

**BRIDGTON PLANNING BOARD
MEETING**

Board of Selectmen's Room

**July 15, 2014
7:00p.m.**

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

The Pledge of Allegiance

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

Steve appointed Adam Grant, Alternate, to act in the capacity of absent regular member.

PUBLIC HEARING(s) (continued)

**New Cingular Wireless PCS, LLC (dba AT&T Mobility LLC) and
American Towers, LLC**

214 Hio Ridge Road; Map 13 Lot 53B

130' Tower w/antennas and equipment shelter on leased land

Represented by Barry J. Hobbins, P.A.

Steve said we continued the Public Hearing to work out a third party investigation of suitability of the chosen site and potential suitability of alternative sites and visual impact.

Anne Krieg, Planning and Development, said we did receive the escrow amount from the applicant and therefore signed the agreements with IDK, Ransom Engineering and Terry DeWan. They have been doing the work because they know that you are on a time schedule. We expect to be able to make a presentation regarding their findings at the Tuesday, August 5, 2014 meeting.

Mr. Hobbins said the applicant has been working with the consulting firms even though there have not been any written agreements up to this point. As a result of some of that discussion with the consultants we have provided revised photo simulations and we included photo location maps and photos. We have also begun to look at the secondary observations dated July 14th forwarded by Terry DeWan. In the Ransom submission the wetlands report we included a copy of the report provided by Northland and Water LLC dated November 8, 2013. There was a request regarding the emergency back-up generator and we provided a memo to you by TeleResource Management as to when they expect the generator to be tested or maintained which will be once a week on Wednesdays, the middle of the week.

Steve said can you define the authority that TeleResource Management has in the process? Mr. Hobbins said they are the site acquisition specialists that are the ones that defined the location.

Mr. Hobbins said Ernesto Chua is present this evening and he has been working with IDK communication in particular regarding the Sam Ingalls tower and how high we would have to extend that tower to accommodate this application.

Dee said it was my understanding that the tower presentation this evening would be a progress report but since we are going beyond that I would like to set a time limit for discussion.

Mr. Hobbins said we will only need about 5 minutes. Mr. Viet said we will need more than 5 minutes.

Brian moved that discussion be allowed until 7:45p.m. Adam 2nd.
5 Approve / 0 Oppose

Mr. Renneker said information is being given regarding discussion between the applicant and the independent consultant. I think the applicant should be responding to the independent report rather than talking about what might be needed. If I were a Board member I would wait until you have the report and then let the applicant respond to that.

Mr. Chua said I have given the independent consultant the seven sites that we included in our proposal along with the technical data we used for each of those sites. With that information he can begin doing his analysis.

Mr. Hobbins said currently there is a place on the Sam Ingalls tower at 120'? Mr. Chua said yes. I have run the data at that height and my goal is to cover this portion of Route 302 but there is a ridge that prevents that. Mr. Cummings said is that area you are pointing to east or west? Mr. Chua said east. Mr. Viet said your application was for Route 302 west not east. You have a straight shot from the Sam Ingalls Tower to Route 302 west. You applied for a problem of Route 302 west and that is what your application is for.

Mr. Hobbins said if you were able to increase the height of the Sam Ingalls tower how high would that tower have to be in order to cover the coverage objective of AT&T's data coverage? Mr. Chua said I tried different heights and had spotty coverage beyond 300'.

Mr. Viet said the application was for Route 302 west, therefore, how high would you need to extend the tower on Sam Ingalls Road to cover Route 302 west? Mr. Chua said by the coverage I am covering Route 302 west. Mr. Viet said Route 302 westerly has coverage. Mr. Hobbins

said it has coverage for U.S. Cellular but it does not have coverage for AT&T.

Steve said to Mr. Hobbins please comment on Mr. Viet's point about the easterly part of Route 302. Mr. Hobbins said our application is not specific that is why IDK is going to provide you with an independent analysis of our overall coverage objectives.

