

**BRIDGTON PLANNING BOARD
MEETING**

Downstairs Meeting Room

**October 6, 2015
7:00p.m.**

The Bridgton Planning Board was called to order at 7:00p.m. by Steve Collins, Chair. Those in attendance were: Steve Collins, Chair; Fred Packard, Vice Chair; Brian Thomas; Dee Miller; Michael Figoli; Phyllis Roth, Alternate; Catherine Pinkham, Alternate. Absent were: None

Also present was Aga Pinette, Drummond Woodsum, legal representation for the Town of Bridgton.

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 - September 15, 2015

Brian moved to approve the minutes as presented. Fred 2nd.

5 Approve / 0 Oppose

OLD BUSINESS

**Cottages at Willett Brook/Vista Investments LLC
234 South High Street; Map 9 Lot 27A
Revision to approved Site Plan of Development
Re-Sign Mylar**

Georgiann Fleck, Deputy Town Manager and Planning Board Secretary, said that the original plan approved by the Planning Board recently was recorded, however, the name on the plan was incorrect so a new plan needs to be signed reflecting the correct name for re-recording.

The Board signed the mylar.

**Bridgton Bottled Gas
Portland Road/4 Raspberry Lane; Map 6 Lot 24I
Site Plan Revision - Add 1-30,000 gallon tanks
Represented by Todd Perreault
Board Deliberation**

Steve said Michael has not been present for some of the meetings regarding this application and I will ask him if he feels he can continue with the Board in review of the application? Michael said yes.

Ms. Pinette, Drummond Woodsum, said before deliberation there should be some attention to several procedural matters. At the conclusion of the September 15th meeting Ms. Miller made a statement to which some members of the public wanted to respond and the Board declined that request and Mr. LaPlante emailed Georgiann Fleck, Deputy Town Manager and Planning Board secretary, with concerns that the statement was procedural error. I reviewed the written record from the Public Hearing and in view that statement was not in any way a continuation of the Public Hearing or a start to the Board's deliberations rather Ms. Miller made two points where she acknowledged the concerns voiced by members of the public in general terms about the application and she acknowledged the accurate limits of the Board's review under the Site Plan Review Ordinance because the Town of Bridgton does not have a zoning Ordinance. None of that strikes me as procedural error. I understand that some supplemental information was delivered to the Board concerning this application, there was an email from Mr. LaPlante that was sent to Ms. Fleck and there was a packet of information that was delivered to each Planning Board member to their home residence. The Chair advised the Board correctly that all of this is extra record information and for that reason the Board should disregard it unless you decide to reopen the Public Hearing Record. Given that these supplemental materials were filed I would encourage you now to decide if you want to reopen the public hearing record or whether you feel you have sufficient information in the record to make a decision on the application after deliberating. If you decide to reopen the record what will need to happen is you will need to postpone deliberations and you would need to provide sufficient notice and opportunity to everyone, not only the two that filed the additional information, but for anyone that would like to make additional comments to do so before the Board and then you can close the Hearing record again and deliberate. Steve said would you like me to stop at this point and poll the Board as to what they would like to do? Ms. Pinette said yes and you should vote.

Brian moved to not re-open the Hearing. Dee 2nd.

Dee said I think we are all very clear on what the neighbors have presented and I don't think I need any further information. Catherine said I agree. Phyllis said I agree. Michael said I agree everything has been voiced and we have a certain procedure to follow and we have done that. Brian said I agree and I think that there has been enough time prior to and during the hearing to make presentations. Fred said I agree that the different issues have been thoroughly discussed. Steve said I agree.

Steve called for a vote to the motion. 5 Approve / 0 Oppose

Ms. Pinette said in that case to that extent that you have been exposed to that extra record information if you happened to open the packet you must disregard that information in your deliberations and in your decision.

Ms. Pinette said there was a set of proposed Findings of Fact submitted by Mr. Chandler on behalf of the applicant after the public hearing and those were emailed to Ms. Fleck and the Board proceeded to have a "back and forth" over email as to whether or not the filing was appropriate and what to do. I have reviewed the email exchanges and it does not appear that they discussed any merit of the project but rather procedurally how to deal with them. Proposed findings of fact are not out of the ordinary and they are permissible and often submitted by not only the applicant but interested parties. My understanding is this Board's practice is to direct Ms. Fleck with the assistance of legal counsel to draft the Findings for the Board to consider and I would recommend that you stick with your past practice and direct your staff to draft the Findings and therefore disregard the Findings submitted by Mr. Chandler.

