approved subdivision plan.
- S. **Sewage Disposal.**
1. A soils evaluation for a subsurface wastewater disposal system must be completed by a licensed site evaluator in full compliance with the requirements of the state wastewater disposal rules.
  2. Plans for engineered subsurface wastewater disposal systems, as defined in the state wastewater disposal rules, must be designed by an engineer and approved by DHHS.
- T. **Surface Drainage.**
1. Where a subdivision is traversed by a watercourse, drainage way, or future sewer line, or where the Planning Board determines that surface water drainage to be created by the subdivision must be controlled for the protection of the subdivision and owners of property abutting it, there must be provided an easement or drainage right-of-way and culverts, catch basins, or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and locations as the Planning Board deems adequate.
  2. The applicant must provide a statement from an engineer that the proposed subdivision will not create erosion, drainage, or runoff problems either in the subdivision or in adjacent properties. The applicant's surface drainage plan must show ditching, culverts, easements, and other proposed improvements.
  3. Topsoil must be considered to be part of the subdivision. Except for topsoil required to be removed for the construction of roads, parking areas, and building excavations, topsoil must not be removed from the site.
  4. The applicant must take measures to correct and prevent soil erosion in the proposed subdivision as detailed in any required sedimentation and erosion plan.
- U. **Long-Term Maintenance Plan.**
1. For any subdivision requiring a performance guarantee, the applicant must present the Planning Board with a legally binding long-term maintenance plan to be administered by a homeowner's association or an alternative legally binding instrument for accomplishing long-term maintenance necessary to protect environmental quality and the general welfare of the Town as required by the Planning Board.

2. The long-term maintenance plan must provide for ongoing monitoring and inspections of all required site improvements. The plan must provide a process for maintaining sufficient financial resources for performing ongoing maintenance and repair of site improvements. The plan must also provide for a process that authorizes the Town to take any enforcement action deemed necessary by the Planning Board. No building permits will be issued for any project and no work may begin on any project until the plan has been reviewed and approved by the Planning Board.

STATE LAW REFERENCE—10-144 C.M.R. CH. 241 (MAINE SUBSURFACE WASTEWATER DISPOSAL RULES).

#### **Section VI-8. Additional Review Criteria for Mobile Home Parks**

Except as specified below, mobile home parks must comply with all requirements for a residential subdivision and all applicable state laws and local ordinances or regulations. Where the provisions of this Section VI-8 conflict with specific provisions contained elsewhere in Chapter VI (Subdivision Regulations), the provisions of this Section VI-8 control.

- A. **Minimum Lot Size and Lot Frontage.** Notwithstanding the dimensional standards in Section VI-7.K, lots in a mobile home park must comply with the following minimum lot size and lot frontage standards:
  1. Lots served by individual subsurface wastewater disposal systems:
    - (a) Minimum lot size: 20,000 square feet
    - (b) Minimum lot frontage: 100 feet
  2. Lots served by an engineered subsurface wastewater disposal system approved by DHHS:
    - (a) Minimum lot size: 12,000 square feet
    - (b) Minimum lot frontage: 75 feet
  3. The overall density of a mobile home park served by a subsurface wastewater disposal system must not exceed one dwelling unit per 20,000 square feet of total park area.
  4. Notwithstanding subsections A.1 to A.3, above, lots in a mobile home park in the shoreland zone must comply with the dimensional standards of Section III-3.B.
- B. **Change of Use.** No approved mobile home park subdivision may be converted to another use without the prior approval of the Planning Board, and any such subdivision must comply with the applicable lot size, lot width, setback, and other dimensional standards for subdivisions. The final subdivision plan must include the following restrictions, as well as any other notes or conditions of approval:
  1. The land within the mobile home park must remain in a unified ownership and the fee to lots or portions of lots must not be transferred.
  2. No dwelling unit other than a manufactured home, as that term is defined in 30-A M.R.S.A. § 4358, must be located within the mobile home park.

STATE LAW REFERENCE—30-A M.R.S.A. § 4358 (REGULATION OF MANUFACTURED HOUSING).



## **Section VI-9. Additional Review Criteria for Planned Unit Development**

### **A. Purpose.** The purpose of this Section VI-9 is to:

1. Allow greater flexibility and more innovative approaches to housing and environmental design for the development of residential, commercial, industrial or other uses, or a mix of such uses, than may be possible under strict application of the dimensional standards set forth in this Chapter VI (Subdivision Regulations);  
Protect and preserve natural resources and features, environmentally sensitive areas and wildlife cover; and
2. Establish permanent preservation of common open space, recreation areas and facilities and agricultural uses particularly suited to the proposed development and the parcel on which it is located.

### **B. General Requirements.**

1. The land included in a proposed planned unit development may be in single ownership or control, or the subject of a joint application by owners of all the property included.
2. Except as specifically provided in this Section VI-9, the provisions of this Chapter VI (Subdivision Regulations) apply to applications for planned unit development.
3. Density requirements must be based on the minimum lot size and lot frontage standards in Section VI-7.K.
4. Signs must comply with the *Town of Bridgton Sign Ordinance*.
5. A complete landscape plan must be submitted as part of the application.
6. The provisions of Chapter V (Site Plan Review) apply to any proposed commercial uses and structures within a planned unit development.
7. A planned unit development project may be proposed for construction in phases, in which case the project must be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, utilities and open space. Each phase must contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users and residents of the project.
  - (a) For a project proposed to be done in phases, the applicant must submit with the initial application a conceptual plan for the overall parcel. If adjacent property is going to be included in the overall development, it must also be included in the conceptual plan.
  - (b) If a project is proposed to be presented in phases, a lot of 40 or more acres will be counted as a subdivision lot and will not be exempt.

### **C. Buffers.**

1. A buffer strip of at least 25 feet is required along the existing road frontage and the perimeter of the land area for which the planned unit development is proposed. Free-standing commercial structures are exempt from this requirement.

2. The buffer strip must consist of undisturbed vegetation, as long as the existing vegetation consists of mature trees and acts as an effective screen. If existing vegetation provides a poor visual screen, a mix of new landscaping including trees, shrubs and grasses must be planted.
3. The buffer strip must be maintained in a natural vegetative state and must not be cut, except for the creation of a pedestrian pathway up to six feet wide, or the removal of dead, diseased, or storm-damaged trees.
4. No buildings or structures may be erected in the buffer strip.
5. The buffer strip must not be used to store trash, personal property, or vehicles (such as snowmobiles, boats, trailers, campers, recreational vehicles, motor homes, ATVs, satellite dishes) and must not be used to install septic systems or wells.
6. Buffer strips must be shown on the planned unit development plan and a note must be added to the plan regarding maintenance.

**D. Vehicular and Pedestrian Systems.**

1. The vehicular and pedestrian circulation system within each planned unit development must safely and conveniently accommodate the movement of vehicles, bicycles, and pedestrians throughout the proposed development and must provide a system of pedestrian ways within the development appropriate to the type and scale of development. Circulation systems are provided to link residential groupings, open space areas, schools and local shopping areas. Circulation systems must connect major building entrances/exits with parking areas and existing sidewalks, if they exist or are planned in the vicinity of the project.
2. Roads.
  - (a) Access to all structures and lots within the planned unit development must be located on a new interior road system constructed as part of the development.
  - (b) Internal roads must be built to comply with the road design standards in Section VI-7.N.
  - (c) Internal roads must be built to provide connectivity to adjacent parcels, where applicable.
3. Sidewalks and Pedestrian Paths.
  - (a) Sidewalks and pedestrian paths must be built to comply with the design standards in Section VI-7.N.
  - (b) Sidewalks must comply with the requirements of the Americans with Disabilities Act (ADA).
  - (c) Logical connections to and extensions of sidewalks and pedestrian paths outside of the development project must be provided where applicable.
  - (d) The Planning Board may approve alternative designs for sidewalks or pedestrian paths upon determining that such designs would better serve the purpose of providing adequate pedestrian access and circulation.

E. **Common Open Space.**

1. The buildable area designated for a planned unit development project may be reduced from the minimum lot size and lot frontage standards in Section VI-7.K if the project complies with density requirements and the area outside of the buildable area is dedicated as one or more common open space areas.
2. Common open space must be permanently maintained as open space for the purpose of providing low-intensity recreation or preserving natural features (such as large trees, tree groves, woods, ponds, streams, rock outcrops, natural plant life and wildlife habitat, including deer yards), agricultural resources, or environmentally sensitive areas through a legally binding instrument such as the creation of a homeowner's association or the dedication of land to a nonprofit land trust for conservation or low-intensity recreation purposes.
3. Common open space must not serve as yard areas or stormwater retention or detention ponds.
4. If multiple common open space areas are proposed or the planned unit development is proposed to be phased in, the common open space areas must be designed and implemented to become unified for the use or enjoyment of residents of the planned unit development.
5. Common open space areas must be contiguous to the greatest extent practicable.
6. Common open space areas must be identified on the development plan with appropriate notation on the face thereof to indicate that these areas must not be used for future development.
7. Any dedication of open space must be made through legal instruments approved by the Planning Board.
8. If any or all of the open space is to be reserved by the individual unit owners as common open space, each unit owner must own a fraction of interest in the common open space and the applicant must, prior to final subdivision plan approval, incorporate a homeowner's association that complies with the following requirements:
  - (a) Deed covenants must be placed in each deed from the applicant to the individual unit owner, which require mandatory membership in the homeowner's association. The deed covenants must set forth the unit owner's rights, interest, privileges, and obligations in the homeowner's association and in the common open space, and the homeowner's association's responsibility and obligation to maintain the common open space and any improvements located thereon.
  - (b) The homeowner's association must develop a system to levy and collect annual charges against all individual lot owners to defray any expense connected with the maintenance of common open space and any improvements located thereon, and this system must be described in the deed covenants or by some other legal instrument made binding upon the individual unit owner and running with the land.
  - (c) The applicant must maintain control of the common open space and be responsible for its maintenance until 80% of the units in the development

have been sold, at which time the homeowner's association must be responsible for such maintenance, and this obligation must be described in the deed covenants or by some other legal instrument made binding upon the individual dwelling unit owner and running with the land.

- (d) All deed covenants and other legal instruments pertaining to common open space must be approved by the Planning Board, recorded in the Cumberland County Registry of Deeds, and included or referred to in the deed to each unit.

#### **Section VI-10. Additional Review Criteria for Cluster Housing Development**

- A. **Purpose.** The purpose of this Section VI-10 is to accommodate cluster subdivisions by allowing greater flexibility and more innovative approaches to housing and environmental design for the development of residential housing than may be possible under strict application of the lot size and lot width standards applicable to subdivisions, while the additional land that would have been allocated to individual lots is converted to common shared open space for the use and enjoyment of residents and property owners living within the cluster housing development.
- B. **General Requirements.**
  - 1. Except as specifically provided in this Section VI-10, the provisions of this Chapter VI (Subdivision Regulations) apply to applications for cluster housing development.
  - 2. Density requirements must be based on the minimum lot size and lot frontage standards in Section VI-7.K.
  - 3. Signs must comply with the *Town of Bridgton Sign Ordinance*.
  - 4. A complete landscape plan must be submitted as part of the application.
  - 5. A cluster housing development project may be proposed for construction in phases, in which case the project must be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, utilities, and open space. Each phase must contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users and residents of the project.
    - (a) For a project proposed to be done in phases, the applicant must submit with the initial application a conceptual plan for the overall parcel. If adjacent property is going to be included in the overall development it must also be included in the conceptual plan.
    - (b) If a project is proposed to be presented in phases, a lot of 40 or more acres will be counted as a subdivision lot and will not be exempt.
  - 6. Except for home occupations conducted in a dwelling unit, no commercial activity may be conducted on any lot or in any structure within a cluster housing development.

C. **Buffers.**

1. A buffer strip of at least 25 feet is required along the existing road frontage and along the perimeter of the land area for which the cluster housing development is proposed.
2. The buffer strip must consist of undisturbed vegetation, as long as the existing vegetation consists of mature trees and acts as an effective screen. If existing vegetation provides a poor visual screen, a mix of new landscaping including trees, shrubs and grasses must be planted.
3. The buffer strip must be maintained in a natural vegetative state and must not be cut, except for the creation of a pedestrian pathway up to six feet wide, or the removal of dead, diseased, or storm-damaged trees.
4. No buildings or structures may be erected in the buffer strip.
5. The buffer strip must not be used to store trash, personal property, or vehicles (such as snowmobiles, boats, trailers, campers, recreational vehicles, motor homes, ATVs, satellite dishes) and must not be used to install septic systems or wells.
6. Buffer strips must be shown on the cluster housing development plan and a note must be added to the plan regarding maintenance.

D. **Vehicular and Pedestrian Systems.**

1. The vehicular and pedestrian circulation system within each cluster housing development must safely and conveniently accommodate the movement of vehicles, bicycles, and pedestrians throughout the proposed development and must provide a system of pedestrian ways within the development appropriate to the type and scale of development. Circulation systems are provided to link residential groupings, open space areas, schools and local shopping areas. Circulation systems must connect major building entrances and exits with parking areas and existing sidewalks, if they exist or are planned in the vicinity of the project.
2. Roads.
  - (a) Access to all structures and lots within the cluster housing development must be located on a new interior road system constructed as part of the development.
  - (b) Internal roads must be built to comply with the road design standards in Section VI-5.N.
  - (c) Internal roads must be built to provide connectivity to adjacent parcels, where applicable.
3. Sidewalks and Pedestrian Paths.
  - (a) Sidewalks and pedestrian paths must be built to comply with the design standards in Section VI-7.N.
  - (b) Sidewalks must comply with the requirements of the Americans with Disabilities Act (ADA).

