

**BRIDGTON PLANNING BOARD  
MEETING**

**Downstairs Meeting Room**

**June 7, 2016  
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; Michael Figoli; Dee Miller; Phyllis Roth, Alternate and Catherine Pinkham, Alternate. Absent were: None

**The Pledge of Allegiance**

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

All regular members were present therefore no alternates were appointed.

**Approval of Minutes - May 3, 2016 (Regular Meeting)**

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

5 Approve / 0 Oppose

**Approval of Minutes - May 17, 2016 (Special Meeting)**

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

5 Approve / 0 Oppose

**Old Business** - None

**New Business**

**Standard Gastropub LLC  
233 Main Street; Map 23 Lot 114  
Additional Seating - Outdoors  
Represented by William H. Holmes**

Steve said I would like to have Georgiann Fleck, Deputy Town Manager, explain to the Board the significance of the Memo that she submitted to the Board (copy attached). Ms. Fleck said Mr. Holmes submitted his application and one of the requirements is abutter notification. His application did not include a list of the abutters that were notified. I did contact Mr. Holmes to ask if he had the list available and he said he did not keep a copy of it, however, he did have signature cards from a previous application which dates back to 2013 which he did email a copy to me. I also received a few calls from abutters whereas the abutter notification stated that there was a sketch enclosed which was not included. Steve said we have been strict about our interpretation of doing the notification. I would entertain a motion to either open the application or a motion to table to a time certain to allow the applicant sufficient time to properly notify the abutters.

**Brian moved** to table the application to the next regular meeting, July 5, 2016. Fred 2<sup>nd</sup>.

Mr. Holmes said I have received all of the certified mailings back from the abutters. I did send the notifications out on time. I apologize for the error in the memo but no sketch is required by the Ordinance. Steve said your letter to the abutters did state that a sketch was included showing what the layout would be and it was not sent with the mailing. Mr. Holmes said that is available here tonight. Ms. Fleck said Article V Section 1 Subsection 4.g states along with the notification to the property owners and the Town Manager "shall include the time, place and date of the Planning Board Meeting and a sketch of the proposed project." so it is a requirement of the Ordinance. Mr. Holmes said o.k, have a nice night.

Steve said I will call for a vote to the motion on the floor to table to the next regular meeting.

5 Approve / 0 Oppose

Susan Hatch, direct abutter, said what is the procedure, does he continue to build as he has been doing or is the procedure to not go ahead with construction until he is either approved or denied by the Planning Board? Steve said if he is trying to make substantial changes to what we approved in 2013 he has to discontinue construction until we make a decision. Ms. Hatch said does the Code Enforcement Officer get notified? Steve said yes.

Brian said has a permit been issued for a deck? Rob Baker, Code Enforcement Officer, said no. Brian said currently he is about half done with the project. Mr. Baker said I will issue a stop work order tomorrow.

**James Neal**  
**Home Run Road; Map 5 Lot 82F**  
**48x32 Garage/Workshop**  
**Represented by James Neal**

Kelly Johnson was present representing the project. I work with Mr. Neal and I am assisting him with this project.

Steve said does the Board think the application is complete? The Board concurred that it was complete.

Steve said does any Board member feel that they have a conflict of interest or any reason why he or she should recuse themselves? Michael said I used to work with Mr. Neal but I don't feel that I have a conflict. Steve said do you have any financial interest in this application? Michael said no. Fred said I am a member of the same

road association but I don't feel that I have a conflict. Steve said does the Board feel that either Michael or Fred have reason to recuse themselves? The Board concurred that there was no conflict.

Steve said do we think it is complex enough that we would like a Public Hearing and if you are not ready to make that decision at this time we can always reconsider this option as we review the application.

Steve said keep in mind that if this application gets complicated enough we can forward it to an outside vendor for expert advice.

Ms. Johnson said he is considering building a 48x32 garage on Home Run Road which will be used for his construction business. The garage will be used mostly for storage of building materials. His crew may meet there first thing in the morning and last thing in the evening.

Steve said Anne Krieg, Planning and Development, on her impact statement wanted to know about the parking, therefore, how much parking do you anticipate? Ms. Johnson said there may be a customer in and out but most of the time it is employee parking. In the front of the building there is a turnaround for the driveway. Most of the parking will be on the side.

Dee said Jim Kidder, Public Works Director, on his impact statement wanted to know what would be stored in the garage. Ms. Johnson said mostly tools and building materials.

Phyllis said how far are you from the brook? Ms. Johnson said we had George Sawyer, Sawyer Engineering, determine the distance which according to his calculations we are far enough away from the brook. We do plan on planting and doing some landscaping to prevent any additional runoff.

Steve said is that an aquifer recharge or stream protection? Mr. Baker said stream protection. Steve said the application does show that the building portion is out of the stream protection area and the application says that the west end of the lot will not be disturbed.

Michael said do you plan on installing a subsurface wastewater disposal system and a well? Ms. Johnson said yes.

Brian said there was some confusion with the map. Steve said Lot 82F was recently formed. The five years has lapsed so further subdivision of the remaining lot 82 is not required and the information submitted shows right title and interest to the property.

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 has been met

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 has been met

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 has been met

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 has been met

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 has been met

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 has been met

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 has been met

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 has been met

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 has been met

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 has been met

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 has been met

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 has been met

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 has been met

17. Provision for adequate sewage waste disposal.

The Board concurred that this section has been met

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 has been met

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 has been met

21. Conformance with Comprehensive Plan for the Town.

The Board concurred that this section has been met

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 has been met

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 has been met

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

The Board concurred that this section has been met

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 has been met

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 has been met

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 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**

- A. Nectar of Maine LLC/Paul Sundquist and Drew Robbins  
59 Main Street; Map 22 Lot 97  
Smoothie Shop and Hemp Based Products including Clothing, Bags and Fabric
- B. KJ's/Jenny Bardsley  
316 Portland Road; Map 10 Lot 5  
Sub and Pizza Shop

## Topics for Discussion

- A. Land Use and Zoning Committee Request for Meeting/Workshop on  
Tuesday, June 21, 2016 (See Memo)

Anne Krieg, Planning and Development, said the Land Use and Zoning Committee is coming into their final draft and they wanted a workshop with the Planning Board to review the proposed language so they could make revisions if need be prior to submitting the language to the Board of Selectmen for consideration. Also, On Thursday, June 16, 2016 at 6:00p.m. at the Town Hall there will be a public workshop as well.

**Dee moved** to schedule a special meeting/workshop for Tuesday, June 21, 2016 at 7:00p.m. Michael 2<sup>nd</sup>. 5 Approve / 0 Oppose

- B. FYI  
1. Maine Townsman

- C. Other

Catherine said on July 14, 2016 there will be an **MMA workshop for elected officials**. Ms. Fleck said that will be held in this room. Registration time starts at 4:00p.m. I will have brochures available at your next meeting.

Steve said I would like to thank **Fred Packard, retiring after 20 years** on the Planning Board, for his more than faithful service to this board.

**Fred moved** to adjourn the meeting at 7:25p.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