

**BRIDGTON PLANNING BOARD
MEETING**

Bridgton Court Room

**June 3, 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; Adam Grant, Alternate. Absent were: Michael Figoli; Alternate Position (Vacant)

The Pledge of Allegiance

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

Steve appointed Adam Grant, Alternate, to act in the capacity of absent regular member.

Approval of Minutes - May 6, 2014

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

Approval of Minutes - May 20, 2014

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

Approval of Minutes - May 27, 2014

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

Old Business

Vista Investments LLC

Community Apartments & Efficiency Way Subdivision

Off Portland Road; Map 10 Lot 10(PO)

18 Lot Subdivision and 96 Community Apartments

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 project by the applicant's agent the project is approved conditional upon the developer will post a completion bond for completion of the infrastructure prior to the issuance of an occupancy permit; creation and recording of the by-laws for the homeowner's association; progress of the road building to comply with the build-out plan and submittal of the inspection schedule. 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

Georgiann Fleck, Deputy Town Manager, said did you bring a mylar for Board signature? Mr. Whitten said no, I will bring it to the next meeting.

**Beaverwood Creek Estates/Christian and Lynn Olsen
Beaver Pond/off Hio Ridge Road; Map 13 Lot 60A
10 Lot Subdivision
Review and Accept Findings of Fact and Conclusions of Law**

Thomas McCarthy, citizen, said Article V. Section 1 of the Town of Bridgton Subdivision Regulations requires the developer to notify owners of all properties within five hundred (500) feet of the proposed development by certified mail and all owners of property shall be considered to be the persons listed as those against whom taxes are assessed in the most recent tax records, and that is me. I was not notified of this subdivision. The Legislature of the State of Maine also addresses the most recent tax records and my name is on those too. Mr. McCarthy submitted documentation (see attached) showing that he is property owner of an abutting property to this project. You will notice my legal address on the document. Notice was sent to my wife, she wrote a letter and that is her business. However, I was not notified therefore I ask you not to act on this tonight.

Steve recessed the meeting at 7:28p.m. to allow Ms. Fleck and Rob Baker, Code Enforcement Officer, the opportunity to review assessing records for confirmation of property ownership. Steve called the meeting back to order at 7:39p.m.

Ms. Fleck said Mr. Baker and I reviewed the records which are the same records available to the public and we determined that the booklet of property records that is available shows Jean McCarthy as the property owner. I also looked at the John E. O'Donnell website, assessors for the Town of Bridgton, and at the property owners request there is no reference to property owned by the McCarthy's. On the Trio format which is available to office staff but not the public it shows that a transfer of property ownership took place with a notation that it was updated on April 22, 2014.

George Sawyer, agent for the applicant, said in preparation for this application that parcel was not listed on the website. I contacted Dawn Taft in the Assessing Department of the Town of Bridgton and she gave me Jean McCarthy's name as the current owner. Ms. McCarthy submitted a letter expressing some concerns. In that letter she states that she is an abutting property owner.

Mr. McCarthy said that was under the assumption, an incorrect letter was sent to her by registered mail. She assumed because she got a letter stating that she was the abutter, she responded, she didn't need to, that is inconsequential. I own the land, this has to be addressed to me, state legislature says so, your ordinance says so as the most recent tax record.

Mr. Baker said there is a court case that basically states a reasonable attempt by the applicant is sufficient as notification to the abutters and tax records on file with the Town is sufficient. Mr. McCarthy said which shows me as the current owner. Mr. Baker said it still shows Jean as the owner. Mr. McCarthy said that information is outdated. Mr. Baker said but the applicant made a reasonable attempt.

Steve read Article V Section 1 of the Town of Bridgton Subdivision Regulations for the record and said as of this date that record shows Jean McCarthy as the owner. Mr. McCarthy said no, I pay the taxes not Jean. Steve said I am not arguing that but it shows Jean McCarthy as the owner.

Steve said our course of action could be that the applicants efforts to notify abutters were met in good faith and therefore we could go ahead and review the findings of fact and conclusions of law or we could tell the applicant that this is a flawed process and we then reschedule consideration of the application and have the applicant renotify the abutters. Adam said could we have the attorney review the procedure? Steve said that could be an option. Mr. McCarthy said or an abutter would have to pay for an appeal.

Steve said when did the transfer of ownership take place? Mr. McCarthy said February 10th.

Adam said while we wait for a legal opinion could the applicant renotify the abutters? Ms. Fleck said even if Mr. Sawyer came in tomorrow to the office to retrieve the abutter information this is the information he is going to use and this information shows Jean McCarthy as the owner.

