

**BRIDGTON PLANNING BOARD  
MEETING**

**Downstairs Meeting Room**

**July 7, 2015  
7:00p.m.**

The Bridgton Planning Board was called to order at 7:00p.m. by Fred Packard, Vice Chair. Those in attendance were: Fred Packard, Vice Chair; Dee Miller; Brian Thomas; Phyllis Roth, Alternate; Catherine Pinkham, Alternate. Absent were: Steve Collins, Chair; Michael Figoli.

**The Pledge of Allegiance**

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

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

**Approval of Minutes - June 23, 2015**

**Brian moved** to approve the minutes as presented. Phyllis 2<sup>nd</sup>.  
5 Approve / 0 Oppose

Fred said with the Board's permission I am going to take the agenda out of order for two applications under New Business. The Board concurred.

**New Business**

Fred said there is a discrepancy in the abutter notification on both applications.

**The Carry All Corner LLC  
103 Main Street; Map 23 Lot 147  
Mixed Use; Retain, Restaurant, Office  
Represented by Michael Tadema**

**Brian moved** that the application is incomplete due to improper notification to an abutter. Catherine 2<sup>nd</sup>. 5 Approve / 0 Oppose

**David Randall  
251 Portland Road; map 9 Lot 72D  
Boat Sales and Related Activities  
Represented by Ronald Keniston**

**Brian moved** that the application is incomplete due to improper notification to an abutter. Catherine 2<sup>nd</sup>. 5 Approve / 0 Oppose

Dee said there are some other elements in the Randall application which would also render it incomplete would it be appropriate to

mention those items now? Georgiann Fleck, Deputy Town Manager and Secretary for the Planning Board, said it would be appropriate to go over those items when they make their presentation.

Fred said we are having a meeting on July 21, 2015 for a tutorial on our tablets which is only 45 minutes to an hour do you want to entertain reviewing these applications on that night if they can notify the abutters?

Brian said can we start the workshop/meeting portion related to the tablets earlier? The Board concurred to begin at 6:00p.m.

**Brian moved** to begin review of the applications for The Carry All Corner LLC and David Randall on Tuesday, July 21, 2015. Catherine 2<sup>nd</sup>.  
5 Approve / 0 Oppose

### OLD BUSINESS

**Mary Tremblay and James Bennett**  
**103 North Bridgton Road; Map 39 Lot 24**  
**Residence/Firearms and Retail Shop**  
**Represented by Mary Tremblay and James Bennett**  
**Review and Accept Findings of Fact and Conclusions of Law**

Fred 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. 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

**Kansas Heights/Vista Investments**  
**670 Kansas Road; Map 6 Lot 33**  
**5 Lot Subdivision**  
**Represented by Mark Lopez**  
**Tabled May 12, 2015 and June 2, 2015**

The application was removed from the table to continue Board discussion.

Fred said there were two issues including a burial ground on the property and it was found that the burden of proof is on the individual that makes the claim. Anne Krieg, Planning and Development Director, said the Historical society has a vague reference to a burial sites on the Kansas Road but there is nothing specific. Also

the abutters from Kansas Shores Association did not want to have any access from the lots to this road. Mr. Lopez said the driveways have been revised to come off Kansas Road. Brian said there was also the fire staging area should be shown on the plan. Mr. Lopez said that was done.

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 has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

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

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

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

The Board concurred that this section is not applicable

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section has been met

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

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

The Board concurred that this section has been met

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 has been met

As sited in the Town of Bridgton Subdivision Regulations; Article XIII 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

**Glenn Peterson**

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

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

**Represented by Glenn Peterson**

Mr. Peterson said as a follow-up to the previous meeting I have submitted a second set of documents for your review. We were missing the plot plan showing the abutting properties, impact statements from a couple of the Department Heads, lighting and egress information.

Mr. Peterson said for egress when you enter from the outside you enter into a cage and then you need to be let in through the second door. Brian said is that on all the doors or only on selected doors? Mr. Peterson said all but one door.

Brian said are you going to occupy the whole building? Mr. Peterson said in phases. Brian said will there be other businesses in the building? Mr. Peterson said yes, the boat storage.

Phyllis said will there be sales going on at this facility? Mr. Peterson said all the sales take place in Biddeford. My license is for York County District 1. We are interested in locating to an area and building that has adequate space for cultivation. Phyllis said this is only for cultivation? Mr. Peterson said cultivation and processing. Once you grow the plant you separate out the different components. Some of the components are turned into oils, butters and other delivery systems. The flowers are trimmed, dried, cured and packaged and delivered to Biddeford for retail. We have a state approved kitchen in Biddeford so if that proves to be too small we would like to move it to the Bridgton facility.

Phyllis said the regulations that we have concerns mostly retail. Mr. Peterson said because of my submission prior to the Town Meeting I would like the Town to determine if I am grandfathered and therefore ask the Planning Board to exempt me from some of the regulations. A lot of what was voted on at Town Meeting is more restrictive than the State. Some examples are is I am required to be 500' from a public school that fills requirements of an education diploma and you have added drug treatment centers and day care centers along with several others. The state requires me to have 14 days of surveillance and your ordinance requires 60 days. I have 38 cameras in my 5,000sf dispensary. I may have 100 in this location and to be able to back up 60 days is a tremendous amount of information that for me to back it up would takes weeks according to my security advisors. I understand why the provisions were put in the Ordinance but it is a higher standard than what the state requires. I would like to be either exempted from them or be grandfathered. I have to make an issue with the Ordinance because I believe most of it is null and void based on the rules that I submitted.

Phyllis said there are three members of the Marijuana Ad Hoc Committee that are part of this Board, one of which was chairman of the Ad Hoc Committee. Mr. Peterson said I don't fault you for being proactive. I think that more of concern would be to protect the Town if adult use were to come to Town for recreational cannabis. The medical aspects is so highly regulated. Some of things I don't object to is talking with the Police Chief and having him review the security, the Code Enforcement Officer is to receive on a monthly basis a report of disposal of parts of the plant, however, we use all of the plant and we don't dispose of any at all we even recycle the soil. There is no smoking allowed on the premises so the provision to prevent smoke does not apply. Your Ordinance states that it must be done in accordance with all applicable Federal, State and Local Laws and Regulations. The Fed's do not approve of anything that I do in spite of the fact

that they hold a patent themselves for the neurological use of cannabis.

Catherine said one of Mr. Peterson's concerns is the 60 days computer monitoring and I believe when we were writing the Ordinance it was more on the part of retail vs. just straight cultivation. Brian said when we defined what a medical marijuana facility was we put at the end of the definition "or" and we included that specifically that if any of the criteria makes it a medical marijuana dispensary so cultivation includes it in this Ordinance. Obviously some things would not apply to cultivation but the other things would apply. We did not get down to specifics of just cultivation or retail.

**Brian moved** to have Ms. Fleck contact the Town's attorney and present to him the specs to see if he agrees with Mr. Peterson, if the standards are more restrictive and if the articles in the Ordinance that cover medical marijuana dispensaries are valid or not.

Mr. Peterson said one way is for the Board to find my application complete as of the last Planning Board meeting because the lack of some small submissions have been submitted and the other way is to issue a permit of change of permit because I agree the Ordinance is not totally applicable to me and I would like to address the issue as quickly as possible.

**Brian moved** to have Georgiann contact the attorney.

Fred said I believe before we can contact with attorney to have him determine applicability of the Ordinance to his application we should determine if the application is complete.

**Brian withdrew his motion.**

**Brian moved** to accept the application as complete. Phyllis 2<sup>nd</sup>.  
5 Approve / 0 Oppose

**Brian moved** to have Georgiann contact the attorney to determine if the Town of Bridgton Ordinance can be more restrictive than the state law, if the Ordinance is applicable if the application is for cultivation only, if the dispensary is located in a different Town does the Town of Bridgton Ordinance apply. Phyllis 2<sup>nd</sup>. 5 Approve / 0 Oppose

Glen Garland, Fire Chief, said I would like to meet with you to go over the plans to determine travel distance to exits, get a letter from the sprinkler company that services the sprinkler system stating that the sprinkler system as is it would meet the potential fire flow, are the walls that you are going to construct go all the way to the ceiling or are they just a partial partition? Mr. Peterson said they are within a larger room so they are about 14' and we use enclosed space technology to control the environment in that room. Once the

plans are finalized I would like to meet with you. The first step was getting approval from the Town so we could invest the money to do the project. I have not employed architects or electricians until I knew if the project was going to be approved but now that we have a change of use permit we can begin the design process.

Brian said we need a letter from the Bridgton Water District approving your water use. Mr. Peterson said I have a letter from them and my request is equivalent to a 6 family dwelling.

Brian said what are your plans for signage? Mr. Peterson said there will be a sign for "Canuvo" for the purpose of directing deliveries. Brian said free standing or on the building? Mr. Peterson said on the building. We prefer to be discrete.

Mr. Peterson said for clarification have you granted a change of use permit or just pending review? Fred said we have accepted your application as complete and it is now in the process of review pending a legal opinion from the Town's attorney. You have stated that you are willing to work under the current Ordinance, however, if we could receive a legal opinion from the attorney that you do or do not have to work under the existing Ordinance it will help our review. Fred said you are scheduled to be on the August 4, 2015 meeting agenda.

Fred said we have 60 days from the time that we deem an application complete to act one way or another. Therefore, if we could review and act on your application August 4, 2015 then create the findings it would be within the 60 days.

Dee said the Ordinance seems to apply to dispensaries and not cultivation only.

**Brian moved** to table the application to August 4, 2015. Catherine 2<sup>nd</sup>.  
5 Approve / 0 Oppose

### New Business

**Town of Bridgton**  
**20 Highland Road; Map 22 Lot 58**  
**Building Permit**  
**Represented by Robert A. Baker, CEO**

Robert Peabody, Jr., Town Manager, was present representing the project. Mr. Peabody said in Shorey Park the Town is planning on constructing an additional covered picnic table. There is currently one there now. We have had requests by citizens for an additional one due to demand. The roof was in the process of being constructed, however, due the Ordinance I need Planning Board approval to continue with the project.

Dee said is the new pavilion going to be larger than the current one? Mr. Peabody said no they are about the same size. Dee said is this one closer to the lake? Mr. Peabody said yes, it is on a level area but we maintained the openness of the area to prevent congestion. this one is closer to the lake? Mr. P said yes.

Catherine said is the cost of the construction covered? Mr. Peabody said Public Works Department built it so the costs related are on for materials.

Fred said is there anything preventing another organization that has shore frontage from coming before the Board to ask for the same thing? Mr. Peabody said I would need to defer that question to the Code Enforcement Officer, however, if it meets the definition then it would likely qualify.

Dee said it was my understanding that anything in the ground was a structure. Mr. Peabody said what you are suggesting is permanently affixed and although the timbers are sunk in about a foot this is not permanently affixed.

Phyllis said are we also granting permission to re-roof the existing picnic table? Fred said no. Mr. Peabody said this one is an existing structure that needs maintenance.

**Brian moved** to approve the project. Dee 2<sup>nd</sup>. 5 Approve / 0 Oppose

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

- None

**Topics for Discussion**

A. New/Revised Ordinances for your notebooks

B. Brian said the **Land Use Committee** meets every two weeks. We have reviewed the comprehensive plan, form based codes and we are making progress.

C. Brian said does the Town have a **computer policy**? Ms. Fleck said there is a policy regarding electronic devices but I am not sure if it applies to Board members. Brian said you may want to revise the policy to include the tables and Board members.

D. Brian said the **Gazebo has a portable sign** on the property and I am not sure if it is allowed. Ms. Fleck said I will have Rob take a look at it.

**Phyllis moved** to adjourn the meeting at 8:41p.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