

**BRIDGTON PLANNING BOARD  
MEETING**

**Downstairs Meeting Room**

**September 15, 2015  
7:00p.m.**

The Bridgton Planning Board was called to order at 7:00p.m. by Steve Collins, Chair. Those in attendance were: Steve Collins, Chair; Fred Packard, Vice Chair; Brian Thomas; Dee Miller; Phyllis Roth, Alternate; Catherine Pinkham, Alternate. Absent were: Michael Figoli.

**The Pledge of Allegiance**

**Appoint Alternate(s) to vote in place of any absent regular member(s), if necessary.**

Steve appointed Phyllis Roth, Alternate, to act in the capacity of absent regular member.

**Approval of Minutes - September 1, 2015**

**Brian moved** to approve the minutes with revision as discussed. Catherine 2<sup>nd</sup>. 4 Approve / 0 Oppose / 1 Abstain (Fred - not present for the meeting)

**OLD BUSINESS**

**Bridgton Bottled Gas**

**Portland Road/4 Raspberry Lane; Map 6 Lot 24I**

**Site Plan Revision - Add 3-one 30,000 gallon tanks**

**Represented by Christian Chandler, Curtis Thaxter**

**Tabled May 12, 2015, June 2, 2015, June 23, 2015, August 4, 2015 and September 1, 2015**

Steve said when we opened the meeting on September 1, 2015 it was brought to our attention that there were some irregularities in notification to the abutters so it was tabled to this evening. The Board concurred that due to the contentious nature of the application that we would also schedule a Public Hearing.

The purpose of this portion of the meeting is to determine if the application is complete and to determine if there are any conflicts of interest. Presuming there are none I will ask for a motion to recess this meeting and go into the Public Hearing.

Dee said for clarification it is only one 30,000gallon tank not three 30,000 gallon tanks. Mr. Chandler confirmed that that was correct.

Steve does any Board member feel that they have a conflict of interest causing them to recuse themselves from the proceedings? Dee said I saw Todd today in the hallway of the Town Office and we did say that this has been a long process which I have stated previously for the

record. The Board concurred that this does not constitute a conflict of interest.

Steve said does the Board feel that we have a substantially complete application? The Board concurred that the application is complete.

Steve said to Georgiann Fleck, Deputy Town Manager and Planning Board Secretary, are you confident that we have proper notification to abutters? Ms. Fleck said yes.

**Fred moved** to recess the meeting at 7:05p.m. Brian 2<sup>nd</sup>.  
5 Approve / 0 Oppose

### PUBLIC HEARING

#### **Bridgton Bottled Gas**

**Portland Road/4 Raspberry Lane; Map 6 Lot 24I**

**Site Plan Revision - Add ~~3~~one 30,000 gallon tanks**

**Represented by Christian Chandler, Curtis Thaxter**

**Tabled May 12, 2015, June 2, 2015, June 23, 2015, August 4, 2015 and September 1, 2015**

Steve opened the Public Hearing at 7:01p.m.

Rita Tyszka, abutter, said we did receive our abutter notification and the plan that was attached seems to be different than what was submitted in August. It shows the one of the entrances on Raspberry Lane being eliminated and allowed to revegetate. I think that NFPA documents require them to have two means of egress. It has a survey date of 1998 on it which is confusing because the land has changed since then. Is this a new plan?

Todd Perreault, Owner/Applicant, said from the very first time that we put in the application I believe Ruane wanted to get more clarification and Mike Figoli wanted some engineered drawings done and at that point in time was when that road entrance got moved as well as when DOT said that we needed to come off Raspberry Lane.

Steve said when was that drawing done? Mr. Perreault said June 2015 and a revision date of 7-22-15 which included the lighting package and fencing and the remainder is the same.

Steve said which plan was sent with the notification? Mr. Chandler said the most recent one.

Ms. Tyszka said the boundaries and the survey that was done on this plan shows a survey date of September 19, 1998 and a portion was sold off to an abutter in 2003 so why are we using an outdated survey? Mr. Perreault said the site got surveyed by George Sawyer, Sawyer Engineering and Surveying, in July. Mr. Chandler said you are

referring to the note on the plan which is a note reference. Surveyors reference other surveys that have been done as a reference note.

The Board used the review criteria of the Site Plan Review Ordinance to determine compliance of the application.

As stated in Article VII Review Standards of the Site Plan Review Ordinance, “standards presented in the Site Plan Review Ordinance are intended to achieve the following objectives: Preserve the traditional New England character of the downtown; present an attractive gateway area; facilitate safe vehicular and pedestrian access; protect the value of the abutting properties and the character of natural surroundings; promote intelligent, attractive and useful design; ensure economic investment and vitality; anticipate future growth”.

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

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

*Ms. Tyszka said the project is proposed to go into an area that is the gateway to a residential neighborhood so I don't see how it fits in to the area. It does not preserve what this street is today. Mr. Perreault said in 1998 we initially began the propane business at this site. The natural progression would be to grow and that is one of the reasons why we chose this lot. The large trucks still go onto the property and will continue to do so. There are 3,000 and 4,000 gallon delivery trucks on the road in that area all the time.*

*Mr. Chandler said if you are talking about consistency in the current environment, CN Brown is in that strip also.*

*Gary LaPlante, abutter, said there was a time when we would allow our children free access to Raspberry Lane. Public safety is a key part of my life and I was comfortable allowing my children to have free access. I am now questioning whether or not having kids be on that part of the road as a result of Route 302 being so close.*

*Ms. Tyszka said the original approval for five tanks was prior to some of these homes being built, mine included. The reason there is a “sunset clause” is because things do change and since we built in 2013 we walk our dogs, kids and play on the road. The only change on that road is the new large commercial entrance recently constructed.*

*Steve said this Board did approve the project for five 30,000 gallon tanks, however, there is a stipulation in the Site Plan Review Ordinance that if there is no substantial completion within 2 years the approval lapses.*

2. Relationship to Surroundings: Proposed structures or additions to existing structures shall be harmonious with the terrain and existing buildings in the vicinity and shall;

- a. Be of compatible scale and size;
- b. Not to exceed thirty-five (35) feet in height measured from the ground or rise in sight above the Main Street church steeple;
- c. Be of compatible architectural style, incorporating features such as, but not limited to, simple rectangular shape, gable roof or other traditional compatible roof line, dormers, compatible windows, doors and trim;
- d. Include as an integral element of design varying roof lines, awnings and canopies above windows or doors and other architectural elements to reduce bulk or scale of buildings. Designs shall seek to eliminate unadorned or blank walls through use of varying architectural elements, windows or other reflective surfaces. The Planning Board shall consider the use, location and surroundings of the structure when determining the appropriateness of the building's façade.
- e. Have exterior of wood, stone, brick, or other material having the same architectural and visual properties;
- f. Present minimal disruption to such natural features as slope, soil type and drainage ways;

*Ms. Tyszka said we are discussing an entrance from Raspberry Lane not Route 302 which we need to take into account, therefore, I don't believe this project fits into this area.*

*Mr. Chandler said this is a single tank, not a lot of soil disturbance, not a lot of cutting, there will be significant screening between the street and the project itself, most of the architectural design standards that are in the Ordinance have to do with buildings.*

*Mr. LaPlante said this a change in the site which is closer to 10 times the size than it currently is with the potential, based on past decisions, much larger operations in a residential neighborhood.*

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

*Mr. Chandler said one of the elements is to reduce the number of curb cuts on the main road and one of the restrictions we are facing is MDOT will not permit an additional access point on Route 302 which means we need an access point on a secondary road. Therefore, we are complying with the requirements of MDOT.*

*Rob Tyszka, abutter, said if there is another road available they will let you use that road, once it comes off Route 302 they have no other concerns about that road, not the safety of stopping to get on that road. This road is a residential road, the road is posted every year to preserve the road. If you have a tractor trailer truck come up with a waiver delivering propane it is going to destroy the road. Mr. Perreault said if there is a concern, the first couple hundred feet of that entrance, if there are improvements that you would like to see to allow the heavier truck to come in we can work that out. The amount of vehicles on Route 302 in this area is the same. Each one of us has a responsibility to pay attention to the drivers around us. Over time roads do deteriorate.*

*Mr. Tyszka said what will prevent the trucks from going all the way up to the top and turning the trucks around? Mr. Perrault said I would imagine that any truck could do that now, if they get lost.*

*Mr. LaPlante said my children are old enough to drive, imagine my kids exiting Raspberry Lane when a tractor trailer is pulling onto Raspberry Lane, I think the turning radius will be difficult to maneuver. There is a correspondence (copy attached) which states "consider a new road from Route 302 to the site, which will keep truck traffic off the Raspberry Lane Road. This would eliminate the possibility of a transportation accident at the intersection of Route 302/Raspberry Lane, which is the only egress for above residents". Mr. Perreault said I don't know what the turning radius should be but if that is a condition of the approval is to improve the road we can meet with Jim Kidder, Public Works Director, and do the necessary improvements. There are a lot of dead-end roads in the Town of Bridgton that are similar to Raspberry Lane. We are all at the mercy of the truckers that deliver these products, they know what they are doing which is why they are specially licensed.*

*Mr. Chandler said Raspberry Lane is a public road and truck traffic on all public roads is not a basis for restriction.*

*Jim Maurice, Abutter, said I live close to the cul-de-sac and I have seen tractor trailer trucks that have gotten stuck on our road as they try to maneuver their way around the cul-de-sac causing damage.*

*Catherine said the driveway entrance permit from MDOT is not off Route 302? Mr. Perreault said the driveway entrance that is located on Route 302 is for fire department access only.*

*Phyllis said it appears from your sketch enough room on the lot to allow truck turn-a-round. How many trucks are going to have during the day? Mr. Perreault said maybe twice a month increasing to once a week.*

*Phyllis said how far down the road do you think these trucks are going to go? Mr. Perreault said about 300'. Phyllis said you are going to go by some of the houses? Mr. Perreault said no our property is located on the corner, we are not part of the development. Phyllis said is there one house within 50'? Mr. Perreault said no, Kevin Ruane is our closest neighbor, we sold him a section of our property so he could have access off Raspberry Lane but from our property it is a little ways.*

*Ms. Tyszka said he is not going to know the number of trucks going up and down this road or whether they are going to stop at the business facility and if one is coming out and one trying to go in one of the trucks is going to go up the street to wait. As the propane business grows there could be endless trucks on this road. The noise level from Route 302 is very steady now and will only increase with the increase of trucks on this road.*

*Mr. LaPlante said I do not believe the safety has been addressed in relationship to the residents of Raspberry Lane.*

*Dee said there are a lot of developments that have included cul-de-sacs because people don't want cars running through their neighborhood. Mr. Tyszka said are there any other cul-de-sacs that you know of in this town that has 3-30,000 gallon tanks or one of propane in their neighborhood?*

*Phyllis said I don't think we can worry about trucks such as UPS, FED ex, etc.*

*Ms. Tyszka said the trucks that Mr. Perreault will have going to his facility are massive fuel trucks, not UPS or delivery trucks dropping off trees to Mark's Lawn and Garden. One of the reasons that we choose a cul-de-sac is because there is typically less traffic.*

*Dee said why would a truck delivering a product go to a cul-de-sac to turn around? Mr. Tyszka said they do now.*

*Mr. Chandler said people make mistakes and go by areas they are supposed to turn into. They are going to be accessing Raspberry Lane, there is going to be traffic on that road that includes trucks, cars and kids. The original application was for five 30,000 gallon containers. This is a town maintained road with a cul-de-sac.*

*Ms. Tyszka said there is no argument in the history that this road was built to support the twelve lot subdivision not to support anything on Route 302.*

*Mr. LaPlante said when was the road taken over by the Town of Bridgton? Ms. Fleck said September 12, 1989 taken over by Town Meeting.*

*Ms. Tyszka said what happens with the deed and deed restrictions because originally it showed the road as part of those use restrictions and covenants? Mr. Chandler said those deed restrictions are between you and the owners of the subdivision, they don't apply to this property and once the Town takes the Town accepted way it becomes municipal property. The travel down this way is only about 300' or so and then they turn into a place with its own turn around and therefore the impact on the road is relatively small.*

*Steve said earlier in this application process we asked Ms. Fleck to consult with Maine Municipal Association for a legal opinion and the response was consistent with what Mr. Chandler said.*

*Dee said so that means that Raspberry Lane would be posted in the spring just like any other road? Steve said yes. Dee said that seems to be a safety feature. Mr. Tyszka said they are given a waiver for permission to go on the road even though it is posted.*

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

- a. Loading areas and general parking areas shall be separate and not detract from the proposed building or from neighboring properties.
- b. Parking lots serving multiple establishments or providing general off street parking are strongly encouraged. Applicant must provide adequate turning capacity for all public safety vehicles.
- c. New construction, substantial enlargements or adaptive reuse of existing buildings subject to Planning Board review shall be required to provide adequate parking for employees and customers.
- d. Applicants may satisfy parking requirements by entering into a written agreement with another property owner or through the utilization of municipal parking lots allowing for overnight and winter parking. The applicant must demonstrate to the Planning Board a long term lease or other arrangement within close proximity of the proposed development site. The lease or other arrangement must have a duration of at least five (5) years plus two consecutive five (5) year automatic renewal periods. The Planning Board shall have the ability to determine if alternative agreements or use of public lots is sufficient to address the needs of the proposed development.

*Steve said this has to do with parking within the applicant's property and is not particularly pertinent to what we are discussing this evening. Does anyone disagree? There were none. Steve said this is not applicable.*

5. Surface Water Drainage: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion or the public storm drainage system. On-site

absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a ten-year storm frequency.

*No concerns were expressed.*

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

*No concerns were expressed.*

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

*No concerns were expressed.*

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

*No concerns were expressed.*

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

*Catherine said will there be a fence installed? Mr. Perreault said it is outlined on the plan I submitted.*

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

*Ms. Tyszka said there are a few lights shown on the plan, I am not sure how bright they are, and the lights that are existing are not disturbing because they are very dim, but if you look at the new opening because the site is very open to the road. Dead River is well lit and for safety purposes I would assume it would be required so that would be a concern. Mr. Perreault said there will be lighting around the tank for safety and security.*

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

*Ms. Tyszka said I would assume this is to his site not Raspberry Lane? Steve said that is correct. Mr. Perreault said emergency access will be via a Knox Box system which will be installed on the gate which the Fire Department will have a key to so they can access the property at any time.*

*Ms. Tyszka said I read that this facility will not be staffed so would call the fire department to inform them of an issue? Mr. Perreault said as with most propane facilities they are usually not manned so it is basically left up to the public to report any issues.*

*Phyllis said don't you have to abide by certain State and Federal standards regarding safety? Mr. Perreault said yes, after this Board grants approval a representative from the State will come down and review all the NFPA requirements to make sure it is in compliance before we can move forward with the project. Mr. Chandler said that is through the Maine Fuel Board? Mr. Perreault said yes.*

*Mr. LaPlante said I am concerned with the statement that if propane is smelled it is up to the public to report.*

*Ms. Tyszka said the Planning Board is where we need to focus on as to whether or not this facility belongs in this location. When the State propane board comes they are going to be using the NFPA regulation to make sure this facility is set up properly and I have no reason to doubt that that is the case but our issues are with the location of the facility and access to and from the facility.*

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

Ms. Tyszka said this will be the second of this size facility that will be allowed in the Town of Bridgton within the last twelve months. Our concern to respond to an emergency there is a real concern to evacuation, adequate water supply, critical response times and it is my understanding that Bridgton is an all-volunteer department. A statement was made that these systems are usually fail-proof yet the fire men in this room know that nothing is fail-proof. Most incidents occur due to human error like someone not filling a tank properly and the neighborhood is left to deal with it. The closest fire hydrant is 2 miles away from this facility and a water shuttle will take 20 minutes to coordinate, I don't see how that could happen during that period of time especially if it is an unmanned scenario. We could have a fully engulfed fire by the time someone smells propane and calls it in. I still have concerns about how the fire department will notify residents. There was a fire in Pennsylvania and comments after the incident they said that they wished they had evacuated residents sooner.

Mr. Chandler said this project will have zero impact on municipal services, it doesn't draw any water, and there are no children in the school system and no use of the sewer system. Ms. Tyszka said the Fire Department is a municipal service. Mr. Perreault said yes, it will have very limited impact on the municipal services. A building or facility we are faced with the risks that come along with it. All the safe guards are put in place to minimize the risk and if something happens then we need to make sure that we have an action plan in place. We have designed an emergency response guide. If this is approved we will continue to move forward with those plans for this facility as well as other facilities.

Mr. LaPlante said what is the likely time it would take the fire department to respond if there was an emergency? Mr. Garland said there will be some variances in that based on our response depending on where our crews are coming from. Our response time from the station down to that area is probably about 6-8 minutes. I had asked for cameras to be set up so they are web accessible so if we have a call as I am leaving my house I can pull up on my phone the camera or cameras on the site to see what is happening and then gauge our response based on that view before we get to the site. The other part is to set up a drafting tank off Route 302 which is part of the pre-plan.

Phyllis said do you have an agreement with Naples Fire Department if you need additional assistance? Mr. Garland said yes, we have standing agreements with all the surrounding communities for any situation. Phyllis said how fast do you think it would be for Naples to respond? Mr. Garland said it would be similar to our response time.

Catherine said there is a pond in the area? Mr. Garland said yes. Catherine said is it checked periodically to make sure there is adequate water? Mr. Garland said I am working on coming up with an agreement for dry hydrants.

Mr. LaPlante said depending on the time of day will depend on the type of response you will have. The level of water has decreased in the pond from when we first arrived there until now.

Mr. LaPlante said what is the agency that is going to be making sure that the project complies with the standards and best practices? Mr. Perreault said it would be Peter Holmes from the Fuel Oil Board.

Mr. Tyszka said do you currently have a permit because according to the fuel board you are grandfathered. Mr. Perreault said in my discussion with Mr. Holmes we would be getting formal review and approval as soon as this Board approves the project which is the same process Dead River went through.

Ms. Tyszka said the impact statements done by the Department Heads were dated April 28, 2015 which was the previous plan which didn't have access off Raspberry Lane so why weren't impact statements submitted on the new plan? Steve said that is correct. Ms. Tyszka said that creates a very different scenario as to what these Department Heads are asked to comment on compared to what the new plan is. I spoke with the Maine Fire Marshal Office and the Maine Fuel Board and they concur that it is a local issue so I would like to know how the Bridgton Fire Department feels when there are twelve residents that would be blocked in if there were an emergency on this site. Ms. Fleck said when an application is submitted the Department Heads are provided impact statements to respond with comments to the application, which is normal protocol. The Department Heads are provided any additional information that is submitted. The Department Heads receive the same information that the Planning Board receives. We also hold a Department Round Table meeting once a month to review any new or pending applications. The Department Heads can respond to any additional information if these deem it necessary. Mr. Garland said there is a DOT guidebook that is kept on all the trucks and the distance that if recommended in that guidebook for a tank of this size an initial evacuation is 1/2 mile. Part of the notification is a reverse 911 where we can prescript messages and evacuation distances and if I notify dispatch to send out the message it is done immediately. Mr. Tyszka said will it work with cell phones? Mr. Garland said yes. Once we are on scene and can establish the type of emergency we have then we are going to make quick solid decisions to evacuate or protect people in place. Mr. Tyszka said if you needed to evacuate because of an emergency at the end of the road how would you do that? Mr. Garland said when we get on scene if it is a small to medium leak we can control vapors enough to get people out of that area. If it is greater than that we will secure the area and keep people in place. Mr. Perreault said propane trucks travel Route 302 every day and if there is an accident with one of them the Fire Department will respond the same.

13. Protection Against Undue Water Pollution:

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

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

*No concerns were expressed*

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

*No concerns were expressed*

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

*No concerns were expressed*

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

*No concerns were expressed*

17. Provision for adequate sewage waste disposal.

*No concerns were expressed*

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

*No concerns were expressed*

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

The Board concurred that this section is not applicable

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

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

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

Sound Pressure Level Limit

7a.m. - 8p.m.	8p.m. - 7a.m.
70 dB (A)	55 dB (A)

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

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

*Mr. Tyszka said will there be a study done to determine how loud the trucks are that will be on that road? Mr. Perreault said one of the exceptions, number 3, is traffic noise on public roads.*

*Ms. Tyszka said it doesn't exist today but it will exist.*

21. Conformance with Comprehensive Plan for the Town.

*Dee said I know that people are working on Land Use Ordinances that will support the new Comprehensive Plan but as of now the Portland Road corridor is considered a growth zone.*

Mr. LaPlante said although it is considered a growth zone this is an area of residential homes. There are more appropriate areas to have this type of development such as an industrial park.

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

*The Board concurred that this section was not applicable*

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

*The Board concurred that this section was not applicable*

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

*No concerns were expressed*

25. Special Regulations

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

*No concerns were expressed*

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

*The Board concurred that this section is not applicable*

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

*No concerns were expressed*

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

*The Board concurred that this section is not applicable*

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

*No concerns were expressed*

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

*No concerns were expressed*

26. Dimensional Requirements

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

Minimum road frontage	100 feet
Minimum front setback from edge of ROW	25 feet
Minimum side and rear setback	20 feet
Minimum shoreland setback	Refer to Town of Bridgton Shoreland Zoning Ordinance

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

Minimum side and rear setback	2 feet
Minimum front setback from edge of ROW	0 feet

*The Board concurred that this section is not applicable*

b. On any parcel that is 20,000sf or greater within the Village Center District (See Village Center District Map) at least 25% of the portion of the building which fronts on any street shall be used for retail, office, business or professional use. Home occupations and usual appurtenant uses associated with the building are exempt from this provision. Notwithstanding the provisions of 1 MRS §302, and regardless of the date on which it is approved by the Town, this Article XI Section 2.1.b shall be retroactive to February 20, 2012 and shall be applicable to any and all applications for permits or approvals required under the Site Plan Review Ordinance that were or have been pending before any officer, board, or agency of the Town of Bridgton on or at any time after February 20, 2012. The Reviewing Authority may modify or waive the 25% minimum requirement when it determines that one of the following factors is applicable.

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

*The Board concurred that this section is not applicable*

27. Large Scale Water Extraction

*The Board concurred that this section is not applicable*

28. Surface and Subsurface Mineral Extraction Applications

*The Board concurred that this section is not applicable*

Steve said the process is we will close this hearing and then I will ask the Board what they would like to do which would include to deliberate this evening or a later date.

Steve said are there any additional comments from the public?

Mark Cartonio, from Mark's Lawn and Garden, business owner and abutter, said about a year or two ago I was working in the garden center and there was a hissing noise from the adjacent property so I became very concerned. I started from the garden center and began walking to the fuel facility but before I got there I was violently sick. I threw up several times before I got there. When I reached there there was a man draining fuel tanks, like you would have at your home. I was instructed by the man to turn around, go home and mind my own business. He said he was purging tanks. I did and I should not have. Obviously whatever was going on there was harmful to me. If what made me ill going to make my customers or employees ill and how do we tell what is making us ill maybe we don't hear that noise but smell that type of smell. We worry about explosion or fire but I think there are other issues to be considered.

Mr. Chandler said liquid propane is a legal and well-regulated and customary source of fuel. The Board's charge this evening is not whether change will happen but if it meets the criteria of the Ordinance. The material that has been submitted establishes that the applicant has met all of the standards required by the Town of Bridgton's Ordinance.

Ms. Tyszka said I disagree that all the elements have been met and I think our comments on each of those elements are important. I would like to ask that with so many life safety issues I think the Board relies heavily on impact statements from the Fire Department and it is

my understanding that if Mr. Perreault were not the applicant he would be submitting comments to the Planning Board to consider. Fire Chief Garland also worked for Bridgton Bottled Gas so I feel that this presents a huge conflict of interest.

Mr. LaPlante said I am a supporter of local business but I don't believe the elements in regards to safety of the residents have been addressed and the situation that Mr. Cartonio had will be at a much bigger level if something like that happens again. I am also concerned with the ½ mile evacuation distance. There are residential developments such as ours across the community and this Board will be setting a precedent with this type of structure if approved. The Dead River project which was approved by the Planning Board has three different location that have access points and you do not have that at Raspberry Lane.

Mr. Perreault said I am within the ½ evacuation route of the Dead River facility and also live on a dead end road as well as Mt. Henry Road and several others in close proximity to Dead River. We are taking safety concerns seriously and I cannot speak to Mr. Cartonio's situation because I did not know anything about it. Propane smell may be irritating but not harmful.

Ms. Tyszka I disagree that the applicant has complied with all the rules, we did not get proper abutter notification, he started construction of the entryway without Planning Board approval, there is a gaping hole in the side of our road. Will he be asked to restore that if this application is not approved?

Mr. Perreault said I did not know every rule so I apologize for that. Following a previous meeting a few of the residents and myself met outside and they had issues with the driveway that was existing at the time and I mentioned that we could move it down further so it is away from the corner. I met with Jim Kidder, Public Works Director, who agreed that it would be a better location so I took that as an approval and began construction. Even if this project does not get approved that is probably where the driveway will be relocated to. Steve said procedurally if this application is approved the new location is part of that approval, however, if this application is not approved the applicant would need to get together with the Code Enforcement Officer do discuss process. A potential solution would be to submit a revision to the Planning Board for the new location. Ms. Tyszka said I was there that night when you discussed the new location and it was never a remote thought that anyone involved in that discussion had authority to give you permission to move the existing drive, there is a whole permitting process for that. Mr. LaPlante said I was opposed that night as I am tonight. My interpretation of that conversation was the driveway would be even closer to Route 302.

Steve said after close the Public Hearing the Board could begin its deliberation at which time the public does not have the right to make further input. I have ruled that the Board has the opportunity to ask commenters to make or expand on things said during the hearing but I don't recognize new comments from the Public. This is obviously a contentious issue and if an appeal is submitted it would be on an administrative basis and not a denovo basis.

**Fred moved** to close the Public Hearing at 9:10p.m. Brian 2<sup>nd</sup>.  
5 Approve / 0 Oppose

**Brian moved** to reconvene the Meeting at 9:11p.m. Fred 2<sup>nd</sup>.  
5 Approve / 0 Oppose

Steve said is the Board ready to begin deliberation? The Board concurred no.

Dee said so much has been said and we don't know what is on the agenda for October 6, however, I think because we have discussed this application thoroughly we can take care of this at our regular meeting scheduled for October 6, 2015.

**Dee moved** to deliberate on October 6, 2015. Phyllis 2<sup>nd</sup>.  
5 Approve / 0 Oppose

Dee said we have seen this so many times that people move into an area and all of a sudden there is a drastic change. We don't have a choice because we go by very specific standards. The Town has the choice to better differentiate one neighborhood from another and that is something that the Town is working on but I don't think there is anything as far as land use to change, we have to deal with the situation as it is, I understand how you feel. I am frustrated also because it is almost like living in the wild-west where people have to protect their property. I have seen this again and again but the Planning Board has to deal with what is here.

Mr. LaPlante said at this point this is not part of the deliberation. Steve said no. Dee said no, just making a general statement. Mr. LaPlante said is there a chance to respond to that? Steve said no. Mr. LaPlante said not to that specifically but safety is my primary concern.

**New Business** - None

**Approved Applications as per Bridgton Site Plan Review Ordinance 4.A.1**  
None

## Topics for Discussion

### A. Schedule Workshop/Meeting Date

1. Lakes Environmental Association (See correspondence)
2. Ordinance/Regulation Revisions

Brian said we want to include review of the Marijuana Dispensary language in the Site Plan Review Ordinance and discussion of sign. Ms. Fleck said throughout the year I keep an active file of Ordinance issues that come up throughout the year. I will submit an outline of those issues and related Ordinances for the Board to review and discuss.

Catherine said the Fire Chief sent an email to Board members regarding fire suppression. Mr. Garland said there was an article in the recent Maine Townsman which as a result I contacted the State Fire Marshal. He was waiting to get feed-back from the MMA Municipal Conference which is being held in October and based on his feedback he will schedule seminars throughout the State. I have asked that we be added to his list as a host Town.

**Brian moved** to schedule a workshop/meeting for Tuesday, October 20, 2015 at 7:00p.m. Fred 2<sup>nd</sup>. 5 Approve / 0 Oppose

### B. Other

**Fred moved** to adjourn the meeting at 9:16p.m. Brian 2<sup>nd</sup>.  
5 Approve / 0 Oppose

Respectfully Submitted,

\_\_\_\_\_  
Georgiann M. Fleck, Deputy Town Manager  
Town of Bridgton