

**BRIDGTON PLANNING BOARD
MEETING**

Downstairs Meeting Room

**October 21, 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; Brian Thomas; Michael Figoli; Phyllis Roth, Alternate. Absent were: Fred Packard, Vice Chair; Dee Miller; Vacant Position, Alternate.

The Pledge of Allegiance

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

Steve appointed Phyllis Roth, Alternate, to act in the capacity of absent regular member.

Old Business - None

New Business - None

Topics for Discussion

A. Ordinance/Regulations Revisions (See Memo)

Steve said we have received a memorandum from Georgiann Fleck, Deputy Town Manager, outlining proposed revisions the Board has considered over the past several months to several Ordinances.

1. Tower Ordinance

a. Section III.C and Section III.D - both read "below". Should one be "below" and one be "above"?

Michael moved to change Section III.C to replace "below" with "above". Phyllis 2nd. 4 Approve / 0 Oppose

b. Section VII.G.2 - Prohibit advertising signage but allow informational signs?

Steve said we could consider adding language that would continue following facilities with "informational signs such as emergency contacts or other signs required by safety considerations or regulatory agencies shall be permitted".

Brian moved that language be added to Section VII.G.2 to read "informational signs such as emergency contacts or other signs required by safety considerations or regulatory agencies shall be permitted". Michael 2nd. 4 Approve / 0 Oppose

c. Section VII.C.2 - Noise Levels

Steve said this section limits sound levels to a lower and upper limit which does not make sense because if the place is quiet you are in violation. I believe this was transposed from The Site Plan Review Ordinance where there is a day limit and a night limit but they did not stipulate that in this section. I believe the way to correct this is to either delete the "55dB(A)" and make it "70 dB(A)" or to add the time limits during day or night or take in by reference the Site Plan Review requirements.

Following discussion the Board decided to remove the "55dB(A)" and leave the "70dB(A)".

Brian moved to delete "55dB(A)" from section VII.C.2. Michael 2nd.
4 Approve / 0 Oppose

d. Revise Ordinance to include telecommunication facility, tower or wind energy system where only "tower" is referred to throughout the Ordinance.

Michael moved to make the Ordinance consistent throughout with a reference to "telecommunication facility, tower or wind energy system" where only one reference is made. Brian 2nd. 4 Approve / 0 Oppose

e. Revise Ordinance to reference twelve (12) days where ten (10) days is referred to throughout the Ordinance.

Brian moved to reference twelve (12) days where ten (10) days is referred to throughout the Ordinance. Phyllis 2nd.
4 Approve / 0 Oppose

f. Add time frame for submittal of additional information to be consistent with other Town of Bridgton Ordinances. "During the review process of the application the Planning Board shall have the authority to request additional information. If the information requested by the Planning Board is not submitted within three (3) months from the date the Planning Board made the request the application is considered null and void. The Planning Board may grant an extension to the three (3) months upon request by the applicant in writing and demonstrating that the time period cannot be complied with due to circumstances beyond the control of the applicant".

Brian said we have the "shot clock" to consider because if we give the applicant additional time it may exceed the "shot clock". Michael said the applicant can exceed that. Anne Krieg, Planning and Economic Development, said I usually would not begin the clock until the applicant is deemed complete so if they need additional information then the application is not complete.

Ms. Fleck said maybe the "shot clock" covers the time frame for submittal of additional information? Michael said maybe leave the 3 months but add the "shot clock" requirement. Mr. Baker said the "shot clock" would apply to telecommunication towers but what about an application for a wind energy system? Michael said the "shot clock" only applies when the FCC is involved.

Brian said maybe reference the law so if the Federal Law changes the Ordinance does not have to change.

Discussion ensued between Board Members and Department Heads.

The Board concurred that staff will create language to submit for consideration.

g. Add notification to property owners upon submitting an application consistent with the requirements for a public hearing. "The developer or his authorized agent shall be responsible for notifying owners of all properties that directly abut or are located within one thousand (1,000) feet of any property line of the property for which the telecommunication facility, tower or wind energy system is requested not less than twelve (12) days prior to the meeting. Notice to the owners within the first 500 feet shall be by certified mail with the remaining notices by first class mail). Notice shall also be given by certified mail to any town located within 1,000 feet of the proposed telecommunication facility, tower or wind energy system. The applicant shall present proof of such notification satisfactory to the Code Enforcement Officer. The applicant shall also notify the Bridgton Town Manager at the Bridgton Town Office, Three Chase Street, Suite 1, Bridgton, Maine 04009 of the proposed application using certified mail return receipt. The notification shall include: the name of the applicant, location of the property, a brief description of the project, and a plot plan identifying the proposed site layout in relation to nearby streets and properties.

Ms. Fleck said there is a requirement for notification when a Public Hearing is held, however, there is no notification when an application is submitted.

Brian moved to include the proposed language in Section IV.

Michael 2nd. 4 Approve / 0 Oppose

h. Section V.B.1 - Add notification to Town Manager by certified mail.

Brian moved to include the language as proposed. Michael 2nd.

4 Approve / 0 Oppose

i. Review inconsistency between Site Plan Review Ordinance and Tower Ordinance. Site Plan Review Ordinance Article III.2.e states "This

Ordinance does not apply to all new Telecommunication towers and related facilities that are governed by the Tower Ordinance of the Town of Bridgton." Whereas the Section IV.A of the Tower Ordinance states "All applications under this section shall be reviewed by the Planning Board of the Town of Bridgton in accordance with the procedure, standards and submission requirements set forth below and of the Bridgton Site Plan Review Ordinance and the Bridgton Shoreland Zoning Ordinance as applicable."

The Board concurred that an application for a telecommunication facility, tower or wind energy system should also be reviewed under the Site Plan Review Ordinance and the Tower Ordinance.

2. Subdivision Regulations

a. Article X. Section 7 - Reference the "Fire Protection Ordinance for Subdivisions Only" recently adopted by Town Meeting in June 2014.

Discussion ensued between Board Members and Department Heads.

Brian moved that the section be revised to read "Fire protection measures shall meet requirements set forth in the Town of Bridgton Fire Protection Ordinance for Subdivisions Only" as annotated on the approved plan. Michael 2nd. 4 Approve / 0 Oppose

b. Revise Article IX. Section 2 to replace "public improvements" with "infastructure" to be consistent with the definition of infastructure because there is no definition for public improvements.

Brian moved to remove public improvements and replace with infastructure. Michael 2nd. 4 Approve / 0 Oppose

c. Article X. Section 1.5 - Review inconsistencies in this section with Section 15.A.1 of the Shoreland Zoning Ordinance.

Discussion ensued between Board Members and Department Heads.

The Board concurred to replace Article X.2 with the following language "The minimum lot size for any residential or commercial lot approved by the Planning Board in an approved subdivision shall be 40,000sq. ft.

a. Exceptions

1. The lot size for lots served by central water system OR central sewer system may be 30,000 sq. ft.

2. The lot size for lots served by central water system AND central sewer system may be 20,000 sq. ft. or less, with a minimum of 5,000 sq. ft.

3. Lot size for lots located in the General Development District I or General Development District II. See Article X Section 1.5 and 1.6 below and the Town of Bridgton Shoreland Zoning Ordinance.

4. Mobile home parks with are defined in the Town of Bridgton Subdivision Regulations Article XI "Mobile Home Parks".

Michael said does this apply to PUD's and Cluster Housing or are they exempt? Mr. Baker said the building code requires a 5' setback.

The Board concurred that in the sections of PUD and Condo the general requirement areas should refer back to this section.

Mr. Baker said should we include the state language for tenting and trailers? The Board concurred.

d. Article X.1.7 there is a reference to "5a above" which a subsection "a" does not exist.

Brian moved to remove the reference "a" from paragraph 7. Michael 2nd.
4 Approve / 0 Oppose

3. Shoreland Zoning Ordinance

a. Section 15.A.1 - Correct the typographical error for reference of Map 23 Lot 13 which should be Map 23 Lot 132 to comply with Department Order issued by the Department of Environmental Association.

Brian moved to revise Map 23 Lot 13 to Map 23 Lot 132. Phyllis 2nd.
4 Approve / 0 Oppose

4. Sign Ordinance

a. Determine difference between "temporary" signs and "short term" sign.

Ms. Fleck said this the result of a memo that Dee submitted to the Board.

Discussion ensued between Board Members and Department Heads.

Steve said if the Board concurs with my suggestion we could remove "temporary" from the definitions and on page 7 remove "temporary" and leave short term. Michael said wherever temporary is referenced we could include short term also.

The Board concurred to have Ms. Fleck include both "short term" and "temporary" where only one is referenced throughout the Ordinance so the Board can review it and make a determination.

4. Outdoor Festival Ordinance

a. Remove specific amount for payment of fee of \$100.00 to read "All applications shall be accompanied by a fee as provided in the Town Fee Schedule and may be amended from time to time, and which is incorporated herein by reference."

The Board concurred that they believe this is a Board of Selectmen generated Ordinance.

Ms. Fleck said I will confirm that and report back to the Board.

5. Site Plan Review Ordinance

a. Review inconsistency between Site Plan Review Ordinance and Tower Ordinance. Site Plan Review Ordinance Article III.2.e This Ordinance does not apply to "All new Telecommunication towers and related facilities that are governed by the Tower Ordinance of the Town of Bridgton. Whereas the Section IV.A of the Tower Ordinance states "All application under this section shall be reviewed by the Planning Board of the Town of Bridgton in accordance with the procedure, standards and submission requirements set forth below and of the Bridgton Site Plan Review Ordinance and the Bridgton Shoreland Zoning Ordinance as applicable."

Brian moved to remove item "e" from Article III.2 "All new telecommunication towers and related facilities that are governed by the Tower Ordinance of the Town of Bridgton". Michael 2nd.

4 Approve / 0 Oppose

6. Miscellaneous

a. Site Plan Review Ordinance, Subdivision Regulations, Tower Ordinance (and any other Ordinances requiring notification to abutters or property owners). Make all Ordinances consistent using a single document for notification of property owners. Consider "for the purpose of this section, the owners of property shall be considered to be the persons listed in the most recent version of the *Town of Bridgton Assessing Office Property Owner Lists*, reference date of list used, available at the Town of Bridgton Municipal Office created by the Town of Bridgton Assessing Department and amended from time to time.

Ms. Fleck said this came about as a result of the confusion of what document should be used by an applicant when they need to notify abutters.

Brian moved to replace language throughout the various Ordinances/Regulations with the proposed language and include "applicant must reference date of list used". Michael 2nd.
4 Approve / 0 Oppose

Michael said the Book references map and lot, street address and property owner? Ms. Fleck said yes. Michael said the old book is kept for reference? Ms. Fleck said yes.

Steve said we will scheduled another workshop to continue discussion of the revisions.

B. Adam Grant

Resignation from Planning Board

Ms. Fleck said I also did a memo to the Board of Selectmen. Steve said they may appoint a replacement so if you have any suggestions now is the time to discuss them.

The Board concurred that they will leave the decision up to the Board of Selectmen to make the determination.

C. Other/Miscellaneous

Brian moved to adjourn the meeting at 9:00p.m. Michael 2nd.
4 Approve / 0 Oppose

Respectfully Submitted,

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton