

**BRIDGTON PLANNING BOARD
MEETING**

Board of Selectmen's Meeting Room

**April 3, 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; Dee Miller, Alternate; David Lee, Alternate. Absent were: David Diller; Gordon Davis.

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

Approval of Minutes - March 6, 2007

Fred said I was not present for this meeting so I will turn this over to Steve Collins who acted as chair.

Dee motioned to approve the minutes as presented. David L. 2nd.

3 Approve / 0 Oppose / 2 Abstain (Fred and Christopher)

PUBLIC HEARING

Mountain Lane Subdivision/Chet Homer

Mountain Road; Map 7 Lot 18

7 Lot Subdivision

Represented by Christopher DiMatteo, Sebago Technics

Steve said at the preliminary presentation I indicated that I was concerned about the stormwater management and phosphorous study. At that time Mr. DiMatteo indicated that he would verify the information. Steve said I did my own detailed analysis and if my numbers are correct the phosphorous export presented to the Board is five times the allowable limit. There is no small adjustment that can be made to the plan that can be made compliant to the State's allowance. I would suggest that this application be tabled so that Sebago Technics can review the stormwater management and phosphorous or we can proceed with the hearing but I will deny this application.

Owens McCullough was present representing Sebago Technics. Steve reviewed his report with Mr. McCullough and the Planning Board. As a result, the worksheets give a total of 1.299 x the .5 factor that the State allows you and it gives me .65lbs against what we both agree is the allowable 0.13. That is a five fold excess. Mr. McCullough said the individual lots are going to be run through rain gardens allowable by LID for phosphorous treatment. Steve said you did not tell us that? Mr. McCullough said it is on the plan. Steve said why wasn't that reflected in your phosphorous control plan? What is the treatment factor for LID? Mr. McCullough said I will have to review that.

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Fred said we received a letter from Michael Hill (copy attached) regarding concerns with this project. Mr. Hill said I am present and represent Jan Maczuba and Virginia Thomas Lyon. My letter was written prior to seeing the submittal of Friday. There is a notation on the plan that limits the number of bedrooms. According to the state minimum lot size this project requires 120 gallons per bedroom which totals 2,160 gallons per day which means it needs to be an engineered system. Also, if a disposal system has over 2,000 gallons per day it needs to be 300' away from the neighbor's well and 300' away from the owners which it is not.

Mr. McCullough said I would like to take this opportunity to gather information from the Board and the Public so we know what the concerns are.

Mr. McCullough said we are proposing to go to a condominium concept which allowed us to eliminate the odd configuration of the lots. The condominium concept is a much more defined project and provides supervision of the open space via association documents. There will be underground utilities, a common septic field and individual wells serving each of the buildings. When we grade and build the road obviously we have to grade out to the side slopes, therefore, we have added a notation that if we get to within 5' of the property line we will replant to provide some buffering between the lot lines.

Bob Hanson, abutter, said this is a very dense development. There is a stream that runs down the middle of the property which I don't see any provisions on how that drainage is going to be handled. In order to do the development the trees will be removed right up to the lot lines impacting the adjacent property owners.

Mr. Hill said the owner is requesting several waivers which I am not sure that the Board has authority to waive. I don't believe the Board can approve the road as it is currently configured, for the shoulder, side slope and grade. Also, the change from a 7 lot subdivision to a condominium would also mean that the applicant has to go through the Site Plan Review. According to your Sewerage Ordinance, if it is going to be a common septic system there must be an agreement with certain maintenance requirements.

Mr. McCullough said we have a site specific grading plan, mapped the watershed, along with certain provisions to deal with the drainage. We did go through the analysis for the pre and post development and it does not show an increase in the rate of runoff for the project.

Mr. McCullough said we are in compliance with the Town of Bridgton Ordinance regarding density.

Mr. McCullough said this will be a private drive with no potential for extension, therefore, the Planning Board should determine if we need the waivers. Fred said does the drive still require waivers? Rob Baker, Code Enforcement Officer, said this is a road not a driveway so it would require waivers.

Mr. McCullough said the erosion from the site is very specific. This includes trees, predevelopment, development and post development stabilization and requirements.

Steve said the stormwater control plan says that your soils group is "A", however, they are "C". Mr. McCullough said when a septic system design is done the soils are classified differently than stormwater runoff.

Dee said you don't have any information on the rain gardens and how they are going to be maintained. Also, are you planning on requiring the units to maintain your calculations. Mr. McCullough said we are planning on four 3 bedroom units and three 2 bedroom units. Dee said if a buyer wants a 3 bedroom unit and they have been all accounted for what provisions have you made. Mr. McCullough said there will be condominium documents. Dee said will it be site specific? Mr. McCullough said yes. Mr. Hill said there is additional information that is needed for condominiums that has not been submitted such as drawings for the exterior of the building, materials for the building, floor plan, vegetation and total maximum floor area and ground coverage. Mr. McCullough said we are going to provide specific building envelopes which would be built to the association documents.

Dee said there are multi unit developments with common land not in one building which could be considered in a different category like cluster housing. I don't think this requires review under Site Plan. Fred said the Site Plan Review Ordinance requires review for Condominium projects.

Steve motioned to table the application and the Planning Board will review the application under Subdivision Regulations only and not Site Plan Review. Dee 2nd. 5 Approve / 0 Oppose

Old Business

Robert & Gail Stone
Kezar Heights Road; Map 16 Lot 2C
2 Lot Subdivision
Review and Accept Findings of Fact

Fred turned the meeting over to Steve because he was absent and Steve presided at this meeting.

Steve reviewed the findings with the Board.

Dee motioned to approve the findings as submitted. David L. 2nd.
3 Approve / 0 Oppose / 2 Abstain (Fred and Christopher).

Steve turned the meeting back over to Fred.

Camp Micah

Peabody Pond Road/Moose Cove Lodge Road; Map 1 Lot 1

Expansion of Youth Camp

Represented by Tom Dubois, Main-Land Dev. Consultants

Mr. Dubois said the only buildings being proposed by Camp Micah which are in Bridgton is one CIT building, the remaining buildings are in Sebago. We are requesting an amendment to our existing site plan review permit for that one additional building. We have reviewed your Ordinance and can't find any references that require a joint meeting. We are scheduled to meet with the Town of Sebago on Tuesday, April 10, 2007. I am here this evening to see if you are willing to approve that one change.

Steve said can you give us an idea of the roofage and impervious area existing in Bridgton? Mr. Dubois said I have not broken it down on a per town basis. I can give you grand total for the entire site. Steve said what is the square footage of the building you are adding on the Bridgton side. Mr. Dubois said it is 24x60. Fred said this is less than a substantial change which could be reviewed by the Code Enforcement Officer.

Steve motioned that according the requirements of the Site Plan Review Ordinance this does not constitute a substantial enlargement and therefore remand it the Code Enforcement Officer for review and disposition. David L. 2nd. 5 Approve / 0 Oppose

Mr. Baker said when Sebago officials contact me regarding a joint meeting what is the census of the Board?

Christopher motioned that a joint meeting was not necessary. Steve 2nd.
5 Approve / 0 Oppose

Glen Zaidman, Citizen, said when the Board determines that a project is not substantial when can Mr. Baker make a decision? Fred said Mr. Baker reviews a proposal and based on that forwards it to the Planning Board for review. At that time, we can make a determination to either review the application or remand it the Code Enforcement Officer.

Mr. Zaidman said the Ordinance says 25% expansion, is that 25% of a building or 25% of the whole camp? Steve said that is the basis of my motion, that it was the whole development.

Steve motioned that because there is another application similar to Camp Micah that the agenda be taken out of order to review the application submitted by Camp Kingswood. Christopher 2nd. 5 Approve / 0 Oppose

**Camp Kingswood
Woods Pond/Wildwood Road; Map 5 Lot 14
Raze and Rebuild Bunk Houses
Represented by Eric Bloomberg**

Mr. Bloomberg read his cover letter outlining the project with the Planning Board (copy attached). Steve said what is the total roof area and impervious area of the camp currently? Mr. Bloomberg said the existing roofs are 9.12 pitch, steeper than the proposed 6.12. Also, the overhang of the old roofs are 2'+ and new are 1'. Steve said what is the net change? Mr. Bloomberg said I have counted 65 buildings on site.

Steve motioned that because this is not a substantial change this application be remanded to the Code Enforcement Officer for review and disposition. Dee 2nd. 5 Approve / 0 Oppose

Mr. Bloomberg said I do have other plans that are being considered in the future, should I contact Mr. Baker first? Fred said yes and he will make the determination at that time. Steve said I would like it to be on the record that these projects should be reviewed by the Planning Board and at that time if we determine that it is not substantial the Planning Board can remand it to the Code Enforcement Officer.

**Cornshop Brook Re-Development Project
Parking Lots
Depot Street; Map 27 Lot 5
Park Street; Map 23 Lot 26 and Lot 27
Request for Public Hearing
Represented by Micah Niemy, Assistant Economic Dev. Director**

Mr. Niemy said I am requesting a Public Hearing for the week of April 23rd so that Planning Board can review the Site Plan Application for the two parking lots that the Town is considering on Depot Street and Park Street. What level of phosphorous and mitigation is the Planning Board going to require? The engineer stated that the state normally requires a certain level but the Town of Bridgton could potentially require a greater level of mitigation. Mr. Baker said is the parking lot within 75' of Stevens Brook? Mr. Niemy said I am not sure. Mr. Baker said if it is it would come under the Shoreland Zoning Ordinance. If it is

beyond the 75' it goes to Site Plan which is a 10 year storm event and requires a stormwater permit through the State.

George Sawyer, Engineer and Citizen, said are you creating 20,000sf of new impervious area? Mr. Niemy said no. Mr. Sawyer said I believe the existing is more than 75' from the brook.

Steve motioned to hold a Public Hearing on Monday, April 23, 2007 at 7:00p.m. Dee 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. Keniston said the Board asked us to define and delineate the buffers, which we have done. We have run swales into the buffer areas for road runoff. We put in a 10x40 area that will go anywhere downslope of the building area to help control any excess water off the lot or impervious area for the building. There is a brook on the southwesterly side of the lot and we have outlined the 75' setback from the brook. We have shown on the plan designated building site areas. If bio gardens are used they will be downgrade of the house location and will be the responsibility of the owner to maintain them. There is language on the plan regarding the buffers and their maintenance. Also, a notation on the plan that BMP's must be adhered to.

Dee said are the bio gardens required and if so they need to be defined with provisions for maintenance? Mr. Keniston said the bio gardens can be any size but typically they are 8-10' side and any length to cover the area of the house and about 8' from the house and approximately 6" deep. Dee said that should be told to people who are buying these lots. Mr. Keniston said are we going to dictate where they are going to build their house which would dictate where the bio gardens need to go. Dee said does every house have to have a bio garden? Mr. Keniston said no, but it would be nice. Steve said to meet the phosphorous six of the lots are required to have wet ponds. Dee said are you going to require them or are you suggesting them? Mr. Keniston said suggesting. Steve said you are taking a 60% reduction in the export from the lots because there is a wet pond on specific lots? Mr. Keniston said a wet pond is not a bio garden. Steve said then we need clarification.

Steve said what are your road dimensions? Mr. Keniston said it is an 18' traveled way. Steve said what is the shoulder width? Mr. Keniston said 3' shoulders. Fred said you are asking for an exemption? Mr. Keniston said yes. Steve said you didn't factor the shoulders into your calculations. Fred said as long as they are reseeded and revegetated you don't need to.

Steve said you are claiming buffer treatments for the road sections and the development of the lots. How do the buffers add together? Mr. Keniston said I need to review my figures to give you a better explanation.

Mr. Baker said the Board needs to take into consideration the maintenance and inspection of wet ponds, bio gardens and other prevention methods related to phosphorous and stormwater and determine who is going to perform these inspections. It should be the responsibility of the property owner to hire someone to do the inspection and report back to the Town annually. Fred said this needs a road association so I think it should be their responsibility to submit a report to the Code Enforcement Officer. Mr. Zaidman said is the Board going to suggest who is qualified to do that inspection? Peter Lowell, Lakes Environmental Association, said, usually when third party inspections are done it is by an engineer or soils conservation. The language could say by a third party deemed competent by the Code Enforcement Officer. Fred said if these are going to be required they need to be monitored and we should consider adding that as a condition.

Mr. Zaidman said if these are going to be monitored are you going to consider a time-frame or will it be forever? Mr. Lowell said it needs to be site specific.

Mr. Keniston said you are suggesting that I add to the deed covenants that the road association has the responsibility to inspect the buffers and swales annually or following significant storm events by a person deemed competent by the Code Enforcement Officer? Fred said yes.

Fred said you should also add language on the rain gardens. Mr. Zaidman said if these rain gardens are going to be mandatory shouldn't there be something optional that is approved by DEP? Steve said each subdivision plan is different based on the phosphorous and stormwater study.

Mr. Lowell we are concerned with this development and the next one on your agenda, therefore, we have asked Craig Higgins from Development Services to review the two projects in reference to phosphorous and give the Board some comments. Mr. Higgins submitted an overview of the two projects to the Board. This is a doable project providing the phosphorous treatment are consistent with the standards of DEP. There are several ways to accomplish phosphorous reduction to insure that the integrity of the environment through the subdivision meets the standards. This application has not met the burden of the applicant's responsibility in identifying how the treatment is going to occur. Fred said for instance would a letter from Ken Gardner, soil scientist, suffice as proof of the soils for the project? Mr. Higgins said yes, site specific.

Justin Gibbons, owner and developer, said I think the Board has discussed things that need to be done in the future but is impossible for this meeting or the next. These engineers are certified and there is more than one way to meet the phosphorous standards. Mr. Higgins said there are many ways to accomplish the same goal, some active (construction), some passive as long as you state and define which ones you have chosen.

Mr. Zaidman said you have one engineer that says the plan is going to work and now you have another engineer that says maybe there is a different way to do this. Fred said I don't hear that, there is confusion as to what is being done which needs to be clarified. Mr. Zaidman said who is the Planning Board going to listen to? Are you going to hire another firm or are you going to make the landowner hire another firm? Mr. Lowell said if you look at the plan on the house lots it says you have buffer treatment and wet pond treatment. You don't know what the wet pond specifics are. These are standards available through DEP. This Board needs information on the plan to know that the standards are met and to have enough information on the plan to know when a contractor goes in to build what the standards are.

Steve motioned to table the application to give Mr. Keniston the opportunity to submit more detail. Dee 2nd. 5 Approve / 0 Oppose

**~~Wildwood Estates~~ Sandy Creek Estates/Hill Top Land Development
Swamp Road & Wildwood Road; Map 9 Lot 16
6 Lot Subdivision
Represented by Ronald I. Keniston**

Mr. Keniston said it is basically the same, the buffers needed to be shown on the plan, there is a long driveway, and we have put in some controlled water areas to control water coming off the driveway. Language has been added to the plan for maintenance and inspection of the buffers. Driveways for lots 1, 2, 3, 4 and 5 will come off the Wildwood Road and lots for #6 is coming off the Swamp Road.

George Sawyer, Sawyer Engineering, said in your note permitting to the buffer you may want to include language to allow utilities.

Dee said the channels that say "stormwater control" is that the channel defining the buffer or is there some sort of treatment that is supposed to take place in the corridor? Mr. Keniston said within that corridor we have a 10x40 control. Dee said it should be more specific and include provisions for maintenance. Mr. Gibbons said how can you be specific if the style of the house may vary? Fred said I agree, we don't want to dictate location and style of the home. You need generic language.

Mr. Zaidman said why can't you take the drainage from the roof and include it in the perimeter drainage of the house? Mr. Higgins said infiltration for phosphorous control is the best thing providing the soils has capacity to absorb it.

Mr. Sawyer said you could create a small berm on the down hill side of the building site and direct the water to whatever your treatment facility is.

Mr. Gibbons said do I enforce this, I sold the land, I created the subdivision, or is it a Code Enforcement issue? Fred said I think the language can be very basic.

Mr. Sawyer said the plan shows some very deep buffers, you may not need to capture the runoff as far as phosphorous. Mr. Higgins said you can only get credit for a 250' buffer so buffers in excess of 250' are not required. Without complete information on the buffers I can't determine that as far as the slope and the soils. Fred said if Mr. Keniston puts in that the driveways are only 100' long, then you get all the credit. Mr. Higgins said yes.

Christopher motioned to grant preliminary approval for the project as submitted and presented conditional upon a new test pit on lot 6, restrict the length of the driveway on lots 1-5 to 100', reanalysis of stormwater and phosphorous for the lots and if necessary a design for a method of mitigating the phosphorous, and if ditches are necessary they will follow the contour of the land downslope of the developed area and add language to exempt utilities in the buffer. David L. 2nd.
5 Approve / 0 Oppose

New Business

Michael and Elaine Clancy
Noncarrow Way; Map 13 Lot 37-4
4 Lot Subdivision
Represented by George Sawyer, Sawyer Engineering & Surveying

Mr. Sawyer said we are proposing four single family lots that vary in size from 2.5 to 4.3 acres. They are located on Noncarrow Way which is an existing dirt road off Route 302. From Route 302 to the start of this project is approximately 1,600'. The total area of the parcel is 14.7 acres. There are some covenants and restrictions associated with this parcel. There are wetlands shown on the parcel along the westerly side of the three lots below the road. Test pits were done for the previous owner which I will note on the plan. Currently the road seems to have a 12-14' traveled way and then some shoulders, does it have to meet the 18' wide roadway and the 3' shoulders? If that is the case are the Clancy's required to build that road all the way from Route 302? Dee said how did

the road pass for the existing houses? Mr. Sawyer said they did not need to come to the Planning Board for review. The census of the Board was the road standards could not be waived but the developer would only be responsible for the section they are developing. Fred said you should also plan on a hammerhead at the end of the subdivision. Mr. Sawyer said are we in agreement that what is there is a logging road and am I going to try to meet the phosphorous requirements for the new portion only? The census of the Board was the road was existing and the additional footage would be subject to phosphorous.

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

**Lake Region House of Pizza and Family Restaurant
224 Portland Road; Map 10 Lot 15B-1
Restaurant**

Ms. Fleck said this is going to be in the building where Beef and Ski is currently located. The new restaurant will be going in the two vacant sections to the left of Beef and Ski.

Topics for Discussion

- A. Site Plan Review Ordinance; Replace the existing one your notebooks
- B. Streeters Subdivision/Pond Road; Withdrawn
- C. Planning Board Meetings; Length of time and additional meetings
- D. Ordinances
 - 1. Site Plan Review Ordinance - Proposed amendment for provisions for "Amendment or revisions to an approved Site Plan of Development"

Ms. Fleck said the Site Plan Review Ordinance does not have provisions for amendments to an approved plan. Therefore, if someone is doing even a minor revision they must submit a complete new application.

The census of the Board was due to the time-frame for June 2007 referendum they would like to hold a workshop to discuss the amendment and propose any changes for June 2008.

- 2. Shoreland Zoning Ordinance - Proposed amendment for "Dock size and number restriction"

Mr. Baker said the Shoreland Zoning Ordinance does not have specific requirements for dock size and number.

The census of the Board was due to the time-frame for June 2007 referendum they would like to hold a workshop to discuss the amendment and propose any changes for June 2008.

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3. Ordinance Definitions; Shoreland Zoning Ordinance and Subdivision Regulations

The census of the Board was due to the time-frame for June 2007 referendum they would like to hold a workshop to discuss the amendment and propose any changes for June 2008.

E. REMINDER; Public Hearing April 10, 2007 at 7:00p.m.

Dee motioned to adjourn the meeting at 11:10p.m. Steve 2nd.
5 Approve / 0 Oppose

Respectfully submitted,

Georgiann M. Fleck
Municipal Secretary