

**BRIDGTON PLANNING BOARD
MEETING**

Downstairs Meeting Room

**July 5, 2016
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; Brian Thomas, Vice Chair; Michael Figoli; Dee Miller; Deborah Brusini, Phyllis Roth, Alternate and Catherine Pinkham, Alternate. Absent were: None

The Pledge of Allegiance

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

All regular members were present therefore no alternates were appointed.

Steve said I would like to take this opportunity to introduce Brenda Day, Administrative Assistant, to the Board. She is an understudy to Georgiann Fleck, Deputy Town Manager and Planning Board Secretary. Ms. Day will take over the administrative duties of the Planning Board in 3 to 4 months. As a result, Ms. Fleck will have to resign as the Planning Board Secretary and we will need to re-elect someone new to comply with the Planning Board by-laws.

Approval of Minutes - June 7, 2016 (Regular Meeting)

Michael moved to approve the minutes as presented. Deborah 2nd.
5 Approve / 0 Oppose

Approval of Minutes - June 21, 2016 (Special Meeting)

Brian moved to approve the minutes as presented. Deborah 2nd.
5 Approve / 0 Oppose

Old Business

James Neal

Home Run Road; Map 5 Lot 82F

48x32 Garage/Workshop

Represented by James Neal

Review and Accept Findings of Fact and Conclusions of Law

Steve said at the Board's request Ms. Fleck has prepared written Findings of Fact and Conclusions of Law with respect to the Neal application. The draft decision has been distributed to the Board. The Planning Board is tasked with approving or approving with conditions an application if we affirmatively find, based on information presented, that the application meets the standards set forth in Article VII of the Town of Bridgton Site Plan Review

Ordinance. The applicant has the burden of establishing by demonstrable evidence that the application and project is in compliance with the requirements of the Ordinance. Are there any questions or proposed revision that the Board wishes to make to the Findings of Fact and Conclusions of Law in the Draft Decision? If not I will accept a motion.

Brian moved that the Board adopt the Findings of Fact and Conclusions of Law as presented in the written document dated July 5, 2016 and to approve the proposal of James Neal on Home Run Road. Michael 2nd.
5 Approve / 0 Oppose

Standard Gastropub LLC
233 Main Street; Map 23 Lot 114
Addition Seating - Outdoors
Represented by William H. Holmes
Tabled on June 7, 2016

Brian moved to remove the application from the table to allow Board discussion. Deborah 2nd. 5 Approve / 0 Oppose

Steve said we did not accept the application as substantially complete, therefore, does any Board member feel that he/she should recuse themselves because of conflict or bias? There were no comments.

Steve said do we think we have a substantially complete application? There were no comments.

Steve said do we deem this complex enough that we should have a Public Hearing? There were no comments.

Steve said do we think that there is complex enough questions that we might want to require the hiring of expert advice? There were no comments.

Steve said do we think it is necessary to schedule a site walk? There were no comments.

Dee said in the information that has been provided have the abutters been properly notified? Ms. Fleck said we did receive the list of abutters and I compared the notification that was done along with the required property owners within 100' and determined that they were adequately notified.

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

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.

Deborah said the application stated that there would be a fence around the area. What type of fence will there be? Mr. Holmes said it will be what is known as a “neighbor fence” with wood slats on both sides of steel posts. Deborah so what is there is not the final? Mr. Holmes said it is currently incomplete.

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

Dee said the new structure is up against the building, therefore, is it considered additional or a continuation of the building that is currently there? Mr. Holmes said it is up against the building and customers will be able to move between the inside and outside area. The difference will be the level of service, the outdoor space will not be full service. Customers will need to order inside and carry to the outside. Steve said it is basically a deck? Mr. Holmes said yes.

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.

Deborah said you have asked for a capacity for 40 with the existing capacity of inside is a significant increase. You have some parking there so where will people park? Mr. Holmes said there are plenty of parking options. There are 85-100 parking spots within close proximity of our business.

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.

