

**BRIDGTON PLANNING BOARD
MEETING**

Board of Selectmen's Meeting Room

**January 2, 2007
7:00p.m.**

The Bridgton Planning Board was called to order at 7:00p.m. by Fred Packard, Chair. Those in attendance were: Fred Packard, Chair; Steve Collins, Vice Chair; Christopher McDaniel; Gordon Davis; Dee Miller, Alternate; David Lee, Alternate. Absent were: David Diller

Fred appointed David Lee, Alternate, to act in the capacity of absent regular member, David Diller.

Approval of Minutes - December 5, 2006

Steve motioned to approve the minutes as presented with the amendment as discussed. Gordon 2nd. 5 Approve / 0 Oppose

OLD BUSINESS

**Woods Pond Partners LLC/Westwood Shores
Woods Pond/North Road; Map 4 Lot 39 (PO)
14 Lot Subdivision
Represented by Phil Libby**

Tom Dubois, Agent, said at a meeting in October the Planning Board gave this project a conditional approval. Mr. Dubois submitted additional information to the Board which included a copy of the DEP stormwater permit, a phosphorous control plan and verification of the road stability. Mr. Dubois said the mylar that I had prepared for your signature this evening is incomplete. I will have to make the corrections and submit it to you at a later date.

Gordon said in the letter you submitted this evening it said the final plan contained notes as part of the DEP review and approval. What has changed? Mr. Dubois said DEP wanted the plan to coincide with the deed covenants and restrictions and the home owners association.

Rob Baker, Code Enforcement Officer, said what is the status of the triangular piece? Mr. Dubois said it has been removed from the plan.

Mr. Baker said does Westwood Cottage have a right of way and is it shown on the plan? Mr. Dubois said it is not on the plan but it is stated in the deed.

Mr. Baker said are they part of the association? Mr. Dubois said no.

Steve motioned that the conditions of the project have been met and therefore authorizes the Board to sign the mylar when it has been properly plotted. Chris 2nd. 5/0 Oppose

Coastal Guide Service Inc. / Eric O'Connell
Off Frost Farm Road; Map 8 Lot 39B
13 Lot Subdivision
Represented by George Sawyer, Sawyer Engineering
Review and Sign Findings
Sign Mylar

Mr. Sawyer said at the previous meeting you approved the project with conditions. Since then a financial statement has been submitted and additional notes have been added to the plan requiring membership to the local road association and that the road is a non-conforming road and will not now or in the future become a town road.

Mr. Baker said Andrea Lipinsky, an abutter, called and said that some work has been done to the road and there were no ditches to speak of. Mr. Sawyer said the road needs to be built up, however, we don't want ditches. We want the water to spread out and not collect in ditches.

Dave motioned that the conditions have been met. Steve 2nd.
5 Approve / 0 Oppose

The Board reviewed the Findings of Fact and Conclusions of Law.

Steve motioned to grant Fred Packard, Chair, authorization to sign the Findings of Fact and Conclusions of Law. Christopher 2nd.
5 Approve / 0 Oppose

Dee said the decision outlined in the Findings of Fact list the conditions. Now that they have been met will there be an addendum to the findings? Fred said it is there. Steve said we satisfied that by our motion. Dee said it is on the record but not in the findings.

NEW BUSINESS

Simon Streeter/Streeters Inc.
Pond Road; Map 15 Lot 20
13 Lot Subdivision
Preliminary Discussion
Represented by Jason Farthing

Mr. Farthing said a boundary survey was done years ago on this property by Lawrence Kane a professional land surveyor. The parcel is a total of 15.5 acres and there are a couple of wetland areas with a small drainage force running through it from northwest to southeast. In an effort not to disturb any of the wetlands we propose doing all the development on the southeast corner and leaving a large amount of open space. My client does propose to bring in public water which currently ends with a 10" main at OBEASY Lane off the Pond Road. He

has about 4-500' to bring it to the entrance of the subdivision. From there he plans to provide all the lots with public water.

