

**BRIDGTON PLANNING BOARD
MEETING**

Board of Selectmen's Meeting Room

**February 6, 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; David Diller Dee Miller, Alternate; David Lee, Alternate. Absent were: None

Approval of Minutes - January 2, 2007

Christopher motioned to approve the minutes as presented. Steve 2nd.
5 Approve / 0 Oppose

Approval of Minutes - January 9, 2007 (Reny's Public Hearing)

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

Approval of Minutes - January 16, 2007 (Legal Seminar)

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

Fred said, with the Board's approval, I would like to take the agenda out of context and allow Bill Winslow from the Harrison Water District to make a brief presentation regarding amendments to the Bear River Aquifer Ordinance.

Steve motioned to grant Bill Winslow the opportunity to speak regarding the changes to the Bear River Aquifer. Christopher 2nd.
5 Approve / 0 Oppose

Additional amendments to the Bear River Aquifer Protection Ordinance

Represented by Bill Winslow, Harrison Water District (Discuss proposed amendments and if acceptable vote to add to the Public Hearing on February 20, 2007 for consideration).

Mr. Winslow reviewed the proposed changes with the Board.

Steve motioned to accept the proposed changes to the Bear River Aquifer Ordinance and add the ordinance with the amendments to the Public Hearing scheduled for February 20, 2007 for consideration. Gordon 2nd. 5 Approve / 0 Oppose

OLD BUSINESS

**Brook Hollow/Packard, Harmon & Guttschalk
Beaver Creek Farm Road; Map 5 Lot 96F
14 Lot Subdivision
Review and Approve the Findings of Fact**

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Fred said I am recusing myself because I did not take part in the original discussion due to a direct interest in this project.

Gordon said I am recusing myself because I did not take part in the original discussion due to a direct interest in an abutting property.

Steve appointed Dee Miller, Alternate, and David Lee, Alternate, to act in the capacity of regular members.

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

Christopher motioned to approve the Findings of Fact and Conclusions of Laws as written and presented. David L. 2nd.
5 Approve / 0 Oppose

Steve signed the Findings of Fact and Conclusions of Law.

**Crocker Woods Subdivision/Steven & Heather Fuller
Kansas Road; Map 6 Lot 35-7
2 Lot Subdivision
Review additional information submitted by Del Maxfield, Maine Survey
Consultants
Review and approve Findings of Fact**

David D. said have we received the application fee? Alan Burnell, said no, I am submitting it this evening. David D. said are we breaking president by allowing this project to move forward when it is not complete? Georgiann Fleck, Secretary, said this project has been approved by the Board with a few conditions. Rob Baker, Code Enforcement Officer, and myself will make sure this type of issue does not happen again.

Mr. Burnell said we submitted a letter from DOT stating the Kansas Road is a town way so there is no need for an entrance permit from them. We also submitted a letter of financial capability.

Dee said in regards to the financial capability can the people involved attest to their own financial ability or do we need something more substantial? Fred said there will be no development costs related to this project so I believe that this letter is sufficient.

Steve motioned that because there is no infrastructure costs associated with this project the applicant has demonstrated financial capability and the Department of Transportation letter makes it clear that an entrance permit is not required from the State, therefore, I move to approve the Findings of Fact and Conclusions of Law as written and presented. Gordon 2nd. 5 Approve / 0 Oppose

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Fred signed the Findings of Fact and Conclusions of Law and the Board signed the mylar.

**Streeter's Brook/Joseph A. Colonair
Pond Road; Map 15 Lot 20
14 Lot Subdivision
Represented by Jason Farthing, Survey Inc.**

Fred said we have been made aware that the abutters were not properly notified. Even though notices were sent to the additional abutters the Ordinance is specific that it must be done within 10 days. To date, we have not made any exceptions to this rule. If we do, it is an appealable standard. We also need two approved road names.

Steve motioned to table this application pending proper notification to the abutters. Gordon 2nd. 5 Approve / 0 Oppose

Mr. Farthing said is the Board going to do a site walk? Fred said we will probably go individually to view the site.

Mr. Farthing said the stormwater and phosphorous study are being done by George Sawyer, Sawyer Engineering.

**Reny's Store
Main Street; Map 23 Lot 125,126 and 128
Raze an existing structure & addition to current retail store
Represented by George Parker**

Mr. Parker said we submitted a proposal for treatment of stormwater from the roof drainage. We also needed a waiver letter for the cupola that is going over the atrium. There were also questions regarding the lack of on-site parking and how this project was going to impact the town's parking lot.

Mr. Parker said the Shoreland Zoning Ordinance requires a certain level of storage of roof water. Roof water doesn't really need treatment, it is the drive ways that need the treatment. We did a before and after phosphorous analysis and our submittal covers necessary treatment of water from the roof to the drive and then to the brook.

Mr. Parker said Mr. Howell's entrance to the Magic Lantern is right across the existing road that goes into the parking lot. We have moved the pedestrian walk way away from that entrance.

Mr. Parker said currently the store has seven spaces along the end wall plus several off Depot Street for parking. The proposal is to build the additional retail space and maintain or expand the number of

parking spaces off Depot Street slightly. But primarily parking for the store, customers and employees, will be the new lot being created through the grant. Also, assuming the Town is successful in agreeing with Mr. Howell on the joint use of his parking space. The Town lot will have approximately 65 spaces and 50-55 in Mr. Howell's lot plus

an additional 30 across Main Street. Generally parking spaces are figured on 4 spaces per 1,000sf of retail space. The existing store is 8,700sf which would figure out to about 35 spaces. In expanding we are adding an additional 6,000sf or so. We don't expect that the addition will require much more than an additional 10 spaces. There is also room for expansion of parking in the future. David D. said town space? Mr. Parker said yes.

Gordon said currently there is a lot of pressure on Main Street parking and now you are going to take away more of those spaces. Currently most of the parking done on Main Street is for 5 or 10 minutes whereas people coming to Reny's will be there for awhile. There is a lot of concern that you will take away from the existing business parking. Also, when you originally made your presentation to the Board you indicated that this project would not go forward until the additional parking that the Town is apparently going to do is built. I want to make sure that that is still the case. Mr. Parker said if both, the Town or Mr. Howell's project stopped and didn't get built, I would say that the project would not proceed. Dee said there are conceptual drawings of the parking lots that have done by an engineer and there is money that has been committed to that project specifically. There will also be public parking behind the book store. Fred said people that use the town parking lot are also likely to patronize other businesses by creating more traffic flow. If we are looking for downtown growth we need to provide parking. Gordon said I would hate to see this go ahead on the premise that we are going to have more parking available and then not have it happen. Steve said the money is committed for the parking and the contract has been signed with the planner, it is going forward.

David D. said how much parking does the Community Center need for parking? Mr. Parker said Micah Niemy, Assistant Economic Development Director, estimated 15 spaces. The movie theater will be primarily evening parking. If that agreement is made as a community agreement then we would be able utilize his lot during the day in addition to the town lot.

David D. said there has always been parking behind the book store, it may not be paved and lined but it is there. Have you done a study of

the existing use and percentage required? Mr. Parker said there is parking at the community center but it is not signed so it is not fully utilized.

Mark Grenda, Owner of Corn Shop Trading, said there are three conceptual plans for the public parking lot on Depot Street and the parking area behind the book store. The Magic Lantern is proposing four theaters, a function room and an ice cream store. You are going to have people at Reny's, the Community Center and the theater. Where is everyone going to park? The representative for Reny's says there is only 7 parking spaces, however, taking into consideration the

adjacent property to Reny's I count 30-35 parking spaces that are going to be eliminated. The Board also needs to remember that people using the proposed walking park will also need a place to park.

The Board reviewed the Site Plan Review criteria for compliance.

Steve motioned to grant the waiver of the 35' height restriction on the basis that it doesn't exceed the existing roof and having granted that waiver approve the application at submitted and presented conditional upon the DEP's approval of the stormwater control and they implement the phosphorous control plan as described in the partial treatment method. 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 the applicant to the Board in the course of its deliberations. Christopher 2nd.

Gordon said does oral commitments include the preliminary discussion? Fred said oral representation is anything that has been stated to the Board.

Gordon said item four in the Review Standards "Parking & Circulation", deals only with design and safety of parking areas not adequacy? Fred said that is correct.

Fred called for a vote to the motion. 4 Approve / 1 Oppose (David D.)

**Glennco Property LLC
Hio Ridge Road; Map 8 Lot 23
8 Lot Subdivision
Represented by Craig Higgins**

Mr. Higgins said we have submitted a copy of the phosphorous control plan to you and to LEA. The conclusion is the project meets the allocation of phosphorous. There are 10.8lbs allowed and 4.72lbs

projected leaving in excess unused capacity of 6.8lbs of permitted phosphorous export. We are dealing with 300 acres with an average density of 1 unit per 40 acres. Several of the lots have limitations on further development. Lot D & F are limited to single building envelopes, one home each by deed restriction. Lot E is limited to 4 building sites on its 40 acres. We have added the GPS located stream completed by Mark Sensi, a certified Geologist. The green area depicted on the plan is the 75' shoreland zone setback. The deed restrictions created by Glennco for the purchases of lot D, F, and G require a double setback from the stream, 150' rather than the Town's 75' minimum which is depicted on the plan in purple dashed line. We have added to the plan, Kevin Cullenberg, the surveyors name and we changed the 2006 signature date for the Board to 2007. In January you approved the Deer Run Estates Subdivision/Coastal Guide Service Inc. and we have included that in this plan so you can see the correlation between this property and that property.

Fred said for clarification, this was divided as 40 acre lot parcels which is exempt from subdivision regulations. After the fact, when Mr. Higgins was planning on doing a subdivision of another parcel they discovered there was a small portion of the entire 333 acre that touched shoreland zoning and therefore all the lots had to go back and be filed as a subdivision before they could go forward. Mr. Higgins said that is correct, it is an after the fact approval, for the previously sold parcels. If this project does receive approval from the Board, we will be back at a future date to subdivide the 70 acre parcel shown as parcel A.

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

Steve motioned that because the applicant has demonstrated compliance with the Subdivision Regulations that the project be approved as submitted and presented. 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 the applicant to the Board in the course of its deliberations. Gordon 2nd. 5 Approve / 0 Oppose

The Board signed the mylar.

**Mountain Lane Subdivision/Chet Homer
Mountain Road; Map 7 Lot 18
7 Lot Subdivision
Represented by Christopher DiMatteo, Sebago Technics**

Fred said we have been made aware that on the letter sent to the abutters the reference of Map and Lot was transposed.

David D. said in my opinion the abutters were not notified of the proper map and lot.

Mr. DiMatteo said the letter was accompanied by a sketch plan which was specific to the location. I don't think this would be a gross error which would lead to confusion of the location.

Steve said if an appeal is filed based even on a technicality the process before the Appeals Board is DeNovo, which means the application starts all over again.

Gordon motioned to table the application pending proper notification to the abutters. David D. 2nd. 5 Approve / 0 Oppose

Robert & Gail Stone
Kezar Heights Road; Map 16 Lot 2C
2 Lot Subdivision
Represented by Jonathan Bliss, Bliss & Associates

Fred said we have been made aware that all the abutters were not notified.

Steve motioned to table the application pending notification to all the abutters. David D. 2nd. 5 Approve / 0 Oppose

NEW BUSINESS

Tabernacle of the Congregation
Corner of Moran Road and Route 302; Map 12 Lot 21B
30x40 Addition
Represented by Pastor Ron Leavitt

Mr. Leavitt said the original building is 36x68 and we would like to construct a 30x40 addition.

Fred said will it be similar construction? Mr. Leavitt said yes.

Mr. Leavitt said I still need to meet with the State Fire Marshal to review the plans with them. Fred said this would require a permit through the Fire Marshal's Office? Mr. Baker said it is not so much the size but it is a "place of assembly".

Fred said does your septic system need to be expanded? Mr. Leavitt said I don't believe so because the current system is oversized and we

only meet there once a week and occasionally twice a week. There are no baths, showers or laundry, only toilet facilities and a kitchen in the basement. Mr. Baker said I don't believe it needs to be because of the limited use of the facility.

Dee said where is the signage and landscaping shown? Mr. Leavitt said it is on the right hand corner of the sketch. Dee said two oak trees does not make a landscaping plan. Fred said the landscaping is existing he is only adding on to the existing structure. Mr. Leavitt said the lot is predominately wooded with some limited lawn area.

Fred said is the signage going to change? Mr. Leavitt said no.

Mr. Leavitt said the addition will be of the same architectural style as the existing structure as well as same type of siding.

Fred said does this have to have a design treatment for the stormwater? Mr. Baker said no. Steve said no, it is under 20,000sf.

Fred said do you have proof of financial and technical capacity? Mr. Leavitt said this project is based on cash.

The Board reviewed the Site Plan Review criteria for compliance.

Steve motioned that the applicant having established by demonstrable evidence his burden of proof that the application be approved as submitted and presented conditional that the landscape plan and signage are as exists, and approval from the State Fire Marshal's Office may be required. 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 the applicant to the Board in the course of its deliberations. Gordon 2nd. 5 Approve / 0 Oppose

Gibbons Two/James Gibbons
Off Icabod Trail; Map 3 Lot 30C-1
2 Lot Subdivision
Represented by Ronald Keniston

David recused himself as a Planning Board Member because he is an abutter to this project.

Mr. Keniston said this proposal is the split of a lot in a previously approved subdivision. This lot is being divided into two lots consisting of 2.5 acres and 2.49 acres. There is an existing right of way to the lot which is known as Icabod Trail. We have to put in a

driveway to get to lot B which will consist of a 50' driveway with a hammerhead at the bottom. The soils are sufficient to support septic systems. We are able to meet the phosphorous requirements in that area. We have included in our application a couple of suggestions in controlling the stormwater runoff with some alternative soils filtration layouts which were suggested by DEP.

Fred said your phosphorous is below the required amount and does take in a section of roadway. Mr. Keniston said that is correct.

Fred said there is no major stormwater runoff problems but for what there is you have planned rain gardens. Mr. Keniston said DEP has suggested that we do something to help contain water that comes off building roofs.

Fred said is the proposed driveway going to be gravel? Mr. Keniston said yes.

Fred said what is the proposed width? Mr. Keniston said 18' with ditching.

David L. said are the lot owners going to be part of Icabod Trail Road association? Mr. Keniston said probably because they are using that section. Fred said that should be noted on the mylar.

David L. said are you going to allow mobile homes? Mr. Gibbons said no. Fred said you need to state that restriction on the mylar.

David L. said one house per lot? Mr. Gibbons said yes. Fred said that should also be added to the mylar.

David L. said have you made your application for telephone and electrical services? Mr. Gibbons said I contacted them a couple of weeks ago.

Fred said what was the waiver for? Mr. Keniston said the 40' road. Fred said will the road be 18' wide? Mr. Keniston said yes, the waiver would be for the section that goes over lot A and B area. Fred said we should have that request for the waiver in writing.

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

Gordon motioned to grant the requested waiver and approve the application as submitted and presented. 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 the applicant to the Board in the course of its deliberations. Steve 2nd.
5 Approve / 0 Oppose

The Board signed the mylar.

**Rocci Overlook-Wildhaven/Chris & Debra Rocci
Wildhaven Road; Map 17 Lot 27A-7
2 Lot Subdivision
Represented by Ronald Keniston**

Mr. Keniston said Mr. Rocci has acquired a lot in the Wildhaven Development and he is proposing to split the lot. He also acquired an extra 100x200' lot in the corner which being in shoreland was combined with the land that he owned so we have incorporated it into one of the lots to make that lot a little bigger in order to meet the 5 acre minimum for Wildhaven's corporation requirements. We have done the stormwater on that particular area and it came close but acceptable.

Mr. Keniston said I received a letter from Ojamaa (copy attached), abutters within 500' of the proposed development. I have spoken directly with him and he has also talked with Mr. Baker. Mr. Ojamaa is concerned with the long driveway which is part of the reason I gave you a diagram of what the stormwater controls would look like for that area. We have run the whole length of the road of lot B, we are using an 18' driveway and a ditch. We have suggested putting in four check dams to control the water feed coming down the hill with a turn out after about 160' to control the water coming down the hill. It will go into an area which will contain it as well as spread it out over the area of the land letting it work its way to the buffer area. Then we continue on for about another 160' putting in check dams and another turn out to control the water and hold it so it seeps into the ground and not run straight down to the pond. Then we continued on down to the new cul-de-sac and across to an area where we put in a run and a holding area to keep it from going directly into Moose Pond. In the process I have suggested rip-rap the entire length of the ditch to control it before it gets to the check dams.

Mr. Keniston said Rex Rolfe, Rolfe Corporation, is doing the road work and in his observation the construction of the 50' right of way is big enough. An average driveway is 18' with ditch lines of up to 4' on each side of the driveway. He also made a comment that there was plenty of room for mulch and check dams to slow the water while still providing a wide enough driveway for residential use.

Mr. Keniston said in our letters to the abutters we included a letter to Wildhaven Association which every property owner is a part of.

Kenneth Barthelette, abutter, said I would like to make sure the driveway is going on the opposite side and not right up against my house. Mr. Keniston said the driveway is on the opposite side.

Fred said the road and specifics should be added to the mylar.

Mr. Baker said are you doing any work in the shoreland zone area? Mr. Keniston said no, we will be at least 75' back.

Steve said the southerly cul-de-sac that exists now will be abandoned? Mr. Keniston said yes as soon as we get permission from the corporation. The original cul-de-sac was 50' and the new cul-de-sac is 65'. Steve said did you take credits for undoing the old one? Mr. Keniston said no, I was able to meet it without including that.

Steve said are you abandoning some roadway? Mr. Keniston said yes, because some of it has been incorporated into lot B.

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

Christopher motioned to approve the application as submitted and presented conditional upon the inclusion of the stormwater control standards of the long driveway being added to the deeds. 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 the applicant to the Board in the course of its deliberations.
Steve 2nd. 5 Approve / 0 Oppose

Orchard Creek Estates/Joseph and Arlene Gallinari
South Bridgton Road; Map 2 Lot 2
10 Lot Subdivision
Represented by Ronald Keniston

Mr. Tom Gyger said the notification that I received came certified but was missing the developer's signature then I received a subsequent letter with the developer's signature which was not sent certified.

Steve motioned to table the application pending proper notification to the abutters. Christopher 2nd. 5 Approve / 0 Oppose

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

A. Poor Meadows Dachshunds/Heidi Reid-Healey
83 Sandy Creek Road; map 5 Lot 80-4
Resident & In-Home Kennel

Topics for Discussion

**A. Additional amendments to the Bear River Aquifer Ordinance
(Discussed earlier in the meeting)**

B. Discussion of Uniform Appeals Procedure

Steve motioned that decisions of the Code Enforcement Officer to the Appeals Board will be DeNovo and decisions from the Planning Board will be purely appellate. David D. 2nd. 5 Approve / 0 Oppose

Ms. Fleck said I will contact Richard Spencer, Drummond, Woodsum and MacMahon, and have him draft some appropriate language for the Board to consider at the Public Hearing on February 20, 2007.

Steve motioned to consider the proposed language regarding Appeals at the Public Hearing on February 20, 2007. David D. 2nd.
5 Approve / 0 Oppose

**C. Site Plan Review Ordinance - Section 4.A. Departmental Review
Clarification of review process**

Mr. Baker said what guidelines would the Board like me to use regarding Section 4.3.c traffic? The census of the Board was for Mr. Baker to use his own judgment and anything that he is uncomfortable with forward to the Planning Board for review.

D. Correspondence

3. Fred said I have a problem with the DEP Moderate and High Value Wetlands they are proposing. DEP has shown all of Otter Pond as a wetland. The only wetlands is the north end. Mr. Baker said it is wildlife habitat. Fred said if you take valuable shore frontage and you arbitrarily make it something else it comes under the definition of a taking. I have talked with DEP and they are telling me that the map is incorrect. They also said that Inland Fisheries has imposed this on them and they are already considering amendments.

David D. motioned to adjourn the meeting at 10:25p.m. Steve 2nd.
5 Approve / 0 Oppose

Respectfully submitted,

Georgiann M. Fleck
Municipal Secretary