

**BRIDGTON PLANNING BOARD
MEETING**

Board of Selectmen's Meeting Room

**June 5, 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; Gordon Davis; David Diller; David Lee, Alternate and Dee Miller, Alternate. Absent were: Christopher McDaniel.

Fred appointed David L., alternate, to act in the capacity of absent regular member, Christopher McDaniel.

Approval of Minutes - May 1, 2007

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

Approval of Minutes - May 15, 2007 (Special Meeting)

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

Old Business

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

Mr. Keniston submitted additional information to the Board. Mr. Keniston said the information I just gave you was requested at the previous meeting. I have also talked with DEP in Portland and I just received information from them today.

Steve said you had approximately 60 days to produce this information yet you are just now submitting it to us to review. I feel that this is substantive information and do not think that it is appropriate that we be expected to review this information on such short notice. We are stewards of this land overseeing very complex matters and I feel that our patience is abused.

Steve motioned to table this application until the next regular meeting.

Gordon said I disagree, I feel you are selective as to who you have patience with and who you don't. Steve said we shall see. Gordon said I feel that the information being provided is sufficient enough to review and make a decision on.

Fred said there is nothing in our Ordinances requiring additional information be submitted within a certain time.

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Peter Lowell, Lakes Environmental Association, said I agree with Steve, I don't see how you can sufficiently review this information.

Gordon said a most of the information Mr. Keniston just submitted is related to phosphorous which we have agreed in the past is not even required it just needs to be certified.

Mr. Keniston said at the previous meeting Mr. Higgins submitted information to the Board at the last minute and I am only responding to that information.

Steve said the objections brought forth were objections to the application and you were not able to rebut them at the time so we tabled the application. I feel that was a different situation. Mr. Keniston said there is nothing in the Ordinance that requires us to submit additional information by a certain date prior to the meeting. Steve said we have, if not, demanded strongly that all substantive information be submitted on the Thursday before a meeting.

Mr. Lowell said when you were reacting to Mr. Higgins comments, that was information that should have been included in the application or on the plan.

David D. said as an engineer representing your clients you should submit information to us in a timely fashion so we have sufficient time to review it and therefore be prepared to ask questions.

Fred said we could review this information but I don't see how we could move forward with a decision.

Fred said we have a motion on the floor to table this application until our next regular meeting in July or a special meeting in June. Steve said I concur with the motion. David D. 2nd.
3 Approve / 2 Oppose (Gordon & David L.)

Gordon motioned to schedule a special meeting for Tuesday, June 19, 2007 at 7:00p.m. David L. 2nd. 4 Approve / 1 Oppose (Steve)

New Business

Christian and Jessica Glendinning
2 Chase Street; Map 23 Lot 63
Residence/Skateboard and Snowboard Retail Shop
Represented by Christian Glendinning

Mr. Glendinning said adjacent to our residence is a detached 20x40 outbuilding. We are looking to make that into a retail space for the sale of snowboards, skateboards, products and apparel. We intend to

expand and better define the driveway to accommodate additional parking on the left hand side of the property. We are going to make some renovations to the building to better accommodate the shop. We both have extensive experience with the industry and vendors and we feel that we can bring something to the community that isn't necessarily here. In conjunction with my store I would like the opportunity to evaluate the skate park in Bridgton and work with the kids.

Gordon said what will your hours of operation be? Mr. Glendinning said Monday - Thursday 11-6 and Friday and Saturday 11-8. We will need to assess the traffic and patrons and adjust our hours based on that.

Gordon said it is basically going to be an inside retail business? Mr. Glendinning said yes. Gordon said no activities outside? Mr. Glendinning said no, I am aware that Bridgton does have a skateboard ordinance and, therefore, I would like to work with the kids at the park and maybe plan some events and demonstrations at the skate park.

David D. said what if I want to try out a skateboard before purchasing? Mr. Glendinning said there is not a big difference between the boards other than sizing and graphics. You can put it on the rug and stand on it to get an idea. I may have some demo boards available that can be tried out on a specific day and time at the park.

Steve said I assume your clientele will be mostly under the age of 21. It is a fairly congested area. What would you guess the mix of pedestrians and motorists to be? Mr. Glendinning said we have only been at the property since April 2006. I would say that the pedestrians will be kids looking at the skateboards prior to going to the park and the motorists will be people coming to shop on the holidays or back to school. This is a specialized business so most people that do come to the shop will have knowledge of what they are looking for.

Fred said how big is your sign going to be? Mr. Glendinning said a 4 x 16 sign off the corner of the building and the one at the corner of the street 2x16 a hanging sign. Fred said will that sign be lit? Mr. Glendinning said no, there is an existing flood light. Steve said would you consider a maximum of two signs not to exceed 2x4? Mr. Glendinning said yes.

David L. said what about insurance coverage? Mr. Glendinning said we have our insurance through All-State and they will insure the store as a retail location. David L. said what about activities that are related to skateboarding? Mr. Glendinning said no, because it won't be allowed.

Dee said the flood light that you are referring to is that a street light? Mr. Glendinning said no it is a light consisting of two halogen bulbs. Dee said is it going to be motion sensitive? Mr. Glendinning

said no, the light will light the walkway during business hours and then will be turned off.

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

1. Preserve and Enhance the Landscape.
The Board concurred that this section has been met.
2. Relationship to surroundings.
The Board concurred that this section has been met.
3. Vehicular Access.
The Board concurred that this section has been met.
4. Parking and Circulation.
The Board concurred that this section has been met.
5. Surface Water Drainage.
The Board concurred that this section has been met.
6. Existing Utilities
The Board concurred that this section has been met.
7. Advertising Features
The Board concurred that this section has been met.
8. Special Features of the Development.
The Board concurred that this section has been met.
9. Exterior Lighting.
The Board concurred that this section has been met.
10. Emergency Vehicle Access.
The Board concurred that this section has been met.
11. Municipal Services.
The Board concurred that this section has been met.
12. Protection Against Water Pollution
The Board concurred that this section is non-applicable.
13. Protection against undue air pollution.
The Board concurred that this section is non-applicable.
14. Water Use.
The Board concurred that this section has been met.
15. Protection against unreasonable soils erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
The Board concurred that this section has been met.
16. Provision for adequate sewage waste disposal.
The Board concurred that this section is non-applicable.
17. Protection against any undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.
The Board concurred that this section has been met.
18. Protection of waters and shoreland.
The Board concurred that this section is non-applicable.
19. Limit of Noise Levels.
The Board concurred that this section has been met.

20. Conformance with Comprehensive Plan for the Town.
The Board concurred that this section has been met.
21. Location in Flood Zone.
The Board concurred that this section is non-applicable.
22. Proof that the applicant has adequate financial and technical capacity to meet the above standards.
The Board concurred that this section is non-applicable.

Fred said we will review formal findings of fact and conclusions of law at the meeting scheduled for June 19, 2007.

**Hidden Brook Acres/Vincent Roth
Monk Road; Map 19 Lot 16C
9 Lot Subdivision
Represented by Delmore Maxfield, Maine Survey Consultants**

Mr. Maxfield said this is a 47 acre parcel which we are proposing 9 house lots ranging in size from approximately 1 acre to the largest being 20 acres. There is a fairly large wetland on the parcel. We have amended our comments on the plan to comply with the Public Works Director's impact statement regarding a non-conforming road.

Fred said the fire chief and police chief had no concerns with the project. There is no impact statement from Rob Baker. Rob Baker, Code Enforcement Officer, said I did not make any comments because I had not reviewed it at the time. David D. said do you have any comments now? Mr. Baker said yes I am concerned with the wetlands. How are you going to access lot 9? Mr. Maxfield said Monk Road. Mr. Baker said will you need an alteration permit? Alan Burnell said yes. Steve said will the driveway be towards the western line where the wetlands is the narrowest? Mr. Maxfield said yes. Mr. Burnell said that would be the most logical place. We will need an alteration permit.

Terry Alden, abutter, said are you planning on accessing lot 9 through the power lines? Mr. Maxfield said yes. Mr. Alden said the Maine ITS 89 is also located on the power lines. Steve said are you planning on using the powerlines as part of the driveway? Mr. Maxfield said part of it.

Mr. Alden said some of this land is very wet. What time of year do they do a phosphorous test for wetlands? Steve said the state manual takes that into account.

Debbie O'Leary said I submitted a letter to the Board (copy attached). As my letter stated there is an ongoing issue with Mr. Roth and some logging that took place on this property that impacted my property. Ms. O'Leary showed photos of her property and the damage that had been done by Mr. Roth and his logging crew. I contacted the Bridgton Police Department and they told me to contact a ranger which I did.

David D. said how many trees were cut on your property? Ms. O'Leary said they did not cut any trees on my property but they hauled them through my whole property the full distance of 200'. It is all mud now and there is no grass. David D. said was it lawn? Ms. O'Leary said all woodlands.

Fred said are you working with an attorney? Ms. O'Leary said yes but I am here because it does not appear that he takes much responsibility to make sure everything is done the correct way.

Mr. Roth said I told the loggers to get off her property but they were unable to because the roads were posted. We are going to return the property to what it was, grade it and seed it. I talked with the park ranger and he is going to arrange a site visit.

Ms. O'Leary said it does not make sense to me that professionals would be on the wrong land, did you walk your boundaries Mr. Maxfield because if you did you have known that the property you were on was not Mr. Roth's property? Mr. Maxfield said this was all Holden property at one time and I imagine what they found was the landing which was used in the past to access the back property.

Steve said this Board does not have any jurisdiction over this issue this is clearly a civil matter. Ms. O'Leary said I received a notice and I felt it was important to bring this issue to your attention.

Steve said I found several errors with your phosphorous which I believe your numbers are incorrect. Mr. Burnell said I agree. Steve said if you knew that why didn't you correct them? Mr. Burnell said I didn't know until this afternoon. Steve said this is why we need time to study these. Mr. Burnell said I made a mistake. Steve said a 30% error on the side of the applicant. Mr. Burnell said it would be less than an ounce. Steve said when you multiply it through it is a 30% difference in your allocation. Mr. Burnell said we used an old number that was since changed by DEP. Steve said that is the document you have to use and we have to use. Mr. Burnell said I admit I made a mistake. Steve said if there are no other discrepancies in your work (Mr. Burnell said there is) we get to the last line and you say that your total export is 1.439 and you compare that with a 1.47 and that barely makes it, it does not meet a 1.15. On that basis we can not approve this application. That is not the only problem with this application, you need to complete the phosphorous sheets regarding the road and the buffer. Mr. Burnell said there is no sense going any further, after you go past the 0.29. Steve said I have problems with the numbers you used which might be germane to this application. What buffer width are you claiming for the road or the slope. Mr. Burnell said I understand that. Steve said you are claiming .55 for swale, however, none of these drawings show either a road buffer or swale. Also, your calculations claim 5.20 acres has to be deleted from the 45 acre total for wetland. Lot number 4 is 6.67 acres by visual

inspection, Mr. Burnell said the 5.2 acres is wrong. Steve said I got 14. Mr. Burnell said I agree with that. Steve said I don't want to entertain this any further when the whole calculation is inaccurate.

Steve motioned to table the application until the applicant is prepared to submit completely redone phosphorous calculations that can be followed through. David D. 2nd.

Mr. Burnell said the only thing I am going to say is this is the whole purpose of these meetings. Steve said I disagree, you submitted your application as if it were complete and ready for our review. I spent a lot of time only to find out that it was incomplete. I am getting very tired of incomplete inadequate applications being submitted. Mr. Burnell said I was perfectly comfortable with what I had submitted.

Steve said my motion stands.

Mr. Burnell said I am not saying that my phosphorous calculations don't need to be redone, they do, I am arguing the tact that you are taking.

Fred said do you have a stormwater plan? Steve said that all reflects on the phosphorous.

David L. said I would like to hear the rest of the application so he knows if there is any additional information he needs to submit. Mr. Burnell said a typical road cross section shows a 24' road and the actual road is going to be 18'.

Gordon said are we approving this application subject to the phosphorous being done? Steve said no, I am not prepared to hear this application at all. Gordon said why shouldn't we continue to hear the application? David D. said I agree, the applicant should come to us with a complete application.

Fred said there are outstanding issues that need to be addressed such as the issue of crossing wetlands, ITS 89, driveway crossing, buffers and swales.

Mr. Baker said to Mr. Burnell is the number you used 10,500sf for clearing? Mr. Burnell said it has changed a little. Mr. Baker said whatever the amount is it should be noted on the plan.

Gordon said is there any additional comments from abutters? Mr. Alden said I did observe the skidders and the possibility of ground contamination and pollution. Who is responsible? Fred said it is a civil issue, however, Mr. Baker can also notify DEP if there is a potential violation.

**Fred said I call a vote to the motion on the floor.
3 Approve / 2 Oppose (Gordon and David L.)**

Fred said it would be beneficial if you could submit any additional information the Thursday before the meeting so we have time to review it. Mr. Burnell said if we can get it done we will submit it for your review.

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

**Homeland Farm/Carmen Horton
73 Middle Ridge Road; Map 14 Lot 13
Farm Stand and Ice Cream/Hot Dog Take-out**

**Hair on the Hill/Leigh Bucknell
20 Rogers Way; Map 2 Lot 6A
Residence/Beauty Salon**

Topics for Discussion

A. Public Parking Lot; Lighting (copy attached)

Georgiann Fleck, Secretary, read for the record a letter submitted by Micah Niemy, Assistant Community & Economic Dev. Director, that states the "Reny's company has preliminary agreed to assist the Town by contributing the funds needed to purchase the lighting for the lot".

**B. Maine Municipal Association (copies attached)
Site Plan Review Ordinance; Waiver
Planning Board Procedures**

Ms. Fleck summarized responses regarding the Board's jurisdiction in approving waivers for Street Design and also how the Board conducts routine meetings.

C. Workshop; Ordinance(s) Amendments

Ms. Fleck said the Board should consider scheduling a workshop to continue review of the Ordinance amendments.

D. Appeal; Mountain Lane Subdivision/Chet Homer

Ms. Fleck said there was an appeal submitted by the abutters. The appeal is expected to be heard by the Appeals Board on Thursday, June 28, 2007 at 7:15p.m.

Gordon said I think we should consider having regular **meetings twice a month**. Fred said we have the jurisdiction to do that. Steve said we should discuss this at our organizational meeting following the election. Fred said at the July meeting? Steve said yes.

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Fred said there are quite a few issues to consider on Tuesday and Wednesday so get out and **VOTE!**

David D. said the regular meeting in July is on the 3rd, does the Board want to meet on that date?

Steve motioned to reschedule the meeting of July 3, 2007 to July 10, 2007 at 7:00p.m. David D. 2nd. 5 Approve / 0 Oppose

Steve motioned to do the reorganization issues on July 10, 2007.

David D. 2nd. 5 Approve / 0 Oppose

Dee said over the past few years there a lot of terms that need to be redefined and I would like to suggest that we address those in the near future at a workshop. Fred said I would assume that on July 10 we could schedule a workshop.

Steve motioned to adjourn the meeting at 8:55p.m. Gordon 2nd.
5 Approve / 0 Oppose

Respectfully submitted,

Georgiann M. Fleck
Municipal Secretary