Mr. Farthing said The Subdivision Regulations require the proposed street be separated 400' from any existing street. My proposal is closer than that, therefore, has the Planning ever waived or would you consider waiving that requirement? Fred said I don't believe this has ever come up as an issue before. Mr. Baker said it hasn't come up since I have been here but I believe the intent is if it is in the same subdivision. Fred said I believe that section would not be applicable to this project.

Mr. Farthing said two of the proposed lots would have access to the Pond Road, do you believe there will be a problem obtaining curb cuts for those two lots? Mr. Baker said as long as the site distances are sufficient it shouldn't be a problem.

Mr. Farthing said in other Towns that I have worked they allow back lot access. I have proposed a unique layout of these lots. For example, lots 8 and 9 have 100' of road frontage each. The lots lines run right through what is labeled on the plan as "wetland A". Obviously, that would not be an appropriate place to access the lots. Therefore, I have proposed a right of way using a utility easement to access the rear lots. Is that allowable in the Town of Bridgton? I have provided the necessary road frontage but I don't intend to use that for access to the lots. Mr. Baker said it does not say it has to be contiguous. Fred said correct it only has to be a sum of 100' and therefore you have met your requirement of road frontage. I do not believe you have to use that for your access.

Mr. Farthing said some towns require that you can't have it more than three times the length of the width of the lot. Does Bridgton have that requirement? Fred said we have that restriction in the Shoreland Zoning Ordinance by way of spaghetti lots.

Mr. Farthing said is there a minimum size access that is allowed in the Town of Bridgton, does it have to be 50'? Mr. Baker said yes, the road right of way. Mr. Farthing said would it have to have a "T" turnaround? Fred said yes, it would probably have to be located on lot 8 so emergency vehicles can reach lot 8 and turnaround. Steve said we have the same situation with lot 4. Mr. Farthing said yes lot 4 and 5 so I may lose a lot but I am going have to make the right of way 50' where I have proposed 30'.

Mr. Baker said I would like to suggest that any waivers be submitted in writing.

Mr. Farthing said lot 12 has 100' of frontage on a 50' right of way, that 50' right of way is beyond the wetland line that I am not going to cross with my development. I have no intention of trying to build a road which involves filling a wetland. Can I use 100' of false right of way with no road being built? Mr. Baker said probably not. Mr. Farthing said I will need access to get to the open space for everyone, so there is going to have to be a right of way beyond the roadway that I build. If I propose road frontage on a 50' right of way does the road have to be built? Fred said yes. Mr. Baker said no lots can be sold in a subdivision unless the roads are brought up to town specs so I would say yes it has to be built. Mr. Farthing said with the reconfiguration I will be able to use the 50' rights of way and not affect the number of lots that I have.

Mr. Farthing said can we waive the phosphorous study? Fred said no.

Mr. Farthing said we would like to set rebar at all the property corners will that suffice? Fred said our ordinance just say monuments.

Fred said what are you going to ask for for waivers? Mr. Farthing said at this point sidewalks and pavement.

Mr. Farthing said do you have a requirement for underground utilities? Fred said no.

Mr. Farthing said there is an existing farmhouse on the property, if I split that off with some acreage, do I have to include that as one of the lots? Fred said yes, it is called the "mother lot".

Crocker Woods Subdivision/Steven & Heather Fuller
Kansas Road; Map 6 Lot 35-7
2 Lot Subdivision
Represented by Delmore Maxfield, Maine Survey Consultants

Mr. Maxfield said we submitted an application for revision and we needed to submit the application for a new subdivision, therefore, we have added a few more items to our application. A few years ago we received approval to split lot 7 in the Crocker Woods Subdivision and now they are proposing to split what was 7A into two lots, 7B which will be 1.4 acres and 7C which will be 4.7 acres. We have noted on the plan the building area and the phosphorous buffering.

Steve said the hexed cells shown on your plan is what is available for building? Mr. Maxfield said yes.

Fred said the rear of it is wet? Mr. Maxfield said yes it is either wetland or within the stream protection zone.

Allen Burnell, Site Evaluator, said the lots tested for a standard leach bed of 28x45 or you could have a smaller system if you use chambers.

Fred said does he have to get a road entrance permit? Mr. Baker said if it is a state road he needs both state and local. Mr. Maxfield said who maintains the road? Fred said the Town plows it. Mr. Baker said there are some state roads that are maintained by the Town but they get reimbursed by the state. Fred said this needs to be looked into.

Gordon said the building envelope extends beyond what is shown as the wetland boundary of lot 7C, can they do that? Mr. Maxfield said it is beyond the 75' setback but within the 100'. Is it permissible to have the building envelope within the wetland boundary? Mr. Burnell said yes, you need to apply for a wetlands permit through the State.

The Board established the finding of fact.

Steve motioned to approve the application as submitted and presented conditional upon determining if the road is a state road or town road for purposes of a driveway entrance permit. Plan approval is also conditioned upon compliance by the applicant with the plans and specifications which have been received by the Planning Board in connection with the development proposal as well as with any oral commitments regarding the project which were specifically made by their applicant to the Board in the course of its deliberations. Christopher 2nd. 5 Approve / 0 Oppose

**Brook Hollow/Packard, Harmon and Guttschalk
Beaver Creek Farm Road; Map 5 Lot 96F
14 Lot Subdivision
Represented by Ronald Keniston**

Fred said I am recusing myself because I have a direct interest in this project.

Gordon said I am recusing myself because I have interest in an abutting property.

At this point Steve, Vice Chair, took over the meeting and appointed Dee Miller, Alternate to act in the capacity of a regular member.

Mr. Keniston said we are proposing 14 lots ranging in size from 1.31 acres to 3.12 acres. We changed the road shoulders from 3' to 2' which resulted in a change in our phosphorous study but we are still .2 below what we can export. There are no wetlands on the property but there is a small brook running on the easterly side of the lot near

the property line that we have shown the approximate location on the plan. It is far enough away that we are able to maintain the 75' setback. We have noted some buffer zones which run from 100' to 275' on the lots that keep the building area to the front near the test pits. The buffer zone areas have restrictions such as no cutting or building within the buffers. The road is already there and most of it is 18' or up to 24' wide but they are only going to make it an 18' road. In the phosphorous control we show about 500' of road which is less than the 18' so we had to use that in our calculations. The road that is existing in that area is approximately 12' wide so we could take a 12' credit toward the phosphorous control. We put in bio gardens on each lot which will control water runoff toward the brook and buffer zones. We used the figures on a 12,000sf impervious area to come up with our phosphorous figures. The road that has existed went through and continued northerly and eventually wound up on Pinhook Road. We are stopping that road approximately 100' from the property line and including that area into lot number 10. We have a hammerhead or "T" at the end to provide for turnaround for emergency vehicles. There is a hydrant about a mile away and Tingley Brook is close by and both of these alternatives are sufficient with the Fire Chief for fire suppression. We have implemented a 10' setback on all property lines. We have a road association involved and have made a notation on the plan "that the owner of within contained premises shall contribute a prorated expense of the cost of the maintenance of the Beaver Creek Farm Road from Route 302 to the southerly line of Brook Hollow Subdivision". We felt this would be a fair way to handle the new association members as well as the established association members. There will be deed covenants which consist of no further subdivision, one residential home per lot, no commercial and no mobile homes.

Dee said there is an inconsistency between the covenants and the plan regarding further division of the lots. Mr. Keniston said we will make the correction so they are consistent.

Dee said also the notation regarding a mobile home not being allowed as a permanent residence, are they permitted on a temporary basis? Fred said our intent was to allow a mobile home during the construction of a permanent home but we are going to remove it because we don't want to allow mobile homes.

Dee said what is the reason for ending the road where you did and what is beyond the road? Mr. Keniston said BRAG and their proposed athletic fields. Dee said there will be nothing between their subdivision and the BRAG fields? Mr. Keniston said at this time there is nothing there. Fred said the rights of way end where we are ending the road.

The Board established the Finding of Fact.

David L. motioned to approve the project as submitted and presented. The waiver for sidewalk requirements as requested by the applicant was also granted. Plan approval is also conditioned upon compliance by the applicant with the plans and specifications which have been received by the Planning Board in connection with the development proposal as well as with any oral commitments regarding the project which were specifically made by their applicant to the Board in the course of its deliberations. Christopher 2nd. 5 Approve / 0 Oppose

The Board signed the mylar.

Fred and Gordon returned to the Board in their capacity of regular members and Dee returned to her status as alternate member.

**Approved Application(s) as per Bridgton Site Plan Review Ordinance
4.A.1.**

A. Swett Signs Inc.
30 Brown Mill Road; Map 19 Lot 7
Residence and Sign Shop

Topics for Discussion

A. Ordinance Amendments

Ms. Fleck reviewed the proposed changes with the Board. Discussion ensued regarding the Ordinances.

Shoreland Zoning Ordinance

Steve motioned to change the Ordinance so the heading in the body is the same as the table of contents.

Christopher 2nd. 5 Approve / 0 Oppose

Bear River Aquifer

Steve motioned to accept the changes as presented. Gordon 2nd.

5 Approve / 0 Oppose

Safe Zone Ordinance

Christopher motioned to approve the draft of the new Ordinance.

Steve 2nd. 5 Approve / 0 Oppose

Dee said are there any other changes to Ordinances expected? Ms. Fleck said there may be an additional change to the Bear River Aquifer Ordinance but I have not heard from the Harrison Water District on that yet. Dee said there may be something from the Economic Development Committee. Fred said that meeting isn't until the 20th and I don't want to hold these Ordinances back pending the outcome of that meeting.

Steve motioned to hold a Public Hearing on the Amended Shoreland Zone Ordinance, The Bear River Aquifer Ordinance and the new Safe Zone Ordinance to be held on Tuesday, February 20, 2007 at 7:00p.m.

Christopher 2nd. 5 Approve / 0 Oppose

B. Economic Development Committee

Request for workshop/meeting February 20, 2007 (copy of request attached).

Fred said has anything been put on record as to what is being proposed by the Economic Development Committee? Dee said everything is subject to discussion. Ms. Fleck said can you get copies of those for the Board? Fred said we have come a long way over the past several years which is evident with Hannaford, Hancock Lumber and Dunkin Donuts. We have some very good standards, we don't want to become more restrictive, we want to look forward to the future. Dee said, speaking for myself and not on behalf of the committee, we need to make sure that the good faith that has been shown by Hannaford, Hancock and Dunkin Donuts, continues. Fred said that is correct but you can't do it with more restrictions.

Steve motioned to grant the request and meet with the Economic Development Committee on Tuesday, February 20, 2007. Christopher 2nd.
5 Approve / 0 Oppose

Dee said I am concerned with **referring things to the Code Enforcement Officer for review and approval** when the Board is the entity that is supposed to give approval. The Code Officer is responsible for enforcement. Steve said I agree that we should not delegate our authority. Fred said I agree but for minor issues we should consider delegating rather than having the applicant wait and come back to this Board.

Rob said was **Wildhaven subdivision** also reviewed by the Town of Sweden? Someone wants to split their lot. I told them they needed to come back before Board for a revision to the subdivision. Would it need to be reviewed by both Towns? Fred said is it all in Bridgton? Mr. Baker said yes. David said I think they have tried this a couple of times. The road needs to be brought up to Town specs and I believe there is a lot size restriction. Ms. Fleck said in the past we notified the adjacent Town of the intent to see if they wanted to meet jointly. Mr. Baker said I will do further research.

Gordon motioned to adjourn the meeting at 9:17p.m. Steve 2nd.
5 Approve / 0 Oppose

Respectfully submitted,

Georgiann M. Fleck
Municipal Secretary