

**BRIDGTON PLANNING BOARD
MEETING**

Board of Selectmen's Meeting Room

**January 8, 2008
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, David Lee, Alternate, Dee Miller Alternate. Absent were: Christopher McDaniel.

Steve appointed Dee Miller, Alternate, to act in the capacity of absent regular member, Christopher McDaniel.

Approval of Minutes - November 6, 2007 (Regular Meeting)

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

Approval of Minutes - December 4, 2007 (Regular Meeting)

Fred moved to approve the minutes as presented. Gordon 2nd.
4 Approve / 0 Oppose / 1 Abstain (David D. - not present for meeting).

Old Business - None

New Business

Request from The Economic Development Director for Workshop/Meeting

Micah Niemy, Economic and Community Development Director, said several months ago the Economic Development Committee came before the Planning Board with recommendations on possible changes to the Site Plan Review Ordinance. At that time the Planning Board requested that we get additional public input. Since then we have held two Public Hearings and sent out over 300 letters and notices to property owners on Portland Road, Harrison Road, Main Street, Depot Street and Sandy Creek Road. Now that we have fulfilled the request of the Planning Board we would like to continue the process. Steve said the matter before us this evening is to schedule a workshop/meeting and not discuss anything substantive.

Steve said when did the Board of Selectmen schedule the Special Town Meeting in February? Mr. Niemy said February 5, 2008 to discuss the BRAG issue. Steve said did they set a time for the meeting? Mr. Niemy said 7:00p.m.

Gordon moved to reschedule the February 5, 2008 Planning Board meeting to February 12, 2008. David D. 2nd. 5 Approve / 0 Oppose

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David D. moved to schedule a workshop/meeting for January 22, 2008 at 7:00p.m. for the purpose of meeting with the Economic Development Committee. Gordon 2nd. 5 Approve / 0 Oppose

New Business

**Crockett Ridge/Leonard McIntyre Construction
Off Crockett Street; Map 24 Lot 9
12 Unit Condominium Complex
Represented by Tom Dubois, Main-Land Dev. Consultants, Inc.**

Steve said we have been notified by Georgiann Fleck, Secretary, that all of the abutters were not properly notified.

Fred moved to table review of this application until the next regular meeting scheduled for February 12, 2008. David D. 2nd.
5 Approve / 0 Oppose

**Barrington Estates/Jose Couto
Kansas Road and Barrington Road; Map 6 Lot 37 and 37A
Create Easement to Long Lake
Represented by Tom Dubois, Main-Land Dev. Consultants, Inc**

Steve said we have been notified by Georgiann Fleck, Secretary, that all of the abutters were not properly notified.

Fred moved to table review of this application until the next regular meeting scheduled for February 12, 2008. Gordon 2nd.
5 Approve / 0 Oppose

**Glennco Property LLC
Carissa Drive; Map 8 Lot 23
Revise Deed/Plan Restrictions
Represented by Craig Higgins**

Mr. Higgins said I became involved in this project to help Mr. Gaudin correct an inadvertent transfer of 40 acre lots without Planning Board review and approval. At that time it was discovered that a portion of the 333 acre parcel was traversed by a stream which is a protected entity according to the Town of Bridgton Shoreland Zone Map. The plan that we prepared included our standard deed restrictions which were different than the deeds. All the lots were conveyed before it received Planning Board approval. It is questionable whether a developer can impose restrictions on previously created lots.

Steve said you submitted a recommendation from Tom Smith to delete covenant notes 10 A-F shown on the plan. Mr. Higgins said that would be the best way to alleviate this problem.

Gordon said presuming we delete note 10 what are we gaining or losing? Mr. Higgins said you are helping me eliminate a problem that I inadvertently created.

Mr. Higgins said if the deed restrictions were something that the Board chose to impose as a condition of approval it would be an element on which the project was approved, however, these are private restrictions.

Dee said rather than deleting language from the mylar why not add a clause to the mylar that the particular restriction or restrictions do not apply to particular lots. I am more comfortable with adding to the mylar rather than deleting something from the mylar. Mr. Higgins said that is one way to accomplish it. Dee said has anyone seen these covenants? Mr. Hawkins, owner of one of the lots, said when I purchased one of the lots some of the restrictions that I was aware of was in my deed. This was just a boiler plate error. Steve said I want to make sure that our actions don't make things worse for the property owners.

Robert Macdonald, Citizen, said you should contact your attorney for a legal opinion. The Planning Board committed to a mylar with certain conditions stated on it and now you are being asked to remove those covenants.

Steve said to Mr. Higgins are you under any time constraint to correct this error? Mr. Hawkins said I am under a little bit of pressure because I am actually selling one of the lots and going to build on another. The sale did not go through because of a restriction of under-ground utilities and non-domesticated animals.

Fred said I think the best thing to do is remove the covenants from the plan but I also think we should seek a legal opinion that it is o.k. for us to do that.

Mr. Higgins said would the Board be more comfortable having the Town's attorney look at this at the Developer's expense? The Board concurred.

Gordon moved to delete Note 10 in its entirety from the mylar subject to review by the Town's attorney at the Developer's expense. Fred 2nd.
4 Approve / 1 Oppose (Dee)

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

Topics for Discussion

- A. Ordinance Workshop
1. Subdivision Regulations - New Draft (includes non-conforming road language)
David D. moved to endorse the Draft as presented which includes language for non-conforming roads and proceed to a Public Hearing. Fred 2nd. 5 Approve / 0 Oppose
 2. Shoreland Zoning Ordinance
 - a. State Imposed Changes - Date Extension (July 1, 2009)
 - b. Dock Size and Number of Docks
Steve said Ms. Fleck submitted a memo (copy attached) with some proposed language for consideration. Fred said will there be any restriction on length? Rob Baker, Code Enforcement Officer, said no it will depend on type of waterfront. Ms. Fleck said the proposed language is what the state is recommending.
David D. moved to accept the language as presented. Gordon 2nd. 5 Approve / 0 Oppose
 - c. General Development District
Steve said we have a memo (copy attached) from Mr. Baker recommending that the General Development District be expanded. Mr. Baker said I am making the recommendation on behalf of the Board of Selectmen because they would like to site the Gazebo in that area.
Fred moved to approve the request to extend the General Development District. David D. 2nd. 5 Approve / 0 Oppose
 3. Site Plan Review Ordinance
 - a. Application Amendment; Language for consideration
Steve said we have a memo (copy attached) with proposed language. Ms. Fleck said I would also recommend that the abutter section be amended to include actual distance or reference the pertinent section in the Ordinance for abutter notification.
David D. moved to approve the proposed language with the change as discussed regarding abutter notification. Dee 2nd. 5 Approve / 0 Oppose
 4. International Building Code
Steve said we have a memo (copy attached) from Mr. Baker to consider the International Building Code for all structures. Mr. Baker said it would be the 2003 edition or we could adopt the 2006 edition. Steve said if we put a date in we would be stuck with that edition unless we went back for consideration of a more current version. Could we pose the question as current edition on the warrant? Mr. Baker said I am concerned that if we do that and a new edition takes effect while construction of a project is in the process they may be bound by new regulations. Steve said there may be language to prevent that. Rob said I will research that.
David D. moved to endorse the request for the International Building Code subject to language defining the effective edition of the code. Gordon 2nd. 5 Approve / 0 Oppose

5. Mooring Regulations - Harbor Master Safety Ordinance (submitted by Robert Macdonald). Mr. Macdonald cited articles recently published in papers regarding boating i.e.; safety, living on boats and extensive moorings in certain areas. I have presented to you a Mooring Ordinance with Harbor Master provisions. I would like to request you review it and send it on the voters for consideration. David L. said I think this issue requires a Public Hearing solely on this issue. Gordon said is there any possibility that Harrison, Bridgton and Naples could get together for one Ordinance? Mr. Macdonald said they could, however, what I am proposing for instance is 200' from the shore and Harrison is only 100'. Steve said do we as a Board want to review the Ordinance prior to a Public Hearing? Steve said our endorsement at this point is to bring this to a Public Hearing for discussion. Dee said I think that this Ordinance is very clear and straight forward. I think that we could schedule a Public Hearing without coming back to discuss the contents.

Fred moved to table discussion of the Mooring Regulations Harbor Master Safety Ordinance pending review and discussion by the Planning Board Members at the next regular meeting prior to a Public Hearing which would be a single topic Hearing for this issue only. David D. 2nd. 4 Approve / 1 Oppose (Dee)

B. Recommendation submitted by Robert Macdonald for Functionally Water Dependent Uses

Mr. Macdonald said these were not recommendations. We were discussing removing Marinas from the definition of Functionally Water Dependent Uses. I told you at that meeting I would gather some analysis as to what that meant. Basically it says that for Functionally Water Dependent Uses you have to have water to have a Marina. In my opinion, if you take Marina out of the definition it says that you don't want Marinas on the lake.

Dee said if we remove Marina completely then you don't have any way of defining them. If you have Marina in the Ordinance at all you should define it. I want to reiterate how important it is to define commercial marinas vs. recreational docking systems. David D. said can we change the definition? Fred said is there a difference between a commercial marina and incidental marinas by defacto such as cottages that rent dock slips? Dee said Marina should be strictly commercial and the others referred to as recreational docking systems or something like that. Mr. Baker said I think the current definition is very clear. Steve said we will have Mrs. Fleck review the definition and revise it if necessary.

David L. said if we make this change will the current Marinas be allowed to expand? Fred said some of the so-called facilities referred to as Marinas technically are not marinas because they only have moorings.

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C. Permanent Dock Information

Steve said Dee submitted some information on Permanent Docks. Mr. Baker said permanent docks are allowed although it is very difficult to get a permit for one.

Fred moved to adjourn the meeting at 8:35p.m. Gordon 2nd.
5 Approve / 0 Oppose

Respectfully submitted,

Georgiann M. Fleck, Secretary
Bridgton Planning Board