- (c) Logical connections to and extensions of sidewalks and pedestrian paths outside of the development project must be provided where applicable.
- (d) The Planning Board may approve alternative designs for sidewalks or pedestrian paths upon determining that such design would better serve the purpose of providing adequate pedestrian access and circulation.

**E. Common Open Space.**

1. The buildable area designated for a cluster housing development project may be reduced from the minimum lot size and lot frontage standards in Section VI-7.K if the project complies with density requirements and the area outside of the buildable area is dedicated as one or more common open space areas.
2. Common open space must be permanently maintained as open space for the purpose of providing low-intensity recreation or preserving natural features (such as large trees, tree groves, woods, ponds, streams, rock outcrops, natural plant life and wildlife habitat, including deer yards), agricultural resources, or environmentally sensitive areas through a legally binding instrument such as the creation of a homeowner's association or the dedication of land to a nonprofit land trust for conservation or low-intensity recreation purposes.
3. Common open space must not serve as yard areas or stormwater retention or detention ponds.
4. If multiple common open space areas are proposed or the cluster housing development is proposed to be phased in, the common open space areas must be designed and implemented to become unified for the use or enjoyment of residents of the cluster housing development.
5. Common open space areas must be contiguous to the greatest extent practicable.
6. Common open space areas must be identified on the development plan with appropriate notation on the face thereof to indicate that these areas must not be used for future development.
7. Any dedication of open space must be made through legal instruments approved by the Planning Board.
8. If any or all of the open space is to be reserved by the individual unit owners as common open space, each unit owner must own a fraction of interest in the common open space and the applicant must, prior to final subdivision plan approval, incorporate a homeowner's association that complies with the following requirements:
  - (a) Deed covenants must be placed in each deed from the applicant to the individual unit owner, which require mandatory membership in the homeowner's association. The deed covenants must set forth the unit owner's rights, interest, privileges, and obligations in the homeowner's association and in the common open space, and the homeowner's association's responsibility and obligation to maintain the common open space and any improvements located thereon.

- (b) The homeowner's association must develop a system to levy and collect annual charges against all individual lot owners to defray any expense connected with the maintenance of common open space and any improvements located thereon, and this system must be described in the deed covenants or by some other legal instrument made binding upon the individual unit owner and running with the land.
- (c) The applicant must maintain control of the common open space and be responsible for its maintenance until 80% of the units in the development have been sold, at which time the homeowner's association must be responsible for such maintenance, and this obligation must be described in the deed covenants or by some other legal instrument made binding upon the individual dwelling unit owner and running with the land.
- (d) All deed covenants and other legal instruments pertaining to common open space must be approved by the Planning Board, recorded in the Cumberland County Registry of Deeds, and included or referred to in the deed to each unit.

#### **Section VI-11. Additional Review Criteria for Condominium Development**

- A. **Purpose.** The purpose of this Section VI-11 is to provide a flexible policy for quality residential and non-residential condominium development consistent with the character, health, safety and welfare of the Town and which will result in a more economical subdivision layout, to encourage a variety of residential dwellings, and to preserve open space to serve recreational, scenic, conservation and other purposes related thereto whenever possible.
- B. **General Requirements.**
  - 1. Condominium development may be composed of residential or non-residential, attached or detached units, or a combination.
  - 2. Except as specifically provided in this Section VI-11, the provisions of this Chapter VI (Subdivision Regulations) apply to applications for condominium development.
  - 3. Density requirements must be based on the minimum lot size and lot frontage standards in Section VI-7.K.
  - 4. Signs must comply with the *Town of Bridgton Sign Ordinance*.
  - 5. A complete landscape plan must be submitted as part of the application.
  - 6. The provisions of Chapter V (Site Plan Review) apply to any proposed commercial uses and structures within a condominium development.
  - 7. A condominium development may be proposed for construction in phases, in which case the project must be designed so that each phase, when completed, is capable of standing on its own in terms of public or common services, facilities, utilities and open space. Each phase must contain the necessary components to insure protection of natural resources and the health, safety and welfare of the users and residents of the project.

- (a) For a project proposed to be done in phases, the applicant must submit with the initial application a conceptual plan for the overall parcel. If adjacent property is going to be included in the overall development, it must also be included in the conceptual plan.
- (b) If a project is proposed to be presented in phases, a lot of 40 or more acres will be counted as a subdivision lot and will not be exempt.

**C. Condominium Conversions.**

- 1. No building may be converted to a condominium development unless all applicable provisions of this Chapter VI (Subdivision Regulations) are met, except that condominium conversions are exempt from the minimum lot size and lot frontage standards in this Section VI-7.K and Section III-3.
- 2. The provisions of Chapter V (Site Plan Review) apply to any proposed commercial uses and structures within an application for condominium conversion.
- 3. A Structure that is the subject of an application for a condominium conversion must, at the time of the request, exist as a legal structure. The burden is on the applicant to demonstrate that the units sought to be converted are legally existing.
- 4. There must be adequate parking available to support an application for a condominium conversion.

**D. Buffers.**

- 1. A buffer strip of at least 25 feet is required along the existing road frontage and the perimeter of the land area for which the condominium development is proposed. Free-standing commercial structures are exempt from this requirement.
- 2. The buffer strip must consist of undisturbed vegetation, as long as the existing vegetation consists of mature trees and acts as an effective screen. If existing vegetation provides a poor visual screen, a mix of new landscaping including trees, shrubs and grasses must be planted.
- 3. The buffer strip must be maintained in a natural vegetative state and must not be cut, except for the creation of a pedestrian pathway up to six feet wide, or the removal of dead, diseased, or storm-damaged trees.
- 4. No buildings or structures may be erected in the buffer strip.
- 5. The buffer strip must not be used to store trash, personal property, or vehicles (such as snowmobiles, boats, trailers, campers, recreational vehicles, motor homes, ATVs, satellite dishes) and must not be used to install septic systems or wells.
- 6. Buffer strips must be shown on the planned unit development plan and a note must be added to the plan regarding maintenance.

**E. Vehicular and Pedestrian Systems.**

- 1. The vehicular and pedestrian circulation system within each condominium development must safely and conveniently accommodate the movement of vehicles, bicycles, and pedestrians throughout the proposed development and must provide a system of pedestrian ways within the development appropriate to the type and scale of development. Circulation systems are provided to link residential



groupings, open space areas, schools and local shopping areas. Circulation systems must connect major building entrances/exits with parking areas and existing sidewalks, if they exist or are planned in the vicinity of the project.

2. Roads.

- (a) Access to all structures and lots within the planned unit development must be located on a new interior road system constructed as part of the development.
- (b) Internal roads must be built to comply with the road design standards in Section VI-7.N.
- (c) Internal roads must be built to provide connectivity to adjacent parcels, where applicable.

3. Sidewalks and Pedestrian Paths.

- (a) Sidewalks and pedestrian paths must be built to comply with the design standards in Section VI-7.N.
- (b) Sidewalks must comply with the requirements of the Americans with Disabilities Act (ADA).
- (c) Logical connections to and extensions of sidewalks and pedestrian paths outside of the development project must be provided where applicable.
- (d) The Planning Board may approve alternative designs for sidewalks or pedestrian paths upon determining that such design would better serve the purpose of providing adequate pedestrian access and circulation.

F. **Common Open Space.**

- 1. The buildable area designated for a condominium development project may be reduced from the minimum lot size and lot frontage standards in Section VI-7.K if the project complies with density requirements and the area outside of the buildable area is dedicated as one or more common open space areas.
- 2. Common open space must be permanently maintained as open space for the purpose of providing low-intensity recreation or preserving natural features (such as large trees, tree groves, woods, ponds, streams, rock outcrops, natural plant life and wildlife habitat, including deer yards), agricultural resources, or environmentally sensitive areas through a legally binding instrument such as the creation of a homeowner's association or the dedication of land to a nonprofit land trust for conservation or low-intensity recreation purposes.
- 3. Common open space must not serve as yard areas or stormwater retention or detention ponds.
- 4. If multiple common open space areas are proposed or the condominium development is proposed to be phased in, the common open space areas must be designed and implemented to become unified for the use or enjoyment of residents of the condominium development.
- 5. Common open space areas must be contiguous to the greatest extent practicable.

6. Common open space areas must be identified on the development plan with appropriate notation on the face thereof to indicate that these areas must not be used for future development.
7. Any dedication of open space must be made through legal instruments approved by the Planning Board.
8. If any or all of the open space is to be reserved by the individual unit owners as common open space, each unit owner must own a fraction of interest in the common open space and the applicant must, prior to final subdivision plan approval, incorporate a homeowner's association that complies with the following requirements:
  - (a) Deed covenants must be placed in each deed from the applicant to the individual unit owner, which require mandatory membership in the homeowner's association. The deed covenants must set forth the unit owner's rights, interest, privileges, and obligations in the homeowner's association and in the common open space, and the homeowner's association's responsibility and obligation to maintain the common open space and any improvements located thereon.
  - (b) The homeowner's association must develop a system to levy and collect annual charges against all individual lot owners to defray any expense connected with the maintenance of common open space and any improvements located thereon, and this system must be described in the deed covenants or by some other legal instrument made binding upon the individual unit owner and running with the land.
  - (c) The applicant must maintain control of the common open space and be responsible for its maintenance until 80% of the units in the development have been sold, at which time the homeowner's association must be responsible for such maintenance, and this obligation must be described in the deed covenants or by some other legal instrument made binding upon the individual dwelling unit owner and running with the land.
  - (d) All deed covenants and other legal instruments pertaining to common open space must be approved by the Planning Board, recorded in the Cumberland County Registry of Deeds, and included or referred to in the deed to each unit.

#### **Section VI-12. Post-Approval Requirements; Amendments to Approved Subdivision Plans**

##### **A. Subdivision Plan Amendments.**

1. Except as provided in subsection A.2, below, no changes, erasures, modifications, or other such revisions may be made to any final subdivision plan that has been approved by the Planning Board and endorsed in writing on the plan unless the changes, erasures, modifications, or other such revisions are approved by the Planning Board. Any proposal to change, erase, modify, or otherwise revise a final subdivision plan that has been approved by the Planning Board and endorsed in writing on the plan must comply with Section VI-4 for preliminary subdivision plan applications. Revisions or modifications to existing subdivision plans must satisfy the requirements of 30-A M.R.S.A. § 4407, and the Planning Board must make findings of fact establishing that the proposed revisions or modifications do

or do not meet the statutory review criteria in Section VI-6 and, as applicable, the additional review criteria in Sections VI-7 through VI-11.

2. The following incidental revisions or modifications to a final subdivision plan that has been approved by the Planning Board and endorsed in writing on the plan may be approved by the CEO, if in the judgment of the CEO such revisions or modifications will not alter any of the Planning Board's determinations with respect to any applicable review criteria or alter the essential nature of the approved subdivision plan:
  - (a) Immaterial corrections to locations of property boundary lines, setback lines, rights-of-way, easements, existing natural features, and existing or proposed structures.
  - (b) Typographical, clerical, or scrivener's errors.

Any such revision or modification must be endorsed in writing on the approved plan by the CEO.

- B. **Public Acceptance of Roads, Recreational Areas.** The Planning Board's approval of a subdivision plan does not constitute or evidence any acceptance by the Town of any road, easement, or other open space shown on such Plan. When a park, playground, or other recreation area is shown on a final subdivision plan, approval of the plan does not constitute an acceptance by the Town of such areas. The final subdivision plan must be endorsed with the appropriate notes to this effect.
- C. **Compliance with Road Specifications.** Any modification to a subdivision which will increase the number of lots, whether accomplished one at a time or concurrently, must provide for access to the lots in compliance with the Town's road standards then in effect.
- D. **Performance Guarantees.** The applicant must provide a performance guarantee in accordance with the requirements of Section VIII-10 prior to final approval of any subdivision involving more than 10,000 square feet of ground disturbance or if the Planning Board otherwise determines in its discretion that a performance guarantee is necessary or appropriate to protect the interests of the Town.

STATE LAW REFERENCE—30-A M.R.S.A. § 4407 (SUBDIVISIONS; REVISIONS TO EXISTING PLAT OR PLAN).

#### Section VI-13. Effective Date

- A. **Effective Date.** The subdivision regulations contained in this Chapter VI (Subdivision Regulations) are effective upon adoption by the Planning Board in accordance with 30-A M.R.S.A. §§ 4403(2).
- B. **Effective Dates, Historical Notes.** Enacted March 1994. Amended May 1997; November 1998; May 1999; August 1999; August 2001; December 2001; July 2002; September 2003; March 2004; March 2005; March 2006; July 2007; March 2008; March 2009; May 2010; March 2011; October 25, 2011; March 20, 2012; April 1, 2014; March 24, 2015; March 29, 2016; May 2, 2017; June 11, 2019; November 2, 2021.

STATE LAW REFERENCE—30-A M.R.S.A. § 4403(2) (SUBDIVISIONS; MUNICIPAL REVIEW AND REGULATION).

## CHAPTER VII. BUILDING REGULATIONS

### Section VII-1. Applicability; Building Permit Required

Prior to starting any construction, placement, replacement, remodeling, relocating, or razing, plumbing (such as internal, external, or subsurface wastewater disposal) of any principal building, structure, accessory structure, mobile accessory structure, or parts of a building or structure, the property owner must obtain a building permit from the CEO authorizing the proposal.