Mr. Viet said between the Hio Ridge Road site and Route 302 westerly, which is specified on the application, there is Pleasant Mountain which is 900' high along with a little mountain. How do you go over those mountains to get Route 302 westerly, you can't go through the mountains? Mr. Chua said no.

Mr. Viet said we are going to receive a lot of data and it is going to be a debate over slivers of coverage. I looked through the Tower Ordinance and I did not see anywhere where it said if you could find a slightly better sliver of coverage you get a new tower. The major debate is going to come down to co-location and when you read the first page what needs to be discussed is do they get acceptable coverage at the Sam Ingalls site.

Mr. Viet said to Mr. Chua how many conversations have you had with the independent consultant? Mr. Chua said just one. Mr. Viet said are you intending on having more of is that it? Mr. Chua said that is it unless he calls me again.

Fred moved to recess the Public Hearing until Tuesday, August 5, 2014.
Brian 2nd. 5 Approve / 0 Oppose

Dead River Company

161 Portland Road; Map 9 Lot 61

Remove unused structures, install 30,000 gallon liquid propane tank

Represented by Patrick Coughlin, St. Germain Collins

Steve opened up the Public Hearing for Dead River Company.

Phyllis said I would like to recuse myself from discussion of this application because I have had conversation with Mr. Coughlin on a different subject.

Mr. Coughlin said at the last hearing when after the meeting I spoke with Todd Perreault and discovered that he owns Bridgton Bottled Gas which I was not aware of at that time. During the meeting Member Miller asked Mr. Perreault what he thought of our project to which he replied in a less than supportive manner. Mr. Perreault is entitled to his opinion but he should have disclosed that conflict of interest when he was in the meeting that he was in a competing business. We

welcome fair and open competition and we hope that these proceedings continue to be fair and open as well.

Dee moved that we allow until 9:00p.m. for discussion extendable by an additional 15 minutes if necessary. Brian 2nd. 5 Approve / 0 Oppose

Mr. Coughlin said there are many risks involved in our everyday lives and likewise our energy sources have risks we have to decide which risks are acceptable. At the last meeting we discussed potential evacuation of the nursing home in the unlikely event of a propane leak at Dead River's proposed facility. We looked at other facilities in the State to use as an example (see attached). The facility known as Village Crossings located in Cape Elizabeth has a 30,000 gallon system which is the same size we are proposing and it is located right on their property. Steve said what is their population? Mr. Coughlin said I do not know but it is a three story structure with multiple wings. There is also a facility known as Maine General Medical Center a new facility just completed in Augusta and they have a 30,000 gallon tank system which is 75' from the nearest building. There is a facility known as Granite Hill Estates in Hollowell that consists of private homes to occupants of 55 and older and they have a 30,000 gallon tank system. In addition to the facilities that I looked at most nursing homes have multiple thousand gallon tanks of propane on site. Most of these facilities are assisted living, memory care and occupants that need medical support and most of the tanks are close, 150' or less, to the buildings. All are significantly larger than Mr. Hick's facility. Also, in town Hannaford has 7,000 gallons of propane storage tanks behind the store. These facilities are not putting their occupants at risk because the level of risk is very low due to the safety of propane and the propane systems. I am not aware of any of these facilities even involved in having a propane leak. If there is a leak they will not evacuate those unless absolutely necessary. The protocol they will follow is to shut off the air intake and shelter the residents in place. It is the same protocol that Mr. Hick's facility would use, it is over three times the distance from our proposed tank as than these facilities. To make it ever safer Dead River is proposing the fixed monitor nozzle system and the roof camera which I don't think any of those facilities have. Propane is 1.5 times heavier than air. Under most cases propane will sink more than air. We prepared a profile that we had George Sawyer, Sawyer Engineering, do. The vertical access is the relative elevation, sea level, a little over 400' above sea level. We tried to approximate the ground level from Route 302 to the site. If you look at the vertical access from the road to the tank you are dropping several feet in elevation which will be slightly lower than the existing location. Once you get beyond the bermed area the property drops off dramatically. In the unlikely event of a leak in most circumstances the propane is going to drop down and go into that lower area.

