

**BRIDGTON PLANNING BOARD
MEETING**

Board of Selectmen's Meeting Room

**February 20, 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. Absent were: David Lee, Alternate.

PUBLIC HEARING

Bill Winslow, Harrison Water District, was not present to discuss the changes of the Bear River Aquifer Ordinance.

Robert Macdonald, Citizen, said I have a couple of recommendations for changes to the Shoreland Zoning Ordinance and the Site Plan Review Ordinance.

Steve motioned to discuss the Shoreland Zoning Ordinance prior to the Bear River Aquifer Ordinance. David D. 2nd. 5 Approve / 0 Oppose

Amendments to the Shoreland Zoning Ordinance

Fred said the proposed change is to bring the title of Section 15C of the body of the Ordinance into compliance with Section 15C of the Table of Contents.

Mr. Macdonald said I would like the Board to consider removing Marinas as a permitted use from Section 14.29. This was presented in the past on a referendum but there was confusion on how it had been drafted.

Peter Lowell, Lakes Environmental Association, said I concur with Mr. Macdonald. The intent of the Committee was to prohibit Commercial Marinas. In the old ordinance marinas were allowed in the general development district which limits them to Stevens Brook.

Rob Baker, Code Enforcement Officer, said the language in the body of the Ordinance regarding Marinas would also need to be amended.

Mr. Macdonald said the Board of Selectmen are working on a Harbor Master Ordinance and Mooring Ordinance which may be passed on to this Board for review which will also require Public Hearings.

Steve said any substantive changes to an ordinance this evening would require another Public Hearing? Fred said yes because it needs to be properly advertised.

Georgiann Fleck, Secretary, said the Board of Selectmen need anything going to referendum by April 24, 2007.

Mr. Lowell said I would like the Planning Board to amend the Shoreland Zoning Ordinance by reestablishing a 100' buffer along tributary streams. It was in the previous Ordinance. The Committee considered the State's Minimum because at that time there didn't seem to be that much development activity relating to tributaries. That has changed dramatically in the past 5 years. Originally there were problems with the 100' buffer for those individuals that needed to cross streams. However, that has been corrected in the current Ordinance. Other than that, I didn't encounter a lot of problems with the 100' setback. Mr. Macdonald said where in the Ordinance is that section? Mr. Lowell said I believe it is included in the section of vegetative cutting.

Fred closed the hearing to public comment at 7:15p.m.

Steve motioned to accept the amendment to the Town of Bridgton Shoreland Zoning Ordinance as presented and forward the amendment to the Board of Selectmen for consideration at the June referendum.
Gordon 2nd. 5 Approve / 0 Oppose

Steve motioned to request the secretary research and submit language to the Planning Board to delete marinas.

Amendments to the Bear River Aquifer

Bill Winslow, Harrison Water District, reviewed the changes with the Planning Board. Discussion ensued regarding the proposed amendments with a few additional amendments as follows.

Change definition of In-Law Apartment - delete "added to" and add "included in".

Section 4.D.2 - Add "annual" Town Meeting.

Section 4.E1 - Add "annual" Town Meeting.

Fred closed the hearing to public comment at 7:50p.m.

Christopher motioned to accept the amendments to the Town of Bridgton Bear River Aquifer Ordinance as presented and forward the amended Ordinance to the Board of Selectmen for consideration at the June referendum. Steve 2nd. 5 Approve / 0 Oppose

Proposed new Ordinance "To regulate the Establishment and Enforcement of Designated Safe Zone Areas".

Ms. Fleck said this Ordinance was recommended to the Town of Bridgton by Representative Richard Sykes. It basically sets the same standards and enforcement that the school systems currently have regarding illegal drug trafficking. This Ordinance encompasses all town parks where children might frequent. The Board of Selectmen have reviewed and endorsed the proposed Ordinance. There is a map which shows the areas that will be included along with an Ordinance that coincides with the map.

Steve said what is our jurisdiction over this Ordinance? Ms. Fleck said not only is it a new Ordinance but it establishes a form of zoning.

Discussion ensued regarding the newly proposed Ordinance.

Fred closed the hearing to public comment at 8:00p.m.

Steve motioned to accept the proposed "Regulate and Establishment and Enforcement of Designated Safe Zone Areas" Ordinance as presented and forward the Ordinance to the Board of Selectmen for consideration at the June referendum. Gordon 2nd. 5 Approve / 0 Oppose

Uniform Appeals Language

Ms. Fleck said prior to the legal seminar held on January 16, 2007 it was determined that the Appeals language in the Town of Bridgton Ordinances were inconsistent and needed to be revised. That was confirmed by Dick Spencer, Drummond, Woodsum and MacMahon, at the legal seminar. As a result, Mr. Spencer drafted uniform appeals language that would replace the current language in each corresponding ordinance. He also drafted language that would be placed on the warrant so each ordinance would not need to be placed separately on the warrant.

This language would allow appeals from the Code Enforcement Officer to be DeNovo and appeals from the Planning Board to be purely appellate. However, if the Planning Board does not hold a public hearing on a particular project and someone appeals their decision then the appeal would be DeNovo.

Mitchell Berkowitz, Town Manager, said also after so many days at the appeals level if there is no response, it is automatically denied. So if the appeals board after a DeNovo or appellate review does not send a written decision back to the appellant it is automatically denied.

Discussion ensued regarding the draft language.

Fred closed the hearing to public comment at 8:10p.m.

Steve motioned to recommend to the Board of Selectmen that they include "Shall an Ordinance entitled "Ordinance to Establish Uniform Procedures For Appeals to the Bridgton Board of Appeals" to the annual town meeting warrant. David D. 2nd. 5 Approve / 0 Oppose

Mr. Macdonald said I have a couple of comments for amendments to the **Site Plan Review Ordinance**. Gordon said are we doing Site Plan Review this evening? Mr. Macdonald said I thought you were going to discuss the Site Plan Review Ordinance this evening. I would ask that you consider including Commercial to Section 8.B "Dimensional Requirements". You already have the definition of Commercial in the Ordinance. Fred said not long ago we did change the setback for the downtown area. Mr. Baker said there is a difference between Commercial and Commerce. If businesses had to meet the setbacks for Commercial you would not have businesses such as, The Magic Lantern, Renys, C.N. Brown because they could not meet the setback.

Ms. Fleck said the Dimensional Requirements are specific for residential-institutional, industrial and commerce. However, because that section does not include Commercial there would be no required setback. Discussion did come up with the Board during the last proposed amendments to the Site Plan regarding commercial vs. commerce. As a result, we added a definition for commerce and included different setbacks for a specific downtown area.

Steve motioned discuss this issue further at a regular Planning Board Meeting. David D. 2nd. 5 Approve / 0 Oppose

New Business - None

Old Business

Gibbons Two/James Gibbons
Off Icabod Trail; Map 3 Lot 30C-1
2 Lot Subdivision
Sign Mylar

The Board signed the mylar.

Rocci Overlook-Wildhaven/Chris & Debra Rocci
Wildhaven Road; Map 17 Lot 27A-7
2 Lot Subdivision
Sign Mylar

The Board signed the mylar.

Workshop/Meeting with Economic Development Committee

A memorandum was submitted by the Economic Development Committee to the Planning Board (copy attached).

Mr. Lowell said following the Brian Kent report the Town hired an economic development director, Charles Rudelitch, who resigned last year. He worked on the Magic Lantern Tiff and helped with the current block grant the Town received. Last week we proposed a TIF which lost by one vote and a small turnout at a Special Town Meeting. There were a lot of legitimate concerns raised at that meeting. The Brian Kent plan is more of a concept, however, there are some specific's that were outlined in that plan which included standards for the "Entryway". At our recent meeting we discussed the TIF proposal and we are planning on submitting a revised plan which would begin at the new Reny's building and Foster building and run out to Lamprons. Even though we lost a significant increment with Hannaford and Hancock there would be some increment we could pick up that would allow us to do some things. We are also looking at ways to formally involve the public in how the money will be spent. We don't want Bridgton to go the way downtown Windham has. We are proposing a partnership with the Planning Board, the Chamber of Commerce and the Board of Selectmen to get a TIF defined that would generate some funding for engineering studies and design standards.

Fred said this Board does not have any jurisdiction to get involved with TIF's. Mr. Lowell said that is correct but we sure want to hear from you.

Gordon said are you talking about a separate Ordinance from the Site Plan Review Ordinance? Mr. Lowell said we have been talking about amending the Site Plan Review Ordinance. Gordon said when you consider the development that has taken place with Hannaford, Hancock and Dunkin Donuts, I think it is working very well right now. I am hesitant when someone invests up to a million dollars to tell them what building materials they have to use and where they have to put their windows. It is something that needs to be done on a case by case basis, you can't have one set of standards.

Fred said this Board worked with Hannaford, Hancock and Dunkin Donuts during their proposal. I have not heard one negative thing about any of those buildings. I don't think we need a new set of rules. We can continue to fine tune our Site Plan Review Ordinance. Also, development is restricted by DOT for entrance ways due to the speed limit through that section.

Christopher said in the memo it mentions, "whether a motel, car dealership, undeveloped land, a drive-in... either lacked guidance or

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was not well thought out". What is that saying? Fred said to me it is saying that they are not very pretty. Christopher said are we missing something down there on Route 302 because I think we have a great thing going on down there and they all went through this Board.

Fred said I thought we were going to have some standards to review this evening. Mr. Lowell said we were reluctant to present anything this evening without meeting with you first.

Mr. Berkowitz said the Economic Development Committee is asking the Planning Board for time to give some thoughts to this meeting and present something to you that is more formal than this dialog.

The Board concurred.

Topics for Discussion

Mr. Baker said Camp Micah will be submitting a Site Plan Review application for some additional buildings. When they do, is the meeting going to be held here or in Sebago? The census of the Board was Sebago would be fine and Mr. Baker can contact them to coordinate a meeting date and time with them.

Ms. Fleck said I have given you an ad for several board vacancies, therefore, if you know of anyone who is interested, please have them contact the Town Office.

Steve motioned to adjourn the meeting at 9:20p.m. Gordon 2nd.
5 approve / 0 Oppose

Respectfully submitted,

Georgiann M. Fleck
Municipal Secretary