

**BRIDGTON PLANNING BOARD
MEETING**

Downstairs Meeting Room

**August 4, 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 Catherine Pinkham, Alternate, to act in the capacity of absent regular member.

Approval of Minutes - July 21, 2015

Brian moved to approve the minutes as presented. Catherine 2nd.

5 Approve / 0 Oppose

OLD BUSINESS

Kansas Heights/Vista Investments

670 Kansas Road; Map 6 Lot 33

5 Lot Subdivision

Represented by Mark Lopez

Approved July 21, 2015

Sign Mylar

Mr. Tademan-Wielandt, Terradyn Consultants, LLC, submitted the mylar to the Board for signature. Copies of the mylar will be submitted for the record at a later date.

JSM Properties LLC/The Carry All Corner LLC

103 Main Street; Map 23 Lot 147

Mixed Use; Retain, Restaurant, Office

Represented by Michael Tadema-Wielandt, Terradyn Consultants LLC

Review and Accept Findings of Fact and Conclusions of Law

Steve read the findings of fact and conclusions of law for the record.

Fred moved that based upon the application submitted and representation to the Planning Board of the proposed Site Plan of Development by the applicant the project is approved conditional upon negotiation with appropriate authorities for the patio right of way and any outside rubbish facilities be appropriately screened. Plan approval is also conditioned upon compliance by the applicant with the plans and specifications which have been received by the Planning

Board in connection with the development proposal as well as with any oral commitments regarding the project which were specifically made by the applicant or the applicant's agent to the Board in the course of its deliberations. Brian 2nd. 5 Approve / 0 Oppose

David Randall
251 Portland Road; map 9 Lot 72D
Boat Sales and Related Activities
Represented by Ronald Keniston
Tabled July 21, 2015

Steve said this was tabled on July 21, 2015 due to incomplete information. Subsequently we have received some additional information which was presented to us this evening so we have not had a chance to review it yet. Jason Randall said Mr. Keniston could not make it this evening so I am representing the project.

Brian said at the previous meeting we had a list of items that were needed. Steve said the minutes state that we wanted information on financial capability, an entrance permit from MDOT, clarification of the use of the property, handling of waste oil and other hazardous liquids, clarification of the status of the snowmobile trail, approval from the water district, elevation drawings of the building, a waiver for the road frontage, a sketch of the proposed plan and a sketch of the building.

Mr. Randall said I submitted a cover letter addressing the outstanding items.

Steve said has the Board had enough time to review the application and consider it complete enough to continue review? The Board concurred that there was not enough time to review the application.

Brian moved to table the application to the next regular meeting September 1, 2015. 3 Approve / 2 Oppose (Catherine and Fred)

Glenn Peterson
154 Portland Road; Map 9 Lot 60A
Cultivating & Processing Medical Cannabis Under an Existing
Dispensary License
Represented by Glenn Peterson

Steve said we had a question regarding the applicability of the application to the revised Site Plan Review Ordinance which was approved by Town Meeting body in June which included standards for Medical Marijuana. As a result, we requested a legal opinion and the legal opinion stated "that the Board should review the application without consideration of the medical marijuana dispensary standards and should instead evaluate the application pursuant to the Site Plan Review Ordinance predating the Town Meeting."

Brian said the application shows three phases, are you applying for all three phases? Mr. Peterson said yes.

Dee said have the concerns forwarded to the Board by Police Chief Richard Stillman been addressed? (copy attached). Mr. Peterson said I have been in contact with Chief Stillman and have given him the state statute which addresses a lot of his concerns.

Dee said have you addressed the concern expressed by the fire department regarding sprinklers? Mr. Peterson said I am in negotiations with H.L. Turner, an architectural firm, and they indicated that there were more than adequate sprinklers in the main part of the building and they would be able to tap into the existing sprinkler heads to provide sprinklers in the individual rooms if necessary.

Dee said is the fire department going to need emergency access to the building? Glen Garland, Fire Chief, said is the building staffed 24 hours a day? Mr. Peterson said no but we will have management close by. Our alarm system including cameras is connected to our phones. Mr. Garland said I would like to see the final plans of the building.

Steve said I would like to propose a condition that the applicant generate written procedures concerning Police Chief Stillman's concerns and Fire Chief Garland can agree on. Mr. Peterson said yes, I will create operating procedures for review once we finalize our plans.

Catherine said have you spoken with and received approval from the Bridgton Water District? Mr. Peterson said yes. Brian said do you have documentation from them? Mr. Peterson said yes, I will provide that to the Board.

The Board reviewed the criteria for Site Plan to establish the Findings of Fact and Conclusions of Law. The Board used the Site Plan Review Ordinance in effect prior to June 9, 2015.

As stated in Section 8 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. After construction is complete, landscaping shall be designed and planted that will 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.

Dee said will there be any changes to the building? Mr. Peterson said not at this time.

The Board concurred that this section has been met

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 exceed 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 compatible roof line, dormers, compatible windows, doors and trim;
 - d. Have exterior of wood, stone, brick, or other material having the same architectural and visual properties;
 - e. Present minimal disruption to such natural features as slope, soil type and drainage ways;

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

4. Parking and Circulation: The design of vehicular and pedestrian circulation areas including walkways, interior drives and parking areas shall be safe and convenient. Pedestrian, private vehicle and service traffic, including loading areas and general parking areas, shall be separate and not detract from the proposed building or from neighboring properties. 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. 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 business.

The Board concurred that this section 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.

The Board concurred that this section has been met

6. Applicants shall be required to meet any and all state and local regulated setbacks from all applicable vehicle rights of way and in addition shall be no closer than 25' from pavement or traveled 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 Section 9B. and 9B.1 are exempt from this section.

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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 subsoils, and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land 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.

The Board concurred that this section has been met

14. Protection Against undue air pollution: The applicant shall consult federal and state authorities to determine applicable air quality laws and regulations, and furnish evidence of compliance to the Board.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

16. Protection against unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.

The Board concurred that this section is not applicable

17. Provision for adequate sewage waste disposal.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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 unreasonable affect the shoreline of such body of water, and will be in compliance with the Shoreline 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 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.

The Board concurred that this section has been met

21. Conformance with Comprehensive Plan for the Town.

The Board concurred that this section has been met

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

The Board concurred that this section has been met

23. Location in Flood Zone: The subdivider 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 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 foot above the 100 year flood elevation.

The Board concurred that this section is not applicable

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

The Board concurred that this section has been met

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.

Steve said can you comment on your current license? Mr. Peterson said we are licensed through the State of Maine through April 2016 via annual process.

The Board concurred that this section has been met

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 has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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

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

The Board concurred that this section is not applicable

25. Large Scale Water Extraction.

The Board concurred that this section is not applicable

26. Surface and Subsurface Mineral Extraction Applications.

The Board concurred that this section is not applicable

Fred moved to tentatively approve the project conditional upon written procedures mutually acceptable between the applicant, Fire Department and Police Department, a copy of the Bridgton Water District letter approving use of water for the project, review of the sprinkler system as mutually agreed upon by the applicant, Fire Chief and State Fire Marshal. Final judgment is withheld pending review of the Findings of Fact and Conclusions of Law. Brian 2nd. 5 Approve / 0 Oppose

Bridgton Bottled Gas

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

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

Represented by Todd Perreault

Tabled May 12, 2015, June 2, 2015 and June 23, 2015

Mr. Perreault said I provided additional information for the Board's review and consideration as a result of information requested by the Board at a previous meeting.

Steve said in your original submission you were considering access off Route 302 and the current version shows access off Raspberry Lane rather than Route 302. Mr. Perreault said yes, MDOT said that with their current rules we are better off to come off Raspberry Lane so we had to redesign it. Steve said and Raspberry Lane has been historically been your access to your site? Mr. Perreault said yes.

Steve said when did Raspberry Lane become a Town Road? Fred said at least 15 years ago.

Brian said this is a new proposal because you only put in one tank? Mr. Perreault said yes.

Brian said what about the water tank? Mr. Perreault said there is still the 10,000 gallon water tank.

Phyllis said do you have room to put in the other tanks without coming back to us? Mr. Perreault said the one 30,000 gallon tank should provide adequate propane for many years.

Brian said you should show the fencing around the area. Mr. Perreault said that should be in the information. Brian said it should be defined on the plan.

Brian said will the entrance from Raspberry Lane be gated? Mr. Perreault said yes with a Knox Box.

Steve said we received a letter from the Robert and Rita Tyszka, can you review their concerns? Mr. Perreault said we are going to retain the existing natural vegetation to maintain a residential look, there should not be any increase in traffic and noise then already exists as a result of Route 302 and the existing commercial activity and future commercial activity as this area continues to grow, lighting will be downward lighting and limited, safety features on the tanks are fairly fail-proof, the valves are internal so if anything happens they are shut off inside the tank, with new development there is always some strain on public services but we are minimizing this by our safety features and one reason a lot of people are converting to propane is because it is environmentally safe.

Phyllis said in the event of an emergency how will the people toward the rear of Raspberry Lane be evacuated? Mr. Perreault said that is a mile long road and one of our evacuation distances is ½ mile so one option would be to have them shelter in place. We have security measures in place so we would hopefully we would know immediately if something is wrong so we can take appropriate action.

Steve said what is the grade of your site in respect to the residential area? Mr. Perreault said they would be uphill.

Gary LaPlante, abutter, said I live on Raspberry Lane and my understanding is a request was submitted to MDOT to have the access point off Route 302 and MDOT suggested Raspberry Lane, were there any efforts made to go beyond the initial denial for another access? Mr. Perreault said no, we spent time with a representative from MDOT discussing options and he determined that it would be better to come

off Raspberry Lane rather than install a turnoff from Route 302. Mr. LaPlante said one of the major concerns to me is accessing the property not by the smaller trucks but the larger tractor trailer trucks delivering large quantities of propane. Mr. Perreault said it is only for the first 300' of the road, currently Mark's Lawn and Garden is on the other side, all the houses are beyond 500'. We changed the location of the entry closer to Route 302 for a better line of sight.

Steve said previous action by the Planning Board permitted more tanks and the applicant did not act on that approval so that approval expired but what is before the Board for consideration this evening is to approve or deny one 30,000 gallon tank on that site.

Mr. LaPlante said this is a small road and is not designed for this type of activity.

Mr. LaPlante said what would be the emergency plan relative to the residents on Raspberry Lane? Mr. Garland said this will be the third site of this type and there is a fire safety analysis that is done. Where the driveway was originally going to be off Route 302 there will be an underground tank/cistern consisting of 10,000 gallons of water. In the event of an emergency while we use the water in the cistern we will set up a shuttle.

Mr. LaPlante said if there is an emergency there is the potential that residents could be trapped because emergency vehicles would be pulling in.

Mr. Perreault said when roads are posted in the Spring there are waivers that can be issued by the State of Maine to allow certain delivery trucks the right to use posted roads.

Fred said there were covenants that states no commercial activity, however, the Town took it over via Town Meeting and when that happens it extinguishes all the covenants that run with the land. I don't know if MDOT knew there were covenants. I think it would make sense to get an opinion from MMA regarding the road and the associated covenants.

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.

The Board concurred that this section has been met

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;

The Board concurred that this section has been met

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. LaPlante said from your property location would there be the possibility of sharing a driveway with C.N. Brown? Mr. Perreault said there is a property in between. Steve said we need to judge this application on its merits.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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.

Steve said are you proposing any signs? Mr. Perreault said no.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

Brian said I would like you to include on the newly proposed plan the provisions for lighting.

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

17. Provision for adequate sewage waste disposal.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

21. Conformance with Comprehensive Plan for the Town.

The Board concurred that this section has been met

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).

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 is not applicable

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

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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.

The Board concurred that this section has been met

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 has been met

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 after review it appears that the only items of concern are 3, 11 and 12 regarding preexisting conditions that could constrain use of Raspberry Lane and the question of safety of using that road as an access.

Fred moved to table further review of the application until the next regular meeting of September 1, 2015 pending a legal opinion regarding the impact of previously existing covenants on Raspberry Lane.
Brian 2nd. 5 Approve / 0 Oppose

Steve recessed the meeting at 9:03p.m.
Steve reconvened the meeting at 9:10p.m.

New Business

Steve said with the Board's permission I would like to take out of order the correspondence that was submitted by Lakes Environmental Association shown as A.1. The Board concurred.

Steve read the correspondence for the record (copy attached).

Steve said I would like to suggest that once the Board takes action, none of the ordinances allow the Board to reconsider, therefore, anyone that is aggrieved by our decision needs to proceed to the Appeals Board so there is nothing further for us to discuss.

Mr. Lowell said we were upset by the precedent this would set by the Board allowing the project. As a point of information for the Board we were upset by the precedent this would set by allowing everyone to build these things in the shoreline, so we did talk with the two individuals from DEP in the Shoreland Zone Division and they reiterated that the Ordinance is very clear that no structures are to be built in the shoreland. Georgiann Fleck, Deputy Town Manager, said Mr. Lowell I am very sorry but we need to stop further conversation because we are technically in an appeal time-frame. Mr. Lowell said we are not going to appeal but we will appeal if this goes through again.

Cottages at Willett Brook/Vista Investments LLC 234 South High Street; Map 9 Lot 27A Revision to approved Site Plan of Development Represented by Jeff Amos, Terradyn Consultants LLC

Mr. Michael Tadema-Wielandt, Terradyn Consultants LLC, was present representing the project. Mr. Tadema said also present is Justin McIver, Developer and Owner. We are here to present a revision to an approved plan which included 60 single family house lots developed in 10 lot pods so there are six total. The proposed revision is for the second group of lots off "B" Street. They are about 4,000sf of lot with house pads of 640sf. Each group of 10 had common space that included a garage and storage space for each lot. "A" street is currently being development with two occupied. We plan to eliminate the two shared garage and storage buildings, each of the 10 lots would increase to 6,000sf and the pads would increase to 1,300sf and that would include as an option a single car garage for each. The

impervious area is basically the same and the development area is the same and the number of lots is the same.

Steve said do you know if the applicant is contemplating the same for "C", "D" and "E". Mr. Tadema said maybe according to demand.

Steve said does the applicant envision covenant prohibiting on-street parking for the "B" street pod. Mr. Tadema said that was a concern expressed by the Bridgton Police Department. The number of parking spaces will be the same but I don't believe there will be a covenant prohibiting that.

Brian said the letter submitted regarding this project indicates that the garage will be optional. Mr. Tadema said that is correct.

Brian said are the buildings going to be similar in style to what is being constructed in pod "A"? Mr. McIver said we are going to offer a few more options such as an increase in the color palette.

Dee said one story or two story? Mr. McIver said one story.

Brian said full basement? Mr. McIver said yes the option of a full basement.

Phyllis said are you going to add landscaping? Mr. McIver said I plan on planting a few trees and low growing vegetation. Steve said that was described in your original plan? Mr. McIver said yes.

The Board reviewed the criteria for subdivisions to establish the Findings of Fact and Conclusions of Law.

As required by Title 30-A ss4404 Review Criteria; "When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:"

1. **Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

- A. The elevation of the land above sea level and its relation to the flood plains;
- B. The nature of soils and subsoils and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;

The Board concurred that this section is not applicable

2. **Sufficient Water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

The Board concurred that this section is not applicable

3. **Existing Water Supply.** The proposed subdivision will not cause unreasonable burden on an existing water supply, if one is to be utilized;

The Board concurred that this section is not applicable

4. **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
The Board concurred that this section is not applicable
5. **Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;
The Board concurred that this section is not applicable
6. **Sewage Disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized
The Board concurred that this section is not applicable
7. **Municipal Solid Waste Disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;
The Board concurred that this section is not applicable
8. **Aesthetic, Cultural and Natural Values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or the rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
The Board concurred that this section is not applicable
9. **Conformity with Local Ordinances and Plans.** The proposed subdivision conforms with duly adopted subdivision regulations or ordinances, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these Ordinances and plans;
The Board concurred that this section is not applicable
10. **Financial and Technical Capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section;
The Board concurred that this section is not applicable
11. **Surface Waters; Outstanding River Segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonable affect the shoreline of that body of water.
A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
2. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning. Title 38, Chapter 3, Subchapter I, Article 2-B, or within areas designated by Ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Section 4401, Subsection 1, on September 23, 1983.
The Board concurred that this section is not applicable
12. **Ground Water.** The proposed subdivision will not alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
The Board concurred that this section is not applicable
13. **Flood Areas.** Based on Federal Emergency Management Agency's Flood Boundary and Floodwater Maps and Flood Insurance Rate Maps, and information presented by the applicant, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivision shall determine the 100-year flood elevation and flood hazard boundaries with the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structure in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
The Board concurred that this section his not applicable

14. **Freshwater Wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soils and water conservation district;

The Board concurred that this section is not applicable

14-A Farmland. All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.

The Board concurred that this section is not applicable

15. **River, Stream or Brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook: has the same meaning as in Title 38, Section 480-B, Subsection 9;

The Board concurred that this section is not applicable

16. **Storm Water.** The proposed subdivision will provide for adequate storm water management;

The Board concurred that this section has been met

17. **Spaghetti-lots Prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ration greater than 5 to 1;

The Board concurred that this section is not applicable.

18. **Lake Phosphorus Concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision; and

The Board concurred that this section has been met

19. **Impact on Adjoining Municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

The Board concurred that this section is not applicable

20. **Timber.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, Chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority’s request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, “liquidation harvesting” has the same meaning as in Title 12 section 8868, subsection 6 and “parcel” means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

The Board concurred that this section is not applicable

As sited in the Town of Bridgton Subdivision Regulations; Article XIII Design Standards, the subdivision meets or exceeds the following;

1. **Lot Size and Dimensions.** The Board concurred that this section is not applicable
2. **Monuments.** The Board concurred that this section is not applicable
3. **Street Signs/Fire Lane Signs.** The Board concurred that this section is not applicable
4. **Streets.** The Board concurred that this section is not applicable
5. **Sidewalks.** The Board concurred that this section is not applicable
6. **Water Supply.** The Board concurred that this section is not applicable
7. **Fire Protection.** The Board concurred that this section is not applicable
8. **Sewage Disposal.** The Board concurred that this section is not applicable
9. **Surface Drainage.** The Board concurred that this section is not applicable

Fred moved to tentatively approve the project as presented and submitted but withhold final judgment pending review of the Findings of Fact and Conclusions of Law. Brian 2nd. 5 Approve / 0 Oppose

Approved Applications as per Bridgton Site Plan Review Ordinance 4.A.1

None

Topics for Discussion

A. Correspondence

1. Lakes Environmental Association

This item was taken out of order and discussed earlier in the meeting.

2. Chris Sanborn, ModemWavs

Steve said Ms. Fleck sent a thank you letter to Mr. Sanborn.

3. Brian said on July 30th I attended a **webinar on signs** and there is a Supreme Court ruling which as a result we should have an attorney look at our regulations. Anne Krieg, Planning and Development, said this is a landmark case and in discussion with the Town's attorney they are planning on creating a list for their clients and will submit to municipalities for consideration.

4. Brian said I would like to propose that we have the Town's Attorney review the standards in the Site Plan Review Ordinance regarding **Medical Marijuana**. Ms. Krieg said the attorney does have some suggestions for changes and I will be following up with them and will report back to the Board.

5. Dee said I would like to say that when something is in our **Ordinance and an applicant states that a particular section does not apply**, why is it in our Ordinance, such as the handicap accessibility which was brought up earlier this evening. Ms. Krieg said typically accessibility under Site Plan is just making sure that there is accessibility in and to the building and usually the Code Enforcement Officer enforces that.

Fred moved to adjourn the meeting at 9:33p.m. Brian 2nd.

5 Approve / 0 Oppose

Respectfully Submitted,

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton