

**BRIDGTON PLANNING BOARD
MEETING**

Bridgton Court Room

**May 1, 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 - April 3, 2007 (Regular Meeting)

Steve motioned to approve the minutes with the amendments as discussed. Christopher 2nd 3 Approve / 0 Oppose / 2 Abstain (David Diller and Gordon Davis due to absence for the meeting).

Approval of Minutes - April 10, 2007 (Public Hearing)

Steve motioned to approve the minutes as presented. Christopher 2nd. 3 Approve / 0 Oppose / 2 Abstain (David Diller and Gordon Davis due to absence for the meeting).

Approval of Minutes - April 23, 2007 (Public Hearing)

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

OLD BUSINESS

**Harrison Marina/David Randall
Route 117/Brickyard Hill Road; Map 19 Lot 43
Showroom, repair facility & parking
Review and Accept Findings of Fact**

Steve motioned to approve the findings of fact and grant Fred Packard, Chair, the authority to sign the Findings of Fact and Conclusions of Law on behalf of the Planning Board.

Georgiann Fleck, Secretary, said is that formal approval for the project? Steve said yes.

Fred called for a 2nd to the motion. David D. 2nd. 5 Approve / 0 Oppose

Fred signed the Findings of Fact and Conclusions of Law.

**Cornshop Brook Re-Development Project
Parking Lots
Depot Street; Map 27 Lot 5
Park Street; Map 23 Lot 26 and Lot 27
Review and Accept Findings of Fact**

Page 2
Bridgton Planning Board
May 1, 2007

Steve motioned to grant formal approval to the application as submitted and presented and authorize Fred Packard, Chair, to sign the Findings of Fact and Conclusion of Law on behalf of the Planning Board. Gordon 2nd. 5 Approve / 0 Oppose

Fred signed the Findings of Fact and Conclusions of Law.

**Mountain Lane Subdivision/Chet Homer
Mountain Road; Map 7 Lot 18
~~7 Lot Condominium Concept~~ 6 Lot Subdivision
Represented by Christopher DiMatteo, Sebago Technics**

Owens McCullough was present representing Sebago Technics. Mr. McCullough said also present this evening is Ed Rock from Shawnee Peak Holdings, Walter Stinson and Rob McSorley both from Sebago Technics. Mr. McCullough said the project has been changed several times from a subdivision to condominium and we have now changed the project to a 6 lot subdivision. The lots will be 30,000sf with common septic and private wells. There will be underground utilities for electric and telephone. We spoke with Russ Martin, DHS plumbing section, and he has confirmed that the way we calculated the septic in relation to lots is correct. We are requesting a waiver from the road standard requirements in your Ordinance. We have spoken with the Public Works Director and there is a notation on the plan that meets the specific language outlined in your Ordinance for nonconforming road. Mr. Homer's attorney has prepared a draft association document which also includes specific language regarding buffer maintenance. I have given you an updated copy of the phosphorous study. We have provided details on the rain gardens because they allow a big reduction in the phosphorous. We have included a copy of the federal soils map that we used. We have provided details of the road on the plan showing which BMP's they drain to. Some of the phosphorous export is based upon the amount of impervious surface. When we went through the calculations we specified how much impervious surface and cleared area will be on each lot which is noted on the plan and will be recorded with the registry. On each lot within the subdivision it will contain no more than 2,500sf of impervious surface and 3,500sf of lawn and landscaped area which is about 6,000sf total.

Steve said why does the road buffering show hydro soils "A" but the HHE200 shows soils "C"? Mr. McSorley said in relation to the HHE200, "C" is a condition and not a soils group. Mr. McCullough said the classification for the soils are different than a hydrogeological group classification that we use for stormwater analysis and phosphorous calculation.

Page 3
Bridgton Planning Board
May 1, 2007

Steve said the map you included in your packet is dated 1974 with medium intensity survey, there is a later map that calls them skerry conditions rather than Hermon soils. Mr. McSorley said we are not aware of a later edition.

Steve said on the A-2 Worksheet where did the .091 factor come from? Mr. McSorley said if you use a BMP water quality system you are going to achieve 65% reduction in phosphorous. If you oversize the BMP to have additional water quality treatment beyond what is required it gives you additional treatment and that is what reduces the treatment factor.

Steve said can you explain the underdrain filters? Mr. McSorley said lot 1 will get treatment from a rain garden which will spill over to the buffer for secondary treatment. Once the volume has been met for Lot 2 in the rain garden it will channelize to flow into the other rain garden and subsequently into the same buffer. Lot 3 will be treated in the rain garden and once its treatment has been met it goes into the roadway swale and makes its way into the buffer for secondary treatment. Lot 4 will get treatment through a rain garden and then into the roadway swale. Lot 5 has a rain garden which flows into the roadway swale to the turnout and disperses from there. Lot 6 gets treated by an infiltration bed and then to the buffer.

Fred said is the road going to be paved? Mr. McCullough said yes, we have proposed an 18' road with 3' shoulders. The waiver we are asking for is the slope. There is a provision in the Ordinance that allows a waiver for a certain footage and the nonconforming road section. Fred said we have waived slope requirements for subdivisions in the past.

Steve said what is typically done to make sure that the erosion control methods are followed? Mr. McCullough said a homeowner's association needs to be established. They set up an escrow account that the homeowners pay into annually. That money will be used to pay for maintenance of each building envelope. It will also be added into each deed. If the association decides not to maintain the control methods the Town can take legal action against the Association.

Dee said are the buyers going to understand what a rain garden is? Mr. McCullough said the Association Document is very detailed regarding buffers, swales and rain gardens. I will add another paragraph that explains what a rain garden is and their importance.

Page 4
Bridgton Planning Board
May 1, 2007

Rob Baker, Code Enforcement Officer, said who is going to inspect the rain gardens and buffers? I don't have the time, therefore, does the Board want to consider a third party inspector to do the inspection and report back to the Board? Mr. McCullough said I will add some additional language that requires a report to be forwarded to the Code Enforcement Officer.

Steve said does your documentation stipulate an annual meeting of the homeowners association in the by-laws because the annual meeting could trigger the inspection report being forwarded to the Code Enforcement Officer.

Peter Lowell, Lakes Environmental Association, said you should consider adding something to the document that would give the Town the authority to enforce any violation.

Dee said who is going to construct the gardens? Mr. McCullough said the two larger infiltration areas, buffers and diversion ditches will be built by the developer. The rain gardens may be built either by the developer or the homeowner.

Jan Maczuba, abutter, said I am concerned with the erosion and the runoff as a result of this development.

Citizen, said I am concerned that this development will have an impact on the quality of my well.

Alice Clifford, Abutter, said I am concerned with the impact this development will have on the wildlife.

Mr. Maczuba said if you dig 6 new wells what impact will this have on the aquifer? Mr. McCullough said we hired Dick Sweet, a well-known hydrogeologist as an independent consultant. He reviewed the septic system design and soils conditions for the site and felt confident that there would be no downstream impact from the effluents. Wells are a little trickier, however, Mr. Sweet did not have any reservations that we would not be able to get water on these sites. Wells are part of every development.

David D. said it is usually less expensive to put in common water rather than common septic, why did you decide on common septic? Mr. McCullough said it is preference, however, they felt that it would be better if everyone were responsible for their own well and how much water they use. Ed Rock, representative for Chet Homer, said common wells tend to require more maintenance.

Page 5
Bridgton Planning Board
May 1, 2007

Michael Hill, legal representative for the abutters, said I disagree with Mr. McCullough's interpretation of non-conforming road. The definition of a nonconforming use or structure is something which is legally in existence when the Ordinance took effect. This Board does not have the authority to grant permission for the developer to build a road that is not conforming according to your Ordinance. You do have authority to grant some limited waivers but there is a maximum amount that you can grant and an average grade. The only Board that has authority to grant a variance beyond that is the Zoning Board of Appeals. Mr. Hill referenced several court cases (see file).

Mr. Hill said the street/design standards in your Ordinance clearly refer to public or private road, it is not limited to public roads that have to meet the grade standards. I don't think that you can approve this subdivision the way the road is currently designed.

Mr. Hill said the abutters have expressed concern regarding the drainage and you have testimony before you that this site provides a tremendous amount of runoff that has washed out driveways below. You have experts that are giving you their opinion but this Board has the discretion to decide.

Mr. McCullough said last year this Board approved several projects under the premise of nonconforming. The Ordinance is clear that the Planning Board and Public Works Director has the ability to grant approval.

Mr. Rock said our engineers have addressed concerns raised by the Board and the abutters and therefore I would like this Board to continue to be consistent with the policy that you have adhered to for a number of years.

Mr. Hill said the by-laws or declaration should also give the Town of Bridgton the right to access the property to inspect the buffers etc. If the homeowner's association doesn't provide the information that is necessary the Town of Bridgton should be able to enforce it with a penalty. Fred said our Ordinances already have generic language for that but if they want to add something more to their documents that is their option.

David D. said I would consider a motion to approve this subject to clarification of the road. Gordon said I have no problem moving ahead with an approval with clarification. Christopher said I agree, however, both sides have brought up some good points so let's find out if we can waive it. Steve said the non-conforming road section in our

Subdivision Regulations has never been challenged but I think we can approve with conditions.

Fred said if this is appealed it is important to know that it will be a DeNovo Hearing which means you start from the beginning. There is an article coming up in June 07 to change that but it is subject to approval by the Citizens by referendum.

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

Fred said we need to have formal written findings of fact and conclusion of law before we can render a decision to either approve or disapprove.

Steve motioned to grant approval of the application subject to addition of language to the deed restriction as discussed concerning annual inspection and reporting to the Town of Bridgton for stormwater and phosphorous control features, addition of penalties upon the property owner in the case of noncompliance with those stipulations. Also, to waive stipulation in Article X concerning the maximum allowable slope of the private road. All of this is conditional upon the Board reviewing the formal finding of fact and conclusion of law. 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. David D. 2nd. 5 Approve / 0 Oppose

**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 we have shown a couple of options of how bio retention cells will be installed. As noted on the plan they will be located down gradient and at least 8' from the building according to the house design and driveway. We have also included a rain garden layout and how they need to be designed and maintained. This will be installed by the homeowner or contractor. A test pit was established on lot #6. We reference the BMPs and Stormwater management Volume one regarding the rain garden layouts and also what can be planted within the rain garden that would be suitable. We have driveways going through the 25' buffer zone and it was suggested that we add a comment to allow the utility line. We have restricted the driveway lengths to

100' on five lots. We enclosed in the packet suggested language for long term inspection and maintenance plan which is the homeowner's responsibility.

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

Steve motioned to approve the project as submitted and presented conditional upon the inclusion of the phosphorous and stormwater mitigation as represented this evening. 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. This is also conditioned upon review and approval of the formal findings of fact and conclusions of law. Gordon 2nd. 5 Approve / 0 Oppose

*Mr. Keniston said does the Board want to sign the mylar. Steve said we should wait until we review and sign the formal findings. Mr. Baker concurred.

NEW BUSINESS

**Water Works Car Wash/Todd Sawyer
110 Portland Road; Map 9 Lot 56
Commercial Car Wash
Represented by Tom Dubois, Main-Land Development**

Mr. Dubois said this is a proposal to build a car wash at property owned by Milton and Diana Allen on Portland Street. The existing apartment building will be razed. The car wash will be just a little under 3,000sf and will consist of one automatic bay and four manual drive-through bays with brushes and hoses, an office and utility room with vacuums in the rear. There will also be a 1,500 gallon holding tank for the single employee bathroom facility. The project is a closed loop system which means there is no wastewater disposal associated with facility. The water will be recycled and reused as part of the wash, the rinse will be clean water. The Maine DEP is under a moratorium for in-ground waste disposal of car wash facilities so that is why we are proposing a closed loop facility. There is one small entrance and a large entrance as a result of review and approval by DOT. We are increasing the impervious area by about 13,000sf for a total of 23,000sf. To control that we are sloping the site to either side of the facility and putting in bio retention cells with an

underdrain going to a culvert discharge pipe. The discharge location is in the road side ditches.

Steve said is this the same as the Windham car wash? Mr. Dubois said it is similar to the South Paris facility.

Fred said DOT didn't require more? Mr. Dubois said traffic impact for car washes are not significant so we did not need a traffic impact analysis.

Dee said what are the hours of operation? Mr. Dubois said the self service bays are open 24 hours. The automatic bay opens when you insert money.

Dee said will there be an attendant? Mr. Dubois said not all the time.

David D. said how does the recycled water system work? Mr. Dubois said it is a packaged treatment plant. You are treating the water chemically to extract the greases, oils and grit and continue to clarify it through the system and then reuse the water. There are tanks that need to be pumped out three to four times a year. The material pumped out will be transported to The Portland Water District Facility.

David D. said are you aware of any odors that might result from this system? Mr. Dubois said no, we have talked with some owners who are currently operating 100% recycle facilities and have not had odor issues or have had them and were able to solve them through modifications to the treatment facility.

Fred said you submitted a sound level study and it appears your levels meet our criteria. Mr. Dubois said it's according to how you interpret your Ordinance. Your Ordinance reads "to abutting properties or nearest residence" and the nearest residence is approximately 400' away. We registered 61dba 47' from the proposed car wash facility.

Steve said what is your setback from the Right of Way? Mr. Dubois said my interpretation of your Ordinance was 50', however, Mr. Baker interpreted it differently. As a compromise we held the same distance from the highway as the existing building.

Steve said what is the size of your sign? Mr. Dubois said 44x70'. Fred said are you planning on landscaping around the sign? Mr. Dubois

Page 9
Bridgton Planning Board
May 1, 2007

said we need to work with DOT for placement of the sign but we will landscape the base of the sign.

Christopher said will the outside blowers be on even if someone goes to wash their car late at night? Mr. Dubois said yes but only if someone pays for that use. Fred said are they inside the closed doors? Mr. Dubois said no, they are outside that is why we made it a point to say that the residence is 400' away and our sound levels at 400' are well below your requirements.

Dee said is the sign going to be lit? Mr. Dubois said yes, direct lighting from the base.

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

Gordon motioned to approve the project as submitted and presented subject to review and approval of the formal findings and conclusions of law. 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. David D. 2nd. 5 Approve / 0 Oppose

*Mr. Keniston said Mr. Gibbons has a question regarding signing the mylar. Mr. Gibbons said when was there a change in procedure as to when a project is approved and a mylar signed? Fred said if we signed the mylar without formal findings that is an appealable issue if someone did file an appeal.

Gordon said would it be possible that when the findings are complete we come in and sign them with the mylar? Ms. Fleck said the findings have to be reviewed and approved by the whole Board.

Steve motioned to schedule a special meeting for May 15, 2007 at 7:00p.m. to review Findings of Fact and Conclusions of Law for projects that were presented this evening. Christopher 2nd.
5 Approve / 0 Oppose

**Highland Ridge Preschool/ Erica L. Chute & Meghan Stiehler
Willet Road; Map 9 Lot 51
Child Care Facility
Represented by Erica Lowell Chute**

We operate an in-home daycare and are licensed for up to 12 children. We have been in operation for three years. As I have provided in our application we have a three phase business plan and we are now ready to implement the first phase which includes moving our business out of my basement and into a new location. As a result, we plan to relocate to a home located off The Willet Road. We would not change the exterior or the interior of the house except for small modifications such as painting or safety for the children. We will probably install a swing set and depending upon the requirements of the state we may need to install a fence that would separate the children's play area from the stream that borders the property.

Fred said is the home owned by Mr. and Mrs. Flint? Ms. Chute said yes and a representative is present on behalf of Flint Family Partners.

Ms. Chute said we are not going to have any signs because we personally feel that we don't want to advertise that we have small children at that location, however, the property will be marked for emergency access.

Christopher said will this business be year round? Ms. Chute said no. We currently operate from September to the end of May, we follow the school year taking the same vacations, however, next summer we would like to include some sort of a summer program for children ages 4-6 and work together with Lakes Environmental Association to provide some nature/art opportunities.

Fred said the HHE200 you provided in your application is that necessary? Ms. Chute said no, only if needed.

Fred said does this meet the state licensing division? Ms. Chute said I spoke with them yesterday and they are in the process of setting up a visit to the site. It is contingent upon your acceptance and state regulations once they make a site visit.

Steve said do you anticipate they are going to comment on a fence because of the brook? Ms. Chute said yes.

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

Steve motioned to approve the project as submitted and presented subject to review and approval of the formal findings of fact and conclusion of law. 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

Page 11
Bridgton Planning Board
May 1, 2007

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.

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

**Bridgton Cleaning Company/Glen Plante
28 Colony Lane; Map 11 Lot 17A
Residence & Cleaning Business**

**Warner 'n' Quimby Auto Care/Dale Quimby
527 Portland Road; Map 6 Lot 4A
Auto Repair Facility**

**Wits End Child Care & Community Resources/Darcey Pomerleau
224 Portland Road; Map 10 Lot 15B-1
Child Care Facility**

**Uniquely Yours/Alice Saunders & Lee Zulick
90 Kimball Road; Map 19 Lot 21A
Residence & Craft Supplies**

Fred said I would like to bring to the attention of the Board some of the requests being made by the Fire Chief on his impact statements, in particular **Knox Boxes**. Our Ordinances do not require specific fire related items like Knox Boxes, therefore, it must be a recommendation not a requirement. The Planning Board can't require it, therefore, a Department Head can't require more than the Planning Board. This is a private company that is being recommended.

Ms. Fleck said as an FYI I have given you a copy of the **maps of moderate & high value wetlands**, the 2007 budget and ATM schedule and the 2007 Town Meeting Candidates to date. Fred said I would like to mention on the wetlands map from DEP the gross errors in the delineation of the wetlands and bird habitat.

Last month you decided to have a workshop at some point to discuss some **potential changes to The Site Plan Review Ordinance and Shoreland Zoning Ordinance**. I have provided you with a memo with some additional changes to the Site Plan Review Ordinance I would like the Board to discuss at that time.

Page 12
Bridgton Planning Board
May 1, 2007

Christopher said I have been asked about the status of a portion of the **North Road** and its status as a town road. The census of the Board was the individual inquiring should submit a letter of concern to the Board of Selectmen.

Steve motioned to adjourn the meeting at 10:45p.m. David D. 2nd.
5 Approve / 0 Oppose

Respectfully submitted,

Georgiann M. Fleck
Municipal Secretary