### Section VII-2. Review Standards

Before issuing a building permit, the CEO must find that:

- A. The proposal is an allowed use, or is a structure associated with an allowed use, in the applicable land use district.
- B. The proposal, if located in the shoreland zone, is an allowed use, or is a structure associated with an allowed use, in the applicable shoreland zoning district, and complies with all applicable requirements of Chapter IV (Shoreland Zoning).
- C. The proposal, if it concerns a nonconforming use, structure, or lot, complies with all applicable requirements of Chapter II (Nonconforming Uses, Structures, and Lots).
- D. The proposal complies with all applicable dimensional standards in Section III-3, district-specific space and bulk standards in Section III-4.
- E. Site plan approval was granted for any activities that require site plan review.
- F. The lot on which the proposed structure or use is to be located is a legally existing lot.
- G. The proposal complies with state minimum lot size law and the state wastewater disposal rules, as applicable.
- H. The proposal complies with the Maine Uniform Building and Energy Code.
- I. If mobile accessory structures are proposed, the proposal complies with the following additional standards:
  - 1. Any and all mobile accessory structures, including box trailers, mobile homes, recreational vehicles, buses, or the like, used for the purpose of storage must be located on the same lot and must be accessory to the principal structure or use.
  - 2. The mobile accessory structure must not remain on the site for more than 90 days from the date of the permit authorizing it, at which time it must be removed.

This subsection I does not apply to trailers commonly used to transport recreational personal property (including snowmobiles, boats, ATVs, and motorcycles), which are used to store personal property that is in serviceable condition.

STATE LAW REFERENCE—12 M.R.S.A. § 4807 *ET SEQ.* (MINIMUM LOT SIZE); 10-144 C.M.R. CH. 241 (MAINE SUBSURFACE WASTEWATER DISPOSAL RULES).

## CHAPTER VIII. LEGAL

### Section VIII-1. Authority; Availability of Code

This Code is adopted pursuant to Article VIII, Part Second, of the Maine Constitution; 30-A M.R.S.A. §§ 2101-2109, 2691, 3001-3014, 4311-4331, 4351-4362, and 4401-4408; 38 M.R.S.A. §§ 435-449; 22 M.R.S.A. § 2429-D; 28-B M.R.S.A. § 401, and any other enabling statutes.

A certified copy of this Code must be on file with the Town Clerk and be accessible to the public. Copies must be made available to the public, at reasonable cost, at the expense of the person making the request. Notice that this Code is available must be posted.

STATE LAW REFERENCE—30-A M.R.S.A. § 3005 (ORDINANCES AVAILABLE).

### Section VIII-2. Contents; Certain Ordinances Not Affected by Code

This Code codifies, reorganizes, and combines the following previously separate Town ordinances in order to simplify and clarify their provisions, and to reduce or eliminate conflicting, inconsistent, or redundant provisions among them. The ordinances that are combined into this Code are:

- A. *Town of Bridgton Building, Razing and Plumbing Permit Ordinance*
- B. *Town of Bridgton Land Use Ordinance*
- C. *Town of Bridgton Shoreland Zoning Ordinance*
- D. *Town of Bridgton Site Plan Review Ordinance*

Additionally, the Town of Bridgton Subdivision Regulations adopted, and amended from time to time, by the Planning Board pursuant to 30-A M.R.S.A. § 4403(2) are codified herein as Chapter VI (Subdivision Regulations).

Nothing in this Code affects any other ordinances, regulations, or rules of the Town that are not inconsistent with this Code and all such other ordinances, regulations, and rules are recognized as continuing in full force and effect. Such other ordinances, regulations, and rules are on file in the Town Clerk's office.

### Section VIII-3. How This Code Is Designated and Cited

The ordinances and regulations contained in the chapters and sections herein constitute the "Town of Bridgton Land Use Code" and may be so cited. This Code may also be cited as the "Bridgton Land Use Code."

STATE LAW REFERENCE—30-A M.R.S.A. § 3004 (CODIFICATION AUTHORITY).

### Section VIII-4. Effective Date

- A. **General.** The effective date of this Code is immediately upon its adoption by a majority vote of the legislative body of the Town in accordance with the *Town of Bridgton Ordinance Requiring a Referendum to Enact or Repeal a Town Ordinance* except as follows:
  - 1. Shoreland Zoning. The shoreland zoning provisions of this Code, composed of the provisions listed in subsection A.1.(a), below, and the Official Shoreland Zoning Maps do not become effective unless approved by the DEP Commissioner. A certified copy of this Code, attested and signed by the Town Clerk, must be

submitted by the Town to the Commissioner following adoption by the legislative body of the Town for approval. If the Commissioner fails to act on any amendment to the shoreland zoning provisions of this Code within 45 days of the Commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit or approval submitted to the Town within such 45-day period is governed by this Code as if Commissioner approval of the amendment has been granted. If amendments are made to the shoreland zoning district boundaries or any other matter portrayed on the Official Shoreland Zoning Maps, such changes must be made on the Official Shoreland Zoning Maps within 30 days after the amendment has been approved by the Commissioner.

- (a) For purposes of subsection A.1, above, the following provisions constitute the shoreland zoning provisions of this Code:
  - i. All provisions within Chapter IV (Shoreland Zoning).
  - ii. Any provisions within Chapter II (Nonconforming Uses, Structures, and Lots) that concern uses, structures, and lots located in the shoreland zone.
  - iii. Any provisions in Section I-13 (What is the Process for Seeking a Variance?) that affect uses, structures, and lots located in the shoreland zone.
  - iv. Any provisions in Section III-3.C (Dimensional Standards) that concern uses, structures, and lots located in the shoreland zone.
  - v. Any provisions in Section IX-3 (Definitions) that concern uses, structures, and lots located in the shoreland zone.
  - vi. The Official Shoreland Zoning Maps.

- 2. Subdivision Regulations. Refer to Section VI-13.A.

**B. Effective Dates, Historical Notes.**

- 1. Town of Bridgton Building, Razing and Plumbing Permit Ordinance. Enacted June 9, 1993. Amended June 14, 2005; June 12, 2007; and June 11, 2019. Codified, reorganized, and combined into this Code on November 2, 2021.
- 2. Town of Bridgton Land Use Ordinance. Enacted June 11, 2019. Amended November 5, 2019; and July 14, 2020. Codified, reorganized, and combined into this Code on November 2, 2021.
- 3. Town of Bridgton Shoreland Zoning Ordinance. Enacted June 12, 1996. Amended June 11, 1997; June 10, 1998; March 23, 1999; June 12, 2002; June 10, 2003; June 12, 2007; June 9, 2009; June 14, 2011; December 13, 2011; June 10, 2014; June 9, 2015; and June 14, 2016. Codified, reorganized, and combined into this Code on November 2, 2021.
- 4. Town of Bridgton Site Plan Review Ordinance. Enacted June 10, 1998. Amended June 14, 2000; June 14, 2005; June 12, 2007; June 10, 2008; June 14, 2011; December 13, 2011; June 12, 2012; June 10, 2014; June 9, 2015; June 14, 2016; June 11, 2019; and July 14, 2020. Codified, reorganized, and combined into this Code on November 2, 2021.

5. Town of Bridgton Subdivision Regulations. Refer to Section VI-13.B.
6. This Code. Enacted November 2, 2021. Amended June 14, 2022; November 8, 2022.

#### **Section VIII-5. Date of Applicability**

Notwithstanding 1 M.R.S.A. § 302, this Code applies to an action or proceeding, including a petition or application for permits or licenses required by law at the time of their filing, when the reviewing authority has deemed the petition or application complete for review.

STATE LAW REFERENCE—1 M.R.S.A. § 302 (CONSTRUCTION AND EFFECT OF REPEALING AND AMENDING ACTS).

#### **Section VIII-6. Conflicts with Other Ordinances or Code Provisions**

Whenever a section, paragraph, sentence, clause, or phrase of this Code conflicts with or is inconsistent with another section, paragraph, sentence, clause, or phrase of this Code or another ordinance, regulation, or rule administered by the Town, the more restrictive section, paragraph, sentence, clause, or phrase controls.

#### **Section VIII-7. Amendments**

Except for the provisions in Chapter VI (Subdivision Regulations), which may be amended by a vote of the Planning Board under the authority of and in accordance with 30-A M.R.S.A. § 4403(2), the remaining chapters of this Code, the Official Land Use District Maps, and the Official Shoreland Zoning Maps may be amended as follows. For purposes of this Section VIII-7, use of the term “Code” excludes Chapter VI (Subdivision Regulations).

- A. This Code, the Official Land Use District Maps, and the Official Shoreland Zoning Maps may be amended by the legislative body of the Town in accordance with the *Town of Bridgton Ordinance Requiring a Referendum Vote to Enact, Amend or Repeal a Town Ordinance*.
- B. Amendments to the text of this Code, the Official Land Use District Maps, or the Official Shoreland Zoning Maps may be proposed by the Municipal Officers, by the Planning Board, or upon the written petition of registered voters of the Town pursuant to 30-A M.R.S.A. § 2528. In addition, amendments to the Official Land Use District Maps may be proposed by any landowner within the Town by making a written petition to the Planning Board, which must contain, at minimum:
  - i. A map showing the properties to be affected by the proposed amendment and properties located within 500 feet of such properties;
  - ii. A map showing the existing land uses at the time of application of the above-identified properties;
  - iii. A narrative and other evidence demonstrating that the proposed amendments are consistent with the *Town of Bridgton Comprehensive Plan*; and
  - iv. A narrative and other evidence demonstrating the need for the proposed amendments.
- C. A public hearing on any proposed amendments to the Code, the Official Land Use District Maps, or the Official Shoreland Zoning Maps must be conducted by the Planning Board.

- D. Notice of the public hearing must be given pursuant to 30-A M.R.S.A. § 4352 and, if property is being considered for placement in the RP district, pursuant to 38 M.R.S.A. § 438-A(1-B).
- E. Following the public hearing, the Planning Board must recommend to the Municipal Officers whether or not an article to amend the Code, the Official Land Use District Maps, or the Official Shoreland Zoning Maps should be included in the warrant for a regular or special Town meeting. In making its recommendation, the Planning Board may recommend amendments to the text of the Code, the Official Land Use District Maps, or Official Shoreland Zoning Maps that deviate from the original proposed amendments. The Planning Board will endeavor to submit its recommendation to the Municipal Officers within 30 days of the conclusion of the public hearing. Planning Board action under this Section VIII-7 is not a decision subject to any rights of appeal.
- F. After receiving the recommendation from the Planning Board, the Municipal Officers, by a majority vote, must determine whether to place an article to amend the Code, the Official Land Use District Maps, or the Official Shoreland Zoning Maps in the warrant for a regular or special Town meeting and, if so, must conduct a public hearing on the subject of the article in accordance with 30-A M.R.S.A. § 2528(5).
- G. The public hearings required to be held by the Planning Board and the Municipal Officers under this Section VIII-7 may be combined into a single consolidated hearing attended by both boards as long as the notice requirements applicable to both the Planning Board and Municipal Officers' hearings are satisfied.
- H. Any amendments made to the district boundaries or any other matter portrayed on the Official Land Use District Maps or the Official Shoreland Zoning Maps must be (a) immediately shown on the Official Land Use District Maps or (b) shown within 30 days after an amendment to the Official Shoreland Zoning Maps has been approved by the Commissioner in accordance with Section VIII-4.A (Effective Date). The amended Official Land Use District Maps or the Official Shoreland Zoning Maps must be certified by the attested signature of the Town Clerk and be filed with the Town Clerk.
- I. The DEP Commissioner must be notified of any amendments made to the shoreland zoning provisions of this Code in accordance with Section VIII-4.A (Effective Date).

STATE LAW REFERENCE—30-A M.R.S.A. § 2528(5) (SECRET BALLOT, REFERENDUM QUESTIONS); 30-A M.R.S.A. § 4352 (ZONING ORDINANCES, NOTICES; GENERAL REQUIREMENTS); 38 M.R.S.A. § 438-A(1-B) (SHORELAND ZONING; NOTIFICATION TO LANDOWNERS).

#### **Section VIII-8. Effect of Repeal or Amendment**

Whenever a provision of this Code, the Official Land Use District Maps, or the Official Shoreland Zoning Maps is repealed or amended, such repeal or amendment must not be construed to revive such former provision unless it is so expressly provided therein.

The repeal or amendment of a provision of this Code, the Official Land Use District Maps, or the Official Shoreland Zoning Maps will not affect any enforcement action or penalty incurred before the repeal or amendment took effect, nor any suit, prosecution, or proceeding to which this Code, the Official Land Use District Maps, or the Official Shoreland Zoning Maps applied at the time of the repeal or amendment, for an offense committed or cause of action arising under the repealed or amended provision.



#### Section VIII-9. Compliance and Enforcement; Penalties

- A. **Nuisance.** Any violation of this Code is deemed to be a nuisance.
- B. **Enforcement Authority.** The CEO is responsible for enforcing the provisions of this Code and the terms and conditions of any permit or approval issued under this Code. The CEO is appointed or reappointed annually and, if certified in accordance with 30-A M.R.S.A. § 4451, has all of the powers and authorities described in 30-A M.R.S.A. § 4452.
- C. **Inspections; Investigation of Complaints.** The CEO may conduct site inspections to ensure compliance with all applicable laws and all terms and conditions attached to permits and approvals under this Code. The CEO may also investigate all complaints of alleged violations of this Code.
- D. **Right of Entry.** The CEO has a right to enter any property or enter any building pursuant to 30-A M.R.S.A. § 4452(1).
- E. **Notice of Violation.** If, after investigation, the CEO finds that any provision of this Code or any terms or condition of a permit or approval issued under this Code has been violated, the CEO must give written notice of the violation, in person or by certified mail return receipt requested, to the owner or occupant of the premises and to any other person responsible for the violation, indicating the nature of the violation and ordering any action necessary to correct it (including discontinuance of illegal use of structures or lots; discontinuance of work being done; removal or relocation of illegal structures; and abatement of nuisance conditions) within some designated reasonable time. A copy of each such notice of violation must be submitted to the Municipal Officers.
- F. **Suspension and Revocation of Permits and Approvals.** A permit or approval may be suspended or revoked by the CEO if the CEO determines that:
  - 1. The permit or approval was issued on materially incomplete or false information;
  - 2. Continuation of the work authorized under the permit or approval would result in a violation of federal or state law, this Code, or any other Town ordinances, regulations, or rules;
  - 3. Continuation of the work authorized under the permit or approval is endangering or may endanger the public health, safety, or welfare;
  - 4. The permit holder exceeded the scope of the work authorized under the permit or approval;
  - 5. A term or condition of the permit or approval issued under this Code has been violated; or
  - 6. The CEO is unable to determine the continued validity of a permit or approval.

The CEO must give written notice of suspension or revocation to the permit holder stating the reason for the suspension or revocation and, in the case of suspension, the measures that must be taken by a date certain to correct the violation.

A suspension remains in force until the CEO determines that (i) the permit holder can and will pursue the work authorized under the permit or approval without continuing, extending, or creating a violation; (ii) the violation has been abated or otherwise discontinued; or (iii) a new permit or approval has been issued. When cause for a suspension has been removed or corrected, the CEO must so certify in writing. If, within

the time specified for correction, cause for the suspension has not been removed or suspended, the CEO may continue the suspension or revoke the permit or approval.

No work authorized under a suspended or revoked permit or approval may continue except work that is necessary to protect the public health, safety, and welfare, as authorized in writing by the CEO.

- G. **Legal Prosecution of Violations.** If, after notice and demand, a violation has not been abated within the time specified in the notice of violation, the CEO must refer the matter to the Municipal Officers, who may institute in the name of the Town any and all actions and proceedings, in law or in equity, including seeking injunctions of violations and the imposition of fines, that the Municipal Officers determine are appropriate or necessary to prevent, correct, restrain, or abate any violation of this Code.
- H. **Consent Agreements.** The Municipal Officers are authorized to enter into administrative consent agreements for the purpose of resolving violations of this Code and recovering fines without legal prosecution.
  - 1. With regard to violations of the provisions of Chapter IV (Shoreland Zoning), an administrative consent agreement must not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Town official and there is no evidence that the owner or occupant acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health, safety, and welfare or will result in substantial environmental damage.
  - 2. In determining what, if any, monetary penalty to impose as part of an administrative consent agreement, the Municipal Officers may consider (i) how long the violation has existed; (ii) the nature and circumstances of the violation and the violator; (iii) whether a permit or approval was issued for the work; (iv) whether the violation was the result of survey work that caused a shift of boundary lines; (v) the statutory minimum and maximum penalties for land use violations set forth in 30-A M.R.S.A. § 4452; and (vi) such other facts and considerations as the Municipal Officers deem relevant.
- I. **Fines and Penalties.** Any person who violates any term or condition of a permit or approval or who violates or continues to violate any provision of this Code after receiving notice of such violation is subject to such fines, penalties, actions and orders as are authorized by 30-A M.R.S.A. § 4452. A fine or penalty may be imposed for each violation. Each day that a violation continues constitutes a separate offense.

STATE LAW REFERENCE—30-A M.R.S.A. § 2691(4) (RIGHT OF APPEAL OF ENFORCEMENT DECISIONS); 30-A M.R.S.A. § 4452 (ENFORCEMENT OF LAND USE LAWS AND ORDINANCES); 38 M.R.S.A. § 441(3) (CEOs, POWERS AND DUTIES).

#### **Section VIII-10. Performance Guarantee**

Whenever one or more performance guarantees are required by this Code or as a condition of approval of a permit or approval issued by a reviewing authority pursuant to this Code, the following requirements apply:

- A. **Review; Delegation.** The performance guarantee must be satisfactory to the Planning Board as to scope, amount, form, sufficiency, manner of execution and surety. The Planning Board may delegate to the Town Manager the review and acceptance of a performance guarantee in accordance with this Section VIII-10.
- B. **Form.** The performance guarantee must be in the form of a performance bond, a certified check payable to the Town, an escrow account, an irrevocable letter of credit, or some other form of guarantee that is acceptable to the Planning Board.
- C. **Scope; Amount.** The performance guarantee must be of an amount sufficient to cover the full cost of all required site improvements, reclamation of disturbed land, and/or decommissioning of any facilities or improvements associated with the proposal, as determined by the Planning Board. Separate performance guarantees may be required by the Planning Board for any required site improvements, reclamation work, and decommissioning work.
1. For reclamation and decommissioning work, the permit holder must arrange for the costs to be recalculated by an engineer every five years, and the amount of the performance guarantee may be adjusted by the Planning Board if the calculated cost of reclamation or decommissioning materially changes.
- D. **Schedule.** The performance guarantee must contain (i) a schedule and cost estimates for each major phase of required site improvements, reclamation work, or decommissioning work, taking into account inflation; (ii) a basis for estimating costs; (iii) provision for the release of part or all of the performance guarantee to the permit holder; and (iv) a date after which the permit holder will be in default and the Town must have access to the guaranteed funds to complete required site improvements, reclamation work, or decommissioning work. The Planning Board may approve phased performance guarantees when activity is approved in separate and distinct phases.
1. Time for Completing Required Site Improvements. A period of one year, or such period as the Planning Board may determine appropriate and necessary, not to exceed three years, must be set forth in the performance guarantee as the time within which any required site improvements must be completed. The Planning Board may extend this deadline by 12 months upon a showing of good cause.
- E. **Inspections.**
1. Escrow; Selection of Inspector. At least seven days prior to commencing construction of any required site improvements, and at least 30 days prior to commencing any reclamation work or decommissioning work, the permit holder must deposit in escrow with the Town funds to cover the costs of site inspections to be conducted by an engineer mutually acceptable to the permit holder and the Planning Board. The contractual rate and all indirect charges constitute the expenses for which the permit holder's escrow account will be charged. The Planning Board must determine the type and frequency of inspections reasonably necessary to protect the environmental quality or general welfare of the Town and the amount required to be placed in escrow. Any part of this escrow payment in excess of the final costs for inspections must be returned to the permit holder.
  2. Building Permits. No building permits will be issued for any project and no work will begin until an escrow payment has been made for the site inspections related to any required site improvements.

3. **Inspections; Addressing Deficiencies.** If the inspector finds, upon inspection of the required site improvements, reclamation work, or decommissioning work, that any of the improvements or work has not been done in accordance with the plans and specifications filed by the applicant, the long term management plan, the reclamation plan, the decommissioning plan, or any applicable conditions of approval, the inspector must so report to the Town Manager. The Town Manager must then notify the permit holder. The Town Manager may take any necessary steps to preserve the Town's rights under the performance guarantee and to remedy any insufficiencies identified by the inspector. The Town Manager may, in the Town Manager's discretion, allow the permit holder a period of time not to exceed 90 days, to remedy any insufficiencies identified by the inspector.
  4. **Certification.** Before a permit holder may be released from any performance guarantee obligation, the inspector must certify to the Town that all required site improvements, reclamation work, and decommissioning work has been satisfactorily completed in accordance with conditions of approval, reclamation plans, decommissioning plans, long-term maintenance plan, and applicable state, federal, and local laws, rules, and regulations.
- F. **Release.** Upon certification in accordance with subsection E.1, above, the permit holder may apply to the town Manager for the release of all or part of the performance guarantee. Prior to the release of any part of a performance guarantee, the Town Manager must determine that the required site improvements, reclamation work, and decommissioning work comply with the requirements for that portion of the work for which a release is requested.
- G. **Required Site Improvements, Defined.** For purposes of this Section VIII-10, "required site improvements" means all public and private roads; drainage structures and ditches; erosion, sedimentation, and stormwater control measures; utilities; landscaping; and recreational structures.

#### **Section VIII-11.      Validity and Severability**

The sections, paragraphs, sentences, clauses, and phrases of this Code are severable. If any section, paragraph, sentence, clause, or phrase of this Code is declared unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability does not affect the validity of any remaining sections, paragraphs, sentences, clauses, and phrases of this Code.

## CHAPTER IX. RULES OF CONSTRUCTION, ACRONYMS, AND DEFINITIONS

### Section IX-1. Rules of Construction

It is the legislative intent of the voters of the Town, in adopting this Code, that all provisions of this Code be liberally construed to protect and preserve the health, safety, and welfare of the inhabitants of the Town. In the construction of this Code, the following rules apply, unless (i) such construction is inconsistent with the plain meaning of the affected provision of the Code and the context clearly otherwise requires, or (ii) a definition is otherwise provided in this Code:

- A. **Applicant.** The word “applicant” means a person with sufficient right, title, or interest to submit an application for a permit or approval to a reviewing authority pursuant to this Code, and includes any duly authorized designee or agent of the applicant.
- B. **Code.** The word “Code” means the Bridgton Land Use Code and any amendments thereto.
- C. **Computation of Time.** Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding, the day on which such notice is given or such act is done is not counted in computing the time, but the day on which such proceeding is to be held is counted.
- D. **Corporate or Town Limits.** Reference to the corporate limits, Town limits, or geographic boundaries of the Town means the legal boundaries of the Town of Bridgton, Maine.
- E. **Delegation of Authority.** Whenever a provision of this Code requires a department head or some other officer of the Town to do some act or perform some duty, reference to such department head or officer authorizes such department head or officer to designate, delegate, and authorize subordinates to perform the required act or duty, unless the provision specifies otherwise.
- F. **District.** The word “district” refers to the land use districts established in Chapter III and/or the shoreland zoning districts established in Chapter IV, as the context may dictate.
- G. **Including.** The word “including” means “including, but not limited to.”
- H. **Inhabitant, Resident.** The word “inhabitant” or “resident” means a person having an established residence in the Town.
- I. **Municipal Officers.** The phrase “Municipal Officers” means the members of the Bridgton Select Board.
- J. **Number.** A word importing the singular number only includes the plural, and the plural number includes the singular.
- K. **Oath.** The word “oath” includes an affirmation, when affirmation is allowed. Affirmation is allowed when a person required to be sworn is conscientiously scrupulous of taking an oath.
- L. **Or, And.** The word “or” may be read “and,” and the word “and” may be read “or” as the context dictates.
- M. **Owner, Property Owner.** The word “owner” or “property owner,” applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, or joint tenant of the whole or of a part of such building or land.

- N. **Person.** The word “person” means any individual, firm, partnership, corporation, company, association, club, joint venture, estate, trust, governmental agency, municipality, other legal entity, or any group or combination acting as a unit and the individuals constituting such group or unit.
- O. **Professional Consultants.** All references to professional consultants, including arborists, engineers, foresters, geologists, hydrogeologists, land surveyors, and soil scientists, mean professionals that are licensed or registered by the Maine Office of Professional and Occupation Regulation and its licensing boards and programs in accordance with applicable Maine laws and rules.
- P. **References to Chapters or Sections.** All references to chapters or sections are to the chapters and sections of this Code, unless otherwise specified.
- Q. **References to State Statutes and Rules.** References to Maine statutes and Maine state department or agency rules include any amendments and successor provisions thereto.
- R. **Shall, Must, Will, May.** The words “shall” and “must” and “will” and “may not” are mandatory and not discretionary. The word “may” is permissive.
- S. **State.** The words “the state” or “this state” mean the State of Maine.
- T. **State Law References and History Notes.** The state law references and history notes scattered throughout the Code are for the benefit of the user of the Code and have no legal effect.
- U. **Technical Words.** Unless specifically defined in this Code, words and phrases must be construed according to their customary dictionary meanings, except that technical words and phrases that have acquired a peculiar meaning in law must be construed according to such meaning.
- V. **Tense.** Words used in the present or past tense include the future tense, as well as the present and past tense.
- W. **Text Controls.** In case of any difference of meaning or implication between the text of this Code and any figure or illustration, the text controls.
- X. **Town.** The word “Town,” “Bridgton,” “the Town of Bridgton,” and to any board, official, or officer means the Town of Bridgton, Maine, an incorporated municipality in the County of Cumberland, State of Maine, and its municipal boards, officials, and officers.

STATE LAW REFERENCE—FOR SIMILAR PROVISIONS, SEE 1 M.R.S.A. § 72.

## Section IX-2. Acronyms

<b>CEO</b>	Code Enforcement Officer
<b>DACF</b>	Maine Department of Agriculture, Conservation and Forestry, and any successor state department or agency
<b>DEP</b>	Maine Department of Environmental Protection, and any successor state department or agency
<b>DHHS</b>	Maine Department of Health and Human Services, and any successor state department or agency

<b>DOT</b>	Maine Department of Transportation, and any successor state department or agency
<b>FEMA</b>	Federal Emergency Management Agency
<b>MDIFW</b>	Maine Department of Inland Fisheries and Wildlife, and any successor state department or agency
<b>NRPA</b>	The Natural Resources Protection Act, codified at 38 M.R.S.A. § 480-A <i>et seq.</i>
<b>M.R.S.A.</b>	The latest edition of the Maine Revised Statutes Annotated
<b>NFPA</b>	National Fire Protection Association

### Section IX-3. Definitions

**Accessory Structure or Accessory Use** — A structure or use that is subordinate and customarily incidental to the principal structure or principal use on the same lot. Accessory uses, when aggregated, must not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or common wall is considered part of the principal structure.

**Addition** — An extension or increase in floor area or height of a building or structure.

**Adult Use Marijuana Cultivation Facility** — A “cultivation facility” as that term is defined in 28-B M.R.S.A. § 102(13).

**Adult Use Marijuana Products Manufacturing Facility** — A “products manufacturing facility” as that term is defined in 28-B M.R.S.A. § 102(43).

**Adult Use Marijuana Store** — A “marijuana store” as that term is defined in 28-B M.R.S.A. § 102(34).

**Adult Use Marijuana Testing Facility** — A “testing facility” as that term is defined in 28-B M.R.S.A. § 102(54).

**Aggrieved Party or Aggrieved Person** — A person who participated in a public hearing, if one is held under this Code, and (i) whose property is directly or indirectly affected by the grant or denial of a permit, approval, or variance under this Code; (ii) whose land abuts land for which a permit, approval, or variance has been granted under this Code; or (iii) who suffers a particularized injury as a result of the grant or denial of a permit, approval, or variance under this Code.

**Agriculture** — The production, breeding, keeping, or maintenance, for sale or lease, of plants or animals, including forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. This definition does not include forest management activities / timber harvesting activities, or sawmills.

**Agriculture, Commercial** — An agriculture use whereby the principal use is any combination of agriculture, including agricultural composting operations, agricultural products, and agricultural support services, as those terms are defined in 7 M.R.S.A. § 152. This definition includes accessory on-site retail and off-site distribution.

**Agriculture, Eco-Tourism** — A range of activities, services, and amenities provided by farmers and rural people to attract tourist to their area in order to supplement income for their primary business. This definition does not include piggery agriculture or poultry agriculture.

**Agriculture, Noncommercial** — Agriculture use primarily for household use. This definition does not include does not include piggery agriculture or poultry agriculture.

**Agriculture, Piggery** — A premises, area, fenced enclosure, building, or structure, or portion thereof, used or designed for the production, keeping, or breeding of pigs, with more than two sows or 20 head or of any smaller number if designed or operated in a manner that results in nuisance impacts on abutting or nearby properties.

**Agriculture, Poultry** — A premises, area, fenced enclosure, building, or structure, or portion thereof, used or designed for the production, keeping, or breeding of poultry or fowl or production of eggs, for commercial purposes as a principal use; or for any purpose or as an accessory use, if designed or operated in a manner that results in nuisance impacts on abutting or nearby properties.

**Agriculture, Product Processing** — The processing of agricultural products into non-agricultural products, including food and drink products. This definition does not include piggery agriculture or poultry agriculture.

**Air-blast** — A horn or signal before blasting.

**Alley** — A public or private right-of-way less than 22 feet wide that is primarily designed to serve as a secondary access to the rear or side of those properties whose principal lot frontage is on another road.

**Alteration** — A change or modification requiring movement in the location of major structural members of a building, including bearing walls, columns, beams, girders, or substantial remodeling, but not including cosmetic, decorative, or appliance/fixture upgrades or routine maintenance or repair of a building.

**Ambulance Service** — A facility for emergency ambulance or paramedic services that treats illnesses and injuries that require an urgent medical response and provides out-of-hospital treatment and transport to definitive care.

**Animal Breeding or Animal Production** — The process of selective mating of animals; refer to “agriculture.”

**Animal Shelter** — A facility used to house or contain stray, homeless, abandoned, or unwanted animals that is owned, operated, or maintained by a public body, a humane society, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

**Antenna** — A device for radiating or receiving radio waves, which is situated on a permanent or temporary foundation.

**Appropriate Suite of Water Quality Parameters** — All organic or inorganic primary and secondary federal drinking water standards, including bacteria.

**Aquaculture** — The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Aquifer** — A saturated permeable geologic unit consisting of unconsolidated sediment or bedrock that can yield economically valuable quantities of water. This definition includes all areas specifically mapped as aquifers by the Maine Geological Survey or a geologist.

**Assisted Living Facility** — A residence for the elderly that provides housing, limited care, meals, personal care, and supervision, and which may provide other services such as recreational activities, financial services, and transportation.

**Attic Story** — The space enclosed within the roof of a structure that is not used for any commercial or residential purposes.

**Auction / Auction House** — A facility or place used for a public sale in which goods or property are sold to the highest bidder.



**Auto Repair Service** — An establishment primarily engaged in the maintenance and repair of passenger vehicles, pickup trucks, commercial trucks, and similar vehicles.

**Auto Sales and Service** — The use of any building, land, or other premises principally for the display, sale, rental, or lease of new or used automobiles, light trucks, vans, trailers, or recreational vehicles. This definition includes any vehicle preparation, warranty, or repair work conducted as an accessory use.

**Auto Washing Service** — A facility used to clean the exterior and, in some cases, the interior of motor vehicles.

**Awning** — A secondary covering on a frame attached to the exterior wall of a building which, when open, projects away from that exterior wall.

**Balcony** — A projecting platform that is open and roofless and is suspended or cantilevered from, or supported solely by, a principal building.

**Bank** — A financial institution open to the public that is engaged in deposit banking or performs closely related functions such as making loans, investments, and fiduciary activities.

**Bar / Tavern / Cocktail Lounge** — A facility or structure primarily devoted to the serving of alcoholic beverages, with the service of food incidental to the consumption of such beverages. This definition includes meeting places or other facilities of nonprofit organizations that are licensed to serve alcoholic beverages.

**Basal Area** — The area of cross-section of a tree stem at 4½ feet above ground level and inclusive of bark.

**Basement** — Any portion of a structure with a floor-to-ceiling height of six feet or more and having more than 50% of its volume below the existing ground level.

**Bed and Breakfast / Small Inn** — A private residence, which is the innkeeper's principal residence, that offers sleeping accommodations to lodgers in eight or fewer rooms for rent with no provision for cooking in any individual guest room. A lodger is a person who rents a room in a bed and breakfast / small inn for less than 30 days.

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

**Boarding House** — A residential structure in which six or fewer rooms, or rooms and meals, are provided to occupants for at least one week, with meals available only to the occupants. The structure must be occupied by a resident owner or manager. There may be no provision for cooking in any individual guest room. Housekeeping services may be included.

**Boarding Kennel** — A place where domestic pets are housed temporarily for a fee.

**Boat Launching Facility** — A facility designed primarily for the launching and landing of watercraft, which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

**Boat Sales, Service and Storage, Indoor** — The sale, maintenance, and storage of watercraft wholly within an enclosed structure.

**Boat Sales, Service and Storage, Outdoor** — The sale, maintenance, and storage of watercraft wholly or partially in the open.

**Brewery / Distillery / Winery** — An establishment or place where beer, liquor, or wine is made commercially, which may also be licensed to sell on the premises as a bar / tavern / cocktail lounge.

**Buffer or Buffer Strip** — A defined and described lot, or portion of a lot, that (i) must remain unaltered, vegetated, revegetated, unscarified, undisturbed, and/or in its natural state, or (ii) serves to minimize

environmental impacts to natural resources or audiovisual impacts to surrounding properties, as the context may dictate.

**Buildable Area** — The surface area of a lot, minus the area of all required minimum setback areas and open space requirements.

**Building** — Any structure arranged, designed, intended, or used for the shelter, housing, or enclosure of persons, animals, processes, equipment, or property.

**Building Materials Yard** — An outside storage area for materials used in building and construction, such as roofing, fill material, wood, equipment, vehicles, machinery, paints, pipes, or electrical components.

**Campground** — An area devoted to overnight recreational or educational use on a short-term or long-term basis, where land area is divided into campsites or lots in order to accommodate transient living quarters such as tents, recreational vehicles, or other temporary shelters.

**Canopy** — The more or less continuous cover formed by tree crowns in a wooded area.

**Cemetery** — An area devoted to the burial of the dead, including mausoleums, and related sales and maintenance facilities. This definition includes mortuaries when operated within the boundary of a cemetery.

**Children's Summer Camp** — A seasonal camp that may include seasonal buildings providing room, board, and recreation for children during all or part of a vacation period, normally the summer, for a fee.

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

**Cluster Housing Development** — Detached or attached residential dwelling units placed on individual lots within an overall tract, with the remaining area devoted to common open space.

**Commercial Use** — The use of land, buildings, or structures to buy and sell goods or services, which use is intended for and results in the production of income. This definition does not include a home occupation or the rental of residential buildings or dwelling units.

**Common Lot Line** — A lot line shared between properties other than a public lot line.

**Common Open Space** — A parcel or area of land, or land and water, designed and intended for the use or enjoyment of residents and property owners living within a development area, such as a cluster housing development. Common open space may contain such complementary structures and improvements as are necessary, and must be freely accessible to all residents and property owners living within the development area.

**Common Scheme of Development** — A plan or process of development that takes place on contiguous lots or non-contiguous lots located within 500 feet of each other, and exhibits characteristics of a unified approach, method, or effect (including unified ownership, management, or supervision; sharing of common equipment or labor; or common financing).

**Communication Service** — Public and private companies in the telecommunications (landline and wireless), internet, cable, satellite, and managed services businesses. This definition does not include communication towers.

**Communication Tower** — Any structure, whether free-standing or in association with a permanent building or permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. This

definition includes radio and television transmission towers, microwave towers, common-carrier towers, cellular phone towers, and alternative tower structures.

**Community Center** — A place or building used by the public for meetings for social, educational, or recreational activities, or similar uses, none of which are operated for profit.

**Community Garden** — A piece of public or private land gardened collectively by a group of people utilizing either individual or shared plots.

**Comprehensive Plan** — Any part or element of the overall plan and policy for development of the Town, as defined in 30-A M.R.S.A. §§ 4301-4357, or the *Town of Bridgton Comprehensive Plan*, as the context dictates.

**Condominium** — A form of housing tenure and other real property where a specified part of real estate is individually owned while use of and access to common facilities (such as hallways, heating system, elevators, and exterior areas) is executed under legal rights associated with individual ownership and controlled by the association of owners that jointly represent ownership of the whole part.

**Complete for Review** — A determination by the reviewing authority that an application is accepted and ready for substantive review by the reviewing authority based on whether the application is accompanied by the proper application fee; contains sufficient documentation of right, title, or interest; and contains sufficient information for the reviewing authority to begin its review.

**Corner Lot** — A lot abutting and at the intersection of two or more roads.

**Curb Cut** — The connection to a road, or opening along the curb line, at which point vehicles may enter or leave the road.

**Day Care Facility** — A Maine-licensed facility operated for the purpose of providing care and protection during part of a 24-hour day to children or adults. This definition does not include the provision of day care services in a dwelling unit where the property owner is the proprietor of the business and the use otherwise satisfies the requirements of a home occupation.

**Density** — Buildable area divided by the number of units.

**Department Heads** — The Town's fire chief, public works director, police chief, and transfer station manager.

**Development** — A change in land use involving alteration of the land, water, or vegetation; or the addition or alteration of structure; or other construction not naturally occurring.

**Dimensional Standards** — The minimum lot size; minimum lot frontage; minimum shore frontage; maximum lot coverage; minimum contiguous private open area; maximum front setback line; minimum front setback line; minimum setback line from any common lot line; minimum setback line from the DVN, MUC, LN, OV, or RN district boundary; minimum shoreland setback line; maximum height; minimum height; and ground story floor elevation height, all as provided in Chapter III (Land Use Districts).

**Disability** — A "physical or mental disability," as that term is defined in 5 M.R.S.A. § 4553-A.

**Driveway** — A vehicular access route or right-of-way less than 500 feet in length serving or intended to serve any structure, use, or vacant lot, except if such a driveway is proposed as part of a subdivision application in which case it is a road.

**Dwelling, Above Commercial** — A dwelling unit located on a floor above a commercial business.

**Dwelling, Attached In-law Apartment** — A separate living space attached to or located within a single-family dwelling as a small accessory apartment. An attached in-law apartment must have its own entrance, kitchen, bathroom, and living space.

**Dwelling, Detached In-law Apartment** — A separate living space detached from, but accessory to, a single-family dwelling, such as a small guest house. A detached in-law apartment must have its own entrance, kitchen, bathroom, and living space.

**Dwelling, Multi-Family** — A building consisting of three or more attached dwelling units.

**Dwelling, Single-Family** — A building designed or intended to be used exclusively for residential occupancy by one family, and containing one dwelling unit or one dwelling unit with an in-law apartment.

**Dwelling, Two-Family** — A building consisting of two attached dwelling units.

**Dwelling Unit** — A structure or portion of a structure containing one or more rooms or group of rooms designed, built, and used for permanent or seasonal human habitation, with each such unit containing cooking, sleeping, and toilet facilities. “Dwelling unit” includes manufactured homes (including mobile homes and modular homes), as defined in 30-A M.R.S.A. § 4358, but does not include motel units, hotel units, boarding houses, recreational vehicles, or other residential units intended primarily for transient occupancy. The rental of a dwelling unit is considered a usual and normal use associated with a dwelling unit.

**Easement** — The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of the owner’s property.

**Education Facility** — Any building or facility used for academic instruction of enrolled students, including any nursery school, public or private school, college, university, medical school, law school, or career and technical education school.

**Emergency Operations** — Operations conducted for the public health, safety, or general welfare, including protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

**Equestrian Facility** — A facility for the purpose of accommodating, training, or competing equids, especially horses. Based on its use, an equestrian facility may be known as a barn, stables, or riding hall and may include commercial operations described by terms such as a boarding stable, livery yard, or livery stable.

**Equipment Rental Service** — A retail service providing machinery, equipment, and tools of various kinds and sizes (from earthmoving to powered access, from power generation to hand-held tools) for a limited period of time to final users that is stored in an enclosed indoor or outdoor space. It may be part of a larger retail building or facility such as a hardware store.

**Essential Services** — Gas, electrical, or communication facilities; steam, fuel, electric power, or water transmission or distribution lines; towers and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines; collection or supply towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories. This definition does not include service drops or buildings that are necessary for the furnishing of essential services.

**Exempt Caregiver** — A natural person who is a medical marijuana registered caregiver for no more than two family members or members of the caregiver’s household, is exempt from registration pursuant to 22 M.R.S.A. § 2423-A(3)(C), and may not possess more than eight pounds of marijuana.

**Expansion of a Structure** — An increase in the footprint, floor area, or height of a structure, including all extensions such as decks, garages, porches, and greenhouses.

**Expansion of a Use** — An enlargement of the footprint, floor area, or ground area devoted to a use; a change in the location of a use; addition of one or more months to a use's operating season; or a change in character, amount, or intensity of a use. A change in use from one land use category to another land use category in the schedules of uses in Chapter III (Land Use Districts) or Chapter IV (Shoreland Zoning) is *prima facie* evidence of a change in character of a use.

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

**Extraction Point** — The physical location where water is extracted, whether by well, pump, pipeline, catchments, or other similar method.

**Family** — One or more persons occupying a dwelling unit, whether or not related to each other by birth, adoption, or marriage.

**Farmers Market / Farm Stand** — The seasonal selling or offering for sale at retail of home-grown vegetables or produce, or food products from such vegetables or produce, occurring in pre-designated areas where the vendors are generally individuals or registered farms who have raised the vegetables or produce or have taken the same on consignment for retail sale.

**Farmland** — A lot used for commercial farming (i) that consists of five or more contiguous acres; (ii) that has produced a gross income averaging no less than \$300 per acre for three or more of the previous six calendar years; (iii) where use of agricultural chemicals has occurred; and (iv) that includes only the land on which the crop is produced. This definition does not include land used for woodlots, Christmas tree production, dwelling units, farm buildings, roads, pastures, lawns, or any area covered with non-crop vegetation that borders abutting land.

**Fenestration** — The design, location, or arrangement of windows and other exterior openings of a façade.

**Firewood Processing and Sales** — Cutting and splitting logs to produce firewood with machinery or manual handling for sale to retail customers.

**Floodway** — The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

**Floodplain** — A flood-prone area along rivers or artificially formed great ponds along rivers, defined by the 100-year floodplain as designated on FEMA Flood Insurance Rate Maps or Flood Hazard Boundary Maps, by the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

**Floor Area** — The sum of the horizontal areas of the floors of a building (excluding basement and attics), measured from the exterior faces of exterior walls or, in the case of a common wall separating two buildings, from the center line of the common wall.

**Footprint** — The entire area of ground covered by a building or structure on a lot, including cantilevered or similar overhanging extensions, as well as unenclosed structures such as patios and decks.

**Forest Management Activities / Timber Harvesting Activities** — "Timber harvesting activities" as that term is defined in 12 M.R.S.A. § 8868(5). Forest management activities / timber harvesting activities are not regulated pursuant to this Code, but are regulated by the DACF Bureau of Forestry pursuant to 12 M.R.S.A. §§ 8866 *et seq.*

**Foundation** — The supporting substructure of a building or structure, including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material, but excluding wooden sills and post supports.

**Fuel Storage Depot, Bulk** — A stand-alone facility for the bulk storage of fossil fuels, including gasoline, diesel, propane, or natural gas, primarily for distribution by motor vehicle to other locations. This definition does not include underground storage tanks at gas stations.

**Function Hall / Lodge / Clubhouse** — A building or portion of a building for the purpose of hosting a party, banquet, wedding or other reception, or other social event, such as functions halls, lodges, or club houses.

**Functionally Water-Dependent Uses** — Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and which cannot be located away from these waters. Functionally water-dependent uses include commercial and recreational fishing and boat launching facilities, waterfront docks and facilities, marinas, and navigation aids, basins, and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters. Recreational boat storage buildings are not a functionally water-dependent use.

**Funeral Home** — A facility or building for the preparation of the deceased for burial or cremation, the display of the deceased, and rituals connected with burial or cremation, which may include a crematory.

**Garage** — An accessory structure on a residential lot for parking residents' vehicles.

**Garden Materials Yard** — An open space for the storage of plants, trees, and shrubs, and associated materials and tools used for their cultivation for sale to a retail user.

**Gas Station** — A facility, building, land area, or other premises used for the retail dispensing or sales of vehicular fuels, or as an accessory use to the sale of lubricants, tires, batteries, and similar vehicle accessories.

**General Contractor Yard** — An open area that a construction contractor uses for the storage of materials and equipment used for construction projects, which may include the contractor's office.

**Governmental Use** — A use exclusively for public purposes by any department or branch of government, such as post office, public safety, public works, and public utilities and services.

**Gravel** — Small stones and pebbles, or a mixture of small stones and pebbles with sand.

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

**Great Pond** — Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has a surface area in excess of 30 acres except where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**Greatest Extent Practicable** — Feasible or capable of being done or carried out with reasonable effort, taking into account sound science and engineering principles; the state of available technology; the economics of improvements in relation to the benefits to the public health, safety, and welfare; and other societal and socioeconomic considerations.

**Greatest Extent Possible** — Feasible or capable of being done or carried out taking into account the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of subsurface wastewater disposals systems and on-site soils suitable for such systems, and the type and amount of vegetation to be removed to accomplish the intended activity.

**Groundwater** — Underground water located in unconsolidated sediment or bedrock below the water table and includes ground water emanating to the surface in the form of springs.

**Ground Cover** — Small plants, fallen leaves, needles, and twigs, and the partially decayed organic matter of the forest floor.

**Ground Story** — The first floor of a building, other than a basement.

**Group Home, Large** — A home where more than six unrelated people in need of care, support, or supervision can live together, such as elderly persons or persons with a disability.

**Group Home, Small** — A home where six or fewer unrelated people in need of care, support, or supervision can live together, such as elderly persons or persons with a disability.

**Health Institution** — A hospital, clinic, nursing or rehabilitation facility, or any other place for the care, treatment, or diagnosis of human ailments. This definition does not include office buildings or hospice facilities.

**Height** — The vertical distance of a structure, as measured from the mean original grade (prior to construction) of the ground at the downhill side of the structure to the highest point of the roof or any rooftop structure or feature such as a deck, fence, railing, or widow's walk, but excluding the vertical distance of any (i) chimney, steeple, heating or cooling appurtenance, ventilator, antenna, transmission tower, windmill, skylight, tank, bulkhead, **roof-mounted** solar panel, or similar structure having no floor area, or (ii) dome, tower, or spire provided such feature is not habitable. For ground-mounted solar energy facilities and accessory solar energy systems, the vertical distance between the mean original grade (prior to construction) at the point where a solar panel is fixed to the ground and the highest point of the solar panel when oriented at maximum tilt.

**Home Occupation** — An occupation or profession which is customarily conducted on residential property or in a dwelling unit, and which (i) is clearly incidental to and compatible with the residential use of the property and any surrounding residential uses; (ii) employs no more than two persons other than family members residing in the dwelling unit; and (iii) utilizes no more than 50% of the floor area of the dwelling unit in which the occupation is carried out.

**Hospice Facility** — A facility that provides support and care for persons in the last stages of an incurable disease or condition, and which may include related in-patient and out-patient services and associated offices, pharmacy services, and storage.

**Hotel / Large Inn** — A facility having more than eight guest rooms offering transient lodging accommodations to the general public for a fee, and which may include additional facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreation structures.

**Impact** — A measure of the effects or consequences of an activity or influence upon a neighborhood, community, Town, or abutter.

**Impervious Surface** — A low-permeability material that is highly resistant to infiltration by water (such as asphalt, concrete, or rooftop) and any area that will be compacted through design or use to reduce its permeability (such as a gravel road or unpaved parking area). Common impervious surfaces include rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, gravel roads,

packed earthen materials, and macadam or other surfaces that similarly impede the natural infiltration of stormwater. Pervious pavement, pervious pavers, pervious concrete, and underdrained artificial turf fields are all considered impervious surfaces.

**In-law Apartment** — A living space that must have its own entrance, kitchen, bathroom, and living area that is attached to or detached from a single-family dwelling.

**Individual Private Campsite** — An area of land located in the shoreland zone that is not associated with a campground, which is developed for repeated camping by only one group not to exceed 10 individuals and which involves site improvements such as gravel pads, parking areas, fire place, and tent platform.

**Industrial Use** — The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**Infrastructure** — All common roads, drainage structures, ditches, erosion, sedimentation and stormwater control measures, utilities, landscaping, fire protection systems, recreation structures, and any additional common property or basic facilities associated with a development or subdivision.

**Institutional Use** — A use serving a public or charitable need by a nonprofit or quasi-public institution, such as church, library, museum, private school, or hospital.

**Landscaping** — The planting of trees, shrubs, and other plants as foundation plantings in separate bedding areas and between the property and sidewalk or road so as to enhance the appearance and function of the property.

**Laundry Service** — A facility that provides services that wash, dry, dry clean, iron, and press customers' clothes for a fee.

**Liquor Store** — A retail shop that predominantly sells pre-packaged alcoholic beverages, typically in bottles intended to be consumed off-premises, and which may be a part of a larger retail store.

**Live Theater / Music / Entertainment** — A facility or venue which provides a form of entertainment that uses live performers before a live audience in a specific place.

**Livestock, Personal Use** — Animals kept for personal enjoyment or for the production of animal products for personal use. This definition does not include piggery agriculture or poultry agriculture.

**Lot Area** — The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

**Lot Coverage** —

Outside of the shoreland zone: The percentage of area covered by buildings, structures, parking areas, driveways, and impervious surfaces on a lot.

Within the shoreland zone: The percentage of area covered by buildings, structures, parking areas, driveways, and all other non-vegetative surfaces on a lot or that portion of a lot located in the shoreland zone. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

**Lot Front** — The side of a lot that borders a road and, in the case of a corner lot, the side with the longer lot line bordering a road.

**Lot Frontage** — The horizontal distance of the lot front measured from one side lot line to the other.

**Major Artery** — A term to describe Route 302, Route 117, and Route 107.



**Manufacturing Use** — A use involving the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as oils, plastics, resins, or liquors.

**Manufacturing, Heavy** — A manufacturing use to make, produce, build, construct, assemble, put together, create, fabricate, turn out, process, or engineer with large, heavy, and capital-intensive machinery and equipment.

**Manufacturing, Light** — A manufacturing use to make, produce, build, construct, assemble, put together, create, fabricate, turn out, process, or engineer wholly within an enclosed building with small machinery and equipment.

**Marijuana** — The leaves, stems, flowers, and seeds of all species of the plant genus *Cannabis*, whether growing or not, but not including “hemp” as defined in 7 M.R.S.A. § 2231(1-A)(D).

**Marijuana Cultivation Area** — An indoor facility used for cultivation of marijuana as part of any marijuana establishment, which is enclosed and equipped with locks and other security devices that permit access only by a person authorized to have access to the facility.

**Marijuana Establishment** — Any one of the following uses:

- Adult use marijuana cultivation facility
- Adult use marijuana products manufacturing facility
- Adult use marijuana store
- Adult use marijuana testing facility
- Medical marijuana caregiver retail store
- Medical marijuana inherently hazardous substances extraction operation
- Medical marijuana large-scale caregiver operation
- Medical marijuana manufacturing facility
- Medical marijuana multiple registered caregiver facility
- Medical marijuana registered dispensary
- Medical marijuana testing facility

Unless a general definition (including agriculture, commercial, manufacturing, retail business, home occupation or accessory use) expressly includes a marijuana establishment, the general definition does not include a marijuana establishment.

**Marijuana Home Cultivation** — The cultivation of (i) marijuana for personal adult use by persons 21 years of age or older in accordance with the provisions of 28-B M.R.S.A. § 1502; or (ii) medical Marijuana by an exempt caregiver or a qualifying patient.

**Marijuana Manufacturing Facility** — Any one of the following uses:

- Medical marijuana inherently hazardous substances extraction operation
- Medical marijuana manufacturing facility
- Adult use marijuana products manufacturing facility

**Marijuana Testing Facility** — Any one of the following uses:

- Adult use marijuana testing facility
- medical marijuana testing facility

**Marina** — An establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales and rentals, boat repair and construction, indoor and outdoor storage of boats and marine equipment, and tackle shops and marine fuel service facilities.

**Market Value** — The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**Mass Gathering** — An event at which at least 500 persons collect, assemble, congregate, or gather together, in a group for a period of time greater than four consecutive hours.

**Maximum Front Setback Area** — The portion of a lot that is located between the maximum front setback line and the public lot line which it parallels.

**Maximum Front Setback Line** — A line paralleling a public lot line along the full length of the public lot line, which is the farthest distance a building façade can be from the public lot line.

**Medical Marijuana Caregiver Retail Store** — A location, building, or facility operated by a medical marijuana registered caregiver that is used to sell medical marijuana to qualifying patients and that has attributes generally associated with retail stores, including a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer.

**Medical Marijuana Inherently Hazardous Substances Extraction Operation** — “Marijuana extraction” using “inherently hazardous substances” by a “qualifying patient,” the “caregiver” of a qualified patient, or any other person authorized under 22 M.R.S.A. § 2423-F(3) to engage in “marijuana extraction” using “inherently hazardous substances,” as those terms are defined in 22 M.R.S.A. § 2422.

**Medical Marijuana Large-Scale Caregiver Operation** — A commercial or noncommercial use by a medical marijuana registered caregiver other than: (i) a medical marijuana caregiver retail store, (ii) a medical marijuana multiple caregiver facility, (iii) a medical marijuana inherently hazardous substances extraction operation, (iv) marijuana home cultivation by a qualifying patient or exempt caregiver, or (v) a medical marijuana small-scale caregiver operation.

**Medical Marijuana Manufacturing Facility** — A registered tier 1 or tier 2 manufacturing facility, as defined in 22 M.R.S.A. § 2422.

**Medical Marijuana Multiple Registered Caregiver Facility** — A building or facility housing more than one medical marijuana registered caregiver.

**Medical Marijuana Registered Caregiver** — A caregiver who is registered by the State licensing authority pursuant to 22 M.R.S.A. § 2425-A.

**Medical Marijuana Registered Dispensary** — A building or facility operated by a person or entity registered under 22 M.R.S.A. § 2425-A that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses medical marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients as defined in 22 M.R.S.A. § 2422(6).

**Medical Marijuana Small-Scale Caregiver Operation** — A commercial or noncommercial use by a medical marijuana registered caregiver who sells or dispenses marijuana solely out of the caregiver’s residential dwelling or accessory structure to no more than five individual registered patients in any one calendar month; does not process or manufacture marijuana using chemicals or solvents; and cultivates no more than 30 mature marijuana plants.

**Medical Marijuana Testing Facility** — A public or private laboratory that (i) is authorized in accordance 22 M.R.S.A. § 2423-A(10) to analyze contaminants in the potency and cannabinoid profile of samples; and

(ii) is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body or is certified, registered or accredited by an organization approved by DHHS.

**Midway / Fair** — A temporary event where there are displays of goods, animals, amusements, games of chance or skill, and competitions.

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

**Mineral Exploration** — Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources, which create minimal disturbance to the land and include reasonable measures to restore the land to its original condition.

**Mineral Extraction** — Any excavation or removal, storage, handling or processing of sand, gravel, aggregates, borrow, stone, rock, clay, minerals, metals, or topsoil. This definition includes sand pits, gravel pits, clay pits, borrow pits, quarries, mines, and topsoil mining or removal operations.

**Mineral Extraction Area** — All of the land area used, disturbed, and developed as part of mineral extraction operation, including any access roads and cleared areas adjacent to a pit or excavation area.

**Mineral Extraction, Handling or Processing** — The washing, screening, crushing, mixing, or storage of sand, gravel, aggregates, borrow, stone, rock, clay, minerals, metals, or topsoil, including washing or screening operations; concrete mix or asphalt batching plants; blasting or mining operations; storage of material; disposal, placing, or storing of any material that will not be used in conjunction with the mineral extraction; or ore concentration processes.

**Mineral Extraction, Large** — Mineral extraction which removes 100 cubic yards or more of material within any 12-month period.

**Mineral Extraction, Small** — Mineral extraction which removes less than 100 cubic yards of material within any 12-month period.

**Minimart** — A convenience store that is located on the same lot and is accessory to a gas station.

**Minimum Front Setback Line** — A line paralleling a public lot line along the full length of the public lot line, which is the closest distance a structure or building façade can be from the public lot line.

**Minimum Lot Frontage** — The minimum lot frontage on a lot.

**Minimum Lot Size** — The minimum acreage of a lot for each principal building located on the lot.

**Minimum Lot Width** — The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines are deemed side lot lines.

**Minimum Setback** — The horizontal distance from the nearest part of a structure, parking area, or other regulated object or area to a lot line, road line, the normal high-water line of a water body, or the upland edge of a wetland, as the context may dictate.

**Minimum Setback Area** — The portion of a lot that is located between the minimum setback line and the lot line which it parallels.

**Minimum Setback Line** — A line paralleling a lot line which indicates the closest distance a structure or parking area can be from any given lot line.

**Minimum Shoreland Setback** — The horizontal distance from the nearest part of a structure, parking area, or other regulated object or area to the normal high-water line of a water body, or the upland edge of a wetland, as the context may dictate.

**Mobile** — Capable of moving or being moved.

**Mobile Home or Modular Home** — Refer to “dwelling unit.”

**Mobile Home Park** — A lot under unified ownership used or intended to be used for the placement of three or more manufactured homes (including mobile homes and modular homes), as that term is defined in 30-A M.R.S.A. § 4358.

**Motel** — A building or group of attached or detached buildings containing guest rooms, most of which have separate outside entrances and parking spaces nearby, intended to be used by automobile transients for a fee.

**Movie Theater** — An establishment where movies are shown for public entertainment.

**Native Species or Native Tree or Native Vegetation** — Indigenous to Maine ecosystems.

**Neighborhood Convenience Store** — A retail establishment of up to 1,500 square feet in aggregate floor area with extended operating hours and located in a convenient location within a district, which sells primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches, pizzas, and salads.

**Nonconforming Lot, Structure, or Use or Nonconforming Condition** — A lot, structure, or use that lawfully existed immediately prior to the enactment of this Code, or an amendment to this Code, and which, as a result of the enactment or amendment of this Code, presently fails to comply with any one or more of the requirements of this Code, including the dimensional standards or other standards applicable in the district in which the lot, structure, or use is located.

**Non-Native Invasive Vegetation** — Species of vegetation listed by DACF as being invasive in Maine ecosystems and not native to Maine ecosystems.

**Normal High-Water Line** — A line that is apparent from visible markings, changes in the character of soils due to prolonged action of the water, or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

**Office Building** — A building, or portion of a building, within and from which a person conducts a business providing a trade or professional service to clients or customers or conducts bureaucratic work, including offices for plumbing, electrical, and other construction trades; offices for architectural firms or construction contractors (including headquarters); offices for lawn care services and building cleaning companies; and offices for lawyers, doctors, accountants, engineers, and other professional consultants.

**Office Building, Large** — An office building having a floor area of more than 2,500 square feet.

**Office Building, Small** — An office building having a floor area of 2,500 square feet or less.

**Outdoor Flea Market / Open-Air Market** — The outdoor display, sale, exchange or barter of merchandise for profit, which may include accessory structures such as restrooms or buildings for storage of goods when not in business. This definition does not include garage sales or yard sales on the premises of a residential property, except if such sales occur more than four times a year on the same residential

property. This definition does not include occasional sales and promotional activities at retail buildings that place merchandise outside of their building or farmers markets.

**Overlay District** — A special zoning district, placed over one or more land use districts, that identifies special provisions that apply to land uses in addition to or in lieu of the provisions of the underlying land use districts. An overlay district can share common boundaries with the underlying land use districts or cut across land use district boundaries. Regulations or incentives may be attached to an overlay district to protect a specific resource or to guide development within a special area.

**Parking Garage** — A structure used for the limited term parking of vehicles but excluding automotive services or commercial storage of vehicles.

**Parking Setback Line** — The closest the outer edge of a parking lot to a property line.

**Pawn Shop** — A business or facility designed to loan out money for items, with the intention that the customer comes back and repays the loan for the items pawned.

**Planned Unit Development** — An integrated design for development of residential, commercial, industrial or other uses, or a mix of such uses, on one or more contiguous lots in accordance with a concept plan approved by the Planning Board.

**Principal Building or Principal Structure** — A building or structure where the principal use of the lot is conducted.

**Principal Use** — A use other than one that is wholly incidental or accessory to another use on the same lot.

**Privacy Wall** — An unroofed structure which has a foundation and vertical surface of masonry, wood, plaster, concrete, or stones to enclose, divide, or protect an area.

**Private Open Area** — A contiguous space for plant materials containing no more than 50% impervious surface for courtyards or seating areas.

**Public Drinking Water Supply** — Any publicly or privately owned system of pipes or other constructed conveyances, structures, and facilities through which water is obtained for or sold, furnished, or distributed to the public for human consumption, if such a system has at least 15 service connections, regularly serves an average of at least 25 persons daily at least 60 days out of the year, or bottles of water for sale. Any publicly or privately owned system that only stores and distributes water, without treating or collecting it; obtains all its water from, but is not owned or operated by a public water system; and does not sell water or bottled water to any person, is not a “public water system.” The term “public water system” includes any collection, treatment, storage or distribution pipes, or other constructed conveyances, structures, or facilities under the control of a supplier of water and used primarily in connection with such a system, and any collection or pretreatment storage facilities not under that control that are used primarily in connection with such a system. The system does not include the portion of service pipe owned and maintained by a customer of the public water system.

**Public Lot Line** — Any property line that directly abuts a public road.

**Public Open Space** — Land set aside for active or passive recreation by the public and either owned by a public entity or protected as open space in perpetuity through a conservation easement or other legally binding deed restriction.

**Public Vantage Point** — Any great pond, river, navigable stream, public roadway, publicly accessible land protected by a conservation easement, or public property used by the general public for outdoor recreation.

**Qualifying Patient** — A person who has been a resident of Maine for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with 22 M.R.S.A. § 2423-B.

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

**Raze** — To tear down, demolish, burn, or otherwise destroy or do away with.

**Recent Floodplain Soils** — The following soil series as described and identified by the National Cooperative Soil Survey: Fryeburg; Hadley; Limerick; Lovewell; Medomak; Ondawa; Alluvial; Cornish; Charles; Podunk; Rumney; Saco; Suncock; Sunday; Winooski.

**Reclamation** — The restoration or continued maintenance of the area of land affected by mining under a reclamation plan, including grading and shaping of the land, the creation of lakes or ponds, the planting of forests, the seeding of grasses, legumes, or crops for harvest, or the enhancement of wildlife and aquatic resources.

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

**Recreation, Indoor** — A nonresidential use conducted totally within a structure designed and equipped for play, amusement, relaxation, sports or other similar diversions, such as a bowling alley, skating rink, fitness center, gymnasium, squash or tennis facility, or indoor swimming pool.

**Recreation, Low-intensity** — A use conducted outdoors in a public or private place designed and equipped for low-intensity recreational activities that involve minimal structural development (such as benches, picnic tables, trail kiosks, and boardwalks), including a park, nature preserve, open space area, greenway, and hiking trail system. This definition does not include boat launching facilities, indoor recreation, or outdoor recreation.

**Recreation, Outdoor** — A nonresidential use conducted primarily outdoors but involving significant structural development designed and equipped for play, amusement, relaxation, sports or other similar diversions, such as a playground, sports field, golf driving range, miniature golf course, water slide, outdoor swimming pool, and outdoor tennis court.

**Recreational Vehicle** — A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, including a pick-up camper, travel trailer, tent trailer, camp trailer, or motor home. To be considered as a vehicle and not as a structure, the recreational vehicle must remain with its tires on the ground, and must be registered with a state division of motor vehicles.

**Redemption / Recycling / Transfer Facility** — A facility where a redeemer can deposit empty beverage containers in exchange for their refund value, or any facility that contracts with one or more dealers or distributors to collect, sort, and obtain the refund value and handling fee of empty beverage containers for, or on behalf of them; or a specialized plant that receives, separates, and prepares recyclable materials for transfer or marketing to end-user manufacturers.

**Religious Assembly** — A church, synagogue, temple, mosque, or other facility that is used for worship or prayer by persons of similar beliefs; or a special purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

**Relocate** — To move a building to another position or location on the same or a different lot.

**Repair** — To restore a building to sound condition.

**Replace** — To put back in place, or to substitute something which is not structurally sound for something which is structurally sound.

**Replacement System** — A subsurface wastewater disposal system intended to replace (i) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of a structure, or (ii) any existing overboard wastewater discharge.

**Research Facility** — An institution involved in the intellectual or physical study and analysis of materials, plants or organisms. This definition does not include medical marijuana testing facilities.

**Restaurant** — A establishment, at which food is sold for consumption on or off the premises, which may serve alcoholic beverages with food and may contain event or function space. This definition does not include drive-through restaurants or snack bar or refreshment stands for the convenience of patrons at a public or private indoor or outdoor recreation establishment.

**Restaurant, Drive-Through** — A restaurant that includes a facility to order and pick up food from an automobile.

**Re-subdivision** — The division of a previously subdivided lot at any future point in time.

**Retail** — Connected with the sale of goods for direct use by the consumer, and not for trade or resale.

**Retail Business, Large** — A structure containing more than 1,500 square feet of floor area that is designed and used for the provision of goods or services for a fee directly to the consumer for primarily personal or household use, and not for trade or resale.

**Retail Business, Small** — A structure containing less than 1,500 square feet of floor area that is designed and used for the provision of goods or services for a fee directly to the consumer for primarily personal or household use, and not for trade or resale.

**Reviewing Authority** — The Town's CEO, Planning Board, or Board of Appeals, as the context may dictate.

**Riprap** — Rocks, irregularly shaped, and at least six inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two units horizontal to one unit vertical or less.

