

**BRIDGTON PLANNING BOARD
MEETING**

Board of Selectmen's Room

**March 4, 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; Michael Figoli; Adam Grant, Alternate; Absent were: Brian Thomas; Alternate Position (Vacant)

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.

Approval of Minutes - February 18, 2014 (Public Hearing)

Michael moved to approve minutes as presented. Steve 2nd.

3 Approve / 0 Oppose / 2 Abstain (Fred and Dee - not present for the meeting)

Presentation - Ray Turner Jr., Chairman - Wastewater Committee Cluster Sewage Systems

Mr. Turner said the Wastewater Committee has elected to delete from the Sewage Ordinance the language regarding private cluster sewage systems because we do not believe they are the municipalities responsibility. I understand the Planning Board is adding language regarding cluster sewage systems to the Site Plan Review Ordinance. The language we are deleting is very clear and outlines requirements regarding financial responsibility for the developer and the homeowner's association such as the right to lien property for payment to maintenance and replacement of sewer systems. Steve said currently we have an application for a subdivision proposing a cluster system and we have a statement from the Town Manager suggesting we add language about the homeowner's association. I understand what your concerns are and the Site Plan Review Ordinance would be the appropriate place to put it and I look forward to seeing the language. Dee said isn't that something that should be added to the Subdivision Regulations? Steve said yes, and Site Plan Review Ordinance. Mr. Turner said the Planning Board has the right under the Site Plan Review Ordinance to demand certain language in the homeowner's association documents if there is going to be a cluster system. Georgiann Fleck, Executive Assistant, said I have given you some proposed language to consider from Anne Krieg, Economic Development Director, and also a copy of the State Statute regarding regulations for multi-user disposal systems. Steve said we will add this to the next regular agenda to continue discussion.

Old Business - None

New Business

Eco Estates LLC

Off Portland Road; Map 10 Lot 10 (PO)

Revision to approved plan

Represented by George Sawyer, Sawyer Engineering and Surveying

Mr. Sawyer said this project was approved in January 2014. The wetland information that was provided to us in the fall when we began this project needs to be revised. As I stated in my letter to you, shortly after this was approved, it was brought to our attention that the wetland delineation line did not match the contour lines. The layout is basically the same. There are eight units with common water and common septic. We are adding under drain drip edge to treat the phosphorous coming off the buildings which allowed us to reduce the size of the phosphorous ponds. Each drip edge will have an outlet so there will be one pipe instead of two.

Dee said did the revisions make moving the two septic systems side by side necessary? Mr. Sawyer said no, but it worked out better that way.

Mr. Sawyer said the buffer has been moved from the adjacent lot to this lot.

Dee said has the turning radius changed? Mr. Sawyer said no. The road, drainage and turning radius is all the same.

Dee said who is going to maintain it? Mr. Sawyer said the same as it was, the condominium documents that were drawn up have not changed.

Adam said how tall is the berm? Mr. Sawyer said it is a minimum of 1' high.

Adam said are you still going with the impervious pavers? Mr. Sawyer said yes.

Adam said is there a reason that some of the driveways are off-set? Mr. Sawyer said no, all the driveways will probably be off-set a little bit to keep them away from the front of the buildings a bit. Adam said if you put it on the plan is that how it needs to be done? Mr. Sawyer said we don't have any dimensions on this plan. When we record the condominium plat we will have to be more definitive.

Dee said are there garages? Mr. Sawyer said yes, one car.

Michael said have you done test points for the septic? Mr. Sawyer said yes, two.

Dee said will the drainage areas be in the deed information? Mr. Sawyer said they will be shown on the plat and will have to be defined. Dee said that each one will have to be maintained not by the unit owner but by the association. Mr. Sawyer said yes.

Steve said we asked the Department Heads and Mitchell Berkowitz, Town Manager, for comments and Mitchell came back with some comments which the applicant is not aware of (see attached) regarding long term maintenance of the cluster system. Fred said this is a condo association and not a homeowner's association as Mitchell referenced in his comments. It is already in the condo declaration. Ms. Fleck retrieved a copy of the condo documents submitted with the original application for the Board to review. Mr. Sawyer said Attorney Mike Friedman is the one that created the condo document so we can discuss it with him and revise them accordingly.

Ray Turner, Wastewater Committee, said is there a right to lien the individual owner? Justin McIver, Applicant/Developer, said it is included in the documents.

Steve said I think the Board concurs on the following language "the condominium association shall be required to maintain, repair and or replace the two subsurface wastewater disposal systems and shall at intervals not exceeding three years pump tanks and inspect all baffles and mechanics repairing or replacing the elements as needed and forward a report from a qualified inspector to the Bridgton Code Enforcement Officer affirming the satisfactory operational status of the system." Justin said one person might be staying there only partially throughout the year. Mr. Sawyer said can the language be revised so if the report shows that the tanks don't need to be pumped every three years, upon review of the Code Enforcement Officer, the time-frame can be extended? Five years is typically enough for a household.

Mr. Turner said in the proposed Sewage Ordinance we are requesting one piece tanks with a filter. Mr. Sawyer said no. Mr. Turner said if you do get carry over you are not contaminating the system. Mr. Sawyer said after the second time of cleaning a filter the filter will be disregarded, it is a waste of time and money. Mr. Turner said I understand but the Code Enforcement Officer has the right to enforce that. Mr. Sawyer said I think the committee is going above and beyond what is necessary and I think it is a waste of time and money. Mr. Turner said well the committee does not. Mr. Sawyer said I will not include them in any design of my system.

Glen Zaidman, Citizen, said if you don't have enough solids in the tank you are defeating the purpose of the tank. In these cluster systems

you need to rely on the engineer. In this case, Mr. Sawyer needs to decide how often a system needs to be pumped. Mr. Sawyer said we will add a statement that after one or two cycles of pumping a review with the Code Enforcement Officer may be extended to five years and we will submit that language to the Board for consideration as a separate statement or included in the overall language.

The Board reviewed the criteria for compliance of the application with the Town of Bridgton Subdivision Regulations

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

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

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

The Board concurred that this section has been met.

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

The Board concurred that this section 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 has been met.

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable

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

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

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

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

The Board concurred that this section is not applicable.

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

The Board concurred that this section is not applicable

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

The Board concurred that this section is not applicable.

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

The Board concurred that this section has been met

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 has been met.

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

The Board concurred that this section 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 is not applicable
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 has been met
9. **Surface Drainage.** The Board concurred that this section is not applicable

Fred moved to tentatively approve the project as presented and submitted conditional upon the additional language regarding maintenance of the common septic systems to be submitted for review at the next meeting. Michael 2nd. 5 Approve / 0 Oppose

Mr. Sawyer said because of time constraints would the Board consider final review of the application in two weeks? Fred said we are here on the 18th anyway so I don't object to that. The Board concurred.

Fred moved to add this application to the agenda of the 18th for final approval. Dee 2nd. 5 approve / 0 Oppose

Mr. Sawyer said we will have Attorney Friedman revise the current language regarding cluster systems for your review at that meeting.

**Carrye Castleman Ross/Depot Street Tap House
18 Depot Street; Map 23 Lot 134
Revision to approved Site Plan
Represented by Carrye Castleman Ross**

Ms. Ross said I am here to propose a simple site plan revision to my original approval to have intermittent low key entertainment at my establishment on Depot Street. I don't want to restrict my request but I am considering an off-season bi-weekly Tuesday night series. Steve said think ahead to the permission you would like so you don't have to come back.

Dee said what do you mean by low-key? Ms. Ross said acoustic.

Mr. Zaidman said you may have acoustic instrument but the singing will need amplification.

Ms. Ross said I am not going to have a rock band, I want to offer something that is a little more cultural than what is currently being offered in Bridgton.

Michael said I would suggest coming up with a decibel level. If a band is typically 105 decibels which is normal you might be in the 100-110 range. Steve said when I reviewed the request I thought it might already be covered under the Site Plan Review Ordinance. Michael said it is the sound level outside the building. Steve said if we are happy with the sound limitations on noise listed in the Site Plan Review Ordinance then we can consider it under the original approval.

Dee moved that this additional request is already covered under the original approval. Fred 2nd. 5 Approve / 0 Oppose

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

Julie and Fredric Whelchel/J. Decor

31 Main Street; Map 22 Lot 114

Mixed Use; Residential & Retail - furniture, home furnishings and wine

Topics for Discussion

A. Ordinance/Regulation Revisions/New

1. Sign Ordinance

a. Revisions per 2-18-14 Meeting

b. Proposed revisions - Dee Miller (see memo)

Ms. Fleck said at the previous meeting the Board discussed and approved additional changes to the Sign Ordinance (See memo). The Board wanted those changes added to the Ordinance for consideration at this meeting. However, there was one outstanding element that Dee noted in her memo which still needs to be discussed.

Discussion ensued between Board Members and staff.

As a result, Section X.G.2 was revised accordingly.

Adam said does Rob Baker, Code Enforcement Officer, have the authority to enforce the Ordinance? Steve said yes according to Section IV.A.

Fred moved to add the additional revisions to the Sign Ordinance for consideration at the Public Hearing scheduled for Tuesday, March 18, 2014 at 7:00p.m. Adam 2nd. 5 Approve / 0 Oppose

2. Shoreland Zoning Ordinance

a. Revisions per 2-18-14 Meeting - DEP recommended

Ms. Fleck said the Board discussed and approved some additional changes to the Shoreland Zoning Ordinance (See memo) as a result of my

discussion with Mike Morse from DEP. The Board wanted those changes added to the Ordinance for consideration at this meeting.

Dee moved to add the additional revisions to the Shoreland Zoning Ordinance for consideration at the Public Hearing scheduled for Tuesday, March 18, 2014 at 7:00p.m. Fred 2nd. 5 Approve / 0 Oppose

B. FYI

1. Reminder - Public Hearing for Ordinance/Regulations Revisions/New - March 18, 2014 at 7:00p.m.

C. Other/Miscellaneous

Fred moved to adjourn the meeting at 8:16p.m. Michael 2nd.
5 Approve / 0 Oppose

Georgiann M. Fleck, Executive Assistant
Town of Bridgton