

**BRIDGTON PLANNING BOARD  
MEETING**

**Bridgton Court Room**

**February 12, 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 Lee, Alternate, Dee Miller Alternate. Absent were: Christopher McDaniel; David Diller.

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

**Approval of Minutes - January 8, 2008**

**Gordon moved** to approve the minutes as presented. Fred 2<sup>nd</sup>.

5 Approve / 0 Oppose

**Old Business**

**Request from Economic Development Director for Workshop/Meeting**

Micah Niemy, Economic Development Director, gave the Board several dates for consideration.

The Board concurred that a workshop/meeting with the Economic Development Committee be held on Tuesday, February 19, 2008 at 7:00p.m.

**Glennco Property LLC**

**Carissa Drive; Map 8 Lot 23**

**Revise Deed/Plan Restrictions**

**Represented by Craig Higgins**

**Tabled January 8, 2008**

Steve said at the last meeting we voted to remove the conditions on the mylar subject to a legal opinion from our attorney. Our attorney recommended that the applicant submit an application for an amendment to a subdivision (copy attached).

**Fred moved** to follow the advice of Mr. Spencer and contact the applicant's agent, Craig Higgins, to submit an application for an amendment to a subdivision. Gordon 2<sup>nd</sup>. 5 Approve / 0 Oppose

**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.**

**Tabled January 8, 2008**

**Dee moved** to remove from the table the application of Crockett Ridge to begin review. Gordon 2<sup>nd</sup>. 5 Approve / 0 Oppose

Steve said is this your formal application? Mr. Dubois said yes.

Mr. Dubois said this is a 5.81 acre parcel. We are proposing 12 free standing single family homes in a condominium complex style development as opposed to individual lots. This development is sited off the end of Crockett Street which comes off Route 117 and dead ends. We plan on extending Crockett Street into the site. The project will be serviced by town water and a private septic system. We are dealing with the phosphorous and stormwater by adding buffers and a filtration system to deal with the runoff. We have submitted a site plan application and a subdivision application for your consideration. This project is currently being reviewed by DEP. We revised the phosphorous plan which resulted in a compensation fee.

Glen Huntress, Citizen and Abutter, said what about all the wetlands that are on this site? Mr. Dubois said we have shown the wetlands on the plan but we are not encroaching on any of them. We have stayed within our 4,300sf of wetland impact allowed under the NRPA.

David Berry, Citizen and Abutter, said I believe there are more wetlands on that property than what you are showing on your plan. There are also vernal pools on the property. Mr. Dubois said we have hired a wetlands scientist to identify the wetlands using the criteria of hydrogeology, wetlands soils, and vegetation. The development is located on a high side of the property. Mr. Berry said it does have dips in it. Mr. Dubois said yes but that does not qualify it as wetlands. There is a run off that comes through the property but it does not qualify it as a wetland. Mr. Berry said or as a vernal pool? Mr. Dubois said correct. A vernal pool can not by definition have an outlet. This is free flowing all the way through.

Citizen and abutter, said I am concerned with the location of the septic system and how it is going to impact the pond and abutting homes. Mr. Dubois said this has been analyzed by Sweet Associates and we are confident that the system will work in the way it is intended.

Beverly Berry, Citizen and Abutter, said how big are the houses? Mr. McIntyre said approximately 1,200sf.

Citizen and Abutter, said is this going to be subsidized housing or low income housing? Mr. McIntyre said no. Citizen said they put six units across the street from where this is going in, how many of those units have sold? Mr. Dubois said that is a different type of development. Citizen said it is the same concept. Mr. Dubois said these are free standing and the square footage is different.

Citizen and Abutter, said what about the impact on wildlife? Mr. Dubois said we have not contacted Inland Fisheries and Wildlife (IF&W). The ground cover is not considered deer wintering area cover. Citizen said they are there. Mr. Dubois said the presence of deer does not make it a deer wintering area.

Ms. Drisco, Citizen and Abutter, said will the runoff run toward our street and property? Mr. Dubois said we have proposed buffers with a series of ditches, culverts and an infiltration pond. The infiltration pond is a shallow pond where the water is slowed, put through a filter into collection pipes underneath and is discharged after it has been cleaned. Ms. Drisco said all that gravel and salt is going to stay right there? Mr. Dubois said it is going to end up in a filter which needs to be maintained on a regular basis.