**River** — A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of 25 square miles to its mouth.

**Road** — A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles. This definition does not include driveways.

**Rock** — A naturally occurring solid aggregate of minerals or mineraloids. In general rocks are of three types: igneous, sedimentary and metamorphic.

**Rock Crushing** — A process of reducing large rocks into small rocks, gravel or rock dust, or changing the form of waste materials so they can be more easily disposed of or recycled, or to reduce the size of a solid mix of raw materials so that pieces of different composition can be differentiated.

**Salvage Yard** — A place where disused vehicles or other machinery are stockpiled and processed for resale.

**Sawmill** — A facility in which logs are cut into boards or timber by a mill or machine.

**Self-Storage Facility** — A building or group of buildings consisting of individual, self-contained units that are leased for self-service storage of personal property, with no commercial transactions permitted other than the rental of storage units.

**Sensitive Uses** — The following structures or uses:

- A juvenile or adult halfway house, correctional facility, or substance abuse rehabilitation or treatment center.
- A Maine licensed child care facility.
- A Maine licensed family home child care facility.
- Areas designated as safe zones, and areas within 1,000 feet of property comprising designated safe zones, as shown on an official Town of Bridgton Safe Zone Map which has been made part of the *Town of Bridgton Ordinance to Regulate the Establishment of Safe Zones*.
- A public preschool program, or a public or private elementary, secondary, or post-secondary school, or related athletic fields. For purposes of this definition, the term “school” means a “public school” as that term is defined in 20-A M.R.S.A. § 1(24); a “private school” as that term is defined in 20-A M.R.S.A. § 1(22); and a “public preschool program” as that term is defined in 20-A M.R.S.A. § 1(23-A). For purposes of this definition, the term “post-secondary school” means a community college, college, or university authorized by the State to award associate, baccalaureate or higher degrees.
- A church, synagogue, or other house of worship.

**Service Drop** — A utility line extension that does not cross or run beneath any portion of a water body.

In the case of electric service: (i) the placement of wires or the installation of utility poles must be located entirely upon the premises of the customer requesting service or upon a road right-of-way, and (ii) the total length of the extension must be less than 1,000 feet.

In the case of telephone service: (i) the extension, regardless of length, must be made by the installation of telephone wires to existing utility poles; or (ii) or, if the extension requires installation of new utility poles or placement underground, the total length of the extension must be less than 1,000 feet.

**Setback Area** — The area between the maximum setback line and the minimum setback line.

**Setback, Shoreland** — The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

**Shore Frontage** — The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Shorefront Common Area** — Any land area having shoreline frontage on any water body regulated by this Ordinance and intended for use by more than one residential dwelling unit or family unit or other legal entity, excluding visitors and guests. This definition includes areas for which easements, rights-of-way, or other use rights are granted or sold.

**Shoreland Zone** — The shoreland zone is composed of:

1. All land areas within 250 feet of (i) the normal high-water line of any great pond or river and (ii) the upland edge of a freshwater wetland;
2. All land areas within 75 feet of the normal high-water line of a stream; and
3. Any structures built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

**Shoreline** — The normal high-water line, or the upland edge of a wetland.



**Shoreline Buffer** — A strip of land extending 100 feet inland from the normal high-water line of a great pond or a river flowing to a great pond, or a strip of land extending 75 feet from any other water body, tributary stream, or the upland edge of a wetland.

**Shrub** — A woody plant, deciduous or evergreen, hardy for Plant Zones 4 or 5, which may have a single trunk or multiple trunks and normally achieves a height at maturity of no more than 15 feet and no less than three feet.

**Sidewalk** — A way for pedestrian traffic located parallel to a road, which is constructed with pavement, pavers, bricks, and other similar surfaces but not gravel.

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

**Solar ~~Farm~~ Energy Facility** — ~~An installation or area of land on which a collection of solar panels is set up in order to generate electricity for commercial purposes. A ground-mounted solar energy system with a nameplate capacity greater than 125 kW (DC), which occupies a solar land area greater than 200 square feet and less than 20 acres. This definition includes a solar microgrid of any nameplate capacity or solar land area size. This definition does not include an accessory solar energy system.~~

**Solar Energy Facility Decommissioning Event** — (i) The end of the manufacturer-identified useful life of the solar photovoltaic (PV) technology used in a solar energy facility; (ii) the failure of the owner or operator of a solar energy facility to substantially start repair on the facility after a casualty loss or other significant damage within 12 months of the loss or damage; or (iii) six months after the receipt of a notice to the owner or operator of a solar energy facility of a determination by the CEO that the solar energy facility has been abandoned. A solar energy facility is considered abandoned if it ceases to generate electricity on a commercial basis for a consecutive period of 12 months.

**Solar Energy System** — A complete assembly of solar collectors and associated mounting hardware, electricity storage equipment, transmission and distribution lines, and related infrastructure that uses solar photovoltaic (PV) technology (including solar panels) to collect, convert, store, and deliver electricity for on-site or remote consumption. A solar energy system may be roof-mounted or ground-mounted.

**Solar Energy System, Accessory** — A solar energy system, other than a solar microgrid, whose nameplate capacity is 125 kW (DC) or less and is either (i) roof-mounted, or (ii) ground-mounted, does not exceed a height of 12 feet, and occupies a solar land area 200 square feet or less.

**Solar Land Area** — The aggregate area of land occupied by a ground-mounted solar energy system, including (i) solar panels and associated mounting hardware and equipment, (ii) all inter-panel space, and (iii) all impervious surfaces other than parking lots, driveways, or roadways used to access the solar energy system. Solar land area does not include any areas adjacent the perimeter of the solar energy system that are vegetated by grasses and must, by virtue of a legal instrument, be kept free of structures, trees, or shrubs in order for the system to capture sunlight. Solar land area includes any land that is part of a common scheme of development.

**Solar Microgrid** — A solar energy system that operates independently of the electric grid to generate, store, and deliver electricity primarily for on-site consumption by two or more principal uses or principal structures located on one or more parcels of land within a geographically defined area that does not extend beyond the geographic scope of the Town.

**Solid Wall Foundation** — A foundation comprised of materials that form walls or wall segments such as a typical poured concrete foundation. This definition does not include “sono-tube” supports installed with minimal disturbance methods like a post hole digger.

**State Minimum Lot Size Law** — The Maine Minimum Lot Size Law, codified at 12 M.R.S.A. Ch. 423-A.

**State Wastewater Disposal Rules** — The Maine Subsurface Wastewater Disposal Rules, codified at 10-144 C.M.R. ch. 241.

**Story** — That part of a building between the surface of the floor and the ceiling immediately above, not including the basement. A half-story is an uppermost story in which a sloping roof replaces the upper part of the front wall.

**Stream** — A free-flowing body of water from the outlet of a great pond or the confluence of two perennial streams as depicted on the most recent, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

**Street Wall** — A fence, wall, or strip of vegetation that maintains a continuous visual definition along a lot line.

**Structure** —

Outside of the shoreland zone: Anything constructed, erected, or placed on the ground that is permanent, temporary or mobile, including buildings, mobile homes, recreational vehicles, piers and pads, parking lots, and storage and processing facilities. This definition does not include boundary walls, fences, walkways, patios, flagpoles light poles, and signs.

Within the shoreland zone: Anything temporarily or permanently located, built, constructed, or erected for the support, shelter, or enclosure of persons, animals, goods, or property of any kind or anything constructed or erected on or in the ground. "Structure" includes structures temporarily or permanently located, such as parking lots, decks, patios, and satellite dishes. This definition does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in 30-A M.R.S.A. § 4201(5); geothermal heat exchange wells as defined in 32 M.R.S.A. § 4700-E(3-C); or wells or water wells as defined in 32 M.R.S.A. § 4700-E(8).

**Subdivision Plan, Final** — The final drawings on which a subdivision plan is presented to the Planning Board for its consideration and which, if approved, must be filed with the Town and recorded in the Cumberland County Registry of Deeds.

**Subdivision Plan, Preliminary** — The preliminary drawing indicating the proposed layout of a subdivisions presented to the Planning Board for its consideration.

**Substantial Completion** — Completion of 70% of a project, measured as a percentage of the total project amount.

**Substantial Start** — Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

**Sustained Slope** — A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**Timber Harvesting** — "Timber harvesting" as that term is defined in 12 M.R.S.A. § 8868.

**Topsoil** — The upper, outermost layer of soil, usually the top two inches to eight inches, which has the highest concentration of organic matter and microorganisms and is where most biological soil activity occurs.

**Tree** — A woody perennial plant with a well-defined trunk at least two inches in diameter, measured at 4½ feet above ground level, with a more or less definite crown, and reaching a height of at least 10 feet at maturity.

**Tree, Hazard or Hazard Tree** — A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at a site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A “normal range of environmental conditions” does not include meteorological anomalies such as hurricanes, hurricane-force winds, tornados, microbursts, or significant ice storm events. A “target” is the area where personal injury or property damage could occur if the tree or a portion of the tree fails, and includes roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger. This definition includes trees that pose a serious and imminent risk to bank stability.

**Tree, Medium Sized** — A woody deciduous plant, hardy for Plant Zones 4 or 5, that normally grows with one main trunk and normally achieves a height at maturity of 30 to 50 feet.

**Tree Sapling** — A tree species that is less than two inches in diameter, measured at 4½ feet above ground level.

**Tree Seedling** — A young tree species that is less than 4½ feet in height above ground level.

**Tree, Shade or Shade Tree** — A woody deciduous plant, hardy for Plant Zones 4 or 5, that normally grows with one main trunk, normally achieves a height at maturity of 30 feet or more and has a canopy that screens and filters the sun.

**Tree, Storm-Damaged or Storm-Damaged Tree** — A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recover as the result of a storm event.

**Tributary Stream** — A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material, or bedrock; and which is connected hydrologically with other water bodies. This definition does not include (i) rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity, or (ii) streams. This definition only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Upland Edge of a Wetland** — The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six meters (approximately 20 feet) tall or taller.

**Use** — The purpose or activity for which land or structures are designed, arranged, or intended or for which land or structures are occupied or maintained.

**Variance** — A relaxation of the provisions of this Code as permitted by state law and Section I-13.

**Vegetation** — All live trees, shrubs, and other plants including trees both over and under four inches in diameter, measured at 4½ feet above ground level.

**Vehicle and Small Engine Repair Shop** — An establishment where automobile and low-power internal combustion engines or electric motors are repaired and maintained by mechanics and technicians. This definition does not include the sale of gasoline.

**Veterinary Service** — An establishment where animals and pets are given medical or surgical treatment and are cared for during the time of such treatment, including the incidental, short-term use of such an establishment as a kennel.

**Warehousing and Distribution** — A facility for storage and distribution of manufactured products, supplies, and equipment, including the wholesaling of goods not manufactured on the premises.

**Water Body** — A great pond, river, or stream.

**Water Crossing** — A structure or feature extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the river, stream, tributary stream, or wetland, including roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on such water crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Water Extraction, Large-Scale** — The extraction of water from groundwater sources, aquifers, springs or wells of more than 50,000 gallons on any given day or more than 1,000,000 gallons annually, as extracted by a person or a consortium or association of persons, regardless of the number of extraction facilities utilized.

**Water Extraction, Small-Scale** — The extraction of water from groundwater sources, aquifers, springs or wells of 50,000 gallons or less on any given day or 1,000,000 gallons or less annually, as extracted by a person or consortium or association of persons, regardless of the number of extraction facilities utilized. This definition does not include extraction of water which is accessory to residential uses or dwelling units.

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

**Wetland or Freshwater Wetland** — A freshwater swamp, marsh, bog, or similar area, other than a forested wetland, that: (i) covers 10 or more contiguous acres, or less than 10 contiguous acres and is adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and (ii) is inundated or saturated by surface water or groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances does support, a prevalence of wetland vegetation typically adapted for life in saturated soils. A freshwater wetland may contain small stream channels or inclusions of land that do not comply with the criteria of this definition.

**Wetland, Forested** — A freshwater wetland dominated by woody vegetation that is six meters tall or taller.

**Wind Farm** — A facility that uses equipment that converts, stores, and transfers energy from wind into usable forms of energy including any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, and other component of the system.

**Woody Vegetation** — Live trees or woody, non-herbaceous shrubs.

**Zone of Contribution** — The area of an aquifer that contributes water to a well or other extraction point under the most severe pumping and recharge conditions that can be realistically anticipated within the Town. It is bounded by the groundwater divides that result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases the zone of contribution extends upgradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

## **APPENDICES**

### **Appendix A. Official Land Use District Maps**

**Appendix B. Official Shoreland Zoning Maps**

### **Appendix C. Standards Adopted by Reference in Code**

The following standards are adopted by reference in this Code, and a copy of each is on file in the office of the Town Clerk and is available for public use, inspection, and examination:

1. [DOT Best Management Practices for Erosion and Sedimentation Control](#) (DOT, Feb. 2008).
2. [DOT Standard Specifications, Division 700—Materials](#) (DOT, Dec. 2002).
3. [Guidelines for Maine Certified Soil Scientists for Soil Identification and Mapping](#) (Maine Association of Professional Soil Scientists, Mar. 2009).
4. [Maine Stormwater Management Design Manual: Phosphorus Control Manual, Vol. II](#) (DEP, Mar. 2016).
5. [Manure Utilization Guidelines](#) (DACF, Nov. 1, 2001).

STATE LAW REFERENCE—30-A M.R.S.A. § 3003 (MUNICIPALITIES; ADOPTION OF CODES BY REFERENCE).