Mr. Coughlin said I spoke with Peter Holmes of the Maine Fuel Board as part of our pre-application who represents the authority to permit this tank and we also spoke with Mike Shutz who is a planner for the Cumberland County Emergency Management Association that works with facilities to plan proper evacuation and the they both said the same thing that propane tanks are safe and if properly installed and protected and they were both very complimentary of Mr. Garland's experience. The Planning Board plays an important role in this process, in public safety and risk minimization. You make sure that the proposed development follows the rules of the Town, you get input from public safety such as Chief Garland and when something difference comes up such as a large propane tank you ask questions of the applicant as well as Chief Garland to make sure things are safe. The tank that Dead River is proposing is safe. It is the same size tank used in most nursing homes and hospitals around the state. The use of the tank and site is consistent with the sites long term history of storing and delivering energy products and it is consistent with the commercial nature of this part of Portland Road. Dead River trains its employees on safety and pays for the propane training for local fire departments. Dead River has gone above and beyond on this site in proposing safety measures not in use at similar sized facilities. Therefore, we ask that you consider approving the application so Dead River can continue with improvements to the site.

Dee said Mr. Perreault did not offer any comments on the application, any comment that he made was in response to questions that I had.

David Hicks, Bridgton Nursing Home, said Mr. Coughlin talks about risk and showed where several of these facilities have 30,000 gallon storage tanks on their property. That was a choice that those facilities made when they put those on their properties. Also, most of those properties have considerable access and for egress/access is usually in the rear in the event the residents have to be evacuated. What additional locations might Dead River have chosen to minimize risk for the nursing home, apartments next door or other businesses in the area? It is a very busy area and I am not so sure that that is the best location for these tanks. Mr. Coughlin said Village Crossing and Piper Shores have one access drive, those access drives are over 1,000' from the main road. The reasons I outlined this evening for the additional safety measures we have minimized the risk and believe the risk is below the threshold where we would need to consider a different site. We believe this site is safe to install the tank and I have not found a fire professional that could tell me otherwise.

Brian said we did get the disaster plan for the Bridgton Nursing Home and I noticed that there was not an evacuation plan for propane. Mr. Hicks said we have a 1,000 gallon tank and we have never considered the need to evacuate. Our scenarios involve sheltering in place. We

have a meeting on Thursday with the hospital to upgrade our complete disaster plan.

Dee said is there some sort of emergency signal. What would be the lag time, how long would it take for the Fire Department to respond? Is there any device that could alert someone or warning mechanism? Mr. Coughlin said the one warning that is built into the material is the odor. We have put protection measures in place to protect the tanks as well as dealing with the state for permitting. Regular use and maintenance and inspection of the system is the best preventative methods which is why Dead River puts so much time into training their drivers.

Fred said you submitted as part of your application a sketch of a sign with a base and it looks good. Mr. Coughlin said our primary concern is truck circulation but I am sure that we can come up with an appropriate design.

Adam said if you add a berm wouldn't that force the propane to go down over the hill? Mr. Coughlin said trucks do not like to drive over berms. Adam said how much would propane rise? Mr. Coughlin said in ideal conditions it would all sink but in difference in elevation that we are going to be creating where we put the tank will accomplish what you are asking.

Brian moved to close the Public Hearing at 8:15p.m. Fred 2nd.
5 Approve / 0 Oppose

PUBLIC HEARING (new)

**Beaverwood Creek Estates/Christian and Lynn Olsen
Beaver Pond/off Hio Ridge Road; Map 13 Lot 60A
6 Lot Subdivision
Represented by George Sawyer, Sawyer Engineering & Surveying**

Steve opened up the Public Hearing for Beaverwood Creek Estate at 8:15p.m.

Brian moved that we allow 1 hour, until 9:15p.m., for discussion extendable by an additional 15 minutes if necessary. Fred 2nd.
5 Approve / 0 Oppose

Mr. Sawyer said this is an application for a six lot subdivision on a 60 acre parcel located on Hio Ridge Road with frontage on Beaver Pond. There will be five single family residential lots varying in size from about an acre to 1.9 acres. The five lots will be served by a private non-conforming road to be called Nature's Way off northerly, north westerly of Hio Ridge Road to a turnaround. The remaining acreage is about 51 acres will have potential for one single family house lot. There is a 2 acre common area shown on the plan that will provide an

access point for the 5 individual lots and the remaining 51 acre lot to Beaver Pond. You have been provided a storm water study, the study was actually done for a total of 9 lots plus the one lot because we feel there is potential in the future for an additional 4 lots which are sketched on your plan which would extend the road another 500'. The study also included increasing the culverts down on the brook that feeds into Beaver Pond under some existing roads. We provided a phosphorous study that showed the numbers for a total of 9 lots. I have provided a more detailed phosphorous study for specifically the five lots, the proposed road, the house lot and the common area. You were also provided a modified declaration that was put together to better address some of the wording that came out of the previous meeting.

The Board used the review standards of the Town of Bridgton Subdivision Regulations as their guideline in reviewing the application.

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;

Tom McCarthy, abutter, said is public comment limited to each particular standard? Steve said yes, there will be time for a summary at the end of the meeting. Mr. McCarthy said if there is no objection on all these findings that the Board is going to read you could vote on this tonight? Steve said yes, the Board would have that authority. Mr. McCarthy said without another Hearing? Steve said yes.

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

No comments were expressed.

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

No comments were expressed.

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.

Mr. McCarthy said there is a pathway that is left of the beach that is about 150' long by 16' wide. Mr. Sawyer said it is between 12 and 16'. Mr. McCarthy said that runs directly off of an existing road and continues to the pond. Will that be an access road for snowmobiles and is it their access to get to the pond? Is it a hard pack or soft

grass? Mr. Sawyer said we have stated that there will be no motorized vehicles on this section. Mr. McCarthy said is it a boat launch? Mr. Sawyer said no. Mr. Sawyer said all the roadways are available for emergency vehicles.

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.

No comments were expressed.

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.

Mr. McCarthy said has there been any change regarding the sewage? Mr. Sawyer said no. Mr. McCarthy said at the last meeting it was mentioned that there is a shed on the property. Where will the trailer be located? Mr. Sawyer said at some point the owners are looking to build a house on the property. In the past they have parked a trailer on the site for a limited time. Mr. McCarthy said if they bring a trailer in do they have adequate resources for waste disposal? Mr. Sawyer said the trailer is not there now and there will not be one.

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.

No comments were expressed.

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.

Mr. McCarthy said there is an island on Beaver Pond and the entire island is in shoreland zone. If you allow 8 people to be on the island it would not look anything like it does now, so I am concerned with what the peninsula will look like with the additional people using it. Dee said are you concerned that people will leave this property and walk on the island? Mr. McCarthy said no, I only used it as a reference. Dee said the island is not part of this application. Mr. McCarthy said I am concerned with the additional people using the peninsula and the damage it could cause to the vegetation and erosion.

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.

No comments were expressed.

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

No comments were expressed.

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;

No comments were expressed.

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

No comments were expressed.

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.

No comments were expressed.

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.

No comments were expressed.

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.

No comments were expressed.

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.

No comments were expressed.

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

Mr. McCarthy said what does stormwater include? Mr. Sawyer said it is to define the amount of stormwater coming off the property for various storm events and to make a comparison between the existing conditions and the

developed conditions and the impact to downstream facilities such as bridges etc., in this case the pond. We did a study of the existing conditions and we showed that there is no measureable increase in the elevation of Beaver Pond when I compare the existing condition to the post development conditions. There is minimal increase in elevation but not measurable increase downstream to Sucker Brook. Mr. McCarthy said someone, we don't know who, has removed two boards from the dam to Sucker Brook and the elevation has dropped dramatically, there are more roots showing on the shoreline. So to Mr. Sawyer's comments that it won't add to it, someone just took some of the boards away. As far as erosion, the path that I spoke about earlier is it existing now the way is drawn? Mr. Sawyer said yes. Mr. McCarthy said 16-18' wide and 150' to the pond? Mr. Sawyer said it is 12-16' wide and it is straight down but we are not going to widen it. There are trees growing up through so it is narrower than 16'.

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 ratio greater than 5 to 1.

No comments were expressed.

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.

Mr. McCarthy said is the house for the owner's part of this application? Mr. Sawyer said they are going to build a house at some point in the future so I included the house as part of the phosphorous.

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.

Steve said this is not applicable because it does not abut.

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.

Steve said this is not applicable.

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.** *No comments were expressed.*

2. **Monuments.** *No comments were expressed.*
3. **Street Signs.** *No comments were expressed.*
4. **Streets.** *No comments were expressed.*
5. **Sidewalks.** *No comments were expressed.*
6. **Water Supply.** *No comments were expressed.*
7. **Fire Protection.** *No comments were expressed.*
8. **Sewage Disposal.** *No comments were expressed.*
9. **Surface Drainage.** *No comments were expressed.*

Steve said we received a letter from Ilene Kline with concerns because she was unable to be present this evening. Steve read the correspondence for the record and had Mr. Sawyer respond to some of the concerns. Mr. Sawyer said the common building will be basically a locker room so the lot owners can store their swimming and boating equipment. It is not meant to be a gathering site for partying, there will be electricity with lights inside and one over the door outside on a motion sensor, no running water or sewage. The building where it is currently located meets the setbacks required by the Town of Bridgton. The fire pit will be gone. Mr. McCarthy said is there a timeline for the removal and is it a violation of the Shoreland Zoning Ordinance? Mr. Sawyer said I don't know exactly when it will be removed but it will be removed. In the declaration there are guidelines but there are no limits as to type of building construction and there are no limits as to when you can work, days or hours, and there are none proposed. Mr. McCarthy said doesn't the Town have something on noise? Mr. Baker said there is no limitation on construction.

The Board used the review standards of the Town of Bridgton Shoreland Zoning Ordinance as their guideline in reviewing the application.

1. Will maintain safe and healthful conditions;
2. Will prevent and control water pollution;
3. Will protect fish spawning grounds, aquatic life, bird and other wildlife habitat;
4. Will protect buildings and lands from flooding and accelerated erosion;
5. Will protect archaeological and historic resources;
6. Will protect commercial fishing and maritime industries;
7. Will protect freshwater wetlands;
8. Will control building sites, placement of structures and land uses;
9. Will conserve shore cover and visual as well as actual points of access to inland waters;
10. Will conserve natural beauty and open space;
11. And will anticipate and respond to the impact of development in shoreland areas.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State Law which the municipality is responsible for enforcing.

NOTE: Section 15 "Land Use Standards" of the Town of Bridgton Shoreland Zoning Ordinance shall apply to the proposed application.

Section 15. Land Use Standards
A. Minimum Lot Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

1.	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft)
Per Residential dwelling unit	50,000	200

Governmental, Institutional, Commercial or Industrial Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200
General Development I District (GDI)	#5,000 square feet or #5,000 square feet per bedroom, which ever is greater	0
General Development II District (GDII)	#5,000 square feet or #1,000 square feet per bedroom, which ever is greater*	0

*Wherever situated in whole or in part, the requirements set forth for the General Development II District shall apply.

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

Mr. Sawyer said the road will be owned by the Association.

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
5. If more than one residential dwelling unit principal governmental institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

Ms. Berube said the pond does not allow motorized boats, only electric motors, and last year we heard a motorized boat on the pond. If a renter comes in they need to be aware of this provision and it is not in their proposed covenants. Mr. Baker said if there is a restriction it would be through Inland Fisheries and Wildlife. Mr. McCarthy said many years ago there was a blow down of a lot of timber and the timber was harvested and stored in Beaver Pond making it unsafe for speed boats as determined by Inland Fisheries and Wildlife. Dee said several years ago there was a movement to ban jet skis on certain bodies of water and it was submitted and approved by Inland Fisheries and Wildlife. Mike Friedman, attorney for the applicants, said the waters of the State of Maine are regulated by the State of Maine and however the State determines a pond and how motorized vehicles are used on the pond are governed by the State and as stated by Ms. Miller sometimes that delegation is passed on to the Towns as well. Associations and the landowners have no ability to add to the covenants or rules what types of motor craft can be used on waters, they don't own the pond so that is why it is not in the covenants. Mr. McCarthy said does the Board concur with that? Steve said this Board does not have the ability to regulate the pond.

6. Shorefront Common Areas shall meet the following criteria:

- a. Shorefront common areas shall contain a minimum of two acres. For those which serve less than three residential dwelling units or provide less than three rights of use, the minimum lot size shall be reduced to one acre.
- b. The shorefront common area shall have a minimum of 25 feet of shoreline frontage for each residential dwelling unit which has access to the common area and for each right of use granted to any family unit or other legal entity.

Adam said when you measure the 25' is it from point to point? Mr. Sawyer said we go directly from point to point and in this case there is 288.24'. If they develop the additional lots to 9 with the one lot for a total of 10 then that would require 250'.

- c. Use of common areas within a subdivision shall be limited to residential dwelling units contained within said subdivision.
- d. Accommodations for motorized watercraft shall be limited to 1 craft for each 25 feet of shoreline frontage. This limit shall not apply to motorized watercraft of transient visitors which remain at the common area for less than 48 hours and craft with motors of less than ten horsepower:

Mr. McCarthy said I did not see anything in the covenants regarding where the docks will be stored during the off season. Will they be stored on the peninsula because that destroys vegetation and creates erosion? Mr. Sawyer said we will add to the covenants that boats cannot be stored on the shore.

- e. The provisions of this Section shall not apply to municipal beach facilities.

The Board determined that this section is not applicable.

- f. The provision of this Section shall apply to new commercial campground sites located within the shoreland zone.

The Board determined that this section is not applicable.

- g. Shorefront common areas established before June 8, 1987 are exempt from the preceding criteria if there has been no increase in rights of use granted since said date. They may be improved with temporary docking facilities with approval of the Planning Board, subject to Section 15 paragraph C. (6/03)

Section 15. Land Use Standards

B. Principal and Accessory Structures

NOTE: Section 16.I of this Ordinance provides significant penalties for violations involving vegetative cutting, earth-moving or other construction conducted before or after the issuance of any permit.

- 1. All new principal and accessory structures utilizing solid wall foundations shall be set back at least one hundred and twelve (112) feet horizontal distance, from the normal high-water line of great ponds classified GPA, rivers that flow to great ponds classified GPA and the upland edge of any wetland contiguous to those great ponds and rivers. Areas more than 100 feet horizontal distance, from the normal high water line of all great ponds, rivers that flow to great ponds, tributaries and wetlands contiguous to those great ponds, rivers and tributaries may be used for construction of structures such as decks and patios which do not have solid wall foundations. All new principal and accessory structures shall be set back at least seventy-five 75 feet horizontal distance, from the normal high-water line of other water bodies, streams, and the upland edge of other wetlands. In the General Development District the setback from the normal high-water line shall be a minimum of fifty (50) feet horizontal distance. The water body or wetland setback provision shall not apply to docks and retaining walls. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other

regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

The Planning Board may reduce the setback requirement for projects in the General Development District by up to 50% upon a positive finding of fact that, for any lot of record, all of the following provisions are met:

a. The total area impacted by the proposed setback reduction shall not exceed 25% of the portion of the lot lying within 50 feet of the normal high water mark of any river or tributary stream regulated by this Ordinance.

Dee said it is going to take a long time to review the standards, can I suggest that you read only the principal parts of the standards? I don't recall in the past any subdivision of this size ever coming under this kind of scrutiny. Mr. McCarthy said my lots did, can you continue the Hearing? Steve said given the contentious nature of this Hearing up to this point I would like to make sure that we cover every single standard. Mr. Sawyer said we are willing to continue. Brian said we also have the Dead River application to deliberate on. Mr. Coughlin said we will stay for as long as it takes.

Brian said I would like to propose that we take a five minute break. Steve recessed the Hearing to 9:30p.m. Steve reconvened the Public Hearing at 9:35p.m.

Phyllis said I would like to support Dee's suggestion that we review only the major portions of the sections and if there is something that needs to be discussed we discuss it at that time but if there is something that is not applicable why do we have to listen to every item? Steve said I think we need to be scrupulous and address all the elements. Phyllis said can we skip over the items that don't apply? Steve said who would make that determination? Phyllis said I understand therefore I withdraw my suggestion.

Brian moved to continue the Public Hearing to its conclusion. Adam 2nd. 2 Approve / 3 Oppose. The motion failed.

Fred moved that we have reached the allotted time of this portion of the Public Hearing including exceeding the additional minutes, therefore, we recess the Public Hearing to Tuesday, July 22, 2014. Brian 2nd. 5 Approve / 0 Oppose

Mr. McCarthy said if an abutter cannot make that meeting is that any concern of anyone's other than the abutter? Steve said no. Mr. McCarthy said because I don't believe I can make that meeting. Steve said it will be a continued Public Hearing.

Steve said when we reconvene the Public Hearing we will continue with section 15.B.b. of the Shoreland Zoning standards.

Fred moved to open board deliberation on the **Dead River application**. Dee 2nd. 5 Approve / 0 Oppose

The Board reviewed the criteria for compliance of the application with the Town of Bridgton Site Plan Review Ordinance.

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.

Adam said do you have propane on site now? Mr. Coughlin said yes. Adam said are you going to store trucks there? Mr. Coughlin said one truck.

Dee said will there be one entrance and exit? Mr. Coughlin said we will be utilizing the existing road cuts.

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

Dee said do you have a lot of customers that come to the site? Mr. Pelletier said no. Dee said you do have parking for the patrons and the employees? Mr. Pelletier said yes, in front of the building.

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 and in addition shall be no closer than twenty-five (25) feet from pavement or traveled 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.

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

Mr. Coughlan said we are not opposed to adding some landscaping but with truck circulation a lot of landscaping would not be safe or possible. Steve said I believe there was discussion about a fence between your property and Justin McIver's property, the abutter.. Mr. Coughlin said Mr. McIver's structure is 5' off our property line, therefore,, if we put a fence on that property line, which he currently uses, it would restrict that space and Dead River is fine with his use of that space.

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

Dee said could a plan be put in place that would show an emergency evacuation route? Mr. Hicks said that is a state road and it would be up to the Fire Department to make that determination according to the level of emergency.

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 has been met

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 is not applicable

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. Large Scale Water Extraction

The Board concurred that this section is not applicable

26. Surface and Subsurface Mineral Extraction

The Board concurred that this section is not applicable

Fred moved to tentatively approve the project as submitted but withhold judgment pending review of the Findings of Fact and Conclusions of Law. Brian 2nd. 5 Approve / 0 Oppose

Old Business - None

New Business - None

Topics for Discussion

A. Comprehensive Plan - Anne Krieg, Planning and Development

Ms. Krieg said I have given you a copy of the final draft of the Comprehensive Plan that will be reviewed by the Board of Selectmen at a workshop on Monday, July 21, 2014. On July 28, 2014 they will be having a public workshop. Also, under state statute the Board of Selectmen are required to have a formal Public Hearing so they have scheduled that for August 12, 2014 with the anticipation that the plan will go before the citizens on the November ballot.

B. New/Revised Ordinances

C. Training Materials

Fred moved to adjourn the meeting at 10:05p.m. Brian 2nd.
5 Approve / 0 Oppose

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton