

# Minutes

## Bridgton Planning Board Meeting

**February 7, 2017**

Downstairs meeting room – Municipal Office Complex – Iredale Avenue entrance

*Members Presents: Steve Collins, Chair, Mike Figoli, Deb Brusini, Dee Miller, and, Phyllis Roth (alternate, voting as assigned by the Chair)*

*Also present were Code Enforcement Officer Rob Baker, Planning & Development Director Anne Krieg, and Fire Chief Steve Fay*

*The Chair opened the meeting at 7:01 PM by leading the Pledge of Allegiance.*

***Brusini moved and Roth seconded to approve the minutes from January 17<sup>th</sup>, 2017, with the edit on page 10 to capitalize the sentence beginning “If the Land Use...” The date of the minutes needs to reflect the January 17<sup>th</sup> date. All were in favor of the motion.***

***Brusini moved and Figoli seconded to approve the minutes of special meeting on January 20<sup>th</sup>, also with a change in the date to be January 20<sup>th</sup>. All were in favor of the motion.***

## Old Business

### BF Leasing

Home Run Rd Map 5 Lot 82A-2

Office, Storage and Garage for Landscaping Business

George Sawyer-Sawyer Engineering & Surveying, Inc.

previously tabled until DEP review

The Chair indicated the Board review should continue to be tabled for review by Maine DEP, under what is termed a DEP II review.

## New Business

### CMP section 94 and 98 Transmission Lines

CMP Transmission Line from Town Line near Route 35 to the Bridgton Substation.

Construction of New transmission line, Section 98, & rebuilding of another transmission line known as section 94.

Represented by Mark Christopher, project manager with TRC

The Chair introduced the application.

Christopher introduced himself to the Board.

The Chair polled Board members to determine any potential conflicts. Figoli indicated he had a prior relationship with TRC in another state. There was general consensus from the Board that no conflict or bias perception was evident.

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The Board also informally determined the application was complete for review.

Christopher reviewed the application as field. He indicated the scope of review included site plan but also the Shoreland District standards and the standards under the Bear River Aquifer.

He continued to state the project is to improve service and reliability. He reviewed the extent of the existing transmission lines and noted they intend to rebuild on the existing centerline. He further indicated where the clearing locations were for setbacks.

Christopher reviewed other reviews necessary, including the DEP, which was submitted in mid-December 2016 and a decision in late April or May is expected.

The Chair noted the Board's review would be parallel but put on hold until DEP completed their review.

Christopher continued to review the following elements of the site plan, as filed:

- Erosion control
- Construction management
- Tree clearance issues on stream beds
- Leaving understory
- The project can meet wetland and vernal pool buffer requirements
- Would prefer construction in winter but likely will occur in spring/summer 2018
- Temporary bridges and mats will be used to minimize disturbance during clearance
- Noise/dust and traffic controls
- Daily site cleanup

The Chair interjected that the Board can consider allowing for substantial start modification in their decision.

Baker added that a 3<sup>rd</sup> party inspector will be necessary, and after discussion, the applicant representative agreed. Weekly reporting would also be required as noted by Figoli.

Other discussion points of Board members included:

- ▲ Tree and shrub inventories
- ▲ Coordination with Public Works for posted road requirements
- ▲ Coordinate with public safety for road closures and detours during construction
- ▲ Inspections before and after construction for roadway and rights of way damage
- ▲ Ensuring that town officials have up to date contact information of all contractors and sub-contractors working on the project

Brusini asked for an explanation of the project necessity.

Jacob Farmer from CMP discussed the requirements of the Maine Public Utility Commission requirements for service, and service reliability. There are also federal regulations associated with the upgrade need. The notable requirement is the distribution circuits need redundancy to prevent outages.

Farmer also noted public hearing comments from the DEP filing did not express concerns.

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Safety concerns were questioned by Brusini and Figoli. Farmer noted that lines get de-energized if broken, hit the ground or are hit by a tree. He also noted that fiber cable was in place to allow for communication with the substation. Farmer also committed to adhering to the town requirements for construction hours, adding that night work is not planned for the project.

Herbicide use was also discussed and Christopher indicated their use is regulated by Maine DEP and they use them for maintenance. He added he would send the list to the town for our files.

The Chair then commenced the reading of the standards as attached to these minutes.

Miller requested restoration be added to the landscaping requirement. Noise adherence was added by Brusini. The requirement of a third party inspector of the project, funded by the applicant, and reporting to the Code Enforcement Officer weekly, along with contact information of all contractors and their sub-contractors was added by Figoli.

The need for burning was also discussed and CMP indicated no burning was anticipated. Sometimes chipping of wood takes place on-site.

The Chair then reviewed the Bear River Performance standards. He noted the section on public utilities calls for site plan review.

One condition added was the erosion control installation and maintenance would be reviewed by the previously required third party inspector.

The Code Enforcement Officer noted that Harrison Water Department was notified of the application as was required.

The Chair reviewed the requirements in Shoreland Zoning. The requirement of the third party inspector carried over to this review.

***Figoli moved, with Miller seconding the motion to move forward with review of the project without a public hearing. Board members complimented the applicant on an ample and full application. Motion passed unanimously.***

***Figoli moved, with Brusini as the second on the motion to approve the project as submitted with the following conditions:***

- 1. A third party inspector will be hired by the town of Bridgton at the expense of the applicant to perform inspections on clearing, herbicide application, erosion control and general site construction. Said inspector shall provide a weekly report to the Code Enforcement Officer, along with a tabulation of all contractors and sub-contractors on site, with their contact information.***
- 2. Photos of the site and roadways will be taken prior to construction. A post inspection with the Public Works Director, the Code Enforcement Officer, and the third party inspector, along with CMP representatives, to determine what, if any, post repairs of roadways or rights of ways needs to occur once construction is complete.***
- 3. DEP approval of the project – a 3 month extension of the required time to commence and complete the project is granted and the applicant shall return to the Board to formally request further extensions if necessary.***

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- 4. Any road closures and detours will be coordinated with the Police Chief Rick Stillman at least 48 hours prior to the closure or detour.**

**All were in favor of the motion.**

**T. Buck Construction, Inc/Buck Estate  
Old County Rd. Map 56 Lot 5Z-1, 2, 3, 4 Subdivision  
Represented by Thomas R. Dubois/ Main-land Development Consultants, Inc.**

The Chair opened the agenda item with a confirmation of no recusals and the application was complete for review.

The representative from Maine-Land reviewed the application, noting it was a re-application from a previously approved subdivision from 2012. The subdivision lapsed as required in the Subdivision Ordinance.

Miller noted the ordinances have changed since 2012, most applicable is the Fire Protection Ordinance.

The Chair added performance guarantees will be required for the project and requested further tree cutting protections.

Maine-Land reviewed the project which includes a request for a waiver from the fire protection ordinance requirements. She indicated the costs, the inability to locate an on-site pumping station, cistern costs and the alleged reduced marketability of a sprinkler system in a seasonal home supported the waiver request.

The Chair read the waiver provision found in the fire ordinance.

Brusini discussed the issues with the road and concerns about wash-outs in storm events.

Ken Condi, President of the Road Association expressed concern regarding existing storm water from the clear cutting that occurred on site. The Association has spent \$20,000 creating culverts and other road improvements to direct water and keep the road from failing. The existing culvert does not appear to be large enough and a sediment pond is needed. He is requesting the Board require the new residents to participate in the road association as they will use the road to access their respective properties.

Fire Chief Fay spoke about the fire protections. He agrees that cisterns are costly. He explained the sprinklers do not go off until after Phase I and the Fire Department is alerted. They are there to allow occupants to exit the building safely in a fire and not necessarily for fire suppression. He does allow the sprinklers, then, to be drained for seasonal homes. He does not recommend the waiver be granted.

Miller agreed the waiver request is a concern with the project.

Fay continued to indicate he would work with the developer directly. He added that the town has a responsibility to enforce the ordinance. He said that 3 options are available for fire protection. He noted that there is typically a reduction in insurance costs where sprinklers are installed.

The road grade as excessive was discussed for fire access and Fay responded that fire equipment can access the proposed lots.

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The Chair opined to the Board that the application should be tabled due to the waiver request. There was general agreement from the Board that the waiver likely would not be granted.

Stormwater was also reviewed and discussed with clearcutting problems noted as an issue by Board members. Easement areas were noted on the plan for Stormwater provisions.

Krieg requested the Homeowner's Association include funds for maintenance of wells, wastewater, Stormwater as well as maintenance of the road.

Roth noted the abutter concerns regarding lot 8. It was noted by the applicant the new Stormwater system will improve the situation. The Chair pointed out to the board that an application cannot make a Stormwater situation worse, but are not required to fix existing problems.

Miller added that the road needs to be video-ed before, during and after construction.

***Roth moved to table the application to a meeting prior to April 8, 2017 to allow the applicant to meet with the Fire Department. All were in favor of the motion.***

**Beaverwood Creek Estates/ Christian & Lynne Olsen  
Nature's Way Map 13 Lot 60A Subdivision Revision  
4 new lots & Extension of Nature's Way  
Represented by George Sawyer-Sawyer Engineering & Surveying Inc.**

George Sawyer, representing the applicant, reviewed the application.

Impact statements were given to Sawyer at the meeting.

Fay reviewed his comments with the Board as filed.

Miller discussed the dock use and covenants.

Brusini reviewed questions with the wetland, added by Figoli regarding any vernal pools on the property.

Sawyer asked to be tabled to the next meeting and the Board granted the request.

**Maine Eco Homes New Office Building/JSM Properties, LLC  
175 Portland Rd Map 9 Lot 64-3 mixed use Development/ Office building  
Represented by Michael E Tadema-Wielandt/Terradyn Consultants, LLC**

Tadema-Wielandt reviewed the project with the Board.

The group discussed at length a memo from Anne Krieg dated February 7<sup>th</sup> and attached to these minutes.

Brusini inquired if the project would meet the proposed Land Use Ordinance for the Inner Corridor as currently drafted. It was noted it would not meet the new requirements as to parking and setback.

Access issues were debated at length as well. Ultimately the group agreed to direct the applicant to delete the access for vehicles between adjacent properties and allow instead an optional walking path.

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Krieg recommended the easement be executed prior to the occupancy permit issuance.

The Board also discussed the sidewalk replacement and agreed to allow Maine DOT to decide whether it would be replaced.

Roth requested the sign be located to give adequate sight distance for cars exiting the site.

The Chair reviewed the standards and conditions as attached to these minutes.

***Figoli moved, with a second from Miller, to approve the application with the noted conditions.***

No other business ensued, the Chair then called for adjournment and it was granted at 10:47 PM.

*These minutes were prepared on February 15, 2017 in anticipation of Planning Board review at their next meeting March 7<sup>th</sup>, 2017.*

*Respectfully submitted as indicated by Anne M Krieg, AICP, Bridgton Director of Planning, Economic & Community Development.*