

**BRIDGTON PLANNING BOARD  
MEETING**

**Downstairs Meeting Room**

**September 1, 2015  
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; Dee Miller; Phyllis Roth, Alternate; Catherine Pinkham, Alternate. Absent were: Fred Packard, Vice Chair; Michael Figoli.

**The Pledge of Allegiance**

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

Steve appointed Catherine Pinkham, Alternate, and Phyllis Roth, Alternate, to act in the capacity of absent regular members.

**Approval of Minutes - August 4, 2015**

**Brian moved** to approve the minutes as presented. Catherine 2<sup>nd</sup>.

5 Approve / 0 Oppose

**OLD BUSINESS**

**Glenn Peterson/Canuvo**

**154 Portland Road; Map 9 Lot 60A**

**Cultivating & Processing Medical Cannabis Under an Existing Dispensary License**

**Represented by Glenn Peterson**

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

Steve read the findings of fact and conclusions of law for the record.

**Brian moved** that based upon the application submitted and representation to the Planning Board of the proposed Site Plan of Development by the applicant the project is approved conditional upon written procedures including a disaster plan mutually acceptable between the applicant, Fire Department and Police Department; A copy of the Bridgton Water District Letter approving use of the water for the project and review of the sprinkler system as mutually agreed upon by the applicant, Bridgton Fire Chief and the State Fire Marshal. 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. Catherine 2<sup>nd</sup>.

5 Approve / 0 Oppose

Mr. Peterson said I would like to take this opportunity to thank the Town for their patience in dealing with this application. We strive to make you proud of your votes this evening. This is the start of a very good thing. Steve said I would like to thank you for your patience and your willingness to respond to our inquiries and a well presented application.

**Cottages at Willett Brook/Vista Investments LLC  
234 South High Street; Map 9 Lot 27A  
Revision to approved Site Plan of Development  
Represented by Jeff Amos, Terradyn Consultants LLC  
Review and Accept Findings of Fact and Conclusions of Law  
Sign Mylar**

Steve read the findings of fact and conclusions of law for the record.

**Brian moved** that based upon the application submitted and representation to the Planning Board of the proposed revision to an approved subdivision by the applicant the project is approved. 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. Phyllis 2<sup>nd</sup>. 5 Approve / 0 Oppose

The Board signed the mylar.

**Bridgton Bottled Gas  
Portland Road/4 Raspberry Lane; Map 6 Lot 24I  
Site Plan Revision - Add 3-30,000 gallon tanks  
Represented by Todd Perreault  
Tabled May 12, 2015, June 2, 2015, June 23, 2015 and  
August 4, 2015**

Steve said we were recently notified that there was an abutter discrepancy. Georgiann Fleck, Deputy Town Manager and Planning Board Secretary, said I received an email last week notifying us of a flaw in the abutter notification. As a result, Rob Baker, Code Enforcement Officer, and I confirmed that there were a few abutters that were not properly notified. I did give the Board a memorandum notifying them of this issue. Steve said is the applicant in agreement with that statement? Mr. Perreault said yes. Steve said this does put a procedural cloud over the application. Steve said part of the process of reviewing an application is if an application is appealed and the Planning Board does not hold a Public Hearing then it becomes a denovo review by the Appeals Board. A Public Hearing has its own notification process, therefore, I would suggest that we schedule a Public Hearing, which requires notification to the abutters and to table the application until the date of that Public Hearing.

Rita Tyszka, Abutter, said I was one of the abutter that was not notified of this. We are approximately 50' from the entrance and as of this week construction has already started on this project. There is a new curb cut on our road and this has not gone through the whole process yet so not only were we not notified but construction has already begun. Mr. Perreault said one of our discussions at a previous meeting it was brought to my attention that they did not like the roadway where it was currently located so I figured it would be better if I did move the roadway even to continue doing business as we are currently authorized to do so. I went through Jim Kidder, Public Works Director, and he also agreed that it was a better location for the entrance. Regardless, if we have larger tanks put in there or not we still have the approval to operate our business day to day and that is where the entrance will be. Mr. Baker said I am not sure where the entrance was located on the original plan but any changes to an approved plan must be reviewed by the Planning Board.

Ms. Tyszka said it is my understanding that any new curb cut requires its own separate application and permit. You can't just move it because you want to.

Steve said our procedural issue with the lack of notification and your concern regarding construction of a different entryway are two different matters. I would suggest that you take entrance issue up with the Code Enforcement Officer.

Chris Chandler, Curtis Thaxter, said I represent the applicant and we request that the Board schedule a Public Hearing to remove the cloud and would solve a significant problem and we would be able to provide notice as required by the Ordinance.

Steve said we could schedule a Public Hearing as early as Tuesday, September 15, 2015 or hold the Hearing at our regular meeting on Tuesday, October 5, 2015.

**Brian moved** to schedule a public hearing for Tuesday, September 15, 2015 at 7:00p.m. Catherine 2<sup>nd</sup>. 5 Approve / 0 Oppose

Mr. Chandler said would the Board consider formally accepting the application as complete which you have not done yet. Also, we are amenable to any additional information that the Board would like us to submit prior to the Public Hearing. Steve said can we reasonably say tonight that we do or do not have a complete application because isn't make that decision taking it up without proper notification? Mr. Chandler said I think the application has to be complete for the Board to consider it and not to hold a Public Hearing and finally approve it. The application can be deemed complete at any point in the process.

Steve said does the Board want to determine completeness of the application? Brian said I think that the notification is part of acceptance of the Application. Catherine said according to the Site Plan Review Ordinance it needs to be documented that all abutters be notified. Dee said perhaps we could say that the checklist we supplied is complete.

Steve said I would like to suggest that we schedule a special meeting on the 15<sup>th</sup> recess that meeting and reconvene to a Public Hearing.

Ms. Tyszka said will that application include an emergency evacuation plan? As you know Raspberry Lane is a dead end road and both entrances now are proposed to be only on Raspberry Lane with no actual vehicle entrance coming off Route 302. The residences that are in ½ mile have nowhere to go and there is no evacuation procedural route. Steve said that will be germane to the Public Hearing. Ms. Tyszka said will that be part of the complete application? Steve said I can't answer for the applicant on that. Mr. Perreault said I don't believe it is required in the application itself. That will probably fall under the fire department accepting what we have through the NFPA and the risk analysis. Ms. Tyszka said I want to make sure that the application is thorough and complete because this is a very dangerous situation that it being created.

Gary LaPlant, abutter, said what is the procedure as far as notifying the abutters? Steve said the abutters must be notified by registered mail and in addition to have a Public Hearing it must be advertised in a stipulated fashion.

**David Randall**  
**251 Portland Road; map 9 Lot 72D**  
**Boat Sales and Related Activities**  
**Represented by Ronald Keniston**  
**Tabled July 21, 2015 and August 4, 2015**

Justin Randall was present representing the project.

Steve said does anyone have a conflict with the proposed application. The Board members concurred that they did not.

Steve said do we think we have a complete application? The majority of the Board concurred that they do have a complete application, however, Steve said I have a concern with the information submitted for financial and technical capacity and phosphorous analysis and therefore I would have to vote against the application based on the inadequacy of the those items. Brian said the letter from the Bridgton Water District that was provided to the Board is on a plain piece of paper and not on their letterhead.

Mr. Randall said we have an accountant firm out of Portland and we asked for a letter of financial and technical capability and he said legally he could not submit anything. Catherine said maybe you should talk with your account and have him submit something that there is sufficient funding. Mr. Randall said I did ask for that so maybe I should talk with our bank. Steve said we have received this type of letter from other applicants. Brian said you should have the conversation with your bank. Steve said the stormwater and phosphorous plan does not give any specifics about the mitigation or details on the allocation of the acreage regarding different uses.

**Phyllis moved** to table the application to Tuesday, October 6, 2015 until the deficiencies can be met. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

**New Business** - None

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

**Little Mountain Store/Robert Grace**  
**1382 North High Street; Map 11 Lot 21C**  
**Reinstall new underground fuel tanks and dispensers**

#### **Topics for Discussion**

##### **A. Tablets vs. Paper Packet (see memo)**

Ms. Fleck said when you were issued your tablets there was a target date to eliminate the paper packets. However, to allow the Board to acclimate to the tablets and to give Chris Sanborn, IT for the Town of Bridgton, the opportunity to hold a workshop for the Board and Catherine has been a great help to the other members, the target date was extended but now it is time to meet our obligation to eliminate the paper packets and therefore, paper packets will be eliminated for your October 6, 2015 meeting.

##### **B. Correspondence**

1. Lakes Environmental Association/Maine Lake Science Center  
51 Willett Road - Open House (See Correspondence)

##### **C. Lakes Environmental Association - Request for Workshop/Meeting (See correspondence)**

Steve said we will add this to the agenda of Tuesday, September 15, 2015 to set a workshop/meeting date for October.

##### **D. Maine Townsman - August-September 2015 Issue**

Steve said there are some interesting articles in the Maine Townsman. Glen Garland, Fire Chief, said there is an article regarding **community risk reduction and fire prevention**. A lot of the things that are mentioned in the article are things that the Board deals with during your process. Joe Thomas, Fire Marshal, is going to do a presentation

at the Maine Municipal Convention and they are going to do similar meetings around the state. We may even be able to arrange a meeting for here.

Brian said there was also an article regarding **conditions of approval and covenants**. Steve said we cannot enforce them, it is our Ordinances that give us our authority to demand anything.

**E. Other**

Brian said at the workshop/meeting can we talk about the Site Plan Review Ordinance and the Sign Ordinance? Ms. Fleck said I keep an active folder for possible **revisions to Ordinances/Regulations** for the Board to consider once you begin holding workshop/meetings.

Phyllis said who authorized the new **sign at the Gazebo**? Mr. Baker said I did, the sign that was there was in violation of the Sign Ordinance. Phyllis said did they submit an application and sketch? Mr. Baker said yes.

Dee said there is a trailer on **Route 302 which is not a moving vehicle that may be considered a sign**. Mr. Baker said I believe if it is registered it is o.k.

**Brian moved** to adjourn the meeting at 8:10p.m. Dee 2<sup>nd</sup>.  
5 Approve / 0 Oppose

Respectfully Submitted,

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Georgiann M. Fleck, Deputy Town Manager  
Town of Bridgton