

**BRIDGTON PLANNING BOARD
MEETING**

Board of Selectmen's Meeting Room

**August 7, 2007
7:00p.m.**

The Bridgton Planning Board was called to order at 7:00p.m. by Steve Collins, Chair. Those in attendance were: Steve Collins, Chair; Fred Packard, Vice Chair; Gordon Davis; David Diller; Christopher McDaniel; David Lee, Alternate and Dee Miller, Alternate. Absent were: None.

Public Hearing

**Eastview Estates/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, parcel "A" of the composite plan that had a 333 acre parcel which was previously approved as an after-the-fact subdivision review. The lots are shown on the plan as A1-A6 and range in size from 2.44 acres to 3.2 acres. Shown on the plan are brown hatched areas that surround the building envelopes which are phosphorous buffers. At your last meeting we did submit the phosphorous plan and found that the impervious area created by the additional six lots and the roadway met the phosphorous standards and had unused allocation. There were 10.8 pounds allowed for this project with the control measures proposed including the buffers used only 7.13 pounds. There are seven micro watersheds across the property. The project engineer, Mike Haskell, did a stormwater management and drainage design based on the standards of your ordinance. All the abutters have been notified. As recommended by the Bridgton Public Works Director I have added a note to the plan referring to the road as a non-conforming road. We are recommending that the design engineer, Mike Haskell of Development Services Inc., be the inspector of the road. Upon completion of the road the design engineer will provide as-built drawings to the Town of Bridgton along with a letter that it has been built in substantial compliance.

Steve said there was concerns expressed by an abutter asking if your intentions were to complete that road further through could you please explain? Mr. Higgins said it is not our intention nor does our client have any legal right, title or interest to make improvements to extend this section of the road. Steve said so the lack of the legal rights deems the question moot. Mr. Higgins said based upon my conversation with Attorney Tom Smith while they have a right of way they are not in a position to improve, expand or bring utilities in from the other direction. An issue that you raised, and shows on the plan, the land of

parcel "e" states that a right of way is to be obtained. I might suggest that the Board pose as a condition that prior to releasing the mylar a copy of the that recorded deed be submitted to the Town to complete the record.

Steve closed the Public Hearing at 7:15p.m.

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.
The Board concurred that this section has been met.
2. Sufficient Water.
The Board concurred that this section has been met.
3. Municipal Water Supply.
The Board concurred that this section is non-applicable.
4. Erosion.
The Board concurred that this section has been met.
5. Traffic.
The Board concurred that this section has been met.
6. Sewage Disposal.
The Board concurred that this section has been met.
7. Municipal Solid Waste Disposal.
The Board concurred that this section has been met.
8. Aesthetic, Cultural and Natural Values.
The Board concurred that this section has been met.
9. Conformity with Local Ordinances and Plans.
The Board concurred that this section has been met.
10. Financial and Technical Capacity.
The Board concurred that this section has not been adequately met. Mr. Higgins will submit additional information for the Board's consideration.
11. Surface Waters.
The Board concurred that this section is non applicable.
12. Ground Water.
The Board concurred that this section has been met.
13. Flood Areas.
The Board concurred that this section is non-applicable.
14. Freshwater Wetlands.
The Board concurred that this section has been met.

15. River, Stream or Brook.

The Board concurred that this section has been met.

16. Storm Water.

The Board concurred that this section has been met.

17. Spaghetti-lots Prohibited.

The Board concurred that this section is non-applicable.

18. Lake Phosphorus Concentration.

The Board concurred that this section has been met.

19. Impact on Adjoining Municipality.

The Board concurred that this section is non-applicable.

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.

The Board concurred that this section has been met.

2. Monuments.

The Board concurred that this section has been met.

3. Street Signs/Fire Lane Signs

The Board concurred that this section has been met.

4. Streets.

The Board concurred that this section has been met.

5. Sidewalks

The Board concurred that this section has been met.

6. Water Supply

The Board concurred that this section has been met.

7. Fire Protection

The Board concurred that this section has been met.

8. Sewage Disposal

The Board concurred that this section has been met.

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. The tentative approval is conditional upon obtaining an easement from JKIT Land Management LLC along with a copy of the deed for that portion conveyed. Also, as stated by H. Craig Higgins the road inspections will be done by the design engineer, Mike Haskell of Development Services Inc. Upon completion of the road, the design engineer will provide as-built drawings to the Town of Bridgton along with a letter that it has been built in substantial compliance.

David D. 2nd. 5 Approve / 0 Oppose

Approval of Minutes - July 10, 2007

David D. moved to accept the minutes as presented. Fred 2nd.

5 Approve / 0 Oppose

Request by the Economic Development Committee to be added to the meeting/workshop agenda on August 21, 2007.

Micah Niemy, Economic Development Director, said the Economic Development Committee will meet on Wednesday, August 8, 2007. Following that meeting I plan to submit to the members of the Planning Board a draft of recommendations per the Committee.

David D. moved to honor the request and add the Economic Development Committee to the workshop/meeting planned for August 21, 2007. Christopher 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

Steve said we received correspondence from Mr. Keniston, agent for the Gallinari's, which stated that they are withdrawing their application from the Planning Board (copy attached). Gordon said to Rob Baker, Code Enforcement Officer, can you tell me why the Gallinari's withdrew their application? Mr. Baker said I have not talked with them. Gordon said do you know what their plans are? Mr. Baker said no.

Mountain View Shores/Judd & Melanie Shapiro
Joshua Way; Map 13 Lot 33-4
Relocation of Right of Way
Review and Accept Findings of Fact and Conclusions of Law
Sign Mylar

For this portion of the meeting Steve appointed David L., alternate, and Dee, alternate, to vote in place of Christopher and Gordon.

Steve read for the record the Findings of Fact and Conclusions of Law.

Fred moved that based upon the application submitted and representation to the Planning Board of the proposed revision to an approved subdivision by the applicant, the project is approved. 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 2nd.
5 Approve / 0 Oppose

The Board opted to maintain past practice and sign only 2 mylars and 2 paper copies and not the additional copies submitted by Mr. Hatch.

St. Peter's Episcopal Church
Route 93; Map 14 Lot 86
3,756 Church
Review and Accept Findings of Fact and Conclusions of Law

Steve read for the record the Findings of Fact and Conclusions of Law.

Steve said as a result of the previous meeting St. Peter's Episcopal Church submitted a landscape plan and a letter of financial capacity. Dee said is there a proposed time frame associated with the landscape

plan? Ms. White said more than likely 5 years or less. Steve said in the memorial garden you will be interring cremains, urns and ashes but because this is a private burial ground you don't have any statutory obligation, however, I have heard comments throughout the community that they want to make sure that any veterans are properly recognized on Decoration Day.

Fred moved that based upon the application submitted and representation to the Planning Board of the proposed Site Plan of Development by the applicant, the project is approved subject to the submittal of a landscape plan and proof of financial and technical capacity. 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 2nd.

5 Approve / 0 Oppose

Westwood Shores/Wood Pond Partners LLC
North Road and Westwood Cottage Drive; Map 4 Lot 39
Relocation of dry hydrant
Review and Accept Findings of Fact and Conclusions of Law
Sign Mylar

Steve read for the record the Findings of Fact and Conclusions of Law.

Fred moved that based upon the application submitted and representation to the Planning Board of the proposed revision to an approved subdivision by the applicant, the project is approved. 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 2nd. 5 Approve / 0 Oppose

New Business

**Crockett Ridge Condominiums/Leonard McIntyre
Crockett Ridge; Map 24 Lot 9
12 Unit Condominium
Preliminary Discussion
Represented by Tom Dubois, Main-Land Dev. Consultants Inc.**

Mr. Dubois said we are working in conjunction with Survey Inc. from Windham Maine. Survey Inc. is the project surveyor and Main-Land will be providing the engineering and representation to this Board. The project site is located off Route 117, we are coming off the end of

Crockett Lane with a short private drive to access twelve individual home sites. The homes to be constructed will be three bedroom homes of similar style and size and constructed by Mr. McIntyre. The septic will be a common system and the town water lines will be extended into the project site. Is the Board going to consider this project under the Subdivision Regulations or Site Plan Review Ordinance? Steve said both Ordinances are applicable. How burdensome is it to apply both Ordinances? Mr. Dubois said there is some overlap, however, there are some requirements that are substantially different. Mr. Baker said if an appeal is filed and an application was reviewed under one Ordinance when in fact it should have been reviewed under two, that in itself is an appealable issue.

Gordon moved to review the application solely under the Subdivision Regulations. Christopher 2nd. 4 Approve / 0 Oppose / 1 Abstain (Steve)

Mr. Dubois said we don't want to get into an appeal situation so we will discuss this issue with the Developer. It may be beneficial for us to review the Ordinances, determine what is new or duplication and request some waivers. Fred said I would think that you would request a waiver from one set of the fees.

Gordon said on the plan it shows a 33' right of way from Meadow Street to your proposed development. Mr. Dubois said I am not sure what the legal rights are surrounding that right of way but there is a garage right in the middle of it. I am not sure if we own that right of way or if it is owned by adjacent property owners. Gordon said is it something that you plan on using? Mr. Dubois said no.

**Arthur O'Keefe
80 Wildhaven Road; Map 17 Lot 27A-5
Lot Split
Represented by Arthur O'Keefe**

Mr. O'Keefe said I have a 12.5 acre parcel that an abutter to the rear of my lot was interested in purchasing. I would like to split my parcel and retain 7.5 acres and sell 5 acres. The abutters have been notified. Mr. O'Keefe submitted a new map to the Planning Board that shows the abutter, Mr. Lapoint, who is the one interested in the purchase. Wildhaven is an approved subdivision which is partly in Sweden. Steve said according to the Subdivision Regulations this division is subject to stormwater and phosphorous control plans. In 2003 when another lot was split the Board did demand, and received, a stormwater and phosphorous control plan. Mr. O'Keefe said does this need to be done for the development or just this lot? Steve said just this lot. The burden is on the developer to prove that this change would still stay within the allowable limits. Mr. O'Keefe said wouldn't the individual that wanted to build have to prove that? Steve said no, it is considered now.

David L. said is there a lot size restriction? Steve said yes, 3 acres and this request meets that requirement. Steve said the regulations says it presumes a 150' driveway anything longer than that the new lot gets charged for that, that would be 750' of new driveway.

Dee said the access is going to be from a newly established lot? Mr. O'Keefe said yes, if the abutter purchases this lot he becomes a member of the association and also has water access to Moose Pond.

Mr. Baker said he also needs to do a soils report.

David D. moved to table the application pending submittal of further information as discussed. Gordon 2nd. 5 Approve / 0 Oppose

Robert F. Finocchiaro
255 Portland Road; Map 9 Lot 72C
100x150 Storage Building
Represented by Robert F. Finocchiaro

Mr. Finocchiaro said I own New England Boat and Recreation which I purchased in 2004. There is a large vacant lot next door to the business that we currently store about 200 boats outside under shrink wrap. I am proposing to construct a storage building of prefab metal to be no greater in size than 100x150'. Construction time is only approximately 2 weeks from start to finish. There will be no work done in the building. It is strictly for dry storage for the winter months. There will be two overhead doors and one man door. When the lot was leveled several years ago a natural berm was created that runs across the back of the property which is approximately 6' high x 12' deep. There is a natural swale way that runs down between the two lots and runs out the rear of the

property. There is also a snowmobile trail that runs across the rear of the property. Currently there is an access from Route 302 and we bring the boats around through this access and down into the lot. We propose to put a large culvert across the swale way, open up the fence and install a gate so that we can run the boats from our existing work yard and service facility directly across into this yard. I don't believe with the existing natural screening from Route 302 that the new building will be very visible. The ground material is satisfactory to work with, it is relatively flat and there will be little to no disruption to that other than for the installation of sonar tubes. The interior of the building will be open concept with crushed gravel on the floor to keep the dust down. In the future we may install some exterior lighting for safety and security purposes only. In the meantime we may utilize lighting from the existing facility to minimize costs.

Dee said do you have a limitation of boat size? Mr. Finocchiaro said most of the boats that we store are 18' to 24' and are on trailers. Dee said they will remain on the trailers? Mr. Finocchiaro said yes.

David said will they be stacked? Mr. Finocchiaro said no, however, eventually I may put a rack on one end to store snowmobiles left over from the previous year but currently we have adequate storage.

Steve said are you proposing to maintain the 20' setback? Mr. Finocchiaro said that setback shown on the drawing is incorrect, there is no setback requirement in that area which is why I submitted a revised plan. Mr. Baker said that is correct the 20' setback does not apply to this project unless there is a restriction in the deed.

Steve said what is proposed to shield this project from the abutters? Mr. Finocchiaro said we notified the abutters.

Steve said are you proposing any additional signage? Mr. Finocchiaro said no.

Steve said are we increasing the impervious area? Mr. Baker said I am not sure but I don't believe he is. Fred said if it is gravel it is exempt. Steve said the lot is level? Mr. Finocchiaro said yes. Steve said it is quite a distance from Willet Brook? Mr. Finocchiaro said yes.

The Board reviewed the criteria for Site Plan Review to establish the Findings of Fact and Conclusions 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 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 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 has been met.

22. Proof that the applicant has adequate financial and technical capacity to meet the above standards.

The applicant did not submit any documentation to the Board.

Christopher 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 submittal of documentation regarding adequate financial and technical capacity. Fred 2nd. 5 Approve / 0 Oppose

Approved Applications as per Bridgton Site Plan Review Ordinance 4.A.1. - None

Topics for Discussion

Memo - Impact Statements, Town Manager Review

Ms. Fleck said the Town Manager, Mitchell Berkowitz, has requested to be a part of reviewing any applications to submit his comments. Fred said I think that is great but I would like to remind the Board that according to our Ordinances only Department Heads have jurisdiction. Steve said he is careful to make note that these are for consideration only.

Meeting Reminder - August 21, 2007 - Workshop

LD1810 - An act to Enact the informed growth act.

Steve said Maine Municipal is suggesting that the act is unnecessary and an infringement on home rule. Is this history? Mr. Baker said they did pass the bill. Steve said then this is ancient history

Dee said I have seen quite a few **signs** that are **not in compliance** with the Town of Bridgton's Sign Ordinance. There are construction signs where there is no active construction and there are on-premise signs where there is no business. I would like Mr. Baker to address this issue. Christopher said I was told about a flashing sign that is in violation of our Ordinance.

Fred moved to adjourn the meeting at 9:15p.m. Gordon 2nd.
5 Approve / 0 Oppose

Respectfully submitted,

Georgiann M. Fleck
Municipal Secretary