Fred moved to direct Ms. Fleck to prepare the Findings of Fact and Conclusions of Law. Michael 2nd. 5 Approve / 0 Oppose

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.

Fred moved that this standard has been met. Brian 2nd. 5 Approve / 0 Oppose

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;

Michael said there are no proposed buildings so a-e is not applicable. Steve said for consistency if we consider any of those elements we should vote on the whole thing.

Fred moved that this standard has been met. Michael 2nd. 5 Approve / 0 Oppose

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.

Brian said the submittals indicate two entrances and that needs to be changed. Steve said do you think that is a substantive change to the application? Brian said no. Steve said do we want to consider a condition? Brian said the applicant is going to change the application to one entrance. Brian said in the Fire Safety manual on page 4-3 items i and j it states there are two and there is only one. Mr. Perreault said that is correct. Brian said it needs to be changed to indicate that. Steve said do we think that would be a substantive change to the application? Brian said no because it is going to the State also. Steve said if you look into Raspberry Lane from Route 302 there are two entrances, the previous and the new one. I would like to suggest that the applicant consider a sizable sign that says Bridgton Bottled Gas entrance and perhaps add Raspberry Lane if not a through route.

Fred said the pavement is not 18'. There were not standards in 1988 when the road was built. It was mentioned in discussion that when you have propane tankers that are approximately 70' long there is no turning radius to bring those off Route 302 in and vice versa going out. We have standards today and Mr. Perreault offered to have it looked at and if there needs to be improvements in radius, etc., up to where they would stop using the road he would be amendable to doing to. I would suggest that we have Jim Kidder, Public Works Director, review what is there and determine if the turning radius' are sufficient. I think that would be a way to protect the Town's liability. Steve said are you acceptable to those conditions? Mr. Perreault said yes

Fred moved to have Mr. Kidder, Public Works Director, review of the entrance and width of the road for driving trucks up to turning into Bridgton Bottled Gas depot and findings are contingent upon the final permit being granted, and one sign indicating that the road is not a throughway and pointing toward the entry-way for Bridgton Bottled Gas. Brian 2nd.

Steve called for a vote to the motion. 5 Approve / 0 Oppose

Rob Baker, CEO, said Mr. Kidder is not an engineer so I am not sure if he is qualified to make the determination on the road. Steve said we could use him as the agent and that would be paid for by the applicant? Mr. Baker said yes.

Brian moved to reconsider the motion to revise the motion to have Mr. Kidder act as agent. Fred 2nd. 5 Approve / 0 Oppose

Brian moved that in the Fire Safety Manual on page 4-3 items i and j items need to be changed from two vehicle entrance to one entrance. Michael 2nd. 5 Approve / 0 Oppose

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.

Brian moved that this standard has been met. Dee 2nd. 5 Approve / 0 Oppose

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.

Fred moved that this standard has been met. Michael 2nd. 5 Approve / 0 Oppose

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.

Michael moved that this standard has been met. Brian 2nd. 5 Approve / 0 Oppose

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

Catherine moved that this standard has been met. Brian 2nd. 5 Approve / 0 Oppose

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.

Dee said is there going to be deliveries at night? Mr. Perreault said yes, but the headlights will be enough to illuminate the entry.

Brian moved that this standard has been met. Michael 2nd. 5 Approve / 0 Oppose

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.

Catherine moved that this standard has been met. Fred 2nd. 5 Approve / 0 Oppose

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.

Fred moved that this standard has been met. Brian 2nd. 5 Approve / 0 Oppose

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

Dee said the plan does include a staging area for the Fire Department.

Catherine moved that this standard has been met. Dee 2nd. 5 Approve / 0 Oppose

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.

Phyllis moved that this standard has been met. Brian 2nd. 5 Approve / 0 Oppose

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.

Catherine moved that this standard has been met. Dee 2nd. 5 Approve / 0 Oppose

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.

Fred moved that this standard has been met. Brian 2nd. 5 Approve / 0 Oppose

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.

Catherine moved that this standard has been met. Brian 2nd. 5 Approve / 0 Oppose

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.

Brian moved that this standard has been met. Michael 2nd. 5 Approve / 0 Oppose

17. Provision for adequate sewage waste disposal.

Michael moved that this standard has been met. Fred 2nd. 5 Approve / 0 Oppose

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.

Catherine moved that this standard has been met. Dee 2nd. 5 Approve / 0 Oppose

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.

Brian moved that this standard is not applicable. Fred 2nd. 5 Approve / 0 Oppose

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.

Catherine moved that this standard has been met. Fred 2nd. 5 Approve / 0 Oppose

21. Conformance with Comprehensive Plan for the Town.

Phyllis moved that this standard has been met. Fred 2nd. 5 Approve / 0 Oppose

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).

Catherine moved that this standard is not applicable. Brian 2nd. 5 Approve / 0 Oppose

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.

Brian moved that this standard has been met. Michael 2nd. 5 Approve / 0 Oppose

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

Michael moved that this standard has been met. Fred 2nd. 5 Approve / 0 Oppose

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.

No concerns were expressed 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.

No concerns were expressed by the Planning Board.

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.

No concerns were expressed by the Planning Board.

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.

No concerns were expressed by the Planning Board.

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.

No concerns were expressed by the Planning Board.

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.

No concerns were expressed by the Planning Board.

Fred moved that this standard has been met. Brian 2nd. 5 Approve / 0 Oppose

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.

Fred moved that this section has been met. Brian 2nd. 5 Approve / 0 Oppose
Dee said these provisions are for the Village Center District and are not applicable.

Fred moved to reconsider his motion and add that Item 1 a and 1 b of this section is not applicable but the remaining criteria has been met. Brian 2nd. 5 Approve / 0 Oppose

27. Large Scale Water Extraction

28. Surface and Subsurface Mineral Extraction Applications

Fred moved that section 27 and section 28 are not applicable. Brian 2nd. 5 Approve / 0 Oppose

Ms. Pinette said I would like to suggest that you add to your condition of approval that the applicant secure all required state permits.

Fred moved to tentatively approve the project as presented conditional upon acquisition of all state and federal regulations and permits, that Mr. Kidder, Public Works Director, act as agent, if he chooses to have professional help, in the review of the entrance and width of the road for driving trucks up to turning into Bridgton Bottled Gas depot and those findings are contingent upon the final permit being granted, and one sign indicating that the road is not a throughway and guiding traffic toward the entry-way for Bridgton Bottled Gas and page 4-3 item I and J of the *Fire Safety Manual* be revised to one entrance and not two. Brian 2nd. 5 Approve / 0 Oppose

David Randall

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

Steve said this was tabled July 21, 2015, August 4, 2015 and September 1, 2015

Jason Randall said I submitted the additional information that the Board requested concerning the phosphorous, the letter from the Bridgton Water District and correspondence regarding financial and technical capacity.

Steve said I was concerned that the definition of the retention ponds were catalog cuts from the phosphorous and stormwater manual. There were no construction details. I expected to see dimensions of the building sketched out. Do we deem the financial capability statement adequate? Brian said I would like to see a statement that they have sufficient funds to do the project. Mr. Randall said we have a balance of \$60,000 in the checking account. Steve said that was redacted, we didn't see that. The Board concurred that the only financial information they received was the original correspondence submitted with the application and the correspondence from Northeast Bank.

Ms. Fleck said I can make copies of the information Mr. Randall has with him regarding more details on the phosphorous.

Steve recessed the meeting at 8:19p.m. to allow Ms. Fleck the opportunity to make copies of the phosphorous report for the Board.

Steve reconvened the meeting at 8:25p.m.

Steve said does the Board consider the application complete?

Brian moved that the application is substantially complete. Fred 2nd. 5 Approve / 0 Oppose

Dee said when this came up it was stated that this was not a boat storage facility and I would like to confirm that. Ms. Fleck read for the record minutes of the July 21st meeting that the boats would be open air storage and Mr. Randall stated boat sales not storage, in the winter we will do snowmobile repair and Mr. Randall said that boat repairs would be done at their other facility and snowmobile sales.

Dee said we need a little more detail about where the erosion control installations area is going to be and I was hoping it would be more specific. Steve said in the narrative we received from Mr. Cudlitz stated a swale of 10' x 200' x 2' at the bottom with a 2 to 1 maximum side slope which will be located on the northeast side of the snowmobile trail. Mr. Randall said there is a berm on the snowmobile trail so we are using that berm.

Phyllis said the August 3rd communication says that you moved the building to a different location? Mr. Randall said yes in the original meeting the building was up front and we moved it to the rear of the lot.

Brian said the plan that you show shows a 30x40 building and the packet that we received it is shown as 20x32. Mr. Randall said the original building out front was 20x32 but when we moved it we increased the size to 30x40.

Brian said do you have a permit from MDOT for an entrance? Mr. Randall said yes.

Brian said the sign is going to be located by the road? Mr. Randall said yes. Brian said I would suggest that you show the location on your plan. Mr. Randall said it will be in the same location as the one that is currently there. Brian said that is not shown on the plan either and it should be. Brian said are you going to have a sign on the building? Mr. Randall said no because the building sits back from the road so it would not be necessary.

Brian said what are your plans for lighting? Mr. Randall said there are wall packs on the building which shine downward.

Brian said what are your hours of operation? Mr. Randall said 8-5. Brian said weekdays only? Mr. Randall said no, weekends also.

Brian said we should consider a waiver for the frontage on Route 302.

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”.

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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 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 has been met

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

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

The Board concurred that this section 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.

Steve said article 2 Section 3 gives the Board the authority to waive minimum road frontage so we should make that a condition.

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 conditional upon location of the sign being shown on the plan, submittal of the information regarding financial and technical capacity, waive the dimensional requirements of the minimum road frontage from 100' to 58.96' but withhold final judgment pending review of the findings of fact and conclusions of law. Brian 2nd.

5 Approve / 0 Oppose

New Business

**Ira and Shirley Ball/West View Ridge
51 Brocklebank Drive; Map 5 Lot 96B
Subdivision Revision
Represented by Ira Ball**

Bob Neault said I am representing Ira Ball this evening who has moved to Bangor.

Mr. Neault said we are impacting the West View Ridge Subdivision plan which is the reason we need to come before the Planning Board for a revision.

Mr. Neault said Mr. Ball constructed his workshop and used a prior plan to locate it and as he got ready to sell his property it came to light. He has negotiated with his neighbor, Ms. Fournier, to purchase a piece of property to clarify the line and meet the setback requirements for the subdivision which has a 25' side line setback.

Mr. Neault said there is adequate space in the Fournier lot to meet the minimum lot size. Currently the lot is 4.58 acres and the addition would be .1 acre.

Dee said so this workshop is a permanent building? Mr. Neault said yes it sits on a slab with radiant heating and plumbing.

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

As required by Title 30-A ss4404 Review Criteria; "When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:"

1. **Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

- A. The elevation of the land above sea level and its relation to the flood plains;
- B. The nature of soils and subsoils and their ability to adequately support waste disposal;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resource rules and regulations;

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section 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 is not applicable

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

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

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

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

16. **Storm Water.** The proposed subdivision will provide for adequate storm water management;
The Board concurred that this section is not applicable

17. **Spaghetti-lots Prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ration greater than 5 to 1;
The Board concurred that this section is not applicable.

18. **Lake Phosphorus Concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision; and
The Board concurred that this section is not applicable

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

20. **Timber.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, Chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12 section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.
The Board concurred that this section is not applicable

As sited in the Town of Bridgton Subdivision Regulations; Article 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 is not applicable
3. **Street Signs/Fire Lane Signs.** The Board concurred that this section is not applicable
4. **Streets.** The Board concurred that this section is not applicable
5. **Sidewalks.** The Board concurred that this section is not applicable
6. **Water Supply.** The Board concurred that this section is not applicable
7. **Fire Protection.** The Board concurred that this section is not applicable
8. **Sewage Disposal.** The Board concurred that this section is not applicable
9. **Surface Drainage.** 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. Michael 2nd. 5 Approve / 0 Oppose

Michael said is the sale pending right now? Mr. Neault said yes. Michael said can we consider adding this to the Workshop/Meeting scheduled for Tuesday, October 20, 2015.

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

- None

Topics for Discussion

A. Revised Shoreland Zoning Ordinance

Ms. Fleck said once the Shoreland Zoning Ordinance revisions are approved at Town Meeting the Ordinance requires it to be forwarded to Maine Department of Environmental Protection for review and final approval before the revisions can be implemented. We have since received that approval so therefore this is the approved Ordinance for your notebooks.

B. Workshop/Meeting (Reminder) - October 20, 2015 at 7:00p.m.

Mr. Baker said I have been approached by an individual who wants to purchase an existing bed and breakfast and turn it into an **assisted care facility**. I just wanted to confirm that they needed to come before the Planning Board for review. Steve said yes, it would have an impact on traffic patterns, etc.

Dee said there is a **trailer close to the Naples town line**. Mr. Baker said **with a banner**. Dee said yes. Mr. Baker said I know about and it is on my "to do list".

Steve said I would like to look at **#25 of the Site Plan Review Ordinance** for Special Regulations. I think the solution is easy.

Fred moved to adjourn the meeting at 9:01p.m. Michael 2nd.

5 Approve / 0 Oppose

Respectfully Submitted,

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton