

**BRIDGTON PLANNING BOARD
MEETING**

Bridgton Court Room

**March 4, 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 David Lee, Alternate and Dee Miller, Alternate, to act in the capacity of absent regular members Christopher McDaniel and David Diller.

Approval of Minutes - February 12, 2008 (Regular Meeting)

Gordon moved to approve the minutes as presented. Fred 2nd.

5 Approve / 0 Oppose

Approval of Minutes - February 19, 2008 (Workshop/Meeting)

Fred moved to approve the minutes as presented. Gordon 2nd.

4 Approve / 0 Oppose / 1 Abstain (Dee - was not present for meeting)

Old 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 this application is being reviewed under both Subdivision and Site Plan. The record shows that we were looking for confirmation of the status of vernal pools on the property, an agreement between the Town concerning widening the right of way and a formal statement regarding financial capability.

Mr. Dubois said we need to have a review done by DEP regarding the Stormwater Management Law. We met our 50% reduction for phosphorous and are buying the remaining for approximately \$5,200.00. Obviously, to get the permit we need to purchase the allocation but we want to receive approval from this Board first. There was an issue that was brought up by an abutter regarding wading bird waterfowl habitat, deer yards and nesting ducks or duck habitat. As a result, we made contact with DEP who now writes the letters for IF&W, and they said there is no significant wildlife habitat in that area. Mr. Dubois said DEP was concerned with the size of the buffer below building number 10. As a result, we increased the size and depth of the buffer and moved building 10 and driveway slightly Mr. Dubois submitted a revised plan to the Board reflecting the changes.

Rob Baker, Code Enforcement Officer, said at a previous meeting the comment was made to widen the road to 14'. Jim Kidder, Public Works Director, and I measured the road and it is 16'. On average it is 7 trips per day per house. Basically two houses currently have access, one of which has been torn down. This development will increase the trips per day by 12 times that amount. Mr. Kidder inquired about the possibility of shim and overlaying the existing asphalt. At last year's prices it would be approximately \$1,200.00 for a 1" shim and overlay. Mr. Kidder said he could coordinate it so it would be included with projects for the rest of the town to get the contract price. The Town would actually do the work with the cost of the pavement and labor to be paid for the developer. Mr. Dubois said we agree to that.

David L. said it appears to me that some of these projects are being rushed through and I think we need to make sure to do a more thorough review.

Steve said we have received a letter from Norman W. Walker, Outage Management-FPL Energy Seabrook Station (copy attached). Dee said does that satisfy the requirement for financial capability? Steve said we can discuss that further as we go over the "Review Standards". Mr. Dubois said the letter addresses potential investment but that is typically what you see in financial capacity statements.

Dee said has the issue regarding vernal pools been satisfied? Steve said the letter from the State makes it clear that will have to be a matter carried over to spring, therefore, it is clearly an open issue at this time. Gordon said the letter verifies that there are no significant wetlands present and therefore I am not concerned with the vernal pool issue. Fred said there are no wetlands present and the topography does not lend itself to vernal pools.

Mr. Baker said to Mr. Dubois can you make a determination regarding vernal pools on the property? Mr. Dubois said the only way to make a determination that a site will never make the DEP's list of significant vernal pools is to have a DEP staffer inspect the site and write that letter. David L. said will they be able to get a Permit by Rule (PBR)? Mr. Dubois said you can get a PBR but you have to maintain setbacks of 100' of a no-touch buffer around the vernal pool and you are allowed 25% development within the 250' zone. David L. said how big is the site? Mr. Dubois said 5.81 acres. Fred said a vernal pool centrally located could wipe out a project this size. Steve said if we grant approval for this development on the basis of Main-Land Development's statement that to the best of their professional knowledge there are no vernal pools present and

subsequently DEP comes back and says that is incorrect, who has assumed the liability? Mr. Dubois said we have. The Natural Resource Protection Act is administered by the State Department of Environmental Protection not by Bridgton. It is up to us to prove to the State that we don't have any problem there.

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

"As required by Title 30-A ss4404 Review Criteria; When adopting any subdivision and when reviewing any subdivision for approval, the municipal review 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 has been met.
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.
Steve said Ms. Miller questioned the letter submitted by Mr. Walker and if that was adequate. Following Board discussion, **Gordon moved** to find in the affirmative with the information that the Board has received. Fred 2nd. 5 Approve / 0 Oppose
11. Surface Waters.
The Board concurred that this section has been met.
12. Ground Water.
The Board concurred that this section has been met.
13. Flood Areas.
The Board concurred that this section has been met.
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 with the agreement by the applicants agent that the applicant has agreed to do a 1" overlay of the existing Crockett Street.
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.

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 with the agreement by the applicants agent that the applicant has agreed to do a 1" overlay of the existing Crockett Street.
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 is non-applicable.

8. Special Features of the Development

The Board concurred that this section is non-applicable.

9. Exterior Lighting.

The Board concurred that this section is non-applicable.

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 is non-applicable.

20. Conformance with Comprehensive Plan for the Town.

The Board concurred that this section has been met.

21. Location in Flood Zone.

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 Board concurred that this section has been met.

David L. said I think that any building that is designed by an architect should have a snow load of 50% more than what is currently required. Mr. Baker said that would require a change to the building code. Steve said what is it currently? Mr. Baker said 70lbs. Mr. Dubois said we are dealing with single family residential construction as opposed to multi-unit. These are basic house plans. Gordon said it is sometimes a little difficult to regulate common sense. Fred

said these plans have been drawn by Hancock Lumber which I am sure complied with the code for State of Maine. Steve said does anyone want to make a motion to require a higher snow load on this application? Hearing none, I would ask for action concerning our findings.

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. Gordon 2nd. 5 Approve / 0 Oppose

Mr. Dubois said are there any conditions that you would like to see on the mylar for signature or is the oral record definitive enough? The Board concurred that the oral record is sufficient.

**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.**

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

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The Board concurred that this section has been met.
2. Sufficient Water.
The Board concurred that this section is non-applicable.
3. Municipal Water Supply.
The Board concurred that this section is non-applicable.
4. Erosion.
The Board concurred that this section is non-applicable.
5. Traffic
The Board concurred that this section is non-applicable.
6. Sewage Disposal.
The Board concurred that this section is non-applicable.
7. Municipal Solid Waste Disposal
The Board concurred that this section is non-applicable.
8. Aesthetic, Cultural and Natural Values.
The Board concurred that this section is non-applicable.
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 been met.

11. Surface Waters.

The Board concurred that this section has been met.

12. Ground Water.

The Board concurred that this section has been met.

13. Flood Areas.

The Board concurred that this section has been met.

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. Gordon 2nd. 5 Approve / 0 Oppose

New Business

**Big Oak Lots/Bruce and Elizabeth Preisner
60 Prescott Ridge Road; Map 13 Lot 69D
Lot Line Adjustment
Represented by Bruce Preisner**

Mr. Preisner said when my foundation was installed the excavator moved it 6' so it encroaches into the 25' setback per our covenants. My abutter has decided to come across with a 35' swatch to bring that back into conformity. We have agreed on a purchase and sale subject to approval of the Board.

Mr. Preisner said on the plan I have presented to we wanted to show the abutters lot in full. Steve said you can make that adjustment for the next meeting

Steve said when you reduce your lot is it going to go below the required minimum size? Mr. Preisner said they are both approximately 4 acres.

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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 is non-applicable.
11. Surface Waters.
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12. Ground Water.
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18. Lake Phosphorus Concentration.
The Board concurred that this section is non-applicable.
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;

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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. Gordon 2nd. 5 Approve / 0 Oppose

**Kings Pine Subdivision/Kurt Christensen
Harmon Road; Map 13 Lot 67-10
4 Lot Subdivision
Represented by Kurt Christensen**

Steve said Georgiann Fleck, Secretary, has notified the Board that inadequate notification to abutters was made, therefore, I think it is appropriate to table this application.

Fred moved to table the application to the next regular meeting in April due to lack of proper notification to abutters. Gordon 2nd.
5 Approve / 0 Oppose

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

Topics for Discussion

A. West Side Condominium/Chet Homer

1. Correspondence submitted by Linda Dolloff
2. Correspondence submitted by Deborah J. Rubino

Steve said we have not received a formal application, therefore, it is inappropriate to discuss any correspondence received.