Citizen and Abutter said how much are these units selling for? Mr. McIntyre said I am not sure at this time. Citizen said there are three bedrooms so you are going to have children in there? Mr. McIntyre said possibly.

Bill Kimball said just because the water flows out the same creatures can be present as in vernal pools. Mr. Dubois said I can't tell you why the DEP designates a vernal pool to be without an outlet. Mr. Kimball said there is water in those pools year round. Are they going to confirm that there are no vernal pools on this site? Mr. Dubois said when we did the wetlands analysis because of the outlet we do not believe the potential for a vernal pool is there. There are only three weeks out of the year that you can fully determine if there is a vernal pool. Mr. Kimball said you need to have a signed certificate from someone? Mr. Dubois said no. Mr. Kimball said whose word do we take?

Mr. Huntress said as Mr. Drisco said the pond does not drain during the summer months. During spring it runs because of melt, therefore, couldn't it be considered a vernal pool the rest of the year? Mr. Dubois said that is what we will have to determine in the spring, late April or early May. Without looking at it during that time of year it can't be definitively done.

Mr. Kimball said this site is one of those places that just as soon as the smelts start running the frogs start peeping. Mr. Dubois said peepers are not the same species found in vernal pools.

Mr. Kimball said there is a right of way off of my mother's property which is a paper street created prior to 1888. There is an outbuilding built on top of it which has been there for over 20 years. How will that right of way be listed in your deeds? Mr. Dubois said we will show no

access over that paper street. That is something that should be discussed by you and Mr. McIntyre.

Gordon said would the developer be willing to release that right of way? Mr. Dubois said I don't know.

Mr. Kimball said I would assume there is a law written somewhere that if a paper street is not opened up in 20 years then it no longer exists. Mr. Dubois said to my knowledge there is nothing that relinquishes a right of way based on time.

Mr. Kimball said what if the new owners decide they want to use it? Mr. Dubois said we are not going to deed the right of way.

Steve read for the record an e-mail received from John and Bev Moore (copy attached). Mr. Dubois said Mr. McIntyre has contacted Jim Kidder, Public Works Director, regarding the width of Crockett Street. It is my understanding because we need to run water to the site in a larger capacity than what is there now we are going to expand the pavement width up to 14' up to the property boundary.

Steve said the applicant plans to widen Crockett Street? Mr. Dubois said at the entrance it is in good shape, however, as you go past the Moynihan and Montgomery property it get narrow and we are going to widen that section as we install water into the site.

Mr. Berry said is the Town going to maintain the road? Mr. Dubois said the Town will continue to maintain what they currently do and the Condo Association will be responsible for the remainder.

Ms. Montgomery said what side of the road is going to be widened? Mr. McIntyre said probably your side. Ms. Montgomery said I own both sides of the road. Mr. McIntyre said your house side.

Rob Baker, Code Enforcement Officer, said have you applied for a state entrance permit? Fred said it is a town way so do they need a permit from the state? Mr. Dubois said we will confirm that with the State.

David L. said how wide is the Crockett Street right of way? Mr. Dubois said 33'.

David L. said what is the height of sea level on Crockett Street? Mr. Dubois said our elevation, taken from USGS, is about 410'. David L. said what is Long Lake? Mr. Dubois said about 3.

David L. said we should consider a site walk which may need to wait till spring. Gordon said I agree.

Dee said who is responsible for the construction? Is it going to be prepared and presented to the public when finished? Mr. Dubois said Mr. McIntyre will be the contractor. Mr. McIntyre said they will be presold. Dee said therefore it could be a lengthy process. Mr. McIntyre said it is hard to say.

Dee said will the utilities be underground? Mr. McIntyre said there is an existing telephone pole at the end of the road which we will connect to and everything is underground.

Gordon said has Mr. McIntyre done any similar projects like this? Mr. McIntyre said I have been in the construction field for over 30 years.

Fred said are all the units three bedroom units? Mr. Dubois said yes.

Fred said do the covenants prevent subleasing? Mr. McIntyre said we have not decided on specific restrictions.

Fred said are these cape style homes? Mr. McIntyre said it is a contemporary cape style home befitting to the area.

Dee said what arrangements have been made for mitigation during construction? Mr. Dubois said we have a detailed erosion and sedimentation control plan dealing with site stability that was required by DEP.

