

**BRIDGTON PLANNING BOARD  
MEETING**

**Board of Selectmen's Meeting Room**

**July 10, 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; David Diller; David Lee, Alternate and Dee Miller, Alternate. Absent were: Christopher McDaniel and Gordon Davis.

Fred appointed David L., alternate, and Dee Miller, alternate, to act in the capacity of absent regular members, Christopher McDaniel and Gordon Davis.

**Election of Officers**

**David L. nominated** Fred Packard for Chair. Fred said I decline the position of chair.

**David D. nominated** Steve Collins for Chair. Fred 2<sup>nd</sup>.  
4 Approve / 0 Oppose / 1 Abstain (Steve)

**David L. nominated** Fred Packard for Vice Chair. David D. 2<sup>nd</sup>.  
4 Approve / 0 Oppose / 1 Abstain (Fred)

**Approval of Minutes - June 5, 2007**

**David D. moved** to approve the minutes as presented. Fred 2<sup>nd</sup>.  
5 Approve / 0 Oppose

**Approval of Minutes - June 19, 2007 (Special Meeting)**

**David L. moved** to approve the minutes as presented. David D. 2<sup>nd</sup>.  
3 Approve / 0 Oppose / 2 Abstain (Fred and Dee - not present for meeting)

**Old Business**

**Orchard Creek Estates/Joseph and Arlene Gallinari**  
**South Bridgton Road; Map 2 Lot 2**  
**10 8 Lot Subdivision**  
**Review and Accept Findings of Fact**

Steve said we are in receipt of a request from Mr. Keniston to table the application to the next regular meeting.

**Dee moved** to table the application to the next regular meeting.  
Fred 2<sup>nd</sup>. 5 Approve / 0 Oppose

**Hidden Brook Acres/Vincent Roth**  
**Monk Road; Map 19 Lot 16C**  
**9 Lot Subdivision**  
**Review and Accept Findings of Fact**

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Mr. Burnell said I revised the phosphorous report to include the ditches. This change did not alter the calculations.

The Board read for the record the Findings of Fact and Conclusions of Law.

**Fred moved** that based upon the application submitted and representation to the Bridgton Planning Board of the proposed subdivision by the applicant, the project is approved conditional upon amendment to note #20 on the proposed plan to include annual inspection and follow-up report to be submitted to the Code Enforcement Officer. 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.  
Dee 2<sup>nd</sup>. 5 Approve / 0 Oppose

#### New Business

**Mountain View Shores/Judd & Melanie Shapiro  
Joshua Way; Map 13 Lot 33-4  
Relocation of Right of Way  
Represented by Robert Hatch**

Mr. Hatch said we have relocated two pins within the right of way of Joshua Way by 15' to accommodate the road as it is built. When the house was built, one corner encroached the right-of-way by 3.5 to 4'. We have since negotiated with the association and all the parties in the subdivision have agreed to relocate the road.

Steve said because this is a revision to a previously approved subdivision, with the Board's consent, I believe we can review the criteria for subdivision but most of the items are non-applicable to this request except for the portion regarding the road. The Board concurred.

Steve said is the traveled way being moved? Mr. Hatch said slightly by about 6'.

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

"As required by Title 30-A ss4404 Review Criteria; When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:"

1. Pollution.

2. Sufficient Water.
3. Municipal Water Supply.
4. Erosion.

The Board concurred that because this is a revision to a previously approved subdivision items 1-4 do not apply to this application.

5. Traffic.

The Board concurred that this section has been met.

6. Sewage Disposal.
7. Municipal Solid Waste Disposal.
8. Aesthetic, Cultural and Natural Values.
9. Conformity with Local Ordinances and Plans.
10. Financial and Technical Capacity.
11. Surface Waters.
12. Ground Water.
13. Flood Areas.
14. Freshwater Wetlands.
15. River, Stream or Brook.
16. Storm Water.
17. Spaghetti-lots Prohibited.
18. Lake Phosphorus Concentration.
19. Impact on Adjoining Municipality.

As sited in the Town of Bridgton Subdivision Regulations; Article X Design Standards, the subdivision meets or exceeds the following;

1. Lot size and dimensions.
2. Monuments.
3. Street Signs/Fire Lane Signs

The Board concurred that because this is a revision to a previously approved subdivision items 6-19 and items 1-3 do not apply to this application.

4. Streets.

The Board concurred that this section has been met.

5. Sidewalks
6. Water Supply
7. Fire Protection
8. Sewage Disposal

The Board concurred that because this is a revision to a previously approved subdivision items 5-8 do not apply to this application.

**Fred moved** to tentatively approve the project as presented and submitted but withhold final judgment pending review of the Findings of Fact and Conclusions of Law. David D. 2<sup>nd</sup>. 5 Approve / 0 Oppose

**St. Peter's Episcopal Church**  
**Route 93; Map 14 Lot 86**  
**3,756sf Church**  
**Represented by William Whited**

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Mr. Whited said we are proposing a 3,800sf church. The sewage disposal system will be private and the water source will be from a private drilled well. We have received approval from the Department of Transportation for a standard driveway off Route 93/Sweden Road.

John Smith, abutter, said I am concerned with surface runoff. In 1974 when the State rebuilt Route 93 they installed 3 culverts which discharge water onto our property. Your plan depicts a ½ acre of impervious surface, where is all that water going to be discharged to? Mr. Whited said Mr. Burnell designed the stormwater runoff plan and phosphorous export. Mr. Smith said I would encourage the Board to pay particular attention to the plan as it pertains to the runoff.

Mr. Whited said if the Board concurs we can meet with Mr. Smith and Mr. Burnell to review the plans.

Fred Ziter, abutter, said I am also concerned with water runoff, hopefully with the development of this project we won't get more runoff.

Steve said are there defined wetlands on this property? Mr. Whited said yes, there are some in the extreme corner of Route 302.

David L. said is this part of a subdivision? Mr. Whited said no.

Dee said is the existing driveway going to remain or are you going to use the new larger entrance that leads into the parking lot? Mr. Whited said we are not doing anything with the first one, we are using the second one.

Dee said a landscape plan is required but you did not submit one as part of your application. A landscaping plan could help to prevent runoff from the site. Mr. Whited said our intent is to do what needs to be done around the building with loam and seed. We also plan putting in some memorial gardens. David D. said could you consider devising a long range plan for the landscaping? Mr. Whited said yes.

Steve said we need to have documentation of financial capability.

Dee said will our review have any bearing on the meeting that is going to take place with Mr. Burnell and Mr. Smith? Steve said no.

Mrs. White said if there are expenses involved with the meeting between Mr. Smith and Mr. Burnell who pays for them? Steve said that is between the abutter and representatives of the church.

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 Applicant will submit a long term plan for landscaping the site.
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 has been met.
13. Protection against undue air pollution.  
The Board concurred that this section has been met.
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 has been met.
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 has been met.
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 Applicant will submit a statement of financial capacity.

Dee said I would like to see something submitted for a landscaping plan which might prevent additional runoff. Steve said the landscaping is basically aesthetic and the runoff has been addressed through the stormwater plan. David D. said if there is a problem in the future with additional runoff could it be readdressed at that time? Fred said the stormwater runoff will be controlled by implementing Alan Burnell's plan. Landscaping is an aesthetic feature which can help maintain the runoff situation but it is not necessary.

Mr. Smith said does anyone verify Mr. Burnell's report by getting an independent review? Steve said no. Mr. Smith said does the Oxford County Soils Commission review the report? Steve said no.

**David L. moved** to tentatively approve the project as presented and submitted but withhold final judgment pending review of the Findings of Fact and Conclusions of Law. The tentative approval is conditional upon submission of a statement of financial capacity. David D. 2<sup>nd</sup>.

Dee I would like to request the motion is amended to include a landscape plan.

Steve called for a 2<sup>nd</sup>. To amend the motion. Fred 2<sup>nd</sup>.

4 Approve / 1 Oppose (David L.)

Steve said the amended motion before the Board is to grant tentative approval subject to review of the Findings of Fact and Conclusions of Law, submission of a financial capability letter and submission of a landscaping plan. 5 Approve / 0 Oppose

Steve said if it is agreeable with the Board and the next applicant I would like to recognize **Jim Kidder, Public Works Director**, who has a concern with **non-conforming roads** and would like to address the Board. Mr. Libby and the Board consented.

Jim Kidder, Public Works Director, said I submitted a memo to the Board for consideration. I am concerned with the requirement set forth in your subdivision regulations that I perform inspections of private roads. When this was put into the regulations it was probably during a time when you did 3 or 4 a year now you do 3 or 4 a month. Basically, you are asking me to spend taxpayer's money to inspect private roads when it should be the responsibility of the developer to make sure that the road is being built as approved. Craig Higgins, engineer, said there are many town's where the Public Works Director does do the inspection, however, some towns it is the Code Enforcement Officer, the design engineer and sometimes it is a third party inspector. Steve said we will discuss this further at a workshop in the near future. Georgiann Fleck, Secretary,

said Mitchell Berkowitz, Town Manager, has offered to assist the Board in drafting some appropriate language for consideration.

**Westwood Shores/Wood Pond Partners LLC  
North Road and Westwood Cottage Drive; Map 4 Lot 39  
Relocation of dry hydrant  
Represented by Tom Dubois, Main-Land Dev. Consultants Inc.**

Phil Libby was present representing Westwood Shores. Mr. Libby said you approved this subdivision in January 2007. At that time, a dry hydrant was proposed for lot 8. Since then we decided that the dry hydrant would be better if it were sited on lot 1 rather than lot 8. I have spoken with Glen Garland, Fire Chief, and he approves of our proposal to move the hydrant.

Steve said procedurally this application was approved in January with full findings of fact and conclusions of law, therefore, I believe we can review the criteria for subdivision but most of the items are non-applicable to this proposal except for the portion regarding fire suppression. The Board concurred.

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

"As required by Title 30-A ss4404 Review Criteria; When adopting any subdivision regulations and when reviewing any subdivision for approval, the municipal reviewing authority shall consider the following criteria and, before granting approval, must determine that:"

1. Pollution.
2. Sufficient Water.
3. Municipal Water Supply.
4. Erosion.
5. Traffic.
6. Sewage Disposal.
7. Municipal Solid Waste Disposal.
8. Aesthetic, Cultural and Natural Values.
9. Conformity with Local Ordinances and Plans.
10. Financial and Technical Capacity.
11. Surface Waters.
12. Ground Water.
13. Flood Areas.
14. Freshwater Wetlands.
15. River, Stream or Brook.
16. Storm Water.
17. Spaghetti-lots Prohibited.
18. Lake Phosphorus Concentration.
19. Impact on Adjoining Municipality.

As sited in the Town of Bridgton Subdivision Regulations; Article X Design Standards, the subdivision meets or exceeds the following;

1. Lot size and dimensions.
2. Monuments.
3. Street Signs/Fire Lane Signs
4. Streets.
5. Sidewalks
6. Water Supply

The Board concurred that because this is a revision to a previously approved subdivision items 1-19 and 1-6 do not apply to this application.

7. Fire Protection

The Board concurred that this section has been met.

8. Sewage Disposal

The Board concurred that because this is a revision to a previously approved subdivision items 8 does not apply to this application.

**Dee moved** to tentatively approve the project as presented and submitted but withhold final judgment pending review of the Findings of Fact and Conclusions of Law. David D. 2<sup>nd</sup>. 5 Approve / 0 Oppose

**Glennco Property LLC  
Carissa Drive; Map 8 Lot 23  
Six lot Subdivision  
Represented by Craig Higgins, Development Services Inc.**

Mr. Higgins said we are proposing a six lot subdivision on a seven acre parcel of land which is a portion of an eight lot subdivision previously approved as an after the fact subdivision by this Board. We have designated site specific building envelopes and phosphorous buffers down gradient of the building sites. Mark Sensi, a certified geologist and licensed site evaluator, determined there are no wetlands on this parcel. In addition to the six lots there is remaining land of 47 acres. We have utilized your geometric standards for the intersection between what is shown on this plan as Carissa Drive and Old North Road and are proposing a stop sign and street name sign at the intersection. We are proposing, at the end of the road just off parcel A.1, a 50' hammerhead turn-a-round. Because we are not proposing the extra 3' of shoulder on this road, only an 18' gravel traveled surface and a side slope off that, this would in fact be a non-conforming road, therefore, it will be our responsibility to stipulate that on the mylar and in each deed. The road is structurally sufficient for cars to pass going in opposite directions and it meets DEP standards for emergency access as well.

David D. said why are you not doing the 3' shoulders? Mr. Higgins said we could but this portion of road will serve only 6 lots, it

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didn't make sense unless of course the fire chief tells me otherwise. Mr. Garland said that is sufficient. David D. said will that impact the phosphorous? Mr. Higgins said if we were to build the 3' shoulders and grass them over it would not change the phosphorous at all.

Mr. Higgins said I did make two errors on the phosphorous worksheets submitted to you which I have corrected. It did not change the calculations in any way.

Mr. Higgins said the stormwater management report is very comprehensive and as noted in the summary we need lots of culverts. This would include the addition of two new culverts and the up-sizing of all the existing culverts. There are also diagrams showing drainage flows.

Mr. Higgins said under our construction notes any revision of the road needs prior approval from the Public Works Director, that is standard language and can be amended accordingly. If there are any significant changes they will become part of the permanent record.

Steve said procedurally are you looking for preliminary comments tonight? Mr. Higgins said we are looking for preliminary approval, a public hearing date followed by a formal approval.

Ray Farrar, abutter, said I own land on the "other North Road" is there any possibility that this road will be continued to join the other discontinued North Road or is it going to stop here? Mr. Higgins said my client has right title and interest to only what is shown here. This is a private road and subject to the road maintenance agreement that was part of the original subdivision, all six of these lots will be a party to that same road maintenance agreement as required by the deeds that were previously created. There is no way that that is going to be connected to the North Road.

Glen Gaudin, owner and developer, said I would like the possibility of keeping the right of way in place and the ability to keep the road open for safety reasons. Mr. Higgins said we could consider a crash gate.

Mr. Higgins said Mr. Gaudin is considering changing the subdivision name and we will submit a letter of financial capability.

David L. said if we approve the plan with the non-conforming road can it be changed in the future to a conforming road? Steve said it would be a revision to an approved subdivision and would required Planning Board approval.

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**Fred moved** to schedule a public hearing for August 7, 2007 at 7:00p.m.  
David L. 2<sup>nd</sup>. 5 Approve / 0 Oppose

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

**What's It Store/Charles Renneker**  
**16 Depot Street; Map 23 Lot 133**  
**Residential and Retail**

**Topics for Discussion**

Steve said we have received **excerpts from the Maine Townsman** regarding **Board protocol** for the Board's information.

Steve said Rob was not able to make it this evening so we will have him brief us on the **LD 1810 at our next meeting.**

Ms. Fleck said we received **final approval from DEP** following their review of the **Shoreland Zoning Ordinance**, therefore, I have given you a copy of the letter along with the new revised ordinance for your notebooks.

**Dee moved** to adopt the uniform appeals board language and incorporate it into the Town of Bridgton Subdivision Regulations. Fred 2<sup>nd</sup>.  
5 Approve / 0 Oppose

Dee said is there going to be a **workshop to discuss changes to existing ordinances?** I would like to discuss the possibility of language pertaining to cluster housing and free standing condominiums.

**David D. moved** to schedule a workshop/meeting on August 21, 2007 at 7:00p.m. to discuss ordinance amendments. Fred 2<sup>nd</sup>.  
5 Approve / 0 Oppose

**Fred moved** to adjourn the meeting at 9:05p.m. David D. 2<sup>nd</sup>.  
5 Approve / 0 Oppose

Respectfully submitted,

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Georgiann M. Fleck  
Municipal Secretary