B. Memorandum(s) regarding (See copies attached)

1. Application review by Robert Fitzcharles, Transfer Station Manager

2. Monthly Department Head "Round-Table" Discussion

Steve said when does this meeting take place? Ms. Fleck said the last Tuesday of every month. Gordon said is this just for Department Heads or is it open to anyone? Ms. Fleck said Department Heads and the Town Manager. I have spoken with Maine Municipal Association (MMA) regarding Planning Members participating in review of applications prior to actual Board meetings. MMA said it could be considered "ex-parte communication". Steve said the Department Heads don't have any executive authority they are advisory. Ms. Fleck said the same protocol will be followed, the Department Heads will submit their comments on impact statements and Town Manager's comments will be in memo form.

3. Dry Hydrants and Fire Suppression Ponds

Steve said Glen Garland, Fire Chief, has brought to the attention of the Board of Selectmen a concern regarding responsibility for maintenance of dry hydrants. The Selectmen are asking for our input. Glen Garland, Fire Chief, said we need clarification of installation and maintenance. We would like to establish a set of standards for size and installation

and maintenance (copy attached). Steve said I would like the Board to have time to review the draft standards and discuss them at our next meeting.

C. Status; Ordinance/Regulation Amendments

1. Schedule a Public Hearing for the following Ordinances

- a. Subdivision Regulations
- b. Site Plan Review Ordinance
- c. Commercial Building Code

Fred moved to schedule a Public Hearing for March 25, 2008. Gordon 2nd.
5 Approve / 0 Oppose

2. Shoreland Zoning Ordinance

- a. Review and Approve additional language to the definition of Marina

Dee moved to accept the language as written. Gordon 2nd.
5 Approve / 0 Oppose

- b. Schedule a Public Hearing

Fred moved to add the Shoreland Zoning Ordinance to the Public Hearing for March 25, 2008. David L. 2nd. 5 Approve / 0 Oppose

3. Mooring Regulations and Harbor Master Safety Ordinance
Continue Planning Board discussion

David L. moved to table this issue to the next meeting. Gordon 2nd.
Dee said why do you want to table this issue? Mr. Macdonald said I did what the Board requested and came back with optional language for you to consider. I would like to see it discussed and added to the Public Hearing on March 25, 2008.
Steve called for a vote to the motion. 1 Approve (David L.) / 4 Oppose

The Board began review of the optional language submitted by Mr. Macdonald (copy attached). David L. said I do not agree with the Ordinance so I am going to reserve any comment. Gordon said I agree with David L. and the optional language does not change my objections to the Ordinance. Dee said I don't think that 5 people should decide if this Ordinance should proceed or not, let the Citizens decide, people on the lakes pay a lot of taxes. Gordon said taxes have nothing to do with the lake, the lake is owned by the State. Dee said this is for the purpose of mooring boats.

Dee moved to accept "VI #5 Option". Fred 2nd.
4 Approve / 0 Oppose / 1 Abstain (David L.)

Fred moved to accept "VII #6". Dee 2nd.
4 Approve / 0 Oppose / 1 Abstain (David L.)

Page 12
Bridgton Planning Board
March 4, 2008

Fred moved to accept "VII #10" with the additional language "except those established prior to June 8, 1987 which are exempt from these conditions" and "VII #11" with the additional language "except those established prior to June 8, 1987 which are exempt from these conditions".
Gordon 2nd. 4 Approve / 0 Oppose / 1 Abstain (David L.)

Fred moved to add the Mooring Regulations and Harbor Master Safety Ordinance to the Public Hearing scheduled for March 25, 2008 at 7:00p.m.
Gordon 2nd. 4 Approve / 0 Oppose / 1 Abstain (David L.)

Mr. Macdonald said it was mentioned to me that if you have a swim platform it could be considered a mooring if someone ties their boat to it. Does the Board want to exempt swim platforms and water toys like trampolines?

Dee moved to add language to exempt swim platforms unless they are used to moor boats. Fred 2nd. 4 Approve / 0 Oppose / 1 Abstain (David L.)

D. Reminder: Workshop/Meeting with Economic Development Committee
on Tuesday, March 11, 2008 at 7:00p.m.

Fred moved to adjourn the meeting at 9:00p.m. Gordon 2nd.
5 Approve / 0 Oppose

Respectfully submitted,

Georgiann M. Fleck, Secretary
Bridgton Planning Board