

**BRIDGTON PLANNING BOARD  
MEETING**

**Bridgton Court Room**

**January 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; Dee Miller; Brian Thomas; Adam Grant, Alternate. Absent were: Fred Packard, Vice Chair; 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 an absent regular member.

**Presentation - Chris Baldwin, Cumberland County Soil & Water Conservation District "The District".**

Mr. Baldwin submitted documentation which outlines the services that "The District" offers. I am a certified professional in erosion and sedimentation control. I have been a district engineer for over 10 years and I also do Department of Environmental Protection (DEP) trainings and perform site inspections for contractors. I provide routine technical assistance for environmental projects with my specific expertise being soil, stormwater management, design of water quality best management practices - design, construction and maintenance - as well as erosion and sedimentation control. We are an entity of the state but we are non-regulatory, no bias and no agenda beyond our responsible stewardship of the natural resources. We develop a working Memorandum of Understanding (MOU) to enable "The District" to assist and partner with the municipality to offer our expertise. 85% of our funding comes from our administration of water quality grants and fee or service programs such as third party review. A portion of the fees we charge go to schools for continuation of training and services such as what we offer. "The District" performs reviews routinely for Municipalities, stormwater management, phosphorous control, erosion and sedimentation control, third party inspection during construction, post construction of best management practices for stormwater treatment and contractor certification in erosion and sedimentation control. I am the delegated authority through the Maine DEP to perform their reviews for their stormwater permits and their site law permits which you won't get with any other engineer. Therefore, the Town gets two reviews for the price of one because I can do them both. I have seen the Lakes Environmental Association (LEA) study reporting insufficiencies in recent developments for Towns including Bridgton. I have a lot of experience working with other municipalities. I understand that there is apprehension about introducing third party review into Ordinances and

the concern of related costs, we can do this without putting a huge burden on the Town's staff because you have limited time and resources. Stormwater Management and phosphorous control are complex issues and require constant training and education. There has to be a consistency to review of applications and the applicant needs to know what is expected of them so they can pull together plans in a reasonable time. They like the idea of a single point of contact and the consistency that comes along with that and we have that reputation. To accomplish a third party review with "The District" an MOU is established between the Municipality and "The District" this allows "The District" to work with the Town as your agent. All fees associated with the review are contracted between "The District" and the developer. The Town is made aware of the process, however, it requires no action from the Town. A single party reviewer will streamline the process. A model program that I would propose would be a set of plans be sent directly to "The District", I would prepare a requirement checklist for the project within 10 days to determine what items are missing and deliverable to the Municipality. This minimal cost is absorbed by "The District" because I have a budget to provide technical assistance to Municipalities. At the final plans submittal, a set of plans is submitted to "The District" and we would enter into a contract with the developer, I typically take a deposit, I work with the developer and engineer so they know what I am looking for and this initial review would be performed within 30 days. Once I review everything it is delivered to the Planning Board with an endorsement letter from "The District". Included in that letter would be any recommendations that I might have for third party inspection during construction. Amount of time spent on a third party inspection for a project depends on size and location. For post construction and best management inspection I would recommend water quality measures get installed like soil filters, bio gardens, wet ponds and gravel wetlands, need to be inspected after they are built typically after one year of operation to make sure they are still operating after they have been designed.

Mark Lopez, Citizen, said is this a process where "The District" will be one of the potential reviewers? I have an issue with the Town choosing one entity to review every project because that takes away competition. Steve said I don't have an answer to your questions at this time.

Mark Lopez said what is "The Districts" hourly rate? Mr. Baldwin said \$85.00/hour.

Anne Krieg, Economic Development Director, said what is the average price for a 15 lot subdivision? Mr. Baldwin said there are many factors to consider but typically \$1,500-\$2,000.

Adam said what Town's do you currently offer this service to? Mr. Baldwin said Naples, New Gloucester, Raymond, Casco and Windham are only a few we currently do.

Adam said are issues you uncover mostly with the developer or engineer? Mr. Baldwin said usually an inexperienced engineer. Adam said how often is that? Mr. Baldwin said 10% minimal.

Adam said what was the last project you reviewed and what did you do for the process? Mr. Baldwin said one project in New Gloucester over an eighteen month period I did about 18 visits at \$250.00 a visit so it totaled about \$4,000.00. Adam said did you find deficient items? Mr. Baldwin said yes every time I went but it was a difficult site. It is rare that I go to a site and don't find something which is why third party inspection is so important.

Dee said it seems that your services cover project review, construction, performance and maintenance. When you get to one year or five years later and the developer is no longer involved there would most likely be a Homeowner's Association and you would deal directly with them? Mr. Baldwin said yes.

Dee said if you were able to do the DEP review as well does that shorten the review time? Mr. Baldwin said yes. DEP can take up to 180 days for review and typically I am going to turn it over in 30.

Steve said how big of a disturbance triggers DEP review in a residential subdivision? Mr. Baldwin said 10,000sf.

Adam said have any Municipalities asked you to go back and review a subdivision that may have been created 10 years ago? Mr. Baldwin said no, we are talking about post construction it's just on the best management practice that was put out there for the water quality, it is not the roads or culverts or anything like that.

Mr. Lopez said when there is third party review of different aspects for instance road construction, if there is a performance guarantee in place before that could be released, there has to be a letter from the engineer that says the road was built according to plan, is that something that you would give as part of your review? Mr. Baldwin said that would be a design engineer, I am only going to deal with stormwater but that is not to say that a developer could not approach me to discuss that. As a PE I am certainly capable and comfortable providing that but it is not part of our development review program at this time.

Mr. Lopez said part of the discussion we had was it was not appropriate for the design engineer to sign off that his design was done properly in the field. Mr. Baldwin said you could not have a

better individual than a design engineer do it. Steve said because some projects have not had any professional oversight and unscrupulous developers cheated the drawings to save themselves money to the detriment of the owners, this is what we are trying to prevent by including a third party review process.

### **Comprehensive Plan Update - Anne Krieg, Planning, Economic and Community Development**

Ms. Krieg said I have submitted an update of the Comprehensive Plan outlining time-frame for implementation as well as a draft of Chapter 5, the land use section. Chapter 5 establishes land use policy which is the basis for creating a zoning ordinance. It does not write the Ordinance but it establishes the policy statements of what you are trying to accomplish when creating an Ordinance which is why this is such an important chapter for the Planning Board to review and comment on. Ms. Krieg said I will continue to forward drafts to the Board as they become available so don't hesitate to submit comments for consideration.

Steve said where is the Committee on "Form Based Code"? Ms. Krieg said they are not using that specific language but they are considering a hybrid code, not necessarily looking at the use of the property but how the property is developed.

### **Topics for Discussion**

#### **A. Ordinance/Regulation - Revisions and New**

##### **1. Sign Ordinance (Revised)**

###### **a. Revisions for consideration**

Adam said have we considered what a flashing sign means? Dee said that would be a DOT regulation. Adam said I have seen flashing signs that are very distracting. I would like the Board to consider adding something to our Ordinance to regulate these types of signs. Steve said we should know what the State Law says.

Discussion ensued between Board Members, Department Heads and Citizens with changes to the proposed draft to be resubmitted for consideration at their next regular meeting.

Ms. Krieg is going to submit language regarding Section VIII.D "All signs shall conform to size, shape, location, illumination standards set forth in this Ordinance" for consideration.

##### **1. Sign Ordinance (Revised)**

###### **b. Suggestions submitted by Dee Miller**

Discussion ensued between Board Members, Department Heads and Citizens.

As a result Section VIII.N and Section VIII.O and Section VIII.P will be incorporated into the draft of the Town of Bridgton Sign Ordinance for consideration.

## **1. Sign Ordinance (Revised)**

### **c. Suggestions submitted by Bernie King (See attached)**

Mr. King said I spoke with Georgiann Fleck, Executive Assistant, and she is finding out is if the state owns the median strip and can the Town regulate what signs go on there. Steve said does the State regulate what can go there? Mr. King said that is what I want to know.

Ms. Krieg said this Ordinance only regulates signs on private property.

Greg Jones, Citizen, said recently Naples negotiated an MOU with the State so they could regulate what is done for signs on state property.

Dee said if these signs are illegal to be on the state's median strip then why are they there? Ms. Fleck said we are waiting for a response from a representative of the State.

Discussion ensued between Board Members, Department Heads and Citizens.

Steve said I would suggest we delay discussion of signs on public ways for now until we know what the State has to say.

## **2. Subdivision Regulations (Revised)**

### **a. Third Party Review Language**

Dee said each one of these items is covered by "the District" but is it wise to say that they are the only group that must do it? Steve said I think that they provide an excellent service for what they do but it leaves us with inspection of the roads and culverts.

Brian said we can include them in the list of engineers but with limited services.

Discussion ensued between Board Members, Department Heads and Citizens.

**Dee moved** to approve the third party inspection language and add it to the Subdivision Regulations for consideration and include in the Public Hearing. Brian 2<sup>nd</sup>. 4 Approve / 0 Oppose

## **3. Fire Protection Ordinance (New)**

Discussion ensued between Board Members, Department Heads and Citizens.

**Brian moved** to approve the Ordinance with the revisions discussed and include for consideration at the Public Hearing. Dee 2<sup>nd</sup>. 3 Approve / 0 Oppose / 1 Abstain (Adam)

**4. Shoreland Zoning Ordinance (Revised)**

**a. Code Enforcement Officer Authority for disability structures**

Steve said we will table further discussion of this issue and have Ms. Fleck contact either Maine Municipal Association or DEP for proper language.

**B. Mountain Village Subdivision - Status** (See attached)

**C. FYI**

**1. 2014 Annual Town Meeting Schedule**

Steve said we should schedule a Public Hearing for the Ordinance revisions so we can be on schedule with the Town Meeting. Ms. Fleck said there are several Ordinances you approved revisions several months ago that will be part of that Public Hearing.

Steve said we will review the additional language of Shoreland Zoning and Sign Ordinance at the February 4, 2014 meeting to be included in the Public Hearing.

**Dee moved** to schedule a Public Hearing for February 18, 2014 at 7:00p.m. for Ordinance/Regulation revisions. Brian 2<sup>nd</sup>.

4 Approve / 0 Oppose

Adam said we should consider an Agenda order for the Ordinances in the event the Public Hearing needs to be continued. The Board concurred the order should be Willis Brook, Bear River, Shoreland Zoning Ordinance, Site Plan Review Ordinance, Sign Ordinance, Fire Prevention Ordinance and Subdivision Regulations.

**2. Shoreland Zoning News**

**3. LEA Lake News**

**D. Other/Miscellaneous**

**Brian moved** to adjourn the meeting at 10:49p.m. Dee 2<sup>nd</sup>.

4 Approve / 0 Oppose

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Georgiann M. Fleck, Executive Assistant  
Town of Bridgton