

**BRIDGTON PLANNING BOARD
MEETING**

Board of Selectmen's Room

**January 7, 2014
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; Dee Miller; Brian Thomas; Michael Figoli; Absent were: Adam Grant, Alternate; Alternate Position (Vacant)

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.

Approval of Minutes - December 3, 2013 (Regular Meeting)

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

Approval of Minutes - December 10, 2013 (Workshop/Meeting)

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

Old Business

Brian Fram/Dunkin Donuts

181 Portland Road; Map 9 Lot 64-2 and 64-3

Revision to approved Site Plan of Development

Review and Accept Findings of Fact and Conclusions of Law

Steve read the Findings of Fact and Conclusions of Law for the record.

Dee said item 3 makes reference to diagonal parking but I don't recall making that a condition or requirement. Steve said it is part of the findings and the applicant is responsible for any oral commitments during the process.

Fred moved that based upon the application submitted and representation to the Planning Board of the proposed revision to the original Site Plan of Development by the applicant the project is approved conditional upon the on premise sign being remanded to the Code Enforcement Officer for review and approval. 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

Charles Taylor/Landmark
2 Crockett Street; Map 24 Lot 8 and 10
Day Center for intellectually disabled adults
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 prior to opening an inspection will be performed by the Town of Bridgton Fire Chief and the Town of Bridgton Code Enforcement Officer to assure the facility complies with necessary safety codes. 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. Michael 2nd. 5 Approve / 0 Oppose

Eco Estates LLC
Portland Road; Map 10 Lot 10 (PO)
8 Unit Condominium Development
Review Additional Information
Review and Accept Findings of Fact and Conclusions of Law
Sign Mylar

George Sawyer, Sawyer Engineering and Surveying, said we have submitted additional information as a result of the meeting of December 3, 2013. The road name has been changed to Roosevelt Crossing. An application has been submitted and I received a response that it is still subject to review and approval. The sign for the project was moved to the edge of the property for the project. A note has been added to the plan regarding the non-conformity of Eco Estates Drive. The non-conformity is due to the radius of the cul-de-sac. We also added a note that none of the land is in the 100 year flood zone as determined by FEMA. There is also a note regarding the impervious area, total impervious area for buildings is 18,800sf and total disturbed area is 86,500sf those numbers do not meet the threshold for submittal of the project to DEP for stormwater review. We have shown the driveways for each unit on the plan which will be impervious pavers instead of pavement. We have detailed our request for two waivers in the correspondence.

Brian said the 25' buffer is not on the Eco Estates property. Mr. Sawyer said there will be formal easements between the two properties for maintenance of the buffers. Brian said we should include that in the Findings of Fact. Steve said we will add to the findings language that states "Vista Investments LLC and JSM will provide formal

easements to ECO Estates LLC for the 25' wooded buffers shown on the plan." The Board concurred.

Bernie King, Board of Selectman and Citizen, said has Roosevelt Crossing been approved by E-911 and the Addressing Officer? Mr. Sawyer said I was told that the individuals that review and approve were not available to meet prior to this meeting. I did talk with Dawn Taft, Addressing Officer for the Town of Bridgton and she indicated that the name would be suitable. Mr. King said because there is a Roosevelt Trail in Naples if there might be confusion at the Dispatch Center? Steve said we can set that as a condition.

Steve said to Glen Garland, Fire Chief, are you o.k. with the cul-de-sac radius? Mr. Garland said yes as long as there are no obstructions such as utility posts. Mr. Sawyer said the only posts will be the lamp posts which will not be in the way of maneuvering the truck around.

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 subdivision by the applicant the project is approved conditional upon waiving dimensional requirement of the cul-de-sac, waiving the declarant control period from 80% to 75%, adding the non-conforming road clause to the mylar and deed, complying with the 25' buffer strip requirement including Vista Investments LLC and JSM will provide formal easements to ECO Estates LLC for the 25' wooded buffers shown on the plan, submittal of financial and technical capacity and submittal of a road name for review and approval for the main entrance road. 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

The Board signed the mylar.

New Business

Brian Fram/Dunkin Donuts

181 Portland Road; Map 9 Lot 64-2 and 64-3

Revision to approved Site Plan of Development

Represented by Brian Fram

Mr. Fram said I would like to separate 64-2 from 64-3. Georgiann Fleck, Executive Assistant, said the lots are already recognized as separate lots, what Mr. Fram is looking to do is not include that lot in the overall plan of Dunkin Donuts. Fred said then it is being withdrawn from the Dunkin Donuts plan? Ms. Fleck said yes. Mr. Fram

said it once stood by itself but with an application for renovation we included it for additional parking. Steve said if nothing is done in two years the approval lapses. Dee said so you want to have a separate lot to do something else and don't want there to be any lingering shadow of Dunkin Donuts on that lot? Mr. Fram said yes. Dee said I don't think we should wait two years.

Dee moved to approve the applicant's request to withdraw Lot 64-3 from the Dunkin Donuts application of 2013. Fred 2nd. 5 Approve / 0 Oppose

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

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.

The Board concurred that this section is not applicable

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 is not applicable

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 is not applicable

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

The Board concurred that this section is not applicable

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 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.

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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 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 furnish evidence of compliance to the Board.

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 may result.

The Board concurred that this section is not applicable

17. Provision for adequate sewage waste disposal.

The Board concurred that this section is not applicable

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 is not applicable

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 is not applicable

21. Conformance with Comprehensive Plan for the Town.

The Board concurred that this section is not applicable

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 is not applicable

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 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 applicant's request to withdraw lot 64-3 from the Dunkin Donuts project of 2013 as 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

Crooked River Clock Works

18A Unit 2 Depot Street; Map 23 Lot 134

**Construction of wooden geared clock and kinetic art work -
display and sale**

Topics for Discussion

- A. Schedule Workshop to continue discussion of Ordinance/Regulation Revisions/New
 - 1. Sign Ordinance (Revised)
 - a. Suggestions submitted by Dee Miller
 - 2. Third Party Review Language (Revised)
 - 3. Fire Protection Ordinance (New)
 - 4. Shoreland Zoning Ordinance
 - a. Code Enforcement Officer Authority for disability structures

Steve said as part of the third party review language discussion it was suggested that we contact a representative of Cumberland County Soil and Water Conservation and request they attend one of our workshops. Ms. Fleck did that with a tentative date of the 21st. Therefore, do you want to delay discussion until the workshop/meeting? The Board concurred to delay and discuss on the 21st.

Fred moved to schedule a workshop/meeting for Tuesday, January 21, 2014 at 7:00p.m. Brian 2nd. 5 Approve / 0 Oppose

Mr. King said I have some **suggested revisions to the Sign Ordinance** for the Board to consider (copy attached).

Anne Krieg, Economic and Community Developer, said also on the 21st I would like the opportunity to update the Board on the **status of the Comprehensive Plan.** Steve said how much time would you like? Ms. Krieg said about 10 minutes not including any questions the Board might have.

B. Mountain Village Subdivision - Status

Ms. Fleck said there was a meeting with Chet Homer, owner/developer, Rob Baker, Glen Garland and myself and Mr. Homer suggested some revisions which were amicable. Mr. Homer was going to reduce our conversation to writing and submit it for review and approval by the Department Heads, Mr. Baker and Mr. Garland. However, to date I have

not received the final document for signature. I will follow up with Mr. Homer tomorrow.

C. FYI

1. Maine Townsman
2. Main-Land Development Consultants Newsletter

D. Other/Miscellaneous

Fred moved to adjourn the meeting at 8:23p.m. Brian 2nd.
5 Approve / 0 Oppose

Georgiann M. Fleck, Executive Assistant
Town of Bridgton