

**BRIDGTON PLANNING BOARD
MEETING**

Downstairs Meeting Room

**April 5, 2016
7:00p.m.**

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

Also present was: Agnieszka A. Pinette, Drummond Woodsum, legal representative 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 - March 1, 2016

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

5 Approve / 0 Oppose

PUBLIC HEARING

Bridgton Bottled Gas/Stone Road Energy LLC

4 Raspberry Lane; Map 6 Lot 24I

LP Gas Storage Tank

Appeals Board Remand to Planning Board

Steve said this is a topic of interest to a lot of people and we have heard hours of evidence and presentations. It has come down to a set of 7 matters remanded to this Board by the Appeals Board. I would like to have a format of reviewing those 7 items and stay on the topic of each item limiting the Hearing to one hour because I believe we have heard enough testimony and data that that should be enough time to make the presentation. I would grant 3 minutes to each attorney for each side to give a brief introduction. Both Attorney Chandler and Attorney Bower agreed to the 3 minutes introduction. Attorney Chandler, representative for Bridgton Bottled Gas/Stone Road Energy LLC, said I did provide the Board with written documentation on the items we would be covering this evening. This documentation included a deed that was delivered from Mr. Perreault and his partner, Doug Holt, from Bridgton Bottled Gas to Stone Road Energy and we also provided a letter from Gray, Gray and Gray as proof of financial and technical capability for Stone Road Energy.

Mark Bower, Jensen Baird Law Firm, said I am representing eight families that live on Raspberry Lane. We do object to the inclusion of the materials that were submitted today, dated April 4, 2016, by the applicant because the Ordinance requires that documentation be submitted at least 12 days before a public hearing. A submittal by my clients was excluded originally because it was submitted after the 12 days. We have not had the opportunity to review the information submitted today. We strongly recommend that the Planning Board conduct a site walk to get first-hand knowledge of the project area and to review condition of the road where the applicant's new driveway was installed with prior approval from the Town. The neighbors are also requesting the Town engage the services of a consultant to review the applicant's safety analysis relating to this project which the Ordinance allows at the applicant's expense. Based on information submitted today the applicant has engaged in a consultant. The applicant has not demonstrated that the proposal meets various federal regulations, EPA, that are relevant to bulk propane storage which is something that we would want a consultant to look into. There is a chemical accident prevention rule and risk management rule which we have not heard anything about. We would also like to raise the issue of emails that were included in the record to the Board of Appeals which indicated that some Planning Board members were having substantive conversation over emails between September 15 and 18th of last year. We need to raise this to preserve the issue but this constitutes improper non-public meeting under the Freedom of Access Act. One particular email from Dee Miller indicates bias against the Raspberry Lane neighbors. Ms. Miller made a disclosure before the May 12th meeting and at the September 12th meeting that she had had discussion with the applicant, once at home and once at the Town Office. Therefore, we ask that she recuse herself on the grounds of bias. Also, the other issue is the same law firm that represented the Board of Appeals and helped to draft the decision is now advising the Planning Board on the remand. Because the Board of Appeals has vacated the decision all the Findings have to be re-done, not just 7 and one in particular needs to be corrected because it states the subject property is located in an area that is designated as a growth area in the Bridgton Comprehensive Plan and this is not correct. The subject property is designated as outer corridor in the Comprehensive Plan and that is a transitional area not a growth area. The Planning Board needs to determine if this project is consistent. Steve said on the matter of the Comprehensive Plan, the appellants approached the Appeals Board for a reconsideration of the matter of the Comprehensive Plan and that was not accepted nor was it remanded to the Planning Board so I rule that out of order and don't intend on hearing matters on the Comprehensive Plan.

Dee said on the matter of bias, Mr. Perreault has never been to my home. He answered a fire call and while we were waiting for the other fire apparatus to come, he said he was getting an application together. There was no substantive conversation. On the other issue

I was talking with Georgiann Fleck, Deputy Town Manager, about a meeting and Mr. Perreault was also in the office and he immediately walked out, we did not know that he was there, and we stopped talking. I have not had discussion with Mr. Perreault at all. Steve said what is the Board's opinion that Ms. Miller recuse herself? Fred said I don't think what she did rises to recusal and I will make a motion to that effect. Steve said I don't think we need that it appears that we have a consensus of the Board.

Steve said as far as the late delivery of the printed copy of the applicant's remarks I think that is the function of this Hearing this evening so I will rule that that is not an impediment of this Hearing. Mr. Bower said Article IV Section 3.3 of the Site Plan Review Ordinance requires that all materials be submitted 12 days prior to a Public Hearing and they were submitted today. Attorney Chandler said this is not a regular Hearing on an application to determine completeness, this is a remand which part of the process is to take in additional evidence. Also, Article V Section 1 gives the Board the discretion to accept the material or not. Attorney Pinette said the rules that are set forth for a Public Hearing are intended for an initial application submission and do not apply to a remand matter. Everyone in this room is aware and are on notice of the application, everyone had an opportunity to review the Board of Appeals remand which was very specific to the types of matters that needed to be submitted by members of the Public and the applicant and that has occurred here. Where there are no procedures expressed in the Ordinance this Board has the authority to create its own procedures and that has been upheld by the Maine Courts and that is what is being done here today so I don't think that is a basis for postponing the Hearing. Attorney Bower said I basically want to raise it for the record in the event of a subsequent appeal. Some of the letters, which we just received today, were dated March 21, 2016 and there is no reason they could not have been submitted earlier than today. The reason there is the 12 day criteria in advance of the Public Hearing is to allow time for a response. If this is the neighbors only chance to respond to what is being submitted they won't have a chance after today. Attorney Pinette said you have an opportunity to respond today to the materials. Attorney Bower said we have not had an opportunity to investigate, to call the person at DEP that submitted the letter and to call the ambulance service. Attorney Pinette said I think we understand your objection and it has been noted for the record.

Steve said the Appeals Board Decision states based on a careful review of the evidence in the record including written submission and oral testimony from the applicant, the appellant and the public, we conclude that substantial evidence does not exist in the record to support the Planning Board's Findings and Conclusions with respect to the following five provisions of the Ordinance.

Steve said Element #1: Article VII Section 3 - Vehicular Access provides that "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." Attorney Chandler said Josh Sandahl, director of finance for Stone Road Energy, is present this evening along with Jody Emenden, our consultant. We were focusing on the pedestrian and vehicle contacts section of that standard. Mr. Sandahl said we set up a motion detection activated camera on the site on the road which allowed us to record dates and times of vehicular and pedestrian traffic on Raspberry Lane. The camera was set up for a period of 20 days and within that time period there were 290 vehicles accessing Raspberry Lane, in addition there were 44 commercial vehicles. During that period there were only 10 pedestrians and on average there were about 16 vehicles per day travelling on Raspberry Lane. Pedestrian traffic was primarily in the evening, post 4:00, which would be when our operations would be winding down. Attorney Bower said what 20 day period was this? Mr. Sandahl said it was 20 days prior to today. Gary LaPlante, resident of Raspberry Lane, said what is the probability of errors relating to the equipment? I am familiar with security equipment and there is always the possibility that it could have failures. I travel that road twice a day and my son travels the road four times a day and my wife travels it twice a day so that takes up half of your estimate. Mr. Sandahl said there is no indication that the equipment was malfunctioning or improperly installed. I think the fact is the number of pedestrians is low. It is not the overall traffic because the overall traffic is going to vary but this is not a heavily used road but there is virtually no pedestrian traffic. Robert Tyszka, resident of Raspberry Lane, said I walk my dog twice a day and I always walk down that road. I may not have been home on the days when your camera was set up. In the summer people walk their dogs frequently on that street. You said there was only going to be one tractor trailer a month. The tank is 30,000 gallons and a tractor trailer only holds 10,000 gallons. Rita Tyszka, resident of Raspberry Lane, said the time-frame that you are referencing is in the middle of winter, less people walk the road during this time-frame and therefore the data should not be accepted. Attorney Chandler said I don't believe Mr. and Mrs. Tyszka actually live here so I don't whether they are walking their dog on Saturday's or when. Attorney Chandler said to Mr. Sandahl will the use actually go down in summer? Mr. Sandahl said yes, typically because the demand is not there for heating purposes. Ms. Tyszka said this is our second home and we are here all summer and most of the winter and any other opportunity we can so I don't think it matters whether this is our primary residence or not. When we are here we are constantly walking

and jogging on the road. Joan Erler, resident of Raspberry Lane, said Raspberry Lane does not have any sidewalks and it is a narrow road and people are on the road exercising and we meet our neighbors there and also there is a question of line of vision because the road is a winding road with rises therefore you cannot see very far down the road. Attorney Chandler said we are only talking about the first 300' not the entire road. Kevin Ruane, resident of Raspberry Lane, said we have three young children that will be attending school and walking to the end to the bus stop. In the winter the snow banking's will be high restricting visibility. Attorney Bower said this supports the request that you conduct a site walk and engage the services of a consultant. If they are only going to have one tractor trailer truck a month, it should be a condition of approval, if you do decide to approve the project.

Phyllis said how often have you seen a fuel truck enter the facility? Mr. Tyszka said I have never seen a fuel truck enter that station. I have seen a small bobtail truck but there has never been a delivery service truck that I have seen. I have never hardly seen the property until the new driveway was installed because the vegetation covered it up.

Mr. LaPlante said I have lived there in excess of twelve years and I have seen limited movement on that property. I can't say that it negatively impacted me but I would not want to give the impression that the impact would be the same going forward.

Attorney Chandler said obviously if the business grows it will probably increase to two trucks per month but that is still every two weeks and not once a month. I don't want to leave the Board with the impression that as a condition of approval limiting it to one truck a month would not be reasonable to the operation.

Brian said how many bobtails would be going in and out during the winter? Mr. Sandahl said right now we operate one bobtail five days a week and that will not change. Brian said how often does that refill? Mr. Sandahl said it could be every day during demand but generally every two-three days but the truck is currently going in and out of the site every day and that is where we park it at.

Ms. Tyszka said the tank that is there right now is 3,600 gallons with one bobtail going there right now but when the tank size increases to ten times that size the impact will increase.

Phyllis said what is a bobtail? Mr. Sandahl said a bobtail is a delivery truck that goes to residential homes.

Steve said Element #2: Impact on Emergency Medical Services - Article VII Section 12 states "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." Attorney Chandler said we provided a letter from United Ambulance Service which basically states that it will not have any impact on their services. Attorney Bower said I renew my objections to the submittal of today because we have not had a chance to review and interact with the representatives of United Ambulance and it was not submitted twelve days in advance of the Public Hearing. Attorney Chandler said the Appeals Board criteria has been out since January. The applicant and all of the neighbors have had the opportunity contact the same people we have and they did not. Attorney Bower said the applicant has the burden of proof and the applicant is the only one required by the Ordinance to submit evidence twelve days in advance of the meeting. The parties opposing the application should have the opportunity to respond to the materials submitted. Mr. LaPlante said if I had the opportunity to see the letter from the ambulance service in advance I would have reached out to them and asked them if they had the capability of getting into the property in the event that the roadway is blocked because as you know it is a cul-de-sac. I was impacted by the Board's previous decision to not accept materials that were submitted within the twelve day time frame. Steve said, keeping the record straight, your submissions was further evidence submitted after the Hearing had been closed. Ms. Tyszka said this also ties into the ½ mile radius. It was believed during your prior decision that this road was in excess of a mile long and to shelter in place for us was an appropriate evacuation so I do feel that it is this Board's obligation on how we evacuate in the event of an emergency. Any fire, etc. at this site will trap the residents and that needs to be resolved. Mike Hans, 121 Raspberry Lane, said I am a Vietnam vet and I have seen explosions. In the possible event at this site on Raspberry Lane and one of these tanks blow there are other tanks in the area that will also blow, there will be shrapnel and fire so there needs to be a way to evacuate the residents. Steve said we are getting off the subject of impact on emergency services. Mr. Hans said I am concerned for life and death and if there is an evacuation plan. Ms. Tyszka said the impact on emergency services is outlined in the NFPA paperwork which is part of the application and it is incomplete and incorrect.

Steve said Element #3: Consultation concerning air quality laws and regulations - Article VII Section 14 - Protection Against Undue Air Pollution states "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." Attorney Chandler said Ms. Emenden contacted Maine DEP. Exhibit 2 is a letter from the Maine DEP, this facility does not need to be licensed and it is not regulated by DEP. Attorney Bower said I object to the submission of the letter and the evidence submitted today for the first time. I would suggest that the

Board hire a consultant at the applicant's expense to review the issue of air quality. Attorney Chandler said we consulted DEP and furnished evidence of that consultation that they have no regulatory authority over the application. Mr. Ruane said last summer there was a time when the fumes were so bad that my wife had to bring the kids inside and close all the windows. Steve said it has been said that the fumes are a result of purging tanks. Mr. Perrault said it was not the 3,600 gallon tank but a smaller tank that was being purged. Every once in a while a tank has an issue and it needs to be purged to allow repair. Attorney Chandler said is there ever a time that the 3,600 gallon tank will be purged? Ms. Emendem said when a tank is being installed.

Steve said Element #4: Impacts of noise emanating from the affected property - Article VII Section 20 - Limit of Noise Levels states "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." Attorney Chandler said the type of equipment that is currently used there and will be used there, the noise created by the trucks and the pumps on the trucks, by the time it reaches the lot line will be below the threshold. Ms. Tyszka said the public has not seen any of this documentation. The whole point of us reviewing this ahead of time and commenting tonight was that we have seen the public record which we have not. Attorney Pinette said the concern raised by Mr. Bower and by you has been preserved for the record, it does not need to be repeated. Ms. Tyszka said I disagree, it does need to be repeated. Attorney Pinette said the Board will take it under advisement. Ms. Emendem said you need to look at the transport unloading and the bobtail loading. I reached out to a transportation company in New York which is the leading company in this part of the country. They have two 30,000 gallon tanks and they measured the noise in decibels. What they found was at a distance of 42' the noise is reduced from 91 to 53dbs and at a distance of 94'

even greater. Mr. Tyszka said this information is useless because you don't specify what RPM's the truck is at and if the truck at an idle because every truck is different. Ms. Emendem said they took the data while doing an off loading procedure and the report was done in 2009 so the equipment used today is probably even quieter. Ms. Tyszka said I think that the Board should request something specific to this site. Attorney Chandler said the closest lot line is 140' and the closest house is another 100', so noise levels declines over distance. Mr. Ruane said when will they be loading and unloading, day or night? Ms. Emendem said preferred business operating hours are during the day. The only time there would be activity at night would be during the extenuating or weather related conditions. Steve said is the applicant willing to accept a stipulation that only on unusual circumstances will there be activity outside the noise limit hours? Mr. Sandahl said specifically what hours? Steve said the standard business hours are 7a.m. to 8p.m. Mr. Sandahl said yes unless there are extenuating circumstances. Attorney Bower said I would want to get more specific information on what extenuating circumstances would be. Mr. Baker said the standard states "continuous regular and frequent source of sound" so would once a day be considered continuous?

Steve said Element 5: Whether the proposed use is an industrial use and, if so, whether it constitutes a public nuisance - Article X Section 1 states "1. The following regulations shall be complied with in addition to the performance standards contained in Article VII "Review Standards" of this Ordinance for residential-institutional, industrial and commercial.

- 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." Attorney Bower said the facility is referred to a bulk plant which I believe is an industrial use not residential, commercial or retail use. Therefore, as stated "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." There is traffic issues, pedestrian traffic and odors from the existing facility is a nuisance and under state law, 17 MRSA 2802, is a public nuisance because it states "The erection, continuance or use of any building or place for the exercise of a trade, employment or manufacture that, by noxious exhalations, offensive smells or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or of the public." Attorney Chandler said the Town defines commercial as "connected with the buying or selling of goods or services or the provision of facilities for a fee." This facility does not do assembling, fabrication, finish, manufacture, package or process of goods not an industrial use but a storage facility. Attorney Bower said I think you would have a hard time convincing a Planning Board in Portland that a bulk tank consisting of 6-8 tanks storing fuel oil is not an industrial use. Industrial use also includes packaging, which is not defined, but I think you could reasonably include transferring fuel from a 30,000 gallon tank into a truck and then the truck taking that product to a home. You also need to look at processing and that definition includes the storing of any materials. It is clear that this is not a commercial use but an industrial use. Attorney Chandler said I think it would be interesting to consider all propane tanks a public nuisance. Attorney Bower said not all propane tanks but those located within 300' of a residence. The Ordinance talks about whether the industrial use will create a public nuisance as a result of the surrounding conditions. In this situation there are 12 homes within close proximity of the proposed application.

Mr. LaPlante said is there any leakage that happens when the bobtails are fueled? Ms. Emendem said the tanks when not being not loaded or off loaded are in what is called an off position and the valves are closed, there is no leakage. When you are connected and a bobtail is loaded, at the end of loading procedure there is a little bit of vapor that is released from the hose but that procedure would take place one a day for a bobtail during the winter, once or twice a month for transport. The loading procedure takes about an hour. Attorney Chandler said the DEP letter addresses this, anticipates a small release of vapor, which is the same as when you are putting gas in your vehicle.

Steve recessed the meeting at 8:30p.m.
Steve reconvened the meeting at 8:42p.m.

Steve said to Mr. Baker please explain what your understanding of the term industrial has been in our ongoing use of the Site Plan Review Ordinance. Mr. Baker said basically industrial would be light manufacturing such as machine shops.

Steve said we have a substantive question before us about the propriety of accepting information tonight that caught the appellants "blindsided". I would like to suggest that we leave the hearing open for a week to accept written comments, not oral comments, on the applicants new submissions and to schedule a special meeting for two weeks from this evening, April 19, 2016, to accept those comments and any rebuttal to them in written form only and then close the hearing at that point and open deliberations. Brian said would there be a date that those comments would need to be in by? Steve said yes, by April 12, 2016.

Dee said I move that we follow the procedure outlined by Steve.
Brian 2nd.

Steve asked for discussion of the motion. Attorney Chandler said any rebuttal would need to be submitted by when? Steve said on April 19, 2016.

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

Steve said technical and financial capacity of Stone Road Energy LLC.:
Attorney Chandler said we have submitted correspondence from Gray Gray and Gray (copy attached).

Attorney Chandler said we also included a deed as proof of right title and interest of Stone Road Energy.

Steve said a statement made it into the record that the road was a mile long. We asked Mr. Baker to measure the straight line distance from the road to the cul-de-sac. Mr. Baker said using google I estimate approximately 2,500'. Steve said which is not quite ½ mile? Mr. Baker said correct. Mr. Baker said Jim Kidder, Public Works Director, also measured the road and he submitted a memo (copy attached) with an estimate of 2,545'. Mr. Chandler said I think the one mile was a typo. Ms. Tyszka said we are still waiting to hear what the evacuation plan is which I don't think should be from the applicant. Attorney Bower said the Appeals Board said to correct the record on that statistic as well as any other finding that is impacted by that which includes the safety issues around the evacuation so it is critical. Ms. Emendem said I am the co-chair of the Emergency Response Committee for the New York Propane Gas Association the ½ mile is referenced in the Emergency Response Guide Book which all fire fighters use. It is vague because it states for a heavy leak in an amount of ½ mile is a standard. A ½ mile, although short, you are upwind and uphill of this facility so that is the residents benefit.

Attorney Bower said the Board should consider hiring a consultant to review the safety concerns. Ms. Emendem said the State also reviews the application, the installation and safety plans. Steve said with what result, what is the outcome of the review. Ms. Emendem said that it meet all codes and procedures are in place. Steve said is this a licensing factor? Ms. Emendem said the applicant would be required to get a license to operate this facility from the State of Maine. Ms. Tyszka said I spoke with the Maine Fuel Board and while they license the facility they do not have jurisdiction as to where this facility is located and they do not look into evacuation distances that is something that should be reviewed by this Board and by the local fire department. Ms. Emendem said as part of the state application the fire safety analysis and all NFPA codes are reviewed. Mr. LaPlante said I submitted documentation that there have been incidents that have happened across the country with propane tanks so the ½ mile distance is critical.

Old Business - None

New Business

**Daniel Krupp and Ryan Krupp
The Estates at Long Lake; Map 10 Lot 47-2 to 47-2-5
Subdivision Revision
Represented by George Sawyer, Sawyer Engineering**

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

Steve said does any Board member feel that they have a conflict of interest requiring their recusal? The Board concurred that there was no conflict of interest.

Mr. Sawyer said this application is to change the lot lines on a preapproved subdivision. Daniel and Ryan Krupp purchased four of the six lots that were approved in 2014 on this property. They purchased lots 2-5. Lot 1 and 6 were purchase by someone else. They are asking that the four lots be combined into one lot.

Steve said as a result there will be fewer driveways than what was originally approved? Mr. Sawyer said yes.

Steve said we are also decreasing phosphorous impact, runoff impact and we are making bigger rather than smaller lots. Mr. Sawyer said correct.

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

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

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

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

The Board concurred that this section has been met

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

The Board concurred that this section 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 has been met

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

The Board concurred that this section 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 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 has been met

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

The Board concurred that this section 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 has been met

17. **Spaghetti-lots Prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ration greater than 5 to 1;

The Board concurred that this section is not applicable.

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

The Board concurred that this section has been met

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

The Board concurred that this section 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 X 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 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. Brian 2nd. 5 Approve / 0 Oppose

Everlast Roofing Inc.

24 J.R. Mains Drive; Map 26 Lot 8A

60x140 Storage Building

Represented by George Sawyer, Sawyer Engineering

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

Steve said does any Board member feel that they have a conflict of interest requiring their recusal? The Board concurred that there was no conflict of interest

Mr. Sawyer said this application is to expand the building that is existing on site. They are proposing to construct a new 60x140' building to use as a warehouse for storage of raw materials and manufactured product for transport off-site. I have provided a site plan showing the location of the proposed building. The new building will be connected to the old building by a section of pavement. The east side of the new building drains toward Long Lake and the back side of the building drains toward Woods Pond. We are not increasing the water flow from the new building or increasing the phosphorous loading. They are going to pave a portion of the driveway. Runoff from the new building will go to a storm water pond which will control the runoff of the new building to no more than what currently exists and discharge it to the woods and into a buffer area providing phosphorous treatment for the new building. There is correspondence from the State Fire Marshal's Office stating they have no concerns with the proposed building because it is a warehouse facility. There

will be a large garage door in the front for loading and unloading. There will be minimal lighting which will be shielded.

Brian said what is the height of the proposed building? Mr. Sawyer said it is the same as the existing building currently on the property. Paul Field, representative for Everlast, said it has 16' ceiling with trusses. Mr. Sawyer said less than 25'.

Michael said we might want to consider a condition that if the use of the building changes they come back to the Board.

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

As stated in Article VII Review Standards of the Site Plan Review Ordinance, "standards presented in the Site Plan Review Ordinance are intended to achieve the following objectives: Preserve the traditional New England character of the downtown; present an attractive gateway area; facilitate safe vehicular and pedestrian access; protect the value of the abutting properties and the character of natural surroundings; promote intelligent, attractive and useful design; ensure economic investment and vitality; anticipate future growth".

Performance Standards required for any approval by the Planning Board. The Planning Board shall approve or approve with conditions a submitted application if there is an affirmative finding based on information presented that the application meets the following standards. The applicant shall have the burden of establishing by demonstrable evidence that the application and project is in compliance with the requirements of this Ordinance.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state by minimizing disturbance of soil and removal of existing vegetation during construction. Landscaping shall be incorporated into the final plan and shall be designed and planted in such a way that shall define, soften or screen off-street parking areas from the public right of way and abutting properties, will enhance the physical design of the building and site and will minimize adverse impact on neighboring land uses. Invasive plants shall not be used in any landscaping project.

The Board concurred that this section has been met

2. Relationship to Surroundings: Proposed structures or additions to existing structures shall be harmonious with the terrain and existing buildings in the vicinity and shall;

- a. Be of compatible scale and size;
- b. Not to exceed thirty-five (35) feet in height measured from the ground or rise in sight above the Main Street church steeple;
- c. Be of compatible architectural style, incorporating features such as, but not limited to, simple rectangular shape, gable roof or other traditional compatible roof line, dormers, compatible windows, doors and trim;
- d. Include as an integral element of design varying roof lines, awnings and canopies above windows or doors and other architectural elements to reduce bulk or scale of buildings. Designs shall seek to eliminate unadorned or blank walls through use of varying architectural elements, windows or other reflective surfaces. The Planning Board shall consider the use, location and surroundings of the structure when determining the appropriateness of the building's façade.
- e. Have exterior of wood, stone, brick, or other material having the same architectural and visual properties;
- f. Present minimal disruption to such natural features as slope, soil type and drainage ways;

The Board concurred that this section has been met

3. Vehicular Access: The proposed layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. Applicants shall make all reasonable efforts to incorporate shared driveways, providing primary access to adjacent properties, reducing curb cuts on the main road.

The Board concurred that this section has been met

4. Parking and Circulation: The design of vehicular and pedestrian circulation areas including walkways, interior drives and parking areas shall be safe and convenient and promote clearly delineated traffic patterns for pedestrian, private vehicle and service use.

- a. Loading areas and general parking areas shall be separate and not detract from the proposed building or from neighboring properties.
- b. Parking lots serving multiple establishments or providing general off street parking are strongly encouraged. Applicant must provide adequate turning capacity for all public safety vehicles.
- c. New construction, substantial enlargements or adaptive reuse of existing buildings subject to Planning Board review shall be required to provide adequate parking for employees and customers.
- d. Applicants may satisfy parking requirements by entering into a written agreement with another property owner or through the utilization of municipal parking lots allowing for overnight and winter parking. The applicant must demonstrate to the Planning Board a long term lease or other arrangement within close proximity of the proposed development site. The lease or other arrangement must have a duration of at least five (5) years plus two consecutive five (5) year automatic renewal periods. The Planning Board shall have the ability to determine if alternative agreements or use of public lots is sufficient to address the needs of the proposed development.

The Board concurred that this section has been met

5. Surface Water Drainage: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion or the public storm drainage system. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a ten-year storm frequency.

The Board concurred that this section has been met

6. Applicants shall be required to meet any and all state and local regulated setbacks from all applicable vehicle rights of way. The applicant shall be restricted from building any non-impervious development within the setback area. This shall not restrict the construction of vehicular or pedestrian entrances to and exits from the property. Applications subject to dimensional requirements set forth in Article XI Section 2 and Section 2.a through 2.b are exempt from this section.

The Board concurred that this section has been met

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

The Board concurred that this section has been met

8. Advertising Features: The design and lighting of signs and other advertising structures shall be shielded and non-flashing and not detract from the design of the proposed building and other surrounding structures and properties.

Brian said we need to know where the sign will be placed. Steve said we might want to make that a condition.

The Board concurred that this section has been met

9. Special Features of the Development: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audiovisual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

The Board concurred that this section has been met

10. Exterior Lighting: All exterior lighting shall be shielded and non-flashing, energy efficient and ensure safe movement of people and vehicles. Placement of lighting shall minimize glare and reflections on adjacent properties and the traveling public. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties.

The Board concurred that this section has been met

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

The Board concurred that this section has been met

12. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, emergency medical unit, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

The Board concurred that this section has been met

13. Protection Against Undue Water Pollution:

a. In making this determination, the Planning Board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoil's, and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluents; the aquifers and aquifer recharge areas; the existence of streams and surface runoff characteristics; cumulative impact of increased phosphorus loading to lakes; and the applicable federal, state and local laws, ordinances, codes and regulations.

b. The proposed development will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

The Board concurred that this section has been met

14. Protection Against Undue Air Pollution: The applicant shall consult federal and state authorities to determine applicable air quality laws and regulations, and shall furnish evidence to the Planning Board of compliance with the required consultation.

The Board concurred that this section has been met

15. Water Use: There is sufficient water available for the reasonable foreseeable needs of the development and will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

The Board concurred that this section has been met

16. Protection against unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition will not result.

The Board concurred that this section has been met

17. Provision for adequate sewage waste disposal.

The Board concurred that this section has been met

18. Protection against any undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

The Board concurred that this section has been met

19. Protection of waters and shoreland: Whenever situated in whole or in part, within 250 feet of any pond, lake, river, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Bridgton.

The Board concurred that this section is not applicable

20. Limit of Noise levels. Will not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.
a. Noise: Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume (please refer to table below).

b. The maximum permissible sound pressure level of any continuous regular or frequent source of sound produced by any activity regulated by this Ordinance shall be as established by the time period and type of land use listed below. Sound pressure levels shall be measured on a sound level meter at all major lot lines of the proposed site, at a height of at least four (4) feet above the ground surface.

Sound Pressure Level Limit

7a.m. - 8p.m.	8p.m. - 7a.m.
70 dB (A)	55 dB (A)

c. The following uses and activities shall be exempt from the sound pressure level regulation:

1. Noises created by construction and maintenance activities between 6:30a.m. and 8:00p.m.
2. The noises of safety signals, warning devices, and emergency pressure relief valves and any other emergency activity.
3. Traffic noise on public roads.

The Board concurred that this section has been met

21. Conformance with Comprehensive Plan for the Town.

The Board concurred that this section has been met

22. ADA Compliance. All new construction and substantial enlargements or renovations of existing buildings as defined in this ordinance, requiring a permit, shall adhere to all applicable sections of the American's with Disability Act (ADA).

The Board concurred that this section has been met

23. Location in Flood Zone: The sub divider shall determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the proposed development in whole or part, is in a flood prone area. If the proposed development, or any part of it, is in such an area, the applicant shall determine the one hundred (100) year flood elevation and flood hazard boundaries within the development. The proposed development plan shall as a condition of site plan approval assure that principal structures on lots in the subdivision shall be constructed with their lowest floor, including basement, at least one (1) foot above the one hundred (100) year flood elevation.

The Board concurred that this section 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 will be met with submittal of proof to the Code Enforcement Officer

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section is not applicable

b. On any parcel that is 20,000sf or greater within the Village Center District (See Village Center District Map) at least 25% of the portion of the building which fronts on any street shall be used for retail, office, business or professional use. Home occupations and usual appurtenant uses associated with the building are exempt from this provision. Notwithstanding the provisions of 1 MRS §302, and regardless of the date on which it is approved by the Town, this Article XI Section 2.1.b shall be retroactive to February 20, 2012 and shall be applicable to any and all applications for permits or approvals required under the Site Plan Review Ordinance that were or have been pending before any officer, board, or agency of the Town of Bridgton on or at any time after February 20, 2012. The Reviewing Authority may modify or waive the 25% minimum requirement when it determines that one of the following factors is applicable.

- a. Special circumstances of the site;
- b. building placement;
- c. building design;
- d. building use;
- e. surrounding building placement; or
- f. surrounding building uses.

The Board concurred that this section is not applicable

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 any subsequent change of use of the building would require further review by the Planning Board and submittal of proof of financial and technical capability submitted to the Code Enforcement Officer. Final judgment is withheld pending review of the Findings of Fact and Conclusions of Law. Brian 2nd.
5 Approve / 0 Oppose

The Carry All Corner LLC
2 Cottage Street; Map 23 Lot 148
3,200 sf mixed use building
Represented by Michael E. Tadema-Wielandt, Terradyn Consultants

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

Steve said does any Board member feel that they have a conflict of interest requiring their recusal? The Board concurred that there was no conflict of interest

Mr. Wielandt said this proposal is for a 3,200sf two story building that is about 1,600sf per floor. The lot is about 2/10 of an acre and is adjacent to the Carry All Corner building located on the corner of Main Street and Cottage Street. Previously the site had a single family house on it which was destroyed by fire and has since been removed. The proposed use includes three commercial spaces on the ground floor and three single bedroom apartments on the second floor. At this time the commercial tenants are unknown. Utilities will include public water which exists and a combination of public and private wastewater disposal system which is unknown at this time. The Developer, Justin McIver, has a surplus of allocation from the Carry All Corner project which he purchased and was approved for 800 gallons to use in that building. Steve said I have been told that you cannot swap allocation without permission of the wastewater authority, is that true? Mr. Wielandt said yes, we did talk with Mr. Baker and he agrees. Since we submitted this application Mr. McIver submitted an application to the waste water committee for their approval and then it will go to the Board of Selectmen for final approval. Steve said is there an alternate plan if you get turned down for re-assigning the capacity? Mr. Wielandt said yes the plan shows connectivity to the waste water system and also shows a location for on-site waste water disposal facility located under the parking lot. Dee said in past applications we have received an HHE200 wastewater disposal plan for on-site disposal. Mr. Wielandt said that will go to Mr. Baker for permitting. Mr. Baker said it should be part of the application. Mr. Wielandt said we can provide that. Stormwater is tributary to Long Lake so we have provided phosphorous calculations and with the addition of an infiltration trench on the east side of the parking lot there will be a reduction in phosphorous export from the site. In order to develop the site in a way that Mr. McIver would like he is

requesting a waiver from Article X, Setback requirement of the Village Center District as outlined in the Site Plan Review Ordinance. Steve said the abutter to the east said it is his understanding that the lot line on the back side of the building is straight and not angled. Who made the survey? Mr. Wielandt said George Booklus did the survey but we plan on doing a boundary survey to confirm the lot lines. Steve said since the applicant is proposing to do that would it be an imposition to keep Mr. Durgin informed? Mr. Wielandt said we can do that. I believe we have addressed all of the comments submitted by the Department Heads on their impact statements, except for the wastewater issue and the boundary survey. Also Ms. Krieg is questioning whether or not we can request a waiver from Article X and we recently received a copy of correspondence from the Town of Bridgton's Attorney, Attorney Pinette, (copy attached) that you do have the authority to grant the waiver.

Mr. Baker said the on the project site boundary plan it appears that you are encroaching in the Town's right of way. Mr. Wielandt said yes, the sidewalk ends at the Carry All Corner project so we are going to extend the Cottage Street project.

Phyllis said have you made arrangements for ADA accessibility? Mr. Wielandt said the building code, according the applicant, does not require that. The first floor commercial applications will have but not the second floor.

Dee said where is the entrance to the second floor apartments? Mr. Wielandt said the door on the south side of the building will have a corridor with a stairway.

Brian said how far away is the abutting house on the south side from the lot line? Mr. Wielandt said approximately 20' to 15'. Brian said if the lot line is straight will you have to move the building because of the stairway? Mr. Wielandt said we would need to access that according to the survey because it would be subject to the setback.

Brian said is the existing parking lot at the same grade? Mr. Wielandt said it is 2-3' in areas so what we are trying to do with the guiderail is to keep cars contained.

Steve said what are you proposing for signage? Mr. Wielandt said there is a proposed sign that will be located in between the two parking lots. The sign will be similar in style and design which was approved and installed for Carry All Corner.

Brian said have we not received a statement from the Bridgton Water District regarding use? Mr. Wielandt said we will contact them for submittal of correspondence. Steve said that can be submitted to the Code Enforcement Officer.

Steve said what is your proposal for lighting? Mr. Wielandt said there is a light installed for the Carry All Corner parking lot and in his design that will cast a symmetric light pattern consisting of LED lights which will light both parking lots equally. There will be lights similar to the Carry All Corner project. There will also be wall mounted light packs.

Mr. Wielandt said we were interested in getting a conditional approval in the event that there is no allocation available, or it is non-transferrable, we will submit the HHE200 to Mr. Baker for permitting. Mr. Wielandt said what is the Board's expectation regarding submittal of the HHE 200? Steve said I thought we Board concurred that you were going to submit that to this Board. Mr. McIver said can I get approval for the project for a mixed use with the on-site disposal system, HHE200? The Board concurred that with the submittal of an HHE200 they would consider final approval.

Mr. Baker said he would still need to come back before the Town for the commercial tenants under Department Review for each.

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

As stated in Article VII Review Standards of the Site Plan Review Ordinance, "standards presented in the Site Plan Review Ordinance are intended to achieve the following objectives: Preserve the traditional New England character of the downtown; present an attractive gateway area; facilitate safe vehicular and pedestrian access; protect the value of the abutting properties and the character of natural surroundings; promote intelligent, attractive and useful design; ensure economic investment and vitality; anticipate future growth".

Performance Standards required for any approval by the Planning Board. The Planning Board shall approve or approve with conditions a submitted application if there is an affirmative finding based on information presented that the application meets the following standards. The applicant shall have the burden of establishing by demonstrable evidence that the application and project is in compliance with the requirements of this Ordinance.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state by minimizing disturbance of soil and removal of existing vegetation during construction. Landscaping shall be incorporated into the final plan and shall be designed and planted in such a way that shall define, soften or screen off-street parking areas from the public right of way and abutting properties, will enhance the physical design of the building and site and will minimize adverse impact on neighboring land uses. Invasive plants shall not be used in any landscaping project.

The Board concurred that this section has been met

2. Relationship to Surroundings: Proposed structures or additions to existing structures shall be harmonious with the terrain and existing buildings in the vicinity and shall;

- a. Be of compatible scale and size;
- b. Not to exceed thirty-five (35) feet in height measured from the ground or rise in sight above the Main Street church steeple;
- c. Be of compatible architectural style, incorporating features such as, but not limited to, simple rectangular shape, gable roof or other traditional compatible roof line, dormers, compatible windows, doors and trim;
- d. Include as an integral element of design varying roof lines, awnings and canopies above windows or doors and other architectural elements to reduce bulk or scale of buildings. Designs shall seek to eliminate unadorned or blank walls through use of varying architectural elements, windows or other reflective surfaces. The Planning Board shall consider the use, location and surroundings of the structure when determining the appropriateness of the building's façade.
- e. Have exterior of wood, stone, brick, or other material having the same architectural and visual properties;
- f. Present minimal disruption to such natural features as slope, soil type and drainage ways;

The Board concurred that this section has been met

3. Vehicular Access: The proposed layout shall ensure that vehicular and pedestrian traffic conditions shall not exceed reasonable limits for the neighborhood. Special consideration shall be given to the location, number and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization and pedestrian-vehicular contacts. Applicants shall make all reasonable efforts to incorporate shared driveways, providing primary access to adjacent properties, reducing curb cuts on the main road.

The Board concurred that this section has been met

4. Parking and Circulation: The design of vehicular and pedestrian circulation areas including walkways, interior drives and parking areas shall be safe and convenient and promote clearly delineated traffic patterns for pedestrian, private vehicle and service use.

a. Loading areas and general parking areas shall be separate and not detract from the proposed building or from neighboring properties.

b. Parking lots serving multiple establishments or providing general off street parking are strongly encouraged. Applicant must provide adequate turning capacity for all public safety vehicles.

c. New construction, substantial enlargements or adaptive reuse of existing buildings subject to Planning Board review shall be required to provide adequate parking for employees and customers.

d. Applicants may satisfy parking requirements by entering into a written agreement with another property owner or through the utilization of municipal parking lots allowing for overnight and winter parking. The applicant must demonstrate to the Planning Board a long term lease or other arrangement within close proximity of the proposed development site. The lease or other arrangement must have a duration of at least five (5) years plus two consecutive five (5) year automatic renewal periods. The Planning Board shall have the ability to determine if alternative agreements or use of public lots is sufficient to address the needs of the proposed development.

The Board concurred that this section has been met

5. Surface Water Drainage: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion or the public storm drainage system. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a ten-year storm frequency.

The Board concurred that this section has been met

6. Applicants shall be required to meet any and all state and local regulated setbacks from all applicable vehicle rights of way. The applicant shall be restricted from building any non-impervious development within the setback area. This shall not restrict the construction of vehicular or pedestrian entrances to and exits from the property. Applications subject to dimensional requirements set forth in Article XI Section 2 and Section 2.a through 2.b are exempt from this section.

The Board concurred that this section has been met

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

The Board concurred that this section has been met

8. Advertising Features: The design and lighting of signs and other advertising structures shall be shielded and non-flashing and not detract from the design of the proposed building and other surrounding structures and properties.

Brian said we need to know where the sign will be placed. Steve said we might want to make that a condition.

The Board concurred that this section has been met

9. Special Features of the Development: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have sufficient setbacks and screening to provide an audiovisual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

The Board concurred that this section has been met

10. Exterior Lighting: All exterior lighting shall be shielded and non-flashing, energy efficient and ensure safe movement of people and vehicles. Placement of lighting shall minimize glare and reflections on adjacent properties and the traveling public. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties.

The Board concurred that this section has been met

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

The Board concurred that this section has been met

12. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, emergency medical unit, solid waste program, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

The Board concurred that this section has been met

13. Protection Against Undue Water Pollution:

a. In making this determination, the Planning Board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoil's, and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluents; the aquifers and aquifer recharge areas; the existence of streams and surface runoff characteristics; cumulative impact of increased phosphorus loading to lakes; and the applicable federal, state and local laws, ordinances, codes and regulations.

b. The proposed development will not alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

The Board concurred that this section has been met

14. Protection Against Undue Air Pollution: The applicant shall consult federal and state authorities to determine applicable air quality laws and regulations, and shall furnish evidence to the Planning Board of compliance with the required consultation.

The Board concurred that this section has been met

15. Water Use: There is sufficient water available for the reasonable foreseeable needs of the development and will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

The Board concurred that this section has been met

16. Protection against unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition will not result.

The Board concurred that this section has been met

17. Provision for adequate sewage waste disposal.

The Board concurred that this section has been met

18. Protection against any undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.

The Board concurred that this section has been met

19. Protection of waters and shoreland: Whenever situated in whole or in part, within 250 feet of any pond, lake, river, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Bridgton.

The Board concurred that this section is not applicable

20. Limit of Noise levels. Will not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.

a. Noise: Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume (please refer to table below).

b. The maximum permissible sound pressure level of any continuous regular or frequent source of sound produced by any activity regulated by this Ordinance shall be as established by the time period and type of land use listed below. Sound pressure levels shall be measured on a sound level meter at all major lot lines of the proposed site, at a height of at least four (4) feet above the ground surface.

Sound Pressure Level Limit

7a.m. - 8p.m.	8p.m. - 7a.m.
70 dB (A)	55 dB (A)

c. The following uses and activities shall be exempt from the sound pressure level regulation:

1. Noises created by construction and maintenance activities between 6:30a.m. and 8:00p.m.
2. The noises of safety signals, warning devices, and emergency pressure relief valves and any other emergency activity.
3. Traffic noise on public roads.

The Board concurred that this section has been met

21. Conformance with Comprehensive Plan for the Town.

The Board concurred that this section has been met

22. ADA Compliance. All new construction and substantial enlargements or renovations of existing buildings as defined in this ordinance, requiring a permit, shall adhere to all applicable sections of the American's with Disability Act (ADA).

The Board concurred that this section has been met

23. Location in Flood Zone: The sub divider shall determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the proposed development in whole or part, is in a flood prone area. If the proposed development, or any part of it, is in such an area, the applicant shall determine the one hundred (100) year flood elevation and flood hazard boundaries within the development. The proposed development plan shall as a condition of site plan approval assure that principal structures on lots in the subdivision shall be constructed with their lowest floor, including basement, at least one (1) foot above the one hundred (100) year flood elevation.

The Board concurred that this section 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. 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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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.

The Board concurred that this section is not applicable

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 is not applicalbe

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

The Board concurred that the size of the lot would cause an undue burden on the developer to develop something that would be functional and viable and it is the next lot abutting the Village Center District and therefore the Board concurs that a waiver is justified.

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

The Board concurred that this section is not applicable

b. On any parcel that is 20,000sf or greater within the Village Center District (See Village Center District Map) at least 25% of the portion of the building which fronts on any street shall be used for retail, office, business or professional use. Home occupations and usual appurtenant uses associated with the building are exempt from this provision. Notwithstanding the provisions of 1 MRS §302, and regardless of the date on which it is approved by the Town, this Article XI Section 2.1.b shall be retroactive to February 20, 2012 and shall be applicable to any and all applications for permits or approvals required under

the Site Plan Review Ordinance that were or have been pending before any officer, board, or agency of the Town of Bridgton on or at any time after February 20, 2012. The Reviewing Authority may modify or waive the 25% minimum requirement when it determines that one of the following factors is applicable.

- a. Special circumstances of the site;
- b. building placement;
- c. building design;
- d. building use;
- e. surrounding building placement; or
- f. surrounding building uses.

The Board concurred that this section is not applicable

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 a boundary line survey and based on the boundary line survey the waiver for setback is justified, confirmation of the transferring wastewater allocation, submittal of an HHE200, ADA requirement confirmation, correspondence from the Bridgton Water District and keeping the abutter, Mr. Durgin, informed of progress. Final judgement is withheld pending review of the Findings of Fact and Conclusions of Law. Brian 2nd 5 Approve / 0 Oppose

Mark Lopez/Bridgton Self Storage and Consignment

Portland Road; Map 9 Lot 72

47,250sf Self-Storage Building and 2,550sf Office and Consignment Shop

Represented by Jeffrey Amos, Terradyn Consultants

Mr. Lopez said due to the late hour does the Board want to table review of my application to the next meeting? The Board concurred.

Steve said does this project require DEP review? Mr. Lopez said yes.

Steve said is the stone lined created wetland an issue with DEP? Mr. Lopez said I don't believe so.

Fred moved to table review of the application to Tuesday, April 19, 2016. Brian 2nd. 5 Approve / 0 Oppose

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

- A. Jason Zminisky/3 Girls Bait Shop
12 Kennard Street; Map 22 Lot 74
Residence and Retail Bait Shop
- B. Jeffrey Garron/Northern Dock Services LLC
4 Portland Road; Map 24 Lot 103
Residence and Office and Retail Sales

- C. Joan Wilson/James Burke
144 Main Street; Map 23 Lot 28
Restaurant, Ice Cream Parlor and Retail Space
- D. Sharryn Whitmore/Clipper Merchant Tea House
28-32 Main Street; Map 22 Lot 43
Traditional British-style Tea House Serving Tea and Tea Foods,
Plus Entertainment Venue

Topics for Discussion

- A. FYI
 - 1. Planning Board Stipend (See Memo)
- B. Correspondence - Anne Krieg, Planning and Development Director
 - 1. Practice Temporary Signs
 - 2. American Planning Association Conference 2016
- C. Other

Brian said what is the status of the **application submitted by New Age?**
Georgiann Fleck, Deputy Town Manager, said the agent is going to submit a new application.

Fred moved to adjourn the meeting at 10:09p.m. Brian 2nd.
5 Approve / 0 Oppose

Respectfully Submitted,

Georgiann M. Fleck, Deputy Town Manager
Town of Bridgton