

## SELECT BOARD MEETING AGENDA

**DATE:** Tuesday, February 27, 2024

**TIME:** 5:00 P.M.

**PLACE:** Select Board Meeting Room, 10 Iredale Street, Bridgton

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

<https://www.gotomeet.me/BridgtonMaine/bos>

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1. Call to Order
2. Pledge of Allegiance
3. Approval of Minutes – February 13, 2024
4. Public Comments on Non-Agenda Items (*Each speaker **may** be limited to 3 minutes.*)
5. Committee/Liaison Reports
6. Correspondence, Presentations, and Other Pertinent Information
  - a. Hio Ridge Road Speed Study
7. New Business
  - a. Awards and Other Administrative Recommendations
    1. Main Eco Homes Trademark Request
  - b. Permits/Documents Requiring Board Approval
    1. Victualer's Licenses to: Mountain Range Golf Course Located at 146 Harrison Road (Renewal); The Daily Loaf Located at 21 Smith Ave (New); Stella Blues Bakery Located at 55 Heathersfield Road (New); Nilfa's Kusina Located at 160 Main Street (New)
    2. Kids to Parks Day
    3. June Warrant Preparation
    4. Revisions to the Reserve Account Policy
    5. Commercial Hauler Fee Structure
    6. Annual Road Posting
    7. Confirmation of Marita Wiser as Warden for the March 5, 2024 Presidential Primary Election
  - c. Select Board Comments
  - d. Town Manager's Report/Deputy Town Manager's Report
8. Old Business (*Select Board Discussion Only*)
  - a. Project Status Updates
9. Treasurer's Warrants

10. Public Comments on Non-Agenda Items *(Each speaker **may** be limited to 3 minutes.)*
11. Dates for the Next Select Board Meetings  
March 4, 2024 @ 8:30AM (Budget Meeting)  
March 5, 2024 @ 9AM (Budget Meeting)  
March 12, 2024 @ 5PM (Regular Meeting)
12. Adjourn

**Town Manager's Notes**  
**Board of Selectmen's Meeting**  
**February 27, 2024**

**3. Approval of Minutes:**

- a. February 13, 2024

**Suggested Motion:** Move to approve the February 13, 2024, Selectboard Minutes.

**5. Committee/Liaison Reports**

**6. Correspondence, Presentations and Other Pertinent Information**

- a. Discussion on the need to formally request a MDOT Speed Study for Hio Ridge. Please see information from the Maine Local Roads Center, Maine Department of Transportation.

**7. New Business**

- a. Awards and Other Administrative Recommendations

1. Maine Eco Homes is requesting the use of the Town's trademarked logo to use on bags of welcoming materials they provide new tenants.

**Suggested motion:** Move to approve the use of the Town's trademarked logo by Maine Eco Homes on "welcoming" bags.

- b. Permits/Documents Requiring Board Approval

1. **Suggested motion:** Move to approve a Victualer's License to Mountain Range Golf Course, The Daily Loaf, Stella Blues Bakery, and Nilfa's Kusina.

2. In your binder, please find a proclamation prepared by the National Park Trust for the Board's consideration.

**Suggested motion:** Move to approve the Kids to Parks Day Proclamation.

3. Certification of Proposed Ordinances and Orders for June 13, 2023, Election.

Pursuant to MRS 30-A §2528 Secret Ballot (see copy in your binder), you are voting on the following Referendum Questions to be placed before the voters for consideration on June 11, 2024. The Selectboard may offer their recommendation to recommend or not recommend Secret Ballot Referendums.

a. **Motion:** Move to certify and place Referendum Ballot Question "Shall an ordinance entitled "Amendments to the Town of Bridgton Land Use Code to Implement State Housing Law" before the voters for their consideration on June 11, 2024.

i. **Suggested Motion:** Move to recommend passage.

b. **Motion:** Move to certify and place Referendum Ballot Question "Shall an ordinance entitled, "Repeal of Bridgton Floodplain Management Ordinance, Revised 2019, and Replace with Adoption of Bridgton Floodplain Ordinance" before the voters for their consideration on June 11, 2024.

ii. **Suggested Motion:** Move to recommend passage.

c. **Motion:** Move to certify and place Referendum Ballot Question "Shall an ordinance entitled, "Amendments to, Repeal of, and Adoption of Certain Bridgton Ordinances to Update Mass Gathering Regulations" before the voters for their consideration on June 11, 2024.

iii. **Suggested Motion:** Move to recommend passage.

d. **Motion:** Move to certify and place Referendum Ballot Question "Shall an ordinance entitled, "Bridgton Mooring Regulations and Harbor Master Ordinance" before the voters for their consideration on June 11, 2024.

iii. **Suggested Motion:** Move to recommend passage.



e. **Motion:** Move to place a Question before the voters "To see if the Town of Bridgton will authorize the Town Manager to apply, on behalf of the Town of Bridgton, for federal financing assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for Phase I implementation of the Ham Complex Redevelopment Project; and further authorize the Town Manager to enter into the Land and Water Conservation Fund Project Agreement with the State subsequent to federal approval of the project." before the voters for their consideration on June 11, 2024.

iii. **Suggested Motion:** Move to recommend passage.

4. In your binder, please find the amended (in red) Wastewater Connection Assistance Reserve allowing funding to sources to include the Route 302 TIF Development Fund.

**Suggested motion:** Move to approve the amended Wastewater Connection Assistance Reserve allowing funding to include the Route 302 TIF Development Fund.

5. Please find the PS Director's memo of 02/08/24 for the continued discussion of commercial hauler's fees in your binder.

**Suggested motion:** Move to

6. From February 28 through May 15, certain Town Roads are being posted to protect them from damage during the thaw cycle. The Notice of Road Posting is in your binder. It will be posted on the Town website. The municipalities authority is found in Title 29-A §2395 (in your binder).

**Suggested motion:** Move to approve the Town of Bridgton Notice of Road Posting.

7. In your binder, please find a Certificate of Appointment for Marita Wiser as Warden for the Town of Bridgton for the March 5, 2024, Presidential Primary Election.

**Suggested motion:** Move to appoint Marita Wiser Warden for the Town of Bridgton for the March 5, 2024, Presidential Primary Election.

## 8. Old Business

- a. Projects Update



Select Board Meeting Minutes  
February 13, 2024; 5:00 P.M.

Board Members Present: Carmen E. Lone, Chair; Robert J. McHatton, Sr.; Vice-Chair; Paul A. Tworog; Carrye Castleman-Ross; Kenneth J. Murphy

Administration Present: Town Manager Robert Peabody, Jr.; Deputy Town Manager Georgiann Fleck; Deputy Town Clerk Veronica LaCascia; Community Development Director Victoria Hill; Public Services Director David Madsen; Fire Chief Glen Garland.

1. Call to Order

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

2. Pledge of Allegiance

The Board recited the "Pledge of Allegiance."

3. Approval of Minutes: January 23, 2024

**Motion** was made by Vice-Chair McHatton for approval of January 23, 2024 Meeting Minutes; second from Member Tworog. 5 approve/0 oppose

4. Public Comments on Non-Agenda Items

Joseph Gallinari commented on power wires on Main St. which were once voted on to not cross above the street. He would like the companies installing the power wires to be reminded of this. Vice-Chair McHatton recalled this being voted on and agreed. Mr. Gallinari would also like "No Engine Brakes" signs on Main St. He believes it is far too loud and disturbs downtown.

Lega Medcalf would like to change the Hio Ridge Rd speed limit. She is concerned about heavy speeding this coming summer. She submitted the proper forms to the state with Police Chief Philip Jones. Town Manager Peabody will follow up with Chief Jones.

Allie Peters of Main Eco Homes presented a marketing collaboration. This would include Bridgton apparel and other SWAG to be a part of Main Eco Homes gift baskets for clients. Chair Lone would like this subject to be on a future agenda for further discussion.

Deb Brusini, Chair of the Bridgton Planning Board, updates the Board on the LD 2003 amendment which will be available for the Select Board at a future meeting.

5. Committee/Liaison Reports

Member Tworog questioned if the Comprehensive Plan will have more in-person meetings and interactions. Community Developer Director Hill clarified that there will be more targeted in person surveys, including targeted focus groups.

6. Correspondence, Presentations, and Other Pertinent Information

There was no correspondence, presentations, or other pertinent information.

## 7. New Business

### a. Awards and Other Administrative Recommendations

#### 1. MSAD School Board Director Vacancy

Member Tworog nominates Suzanne Schrader for the MSAD School Board Director Vacancy. Member Tworog makes a **motion** to appoint Suzanne Schrader to The MSAD School Board until the next annual election; Member Murphy seconds the motion. 5 approve/0 oppose

#### 2. June Warrant Preparation

Community Developer Director Victoria Hill presented drafts of ordinances including Mooring, Floodplain Management, and Mass Gathering Ordinances. These would affect the current Outdoor Festival, Victualers Licensing, and Land Use Ordinances. Director Hill included a certification and warrant article for the Land Water Conservation Fund application, this would need to be approved by voters, before staff may apply for the federal grant. Discussion on the Mooring Ordinance ensued. Chair Lone would like to move forward with the presented Mooring Ordinance. It was noted that a Floodplain Management Ordinance is required by the State for people to purchase flood insurance. Chair Lone asked for clarification on the Mass Gathering Ordinance, specifically the differences between mass gatherings major and mass gatherings minor. Director Hill clarified that the minor mass gathering would be an event with at least five hundred people, but no more than one-thousand people in attendance. This would only require departmental reviews as opposed to going before the Select Board. Chair Lone would like both major and minor Mass Gathering events be brought to the Board.

Chair Lone confirmed that voter approval is needed on the Land Water Conservation Fund application, because it is a federal grant. Town Manager Peabody explained that the Federal Government needs reassurance that the voters want this and not just the Select Board. This would be the first step in applying for the grant. Discussion on the warrant article for Land Water Conservation Fund ensued. Director Hill suggested a workshop with Recreation Director Gary Colello for further discussion on this federal grant. Director Hill stressed that the grant is a wonderful opportunity.

Chair lone communicated that the grant is aggressive and going to interfere with the budget process. Vice-Chair McHatton believed that the Board should investigate any option to receive funds for growth and to give the taxpayer an option to vote on such funds. Member Tworog believed there is too much indecision surrounding the HAM complex project and The Board is not ready to vote on how its funded. The Board will consider this further at the next budget meeting.

### b. Permits/Documents Requiring Board Approval

#### 1. Victualer's Licenses to: Venezia Ristorante located at 251 North High Street; Subway

located at 292 Main Street; The King's Head LLC DBA Queen's Head Pub located at 271 Main Street  
**Motion** was made by Member Tworog to approve all Victualer Licenses. Chair Lone calls for all in favor. 5 approve/0 oppose.

#### 2. Funding for Wastewater Connection Assistance

Town Manager Peabody suggested starting the assistance program with \$50,000 from a reserve fund that was set aside for funding this program. The funds will be drawn from the Route 302 TIF fund, which has a balance of \$765,000. The sum for installation to connect to the new wastewater hook up is an average of \$2000 per household. **Motion** was made by Member Murphy to appropriate funds from the Route 302 TIF fund to the Wastewater Connection Assistance Program; Vice-Chair McHatton seconds the motion. 5 approve/0 oppose.



3. Funding for Phase 2 Environmental Assessment for Bridgton Memorial School

Town Manager Peabody received a quote estimated for 10-15k to complete the assessment. He would like this to happen this spring or early summer. He suggested the money for the assessment come from the Capital Project Reserve Fund. **Motion** was made by Member Tworog to apply up to \$15,000 from the Capital Projects Reserve Fund to phase two environmental assessment for the Bridgton Memorial School; Member Murphy seconds the motion. 5 approve/0 oppose

4. Certificate of Sewer User Rates Commitment #283

**Motion** was made by Chair Lone to commit the October 1, 2023 to December 31, 2023 Sewer Rate Commitment number 283 in the amount of \$19,730; Member Murphy seconds the motion. 5 approve/0 oppose

5. New Road Name: Tranquil Way

**Motion** was made by Vice-Chair McHatton to approve Tranquil Way; Member Tworog seconds the motion. 5 approve/0 oppose

6. Fee Schedule

Town Manager Peabody suggested the new fee schedule go into effect March 1, 2024. Vice-Chair McHatton suggested a \$10 increase to Victualers Licenses and Permits. **Motion** was made by Vice-Chair McHatton to raise all licensing and permitting fees by \$10 dollars; Member Tworog seconds the motion. 4 approve/1 oppose (Member Murphy was opposed)

7. Discussion of Commercial Hauler Fees

Public Works Director David Madsen presented data to the Board which compared commercial hauler costs and the current MSW and single sort recycling system cost.

c. Select Board Comments

- **Member Ken Murphy** – Route 302 in Town still needs repair. Member Murphy **motions** that Town Manager Peabody write a letter to the Commissioner of the Department of Transportation including signatures of the Selectboard, to change the date to complete the road before summer; Castleman-Ross seconds the motion. Vice-Chair McHatton asked Director Madsen if the letter will be effective. Director Madsen answered that the road work is already scheduled for next year, however he will reach out for an update. 5 approve/0 oppose
- **Member Castleman-Ross** – Commended the Recycling Committee for collaborating with Food City regarding new textile and fabric recycling bins. She also thanked Food City for their efforts.
- **Member Tworog** had no comments.
- **Vice-Chair McHatton** stated that if the Board votes to switch to commercial haulers, then businesses who offer trash pickup should be notified as soon as possible.
- **Chair Lone** announced an open house at Harrison Ridge from 11am-1pm on Tuesday February 27, 2024.

d. Town Manager's Report/Deputy Town Manager's Report  
Town Manager Peabody read the following into the record:

**"General Information**

An important reminder that with winter weather upon us, it is important to keep your driveways and private roads clear and sanded so that, if the need arises, emergency personnel can safely access your property. Regarding weather events, please be aware that we post information on the Town's Facebook page and the Town's website. Additionally, all the local television channels are notified when the Town Office closes. Save the date for the Maine Lakes Winter Carnival. It will be held this Saturday, February 17th at Highland Lake Beach. Congratulations to Maine Eco Homes for being awarded the 2023 Governor's Award for Business Excellence and Rural Revitalization.

#### Town Clerk/Tax Collector's Office

A reminder that quarterly real estate taxes are due February 15 and May 15.

#### Community Development Department

Please visit the Community Development page on the Town of Bridgton website to answer the Question of the Month and to learn more about the Comprehensive Planning process.

#### Police Department

BPD is still advertising for two open full time patrol positions. Applications can be directed to Chief Jones at [pjones@bridgtonmaine.org](mailto:pjones@bridgtonmaine.org).

#### Recreation

Adult programs such as Jumping Janes Senior Fitness, Tai Chi, Pickleball, Archery, Walking, Ping Pong, and Karate take place weekly at the Bridgton Town Hall. The Ice Rink is open. Please see the Bridgton Recreation website for times. There is no charge for skating and there are skates available at no charge as well. As part of Winter Carnival, there will be a Craft & Vendor Fair at the Town Hall on February 17, 8am to 3 pm.

#### Financials

Before you tonight are the December financials and the Revenue and Expenditure Summary Report. As you will note, the benchmark is 50% for the month. Revenues are at 43.6% and Expenditures at 49.5%”

#### 8. Old Business

##### a. Project Status Updates

Town Manager Peabody updated the Board on ongoing projects. There is continued work on the Wastewater Facility, the Mountain Road drainage study, and the Wild Woods culvert replacement project. Designs are complete for the Church St sidewalk. The construction will be put up for bid after the fiscal year. Lastly Manager Peabody is still in discussion with Maine DOT over future work on the Depot St Bridge.

#### 9. Treasurer's Warrants

Member Murphy made a **motion** to approve Treasure Warrants numbered 271-275.; Member Tworog seconds the motion. 5 approve/0 oppose

#### 10. Public Comments on Non-Agenda Items

There were no public comments on non-agenda items.

#### 11. Dates for the Next Select Board Meetings

February 27, 2024 @ 5PM (Regular Meeting)

March 4, 2024 @ 8:30AM (Budget Meeting)

March 5, 2024 @ 9AM (Budget Meeting)

March 12, 2024 @ 5PM (Regular Meeting)

#### 12. Adjourn

Member Murphy made a **motion** to adjourn the meeting at 7:22pm.; Chair Lone seconded the motion. 5 approve/0 oppose.

Sincerely,  
Veronica LaCascia  
Deputy Clerk



# Traffic Issues

All traffic-related controls on all Maine roads open to the public must follow the national "Manual on Uniform Traffic Control Devices" (MUTCD) ([https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf\\_index.htm](https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/pdf_index.htm)). This manual provides guidance for traffic signs, pavement markings, work zones, school areas, and much more.

MaineDOT also has extensive traffic information and data in its Traffic Engineering Division (<http://maine.gov/mdot/traffic/>) relative to traffic counts, crash records, permits, and official business signs. Another excellent resource is the National Center for Rural Road Safety (<https://ruralsafetycenter.org/>).

## Speed Limits

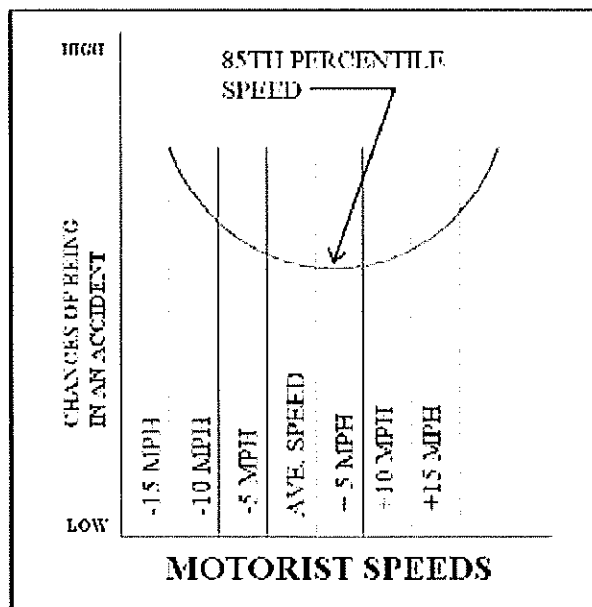
### Speed Limit

#### ● How MaineDOT establishes Maine speed limits (#)

Watch the 11 minute video entitled "Establishing Speed Limits in Maine"

For a free DVD copy, please email [local.web@maine.gov](mailto:local.web@maine.gov) (<mailto:local.web@maine.gov>) with your name and mailing address.

When establishing a speed limit, the main premise is that most drivers are prudent and will voluntarily comply with a reasonable speed limit. To determine what is reasonable, engineers measure drivers' speed on a section of roadway, the speed at which 85% of drivers are at or below is the standard for determining a speed limit. A properly set speed limit will be within 3 miles per hour ( ) of this observed speed. The posted speed limit will then be rounded to the nearest 5 miles per hour.



Research has shown that the 85th percentile speed ([././docs/trafficissues/eightyfifthpercentile.pdf](https://www.maine.gov/mdot/mlrc/technical/trafficissues/eightyfifthpercentile.pdf)) is the speed where accident involvement is the lowest. Reducing the speed limit below what is warranted can actually be detrimental to safety.

Measurements to determine the 85th percentile value are made under free flowing and ideal traffic conditions. This means that if speeds are measured on any section of road, 85% of the motorists will be driving at or below the 85th percentile speed.

Speed zoning is based upon several fundamental concepts deeply rooted in our American system of government and law:

- Driving behavior is an extension of social attitude, and the majority of drivers respond in a safe and reasonable manner as demonstrated by their consistently favorable driving records.
- The normally careful and competent actions of a reasonable person should be considered legal.
- Laws are established for the protection of the public and the regulation of unreasonable behavior on the part of individuals.
- Laws cannot be effectively enforced without the consent and voluntary compliance of the public majority.

In Maine, state law (29-A § 2073 (<http://mainelegislature.org/legis/statutes/29-A/title29-Asec2073.html>), §-1 and 2075 (<http://mainelegislature.org/legis/statutes/29-A/title29-Asec2075.html>), §-3) authorizes the MaineDOT, with the approval of the chief of the State Police, as the only legal entity to create or change a speed limit on a public way which includes, state and state aid highways and townways. On September 21, 2001, the law changed to allow certain "qualifying municipalities" to have the full responsibility and authority for setting speed limits on local roads if they choose that option. A "qualifying municipality" is one that (1) has a population over 2,500 as measured by the last US census, or (2) employs a professional engineer (PE) licensed in Maine. Qualifying roads are ONLY townways which are federally classified as "local" roads. As of early 2022, there is not a single "qualifying municipality" that has chosen this option.

If a town creates or changes a speed limit or simply erects speed limit signs without going through the proper process, there is no legal authority to the change and it is unenforceable.

Except when conditions or other regulations require a lower speed, the following are maximum rates of speed:

- 15 m.p.h. in a school zone at specific times of the day.
- 25 m.p.h. in a business or residential area or built up portion, unless otherwise posted.
- 45 m.p.h. on all other public ways, unless otherwise posted.
- However, the noted 25 and 45 mph limits are usually unenforceable if they do not have MaineDOT approval

A "school zone" was also redefined in 2001 through LD 843 which became Public Law 2001, Chapter 145 and became effective on May 14, 2001. A "school zone" "means the portion of the public highway abutting improved school property or 300 feet on either side of a school entrance, whichever is greater."

"Improved school property" now is defined as "the developed portion of school property including driveways, parking lots, playgrounds, athletic fields or school buildings."

If there are roads in your town that the municipal officers feel a strong need to create or change a speed limit, a municipal official from the town must request the change in writing to your local MaineDOT regional traffic engineer. Due to a large number of "No Change" speed studies, any request for a study must include a recommendation (from a municipal official or law enforcement) that the existing Speed Limit is unsafe. The Town Official should drive the roadway during off-peak hours, in good health and in free-flowing conditions. The request should communicate clearly that driving the roadway at, or slightly below, the existing Speed Limit feels, or is, unsafe.

It's important to understand that any resultant study may have the current speed limit go up, in addition to maybe going down, or remaining the same. A field study will be made and then a recommended speed will be forwarded to the MaineDOT Commissioner and the State Police. Then the town will be notified of the speed limit and will be responsible for erecting the standard and minimum 24" x 30" black-on-white signs in the proper locations if the change is on a town way. If the change is on a state road, then the MaineDOT will make the signing changes.



**List of Regional Traffic Engineers:**

MaineDOT Region	Location	Traffic Engineer	Telephone Number
Region 1	Scarborough	Randy Illian	207-885-7000
Region 2	Augusta	Darryl Belz	207-624-8200
Region 3	Dixfield	Tim Soucie	207-562-4228
Region 4	Bangor	Victor Smith	207-941-4500
Region 5	Presque Isle	Ray DeMerchant	207-764-2060

During the field study, there are several factors that engineers use to determine an acceptable speed limit. In fact, if your town is a "qualifying town" and chooses to set local speed limits, local officials should be studying the same factors.

- Geometric design of the road,
- Public and private access points,
- The number of intersections,
- The number of roadside businesses,
- Observed travel speeds of traffic,
- The 85th percentile of the observed speed ranges,
- Total accidents in a 3-year time frame,
- Accidents just from driveways and intersections within a 3 year period,
- A series of test runs on that section of road driving a certain speed, evaluating safety and drivability.

There are two types of speed limits: one is "regulatory" and the other is "advisory." A regulatory speed limit is set by MaineDOT and printed in black on a white background. The minimum size of regulatory speed limit signs is 24 X 30 inches. Also, regulatory speed limit signs shall be in increments of 5 M.P.H. A special regulatory speed sign that drivers need to be aware of is the school speed limit in school zones. The posted speed is in effect when school is in session, before school begins, after school, and at recess.

The other type of speed limit is an advisory limit. This black on yellow speed limit sign is used to advise motorists of a comfortable speed at which to travel when different situations lie ahead. It is used with a warning sign like a right or left curve sign. The standard size for these signs is 18 by 18 inches, except in cases where it is 24 by 24 inches because it supplements a 36 inch and larger warning sign. Another type of advisory speed limit sign can be found in work zones. These signs are black on orange. These are used to advise drivers of construction ahead and provide work crews safety.

### **➔ MUTCD standards on speed limits (#)**

#### **Section 2B.13 Speed Limit Sign (R2-1)**

- **Standard:** After an engineering study has been made in accordance with established traffic engineering practices, the Speed Limit (R2-1) sign (see Figure 2B-1) shall display the limit established by law, ordinance, regulation, or as adopted by the authorized agency. The speed limits shown shall be in multiples of 10 km/h or 5 mph.
- **Guidance:** At least once every 5 years, States and local agencies should reevaluate non-statutory speed limits on segments of their roadways that have undergone a significant change in roadway characteristics or surrounding land use since the last review. No more than three speed limits should be displayed on any one Speed Limit sign or assembly. When a speed limit is to be posted, it should be within 10 km/h or 5 mph of the 85th-percentile speed of free-flowing traffic.

# TOWN OF BRIDGTON

## MEMO

**TO:** Select Board  
**FROM:** Laurie L. Chadbourne, Town Clerk  
**RE:** Business Licenses  
**DATE:** February 21, 2024

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### February 28, 2024 Select Board Meeting

#### 7. New Business

##### b. Permits/Documents Requiring Board Approval

##### 1. Victualer's Licenses to:

Mountain Range Golf Course Located at 146 Harrison Road (Renewal)

☒ CEO (to include any Planning Board requirements) ☒ Fire ☒ Police ☒ Town Clerk

The Daily Loaf Located at 21 Smith Ave (New)

☒ CEO (to include any Planning Board requirements) ☒ Fire ☒ Police ☒ Town Clerk

Stella Blues Bakery Located at 55 Heathersfield Road (New)

☒ CEO (to include any Planning Board requirements) ☒ Fire ☒ Police ☒ Town Clerk

Nilfa's Kusina Located at 160 Main Street (New)

☒ CEO (to include any Planning Board requirements) ☒ Fire ☒ Police ☒ Town Clerk

Complete applications are on file at the Town Clerk's Office and available for Select Board review.

Town of Bridgton  
Community Development Department

MEMORANDUM



To: Bridgton Select Board  
From: Tori Hill, Community Development Director  
RE: June Warrant Preparation  
Date: 2/15/24

Dear Select Board,

The following are attached for your review:

Bridgton Land Use Code (Revisions to comply with State Housing Law)

- Recommendation from the Bridgton Planning Board
- Certification and Order
- Draft Ordinance

Floodplain Management Ordinance

- Certification and Order
- Draft Ordinance

Mass Gathering Ordinance

- Recommendation from the Bridgton Planning Board (for Land Use Code changes)
- Certification and Order
- Draft Ordinance to include changes to the Victualers Licensing Ordinance and Bridgton Land Use Code

Mooring Regulations and Harbor Master Ordinance

- Certification and Order
- Draft Ordinance

Land Water Conservation Fund

- Certification
- Warrant Article

Thank you,

Victoria Hill  
Community Development Director



## **June Warrant Questions 2024**

### **ARTICLE # - Land Use Code (Housing Law Compliance)**

Shall an ordinance entitled, "Amendments to Bridgton Land Use Code to Implement State Housing Law," be enacted?

*(Note: Copies of the text of the ordinance are available from the Town Clerk.)*

### **ARTICLE # - Floodplain Management Ordinance**

Shall an ordinance entitled "Repeal of Bridgton Floodplain Management Ordinance, Revised 2019, and Replace with Adoption of Bridgton Floodplain Management Ordinance" be enacted?"

*(Note: A "Yes" vote will repeal the current Floodplain Management Ordinance and enact a new Floodplain Management Ordinance to be compliant with federal regulations. Copies of the text of the ordinance are available from the Town Clerk.)*

### **ARTICLE # - Mass Gathering Ordinance**

Shall an ordinance entitled, "Amendments to, Repeal of, and Adoption of Certain Bridgton Ordinances to Update Mass Gathering Regulations," be enacted?

*(Note: A "Yes" vote will amend the Bridgton Land Use Code and the Bridgton Victualers Licensing Ordinance; will repeal the Bridgton Outdoor Festival Ordinance; and will enact the Bridgton Mass Gathering Ordinance. Copies of the text of the ordinance are available from the Town Clerk.)*

### **ARTICLE # - Mooring Ordinance**

Shall an ordinance entitled, "Bridgton Mooring Regulations and Harbor Master Ordinance," be enacted?

*(Note: Copies of the text of the ordinance are available from the Town Clerk.)*

### **ARTICLE # - Land Water Conservation Fund Grant Application**

"To see if the Town of Bridgton will authorize the Town Manager to apply, on behalf of the Town of Bridgton, for federal financing assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for the Phase I implementation of the Ham Complex Redevelopment Project; and further authorize the Town Manager to enter into the Land and Water Conservation Fund Project Agreement with the State subsequent to federal approval of the project."

February 14, 2024

Bridgton Select Board members,

The Bridgton Planning Board conducted a Public Hearing on January 30, 2024 for proposed amendments to the Land Use Code to comply with the new State Housing Laws, 30-A M.R.S. §4364 to §4364-C (LD2003/LD1706). *If a municipality does not comply by July 1, 2024, the State legislation will preempt municipal home rule authority.*

As specified by the Bridgton Land Use Code in Section VIII-7.E., the Planning Board must make a recommendation to the Select Board. The Planning Board recommends inclusion of the amendment, as presented, for the June 2024 Annual Town Meeting warrant. A summary of the proposed changes to the Code is attached as well as the warrant copy.

Also on January 30th, 2024, the Planning Board conducted a second Public Hearing for a proposed amendment to the Land Use Code to reduce the required lot size in the Rural Neighborhood District from approximately 2 acres to approximately 1 acre. The Planning Board recommends that this amendment is NOT placed on the June 2024 Annual Town Meeting warrant. The Board believes that additional study on the impact is warranted and that any changes in lot size requirements should dovetail with Comprehensive Plan strategies and policies. (The concept of reducing the lot size was born out of discussions and regional/state publications regarding fair and affordable housing.) A copy of the proposed change is available from the Community Development Department if desired.

Bridgton Planning Board  
Deb Brusini, Chairman

Cc: Planning Board:  
Rolf Madsen  
Dee Miller  
Ken Gibbs  
Dan Harden  
Cathy DiPietro  
Angie Cook

Torri Hill, Community Development Director  
Brenda Day, Code Enforcement Officer

**Summary of Amendments to the Land Use Code (“the Code”) to Comply with the New  
State Housing Laws (§4364 to §4364-C)**

1. Statement of purpose regarding the Federal Fair Housing Act and the Maine Human Rights Act.
2. New section for Affordable Housing Developments in The Site Plan Review Ordinance, which includes specific application submission requirements and additional review criteria. These submission requirements and review criteria are in addition to those of the Site Plan Review, the Town district, Shoreland Zoning, Town Building regulations, and if applicable, Subdivision Regulations.
3. Affordable Housing Developments must be allowed in all Town districts which allow residential dwelling units (9 of 10 districts).
4. Additional requirements to obtain a Certificate of Occupancy permit for all types of dwelling units, including an Affordable Housing Development, single family homes, Accessory Dwelling units, etc. These requirements deal with verification of adequate water and wastewater services.
5. Allowances for Accessory Dwelling Units (“ADU”):
  - a. May be constructed on a lot containing a non-conforming structure.
  - b. May be allowed in all districts which allow residential dwelling units (9 of 10 districts).
  - c. Exempted from minimum lot size and road frontage requirements.
  - d. May be attached, detached or within a single family dwelling unit, two-family dwelling, multi-family dwelling, or accessory structure (such as a garage).
6. Requirements for Accessory Dwelling units (One per residential building, minimum and maximum size, and must meet all other Code Requirements unless expressly exempted from them).
7. Additional Definitions associated with the modifications to the Code.

Note: The Bridgton Land use Code is a consolidated Code which includes the Site Plan Review Ordinance, the Land Use Ordinance, the Shoreland Zoning Ordinance, the Subdivision Regulations, and the Building Regulations.



**CERTIFICATION OF PROPOSED ORDINANCE ENTITLED,  
“AMENDMENTS TO BRIDGTON LAND USE CODE  
TO IMPLEMENT STATE HOUSING LAW,” AND ORDER**

The municipal officers of the Town of Bridgton hereby **CERTIFY** to the municipal clerk of the Town of Bridgton, pursuant to 30-A M.R.S. § 3002, that attached hereto is a true copy of the proposed ordinance entitled, “Amendments to Bridgton Land Use Code to Implement State Housing Law,” to be voted on at a referendum election of the Town of Bridgton on June 11, 2024 under the following secret ballot question:

Question \_\_\_\_\_. Shall an ordinance entitled, “Amendments to Bridgton Land Use Code to Implement State Housing Law,” be enacted?

*(Note: Copies of the text of the ordinance are available from the Town Clerk.)*

**BE IT FURTHER ORDERED**, pursuant to 30-A M.R.S. § 3002(1), that the municipal clerk shall keep this certified copy as a public record and shall make copies of the proposed ordinance available for distribution to the voters of the Town of Bridgton from the time of this certification. Copies of the proposed ordinance shall also be attested by the municipal clerk and posted in the same manner as the warrant calling the referendum election on June 11, 2024 and shall be made available to the voters at the referendum election on June 11, 2024.

Dated: \_\_\_\_\_, 2024

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
A majority of the municipal officers  
of the Town of Bridgton

A true copy of the proposed ordinance entitled, “Amendments to Bridgton Land Use Code to Implement State Housing Law,” is attached hereto.

Attest: \_\_\_\_\_  
Laurie Chadbourne, Town Clerk  
Town of Bridgton

RETURN

Cumberland County, ss.

State of Maine

I certify that I have posted an attested copy of the proposed ordinance entitled, "Amendments to Bridgton Land Use Code to Implement State Housing Law," at

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

being conspicuous public places within the Town of Bridgton on \_\_\_\_\_, 2024,  
which is at least seven (7) days next prior to the date of the June 11, 2024 referendum election.

\_\_\_\_\_  
Laurie Chadbourne, Town Clerk  
Town of Bridgton

**AMENDMENTS TO BRIDGTON LAND USE CODE  
TO IMPLEMENT STATE HOUSING LAW**

Administrative Draft  
February 15, 2024

PREPARED FOR TOWN REFERENDUM TO BE HELD ON  
JUNE 11, 2024

## PROPOSED AMENDMENTS TO BRIDGTON LAND USE CODE

The *Town of Bridgton Land Use Code* is proposed to be amended by adding the words in underline (underline) and removing the words in ~~strikethrough (strikethrough)~~, as follows:

...

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

The purposes of this Code are to:

...

- 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; and
- J. Affirmatively further the purposes of the Federal Fair Housing Act, 42 U.S.C. ch. 45, and the Maine Human Rights Act, 5 M.R.S.A. ch. 337, to achieve applicable statewide or regional production goals established by the DECD.

STATE LAW REFERENCE—30-A M.R.S.A. § 4364-C (MUNICIPAL ROLE IN STATEWIDE HOUSING PRODUCTION GOALS).

...

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

...

- B. Prior to the issuance of a certificate of occupancy for any dwelling unit, accessory dwelling unit, or unit within an affordable housing development, the permit holder must provide written verification to the CEO that the unit is connected to adequate water and wastewater services, as follows:
  - 1. If the unit is connected to a public, special district, or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for connection to the sewer system.
  - 2. If the unit is connected to a subsurface wastewater disposal system, proof of adequate sewage disposal for subsurface wastewater. The system must be verified as adequate by the LPI pursuant to 30-A M.R.S.A. § 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 22 M.R.S.A. § 42.
  - 3. If the unit is connected to a public, special district, or other centrally managed water system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection and the volume and supply of water required for the unit.



4. If a unit is connected to a well, proof of access to potable water, including the following standards:

- (a) The well must be sited and constructed to prevent infiltration of surface water and contamination from subsurface wastewater disposal systems and other known sources of potential contamination.
- (b) Site design must allow for placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface wastewater disposal in compliance with the state wastewater disposal rules.
- (c) Proposed activities involving sources of potential contamination, including junkyards, automobile graveyards, gas stations, and bulk storage of petroleum products, must be located at least 300 feet from existing private and public water supplies.
- (d) For subdivisions and commercial, industrial, and other non-residential development, the applicant must demonstrate that there is sufficient healthful water supply to serve the needs of the project.
- (e) When a project is to be served by a public water system, the location and protection of the source, the design, construction, and operation of the system must conform to the standards of the Maine Rules Relating to Drinking Water, codified at 10-144 C.M.R. Ch. 231.
- (f) Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

The written verification required by this subsection B shall apply only to the extent such written verification is required by 30-A M.R.S.A. §§ 4364(5), 4364-A(4), or 4364-B(7).

STATE LAW REFERENCE—30-A M.R.S.A. §§ 4364, 4364-A, 4364-B (HOUSING LAW).

...

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

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

...

- B. **Expansion of Nonconforming Structure—Outside Shoreland Zone.** An accessory dwelling unit may be constructed on a lot containing a nonconforming residential structure without increasing the nonconformity of the existing structure or creating a new nonconformity. Additionally, a nonconforming structure located outside of the shoreland zone may be added to or expanded only if:

...

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); 30-A M.R.S.A. § 4364-B (ACCESSORY DWELLING UNITS).

...

## Section III-2. Schedule of Uses

...

### 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
-------------------	---------------------------------------	--	--------	-----	----	----	-----	----	----	----

...

Affordable Housing Development	No	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
-----------------------------------	----	----------	----------	----------	----------	----------	----------	----------	----------	----------

...

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 Unit, Accessory (ADU)	No	P	P	P	P	P	P	P	P	P
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...

## 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.

...

	DVB-I	DVB-II	DVN	IC	OC	MUC	LN	OV	RN
Open-Space and Buildable Area									

...

### 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~~ apply to each dwelling unit, principal structure, or use, except that:
- (a) The minimum lot size does not apply to accessory dwelling units.
  - (b) For multi-family dwellings and affordable housing development, the minimum lot frontage requirement applies to each building rather than each dwelling unit. Refer to Section V-11.C.1 for the affordable housing development density bonus allowance.

...

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

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

...

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-~~1244~~.D, and a statement of the applicant's intent concerning the following:

...

#### **Section V-11. Additional Procedures and Review Criteria for Affordable Housing Development**

- A. **Applicability.** This Section V-11 applies to affordable housing development.

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

- 1. Written statements, maps, and other documentation addressing each of the additional review criteria set forth in subsection C, below, including base density and density bonus calculations in accordance with the requirements of subsection C.1, below.
- 2. An enforceable long-term operations and maintenance plan providing for ongoing monitoring and inspections of all site improvements and common infrastructure, including any engineered septic system or centrally managed water system. The plan must provide, at minimum, a legally binding method for maintaining sufficient financial resources for performing ongoing maintenance, repair, and



capital upgrades to private access roads, subsurface wastewater disposal systems, and common water supplies.

3. A performance guarantee in accordance with the requirements of Section VIII-10.

**C. Additional Review Criteria.** In addition to the general review criteria in Section V-6, an affordable housing development must comply with the following review criteria:

1. Affordable Housing Density Bonus. For purposes of this Section V-11, "base density" is the hypothetical maximum number of dwelling units allowed on a lot based on the applicable minimum lot size per dwelling unit set forth in Section III-3.B. An affordable housing development that complies with the requirements of this subsection C is eligible for a dwelling unit density bonus of up to 2½ times the base density that is otherwise allowed on the lot. If fractional results occur when calculating the density bonus, the number of dwelling units is rounded down to the nearest whole number.
2. Location. An affordable housing development must be:
  - (a) Located in a land use district and, as applicable, a shoreland zoning district that allows multi-family dwellings; and
  - (b) Either (i) located in the DVB-I, DVB-II, DVN, or IC district, or (ii) served by a public, special district, or other centrally managed water system and a public, special district, or other comparable sewer system.
3. Long-Term Affordability. More than half of the total dwelling units in an affordable housing development must be designated as affordable rental units or affordable homeownership units. The owner of the affordable housing development executes a restrictive covenant, in form acceptable to the Planning Board and for the benefit of and enforceable by the Town or a third party acceptable to the Planning Board, recorded in the Cumberland County Registry of Deeds, to ensure that for at least 30 years after completion of construction:
  - (a) For rental housing, occupancy of all of the dwelling units designated affordable in the affordable housing development remains limited to households at or below 80% of the local area median income at the time of initial occupancy; and
  - (b) For owned housing, occupancy of all of the dwelling units designated affordable in the affordable housing development remains limited to households at or below 120% of the local area median income at the time of initial occupancy.

The restrictive covenant must run with the land and encumber the affordable housing development, be binding upon the developer (for rental housing) or the unit owners (for owned housing) and their successors and assigns, and inure to the benefit of and be enforceable by the Town and a third party acceptable to the Planning Board.

4. Dimensional Standards Apply. Except for any minimum lot size adjustment authorized by subsection C.1, above, the affordable housing development must comply with all dimensional standards in Section III-3.B, including minimum lot frontage, minimum shore frontage, maximum lot coverage, minimum contiguous private open area, and minimum or maximum setback requirements.

5. Water and Wastewater Requirements.

- (a) The applicant must provide evidence that each proposed dwelling unit within the affordable housing development will be connected to adequate water and wastewater services, as required by Section I-11.B.
- (b) The applicant must make adequate provision for the long-term maintenance, repair, and improvement of any (i) individual private septic system, (ii) comparable/engineered sewer systems, (iii) individual private wells, and (iv) public water systems proposed to serve the units within the affordable housing development, including a process of collection and enforcement to obtain capital improvement funds from the developer (for rental housing) or the unit owners (for owned housing).

6. Parking. Notwithstanding Section V-6.F, no more than two off-street parking spaces for every three dwelling units are required for an affordable housing development.

7. Additional Requirements. An affordable housing development must comply with all applicable requirements in Chapter IV (Shoreland Zoning) and Chapter VI (Subdivision Regulations), and the Maine Minimum Lot Size Law, 12 M.R.S.A. Ch. 423-A.

STATE LAW REFERENCE—30-A M.R.S.A. §§ 4364 (AFFORDABLE HOUSING DENSITY).

**Section V-1244. 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-1244.B.

...

**Section VII-2. Review Standards**

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

...

- J. If a dwelling unit, accessory dwelling unit, or affordable housing development is proposed, each proposed dwelling unit will be connected to adequate water and wastewater services, as required by Section I-11.B. The CEO may condition the approval of a building permit on compliance with Section I-11.B.
- K. **Accessory Dwelling Units.** An accessory dwelling unit (ADU) that complies with the standards in this subsection K is not a dwelling unit for purposes of (i) applying the minimum lot size and minimum road frontage requirements in Section III-3.A or (ii) counting the number of dwelling units when applying the subdivision definition in Section IX-3. An ADU that does not comply with the standards in this subsection K is a dwelling unit and must comply with all applicable standards for a dwelling unit.
  - 1. Number of ADUs Allowed. On a lot that does not contain a single-family dwelling, two-family dwelling, or multi-family dwelling, no ADU is allowed. On a lot that contains one or more single-family dwellings, two-family dwellings, or multi-family dwellings, one ADU is allowed for each such building.

2. An ADU may be constructed within or attached to a single-family dwelling, two-family dwelling, multi-family dwelling, or accessory structure, or as a separate structure on the lot.
3. An ADU must have:
  - (a) A minimum footprint of 190 square feet, unless the Technical Building Code and Standards Board adopts a different minimum standard pursuant to 10 M.R.S.A. § 9722, in which case that standard applies; and
  - (b) A maximum footprint that is the lesser of (i) 50% of the footprint of the largest single-family dwelling or the largest dwelling unit within a two-family dwelling or multi-family dwelling located on the same lot as the ADU, or (ii) 1,000 square feet.
4. An ADU may not contain more than two stories.
5. Nothing in this subsection K exempts an ADU from any other requirements of this Code, including the requirements of Chapter IV (Shoreland Zoning).

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); 30-A M.R.S.A. §§ 4364, 4364-A, 4364-B (HOUSING LAW).

...

#### **Section VIII-4. Effective Date**

...

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

...

6. This Code. Enacted November 2, 2021. Amended June 14, 2022; November 8, 2022; June 11, 2024.

...

#### **Section IX-2. Acronyms**

...

DECD Maine Department of Economic and Community Development

...

#### **Section IX-3. Definitions**

Accessory Dwelling Unit — Refer to “Dwelling Unit, Accessory or ADU.”

...

Affordable Housing Development — A development composed of single-family dwellings, two-family dwellings, or multi-family dwellings (1) for rental housing, in which a household whose income does not exceed 80% of the area median income can afford 51% or more of the units in the development without spending more than 30% of the household’s monthly income on housing costs; and, (2) for owned housing, in which a household whose income does not exceed 120% of the area median income can afford 51% or more of the units in the development without spending more than 30% of the household’s monthly income on housing costs. For purposes of this definition, “housing costs” means: (a) for a rental unit, the cost of

rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and (b) for an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

...

**Area Median Income** — The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing and Urban Development ("HUD"). For purposes of this definition, "region" is the HUD-designated metropolitan area that includes the Town.

...

**Centrally Managed Water System** — A "centrally managed water system" as that term is defined in the DECD Municipal Land Use and Zoning Ordinance Rule, codified at 19-100 C.M.R. ch. 5, § 1(B).

**Certificate of Occupancy** — The municipal approval for occupancy granted pursuant to 25 M.R.S. § 2357-A or the *Maine Uniform Building and Energy Code* adopted pursuant to 10 M.R.S. Ch. 1103. A certificate of occupancy may also be referred to as issuance of a certificate of occupancy or other terms with a similar intent.

...

**Comparable Sewer System** — A "comparable sewer system" as that term is defined in the DECD Municipal Land Use and Zoning Ordinance Rule, codified at 19-100 C.M.R. ch. 5, § 1(B).

...

**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 Unit, Accessory or ADU** — A self-contained dwelling unit that is located within, attached to, or detached from a single-family dwelling, two-family dwelling, or multi-family dwelling. Refer to Section VII-2.K for standards applicable to ADUs.

...

**Lot** — A single parcel of developed or undeveloped land.

...

**Parking Area** — One or more parking spaces.

...

**Parking Space** — An off-street area enclosed in a main building or in an accessory building or unenclosed, exclusive of driveways and maneuvering space, that is permanently reserved for the temporary storage of one automobile.

...



**Potable** — “Potable” as that term is defined in the DECD Municipal Land Use and Zoning Ordinance Rule, codified at 19-100 C.M.R. ch. 5, § 1(B).

...

**Restrictive Covenant** — A provision in a deed or other real property conveyance that limits or restricts a grantee’s use of the property.

...

**CERTIFICATION OF PROPOSED ORDINANCE ENTITLED “FLOODPLAIN  
MANAGEMENT ORDINANCE” AND ORDER**

The municipal officers of the Town of Bridgton hereby **CERTIFY** to the municipal clerk of the Town of Bridgton, pursuant to 30-A M.R.S. § 3002, that attached hereto is a true copy of the proposed ordinance entitled “Repeal of Bridgton Floodplain Management Ordinance, Revised 2019, and Replace with Adoption of Bridgton Floodplain Management Ordinance” to be voted on at a referendum election of the Town of Bridgton on June 11, 2024 under the following secret ballot question:

Question \_\_\_\_\_. Shall an ordinance entitled, “Repeal of Bridgton Floodplain Management Ordinance, Revised 2019, and Replace with Adoption of Bridgton Floodplain Management Ordinance,” be enacted?

*(Note: Copies of the text of the ordinance are available from the Town Clerk.)*

**BE IT FURTHER ORDERED**, pursuant to 30-A M.R.S. § 3002(1), that the municipal clerk shall keep this certified copy as a public record and shall make copies of said proposed ordinance available for distribution to the voters of the Town of Bridgton from the time of this certification. Copies of said proposed ordinance shall also be attested by the municipal clerk and posted in the same manner as the warrant calling the referendum election on June 11, 2024 and shall be made available to the voters at the referendum election on June 11, 2024.

Dated: \_\_\_\_\_, 2024

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
A majority of the municipal officers  
of the Town of Bridgton

A true copy of the proposed ordinance entitled, “Repeal of Bridgton Floodplain Management Ordinance, Revised 2019, and Replace with Adoption of Bridgton Floodplain Management Ordinance,” is attached hereto.

Attest: \_\_\_\_\_  
Laurie Chadbourne, Town Clerk  
Town of Bridgton

RETURN

Cumberland County, ss.

State of Maine

I certify that I have posted an attested copy of the proposed ordinance entitled, "Repeal of Bridgton Floodplain Management Ordinance, Revised 2019, and Replace with Adoption of Bridgton Floodplain Management Ordinance," at

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

being conspicuous public places within the Town of Bridgton on \_\_\_\_\_, 2024, which is at least seven (7) days next prior to the date of the June 11, 2023 referendum election.

\_\_\_\_\_  
Laurie Chadbourne, Town Clerk  
Town of Bridgton

**REPEAL OF BRIDGTON FLOODPLAIN MANAGEMENT ORDINANCE,  
REVISED 2019, AND REPLACE WITH ADOPTION OF BRIDGTON  
FLOODPLAIN MANAGEMNT ORDINANCE**

Administrative Draft  
February 15, 2024

PREPARED FOR TOWN REFERENDUM TO BE HELD ON  
JUNE 11, 2024

# FLOODPLAIN MANAGEMENT ORDINANCE

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## **ARTICLE I - PURPOSE AND ESTABLISHMENT**

Certain areas of the Town of Bridgton, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of Bridgton, Maine has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the Town of Bridgton, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The Town of Bridgton has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Bridgton having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Bridgton, Maine.

The areas of special flood hazard, Zones A and AE, for the Town of Bridgton, Cumberland County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Cumberland County, Maine," dated June 20, 2024, with accompanying "Flood Insurance Rate Map" dated June 20, 2024, as amended, are hereby adopted by reference and declared to be a part of this Ordinance.

## **ARTICLE II - PERMIT REQUIRED**

The Code Enforcement Officer shall be designated as the local Floodplain Administrator. The Floodplain Administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Bridgton, Maine.

## **ARTICLE III - APPLICATION FOR PERMIT**

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address, and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;



- C. A site plan showing locations of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
  - D. A statement of the intended use of the structure and/or development;
  - E. A statement of the cost of the development including all materials and labor;
  - F. A statement as to the type of sewage system proposed;
  - G. Specification of dimensions of the proposed structure and/or development;
- [Items H-K.2. apply only to new construction and substantial improvements.]
- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
    - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
      - a. in Zones AE, from data contained in the "Flood Insurance Study - Cumberland County, Maine," as described in Article I; or,
      - b. in Zone A:
        - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.M. and VIII.D.; or,
        - (2) in the absence of all data described in Article III.H.1.b.(1), information to demonstrate that the structure shall meet the elevation requirement in Article VI.H.2.b., Article VII.2.a. or b., or Article VI.J.2.b.
    - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
    - 3. lowest floor, including basement; and whether or not such structures contain a basement;
    - 4. lowest machinery and equipment servicing the building; and,
    - 5. level, in the case of non-residential structures only, to which the structure will be floodproofed.
  - I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
  - J. A written certification by:
    - 1. a Professional Land Surveyor that the grade elevations shown on the application are accurate; and,
    - 2. a Professional Land Surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate.

- K. The following certifications as required in Article VI by a registered professional engineer or architect:
1. a Floodproofing Certificate (FEMA Form FF-206-FY-22-153, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article VI.I.; and other applicable standards in Article VI;
  2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.N.2.a.;
  3. a certified statement that bridges will meet the standards of Article VI.O.;
  4. a certified statement that containment walls will meet the standards of Article VI.P.
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

#### **ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE**

A non-refundable application fee as set by the Board of Selectmen from time to time shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

#### **ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS**

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
  1. the base flood and floodway data contained in the "Flood Insurance Study - Cumberland County, Maine," as described in Article I;
  2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.(1); Article VI.M.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,

3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b.(1), the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
  1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an "under construction" Elevation Certificate completed by a Professional Land Surveyor based on the Part I permit construction for verifying compliance with the elevation requirements of Article VI, paragraphs H., I., or J. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
  2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.I.1. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
  3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance, and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

## **ARTICLE VI - DEVELOPMENT STANDARDS**

All developments in areas of special flood hazard shall meet the following applicable standards:

**A. All Development** - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and,
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities, that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

**B. Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

**C. Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

**D. On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

**E. Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

**F. Utilities** - New construction or substantial improvement of any structure (including manufactured homes) located within Zones A and AE, shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least one foot above the base flood elevation.

**G. Physical Changes to the Natural Landscape** - Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.

1. All development projects in Zones AE that cause physical changes to the natural landscape shall be reviewed by a Professional Engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.
2.
  - a. If the Professional Engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.
  - b. If the Professional Engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.

3. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.
4. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than 6 months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.

H. **Residential** - New construction or substantial improvement of any residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
2. Zone A shall have the lowest floor (including basement) elevated:
  - a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article VIII.D.; or,
  - b. in the absence of all data described in Article VI.H.2.a., to at least two feet above the highest adjacent grade to the structure.

I. **Non-Residential** - New construction or substantial improvement of any non-residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
  - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
  - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
  - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zone A shall have the lowest floor (including basement) elevated:
  - a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; Article VIII.D.; or,

- b. in the absence of all data described in Article VI.I.2.a., to at least two feet above the highest adjacent grade to the structure; or,
- c. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.I.1.a., b., and c.

**J. Manufactured Homes** - New or substantially improved manufactured homes located within:

1. Zone AE shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
  - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
  - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
  - (3) All components of the anchoring system described in Article VI.J.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.J.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; Article VIII.D.; or,
- b. in the absence of all data as described in Article VI.J.2.a., to at least two feet above the highest adjacent grade to the structure; and,
- c. meet the anchoring requirements of Article VI.J.1.c.

**K. Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A and AE shall either:

- a. be on the site for fewer than 180 consecutive days; and,
- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,



- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.J.1.

L. **Accessory Structures** - New construction or substantial improvement of Accessory Structures, as defined in Article XIII, shall be exempt from the elevation criteria required in Article VI.H. & I. above, if all other requirements of Article VI and all the following requirements are met.

1. Accessory Structures located in Zones A and AE shall:

- a. meet the requirements of Article VI.A.1. through 4., as applicable;
- b. be limited in size to a one-story two car garage;
- c. have unfinished interiors and not be used for human habitation;
- d. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and, when possible, outside the Special Flood Hazard Area.
- e. be located outside the floodway;
- f. when possible, be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
- g. have hydraulic openings, as specified in Article VI.N.2., in at least two different walls of the accessory structure.

M. **Floodways** -

- 1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 2. In Zones A and AE riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.M.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
  - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
  - c. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.

3. In Zones A and AE riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

N. **Hydraulic Openings/Flood Vents** - New construction or substantial improvement of any structure in Zones A and AE that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs H., I., or J. and is elevated on posts, columns, piers, piles, or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
  - a. be engineered and certified by a registered professional engineer or architect; or,
  - b. meet or exceed the following minimum criteria:
    - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
    - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
    - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

O. **Bridges** - New construction or substantial improvement of any bridge in Zones A and AE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings or columns) is elevated to at least one foot above the base flood elevation; and,
2. a registered professional engineer shall certify that:
  - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.M.; and,
  - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

- P. **Containment Walls** - New construction or substantial improvement of any containment wall located within:
1. Zones A and AE shall:
    - a. have the containment wall elevated to at least one foot above the base flood elevation;
    - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
    - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.
- Q. **Wharves, Piers, and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and AE, in and over water, and shall comply with all applicable local, state, and federal regulations.

#### **ARTICLE VII - CERTIFICATE OF COMPLIANCE**

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer an Elevation Certificate completed by a Professional Land Surveyor for compliance with Article VI, paragraphs H., I., or J.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
  1. review the Elevation Certificate and the applicant's written notification; and,
  2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

#### **ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS**

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, or local ordinances or regulations, and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.

- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

## **ARTICLE IX - APPEALS AND VARIANCES**

The Board of Appeals of the Town of Bridgton may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
  - 1. a showing of good and sufficient cause; and,
  - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances; and,
  - 3. a showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances; and,
  - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
    - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
    - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
    - c. that the granting of a variance will not alter the essential character of the locality; and,
    - d. that the hardship is not the result of action taken by the applicant or a prior owner.

- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
  - 1. the criteria of Article IX.A. through C. and Article VI.M. are met; and,
  - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
  - 1. the development meets the criteria of Article IX.A. through C.; and,
  - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Variances may be issued for new construction and substantial improvement of Agricultural Structures being used for the conduct of agricultural uses provided that:
  - 1. the development meets the criteria of Article IX.A. through C.; and,
  - 2. the development meets the criteria of Article VI.M. and Article VI.N.
- G. Any applicant who meets the criteria of Article IX.A. through C. and Article IX.D., E., or F. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
  - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage; and,
  - 2. such construction below the base flood level increases risks to life and property; and,
  - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks, and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- H. Appeal Procedure for Administrative and Variance Appeals
  - 1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

#### **ARTICLE X - ENFORCEMENT AND PENALTIES**

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:
  1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
  2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
  3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
  4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
  5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

#### **ARTICLE XI - VALIDITY AND SEVERABILITY**

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

#### **ARTICLE XII - CONFLICT WITH OTHER ORDINANCES**



This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

### **ARTICLE XIII - DEFINITIONS**

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

**Accessory Structure** - a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

**Adjacent Grade** - the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Agricultural Structure** - structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

**Area of Special Flood Hazard** - the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

**Base Flood** - a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

**Basement** - any area of the building having its floor subgrade (below ground level) on all sides.

**Building** - see **Structure**.

**Certificate of Compliance** - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

**Code Enforcement Officer** - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

**Containment Wall** - a wall surrounding all sides of an above ground tank to contain any spills or leaks.

**Development** - any man made change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

**Elevated Building** - a non-basement building that is:

- a. built, in the case of a building in Zones A or AE, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, posts, piers, or shear walls; and,

- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.N.

**Elevation Certificate** - an official form (FEMA Form FF-206-FY-22-152, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

**Existing Manufactured Home Park or Subdivision** - a manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community's first floodplain management regulations.

### **Flood or Flooding -**

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1. The overflow of inland or tidal waters.
  - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

**Flood Elevation Study** - an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Flood Insurance Rate Map (FIRM)** - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study** - see **Flood Elevation Study**.

**Floodplain or Flood-prone Area** - any land area susceptible to being inundated by water from any source (see **Flood or Flooding**).

**Floodplain Management** - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain Management Regulations** - zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and contents.

**Floodway** - see **Regulatory Floodway**.

**Floodway Encroachment Lines** - the lines marking the limits of floodways on federal, state, and local floodplain maps.

**Freeboard** - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

**Functionally Dependent Use** - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Historic Structure** - any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior, or,
  2. Directly by the Secretary of the Interior in states without approved programs.

**Locally Established Datum** - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

**Lowest Floor** - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.N. of this ordinance.

**Manufactured Home** - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required

utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

**Manufactured Home Park or Subdivision** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mean Sea Level** - for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**Minor Development** - all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

**National Geodetic Vertical Datum (NGVD)** - the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and has been called "1929 Mean Sea Level (MSL)".

**New Construction** - structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**North American Vertical Datum (NAVD)** - the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon the vertical data used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

**100-year flood** - see **Base Flood**.

**Recreational Vehicle** - a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and,
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway** -

- a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, and,

- b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

**Riverine** - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Special Flood Hazard Area** - see **Area of Special Flood Hazard**.

**Start of Construction** - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

**Structure** - for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

**Substantial Damage** - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

**Variance** - a grant of relief by a community from the terms of a floodplain management regulation.

**Violation** - the failure of a structure or development to comply with a community's floodplain management regulations.

## **ARTICLE XIV - ABROGATION**

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

## **ARTICLE XV - DISCLAIMER OF LIABILITY**

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.



**FLOODPLAIN MANAGEMENT ORDINANCE**

**FOR THE**

**TOWN OF BRIDGTON, MAINE**

---

ENACTED: \_\_\_\_\_  
Date

EFFECTIVE: \_\_\_\_\_  
Date

CERTIFIED BY: \_\_\_\_\_  
Signature

CERTIFIED BY: \_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

*Love always,*  
**BRIDGTON**  
**MAINE**

February 20, 2024

Bridgton Select Board members,

The Bridgton Planning Board conducted a Public Hearing on February 20, 2024 for proposed amendments to the Land Use Code to align with the newly proposed Mass Gathering Ordinance.

As specified by the Bridgton Land Use Code in Section VIII-7.E., the Planning Board must make a recommendation to the Select Board. The Planning Board recommends inclusion of the amendment, as presented, for the June 2024 Annual Town Meeting warrant. The warrant copy is attached.

Bridgton Planning Board  
Deb Brusini, Chairman

Cc: Planning Board:  
Rolf Madsen  
Dee Miller  
Ken Gibbs  
Dan Harden  
Cathy DiPietro  
Angie Cook

Torri Hill, Community Development Director  
Brenda Day, Code Enforcement Officer

**CERTIFICATION OF PROPOSED ORDINANCE ENTITLED,  
“AMENDMENTS TO, REPEAL OF, AND ADOPTION OF CERTAIN BRIDGTON  
ORDINANCES TO UPDATE MASS GATHERING REGULATIONS,” AND ORDER**

The municipal officers of the Town of Bridgton hereby **CERTIFY** to the municipal clerk of the Town of Bridgton, pursuant to 30-A M.R.S. § 3002, that attached hereto is a true copy of the proposed ordinance entitled, “Amendments to, Repeal of, and Adoption of Certain Bridgton Ordinances to Update Mass Gathering Regulations,” to be voted on at a referendum election of the Town of Bridgton on June 11, 2024 under the following secret ballot question:

Question \_\_\_\_\_. Shall an ordinance entitled, “Amendments to, Repeal of, and Adoption of Certain Bridgton Ordinances to Update Mass Gathering Regulations,” be enacted?  
*(Note: A “Yes” vote will amend the Bridgton Land Use Code and the Bridgton Victualers Licensing Ordinance; will repeal the Bridgton Outdoor Festival Ordinance; and will enact the Bridgton Mass Gathering Ordinance. Copies of the text of the ordinance are available from the Town Clerk.)*

**BE IT FURTHER ORDERED**, pursuant to 30-A M.R.S. § 3002(1), that the municipal clerk shall keep this certified copy as a public record and shall make copies of the proposed ordinance available for distribution to the voters of the Town of Bridgton from the time of this certification. Copies of the proposed ordinance shall also be attested by the municipal clerk and posted in the same manner as the warrant calling the referendum election on June 11, 2024 and shall be made available to the voters at the referendum election on June 11, 2024.

Dated: \_\_\_\_\_, 2024

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
A majority of the municipal officers  
of the Town of Bridgton

A true copy of the proposed ordinance entitled, “Amendments to, Repeal of, and Adoption of Certain Bridgton Ordinances to Update Mass Gathering Regulations,” is attached hereto.

Attest: \_\_\_\_\_  
Laurie Chadbourne, Town Clerk  
Town of Bridgton

RETURN

Cumberland County, ss.

State of Maine

I certify that I have posted an attested copy of the proposed ordinance entitled, "Amendments to, Repeal of, and Adoption of Certain Bridgton Ordinances to Update Mass Gathering Regulations," at

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

being conspicuous public places within the Town of Bridgton on \_\_\_\_\_, 2024,  
which is at least seven (7) days next prior to the date of the June 11, 2024 referendum election.

\_\_\_\_\_  
Laurie Chadbourne, Town Clerk  
Town of Bridgton

**AMENDMENTS TO, REPEAL OF, AND ADOPTION OF  
CERTAIN BRIDGTON ORDINANCES  
TO UPDATE MASS GATHERING REGULATIONS**

Administrative Draft  
February 15, 2024

PREPARED FOR TOWN REFERENDUM TO BE HELD ON  
JUNE 11, 2024

## A. PROPOSED AMENDMENTS TO LAND USE CODE

The *Town of Bridgton Land Use Code* is proposed to be amended by adding the words in underline (underline) and removing the words in strikethrough (~~strikethrough~~), as follows:

...

### Section III-2. Schedule of Uses

...

#### 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
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...

Mass Gathering <sup>8</sup>	<u>S Yes</u>	No	<u>S Yes</u>	<u>No Yes</u>	<u>S Yes</u>	<u>S Yes</u>	<u>S Yes</u>	<u>S Yes</u>	<u>S Yes</u>	<u>S Yes</u>
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...

<sup>8</sup> Mass gatherings must obtain a license from the Select Board pursuant to the *Town of Bridgton Mass Gathering Ordinance*.

...

Mobile Temporary Vendor <sup>10</sup>	P	No	P	No	P	P	P	No	P	No
---------------------------------------	---	----	---	----	---	---	---	----	---	----

...

<sup>10</sup> Except that a mobile temporary vendor operating at a mass gathering licensed pursuant to the *Town of Bridgton Mass Gathering Ordinance* is allowed without a permit in every land use district.

...

### Section VIII-4. Effective Date

...

#### B. Effective Dates, Historical Notes.

...

6. This Code. Enacted November 2, 2021. Amended June 14, 2022; November 8, 2022; June 11, 2024.

...

### Section IX-3. Definitions

...

**Mass Gathering** — Any outdoor event or gathering (including a pageant, amusement show, exhibition, festival, theatrical performance, musical performance, road race, athletic event, wedding, or other special event) that attracts, or is intended to attract, 500 or more persons at any time in an assembly area that is not otherwise operating under site plan approval pursuant to this Code. 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.

...

**Mobile Temporary Vendor** — A person who sells or offers for sale food, beverages, or merchandise from a mobile vehicle, mobile structure, or from their person.

## **B. PROPOSED AMENDMENTS TO VICTUALERS LICENSING ORDINANCE**

The *Town of Bridgton Victualers Licensing Ordinance* is proposed to be amended by adding the words in underline (underline) and removing the words in strikethrough (~~strikethrough~~), as follows:

...

### **II. LICENSE REQUIRED**

...

1. Exemptions. The following establishments are exempt from applying for and possessing a Victualer's License:
  - a. A Public or Private School, Public Service Organization, Private Club, Church Organization, Fire Department, or any other non-profit organization selling food or drink on an infrequent basis to solely raise money for a charitable cause.
  - b. Grocery stores, except those selling food items prepared on the premises.
  - c. Establishments selling food and drink only through vending machines.
  - d. Mobile temporary vendors operating at a mass gathering licensed pursuant to the *Town of Bridgton Mass Gathering Ordinance*.

...

## C. PROPOSED REPEAL OF OUTDOOR FESTIVAL ORDINANCE

The *Town of Bridgton Outdoor Festival Ordinance*, attached hereto as Attachment C-1, is proposed to be repealed in its entirety, as follows:

### ~~TOWN OF BRIDGTON~~

#### ~~OUTDOOR FESTIVAL ORDINANCE~~

~~WHEREAS, the Inhabitants of the Town of Bridgton are deeply concerned about the tremendous crowds which have attended outdoor pageants, amusement shows, theatrical performances, including music festivals and exhibitions, in various parts of the United States and the results thereof, and~~

~~WHEREAS, said events have led to serious problems in the way of inadequate toilet, waste disposal, potable water, and first aid facilities, obstructions and damages to roads and highways, violations of liquor and drug laws, and destruction of both public and private property.~~

~~Now, therefore, the following ordinance is passed in the interest of promoting the general welfare, preventing disease, promoting health and providing for the public safety.~~

~~1. No person shall exhibit, sponsor, hold, promote or operate any pageant, amusement show, theatrical performance, including a music festival or exhibition where an excess of 500 people are reasonably anticipated to attend and where a substantial portion of the entertainment will be out of doors without first procuring from the Municipal Officers a license therefore at least seven (7) days prior to the event and payment of a fee as provided in the Town of Bridgton Uniform Fee Ordinance. (06/11/19)~~

~~2. No license shall be granted by the Municipal Officers unless the applicant satisfies the Municipal Officers or their designee(s) that the following facilities will be available for such an event in the area to be used and no such person shall hold such an event unless such facilities are available. The applicant must comply with all applicable rules and regulations of the state and the municipality prior to being issued a license. The Town's Code~~

~~Enforcement Officer shall be the designee responsible for confirming same.~~

~~A. Separate male and female sanitary facilities shall be available and connected to a public sewer system or septic tank.~~

~~— Adequate metal, wood or plastic containers with a height of at least two feet and diameter of at least two feet shall be spaced in the area~~



~~to take care of the solid waste and garbage, with at least one container for each reasonably anticipated 100 persons. Within 24 hours after the close of the event such waste material shall be removed to a public solid waste disposal facility.~~

~~A. First Aid facility shall be provided on the grounds with at least one ambulance in attendance and one doctor for each 1,000 persons.~~

~~B. Off the street parking facilities shall be furnished with at least one car space with adequate access ways for each six persons reasonably expected to attend. A uniformed police officer or constable shall be provided to direct traffic to and from public ways with at least one officer for each reasonably expected 500 persons.~~

~~C. Prior to the issuance of the license and the holding of the event, the applicant shall furnish a corporate surety bond from a company authorized to do business in Maine insuring that forthwith after the event the grounds will be cleaned of waste and damages to public or private property in the area arising out of or in connection with the event will be promptly paid; such bond to be in the amount of \$5,000.00 for each expected 500 persons in attendance.~~

~~D. The applicant shall file with his application adequate proof that he has authority from any landowners to use his property and shall furnish a plan showing the size of the area to be used, with designated locations for drinking, toilet and washing facilities, waste containers, first aid facilities and off the street parking.~~

~~3. Each part of this Ordinance is severable and if any phrase, clause sentence or provision is declared to be contrary to law, the validity of the remainder shall not be affected thereby.~~

~~4. Any person, directly or indirectly, exhibiting, promoting, sponsoring, operating or holding such event as owner, lessor, lessee, landlord, tenant, operator or entertainer and not complying with this Ordinance shall be liable for a fine of \$1,000.00 per say for each infraction, shall be personally responsible for damages to public or private property arising out of or in connection therewith and shall be subject to any civil or injunctive relief that may be reasonable and proper. Any fine imposed under this Ordinance shall accrue to the benefit of the Town of Bridgton.~~

~~5. This Ordinance shall take effect upon passage.~~

~~Enacted 5/71~~

~~Re-enacted with amendments 6/9/93~~

~~See also 22 MRSA 1601 et seq.~~

## **D. PROPOSED ADOPTION OF MASS GATHERING ORDINANCE**

The *Town of Bridgton Mass Gathering Ordinance* is proposed to be enacted, as follows:

### **TOWN OF BRIDGTON MASS GATHERING ORDINANCE**

#### **I. AUTHORITY AND PURPOSE**

This Town of Bridgton Mass Gathering Ordinance ("Ordinance") is adopted pursuant to Article VIII, Part Second of the Maine Constitution, 30-A M.R.S. § 3001 *et seq.*, and 22 M.R.S.A. § 1602. The Town of Bridgton ("Town") finds that mass outdoor gatherings frequently create a hazard to the public health, safety, and welfare. Accordingly, the Town deems it appropriate and in the interest of the public welfare to regulate the conduct of such gatherings, including, but not limited to, traffic congestion, crowd control, health and sanitation, compliance with alcohol and drug laws, and protection of public and private property.

#### **II. DEFINITIONS**

As used in this Ordinance, the following terms have the meanings indicated:

- A. **Assembly Area** — The premises on which a mass gathering is held.
- B. **Mass Gathering** — Any outdoor event or gathering (including, but not limited to, a pageant, amusement show, exhibition, festival, theatrical performance, musical performance, road race, athletic event, wedding, or other special event) that attracts, or is intended to attract, 500 or more persons at any time in an assembly area that is not otherwise operating under site plan approval pursuant to the *Bridgton Land Use Code*.
- C. **Mobile Temporary Vendor** — A person who sells or offers for sale food, beverages, or merchandise from a mobile vehicle, mobile structure, or from their person.
- D. **Performance Guarantee** — An irrevocable letter of credit from a banking institution authorized to do business in Maine, cash escrow, or other financial guarantee acceptable to the Town Manager as to amount, and in a form approved by the Town Attorney as to form, sufficiency, manner of execution, and surety.
- E. **Person** — 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.
- F. **Public Costs** — Those costs incurred by the Town in connection with a mass gathering which would not be incurred by the Town if the mass gathering were not held.
- G. **Select Board** — The municipal officers of the Town of Bridgton.

#### **III. LICENSE REQUIRED**

- A. Except as provided in Section III.B, no person may sponsor, promote, operate, or hold any mass gathering without first procuring a mass gathering license from the Select Board in accordance with this Ordinance. Each mass gathering requires a separate license.
- B. The following mass gatherings are exempt from the licensing requirements of this Ordinance:
  - 1. Mass gatherings that are sponsored or operated by the Town and authorized by the Select Board.

2. Mass gatherings involving a student population and staff that are held on school property and authorized by the school board, or its designee, of Regional School Unit No. 61 or its successor public school.
3. Mass gatherings involving a student population and staff that are held on school property and authorized by a board of trustees, or its designee, of a private school accredited by the New England Association of Schools and Colleges or its successor organization.

#### IV. LICENSING AUTHORITY

The Select Board shall have the authority to approve, approve with conditions, or deny all mass gathering applications.

#### V. REVIEW PROCEDURES

##### A. Review Procedures.

1. Application. A person seeking a mass gathering license ("applicant") must file a complete application in accordance with Section V.B with the Town Clerk not less than 60 days before the proposed mass gathering. The application must be accompanied by an application fee as set forth in the *Town of Bridgton Fee Schedule*.
2. Notice. The applicant must give notice of the application to the owners of property located within 100 feet of the lot boundaries of the assembly area and to the Town Clerk; provided, however, that notice of a mass gathering that occupies more than one assembly area or public property, such as a road race, may be given by publication in a newspaper of general circulation within the Town. The notice must contain a description of the mass gathering, including the location, dates, and times of the mass gathering and the anticipated number of attendees. Notice must be given not less than 60 days before the proposed mass gathering.
3. Review. Within five business days of receipt of a complete application, the Town Clerk shall forward the application to the Select Board. If the Select Board finds the application incomplete, the Select Board may direct the applicant to submit any omitted or incomplete information or may return the application as incomplete and conclude its review. If the application is found complete for review, the Select Board must determine whether the application complies with the license standards in Section VI. At any time during the review of an application, the Select Board may (i) accept, in its discretion, supplemental information or proposed modifications to the application which the applicant requests to submit; or (ii) require additional information from the applicant.
4. Decision. The Select Board must issue a license approving or approving with conditions the mass gathering or a written decision denying the application.
5. Burden of Proof. The applicant has the burden of proving, by demonstrable evidence, that a proposal complies with the requirements of this Ordinance.

##### B. Submission Requirements. The application must include the following information:

1. The name, address, and telephone number of the applicant and the property owner, if different from the applicant.
2. Proof of adequate technical and financial capacity to carry out the proposed mass gathering in conformance with this Ordinance.
3. Proof that the applicant holds right, title, or interest in the assembly area or, if the applicant is not the property owner, a letter of authorization or written permission

from the property owner allowing use of the assembly area for the intended purpose.

4. Copies of the notices required by this Ordinance.
5. A plan drawn to scale showing, at minimum:
  - (a) The size and location of the assembly area.
  - (b) Names and locations of all public and private roadways, rights-of-way, and easements on or adjacent to the assembly area.
  - (c) Names of abutting property owners.
  - (d) The size and location of all existing structures and other man-made features of the assembly area.
  - (e) The size and locations of any proposed temporary structures, equipment, and facilities, including: toilet and sanitation facilities, water supply sources, trash disposal and collection facilities, lighting sources, areas of assembly, stages, vendor booths, exhibition halls, demonstration areas, show rings, vehicular and bicycle parking areas, camping areas, food service or food truck areas, communication equipment, and areas of ingress and egress for pedestrian and vehicular traffic (including vendor, contractor, and employee traffic).
  - (f) All watercourses, wetlands, water bodies, wooded areas, and sensitive natural resources on the affected property.
  - (g) Any areas proposed to be cleared of vegetation.
6. A written statement containing an explanation of the applicant's plan for ensuring that each of the licensing standards in Section VI are met, and demonstrating that adequate services and facilities will be provided to protect the health and safety of attendees and the general public.
7. A contract with a refuse collection company or other reasonable plan for trash disposal.
8. Copies of any state permits required by 22 M.R.S. § 1601 and proof of state licensing for any vendors that are proposed to operate in the assembly area during the mass gathering.

## **VI. LICENSE STANDARDS**

In determining whether to issue a license or deny a mass gathering application, the Select Board must evaluate whether the applicant has demonstrated that the proposal complies with the following license standards.

- A. Site Arrangement. The mass gathering site must be arranged to ensure that all areas are well drained; to prevent unreasonable soil erosion; and to provide convenient and safe space for persons assembled, vehicles, equipment, facilities, and appurtenances.
- B. Convenient and Safe Access. The proposal must provide for convenient and safe access for ingress and egress of emergency vehicles and for ingress and egress of pedestrian, bicycle, and vehicular traffic, including by adequate traffic control. Traffic safety must be maintained on public or private roads serving the mass gathering. The proposal must:
  1. Identify routes that persons are likely to take;
  2. Describe methods to be used to publicize alternative routes;

3. Describe methods to be used to remove disabled vehicles from locations if such vehicles would prevent the free flow of traffic;
  4. Specify number and locations of personnel who will be present to direct traffic at the assembly area before, during, and after the mass gathering; and
  5. Provide a plan for evacuating the assembly area in the event of a natural disaster or civil emergency.
- C. Parking. The proposal must provide adequate off-street parking to accommodate the projected needs of the mass gathering.
- D. Sewage Disposal. The proposal must provide for adequate sewage disposal, including by demonstrating compliance with all applicable provisions of the state wastewater disposal rules and 22 M.R.S.A. § 1601 *et seq.*
- E. Water Supply. Sufficient water must be available for the reasonably foreseeable needs of attendees at the proposed mass gathering. When water under pressure is not available and temporary toilets are used, at least three gallons of water per person per day must be provided for drinking and sanitation purposes.
- F. Trash Disposal. The assembly area must be free from accumulation of trash during and after the mass gathering. Trash must be collected, transported, and stored so as to protect from odor, infestation, and other nuisance conditions.
- G. Noise. 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.
- H. Exterior Lighting. All exterior lighting must be located and designed to (i) ensure safe movement of people and vehicles; (ii) avoid glare and reflection on adjacent properties and roads; and (iii) not impair the vision of the driver of any vehicle upon any road.
- I. Vegetation. The assembly area must be preserved in its natural state to the greatest extent possible by minimizing tree removal, minimizing disturbance of soil, and retaining natural vegetation in order to minimize the impacts of the proposal on neighboring land uses, facilitate drainage, and prevent erosion.
- J. Safety and Security. The applicant must ensure crowd security and the protection of public health and property before, during, and after the mass gathering by demonstrating that:
1. Adequate law enforcement or private security will be available and deployed before, during, and after the mass gathering;
  2. Adequate medical supplies and personnel (including emergency medical services) will be available and deployed during the mass gathering;
  3. Adequate fire protection equipment and fire rescue services will be available and deployed during the mass gathering; and
  4. Adequate communications systems will be available at the mass gathering site for emergency purposes.
- K. Hours of Operation. The hours of operation for a mass gathering must not cause unreasonable disruption to the normal pattern of activities in the neighborhood.
- L. Food Service. Adequate provision must be made to provide wholesome and sanitary food for any mass gathering exceeding six hours in length.
- M. Overnight Accommodations. If the mass gathering exceeds 24 hours, adequate provision must be made to provide safe and sanitary overnight accommodations for persons assembled.

## **VII. POST-APPROVAL REQUIREMENTS**

- A. Performance Guarantee. The license holder must post a performance guarantee to ensure the prompt cleanup and repair of the assembly area and payment for any damage to public or private property. The Town will release the performance guarantee if the license holder pays all cleanup and public costs within ten business days after the mass gathering.
- B. Insurance. At least 14 days before the scheduled date of any licensed mass gathering, the license holder must provide to the Select Board a certificate of insurance issued by an insurer licensed to do business in the State of Maine and demonstrating that the license holder carries special event or general liability insurance covering death, bodily injury, and property damage written on an occurrence form and in a sum no less than \$1,000,000 general aggregate and \$1,000,000 each occurrence.
- C. Inspections. The license holder must admit any Town officer, official, employee, or agent to make inspections of the mass gathering site for compliance with this Ordinance and any license conditions.
- D. Assignment or Transfer. No license issued pursuant to this Ordinance may be assigned or transferred to another person. Licenses are limited to the assembly area for which they are issued and are not transferrable to another location.

## **VIII. APPEALS**

An appeal from any final decision of the Select Board made pursuant to this Ordinance shall be taken by an aggrieved party to the Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

## **IX. PENALTY**

Any act made unlawful by this Ordinance and any violation of this Ordinance shall be a civil violation subject to a penalty in accordance with 30-A M.R.S. § 4452. Each day that such unlawful act or violation continues shall constitute a separate offense. The Select Board or its designee shall enforce the provisions of this Ordinance.

## **X. SEVERABILITY**

If any provision of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

**CERTIFICATION OF PROPOSED ORDINANCE ENTITLED,  
“ADOPTION OF BRIDGTON MOORING REGULATIONS AND HARBOR MASTER  
ORDINANCE,” AND ORDER**

The municipal officers of the Town of Bridgton hereby **CERTIFY** to the municipal clerk of the Town of Bridgton, pursuant to 30-A M.R.S. § 3002, that attached hereto is a true copy of the proposed ordinance entitled, “Adoption of Bridgton Mooring Regulations and Harbor Master Ordinance,” to be voted on at a referendum election of the Town of Bridgton on June 11, 2024 under the following secret ballot question:

Question \_\_\_\_\_. Shall an ordinance entitled, “Adoption of Bridgton Mooring Regulations and Harbor Master Ordinance,” be enacted?

*(Note: Copies of the text of the ordinance are available from the Town Clerk.)*

**BE IT FURTHER ORDERED**, pursuant to 30-A M.R.S. § 3002(1), that the municipal clerk shall keep this certified copy as a public record and shall make copies of the proposed ordinance available for distribution to the voters of the Town of Bridgton from the time of this certification. Copies of the proposed ordinance shall also be attested by the municipal clerk and posted in the same manner as the warrant calling the referendum election on June 11, 2024 and shall be made available to the voters at the referendum election on June 11, 2024.

Dated: \_\_\_\_\_, 2024

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

A majority of the municipal officers  
of the Town of Bridgton

A true copy of the proposed ordinance entitled, “Adoption of Bridgton Mooring Regulations and Harbor Master Ordinance,” is attached hereto.

Attest: \_\_\_\_\_  
Laurie Chadbourne, Town Clerk  
Town of Bridgton

RETURN

Cumberland County, ss.

State of Maine

I certify that I have posted an attested copy of the proposed ordinance entitled, "Adoption of Bridgton Mooring Regulations and Harbor Master Ordinance," at

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

being conspicuous public places within the Town of Bridgton on \_\_\_\_\_, 2024,  
which is at least seven (7) days next prior to the date of the June 11, 2024 referendum election.

\_\_\_\_\_  
Laurie Chadbourne, Town Clerk  
Town of Bridgton



**ADOPTION OF BRIDGTON MOORING REGULATIONS AND HARBOR  
MASTER ORDINANCE**

Administrative Draft  
February 15, 2024

PREPARED FOR TOWN REFERENDUM TO BE HELD ON  
JUNE 11, 2024

## Bridgton Mooring Regulations and Harbor Master Ordinance

### I. TITLE

This Ordinance shall be known and cited as the “Town of Bridgton Mooring Regulations Harbor Master Ordinance”.

### II. AUTHORITY

The Town of Bridgton Mooring Regulations Harbor Master Ordinance is adopted pursuant to the enabling provisions of Article 8, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulations Act, Title 30-A M.R.S.A. Section 4312 et seq. as amended. Title 12 M.R.S.A section 13072 & 13073; Title 38 M.R.S.A sections 1-4, 1-7

### III. PURPOSE

The Ordinance is established on the principle of the rights of citizens and visitors to be provided with professional law enforcement protection and enforcement within the town limits with the understanding that these will be in cooperation with regional, state and federal law enforcement authorities. This would be accomplished through several approaches including but not limited to establishing the position of a Harbor Master, contracting for services and other such means of protection and enforcement. The design of the Ordinance takes into account the multiple users in, on and above the waterways of the Town of Bridgton while seeking a balance with the natural elements including waterfowl, fisheries and other wildlife. ~~They~~ The ordinances are a guide to the proper operations of watercraft and to strive to assure the safety of those involved with water-based activities. Within the Ordinance, standards are designed to ensure that mooring installations do not impair the health, safety, and welfare or result in lower water quality, loss of aquatic habitat or interference with navigation.

### IV. APPLICABILITY

This ordinance allows the installation of moorings for the purposes of securing a watercraft, and floats in a great pond, river or stream in the Town of Bridgton.

### V. CONFLICT AND SEVERABILITY

#### A. Conflict with Other Ordinances

When a provision of this regulation conflicts with or is inconsistent with any other ordinances, regulations or statute, the more restrictive provision shall apply.

#### B. Severability

The invalidity of any part of this regulation shall not invalidate any other part of this regulation.

## VI. DEFINITIONS

1. Fairway – Shall mean a navigable channel in a water body, which may, but need not, be marked with channel markers.
2. Float– A floating platform moored or anchored for use by swimmers or watercraft or sea planes, that is not integrated and connected to a dock or shore.
3. Great Pond – Any inland body of water which in natural state has a surface area in excess of 10 acres.
4. Houseboats – a raft, hull, float, barge or vessel designed primarily to be used as a residential or commercial establishment or living quarters rather than primarily for navigation.
5. Mooring – Shall mean any device designed to float, and attached to the anchoring device that secures a watercraft or floats to the bottom of a water body.
6. Mooring Area – Shall mean a rectilinear area on a body of water which is defined as the shorefront width of a property held in common or individually and extending a distance of no greater than two hundred (200) feet from normal high water line into a body of water with the moorings placed within 150' of the shoreline.
7. 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.
8. Watercraft – Any type of vessel, boat, canoe or craft capable of being used as a means of transportation on water, other than a seaplane, including motors, electronic and mechanical equipment and other machinery, whether permanently or temporarily attached, that are customarily used in the operations of the watercraft. "Watercraft" does not include a vessel, boat, canoe or craft located and intended to be permanently docked in one location and not used as a means of transportation on water.
9. Water Safety Zone- The area of water within 200 feet of any shoreline, whether the shoreline of the mainland or of an island. (Boater's guide to Maine Boating Laws and Responsibilities.

Definitions in Section IX of the town of Bridgton Land Use Ordinance shall also apply to this Ordinance. Any term not defined in this Ordinance, or in Section IX, shall be deemed to have its commonly accepted meaning.

## VII. MOORING STANDARDS

Mooring placement shall be the responsibility of the property owner subject to the following conditions:

1. A mooring may be installed by a shorefront property owner or their designee.
2. A mooring may only be installed in the mooring area directly adjacent to the owner's shorefront property.
3. The mooring bases and their extensions shall be allowed to remain through the winter months as long as they are positioned to remove any risk or navigational hazard and do not extend about the surface of the ice. They may be re-installed in the following boating season in accordance with this ordinance.
4. Moorings shall be limited to one mooring for every 75 feet of shore frontage except any lot less than 75 feet of shore frontage shall be entitled to only one (1) mooring not to exceed two total
5. A mooring shall not be allowed if watercraft will swing over abutting mooring areas.
6. The mooring shall be restricted to water within 150 feet of the normal high-water line.
7. If the property owner can prove they cannot install a mooring area within 150 *feet* from the normal high-water line, the Harbor Master may allow one to be installed as near to the 200foot mark as possible providing it does not create a hazard to navigation.
8. Mooring assignments may not be transferred, nor may they be sub-leased by a primary lessee.
9. Overnight living is prohibited on all watercrafts.

## VIII MOORING SPECIFICATIONS

1. All mooring anchors shall be of stone, granite or cured reinforced concrete or mushroom anchor without dangerous protrusions, to adequately hold a watercraft in any anticipated storm and allowing the watercraft to swing without going into the mooring circle of any other watercraft or over abutting mooring areas.
2. The anchor line between the anchor and the buoy shall be chain of a size to fit boat exposure and water depth. Bolts, screws, rods, pads and other metallic fixtures shall be of adequate strength for the mooring and comply with all Environmental Protection Agency and Maine Department of Environmental Protection laws, rules and regulations.
3. The location of the anchoring device shall be mapped, or marked, in some way so that it can be found the following season.

4. The anchoring device shall not extend up or out onto the ice zone or otherwise be subject to ice action.
5. The mooring permit holder is responsible for the adequacy and performance of all mooring gear, tackle and maintenance thereof.
6. . All moorings shall be assigned a mooring number upon annual registration. The permit holder must affix the provided decal on the mooring. If the mooring does not display this and cannot be otherwise identified, it shall be considered a violation.

#### IX. MOORING REGISTRATION

1. An application for annual mooring registrations will be available at the town office and on the website, [www.bridgtonmaine.org](http://www.bridgtonmaine.org).
2. Proof of shorefront ownership is required.
3. New application will be issued mooring numbers after being reviewed by the Harbormaster.
4. Annual mooring fees shall be paid at the time of obtaining a mooring permit. Mooring fees can be found in the town of Bridgton's Schedule of Fees.

#### IX. ENFORCEMENT AND VIOLATION

##### 1. Harbor Master

The Town Manager of Bridgton shall appoint a Harbor Master to carry out and enforce provisions of the Bridgton Mooring Regulations and Harbor Master Ordinance. The Harbor Master shall be appointed for a term of no less than one (1) year by State law and shall be subject to all the duties and liabilities of that office as prescribed by municipal ordinances and regulations.

2. Given approval by the Bridgton Select Board, the Harbor Master may appoint deputies who, under their direction, shall aid in enforcing and carrying out the rules and regulations of this Ordinance.

The Harbor Master position shall be governed by State statutes and the Town of Bridgton Personnel Rules and Regulations.

The Harbor Master may refuse to assign mooring privileges to any applicant who has not paid any fee, charge for services, forfeiture, or penalty levied.

##### 3. Violations

The Harbor Master shall determine whether provisions of the Bridgton Mooring Regulations and Harbor Master Ordinance have been violated. The Town Manager or their designee, together with the Harbor Master, shall assess the nature and severity of the violation and shall take the necessary course of corrective action, which may include assessment of a penalty. Any person who violates

any provision of this Ordinance shall be subject to a civil penalty of not less than \$100.00 and not more than \$2,500.00 for each day the violation exists. Each day that such a violation continues to exist shall be considered a separate violation. The violator may be ordered to correct or abate the violation unless the court finds that such action will create a threat or hazard to public health or safety, substantial environmental damage, or substantial injustice. This Ordinance shall be enforced pursuant to 30-M.R.S.A. 4452 and the municipality shall be entitled to recover its costs, including attorney fees and expert witness fees if it prevails. The failure to obey the lawful order of a Harbor Master shall be punished as a Class E crime pursuant to 38 M.R.S.A. 13.

## X. Appeals

1. Any person aggrieved by a decision of the Harbor Master may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. Notwithstanding subsection A, above, notices of violation, enforcement orders, suspensions or revocations of permits or approvals, written determinations of violation, or any other enforcement decisions of the Harbor Master are advisory only and may not be appealed.

3. All appeals and requests for reconsideration must be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

4. Appeals from decisions of the Harbor Master made without conducting a public hearing, are de novo. The Harbor Master 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 Harbor Master for further proceedings.

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

6. 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 Harbor Master. 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.

7. 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.

XI. Effective Date: June 11, 2024

Project Certification

**This is to certify** that the Town of Bridgton Select Board hereby authorizes the Town Manager to make application for financial assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for development of the Ham Complex Redevelopment Project.

**This further certifies** that the Town of Bridgton Select Board is familiar with the terms and conditions of the Land and Water Conservation Fund Project Agreement, revision dated March 1995 and hereby authorizes the Town Manager to enter into said agreement between The Town of Bridgton and the State of Maine upon federal approval of the above identified project.

**This further certifies** that the Town of Bridgton Recreation Department has been legally constituted and is responsible for planning and carrying out the municipal recreation program, and the continued operation and maintenance of this completed project in accordance with the terms and conditions of the Land and Water Conservation Fund Project Agreement. The Bridgton Recreation Department was established in 1955 by Town of Bridgton Select Board. The Recreation Department provides recreational programming for all ages, scheduling and maintenance services for Town outdoor recreation facilities, and childcare services for Bridgton residents.

**And this further certifies** that except for the financial assistance requested by this project application, no financial assistance has been applied for, given or promised under any other State or Federal Program.

Date \_\_\_\_\_ At \_\_\_\_\_

And signed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



### **Article ###**

To see if the Town of Bridgton will authorize the Town Manager to apply, on behalf of the Town of Bridgton, for federal financing assistance under the provisions of the Land and Water Conservation Fund Act, Public Law 88-578 for the Phase I implementation of the Ham Complex Redevelopment Project; and further authorize the Community Development Department to enter into the Land and Water Conservation Fund Project Agreement with the State subsequent to federal approval of the project.



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## Proclamation

Proclaiming May 18, 2024, as Kids to Parks Day in the Town of Bridgton.

**WHEREAS**, May 18, 2024, is the fourteenth Kids to Parks Day organized and launched by the National Park Trust held annually on the third Saturday of May; and

**WHEREAS**, Kids to Parks Day empowers kids and encourages families to get outdoors and visit local parks, public lands, and waters; and

**WHEREAS**, we should encourage children to lead a more active lifestyle to combat issues of childhood obesity, diabetes, hypertension, and hypercholesterolemia; and

**WHEREAS**, Kids to Parks Day will broaden children's appreciation for nature and outdoors; and

**WHEREAS**, Kids to Parks Day will recognize the importance of recreating responsibly while enjoying the benefits of the outdoors; and

**NOW THEREFORE**, I, Carmen Lone, Chairman Bridgton Select Board do hereby proclaim May 18, 2024, as Kids to Parks Day. Signed by the Chairman Bridgton Select Board of Bridgton, Maine on this date  
February 27, 2024

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**Carmen Lone, Chairman Bridgton Select Board**

## Laurie Chadbourne

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**From:** Robert "Bob" Peabody, Jr.  
**Sent:** Wednesday, February 14, 2024 11:45 AM  
**To:** Laurie Chadbourne  
**Cc:** Georgiann M Fleck; David Madsen  
**Subject:** Reserve Accounts Policy Approved 09.26.23  
**Attachments:** Reserve Accounts Policy Approved 09.26.23.docx

For the next agenda.

Robert A. Peabody, Jr.  
Bridgton Town Manager  
3 Chase Street, Suite 1  
Bridgton, Maine 04009  
[rpeabody@bridgtonmaine.org](mailto:rpeabody@bridgtonmaine.org)  
207.647.8786 Office  
207.256.7211 Cell

## TOWN OF BRIDGTON RESERVE ACCOUNTS POLICY

### Purpose

The purpose of this policy is to provide process and oversight to the establishment and utilization of reserve accounts comprising a reserve fund established by the Town of Bridgton for financing the acquisition or reconstruction of a specific, or a type of, capital improvement; financing the acquisition of a specific item or type of capital equipment; or a sinking fund account for paying a funded debt.

### Authorization to establish a reserve fund

Pursuant to 30-A M.R.S.A. § 5801, the Town of Bridgton shall establish a reserve fund. Said reserve fund shall consist of certain designated reserve accounts. The reserve accounts shall be categorized as a capital improvement reserve, capital equipment reserve, or sinking fund account.

### Designated reserve accounts

The Town Manager upon consultation with the respective Department Head shall recommend to and the Select Board may approve the establishment of a designated reserve account or the elimination of an established reserve account.

There are hereby established the following designated reserve accounts:

1. Police Cruiser Purchase Reserve
2. Fire Apparatus Reserve
3. Public Works Equipment Reserve
4. Transfer Station Equipment Reserve
5. Capital Projects Reserve
6. Municipal Buildings Reserve
7. Recreation Department Reserve
8. Employees Accrued Benefits Reserve
9. Wastewater Reserve
10. Salmon Point Reserve
11. Revaluation Reserve
12. Pondicherry Park Reserve
13. Sabatis Island Reserve
14. Capital Projects Maintenance Reserve
15. Senior Property Tax Assistance Reserve

Approved 04/14/15

Revised 09/12/17; 12/10/19; 09/08/20;  
07/12/22; 03/28/23; 07/11/23; 09/26/23;  
02/27/24

## 16. Communications Equipment Reserve

Reserve accounts currently existing and not included in the above list shall either continue to be used for their intended purpose until depletion or shall lapse into the Undesignated Fund Balance as of June 30, 2015. Any "carry forwards" currently budgeted and intended to function as a reserve may be used to fund the established appropriate reserve fund.

### Funding for reserve accounts

The reserve accounts may be funded by direct annual appropriation by inclusion in the annual budget voted at Town Meeting; unanticipated revenues such as sale of forfeiture property; proceeds from vehicle sales or the sale of goods; or funds from the undesignated fund balance if so approved by the legislative body at an Annual or Special Town Meeting. Donations specific to a particular Town operation may also be credited to a reserve account.

### Authority to use and withdraw

The Town Manager must authorize the use and withdrawal of any and all reserve account funds. All expenditures exceeding \$10,000 require a Select Board vote.

### Administration responsibilities

The Finance Officer shall be responsible for monitoring the Town's reserve accounts and for insuring that this policy is adhered to. The Finance Officer shall annually, as part of the budget process, submit a report outlining the status of the Town's reserve accounts which shall be included in the proposed budget submitted to the Select Board and Budget Committee. The Finance Officer may also provide partial or complete status reports at other times to the Select Board, Budget Committee, Town Manager, or Department Heads. The Town Manager shall present a five (5) year capital expenditure plan for Reserve Accounts annually in October.

### How to establish a Reserve Account

- 1) An account is established during the budget process unless Select Board makes an exception;
- 2) The request is reviewed and approved by the Town Manager;
- 3) The request must contain:
  - a. Statement of purpose
  - b. Source(s) of funding
  - c. Amounts and limits;
  - d. Special considerations if applicable; and
- 4) The establishment of the account must be approved by the Select Board.

Approved 04/14/15

Revised 09/12/17; 12/10/19; 09/08/20;  
07/12/22; 03/28/23; 07/11/23; 09/26/23;  
02/27/24

## Specific reserve account requirements

1. **Police Cruiser Purchase Reserve**
  - 1) *Purpose.* The purpose of the account is to annually fund either partially or completely the purchase of a police cruiser.
  - 2) *Funding.* The Police Cruiser Purchase Reserve Account may be funded by direct appropriation in the annual budget or by the sale of police cruisers.
  - 3) *Amounts and Limits.* The Police Cruiser Purchase Reserve Account may not exceed \$30,000 in a given fiscal year. Funding in excess of \$30,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.
2. **Fire Apparatus Reserve**
  - 1) *Purpose.* The purpose of the account is to fund the purchase of specific fire apparatus designated in the five year capital plan.
  - 2) *Funding.* The Fire Apparatus Reserve Account may be funded by direct appropriation in the annual budget and by the sale of apparatus.
  - 3) *Amounts and Limits.* The Fire Apparatus Reserve Account shall not exceed \$375,000. Funding in excess of \$375,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.
3. **Public Works Equipment Reserve**
  - 1) *Purpose.* The purpose of the account is to fund either partially or completely the purchase of Public Works equipment.
  - 2) *Funding.* The Public Works Equipment Reserve Account may be funded by direct appropriation in the annual budget and by the sale of equipment.
  - 3) *Amounts and Limits.* The Public Works Equipment Reserve Account shall not exceed \$200,000. Funding in excess of \$200,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.
4. **Transfer Station Equipment Reserve**
  - 1) *Purpose.* The purpose of the account is to fund either partially or completely the purchase of Transfer Station equipment.
  - 2) *Funding.* The Transfer Station Equipment Reserve Account may be funded by direct appropriation in the annual budget and by the sale of equipment.
  - 3) *Amounts and Limits.* The Transfer Station Equipment Reserve Account shall not exceed \$100,000. Funding in excess of \$100,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.
5. **Capital Projects Reserve**
  - 1) *Purpose.* The purpose of the account shall be to fund capital improvement projects as identified in the Capital Improvement Plan.
  - 2) *Funding.* The Capital Projects Reserve may be funded by direct appropriation in the annual budget or, pursuant to Town Meeting approval, unexpended balances remaining at the end of each fiscal year from the Town's annual appropriations for Capital Expenditures.

Approved 04/14/15

Revised 09/12/17; 12/10/19; 09/08/20;  
07/12/22; 03/28/23; 07/11/23; 09/26/23;  
02/27/24

- 3) *Amounts and Limits.* The Capital Projects Reserve shall not exceed \$750,000. Funding in excess of \$750,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.
6. **Municipal Buildings Reserve**
  - 1) *Purpose.* The purpose of the account shall be to fund extraordinary building repair and maintenance expenditures for any municipally owned building. The funds shall be segregated as to intended purpose: Town Office, Town Hall, Fire Department Buildings, Public Works Department Buildings, Recreation Department Buildings and Armory. The Board of Selectmen, at their sole discretion, may commingle funds if a specific need, conforming to the intended purpose of the Reserve, arises.
  - 2) *Funding.* The Municipal Buildings Reserve may be funded by direct appropriation in the annual budget.
  - 3) *Amounts and Limits.* The Municipal Buildings Reserve shall not have a fund balance limit.
7. **Recreation Department Reserve**
  - 1) *Purpose.* The purpose of the account shall be to fund the cost of capital recreational equipment and facilities such as playground equipment or facility improvements.
  - 2) *Funding.* Recreation Department Reserve may be funded by direct appropriation in the annual budget, unexpended balances remaining at the end of each fiscal year from the Town's annual appropriations, fundraising, and/or donations.
  - 3) *Amounts and Limits.* The Recreational Department Reserve shall not exceed \$100,000.
8. **Employees Accrued Benefits Reserve**
  - 1) *Purpose.* The purpose of the account is to pay accrued vacation and sick leave to employees terminating their employment with the Town pursuant to the most current Town of Bridgton Personnel Policy or the most current union contract.
  - 2) *Funding.* The Employee's Accrued Benefits Reserve may be funded by direct appropriation in the annual budget.
  - 3) *Amounts and Limits.* The Employee's Accrued Benefits Reserve shall not exceed the aggregate liability for the current budget year.
9. **Wastewater Reserve**
  - 1) *Purpose.* The purpose of the Wastewater Reserve account is to provide funding for capital projects and/or equipment as identified in the Capital Improvement Plan or emergency repairs for the Town's Wastewater system.
  - 2) *Funding.* The Wastewater Reserve may be funded by direct appropriation in the annual budget and excess revenues at the end of the fiscal year.
  - 3) *Amounts and Limits.* The Wastewater Reserve shall not exceed \$200,000. Should the Reserve limit be reached, no additional funds shall be budgeted until the balance falls below the identified limit.
10. **Salmon Point Reserve**
  - 1) *Purpose.* The purpose of the Salmon Point Reserve account is to provide funding for capital projects and/or equipment as identified in the Capital Improvement Plan or emergency repairs at Salmon Point.

Approved 04/14/15

Revised 09/12/17; 12/10/19; 09/08/20;  
07/12/22; 03/28/23; 07/11/23; 09/26/23;  
02/27/24

- 2) *Funding.* The Salmon Point Reserve may be funded by direct appropriation in the annual budget and excess revenues at the end of the fiscal year.
  - 3) *Amounts and Limits.* The Salmon Point Reserve shall not exceed \$150,000. Should the Reserve limit be reached, no additional funds shall be budgeted until the balance falls below the identified limit.
11. Revaluation Reserve
- 1) *Purpose.* The purpose of the Revaluation Reserve account is to provide funding for a real estate and personal property revaluation.
  - 2) *Funding.* The Revaluation Reserve may be funded by direct appropriation in the annual budget.
  - 3) *Amounts and Limits.* The Revaluation Reserve shall not exceed the estimated cost of undergoing a revaluation currently estimated at \$200,000. Should the Reserve limit be reached, no additional funds shall be budgeted until the balance falls below the identified limit.
12. Pondicherry Park Reserve
- 1) *Purpose.* The purpose of the account shall be to fund the cost of capital improvements and emergency repairs.
  - 2) *Funding.* Pondicherry Park Reserve may be funded by direct appropriation in the annual budget, fundraising, and/or donations.
  - 3) *Amounts and Limits.* The Pondicherry Park Reserve shall not exceed \$250,000.
13. Sabatis Island Reserve
- 1) *Purpose.* The purpose of the account shall be to fund the cost of capital improvements, maintenance and emergency repairs.
  - 2) *Funding.* Sabatis Island Reserve may be funded by direct appropriation in the annual budget, fundraising, donations, fees and timber harvesting.
  - 3) *Amounts and Limits.* The Sabatis Island Reserve shall not have a fund balance limit. Upon termination of the lease agreement with State of Maine, any remaining funds will be deposited in the Moose Pond Land Trust Fund.
14. Capital Projects Maintenance Reserve
- 1) *Purpose.* The purpose of the account shall be to off-set extraordinary maintenance or repair costs for completed capital improvement projects.
  - 2) *Funding.* The Capital Projects Maintenance Reserve may be funded by direct appropriation in the annual budget, sale of tax acquired properties or unexpended capital improvement bond proceeds.
  - 3) *Amounts and Limits.* The Capital Projects Maintenance Reserve shall not exceed \$200,000. Funding in excess of \$200,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.
15. Senior Property Tax Assistance Reserve
- 1) *Purpose.* The purpose of the account is to fund the Senior Property Tax Assistance Program in accordance with the Senior Tax Assistance Ordinance approved June 14, 2022.
  - 2) *Funding.* The Senior Property Tax Assistance Account will be funded from the Unrestricted Fund Balance by vote at Annual Town Meeting.

Approved 04/14/15

Revised 09/12/17; 12/10/19; 09/08/20;  
07/12/22; 03/28/23; 07/11/23; 09/26/23;  
02/27/24



- 3) *Amounts and Limits.* The Senior Property Tax Assistance Account does not have a limit.
16. **Communications Equipment Reserve**
  - 1) *Purpose.* The purpose of the account is to fund the purchase of specific communications equipment identified in the budget process.
  - 2) *Funding.* The Communications Equipment Reserve Account is funded by direct appropriation in the annual budget.
  - 3) *Amounts and Limits.* The Communications Equipment Reserve Account shall not exceed \$100,000. Funding in excess of \$100,000 per fiscal year shall lapse into the undesignated fund balance at the end of the fiscal year.
17. **Wastewater Connection Assistance Reserve**
  - 1) *Purpose.* The purpose of the account is to fund the Wastewater Connection Assistance Program approved September 26, 2023, and effective January 1, 2024.
  - 2) *Funding.* The Wastewater Connection Assistance Account may be funded as a budget appropriation in the annual Water Reclamation Budget, **Route 302 TIF Development Fund**, and/or from the Wastewater Unassigned Fund Balance by vote of the Select Board.
  - 3) *Amounts and Limits.* The Wastewater Connection Assistance Account does not have a limit.

Approved 04/14/15

Revised 09/12/17; 12/10/19; 09/08/20;  
07/12/22; 03/28/23; 07/11/23; 09/26/23;  
02/27/24



**§2395. Ways requiring special protection**

**1. Right of the Department of Transportation.** The Department of Transportation may restrict the weight or passage of any vehicle over any way when, in its judgment, such passage would be unsafe or likely to cause excessive damage to the way or bridge. Nothing in this Title may be construed to restrict or abridge this right.

[RR 1995, c. 1, §26 (COR).]

**2. Rules.** The Department of Transportation may adopt rules to ensure proper use and prevent abuse of the public ways under the department's jurisdiction whenever those ways require special protection. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2013, c. 55, §1 (AMD).]

**3. Designation by the Department of Transportation.** The Department of Transportation may designate state and state aid highways and bridges over which **restrictions on gross weight, speed, operation and equipment apply during periods of the year** determined by the Department. It is unlawful for any vehicle to travel over public ways with a gross registered weight exceeding that prescribed by the Department and traveling with a load other than tools or equipment necessary for operation of the vehicle.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

**4. Designation by counties and municipalities.** County commissioners and municipal officers may designate public ways other than those in subsection 3 and impose restrictions within their respective jurisdictions **similar to those made by the Department of Transportation under subsection 3.** Any vehicle delivering home heating fuel or organic animal bedding material and operating in accordance with a permit issued by the Department of Transportation pursuant to this section may travel over any county or town way without a specific municipal or county permit. A municipality may impose additional restrictions for a vehicle delivering home heating fuel or organic animal bedding material to operate on public ways within that municipality but may not require a permit to operate according to those restrictions.

[PL 2017, c. 25, §1 (AMD).]

**4-A. Municipal permit not required during declared drought emergency.** Notwithstanding subsection 4, during a period of drought emergency declared by the Governor pursuant to Title 37-B, section 742, a person operating a vehicle that is transporting well-drilling equipment for the purpose of drilling a replacement water well or for improving an existing water well on property where that well is no longer supplying sufficient water for residents or agricultural purposes may travel over a county or municipal way without a specific county or municipal permit, as long as the following conditions are met:

A. The operator of the vehicle is operating in accordance with a permit issued by the Department of Transportation when a department permit is required for a road or way necessary to reach the county or municipal way on which the property to be drilled is situated; [PL 2001, c. 540, §1 (NEW).]

B. The municipal or county manager or, in the absence of a municipal or county manager, a municipal or county officer or road commissioner is notified in advance; and [PL 2001, c. 540, §1 (NEW).]

C. The operator of the vehicle is traveling on a road that is posted by a county or municipality in accordance with any additional restrictions the municipality or county may impose, excepting any requirement for a specific county or municipal permit. [PL 2001, c. 540, §1 (NEW).]

[PL 2001, c. 540, §1 (NEW).]

**5. Notice.** A notice specifying the designated sections of a public way, the periods of closing and prescribed restrictions or exclusions must be conspicuously posted at each end of the public way requiring special protection in accordance with this section.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

**6. Enforcement.** Municipal officers within their respective municipalities have the same power as the State Police in the enforcement of this section and of all rules of the Department of Transportation, the county commissioners and the municipal officers that pertain to this section. The municipal officers, in such cases, serve without compensation.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

**7. Violation.** A violation of this section is a traffic infraction punishable by a fine, which may not be suspended, of not less than \$250.

[RR 2009, c. 2, §83 (COR).]

**8. Information on bridges.** Whenever necessary, the Department of Transportation may provide to municipal and county officials information concerning the capacity of bridges under the jurisdiction of those officials and the advisability of posting those bridges.

[RR 2009, c. 2, §84 (COR).]

#### SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). RR 1995, c. 1, §26 (COR). PL 1999, c. 600, §1 (AMD). PL 2001, c. 540, §1 (AMD). RR 2009, c. 2, §§83, 84 (COR). PL 2013, c. 55, §1 (AMD). PL 2017, c. 25, §1 (AMD).

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# TOWN OF BRIDGTON

## MEMO

**TO:** Select Board  
**FROM:** David Madsen, Public Services Director  
**CC:** Robert A. Peabody, Jr., Town Manager  
Georgiann M. Fleck, Deputy Town Manager  
**RE:** Transfer Station Commercial Haulers Evaluation  
**DATE:** 02/08/2024

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During the first two weeks of December, the Transfer Station attendants weighed all of the haulers to obtain the average amount of Municipal Solid Waste (MSW) and Single Sort Recycling (SS Recycling) that were hauled in, with an average of just over .5 TON.

The calculated cost per pound of MSW and SS Recycling, including tipping and transportation fees, is .08 cents per pound. On average, this would cost \$92.00 per haul.

If these two weeks represent the average MSW and SS Recycling over the course of one year, the potential revenue for the Transfer Station is roughly \$60,000.

Respectfully,

David Madsen, Public Services Director

## Hauler Weights

DATE	COMPANY NAME	WEIGH IN LBS	WEIGH OUT LBS	# LBS	# TONS
11/30/2023	TICE Waste Management	10,700	8,900	1,800	0.90
11/30/2023	A.K.'s Trash Removal	11,700	10,860	840	0.42
11/30/2023	Worster's Rubbish Removal	11,160	9,720	1,440	0.72
12/1/2023	Worster's Rubbish Removal	10,540	9,740	800	0.40
12/2/2023	TICE Waste Management	9,860	9,000	860	0.43
12/2/2023	TICE Waste Management	9,820	8,980	840	0.42
12/5/2023	TICE Waste Management	10,840	9,080	1,760	0.88
12/5/2023	TICE Waste Management	10,120	9,060	1,060	0.53
12/5/2023	Worster's Rubbish Removal	12,040	9,900	2,140	1.07
12/5/2023	Worster's Rubbish Removal	11,060	9,880	1,180	0.59
12/7/2023	TICE Waste Management	11,200	9,380	1,820	0.91
12/7/2023	TICE Waste Management	10,120	9,020	1,100	0.55
12/7/2023	TICE Waste Management	9,400	8,980	420	0.21
12/7/2023	Worster's Rubbish Removal	11,380	9,940	1,440	0.72
12/7/2023	Worster's Rubbish Removal	10,440	9,840	600	0.30
12/8/2023	Worster's Rubbish Removal	10,440	10,000	440	0.22
12/8/2023	TICE Waste Management	10,060	9,100	960	0.48
12/8/2023	TICE Waste Management	9,860	9,080	780	0.39
12/8/2023	TICE Waste Management	9,820	9,060	760	0.38
12/12/2023	TICE Waste Management	10,580	9,280	1,300	0.65
12/12/2023	Worster's Rubbish Removal	11,540	9,800	1,740	0.87
12/12/2023	Worster's Rubbish Removal	10,520	9,780	740	0.37
12/14/2023	TICE Waste Management	10,680	9,180	1,500	0.75
12/14/2023	TICE Waste Management	9,520	9,140	380	0.19
12/14/2023	Worster's Rubbish Removal	11,560	9,700	1,860	0.93
12/14/2023	TICE Waste Management	10,980	9,120	1,860	0.93
12/15/2023	Worster's Rubbish Removal	10,360	9,760	600	0.30
<b>WEIGHT TOTALS:</b>		<b>286,300</b>	<b>255,280</b>	<b>31,020</b>	<b>15.51</b>
<b>AVERAGE TOTALS:</b>		<b>10,604</b>	<b>9,455</b>	<b>1,149</b>	<b>0.57</b>



## **TOWN OF BRIDGTON NOTICE OF ROAD POSTING**

**The Town of Bridgton Roads are now posted in accordance with MRS  
Title 29-A Section 2395.**

**This is done to protect our roadways from damage during the thaw cycle.**

The following roads will be posted commencing February 28, 2024, through May 15, 2024. For more information please contact David Madsen, Public Services Director, 207-647-1127 or [dmadsen@bridgtonmaine.org](mailto:dmadsen@bridgtonmaine.org)

### **SOUTH BRIDGTON**

Burnham Road, Willis Park Road, Ingalls Road, Fosterville Road (to end), Winn Road, Swamp Road, North Road, Raspberry Lane, and Camp Pondicherry Road, Pinhook Rd, Wildwood and Moose Cove Lodge.

### **WEST BRIDGTON**

Mountain Road, Stack Em Inn, Hio Ridge Road, Sam Ingalls Road, Whitney Road, Highland Pines Road, Millbrook Road, Harmon Road, Isaac Stevens Road, Kilgore Road, Cedar Drive, Keene Lane, Kendall Ham, East Pondicherry Road, West Pondicherry Road, and South Bay Road (Knights Hill Development).

### **NORTH BRIDGTON**

Highland Road, Chadbourne Hill Road, Upper Ridge Road, Middle Ridge Road, Monk Road, Kimball Road, Highland Point Development.

### **VILLAGE AREA**

Kansas Road, Lower Main Street, Pond Road, Dugway Road, Mt. Henry Road, Zion Hill Road, Smith Ave., Meadow Street, Iredale Street, Chase Street, Elm Street, Mechanic Street, Nulty Street, Kennard Street, Bacon Street, Church Street, Cottage Street, Gage Street, Fowler, Walker, Creamery and Pleasant Streets.

**CERTIFICATE OF APPOINTMENT**

**(Title 21-A, M.R.S. § 501)**

**Town Clerks Office**

To: **Marita Wiser** of Bridgton, in the County of Cumberland and State of Maine:

Pursuant to Title 21-A, Section 501, the Town Clerk hereby appoints you as a **Warden** for the Town of Bridgton for the March 5, 2024 Presidential Primary Election.

\_\_\_\_\_  
Laurie L. Chadbourne, Town Clerk

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The above appointment was confirmed by the Select Board on February 27, 2024.

\_\_\_\_\_ Carmen E. Lone, Chair

\_\_\_\_\_ Robert J. McHatton, Sr., Vice-Chair

\_\_\_\_\_ Paul A. Tworog

\_\_\_\_\_ Kenneth J. Murphy

\_\_\_\_\_ Carrye Castleman-Ross