Ms. Fleck said when an applicant comes into the office to research abutter information, they use the maps and property listing information available to the public in the map room. Mr. Sawyer said and when there is no information listed, I confer with Ms. Taft.

Mr. McCarthy said on the Town's website under the Assessing Department under Real Estate Transfers it shows the transfer of ownership to me.

Mr. McCarthy said your ordinance does not say this website or that website, it says "whom taxes are assessed" and I have been assessed the taxes as of February 10th.

Steve said if we want to do Adam's suggestion and get a legal opinion we would move to table this item, the Findings of Fact, and defer the question to our attorney for a legal opinion. Mr. Sawyer said what would be the earliest possible date to come back to the Board? Steve said we have a scheduled meeting on the 17th and the 24th. Adam said are those too far out for you? Mr. Sawyer said no, if we have to send out notifications again we will, we have done it twice, we can do it one more time and we will make sure he gets one and his wife gets one.

Mr. McCarthy said with the renotification do they start from scratch? Steve said that would be up to the Board to determine according to what is submitted. Mr. McCarthy said I have not even seen what you have but what little I do know about this project the plan was not even finished being drawn.

Mr. Baker said was Mr. McCarthy present for any of the Hearings? Mr. McCarthy said not on this subject. Mr. Baker said you attended no meeting on this subdivision? Mr. McCarthy said no.

Mr. Sawyer said what my clients would like to propose to the Board is we would like to come back, if we can get on the agenda for the 24th of June, that gives the Town the chance to contact to the Town's attorney and we will contact the Olsen's attorney and then based on a legal opinion, would give us the time necessary to send out a renotification in advance of the meeting.

Mr. McCarthy said will the Town notify me of the Town's legal opinion? Steve said it would be incumbent on you to ask. Mr. Baker said that is a legal opinion between the Board and legal counsel. Mr. McCarthy said so any information that arrives from the Town's attorney I do not have a right to that information? Steve said it would be public. Brian said it will be presented at our meeting. Mr. McCarthy said I understand. Adam said what if he calls before that? Steve said if you call before that and it has been received you will be informed.

Fred moved to table the issue until June 24 and the applicant may refile if he wishes to give the Town the opportunity to consult with its legal counsel to see if the proper method was followed.

Mr. Sawyer said do you want me to submit the additional information we have regarding the items that were outstanding? The Board concurred. Mr. Sawyer reviewed the revised Declaration with the Board.

Mr. Sawyer said there was a meeting with Rob Baker, Code Enforcement Officer; Mitchell Berkowitz, Town Manager and myself in trying to set up an escrow. We could do a Bond or a letter of credit or an escrow and the Olsen's are planning on doing an escrow for the improvements which consist of the road, the two culverts on the existing brook, and

the existing roadway. The check for the amount based on the estimates of the costs involved has been deposited with the Town. Ms. Fleck said the Town has received the check and it is being held in escrow. However, the Board did not receive a copy of the document which is being reviewed by the Town's attorney. Mr. Sawyer said I am under the understanding that that document does not go to the Board it is between the Town and the Olsen's.

Mr. Sawyer said I would like copies of the information Mr. McCarthy submitted to the Board this evening.

Mr. Sawyer said as a point of interest, I would like to know who the last tax bill was sent to, not who paid the taxes, but who the bill was sent to.

Mr. Baker said for the record Mr. McCarthy was in my office and he was discussing the subdivision, he may not have been notified but he was aware of the subdivision. Mr. McCarthy said it was only a pencil drawing with no detail.

Steve said I would like to ask for a second and a vote to Fred's motion. Fred said I will restate my motion for the record.

Fred moved to table further action on the application until June 24th at which time we will have a legal opinion on the process or the applicant will have renotified the abutters within the 12 day time-frame so we can continue with deliberation of the application.
Brian 2nd. 5 Approve / 0 Oppose

New Business

**Maine Lake Science Center/Lakes Environmental Association ("LEA")
51 Willett Road; Map 9 Lot 51
Researcher Housing, Conference Room, Education Center,
Parking Area and Welcome Center for Pondicherry Park
Preliminary Discussion
Represented by Peter Lowell, Lakes Environmental Association**

Steve said for disclosure I am a director of "LEA" but I have no financial interest in any of the transactions but if you feel it is inappropriate I will recuse myself when it comes to formal discussion.

Mr. Lowell said "LEA" has been working about six years to study the status of lakes science and our conclusion is we don't know enough to fully protect our area lakes so we are engaged in creating the Maine Lakes Science Center. We have a purchase and sale agreement on a 16-17 acre parcel which will be purchased by LEA. We have the funding in place to purchase the property which abuts Pondicherry Park on the south side on Willett Road. There is a parking lot for the park on the

subject property. On this property is a log cabin and a two car garage and a significant connection building. It was recently used as a preschool a few years ago. We are proposing to use this as the Maine Lakes Science Center. What we are planning researcher housing, there is a 40-50 seat conference room, there is an education center which will be the garage. Also, we are looking to use the property as a welcome center for Pondicherry Park. This is also phase 1 of what will be a larger project. We are collaborating with several colleges and universities and we have been working with St. Joseph's college. We are trying to attract people to the area and develop better information on what condition the lakes are in. Recently we received funding to install a remote sensing buoy in Highland Lake which is a state of the art device programmed to send live data to the LEA website. There is a long existing road to the property. We would like to maintain low impact and try out the best management practices. This would be a demonstration site for things like impervious pavers. We would like to use this a study site. The road is a 1.5 car road and rather than widen the road all the way in we are going to create a 6 car parking area. About 270' of new road to get behind the building to accommodate a 6 car parking area so it does not impact the view scape from the building itself. The idea is to keep the property looking the way it is. We have room for expansion off the front and in the future we don't know if we will need a bigger library or a larger conference facility until we have gone through this phase. We will need a new septic system and we have been talking with local contractors and local engineers about energy conservation measures and low impact construction. We want to go through the Site Plan Review process this summer so we can get the site work done this fall and work inside during the winter. We are currently raising funding for the building renovations. We are hoping to occupy the building next spring.

Brian said will this take the place of your in-town location? Mr. Lowell said no, this will be for research and education. Our office on Main Street is maxed out with the year round staff.

Adam said is there any plan to turn this facility over to the Town? Mr. Lowell said no. We would like to link the facility up to the river trail so Steven's Brook School can get to the education center. The land will be left in its natural state with some interfacing with Pondicherry Park. We mean to have this compliment Pondicherry Park but not as Town owned property.

Mr. Lowell said Glen Garland, Fire Chief, has been down and we have reviewed the fire code and I have spoken with Mr. Baker regarding codes.

Bridgton Academy

**Intersection of North Bridgton Road & Harrison Road; Map 39 Lot 56
Sign**

Represented by Meredith Vigneau

Graydon Vigneau was present representing Bridgton Academy. Mr. Vigneau said we are requesting a sign on the Richardson property at the intersection of Route 37 and Route 117. It will be a dual purpose sign in celebration of the North Bridgton Community and notice of Bridgton Academy. It will be approximately 32-34 square feet, a 4x8 oval, and it will say "Welcome to North Bridgton - Home of Bridgton Academy - established in 1808".

Steve said I understand you consulted with Mr. Baker and it is at his suggestion that you are before the Board for review. Mr. Vigneau said yes. My wife, Meredith, said he was not opposed to the sign he suggested that we come before you for the sign. Mr. Baker said I am not opposed to it but it is a free standing sign and according to the Town of Bridgton Sign Ordinance you are allowed one per business. Bridgton Academy already has two signs. Bridgton Academy has approximately 10-15 parcels and therefore are they allowed to put a sign on every parcel? I am not opposed to it but I thought it should be a Board decision.

Dee said this is an off-premise sign? Mr. Baker said no, they own the premise. Dee said but it is not the actual premise of the actual physical school? Mr. Baker said all the parcels are part of Bridgton Academy.

Mr. Vigneau said we are trying to have a sign at each entrance to the Academy grounds.

Adam said they may own multiple properties but I don't think that if it is a property with a house on it it should be an advertising sign. What is on the property where the sign is proposed? Mr. Vigneau said housing for our staff and faculty. Adam said we could do a measurement of all the signs for overall scale.

Brian said the application stated that the sign was going on the triangle. Mr. Vigneau said we can't put it on the triangle it is going on the property where the house is.

Fred said according to our Sign Ordinance each lot is entitled to a sign for advertising purposes. Each Bridgton Academy building has different functions.

Mr. Baker said general standards allow one per business or business cluster and the Ordinance allows review by the Planning Board for special circumstances which is why they are here.

Adam said I think the Board of Selectmen should consider it. Fred said it is not their jurisdiction.

Fred moved to approve the request for a sign according to the Town of Bridgton Sign Ordinance Section 8.M. Dee 2nd.

Fred amended his motion to include that the sign will not be sited in the triangle but on the property of the house. Dee 2nd.
4 Approve / 1 Oppose (Adam)

Cottages at Willett Brook - An Age Restricted Community
234 Portland Road; Map 9 Lot 27A
60 Housing Units/Garage and Storage Buildings/Club House
Represented by Jon Whitten, Terradyn Consultants LLC

Mr. Whitten said we are before you for a proposed 60 lot age restricted clustered subdivision. The proposal is to develop 60-5,000sf lots on a piece that is about 40 acres in size. The main road coming in is proposed to be Community Way, which is a road name that was turned down in a previous project. The road will come in approximately 1,000' to the end of the cul-de-sac with lots off the end of the cul-de-sac and it will be complimented by 5 other pods throughout the project. These lots will support a 14' wide x 60' concrete slab in which the developers will build a cottage style home with varying floor plans. The applicants have constructed a home as a model home on a property located at Route 302. There was an open house at the model home which was well attended. The homes will be energy efficient designed for a 55 and older community. There will be a club house at the end with a parking area for use by owners of the lots. Also, there will be garage and storage unit buildings available to the owners. A walking trail will be established at the rear of the property to connect from Community Way to the Central Maine Power Line company right of way and that will connect to other various recreational trails. The subdivision will be serviced by underground utilities. There will be public water. I have had discussion with the Bridgton Water District and although I do not have a letter of approval they are in agreement with this size development. We are planning shared septic systems for the units. Mr. Sawyer is going to do the soils tests for the septic systems and a test pit for a wet pond. The land slopes away from South High Street down to Willett Brook. The storm water will be captured in traditional vegetated ditches. Culverts will be brought easterly through the site with some areas that will go to a wooded buffer associated with Boat and RV storage area. The applicants intent is to make the wet pond an amenity to the site as well. We are proposing a town standard road but it will be privately owned, all the roads will be privately owned. The proposal is 18' of pavement, 6' shoulders on each side. There are no sidewalks proposed based on the fact that the shoulders are going to be wide and the traffic generation is not expected to be nearly as much as you are used to for a subdivision this

size. From the IT Manual for traffic generation, and as senior adult detached living, the average daily trips is 3.71 per dwelling. What is unique about this type of living area is the peak hour that is associated with this use is different than what you would match up to everyday traffic. I included a comparison for your information. The proposed 60 lots will produce 223 trips per day and in the general peak hour will put another 12 vehicles on the road and in the P.M. peak hour it will put another 16 vehicles on the road. Compare that to an average single family residence in a residential subdivision it would be 600 trips per day and you would put 60 and 72 additional vehicles during peak hours.

Steve said is this a phased project? Mr. Whitten said no.

Mr. Whitten said there are 60 lots plus an existing home that was purchased by the applicant for the 61st lot. The house and the proposed lots will be located on a 29.4 acre parcel. That leaves approximately a 10 acres piece as retained land that cannot be developed within the next five years. If that does have any development then this project will go into the Site Location of Development Act so by keeping the development in less than 30 acres this project is under the storm water act. We are using the density of 20,000sf and that density is with the 29 acres.

Steve said the phosphorous plan showed a total acreage of 40. Mr. Whitten said yes so any future development on the retained land would have to deal with phosphorous as a separate issue.

Brian said there was no information on the proposed septic systems and approval from the Water District.

Steve said why are you requesting a waiver for the slope of the road? Mr. Whitten said I thought 8% was the maximum grade. Steve said it was 8.something for a few hundred feet.

Steve said we would request a completion guarantee.

Brian said there was no information on covenants.

Mr. Baker said have you received approval for the driveway entrance from Department of Transportation? Mr. Whitten said no. Steve said is it a State road? Mr. Whitten said I will confirm this with the Department of Transportation.

Brian moved that the application is incomplete. Dee 2nd.

5 Approve / 0 Oppose

Steve said does the Board want to conduct a site walk and/or a Public Hearing? Brian and Fred said we should schedule a Public Hearing.

Steve said when we meet again we will schedule a Public Hearing because this month is filled up with meetings.

Brian moved to schedule a Public Hearing at a later date. Fred 2nd.
5 Approve / 0 Oppose

Mr. Whitten said we do have a secondary access. There will be a parking lot for use by the owners for RV and boat storage. As the gravel road bends there is an area that we will grassed over as a secondary access. Steve said what are your rights to use the road? Mark Lopez, Developer, said we own the road. Mr. Whitten said the right of way came with the property as a right of way. Dee said being grassed it would be more for emergency vehicles? Mr. Whitten said yes, we don't want general traffic use.

Adam said where are the driveways going to be located for the homes? Mr. Whitten said right beside them.

Steve said Bob Fitzcharles, Transfer Station Manager, added to his impact statement a concern regarding use of the transfer station.

Brian said with a 55 and older concept I think you should consider sidewalks because at that age there is the potential for walkers and scooters. Mr. Lopez said we gave this issue a lot of consideration and I can tell you I have built two substantial 55 and older projects and they do not plow the sidewalks in the winter and that was a deciding factor. Some of the cul-de-sacs are less than 100' in. Mr. Whitten said if we install a sidewalk we have to have either a physical separation or curbing. When you install curbing it escalates the construction costs. If we have a substantial shoulder of 5-6' then we are putting the sidewalks outside of the right of way and we are taking up room for the walks they are much more straight forward and cost effective for the developer. Brian said what about during the summer if you get heavy rains? Mr. Whitten said it will have a gravel base and a grass surface. Everything is kept at 2% grade to allow walkability and it makes it easier to traverse.

Dee said are there going to be garages? Mr. Whitten said central garages, there are two for each pod. Dee said because there are no sidewalks what about walkability in winter? Mr. Whitten said plowed shoulders. Adam said so not all units come with garages? Mr. Whitten said there are 60 garage spaces but they are optional. Dee said there is a space next to each house. Mr. Whitten said yes and there is a parking space outside of each garage space and there is a garage space. Mr. Lopez said there is also storage space in each garage unit.

Brian said is the radius within the pods large enough for fire trucks? Mr. Whitten said yes, the inside circle will be left for community gardens which is 40' in diameter.

Adam said what is the plan for maintenance? Mr. Lopez said maintenance of the exterior of the building will be the responsibility of the individual homeowners. The Homeowners Association will take care of the landscaping, snowplowing, septic systems, club house and any other common amenities. This is going to be maintenance free living for the residents.

Dee said there will be covenants to retain the existing design of the buildings? Mr. Lopez said yes.

Steve said has the barn been razed? Mr. Lopez said yes.

Mr. Lopez said what are the proposed meeting dates in July? Steve said I would assume the regular July meeting on the 1st. Mr. Lopez said so in July you will set a Hearing? Steve said yes.

Mr. Whitten said we are submitting the plan to DEP next week so that would outline our dates accordingly.

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

Harry Barker Antiques

**Relocation from 50 Portland Street; Map 27 Lot 18 to
28 Main Street; Map 22 Lot 43**

Retail - Antiques

Longplayer/Richard Favia Sr.

49 Portland Road; Map 27 Lot 38

Retail - Audio Components

Topics for Discussion

A. Robert and Kristi Harris

Use of second floor for retail - Rob Baker, CEO

Mr. Baker said they did state in their original application that they would not use the second floor for sales. They told me they did raise the guard to the proper height on the second floor. Brian said is there a second egress on the second floor? Mr. Baker said I am not sure if they need one. I will update you further at you regular meeting in July.

B. Planning Board Discussion for a Time Limit on all Hearings

Steve said a Board policy would make it easier on the Board and the citizens. Ms. Fleck said Ms. Krieg also gave you some information on this issue. Dee said do we want to decide this tonight? Fred said we just received the information, I would like to review it. Adam said we can still limit the meeting as long as we make an announcement in the beginning of the meeting. Steve said I am willing to make a statement at the beginning of the meeting regarding a time limit and if we

approach that time frame during the meeting we will consider tabling further discussion of existing items to a date and time certain. The Board concurred that they will discuss this further at their next regular meeting.

C. Third Party Review Information

1. See Memo submitted by Anne Krieg, Economic Development Director
2. See Legal Opinion - Maine Municipal Association

Ms. Krieg said I have been working with a few different firms to come up with a proposal. I have also given the applicant the opportunity to comment on the individual firms.

Steve said we need to keep in mind the "shot clock" so we don't go beyond the 150 days. Adam said we also need to keep in mind the 90 days per the Town of Bridgton Tower Ordinance which Mr. Hobbins mentioned and said it could be extended.

D. FYI

1. Reminder - Public Hearing Tuesday, June 17, 2014 at 7:00p.m. - New Cingular Wireless PCS, LLC
2. Reminder - Public Hearing Tuesday, June 24, 2014 at 7:00p.m. - Dead River Company
3. Maine Townsman

E. Other/Miscellaneous

Fred moved to adjourn the meeting at 9:40p.m. Brian 2nd.

5 Approve / 0 Oppose

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton