

**BRIDGTON PLANNING BOARD  
MEETING**

**Downstairs Meeting Room**

**December 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; Fred Packard, Vice Chair; Brian Thomas; Phyllis Roth, Alternate; Catherine Pinkham, Alternate. Absent were: Dee Miller; 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 - November 3, 2015 (Regular Meeting)  
November 17, 2015 (Workshop/Meeting)**

**Catherine moved** to approve the minutes of November 3, 2015 and November 17, 2015. Phyllis said in the minutes of November 17<sup>th</sup> there was a reference to the workshop/meeting of December 15 and December 17 so this should be clarified. Steve said it should be December 15<sup>th</sup>. Georgiann Fleck, Deputy Town Manager and Secretary, said I will make sure the minutes are corrected to December 15<sup>th</sup>. Steve said I accept the motion with that modification. Catherine consented. Fred 2<sup>nd</sup>. 5 Approve / 0 Oppose

**Old Business**

**New Age Builders**

**527 Portland Road; Map 6 Lot 4A**

**Medical Marijuana Cultivation**

**Represented by James E. Messer Jr.**

**Tabled November 3, 2015**

Steve said on November 3, 2015 we did not open the application for discussion because we determined that the application was incomplete so it was tabled to this evening.

Steve said does any member feel that he/she has a conflict of interest? There was no comment.

Steve said do we think we have a complete application now?

Brian said there was a note from Ms. Fleck to the Planning Board stating that a sketch was not included with the notification sent to the property owners within 100'. I did call and leave a message for Mr. Messer asking him to forward a copy of the letter sent along with

the sketch. I received a follow-up email on November 25 but I don't see where a sketch was included in the notice to the property owners. The Town of Bridgton did receive their notification and it stated a medicinal marijuana caregiver, however, there was no sketch included so I wanted the Board to be aware of that. Mr. Messer said was that a sketch of boundaries? Fred said building sketch.

Steve said I noticed that the application is for a marijuana cultivation facility and the letter to the property owners indicates a marijuana caregiver which according to the Maine Statutes are two distinctly different things. Mr. Messer said both cultivate medicinal marijuana products whether it is a caregiver or dispensary. Dispensaries are allowed to sell to the public and caregivers have no public access and make deliveries to their patients, I don't think there is a difference between the two. Steve said a caregiver does not necessarily have to grow the product that he/she is dispensing? Mr. Messer said that is correct.

David Valese, caregiver, said I hope my name does not get put in the newspaper like my address did. I have six patients and I grow for them, I do cultivate and that is the whole purpose of this application.

Brian said are you licensed by the State? Mr. Valese said I already have permission to grow there by the State. Brian said we would need to see the license. Mr. Valese said I have that with me and can submit it to you to copy.

Steve said I would like to determine if there is a flaw in the notification. Brian said has the notification to the property owners within 100' been verified? Rob Baker, Code Enforcement Officer, said yes.

Fred said I am included as one of the individuals that has been notified but I don't think that jeopardizes me in any way. The Board concurred that there was no a conflict of interest.

Steve said the enabling legislation from the State said that a cultivator could cultivate for as many as 3 or 5 in-care providers. Mr. Valese said there is 5 but I also grow for myself. Steve said if we take this application as complete when the abutters have been notified as to a caregiver facility. Mr. Valese said it is a caregiver facility, I am a private caregiver, I only grow for my patients and myself. Steve said the application that was submitted states cultivation. Mr. Valese said I am cultivating. I don't see it being an issue if the state has already approved it. This is really hard for me, I have been out of work for months over this. I am sorry that the paperwork is not correct, I hired someone to do it and clearly they did not do it right. I am 35 years old and I could have grown in my own house and not told anyone but I have people that want

to come and visit me and they all have children so they don't feel comfortable coming and visiting me. I have been growing in basements where there is mold and bugs which I don't want any more that is why I want a clean facility, I am trying to grow the best medicine that I can, in order to do that you need to have a clean facility. I also have cancer that runs in my family, I have seen people that I love die, the pharmaceutical companies may lie and say that this doesn't help but it does save lives.

Steve said if the process is flawed it could result in an appeal. Brian said this is about process. The application states New Age Builders and it sounds like New Age Builders is not the applicant but you are, that could be an issue. Mr. Valese said yes. Brian said that is an issue. Mr. Valese said they are the ones that are doing the job. Brian said I see a building permit application in your submittal. Mr. Valese said I thought that was what this was all about because the state has already approved me. Brian said we are considering your approval for that facility to change the usage of that building. Mr. Valese said it has not been used for anything and no one has been in there for three years, it is a vacant building which sets back from the road, we are going to put a fence up and security cameras. Whoever wrote that article, please don't do anything like that again, you jeopardize my safety, I am growing things that are valuable there.

Catherine said as the application was presented, it was presented as an entity of an LLC so we need clarification as to whether or not you are approved to do this type of business. I am confused with the involvement of Mr. Messer. Mr. Valese said it is an empty building, there is going to be electrical work, air conditioning work and some walls to be constructed. Catherine said we need to have a new application submitted with the proper information. Mr. Messer said I was the applicant looking to get a building permit and now it is more Mr. Valese trying to do business there so I don't know if we can combine the two or not.

Steve said we need to know who is doing business there and the applicant has to show his license, which you have done. Mr. Messer said does it matter that I am a caregiver as well? Catherine said it does only because the State Law is two caregivers cannot do business or it is considered a co-op.

Phyllis said what confuses me in your application is that both your names are in the application but it does not make it clear who is doing what. If we could understand that you are the one that is asking for this approval and Mr. Messer is the one that is going to do the work for you.

Brian said included in application is a business information sheet which list the business owner as Alan Folette so we would be giving

approval for the business to Alan Folette. Mr. Valese said he owns the building. Brian said but that only adds to our confusion. Steve said Mr. Folette is the owner of the building? Mr. Valese said yes. Steve said and you have a lease agreement? Mr. Valese said yes, and I plan to buy the building. Brian said we should have that information.

Mr. Messer said is there a way to separate the business from the owner? Steve said that is up to the applicant to make that distinction.

Steve said when we accept the application as complete I propose to ask the Board to call for a public hearing which formalizes the process but there is a legal difference. If we hold a public hearing there is required advertising and notification to property owners. If there is an appeal it would be considered an appellate review but if we don't hold a public hearing and someone files an appeal it is considered denovo which means you need to resubmit everything.

Fred said I said I have no intention of slowing this process down but I don't think this is a complete application at this time. There was no sketch included in the notification and we need clarification of who the applicant, contractor and owner is. Steve said is that a motion? Fred said yes. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

**Fred moved** to table review of the application to the regular Planning Board meeting of January 5, 2016 meeting. Brian 2<sup>nd</sup>.  
5 Approve / 0 Oppose

### NEW BUSINESS

**Criterion Development LLC  
South High Street; Map 9 Lot 27F  
Revision to an approved subdivision  
Represented by George Sawyer, Sawyer Engineering**

Mr. Sawyer said this is a portion of a large subdivision which has been previously approved by the Board. The developer decided to change the layout of a portion of the total development. Three to four months again you approved the plan which did not show the lot numbers, however, it was approved and recorded. Also on that plan the developer was listed as a Criterion LLC and not Criterion Development LLC. This plan has been corrected to reflect the proper name and show the lot numbers and acreage.

The Board reviewed the criteria for subdivisions to establish the Findings of Fact and Conclusions of Law.

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 is not applicable
  
2. **Sufficient Water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;
 

The Board concurred that this section is not applicable
  
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 is not applicable
  
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 is not applicable
  
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 is not applicable
  
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 is not applicable
  
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 is not applicable
  
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 is not applicable
  
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 is not applicable

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 is not applicable

**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 is not applicable

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 ration 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; and

The Board concurred that this section is not applicable

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.** The Board concurred that this section has been met
2. **Monuments.** The Board concurred that this section has been met
3. **Street Signs/Fire Lane Signs.** The Board concurred that this section has been met
4. **Streets.** The Board concurred that this section has been met
5. **Sidewalks.** The Board concurred that this section has been met
6. **Water Supply.** The Board concurred that this section has been met
7. **Fire Protection.** The Board concurred that this section has been met
8. **Sewage Disposal.** The Board concurred that this section has been met
9. **Surface Drainage.** The Board concurred that this section has been met

**Brian 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 Approve / 0 Oppose

Mr. Sawyer said will it be possible to bring the mylar for signature and final approval on your meeting scheduled for December 15, 2015? Steve said we need to do Findings of Fact and Ms. Fleck needs to set the Board up for a workshop/meeting.

Brian moved to not include it on the workshop/meeting of the 15<sup>th</sup> but to give final approval at their next regular meeting scheduled for Tuesday, January 5, 2015. Catherine 2<sup>nd</sup>. 5 Approve / 0 Oppose

**Ira and Shirley Ball/Westview Ridge  
51 Brocklebank Drive; Map 5 Lot 96B  
Subdivision Revision  
Represented by George Sawyer, Sawyer Engineering and Surveying.**

Mr. Sawyer said on the previous plan a wrong reference stake was used when the survey was done so we are before you with a corrected plan for approval.

Brian said in the original application there was a letter from Nancy Fournier which she gave approval for the lot line adjustment and now she is giving up less than she was before. Brian said as long as we have approval from Ms. Fournier. Ms. Fournier said I approve of the revision.

The Board reviewed the criteria for subdivisions to establish the Findings of Fact and Conclusions of Law.

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 is not applicable
  
2. **Sufficient Water.** The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;
 

The Board concurred that this section is not applicable
  
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 is not applicable
  
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 is not applicable
  
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 is not applicable
  
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 is not applicable
  
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 is not applicable
  
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 is not applicable
  
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 is not applicable

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

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The Board concurred that this section is not applicable

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

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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 is not applicable

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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; and

The Board concurred that this section is not applicable

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.** The Board concurred that this section has been met
2. **Monuments.** The Board concurred that this section has been met
3. **Street Signs/Fire Lane Signs.** The Board concurred that this section has been met
4. **Streets.** The Board concurred that this section has been met
5. **Sidewalks.** The Board concurred that this section has been met
6. **Water Supply.** The Board concurred that this section has been met
7. **Fire Protection.** The Board concurred that this section has been met
8. **Sewage Disposal.** The Board concurred that this section has been met
9. **Surface Drainage.** The Board concurred that this section has been met

**Fred 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. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

Mr. Sawyer said would it be possible to bring the mylar for final approval on December 15, 2015 because it is holding up the closing.

**Fred moved** that the Board review the Findings of Fact and Conclusions of Law and sign the mylar at the workshop/meeting scheduled for Tuesday, December 15, 2015. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

**James Apovian III**

**18 Depot Street; Map 23 Lot 134**

**Relocation of cigar lounge from 28 Main Street to 18 Depot Street**

**Represented by James Apovian III**

Mr. Apovian said I have had the cigar lounge on the Main Hill however due to circumstances beyond my control, the building is up for sale so I would like to move it to a more viable location. I plan on moving to the Tap house on Depot Street.

Steve said does any Board member feel that they have a conflict of interest? There was none.

Steve said does the Board feel that we have a completed application? There was none.

Brian said what did the notification which was sent to the abutters contain? Mr. Apovian said according to the guidelines on the application, the letter of what I was doing and the date and time of the meeting. Brian said it did not include a sketch? Mr. Apovian said it does not say to send a sketch. There was a sketch included in the application.

Catherine said the business would also need to meet applicable building codes.

**Brian moved** that the application is incomplete due to the lack of a sketch being included with the notification letter and to table the application to the next regular meeting on Tuesday, January 5, 2016. Fred 2<sup>nd</sup>. 5 Approve / 0 Oppose

**Daniel Carroll/Bridgton Automotive  
721 Portland Road; Map 6 Lot 27A  
Revision to Site Plan of Development  
Represented by Daniel Carroll**

Mr. Carroll said I am looking to utilize the exiting frontage and property to display more vehicles than what the original applicant was approved for. He was approved for 15 and we can easily display 3-4 times more than that without cramming them in on the lot.

Steve said what are those numbers? Mr. Carroll said I submitted a sketch showing the parking configuration of the vehicles.

Fred said does that include the whole frontage or only what has been done to the driveway at this time? Mr. Carroll said that is just the frontage that is developed. Fred said it will go beyond the driveway to a certain extent going South on Route 302. Mr. Carroll said it is to the driveway. Brian said there will be vehicles to the North end of the property. Mr. Carroll said yes, they will stop at the driveway.

Steve said the vehicles are displayed nicely but will it impede the visibility on the highway? Mr. Carroll said no, the driveway extends out beyond the lot with good site distance in both directions.

Mr. Baker said there are signs all over the building for alignment, tires, etc. Mr. Carroll said what is there now is what has been. Mr. Baker said I would not have an issue with a directional sign over each of the three bays advertising alignment, etc. You are allowed to have a business sign on the building. Brian said there is a sign on the south side of the building and you are only allowed to have a sign on portion of the building that faces a public way so the sign on the side cannot be there. Brian said there is also a 10% standard for signs in the Sign Ordinance. Brian said I also noticed that you added an additional sign to the free-standing sign so I am not sure if that now exceeds the allowable size of 100sf.

The Board reviewed the criteria for Site Plan to establish the Findings of Fact and Conclusions of Law.

As stated in Article VII Review Standards of the Site Plan Review Ordinance, "standards presented in the Site Plan Review Ordinance are intended to achieve the following objectives: Preserve the traditional New England character of the downtown; present an attractive gateway area; facilitate safe vehicular and pedestrian access; protect the value of the abutting properties

and the character of natural surroundings; promote intelligent, attractive and useful design; ensure economic investment and vitality; anticipate future growth”.

Performance Standards required for any approval by the Planning Board. The Planning Board shall approve or approve with conditions a submitted application if there is an affirmative finding based on information presented that the application meets the following standards. The applicant shall have the burden of establishing by demonstrable evidence that the application and project is in compliance with the requirements of this Ordinance.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state by minimizing disturbance of soil and removal of existing vegetation during construction. Landscaping shall be incorporated into the final plan and shall be designed and planted in such a way that shall define, soften or screen off-street parking areas from the public right of way and abutting properties, will enhance the physical design of the building and site and will minimize adverse impact on neighboring land uses. Invasive plants shall not be used in any landscaping project.

The Board concurred that this section is not applicable

2. Relationship to Surroundings: Proposed structures or additions to existing structures shall be harmonious with the terrain and existing buildings in the vicinity and shall;

- a. Be of compatible scale and size;
- b. Not to exceed thirty-five (35) feet in height measured from the ground or rise in sight above the Main Street church steeple;
- c. Be of compatible architectural style, incorporating features such as, but not limited to, simple rectangular shape, gable roof or other traditional compatible roof line, dormers, compatible windows, doors and trim;
- d. Include as an integral element of design varying roof lines, awnings and canopies above windows or doors and other architectural elements to reduce bulk or scale of buildings. Designs shall seek to eliminate unadorned or blank walls through use of varying architectural elements, windows or other reflective surfaces. The Planning Board shall consider the use, location and surroundings of the structure when determining the appropriateness of the building’s façade.
- e. Have exterior of wood, stone, brick, or other material having the same architectural and visual properties;
- f. Present minimal disruption to such natural features as slope, soil type and drainage ways;

The Board concurred that this section is not applicable

3. Vehicular Access: The proposed layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. Applicants shall make all reasonable efforts to incorporate shared driveways, providing primary access to adjacent properties, reducing curb cuts on the main road.

The Board concurred that this section is not applicable

4. Parking and Circulation: The design of vehicular and pedestrian circulation areas including walkways, interior drives and parking areas shall be safe and convenient and promote clearly delineated traffic patterns for pedestrian, private vehicle and service use.

- a. Loading areas and general parking areas shall be separate and not detract from the proposed building or from neighboring properties.
- b. Parking lots serving multiple establishments or providing general off street parking are strongly encouraged. Applicant must provide adequate turning capacity for all public safety vehicles.
- c. New construction, substantial enlargements or adaptive reuse of existing buildings subject to Planning Board review shall be required to provide adequate parking for employees and customers.
- d. Applicants may satisfy parking requirements by entering into a written agreement with another property owner or through the utilization of municipal parking lots allowing for overnight and winter parking. The applicant must demonstrate to the Planning Board a long term lease or other arrangement within close proximity of the proposed development site. The lease or other arrangement must have a duration of at least five (5) years plus two consecutive five (5) year automatic renewal periods. The Planning Board shall have the ability to determine if alternative agreements or use of public lots is sufficient to address the needs of the proposed development.

The Board concurred that this section has been met

5. Surface Water Drainage: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion or the public storm drainage system. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a ten-year storm frequency.

The Board concurred that this section is not applicable

6. Applicants shall be required to meet any and all state and local regulated setbacks from all applicable vehicle rights of way. The applicant shall be restricted from building any non-impervious development within the setback area. This shall not restrict the construction of vehicular or pedestrian entrances to and exits from the property. Applications subject to dimensional requirements set forth in Article XI Section 2 and Section 2.a through 2.b are exempt from this section.

The Board concurred that this section has been met

7. Existing Utilities: The development shall not impose an unreasonable burden on public utilities.

The Board concurred that this section is not applicable

8. Advertising Features: The design and lighting of signs and other advertising structures shall be shielded and non-flashing and not detract from the design of the proposed building and other surrounding structures and properties.

Brian said we need to know where the sign will be placed. Steve said we might want to make that a condition.

The Board concurred that this section has been met

9. Special Features of the Development: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audiovisual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

The Board concurred that this section is not applicable

10. Exterior Lighting: All exterior lighting shall be shielded and non-flashing, energy efficient and ensure safe movement of people and vehicles. Placement of lighting shall minimize glare and reflections on adjacent properties and the traveling public. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties.

The Board concurred that this section is not applicable

11. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.

The Board concurred that this section is not applicable

12. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, emergency medical unit, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

The Board concurred that this section is not applicable

13. Protection Against Undue Water Pollution:

a. In making this determination, the Planning Board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoil's, and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluents; the aquifers and aquifer recharge areas; the existence of streams and surface runoff characteristics; cumulative impact of increased phosphorus loading to lakes; and the applicable federal, state and local laws, ordinances, codes and regulations.

b. The proposed development will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

The Board concurred that this section is not applicable

14. Protection Against Undue Air Pollution: The applicant shall consult federal and state authorities to determine applicable air quality laws and regulations, and shall furnish evidence to the Planning Board of compliance with the required consultation.

The Board concurred that this section is not applicable

15. Water Use: There is sufficient water available for the reasonable foreseeable needs of the development and will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

The Board concurred that this section is not applicable

16. Protection against unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition will not result.

The Board concurred that this section is not applicable

17. Provision for adequate sewage waste disposal.

The Board concurred that this section is not applicable

18. Protection against any undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

The Board concurred that this section is not applicable

19. Protection of waters and shoreland: Whenever situated in whole or in part, within 250 feet of any pond, lake, river, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Bridgton.

The Board concurred that this section is not applicable

20. Limit of Noise levels. Will not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.

a. Noise: Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume (please refer to table below).

b. The maximum permissible sound pressure level of any continuous regular or frequent source of sound produced by any activity regulated by this Ordinance shall be as established by the time period and type of land use listed below. Sound pressure levels shall be measured on a sound level meter at all major lot lines of the proposed site, at a height of at least four (4) feet above the ground surface.

Sound Pressure Level Limit

7a.m. - 8p.m.	8p.m. - 7a.m.
70 dB (A)	55 dB (A)

c. The following uses and activities shall be exempt from the sound pressure level regulation:

1. Noises created by construction and maintenance activities between 6:30a.m. and 8:00p.m.
2. The noises of safety signals, warning devices, and emergency pressure relief valves and any other emergency activity.
3. Traffic noise on public roads.

The Board concurred that this section is not applicable

21. Conformance with Comprehensive Plan for the Town.

The Board concurred that this section is not applicable

22. ADA Compliance. All new construction and substantial enlargements or renovations of existing buildings as defined in this ordinance, requiring a permit, shall adhere to all applicable sections of the American's with Disability Act (ADA).

The Board concurred that this section is not applicable

23. Location in Flood Zone: The sub divider shall determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the proposed development in whole or part, is in a flood prone area. If the proposed development, or any part of it, is in such an area, the applicant shall determine the one hundred (100) year flood elevation and flood hazard boundaries within the development. The proposed development plan shall as a condition of site plan approval assure that principal structures on lots in the subdivision shall be constructed with their lowest floor, including basement, at least one (1) foot above the one hundred (100) year flood elevation.

The Board concurred that this section is not applicable

24. Proof that the applicant has adequate financial and technical capacity to meet the above standards.

Steve said we should make this a condition for submittal of the additional information

The Board concurred that this section is not applicable

25. Special Regulations

a. An institutional use requiring federal, state and or local licensing shall obtain such license before a Conditional Use Permit is granted by the Planning Board.

b. The applicant shall furnish the Planning Board detailed information relating to projected numbers and types of clients; planned and projected numbers of staff and duties, so that the Planning Board can determine the availability of necessary Town services.

c. The Planning Board, as a condition of approval, may require assurances or bond to protect the health, safety and general welfare of the community.

d. All residential child care and/or educational institutions and/or facilities shall comply with Rules for the Licensure of Residential Child Care Facilities as adopted by the Department of Mental Health and Mental Retardation, Department of Educational and Cultural Services, Bureau of Mental Health and Bureau of Instruction.

e. Any industrial use which is found by the Planning Board to constitute a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance shall be expressly prohibited. No such finding shall be made by the Planning Board until after a public hearing has been held.

f. Any outdoor storage of articles, supplies, and materials shall not be within the required setback and shall be screened from view of abutting residential property owner or streets by a solid wall or vegetative hedge.

The Board concurred that this section is not applicable

26. Dimensional Requirements

1. Lots and structures for residential-institutional, industrial, commerce and commercial uses, shall meet the following standards where applicable.

- Minimum road frontage 100 feet
- Minimum front setback from edge of ROW 25 feet
- Minimum side and rear setback 20 feet
- Minimum shoreland setback Refer to Town of Bridgton Shoreland Zoning Ordinance

a. All structures in the Village Center District shall meet the following standards (See Downtown Site Plan District Map).

- Minimum side and rear setback 2 feet
- Minimum front setback from edge of ROW 0 feet

b. On any parcel that is 20,000sf or greater within the Village Center District (See Village Center District Map) at least 25% of the portion of the building which fronts on any street shall be used for retail, office, business or professional use. Home occupations and usual appurtenant uses associated with the building are exempt from this provision. Notwithstanding the provisions of 1 MRS §302, and regardless of the date on which it is approved by the Town, this Article XI Section 2.1.b shall be retroactive to February 20, 2012 and shall be applicable to any and all applications for permits or approvals required under the Site Plan Review Ordinance that were or have been pending before any officer, board, or agency of the Town of Bridgton on or at any time after February 20, 2012. The Reviewing Authority may modify or waive the 25% minimum requirement when it determines that one of the following factors is applicable.

- a. Special circumstances of the site;
- b. building placement;
- c. building design;
- d. building use;
- e. surrounding building placement; or
- f. surrounding building uses.

The Board concurred that this section is not applicable

27. Large Scale Water Extraction

The Board concurred that this section is not applicable

28. Surface and Subsurface Mineral Extraction Applications

The Board concurred that this section is not applicable

**Fred moved** to tentatively approve the project as presented and submitted conditional upon the Code Enforcement Officer confirming square footage of the existing signage and moving the sign from the south end of the property to comply with the Town of Bridgton Sign Ordinance but withhold final judgment pending review of the findings of fact and conclusions of law. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

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

**Joe Randall/Birchstone Studios  
15 Church Street; Map 22 Lot 38  
Pottery Studio in Garage**

**Topics for Discussion**

A. Reminder: Workshop/Meeting December 15,

**Fred moved** to adjourn the meeting at 8:05p.m. Brian 2<sup>nd</sup>.  
5 Approve / 0 Oppose

Respectfully Submitted,

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Georgiann M. Fleck, Deputy Town Manager  
Town of Bridgton