Steve said the of the Board is for a site walk but due to snow coverage does the Board want to defer action until a site walk can be done? David L. said I would like to hold off until a site walk can be done. Gordon said the verification of vernal pools can not be done until spring. Mr. Dubois said the potential for vernal pools is low given the drainage patterns, however, if the Board feels they need to be checked the only time to check them is late April or early May. Dee said I don't think a site walk is going identify vernal pools. Gordon said that is not the purpose. Dee said as far as the issue of vernal pools, that can made a condition of the approval. Gordon said I have heard concerns regarding the accuracy of the wetlands map and the flow of water over the property, I would like to see that confirmed. If that can be confirmed in another manner that I would forgo a site walk.

David L. said is the right of way going to be a problem because it is only 33'? Mr. Dubois said no.

Steve said to Mr. Baker, is there a way to make sure that DEP has signed off on the vernal pools issue? Mr. Baker said a letter from whatever agency is hired.

Steve said will the applicant commit to writing his intentions to expand the road pavement width from the Harrison Road to the property line? Mr. Dubois said yes. Steve said also a statement from DOT confirming whether or not an entrance permit is required.

Steve said we need a formal statement of financial capability.

Dee said are the covenants and by-laws complete? Mr. Dubois said yes it is in Draft form and meets the requirements of the condominium law along with addressing issues of road maintenance and stormwater control.

Dee said you are not stipulating any kind of recreational land use prohibiting horses or riding trails? Mr. Dubois said no.

David L. said has Mr. McIntyre done other projects in Maine? Mr. McIntyre said yes but not for myself.

Steve said does the Board want to defer action pending a site walk? The consensus of the Board was if the applicant submitted certification a site walk would not be necessary.

Steve said we need statements regarding, Vernal Pools, the developers intent to widen to 14' the paved way from Harrison Road to the property line, whether or not an entrance permit is required from Harrison Road and a formal statement of financial capability.

Gordon said will we do findings of fact under both Site Plan Review Ordinance and Subdivision Regulations? Steve said yes.

Gordon said are we going to require a Public Hearing?

**David moved** to schedule a Public Hearing for March 4, 2008. There was no second to the motion therefore the motion failed.

Steve said pending submittal of the additional information we will grant a preliminary approval and establish draft findings of fact at the next meeting.

**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.  
Tabled January 8, 2008**

Steve said this application was tabled at the previous meeting because abutters were not properly notified.

**Dee moved** to remove from the table the application of Barrington Estates to begin review. Gordon 2<sup>nd</sup>. 5 Approve / 0 Oppose

Mr. Dubois said the last time we took this project up we created lot 9 which is off the end of Dunkin Lane. The lot also contained a right of way for some of the lots to get down to the beach area which we did not make provisions for. The plan before you this evening relocates that access point from what was lot 9 on to lot 4. We are relocating a walking easement from one area of the project site to another area which ends up in the same basic location. It was an oversight on our part. We are addressing that oversight by putting it on lot 4.

Mr. Baker said is this easement within or outside the shoreland zone?  
Mr. Dubois said it is outside the bounds of the shoreland zone.

#### NEW BUSINESS

**West Side Condominiums/Chet Homer  
Old County Road/Mountain Road; Map 7 Lot 1  
7 Unit Condominium Complex  
Represented by Tom Dubois, Main-Land Dev. Consultants, Inc.  
Preliminary Discussion**

Mr. Dubois said this is a proposal for a 7 unit condominium complex located off Old County Road. These will be trailside units. We are going to reconfigure the layout and get another unit on the trail side and one on the back side.

Steve said will that increase the units to 8? Mr. Dubois said no it will remain 7.

Mr. Dubois said we will use a series of common septic systems probably two and possibly three beds located on the lower portion of the site. There is a provision in your Ordinance that allows, under a private road scenario, for road standards to be modified. The entrance road has been constructed and is going basically straight up hill which currently does not meet your standards. If possible, we do not want to reconstruct the road.

Steve said in Mr. Dubois' cover letter he is asking us if this is to be reviewed under Site Plan, Subdivision or both. Steve said this is the same type of project as Crockett Ridge and needs to be reviewed under both.

David said is this the same lot that you proposed last year? Mr. Dubois said that one was located off Mountain Road.

Fred said what is the status of Old County Road? Mr. Dubois said I believe it is a discontinued road but I do not know who maintains it.

Glen Garland, Fire Chief, said according to your plans there may be an access problem to the upper two units. Mr. Dubois said access will be by private driveways.

Steve said I would like you to address the 10% grade in the entry road to mitigate that as well. Mr. Dubois said the bulk of the road has been constructed and is in stable condition. The units will be bought as built individually so this will happen one at a time as opposed to the site being built all at once.

Steve said is the intent to own the building plot and the land in common? Mr. Dubois said yes.

Dee said because these are not going to be built by the developer will there be a size restriction, maximum and minimum? Mr. Dubois said I fully expect Mr. Homer to put together a series of covenants and restrictions similar to our proposal for east side.

Steve said what is the time-frame for submittal of a formal application? Mr. Dubois said possibly March.

Mr. Baker said is it all going to drain to Moose Pond? Mr. Dubois said Moose Pond and another body of water.

Mr. Baker said can you grant rights to other people over Old County Road? Mr. Dubois said I believe he does but we will look into that.

Steve said does the Board want to consider a Public Hearing? The consensus of the Board was they would like to hold a Public Hearing. Steve said lets schedule a Hearing for the next regular meeting. Mr. Dubois said so when we do our formal notice we will include the Public Hearing as well. Would you consider doing that at 6:30p.m. Steve said we have always done them at 7:00p.m.

Mr. Baker said when you do the drainage do expect it to be directed toward ditches on Old County Road? Mr. Dubois said I suspect before it gets there we will be controlling what we can on site at pre-development conditions which will be a requirement of DEP also.

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

Topics for Discussion

1. Subdivision Regulations - New Draft
2. Site Plan Review Ordinance - New Draft
3. Shoreland Zoning Ordinance - New Draft and New Draft Map depicting the expansion of the General Dev. District

The Board concurred that the draft of the Subdivision Regulations, The Site Plan Review Ordinance and the Shoreland Zoning Ordinance are accurate and reflect the changes discussed over the past several months.

4. Definitions (Marina; Primary vs. Recreational) - See Memo  
Steve read for the record the memo submitted (see attached). Dee said Fred and I want to make sure that campgrounds are protected. Although the definition is very clear I would like to see added condominiums, rental cottages, boys and girls camps, or like uses would not be considered a marina because their principal use does not fit the definitions above.

**Fred moved** to add the additional language to the definition in The Shoreland Zoning Ordinance. David L 2<sup>nd</sup>. 5 Approve / 0 Oppose

5. Commercial Building Code - Letter sent to Richard Spencer, Drummond, Woodsum & MacMahon and his response (copies attached).
6. Mooring Regulations Harbor Master Safety Ordinance  
(Proposed and Presented to the Planning Board by Robert Macdonald)

Steve said Mr. Macdonald proposed and presented this to us on January 8, 2008 and we voted to table it.

**Dee moved** to remove the item from the table to begin discussion.  
Gordon 2<sup>nd</sup>. 5 Approve / 0 Oppose

Mr. Macdonald cited headlines from newspaper articles regarding issues on water safety. If we don't start to control people on our lakes both in safety and regulations we are going to have a real problem. Harrison and Naples has a Mooring Ordinance with Harbor Master and it doesn't seem to be creating any problems. This Ordinance is not the same as Harrison or Naples but has its own set of regulations.

Discussion ensued between Mr. Macdonald and Planning Board Members regarding content and intent of specific sections of the Ordinance.

David L. said it is my understanding that there are a number of people on the lakes that do not want an Ordinance. I own land on Long Lake that has only 70' of frontage with 11 deeded owners to that land. How many moorings can be installed? Mr. Macdonald said there are provisions in the Shoreland Zoning Ordinance, which I have tied this Ordinance to. Dee said this would go before the citizens as a referendum and therefore everyone will have the opportunity to vote.

Gordon said how does this proposed Ordinance differ from Harrison's Ordinance? Mr. Macdonald said in Harrison you put your mooring within the first 100' at no charge, my proposed Ordinance you pay a fee after the first mooring.

Gordon said I can put a mooring in front of a residence within 200' whereas in Harrison if I am in front of the property I can only go between 100 and 200'. Mr. Macdonald said only the property owner can put out a mooring in front of their property or they can sublease.

Dee said I do know that everyone in Bridgton does not live on the water but we should remember that people that do have a waterfront property pay a premium for that property, by the foot, of shoreland and therefore are paying the bulk of the Town's taxes.

Fred said there are some existing property owners, such as Mr. Gallinari, who currently have moorings greater than one per every 25' of frontage, I will not vote to take anything away from anyone. Mr. Macdonald said he is grandfathered.

Mr. Macdonald said I am concerned that a property owner who owns 20 acres of back land with some frontage will convey easements for water use. Fred said he can't, it is already in the Ordinance that you can't have funnel development. Mr. Macdonald said from the land out you have no control. Fred said under our definition if he grants a right of way to the water he is creating a common area. Also, I don't see in the proposed Ordinance where it has language regarding grandfathering. There needs to be language in the Ordinance specifically exempting existing uses.

Mr. Baker said if you own shorefront property that is less than the required frontage you should be allowed to put out a mooring. Also, do you have to be a shorefront property owner to put out a mooring? Mr. Macdonald said yes. Mr. Baker said that would exclude a lot of people who now put out moorings. Dee said wouldn't a docking system be more preferable to a mooring? Mr. Baker said some areas are too shallow.

Bill Melbye, Citizen, said I worked on this Ordinance at numerous workshop sessions until the workshop members decided to throw it out. The same Ordinance went out to the Town Meeting and it was turned down. You can not turn around and hit the shorefront people for \$15.00 and tell them they have to pay for a mooring, it is not right. A harbormaster is going to cost the town an estimated \$44,000 a year. Also, who is going to buy his boat and a trailer and where is he going to store it? Currently we don't have a problem with moorings. There is nothing in this proposed Ordinance that has to do with safety. According to this Ordinance I can't even spend the evening on my boat. If there is a

you can contact the police department or the warden department. Mr. Macdonald said the Harrison Harbormaster costs approximately \$4,000. He has a boat that he uses, the expense is going to be minimal. We did have a workshop that went well and then it became negative. I want the people to decide.

Steve said we have a request to put this on the warrant, our authority is to recommend or not to recommend it to the Board of Selectmen. Dee said we need to have a Hearing.

Dee said is it appropriate to suggest changes? For instance, I don't see anything about the proper operation of a water craft. In Section II I would suggest removing "proper operations of watercraft" because this Ordinance deals mainly with moorings. Mr. Macdonald said Long Lake is the most dangerous lake in the State of Maine. Dee said I don't think what you have in this document deals with operation but more specifically moorings.

Mr. Melbye said according to Article VII.A.4, people are being penalized if they don't have more than 50'. If you are paying \$7,000 a year in taxes you can only have a swim float and a boat. The whole thing has been turned down so many times I can't believe it is being entertained again.

Gordon said I thought this draft was done by a committee and now I am finding out that it was not. Mr. Macdonald said I did this draft. Originally I went to a committee and there was probably 8-12 people including the Harbor Master from Harrison. 6-7 of those members were opposed to anything and 5-6 of us wanted it. Mr. Melbye said the Harrison Harbor Master was not present at any workshop. Gordon said in Harrison there was a committee of shorefront and non-shorefront owners that came to a consensus before it was presented to the citizens. For me to support this, I would like to see the diverse interest come to a consensus. Mr. Macdonald said there was a consensus of 5 or 6. If you think that the Town of Bridgton should not have this then vote no.

Dee said it seems to me that the intent of this Ordinance is to prevent people who are not shorefront property owners from putting in moorings. If you were to deal with just that issue it would have a better chance of passing.

David L. said is there any limit to size of mooring and how many boats can be attached to a single mooring? Fred said I would think that you would only want one.

**Gordon moved** to forward the Ordinance to the Board of Selectmen with no recommendation. Fred 2<sup>nd</sup>.

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Dee said would that be in its present form? Steve said yes. Dee said I agree with everything other than its present form because there needs to be changes as a result of tonight's comments.

Steve called for a vote to the motion. 2 Approve / 3 Oppose  
Steve said the motion fails.

**Dee moved** that this be remanded to Mr. Macdonald to make changes and come back to the Board for further action. Fred 2<sup>nd</sup>.  
3 Approve / 2 Oppose

**Fred moved** to adjourn the meeting at 9:45p.m. David L. 2<sup>nd</sup>.  
5 Approve / 0 Oppose

Respectfully submitted,

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Georgiann M. Fleck, Secretary  
Bridgton Planning Board