

**BRIDGTON PLANNING BOARD  
MEETING MINUTES**

**Downstairs Meeting Room**

**March 7, 2017  
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; Deb Brusini; Dee Miller; Mike Figoli; Catherine Pinkham, Alternate.

**The Pledge of Allegiance**

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

Catherine was appointed to vote in place of Brian, an absent member.

**Approval of Minutes - February 7, 2017**

**Deb** moved Mike 2<sup>nd</sup>. 5 approve 0 opposed

Steve said with the board's approval I would like to bring forward something from item 9 FYI item b. Hearing no objection I will do so. The Maine Townsman legal section had quite a bit to say about the new status of marijuana in the state. They recommended that the towns be proactive in worrying about being caught blindsided when the legislation finally gets around to writing and enabling legislation as has happened with the medical marijuana. They provided a template for a moratorium resolution. I spoke with the town's attorney this afternoon and she recommended the same as the Maine's Townsman did. They gave us another template which was almost word for word of the Maine's Townsman template. The legalization of medical marijuana is not a land use question so it really doesn't come with our jurisdiction. But I think like any other citizens, our voice can be heard. So, What I would like to do is ask you this evening if you would like to pass a resolution to take to the Board of Selectmen recommending that they bring forward a moratorium ordinance or they recommend not.

**Phyllis moved** to forward the request to the Board of Selectman Deb 2<sup>nd</sup>. 4 approved 1 opposed.

**OLD BUSINESS**

**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  
Review and Accept Findings of Fact and Conclusion of Law**

Justin Mciver wanted to discuss with the board, the conditions of the Findings of fact and conclusions of law.

Justin proposed an in entrance only. When pulling into Dunkin Donuts parking lot, Justin would like an entrance only to pull into his parking lot. He is looking for foot traffic to his businesses.

**Deb moved** to reconsider Catherine 2<sup>nd</sup>. 5 approved 0 opposed.

Justin would be placing a "do not enter" sign. If this becomes a Problem, Justin is willing to block entrance as he doesn't want To cause any issues for his business or Dunkin Donuts. He will not be disrupting the snowmobile trail. Justin stated that the right way to do this is to connect the parking lots. Most business do this already. He has proposed up to 12-foot arched entry way with no exit sign.

**Mike moved** to delete condition #1 and allow up to a 12-foot arch entry way with a no exit sign and one way arrow. Deb 2<sup>nd</sup>. 5 approve 0 opposed.

At the end of the meeting, we will have Ms. Day change condition #1 And we approve The Findings of fact and conclusion of law.

**T. Buck Construction, Inc/Buck Estates**

**Old County Rd. Map 56 Lot 5Z-1,2,3,4**

**Subdivision**

**Represented by Thomas R. Dubois/ Main-land Development Consultants, Inc. Rick Dutton standing in for Thomas Dubois.**

**Tabled February 7, 2017**

**Phyllis moved** to remove application from table Catherine 2<sup>nd</sup>. 5 approved 0 opposed

Deb stated that in reading the minutes, Anne Krieg had a note in there recommending adding to the home owner's association adding provision to be able to charge for maintaining the wells, waste water etc. Mr. Buck has decided to have sprinklers required per suggestion of Bridgton Fire Chief.

Steve said does any Board member feel that he/she should recuse themselves because of conflict or bias? There were no comments.

Steve said does the Board feel that we have a substantially complete application? There were no comments, therefore, it is presumed that the application is complete. There were no comments.

As required by Title 30-A ss4404 Review Criteria; "When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following

criteria and, before granting approval, must determine that:”

1. **Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

- A. The elevation of the land above sea level and its relation to the flood plains;
- B. The nature of soils and subsoils and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;  
The Board concurred that this section has been met

2. **Sufficient Water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.  
The Board concurred that this section has been met

3. **Existing Water Supply.** The proposed subdivision will not cause unreasonable burden on an existing water supply, if one is to be utilized.  
The Board concurred that this section is not applicable

4. **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results.  
The Board concurred that this section has been met

5. **Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section.  
The Board concurred that this section has been met

6. **Sewage Disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.  
The Board concurred that this section is not applicable

7. **Municipal Solid Waste Disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality’s ability to dispose of solid waste, if municipal services are to be utilized.  
The Board concurred that this section has been met

8. **Aesthetic, Cultural and Natural Values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or the rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.  
The Board concurred that this section has been met

9. **Conformity with Local Ordinances and Plans.** The proposed subdivision conforms with duly adopted subdivision regulations or ordinances, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these Ordinances and plans.

The Board concurred that this section has been met

10. **Financial and Technical Capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section.

The Board concurred that this section has been met

11. **Surface Waters; Outstanding River Segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonable affect the shoreline of that body of water:

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet;

1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore;

2. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning. Title 38, Chapter 3, Subchapter I, Article 2-B, or within areas designated by Ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Section 4401, Subsection 1, on September 23, 1983;

The Board concurred that this section is not applicable

12. **Ground Water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

The Board concurred that this section has been met

13. **Flood Areas.** Based on Federal Emergency Management Agency's Flood Boundary and Floodwater Maps and Flood Insurance Rate Maps, and information presented by the applicant, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivision shall determine the 100-year flood elevation and flood hazard boundaries with the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structure in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

The Board concurred that this section is not applicable

14. **Freshwater Wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soils and water conservation district.

The Board concurred that this section has been met

14-A. **Farmland.** All farmland within the proposed subdivision has been identified on maps submitted as part of the application. Any mapping of farmland may be done with the help of the local soil and water conservation district.

The Board concurred that this section is not applicable

15. **River, Stream or Brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook: has the same meaning as in Title 38, Section 480-B, Subsection 9.

The Board concurred that this section is not applicable

16. **Storm Water.** The proposed subdivision will provide for adequate storm water management.

The Board concurred that this section has been met

17. **Spaghetti-lots Prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

The Board concurred that this section is not applicable

18. **Lake Phosphorus Concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision.

The Board concurred that this section has been met

19. **Impact on Adjoining Municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

The Board concurred that this section is not applicable

20. **Timber.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, Chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority’s request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, “liquidation harvesting” has the same meaning as in Title 12 section 8868, subsection 6 and “parcel” means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

The Board concurred that this section is not applicable

As sited in the Town of Bridgton Subdivision Regulations; Article X Design Standards, the subdivision meets or exceeds the following:

1. **Lot Size and Dimensions.** \_\_\_\_\_ met \_\_\_\_\_
2. **Monuments.** \_\_\_\_\_ met \_\_\_\_\_
3. **Street Signs.** \_\_\_\_\_ met \_\_\_\_\_
4. **Streets.** \_\_\_\_\_ met \_\_\_\_\_
5. **Sidewalks.** \_\_\_\_\_ met \_\_\_\_\_
6. **Water Supply.** \_\_\_\_\_ met \_\_\_\_\_
7. **Fire Protection.** \_Statement submitted by Fire Department\_\_\_\_\_ met \_\_\_\_\_

Mike moved to tentatively approve the project as presented and submitted but withhold final judgment pending review of the Findings of Fact and conclusions of law. Catherine 2<sup>nd</sup>. 5 approved 0 opposed.

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.  
Tabled on February 7, 201

**Catherine moved** to remove the application from the table Dee 2<sup>nd</sup>.  
5 approved/ 0 apposed

As required by Title 30-A ss4404 Review Criteria; "When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:"

1. **Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:
  - A. The elevation of the land above sea level and its relation to the flood plains;
  - B. The nature of soils and subsoils and their ability to adequately support waste disposal;
  - C. The slope of the land and its effect on effluents;
  - D. The availability of streams for disposal of effluents; and
  - E. The applicable state and local health and water resource rules and regulations;

The Board concurred that this section has been met

2. **Sufficient Water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

The Board concurred that this section has been met

3. **Existing Water Supply.** The proposed subdivision will not cause unreasonable burden on an existing water supply, if one is to be utilized.

The Board concurred that this section is not applicable

4. **Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

The Board concurred that this section has been met

5. **Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section.

The Board concurred that this section has been met

6. **Sewage Disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

The Board concurred that this section has been met

7. **Municipal Solid Waste Disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

The Board concurred that this section has been met

8. **Aesthetic, Cultural and Natural Values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or the rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

The Board concurred that this section has been met

9. **Conformity with Local Ordinances and Plans.** The proposed subdivision conforms with duly adopted subdivision regulations or ordinances, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these Ordinances and plans.

The Board concurred that this section has been met

10. **Financial and Technical Capacity.** The subdivider has adequate financial and technical capacity to meet the standards of this section.

The Board concurred that this section has been met

11. **Surface Waters; Outstanding River Segments.** Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title

38, Chapter 3, Subchapter I, Article 2-B, the proposed subdivision will not adversely affect the quality of that body of water or unreasonable affect the shoreline of that body of water:

A. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet;

1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore;

2. The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning. Title 38, Chapter 3, Subchapter I, Article 2-B, or within areas designated by Ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Section 4401, Subsection 1, on September 23, 1983;

The Board concurred that this section is not applicable

12. **Ground Water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

The Board concurred that this section has been met

13. **Flood Areas.** Based on Federal Emergency Management Agency's Flood Boundary and Floodwater Maps and Flood Insurance Rate Maps, and information presented by the applicant, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivision shall determine the 100-year flood elevation and flood hazard boundaries with the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structure in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

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The Board concurred that this section is not applicable

18. **Lake Phosphorus Concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed subdivision.

The Board concurred that this section has been met

19. **Impact on Adjoining Municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

The Board concurred that this section is not applicable

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The Board concurred that this section is not applicable

As sited in the Town of Bridgton Subdivision Regulations; Article X Design Standards, the subdivision meets or exceeds the following:

- 1. **Lot Size and Dimensions.** \_\_\_\_\_met\_\_\_\_\_
- 2. **Monuments.** \_\_\_\_\_met\_\_\_\_\_
- 3. **Street Signs.** \_\_\_\_\_met\_\_\_\_\_

4. **Streets.** \_\_\_\_\_ met \_\_\_\_\_
5. **Sidewalks.** \_\_\_\_\_ met \_\_\_\_\_
6. **Water Supply.** \_\_\_\_\_ met \_\_\_\_\_
7. **Fire Protection.** \_Statement submitted by Fire Department\_\_\_\_\_

**Mike moved** to tentatively approve the project as presented and submitted but withhold final judgment pending review of the Findings of Fact and conclusions of law. Deb 2<sup>nd</sup>. 5 approved 0 opposed.

#### **NEW BUSINESS**

Armonice, LLC / Michael Rennell  
527 Portland Rd, Bridgton Map 6 Lot 4A  
Rental of Pods and other space to legal and compliant medical and other marijuana growers and cultivators.  
Represented by Jeffrey Wilson-Braun & Wilson

Steve said does any Board member feel that he/she should recuse themselves because of conflict or bias? There were no comments.

Phyllis moved to table this application because the board did not feel the we had a substantially complete application. Catherine 2<sup>nd</sup>. 5 approved/ 0 opposed.

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

Everlast Roofing, Inc/ Lee Eastman  
24 Jr. Mains Drive Map 26 Lot 8A  
Addition to office Area

D & B Auto Truck Sales/ Joseph & Arlene Gallinari  
534 Portland Rd Map 6 Lot 3  
Auto Truck Sales

Village Donut Shop & Bakery/ Bruce Wiley  
24 Portland Rd Map 10 Lot 15 B-1  
Donut Shop & Bakery

**Workshop-Land Use and Zoning**-Conversation was ensued by committee, Planning Board and citizens.

**Topics for Discussion**

FYI

- a.
- b. Maine Townsman
- c. Steve polled the board to have a representative volunteer to be on the Community Development Director interview committee. Steve volunteered to be the representative from the Planning Board.
  
- d. Steve said at the Board's request Ms. Day has prepared written Findings and Fact and Conclusions of Law with the respect to the Maine Eco Homes New Office Building. The Board is tasked with approving or approving with conditions an application if we affirmatively find, based on the 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 revisions that the Board wishes to make to the Findings of Fact and Conclusions of Law in the Draft Decision?

**Deb moved** and Catherine 2<sup>nd</sup>. 5 approved/0 opposed

**Mike moved** to adjourn the meeting at 1:03 p.m. Deb 2<sup>nd</sup>. 5 approved/ 0 opposed.

Respectfully Submitted,

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Brenda Day, Administrative Assistant  
Town of Bridgton