Steve said are there any runoff changes as a result of the deck being there? Rob Baker, Code Enforcement Officer, said no.

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 is not applicable

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 is the applicant proposing any changes to the signage? Mr. Holmes said no.

The Board concurred that this section is not applicable

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.

Steve said does the applicant propose any changes to the development in the items listed? Mr. Holmes said no.

The Board concurred that this section is not applicable

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.

Steve said what are you proposing for changes to the exterior lighting? Mr. Holmes said there will be some low voltage string lights on the patio which will be on a timer and will not be on during our closed hours. Brian said are there lights at the entrances? Mr. Holmes said yes, it is currently existing.

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 is not applicable

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.

Brian said what are your plans for trash in the deck area? Mr. Holmes said there will be trash receptacles in the deck area and our staff will monitor the area also.

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 is not applicable

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 is not applicable

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 is not applicable

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 is not applicable

17. Provision for adequate sewage waste disposal.

Steve said in our packet there is a memo from Jim Kidder regarding sewage usage requesting the Board wait for a determination from the engineer of sewer capacity of the existing fields calculating current users with final approval being granted by Jim Kidder, Sewer Superintendent (copy attached). Dee said since Mr. Kidder mentions the additional customers at 40 and everything is dependent on that. If that capacity doesn't meet 40 could the number be lowered? Mr. Holmes said I don't believe that will be the case with the sewer system but if that is determined we will comply. Steve said we could put the condition that it be less than 40 and the applicant would need to come back for any additional amount. Mr. Holmes said does this mean that I would need to wait for approval from Mr. Kidder? Steve said yes. Mr. Holmes said is there a date that I can depend on? Mr. Baker said we met with the engineer last week and expect to have some numbers by the end of this week but I believe it will be a few weeks from now. Mr. Holmes said that seems like a long time to wait and I would ask the Board to find a way that I could continue the project and use this still with the condition that if it were not available I would discontinue use. George Bradt said what Mr. Holmes is asking for is simply paper service which is an incredibly minimal requirement of sewage. If we have 7,000 gallons in surplus I think we could take a few hundred gallons off that so Mr. Holmes could continue with his operation. It is summer and this is the time that he needs to be open. Mr. Baker said one of the things the engineer is looking at is current users and which fields can handle what capacity. There is roughly 7,000 gallons out there but we don't know what fields can handle what. I believe this is an issue with the Sewer Superintendent and the Engineer and is beyond the Board's authority. Michael said I think we are putting a burden on the applicant and he is willing to

make whatever arrangements necessary to comply. I think it is the sewer superintendent to determine sewer capacity but I think we can grant him approval to continue the construction. Mr. Holmes said without a concrete date I do not feel comfortable moving forward. I would ask that I be allowed to continue construction as well as opening and use of the space. Dee said what is the number now? Mr. Holmes said the new appendix B of the revised Sewage Ordinance is a new type system. Brian said what was your original allocation? Mr. Holmes said 350 gallons. Brian said customers? Mr. Holmes said 39. Brian said or inside? Mr. Holmes said yes. Michael said paper service? Mr. Holmes said yes, we typically serve 250 to 300 customers a day. Brian said if we mitigate the risk and give approval for 20 at this time and then when the engineer makes a determination we can adjust the seating. Mr. Holmes said the risk is on myself and my business and to decrease the amount is creating an issue. Dee said I don't think we should arbitrarily decide to decrease the amount without having the information from the engineer. Lucia Terry, Wastewater Committee Members, said we have not met so I do not know what the process is that has been engaged since the Ordinance passed. I do know that the intent is to not hold anyone up. This business would utilize the lower ball field septic field and has been on the top of the list for additional capacity since he opened because he knew he would need more allocation. I wish Mr. Kidder were present to discuss his intention. Phyllis said are you suggesting that we grant approval to Mr. Holmes for the additional 40 people? Ms. Terry said yes, make it provisional, suggest a port-a-potty but don't hold him up. Mr. Baker said I do not know what the rules and regulations are for a port-a-potty at this location. Dee said I do not feel comfortable over ruling the sewer superintendent. I am sure that this is not the only business that is dependent on a decision by the engineer. Melinda Holmes, applicant's sister, said can you pass a provision approval which puts the burden on the applicant and he can open for business. Doing anything other than that means that as of July 5th Bridgton is closed for business which as you all know this is a critical time. This is vital for continued development of Bridgton. If the allocation does not come through then per Jim Kidder's memo the approval would not be valid. Steve said I disagree with your statement and am trying to figure out how we can work together protecting the applicant as well as the Town. Dee said according to Anne Krieg, Economic Development Director, Bridgton has been closed to business for months who has said she has had to turn people away, these are the hard facts that we are living with. Steve said we think Mr. Holmes has allocation for a population of 40 customers what if we approve the construction for the outside infrastructure and maintain the total clientele at 40 until the action of the sewer committee? I don't see how we can give you the authority to bring more people in until the sewer capacity has been substantiated. Mr. Holmes said there should be enough people either on this board, or in Town government, who can use the language of the new sewer Ordinance to make an educated decision. What I am requesting is very small overall to what is available and what is going to be available to other businesses. If you have the power to approve something either conditionally or provisionally I am requesting that you do that. Catherine said is there a way to get the engineer to move more swiftly? Mr. Baker said we did meet with the engineer last week and he is actively working on the numbers. There are a number of businesses out there that expanded years ago that never increased their allocations and that is something that the engineer needs to assess. Mr. Holmes is on the list requesting additional allocation for an expansion but the businesses that are currently operating need to be addressed first. Phyllis said can we give conditional approval for the additional 40 people and if need be that be revised according to the engineers numbers? Dee said the condition is in Mr. Kidder's memo, he has set the condition. Michael said if the numbers are submitted by the engineer we could have a special meeting to grant final approval. Dee said there are number of people in line for additional allocation, although we know that you are first in line, I don't want to move forward with something that we have no technical experience in and therefore we need to rely on the engineer's report. Dee said can we make a formal request to the engineer that this project take priority. Steve said we can have Ms. Fleck submit that request as a consensus of the Board.

Michael moved to approve the application for construction purposes only and the applicant understands the seating is contingent upon the sewer committee/engineer's approval and the applicant also understands and agrees that the allocation may be reduced in number from the requested amount of 40 upon that final approval. Phyllis 2nd.

Michael said I don't agree with having to do it this way but we don't have authority to do it any other way. Steve said I agree with Michael's sentiment that this is harsh and difficult but I believe we would be building a "nightmare" for the Town and for you, the applicant. Mr. Holmes said so instead you are effectively closing down business. Dee said that is not our intent, our intent is to work within the Ordinance that we have authority. Mr. Holmes said you do have authority to grant a conditional approval. Steve said I think it is the sense of the motion that we disagree with that. Mr. Holmes said I go on record to state that I am willing to take the risk if it means that I can open for business. Dee said this is an appealable issue. Steve said we can plan a special meeting in two weeks if we have the numbers from the engineer. Ms. Fleck said the Chairman has the authority to call a meeting without advertising. Ovide Corbeil, 4 Gibbs Avenue, said his business has been no problem, is he eligible to build the decks without the allocation? How much allocation is he going to need to build the back decks? Mr. Holmes said an additional 100 gallons. Mr. Baker said Appendix "B" goes into equivalent user rather than gallons so for every 12 seats you need one equivalent users and I believe an equivalent user is 90 gallons so he needs roughly 3.3 equivalent users and I am not sure if it will be rounded to 3 or 4 but 3 equivalent users would be 270 gallons and 4 would be 360 gallons. Mr. Holmes said an equivalent user is for every 12 seats and that is assumed at 90 gallons so if I have 6 equivalent users that is 540 gallons which is less than 200 gallons than I have now and that would afford me 72 seats total which is what we are asking for in our application.

Steve called for a vote to the motion. Brian said construction includes the fence, the Board concurred. 5 Approve / 0 Oppose

Ms. Holmes said Mr. Holmes has asked for final approval. You are concerned with your authority as a Board but you are under-reading your authority. Steve said we have not, the Board disagrees with that point of view. Ms. Holmes said what is the purpose of having the words such as conditional or provisional if you are not going to use them? Steve said the Board disagrees with you.

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.

Phyllis said in the matter of aesthetics are the trash cans screened from the downtown? Mr. Holmes said these are typical trash cans. Brian said they are in the rear of the property. Mr. Holmes said do you mean the storage of the trash after-the-fact? Phyllis said yes. Mr. Holmes said the garbage cans are on the deck for customer use and will be emptied on a regular basis. The utility area depicted on the sketch is an enclosed area and closed from view.

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.

Dee said an entertainment license was granted by the Board of Selectmen, however, this Board can deal with noise and type of entertainment, therefore, what type of entertainment are you planning on? Mr. Holmes said no rock concerts only daytime entertainment of small acoustic bands, stand-up comedy. Dee said would you accept a condition limiting your entertainment to acoustic or small groups? Mr. Holmes said I would ask if there is any standardized language that has been used for other businesses. Dee said the language has been acoustic small groups which was used and accepted by the Tap House on Depot Street. There are people living within close proximity to your business and sound does carry and I don't think this would be an unreasonable condition for the space that you have. Mr. Holmes said I would agree with a condition, however, limit it to no rock concerts rather than stating what we can do. Dee said I don't want to go with that because that is not likely unless you had a different venue. We have language which we used for the Tap House which limits what they can do for entertainment by allowing them to have small acoustic groups. Mr. Holmes said there may be a need for speakers for amplification of certain instruments. Mr. Holmes said the space is about 1,200 sq. ft. and in an "L" shape and the potential for a jazz trio playing at the corner of that space I know that he would want to mic the instrument so it can be heard softly throughout the space. Dee said we do have decibel levels. Mr. Holmes said we expect to be held to the same standards as anyone else. Brian said can the speakers be aimed away from the residential homes? Mr. Holmes said yes. The design of the fence is made to capture and reduce any outgoing noise and varies in height from 5 to 7 feet and at the back of the property there is an embankment so the fence is 18' above the deck height. Brian said you said that this is seasonal seating. Mr. Holmes said yes which is dependent on the weather for the comfort of the customers. Steve said the applicant would be on notice that if there were complaints he would need to hire an acoustical engineer to demonstrate that he is not exceeding the decibel levels. Susan Hatch, citizen, said if there are infractions of noise is there a certain number that is called to report it before you take action and what is that action and who takes action? Steve said you would contact the Code Enforcement Officer. Ms. Hatch said the infraction would be a violation of the allowed decibel reading? Mr. Baker said the Ordinance states "continuous regular or frequent source of sound" so someone is going to have to determine continuous or regular. He may be over the decibel but it may not be a violation. Ms. Hatch said but the result may be an interruption in sleep of abutters. Mr. Baker said at that point we may need to contact an attorney to get an interpretation. In previous discussions there was the possibility of putting a restriction of time limit on the applicant. Mr. Holmes said a certain time restriction was not established. If there is a complaint I will make sure that everyone at the restaurant has my contact number to notify me of the complaint. Ms. Hatch said you are saying that someone can come to you to complain about the noise rather than waiting to talk with the Code Enforcement Officer the next day? Mr. Holmes said yes, I have always said that I am happy to address the concerns of my neighbors. If they come in or call with a complaint or a concern and I am happy to address that. Deborah said your establishment closes at midnight? Mr. Holmes said yes. Ms. Hatch said music is going to be louder than conversation I don't see how you are going to keep music to a limit of 55 decibels. Dee said that is why I want it restricted to acoustic music. We put a restriction on the Tap House for acoustic music which by doing that it allows us to be proactive and not reactive. Ms. Fleck read the Planning Board minutes of March 2014 when the Board met with the owner of the Tap House.

Steve said as a result it appears that the Board relied on the sound pressure level limits of the Site Plan Review Ordinance.

Michael moved that the applicant understands and has met the requirements of the Site Plan Review Ordinance in regards to sound pressure level limits. Deborah 2nd. Phyllis said I would like to amend the motion to include that the applicant understands if there is a violation the applicant needs to reduce the noise level. Steve said we could entertain that but I don't think it is necessary because the Ordinance is clear that he would need to make necessary arrangements to decrease the noise if he exceeds the allowable limit. 5 Approve / 0 Oppose

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).

The Board concurred that this section has been met

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.

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.

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.

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.

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.

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 is not applicable

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

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 has been met

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

Dee said the language in the application is not what we are approving. The language sets out a waiting room for people to take out food and what we have been talking about is an outside restaurant entertainment space. Steve said as you are using it Mr. Holmes you are talking about going in and getting your own food and taking it outside to the deck? Mr. Holmes said yes. Brian said that is what the application states. Dee said I read it as a waiting area.

Brian moved to tentatively approve the application conditional upon construction only, including the fence, but cannot open for business until the engineer submits numbers of allocation for consideration and approval by the Sewer Superintendent, the applicant has the understanding that as a result he may not be able to have full capacity of the 40 as proposed, the applicant must comply with the requirements of the noise decibel levels as stated in the Site Plan Review Ordinance. Final judgment is held pending review of the Findings of Fact and Conclusions of Law. Dee 2nd.

Mr. Holmes said before this concludes without allowing me to open for an unknown amount of time is there a smaller number that the Board would be comfortable approving for the use. Steve said we did go through this so unless someone wants to reconsider the Board has made it decision. Deborah said if we were to reconsider does that materially change why we are giving conditional approval to allow construction but not open? Steve said I think the crucial question is are we exceeding our authority if we say that he has demonstrated adequate when the people who govern that haven't said so. Dee said we don't know what adequate is.

Michael said what is the process once we receive the numbers from the engineers? Mr. Holmes said is there a process to get a date for when it is done by? Steve said we don't have any control over the engineer. Mr. Holmes said then I don't believe the Town should be

holding up an application based on something that they don't have control over. Steve said I understand what you are saying but I disagree with that conclusion. Ms. Fleck said once the engineers submits the numbers for consideration and they are reviewed by the Sewer Superintendent I will contact Steve to set a special meeting and we will poll the Board for a quorum. You do not need to advertise. Mr. Holmes said based on this memo can the Board approve the application conditional upon the Sewer Superintendents approval so the Board does not have to reconvene? Ms. Fleck said if I understand the motion the Board has placed a condition on Mr. Holmes' application so he is going to have to come back before the Board to have the condition lifted by the Board. Deborah said can Jim Kidder, Sewer Superintendent, grant an exception or conditional approval? Steve said you would need to ask Mr. Kidder. Mr. Holmes said can we find that out? Steve said the memo is clear that his decision is conditional upon a statement by the engineer and he will make that statement once he has those numbers.

Steve called for a vote to the motion to conditionally approve the application. 5 Approve / 0 Oppose

Ms. Holmes said I would like to state for the record if this application had not been tabled without so much as a work of discussion perhaps these questions could have been addressed at that time. Steve said unfortunately there was a significant procedural error and we did not feel that we could consider the application until the error had been corrected.

**The Carry All Corner LLC
2 Cottage Street; Map 23 Lot 148
3,200 sf Mixed Use Building
Tabled June 7, 2016 to July 5, 2016
Request to Continue Table to August 2, 2016
No Representative will be present**

Steve said there was a request submitted by the applicant to continue the table to August 2, 2016.

Brian moved to continue table to the August 2, 2016 meeting. Dee 2nd.
5 Approve / 0 Oppose

**Lakeside at Pleasant Mountain
Mountain Road/Brewster Circle; Map 12 Lot 46A
Revise Conditions
Represented by Alyssa C. Tibbetts, Jensen Baird**

Attorney Tibbetts said this is a request for an amendment/revision to the existing subdivision plan which was approved in 1984. It is unique because although it is a subdivision revision technically the revision is to remove two notes on the plan. In considering this we

are not sure if this Board needed to review this or if we needed to amend the declaration of the condo association but where these conditions are specifically noted on the plan this was an opportunity to clean up the record going forward. Both conditions have been previously revised but there is no official record. One of the two conditions on the plan is for the number of boat slips. The original approval allowed 20 boat slips and since that time there was an amendment in 1998 and 2001 approved by the Planning Board so the current number is now 52. We are not looking to make any change to that only establish a formal record. Dee said is this in compliance with the Shoreland Zoning Ordinance? Ms. Tibbetts said this has been previously approved by the Planning Board. The second of the two conditions is the allowable maximum horsepower which is the condition we are looking to change. The original approval allowed a maximum horsepower of 100 which was increased to 135hp. We are requesting that this restriction be eliminated. There are no restrictions on Moose pond, generally, in regards to horsepower. If approved we have a document for the Board to sign substantiating the number of boat slips and approving the elimination of horsepower which will be recorded in the registry. The alternate to that would require a full survey and recertification of the plan and where the only two changes are to the text on the plan this did not seem economically feasible.

Dan Dolgin, 368 Mountain Road, said if there is an application for something that was previously approved I would like to have the horsepower limited because Moose Pond is very narrow and some of the boat motors are excessive for the size of the lake. The development received its approval with the limited amount of boat slips and horsepower. The Board is not making an administrative judgment but a substantive judgement. I am aware that there is no limitation on other properties on the lake and I bought my property with no restrictions but the people who bought into the condo bought in knowing there are conditions. Attorney Tibbetts said with the respect to the unit owners there is a public boat landing close by which they can put in a boat with a larger horsepower in Moose Pond. The regulation of boats with limited horsepower should not be isolated to this development only.

Dee said has the Board or Association agreed to the change? Attorney Tibbetts said yes and they want to clean up the documents.

Brian said this is in the homeowner's association covenants? Attorney Tibbetts said yes. Brian said I don't see where this Board has the authority to limit the horsepower on a lake.

Steve said we could make a motion to increase the boat slips from 20 to 52 and eliminate the 125 horsepower restriction from the plan and sign an agreement to formalize both of these changes.

Dee moved that the Board sign the document. Deborah 2nd.
5 Approve / 0 Oppose

The Board signed the document.

Kansas Heights / Vista Investment
670 Kansas Road; Map 6 Lot 33
Mylar Revision
No representative will be present
Sign Mylar

Steve said the road access was incorrectly portrayed on the original mylar signed by the Planning Board.

Dee moved that the Board sign the corrected mylar. Deborah 2nd.
5 Approve / 0 Oppose

The Board signed the mylar.

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

A. Standard Gastropub LLC
233 Main Street; Map 23 Lot 114
Addition Seating - Outdoors
Denied by Department Heads - Forward to Planning Board

Steve said this is the reason the application was before us this evening for review.

B. The Bridgton Indoor Flea Market
190 Portland Road; Map 9 Lot 66
Indoor Flea Market

C. Wendy Beth Noyes/New Horizons Counseling
82 Main Street; Map 22 Lot 91
Counseling Office

Topics for Discussion

- A. FYI
1. REMINDER: MMA Elected Official Workshop - July 14, 2016
 2. Maine Townsman
 3. Administrative Appeal submitted by Mark Bower, Jensen Baird on behalf of Tyszka, LaPlante, Ruane, Swinnerton, Webb Erler and Hans regarding Bridgton Bottled Gas/Stone Road Energy LLC located on 4 Raspberry Lane; Map 6 Lot 24I

Steve said the Board of Appeals will take up the application on Monday, July 11, 2016 at 6:30p.m. in this meeting room. It is a public meeting and you may attend but I would recommend that you not make any comments on the application.

B. Other

Brian moved to adjourn the meeting at 9:05p.m. Brian 2nd.
5 Approve / 0 Oppose

Respectfully Submitted,

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton