

**BRIDGTON PLANNING BOARD  
MEETING**

**Board of Selectmen's Room**

**May 6, 2014  
7:00p.m.**

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

**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 - April 21, 2014 (Joint Meeting with CPC)**

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

5 Approve / 0 Oppose

**Approval of Minutes - April 22, 2014 (Public Hearing)**

**Brian moved** to approve the minutes as presented. Michael 2nd.

5 Approve / 0 Oppose

**Approval of Minutes - May 3, 2014 (Site Walk)**

**Michael moved** to approve the minutes as presented. Brian 2nd.

5 Approve / 0 Oppose

Steve said before we proceed I am going to request that we take the agenda out of order and bring forth the application for **Beaverwood Creek Estates** for board discussion because it has been brought to my attention that an abutter has not been notified.

**Fred moved** take the agenda out of order and bring Beaverwood Creek Estates forward for discussion. Dee 2<sup>nd</sup>. 5 Approve / 0 Oppose

Steve said Georgiann Fleck, Deputy Town Manager, consulted Maine Municipal Association regarding the oversight of notification to abutters and we have a copy of their response. Ms. Fleck said I also spoke with Richard Spencer, Drummond Woodsum, regarding the abutter issue and he responded that if the Board held a Public Hearing with notification to the abutters the Board could deem that sufficient. Dee said we would need to accept the application as complete before we scheduled a Public Hearing.

**Fred moved** to table the application until proper notification has been done. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

Steve said we will add this to the June meeting for consideration. George Sawyer, Sawyer Engineering and Surveying, said we would like to be on your agenda for your meeting on the 20<sup>th</sup>. Steve said that meeting is for continuation of the Public Hearing for the tower, therefore, I would like to keep that meeting specifically for that application. Brian said the Tower application would be first so it could be quite a time before your application came up for review. Dee said because we don't know how long the hearing could be I think it should be on the next regular meeting for consideration. Brian said if we were to begin review on the 20<sup>th</sup> is that sufficient time to allow notification to the abutters? Mr. Sawyer said yes.

**Brian moved** to begin review of the Beaverwood Creek Estates application on May 20, 2014. Adam 2<sup>nd</sup>. 4 Approve / 0 Oppose / 1 Abstain

### Old Business

#### **Vista Investments LLC**

#### **Community Apartments & Efficiency Way Subdivision**

**Off Portland Road; Map 10 Lot 10(PO)**

**18 Lot Subdivision and 96 Community Apartments**

**Represented by Jon Whitten, Terradyn Consultants LLC**

Mr. Whitten said community apartments is a 96 unit apartment complex consisting of 12 units per building - 8 buildings - to be accessed by Commerce Way. We tried to have it changed to Community Way but your local Ordinance prohibits a road name change therefore we will retain Commerce Way. The public road section accessing the apartments itself has 1.5 parking spaces per unit and the buildings will be serviced by individual septic systems, public water and underground utilities. Stormwater treatment will be achieved by level spreaders and wooded buffers and a combination of an underground filter bed and wet pond. The Subdivision will be treated with buffers and some runoff will go into the wet pond. Even with all the treatment we still will pay a compensation fee to Department of Environmental Protection (DEP) for phosphorous production from the site. The subdivision will be serviced by public water and shared septic systems. Sustainable Way is an approved road that was recently approved by the Planning Board as part of the Eco Estates 8 lot subdivision. Community Way is an approved 4 lot commercial subdivision that was approved in 2011 and that will be extended up to the complex. The roads will be constructed to meet public road standards. Efficiency Way is the same width as the public road standards, however, we have altered the shoulders to allow for drainage and a sidewalk. There are sidewalks proposed along Efficiency Way down to the intersection of the apartments and throughout the apartment complex. It is proposed that the intersection with the access way to the apartments and Sustainable Way will be an emergency gated intersection to segregate traffic generated by the subdivision and the apartments. The gated access does allow for the required two

access points to a subdivision that has 20 or more units, therefore, both the subdivision and the apartments can use either public way to get down to Route 302 in an emergency situation or by breaking the gate free. The apartments will be sprinkled. The Department of Transportation manuals for highway design suggests a road that has 10' lanes with 6' shoulders for 400 to 1,500 trips per day. The apartment complex will produce approximately 435 trips per day. The Town road standards is 9' lanes with 6' shoulders. I feel that we are meeting the needs of the apartment complex because we are just over the 400 mark which is not anywhere near the 1,500 trips per day.

Corin Meehan, Fire Inspector for the Bridgton Fire Department, said we would like to look at the final building plans to make sure they comply with all the life safety codes. Also, we would like the access to be open in the event we need to use it as a secondary access point for apparatus in case of an emergency. What type of gate is the break-a-way gate? Mr. Whitten said there are various ways to accomplish the break-a-way such as a zip tie or a Knox box. Brian said what does the fire department want? Mr. Meehan said if it is a Knox box then the occupants will not be able to use it only the fire department but if you are looking for it to be secure something easily opened by the occupants would be more appropriate. Dee said deliveries and other types of traffic including police patrol would need to go all the way out and back in to get to the apartment complex from the subdivision and vice-versa. Justin McIver, developer, said I have spoken with potential clients, 55 and older, of both Eco Estates and Efficiency Way and they are in favor of the segregation because the housing complex is going to have children. Steve said our regulations don't require this so I think it is up to the developer's discretion if the fire department doesn't find it a safety hazard.

Judy Pelletier, Citizen, said what happens in the winter when they plow snow? Mark Lopez, Developer, said the gate can be opened for plowing snow.

Mr. Meehan said if the apartments are sprinkled is it a monitored alarm system? Mr. Whitten said only if it is required by code.

Steve said Anne Krieg, Economic Development Director, has raised the issue regarding sidewalks and a performance bond because of the lengthy build-out. Mr. Lopez commented that on the McDonald's site the sidewalk is rarely used, however, Ms. Krieg points out in her memo that this is a different situation with more families and a greater potential for use with hopes of connecting to a Route 302 sidewalk. Has the developer given any thought to reconsidering a sidewalk at either of the roads? Mr. Whitten said there is room to build a sidewalk but not at this time. Michael said your plan is to put the responsibility of a sidewalk on the future occupants of that development? Mr. Whitten said yes. Mr. Lopez said there is no requirement for sidewalks? Michael

said it is optional. Dee said the planner for the Town of Bridgton has submitted a memo and it appears that this is an important planning element for the future. Mr. Lopez said if they walk to Route 302 where is the sidewalk system going to go? It makes no sense to install sidewalks that have to be maintained by the Town. This is not a subdivision that is going to have a lot of pedestrian traffic. Brian said is there a sidewalk going from the subdivision to the apartments? Mr. Whitten said yes.

Ms. Pelletier said does a school bus go into a subdivision? Mr. Whitten said I would expect that the school bus would pull into the entrance to pick up the children. Brian said would a school bus be able to pull in, turn-a-round and leave? Mr. Whitten said yes.

Steve said what are the developer's plans for road inspections? Mr. Lopez said in the past there has been inspections and certification by an engineer during certain phases of construction. Steve said how is that individual chosen? Mr. Lopez said in the past it has been the design engineer that has performed the inspections. Steve said in this case would it be Mr. Whitten? Mr. Whitten said I am a licensed professional engineer and authorized to do that if the Town is willing. Michael said do we set that schedule up now? Mr. Lopez said I don't know about a specific time schedule you may want to set thresholds such as when the road is subgraded it is inspected, when the road has been graveled it is inspected and so on. Steve said there will be certain restrictions proposed on the developer such as performance bonds and what releases them so the developer is going to have a big motivation to complete the road. Mr. Lopez said we are motivated to complete the road but we don't drive that decision the market does. Mr. Whitten said typically we go out to do an inspection at the clearing and grubbing and to confirm that erosion prevention methods have been set, water lines are installed (which the Bridgton Water District will have input on this issue). Brian said do you have a set schedule of inspections that you typically do? Mr. Whitten said yes. Michael said the feedback I have received is because of the length of time involved with completion of the project they don't want to see silt fencing hanging out there for years which becomes very unattractive. Rob Baker, Code Enforcement Officer, said that is my concern also, therefore, even if the project is moving forward keep a periodic check on the erosion control methods.

Steve said there was also discussion regarding a performance bond and how it would be structured with a release date. Do we want to ask for a performance bond on getting the roads installed and completed? Mr. Lopez said in this situation it makes sense to have a completion bond. Typically, the way it is done we go in and do a lot of infrastructure improvements including paving and utilities which is what the bond is for. Language could include prior to the issuance of an occupancy

permit the developer will post a surety bond for completion of the infrastructure.

Brian said are any of the apartments going to be ADA compliant? Mr. Lopez said we don't know that yet, it is not required. Brian said accessible? Mr. Lopez said the first floor will be ADA accessible.

Dee said is there any assurance that the Town will take over the roads? Steve said no, it is up to the Town Meeting body.

Brian said what about the Homeowners Association's responsibility in the development. Ms. Krieg said bylaws are recorded with the subdivision.

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 has been met

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

*Dee said who is going to install the water system? Mr. Whitten said the Developer. Dee said so it is going to hook up to the Town's water system? Mr. Whitten said yes. We have a letter from the Water District that they support the added usage.*

The Board concurred that this section has been met

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

*Steve said we should discuss the proposed build-out time and the deteriorating erosion control methods during that time. Mr. Lopez said I don't want to confuse the anticipated build-out time with any work that is going to be going on. We will build the infrastructure as we go along and we would stabilize each area as necessary. Mr. Whitten said there is an erosion control plan submitted with an extensive narrative on time-frames. They need to follow that plan as part of your approval. The construction and stormwater inspection is for the roads themselves, the houses are secondary. In order for the roads to be built the stormwater has to be in place. Dee said if someone wants a particular lot will they have to wait for the development to reach their chosen lot before they can build? Mr. Whitten said yes, as far as the residential subdivision. The subdivision will be built for the first eight lots then proceed from there. Mr. Baker said if I see erosion problems I usually notify the developer so they can be fixed. Mr. Whitten said as part of our DEP stormwater we are required to report at least every year for inspection of the stormwater which includes erosion control.*

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;

*Dee said I am still uncomfortable with the traffic pattern.*

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

The Board concurred that this section has been met

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

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

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

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

The Board concurred that this section is not applicable

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

The Board concurred that this section has been met

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

The Board concurred that this section 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 has been met

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

As sited in the Town of Bridgton Subdivision Regulations; Article XIII Design Standards, the subdivision meets or exceeds the following;

1. **Lot Size and Dimensions.** The Board concurred that this section has been met

2. **Monuments.** The Board concurred that this section has been met

3. **Street Signs/Fire Lane Signs.** The Board concurred that this section has been met

4. **Streets.** *Steve said do we want to consider language that progress of road building will be measured at appropriate intervals by a professional engineer per the proposed plan. Brian said Mr. Whitten said he could submit a proposed inspection list.* The Board concurred that this section has been met with submittal of the proposed inspection list.

5. **Sidewalks.** *Dee said there is a future here in this development and I think we should note that this could potentially be discussed in the future as the need arises. Mr. McIver said I think it is appropriate to add it at a future date. The plan allows that because there is room.* The Board concurred that this section has been met

6. **Water Supply.** The Board concurred that this section has been met

7. **Fire Protection.** The Board concurred that this section has been met

8. **Sewage Disposal.** The Board concurred that this section has been met

9. **Surface Drainage.** The Board concurred that this section has been met

**Fred moved** to tentatively approve the project as presented and submitted conditional upon a completion bond that states prior to the issuance of an occupancy permit the developer will post a surety bond for completion of the infrastructure, creation and recording of by-laws for the Homeowner's Association, progress of the road building to comply with the build-out plan and submittal of the inspection schedule. Final judgment is withheld pending review of the Findings of Fact and Conclusions of Law. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

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

As stated in Section 8 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. After construction is complete, landscaping shall be designed and planted that will 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.

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 exceed 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 compatible roof line, dormers, compatible windows, doors and trim;
- d. Have exterior of wood, stone, brick, or other material having the same architectural and visual properties;
- e. 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.

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. Pedestrian, private vehicle and service traffic, including loading areas and general parking areas, shall be separate and not detract from the proposed building or from neighboring properties. 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. 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 business.

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 and in addition shall be no closer than 25’ from pavement or traveled way. The applicant shall be restricted from building any non-impervious development within the setback area. This shall not restrict the construction of vehicular or pedestrian entrances to and exits from the property. Applications subject to dimensional requirements set forth in Section 9B. and 9B.1 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.

*Dee said will advertising for the apartments be on Route 302? Mr. McIver said yes. Mr. Baker said I am not sure that will be permissible because it will not be on-premise sign. Rob said who owns Community Way? Mr. Whitten said that is part of the acreage for the apartments so owner of the apartments would have control over that portion. Mr. Baker said then it could go on that portion as an on-premise sign. Steve said they would need to comply with the Town of Bridgton Sign Ordinance.*

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.

*Dee said will there be air conditioning units in the buildings? Mr. McIver said yes. Dee said so they will be in an area of minimal impact? Mr. McIver said yes.*

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.

*Dee said just to note for the record the fact that these apartments are close to Town will put minimal strain on our services.*

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 subsoils, and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land 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 furnish evidence of compliance to the Board.

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 may 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 unreasonable affect the shoreline of such body of water, and will be in compliance with the Shoreline 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 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 the Site Plan Review 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 subdivider 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 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 foot above the 100 year flood elevation.

The Board concurred that this section is not applicable

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

The Board concurred that this section has been met

25. Large Scale Water Extraction.

The Board concurred that this section is not applicable

26. Surface and Subsurface Mineral Extraction Applications.

The Board concurred that this section is not applicable

**Fred moved** to tentatively approve the project as presented and submitted conditional upon a completion bond that states prior to the issuance of an occupancy permit the developer will post a surety bond for completion of the infrastructure, progress of the road building to comply with the ten year build-out plan and submittal of the inspection

schedule. Final judgment is withheld pending review of the Findings of Fact and Conclusions of Law. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

**New Cingular Wireless PCS, LLC (dba AT&T Mobility LLC) and American Towers, LLC**  
**214 Hio Ridge Road; Map 13 Lot 53B**  
**130' Tower w/antennas and equipment shelter on leased land**  
**Represented by Barry J. Hobbins, P.A.**  
**FYI--ADDITIONAL INFORMATION ONLY**

Ms. Fleck said there is additional information coming in that I wanted the Board to have prior to the Public Hearing to allow sufficient time for review. Steve said as a reminder, the Public Hearing will continue on May 20, 2014 beginning at 7:00p.m.

**New Business**

**Dead River Company**  
**161 Portland Road; Map 9 Lot 61**  
**Remove unused structures, install 30,000 gallon liquid propane tank**  
**Represented by John Yates**

Mr. Yates said also present is John Pelletier, Dead River, who builds the bulk plants for Dead River and also Patrick Coughlan, engineer with St. Germain Collins.

Mr. Coughlan said there is an existing bulk plant, the tall tanks that are visible from Portland Road will be removed and the diesel tank along with the pump will remain, the structure to the rear will be removed and will be replaced with a 30,000 gallon liquid propane storage tank which is the industry standard. Currently when they deliver propane to the area the trucks have to travel a further distance. This will give them a supply right on site where you can bring in a larger transport truck and transfer propane to that facility and smaller "bob-tail" delivery vehicles can fill at this location. This is a great benefit for Citizens in town that use propane. We have seen an increase in the use of propane and this will allow a larger supply in the area.

David Hicks, Bridgton Health Care Center, said has the fire safety analysis been submitted to the Board for review? Mr. Coughlan said no. There has been some exchange of information between John Yates and Glen Garland, Bridgton Fire Chief. We have to complete that process then apply to the Maine Fuel Board. Part of that application process will be the Fire Safety Analysis. The State Fuel Board will not sign off on the approval of the Fire Safety Analysis unless the local fire department approves.

Mr. Hicks said shouldn't the Planning Board have that information before the application is considered? Steve said I am sure that this will go to a hearing and it will be discussed in great detail.

Mr. Hicks said my concern is I don't want to be called at 2:00 in the morning at 20 below zero saying that there has been a gas leak and we have to evacuate 50 residents.

Justin McIver, abutter, said was there a couple of notifications that were sent out? Mr. Hicks said no notification was sent. Mr. Coughlan said we notified the abutters. Mr. Hicks said you did not notify me. Mr. Coughlan said we notified abutters within 100' as required by the Ordinance. Mr. McIver said I am concerned about what I received in the mail as a notification, it does not show what their proposal is only what they currently have and the letter did not specify what size the tanks are going to be. Mr. Baker said I don't think they have to provide great detail only notification.

Mr. Meehan said I sent a preliminary letter to Mr. Yates that involved some of the requests that would be required. Also, it is my understanding that once the Fire Protection Analysis is submitted that will include measures for fire protection. We had a few concerns, mainly addressing the life safety hazard at Bridgton Health Care and the biggest reason is the occupants are care dependent or non-ambulatory or oxygen dependent to some degree. For our staffing that represents a big challenge. Because the facility lacks a second means of egress the only evacuation route is directly between the nursing home and the propane facility. Because we are an on call department it puts us at a disadvantage. Mr. Pelletier said do you have mutual aid capability? Mr. Meehan said yes but that response time would be even further out.

Steve said what is conventional about the timing sequence of the Fire Safety Analysis? Mr. Meehan said we would like to see it to make sure that it satisfies all the fire safety codes and the designs of any suppression system so whatever it takes to review the plans for that and we would want to meet some of the representatives for that. There is a lot latitude for the authority having jurisdiction which is the Town's Fire Department.

Mr. Coughlan said the process is governed by the NFPA code and a propane tank of this size might be new for Bridgton but is it common. The NFPA standards go through all the accident scenarios which dictates how we construct our facility. The site was approved for a lot more BTU storage then what we are going to be transitioning to from an overall fire load and risk to the community we are reducing the amount of product. The Fire Safety Analysis is a process where we work with fire departments to review and approve those. The Planning Board

process looks at site criteria and determines if we meet setbacks, use, landscaping, etc.

Mr. Meehan said that is why we requested the Public Hearing because it is a different situation. I am not aware of any other 30,000 gallon bulk tanks that are located directly across from a nursing facility where there is limited evacuation capabilities.

Fred said how big is the bulk tank located on Route 302 owned by Bridgton Bottled Gas? Mr. Meehan said I believe it is 10,000 gallons although he applied for a larger facility, 30,000 gallons, it was never constructed.

Mr. Pelletier said what would you do now if you had to evacuate the nursing facility? Mr. Meehan said the same thing except the biggest difference is propane is heavier than air which would be a low-lying vapor so depending on the wind it could put the vapor right in the hazard zone.

Mr. McIver said why would you put this in the middle of a business district? Steve said I would rather defer a response on this question until we determine a Public Hearing.

Fred said do we need the Fire Safety Analysis to consider the application complete? Steve said we could determine that application is substantially complete and include the Fire Safety Analysis when it is completed.

Michael said does the Fire Safety Analysis include details about increased traffic flow, loading and unloading? Mr. Coughlan said approval of the tank falls under the Maine Fuel Board and that includes the Fire Safety Analysis which includes a local component with the fire department but is a separate approval. Michael said in my opinion we are not even close to a complete application.

Brian said what is the status of the Fire Safety Analysis and how long will it take to complete? Mr. Coughlan said in preparing this application we adhered closely to the review criteria so I am unclear as to providing the information of the Fire Safety Analysis and the detail on the propane tank. We started the process with a meeting with the Fire Chief. Forms were filled out that are part of that process. We need to resolve the remaining items raised by the Chief in his Impact Statement. The Fire Department needs to submit a letter of agreement to us which is submitted as part of our application to the Maine Fuel Board for consideration. Without that letter the Maine Fuel Board will not proceed. Brian said how long is this going to take? Mr. Coughlan said once we get the letter it may take a couple of weeks for the Maine Fuel Board to complete their review. Brian said we need to see the letter from the Fire Chief.

Mr. Baker said past approvals granted by the Board have been contingent upon review and approval by the State. Mr. Coughlan said we would accept a conditional approval because we can't proceed until the Maine Fuel Board grants approval.

Dee said there are so many layers of jurisdiction, is there a chart to help us better understand? Mr. Coughlan said the Maine Fuel Board has the authority to approve the tank, they approve the plans to make sure it meets the applicable NFPA standards.

Mr. Hicks said who signs off on the approval acknowledging that there is a 59 bed nursing home directly across the street from this facility? Mr. Coughlan said if we violate a set back then our application is denied by the Maine Fuel Board, if we comply, then it is referred to the local Fire Department. Mr. Hicks said if there is a fuel leak and there is an evacuation is Dead River liable? Mr. Coughlan said I cannot answer that because I am not an attorney.

Dee said I would like to see the fire study before we consider this being a complete application because of the special nature of this application. Mr. Coughlan said it may be more appropriate to put a condition on receiving the letter from the Fire Chief and that would allow the details of the Fire Safety Analysis to continue separate from your process.

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

**Fred moved** to schedule a Public Hearing for Tuesday, May 27, 2014 at 7:00p.m. Brian 2<sup>nd</sup>. 5 Approve / 0 Oppose

Ms. Fleck said the applicant must notify the abutters again of the Public Hearing and part of that notification includes a sketch. The original notification was basic. Mr. Coughlan said we will include more detail. Ms. Fleck said at your discretion you can include as much detail as you want in the notification and go beyond the 100' notification requirement.

Mr. Coughlan said in the request for additional information you would like an elevation plan? Steve said yes, bring it to the Public Hearing.

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

NOTE: See beginning of Meeting Agenda for information on the above application.

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

**Robert and Kristi Harris/Suka Salon  
1209 North High Street; Map 12 Lot 21  
Thrifths and Gifts and Salon**

Brian said the original approval did not include use of the second floor for retail business. Mr. Baker said I will visit the site and confirm what space is being used for retail space.

**Sylvan Learning  
5 Gibbs Avenue; Map 23 Lot 112  
Learning facility for approximately 6 students**

**Alison Libby/Country Treasures Thrift Store  
50 Forest Avenue; Map 25 Lot 15  
Residence and Thrift Store**

**Topics for Discussion**

- A. FYI
1. Shoreland Zoning News
  2. Main-Land Development Newsletter

B. Other/Miscellaneous  
Ms. Fleck took a count of who is going to be attending the **Bridgton Volunteer/Employee Barbecue.**

Ms. Krieg said you can limit the **amount of time an applicant** takes and the amount of time allowable for speakers. Just remember to do it at the beginning of the meeting.

**Fred moved** to adjourn the meeting at 9:27p.m. Brian 2<sup>nd</sup>.  
5 Approve / 0 Oppose

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Georgiann M. Fleck, Deputy Town Manager  
Town of Bridgton