

Brenda Day

From: Wilbert Libbey <56highland@gmail.com>
Sent: Tuesday, January 8, 2019 11:28 AM
To: bnewseditor
Cc: Brenda Day
Subject: Hotel Bridgton

To the Editor:

A major controversy for the Town of Bridgton the last 12 months has been the Hotel Bridgton project. I have observed the various parties at each of the public meetings. My first thought is to question the competency of Mr. McIver's engineer? Is he trying to deceive the Planning Board, or is he simply incompetent? The number of errors or oversights seem to give way to a pattern that indicates his attention to details is severely lacking for someone who uses the title of "Engineer". Now the question begs, is he being directed by Mr. McIver? If this is the case, then he lacks professional character. That might be a more serious flaw than incompetence. I have observed many presentations to the Planning Board by other engineers concerning other projects and I have never witnessed the problems that are occurring with this project.

My second thought, if this poorly designed project passes the Planning Board criteria, the Town of Bridgton, the people of this town will be stuck with the result. Buildings that are poorly designed set on a site that is inadequate to support the use. The negative impact on our traffic, shoreline quality, and water usage/discharge will effect the town forever. There is no do-over or going back when it comes to development.

Sincerely,

Wilbert E. Libbey

Perri Black letter to the editor, The Bridgton News, Jan. 17, 2019 issue

To The Editor:

In his Letter to the Editor in *The Bridgton News*, Jan. 10, 2019, Mr. Libbey rightfully questioned the professionalism of the Licensed Engineer representing the Hotel Bridgton applicant after the engineer acknowledged missing the fact that the parcel of land for the Hotel Bridgton project that was acquired from the town is in the Stream Protection District, according to the Shoreland Zoning Ordinance. This is clearly shown in yellow on the large-scale map in the town Code Enforcement Officer's office. This major blunder and the engineer's feeble excuse for the oversight (the map downloaded from the town website was too small) should have ended the Planning Board's review of this application. It should also be reported to the Maine State Board of Licensure for Professional Engineers.

If it was only this one oversight, and the engineer was to provide a proper *mea culpa*, the Board of Licensure might forgive the mistake. However, a member of the public attempted to point out to the Planning Board Chairman — after the Chairman allowed the applicant to redesign, reposition, and “slightly tweak” the principle structure (hotel building) and move it out of the Stream Protection District — that there are numerous other serious, “show stopping” infractions in the application that have been blatantly overlooked by the applicant, his engineer, and team of “professionals.” The project engineer also stated that “conferring with the town Code Enforcement Officer we thought we had it [the project] properly mapped in the General Development district.” So — is the engineer suggesting that the Town Code Enforcement Officer misinformed him, or that the CEO also missed the Stream Protection District designation on the huge, high-resolution map on his office wall? Who is the incompetent party?

The applicant's engineer should be reminded: the Maine Board of Licensure for Professional Engineers Rule 02-322 Chapter 4: Code of Ethics states in Section 2: Obligation to Society, Part 1 — “In the performance of their services for clients, employers and customers, Licensees shall be cognizant that their first and foremost responsibility is to the public welfare.” Part 5 also states, “Licensees shall express a professional opinion publicly only when it is founded upon an adequate knowledge of the facts and a competent evaluation of the subject matter.”

Something is not right here...

Hopefully the Planning Board will vote to deny this application based on Shoreland Zoning oversights, rather than assign additional "homework" and give the applicant yet another chance to get it right. How many times does this team of "professionals" get to redo their “homework” before they are given a failing grade?

Perri Black

Sweden and Bridgton

Hotel out of size and scale

To The Editor:

In the most recent revision to the Hotel Bridgton Proposal submitted to the Planning Board (1/17/19) the applicant attempts to demonstrate his meeting the burden of proof for Site Plan Review Ordinance (SPRO) Performance Standard 2. "Relationship to Surroundings: Proposed structures or additions to existing structures shall be harmonious with the terrain and existing buildings in the vicinity and shall; a. Be of compatible scale and size." His narrative states "the site design and traditional architecture of the proposed buildings will compliment the historic style of the buildings on Main Street, including the adjacent NHAGA building."

The applicant's recently constructed NHAGA building is on Main Street opposite Stevens Brook from the Hotel site and within the Village Center District defined in the SPRO. The proposed Hotel site is surrounded by the Highland Road, Kennard and Bacon Street residential neighborhood and is NOT in the Village Center.

The applicant claims, "Because the proposed buildings are more similarly scaled to the Main Street corridor, the project site was designed to interact with downtown Bridgton." The applicant provides a table of "Building Sizes in the Downtown" comparing footprint area and volume of Renys, the Magic Lantern and Down East Inc building, and the existing mill buildings, including a separate house bought by the applicant. The table disingenuously separates the footprint and volume of the two proposed connected Hotel buildings, perhaps hoping the Planning Board and/or public cannot add them together for comparison. Using their numbers, the total Hotel building footprint is 13,330 sq. ft. and 405,908 cu. ft. in volume, meaning the proposed Hotel footprint is only smaller than Renys and the mill building (including the separate house) and only Renys is larger by volume at 426,000 cu. ft. Why were the footprint and volume numbers for the "adjacent" NHAGA building left out of his comparisons? More strikingly, there is no mention of the footprint, square footage, or volume of any surrounding and abutting neighborhood homes!

The applicant is attempting to redefine the meaning of "Relationship to Surroundings" and "existing buildings in the vicinity" in the SPRO as the largest building he can find in the center of Town. The Hotel will be a 38,862 sq. ft. building compared to the abutting less than 2000 sq. ft. homes and will include an enormous 82 car parking area with 26 spaces surrounding the home at 4 Kennard Street.

Let's be honest and fair to the neighboring residents of Bridgton. For this, and many other failings, the Planning Board must deny this proposal.

Doug Oakley

Bridgton

A lot at stake

To The Editor:

The proposed Hotel Bridgton project has been in the news for a long time and I'm sure all parties involved want to see it resolved. However, a lot is at stake and so many aspects of this project remain unanswered by the applicant.

Early in the process, the Planning Board asked the applicant to provide a scale model of the project to illustrate how it fits in with the surrounding buildings and neighborhood. This has not yet been provided for the public to view.

After the site walk, the Planning Board also requested a traffic study with cameras to be completed during the summer when traffic is heaviest. The traffic study provided by the applicant was done in April, the least busy time of year, and it did not include traffic generated by the conference center. Data resulting from such studies would probably show that this proposed project is not suitable for the Saunders Mill site.

Several citizens suggested that the Board request proof that the proposed hotel would not decrease the value of the abutting properties, as required by Article VII: Section A of the Site Plan Review Ordinance. It is disappointing that the Planning Board has not requested this data. It implies the Board members are not concerned about protecting the value of abutting residential properties — family homes for which the resident(s) pay taxes to the town. Whether an individual or family pays \$75,000 or \$1,000 in taxes should in no way influence the Planning Board's decision. How is the Planning Board determining the affect the proposed Hotel would have on the value of the neighborhood homes purchased before the Hotel was proposed?

The applicant has also stated that the height of the hotel would not exceed 35 feet measured from the ground — is this from the current ground level, or is he measuring from the ground after it has been raised by adding fill?

A tremendous amount is at stake here for every Bridgton resident and if the hotel project is approved, it is irreversible. The Planning Board members must ensure that each project meets every stipulation in the Site Plan Review Ordinance, and that includes protecting each resident, regardless of the size of their home or the amount they pay in taxes. I urge the Planning Board to think very carefully about their decision.

Nancy Donovan

Bridgton

Against common sense!

To The Editor:

After watching numerous Planning Board meetings, I cannot see how the Board, in good conscience, can approve the Hotel Bridgton project at this time. There have been so many infractions in the project proposal(s) and during the town meetings, I've lost count. This whole thing has become an extremely tumultuous topic of discussion within the community. It seems everyone is concerned about who they should and shouldn't discuss the subject with.

It should be obvious that everything previous to the upcoming Jan. 29 meeting should be nullified and have the applicant start from scratch. Only AFTER taking the appropriate amount of time to find out every minute detail in question, and having them all properly and professionally investigated, should the applicant present his final application to the town.

Decisions of the apparent magnitude of this project cannot be made on a constantly changing "proposed" plan. This allows for way too much speculation, as well as opportunity for deception and misconception of the final submission. True professionals would have known this from the very beginning. It would avoid a lot of angst and wasted time if the applicant would concede to the fact that this site is inappropriate from an economic standpoint, an "eco-nomic" standpoint, an ergonomic standpoint, and just plain common sense.

Tami Prescott

Bridgton

No pool and a lot of noise

To The Editor:

The plan for the proposed Hotel Bridgton project includes an indoor pool, which seems to be a positive amenity for Bridgton. However, at the last public hearing (Dec. 18, 2018) the applicant stated that Bridgton residents would have to rent a \$150 room, just like other hotel guests, if they wanted to use the pool. This raises eyebrows, given that the developer claims to have a strong affection for Bridgton and says he wants to do good things for its residents. Or perhaps whatever big box company the applicant is building for does not allow public use of their pools. Fortunately, the Colony Mast Campground in Naples allows the public to use their pool for less than \$10.

Of course, the hotel guests should be able to use the public Town Beach, boat launch, and associated parking free of charge...

A concerned citizen also asked if noise generated from the proposed hotel would exceed the noise restrictions of 70 decibels allowed from 7 a.m. to 8 p.m., and 55 decibels from 8 p.m. to 7 a.m. During the site walk, the applicant said there would be a patio and a fire-pit in the plan. It is hard to believe that noise from nighttime outside activities or the conference center would not exceed 55 decibels — 60 decibels is normal conversation, 90 decibels is shouted conversation, and 85 decibels is a noisy restaurant or heavy traffic. This question remains unanswered.

I hope the Planning Board will take the public's concerns to heart when debating this hotel proposal and not just pass it to get it off their agenda.

Perri Black

Bridgton and Sweden

To The Bridgton Planning Board:

I attended both sessions of the Planning Board's public hearing for the Hotel Bridgton project and I would like to know why the second session wasn't stopped 10 minutes after it began when it was shown that the project encroached into the Stream Protection district (SPD) as delineated in the Shoreland Zone Ordinance (SZO).

Planning Board Chairman Steve Collins expressed concern about this particular point at the end of the Dec. 12 session and told the applicant to do some homework then come back with a revised presentation. At the beginning of the second session on Dec. 18, Mr. Collins said that this issue was a potential "showstopper" involving state regulations, for which the Planning Board could not grant waivers or variances. He stated that "if that incursion into the Stream Protection district did exist, it would be showstopper." Therefore the meeting would be stopped and so would the project application. The applicant then began his presentation, starting with the contested point and offering the ridiculous excuse that they were unaware that the project encroached into the SPD because the map they used was downloaded from the town website and was only the size of a standard piece of paper.

Several members of the public were already aware of this infraction — they simply went in to the town office and looked at the larger maps. They even had large copies of the maps printed out clearly showing the boundaries of the various zones. The applicant is not new to the area and he is not new to building projects within restricted zones. That he and the project's professional engineer did not even look at a larger map in the years they claim to have been working on this project smacks of gross incompetence and is hardly due diligence.

The proposed building placement within the restricted zone is only one of the project's infringements on the SPD regulations. Recused Planning Board member Doug Oakley attempted to point out that it also did not comply with restrictions on land fill, earth moving, and drainage (SZO Land Uses, Table 1) but Chairman Collins said they would get to it later. In fact, the Board listened to the entire project narrative based on the applicant's assertion that it met or exceeded all Standards and Ordinances, which it doesn't. The applicant also failed to include the narrative or proof of compliance with the SZO in the application, which did not allow the Planning Board or the public to review their assertions prior to reopening the hearing. Therefore, the application was incomplete.

The hearing should have been stopped as soon as it was shown that the project did not comply with the SPD regulations (minute 9:40 in the LRTV video of the meeting) and the application should have been deemed unacceptable at that point. A lawyer present at the meeting also said it was unfair to ask the public to comment on what is now a new proposal with new calculations without the opportunity to review the new plan. The applicant should resubmit an amended, complete, and final plan, including the new calculations, for reconsideration.

I feel Chairman Collins lost a lot of credibility by not stopping the hearing, especially after his comments at the beginning. The meeting went on for well over three hours and the clock ran out so the public did not get to respond and voice concerns.

Such proceedings do little to instill public confidence in the Planning Board.

Perri Black

15A Kennard St., Bridgton

Cathy Dipietro

Wednesday, January 30, 2019

Bridgton Planning Board
Town of Bridgton
3 Chase Street, Suite 1
Bridgton, Maine 04009

Re: Site Plan Application
Bridgton Hotel, 12 Bacon Street, Bridgton

Dear Members of the Planning Board:

We wish to call your attention to several omissions/problems in the revised application for Hotel Bridgton (January 17, 2019).

Attachment 2

1. There is emailed correspondence from the wastewater superintendent confirming that the applicant purchased 40 EDU (40 x 90 gallons per EDU or 3600 gallons) of ASSUMED wastewater reserve capacity. He does NOT confirm that the capacity of the Wayside Subsurface system (also known as Dodge Field) is actually there. Does the Board consider this email exchange a permit???
2. The Wastewater Flow Estimate – does not address requirements of the Bridgton Sewage Ordinance (June 14, 2016) Section 5, Part J with regard to determination by the Town Engineer in the matter of connection to the existing sewer and the manner of accomplishing such a connection.
3. The Wastewater Flow Estimate – does not address Section 6, Part E of the Bridgton Sewage Ordinance (June 14, 2016) with regard to a long term service contract and special sewer service charge as the waste loading exceeds 2,000 gallons of wastewater a day.
4. The Board's question with regard to disposal of the pool water at the last meeting has not been addressed. Based on the size of the pool (20 ft by 30 ft for a square footage of 600 square feet) and assuming an average water depth of 4 feet, the pool holds 2400 cubic feet of water, that is 17,952 gallons of water. In addition, the 8 ft x 10 foot hot tub (assumed depth of 3 feet) holds another 240 cubic feet of water, i.e., 1,795 gallons. The pool holds far more water than could be disposed of via the sewer system in 4 days even with no one in the hotel.

Attachment 3

1. The applicant shows roof drains on Building 2 that discharge UNDER the permeable pavement to the east of Building 2 (Drawing C-4.0). The most southerly underdrain is within the 50 foot boundary of Stevens Brook

- contrary to the requirements of the ordinance which states that infiltration systems SHALL be located at least 50 feet from the normal high water mark.
2. On Drawing C-2.0, there are notes indicating removal of two culverts and a dug well within 20 feet of Stevens Brook. NO work can be conducted within 25 feet of the stream.
 3. The applicant states that the building is 35 feet in height at the roof ridges p- but does NOT give the baseline elevation used. The existing ground elevation under the proposed Building 1 ranges from 414 to 418 feet.
 4. In addition to the fact that NO earthmoving (fill or excavation) is permitted in the Stream Protection Zone, the proposed lawn and retaining wall as well as the rerouting of the infiltration pond drainage south of Building 1 are problematic in that there is currently no lawn or erosion from a lack of naturally occurring vegetation (item 5c) in that area.
 5. The proposed retaining wall encroaches on the right of way noted on Drawing C-2 as deed reference book 3206 page 137.

Brenda Day

From: Christine Erikson <chris26ink@gmail.com>
Sent: Monday, January 28, 2019 1:47 PM
To: Brenda Day
Subject: Model of Kennard St. neighborhood

Hi Brenda,

I wanted to give you a heads up about the 3 dimensional model of the Kennard St. neighborhood that I have constructed. My husband ran into Steve Collins at Hannaford and Steve suggested that I bring the model to you. It is rather large at 40" x 48" and is on a board so it can't be rolled up - and there are 2 removable sections (the Saunders Mill and the Hotel Bridgton) which are also on mat board. I think you will need a separate table for it.

I want to include some notes on the way the model was made so that you and the Planning Board can be assured that the buildings are accurate - I hope that you will pass this information along to them.

For the buildings:

- As you know, the website of 'John O'Donnell and Associates' has a scaled drawing of all of the buildings in Bridgton which is where I got the footprint dimensions for all of the Kennard St. houses, the Saunders Mill, two Highland Rd. properties and three Main St. properties. To construct each 3 dimensional building I used this information along with photography, Google Street Views and my best educated guess to get the heights (elevations). I used the height from 'ground level' for all of the structures. My 'educated guess' comes from a history that includes architecture:

- I am a Freelance Illustrator and have illustrated 168 books, many of these involving architecture for the publisher The Taunton Press.
- I have designed and drawn the floorplans and elevations for 10 houses in the area.
- I have worked as an Assistant to a General Contractor and worked on the construction crew as well.
- My work often includes working 'to scale' and usually involves envisioning information and conveying it in a clear visual way for the layperson to understand. The Planning Board may recall the floorplans and site plans that I did for B&B Cultivation out on Burnham Road.

- For all of the structures I used their basic shape or volume. I did not include porches, decks, eaves or any details. When a dormer was part of the basic shape of the house I included it when it was just a single dormer I did not.

- To make the model of Hotel Bridgton I used the dimensions on the floorplans and elevations provided by Terradyn Consultants.

- All of the buildings are made to a 1" = 20' scale and I am providing some small rulers in the 1" = 20' scale in case anyone wants to double check any of the dimensions of the buildings.

For the map:

- From the O'Donnell website I also got the Tax Maps for the town of Bridgton (maps 22 and 23). I placed the maps into Adobe Illustrator on my computer and scaled them up to 1" = 20'. You are probably aware that the Tax Maps are not super accurate, so I would consider this to be a 'general guide' to show the proximity of the buildings to one another, the brook, town property, etc. For the site plan/parking area of Hotel Bridgton I took an iPhone photo of the latest plans at the Town Office and scaled it to 1" = 20'. The Hotel Bridgton site plan and the Tax Map lot do not align perfectly, but I thought it was important to show the parking area along with the hotel structure even though I had to skew the parking lot slightly to make it fit. I made the map as accurate as possible given what I had to work with.

Brenda Day

From: Wilbert Libbey <56highland@gmail.com>
Sent: Thursday, January 31, 2019 1:56 PM
To: Brenda Day
Cc: Perri Black; axmir; Tom Smith; Catherine DiPietro; Steve Collins
Subject: Diane Paul

To the Planning Board:

I was surprised to hear one of your members, Diane Paul express such a strong opinion concerning Hotel Bridgton at last night's meeting. I realize she is an alternate, but her behavior was unprofessional and inappropriate. She stated that she works at Craftworks and I know her employer is a strong supporter of the Hotel, so I hope she is not being pressured by Judith Evergreen. I can understand everyone has personal opinions, but as a Planning Board Member, they should not be on display at a public meeting. Doug Oakley professionally recused himself on his own, and then was requested to do so by Mr. McIver's Attorney. I would strongly suggest the Board consider the same for Ms. Paul. The Board must be above any question of impropriety.

Thank you for your time and considerations.

Wilbert Libbey
Bridgton

Brenda Day

From: Wilbert Libbey <56highland@gmail.com>
Sent: Thursday, January 31, 2019 10:42 AM
To: bnewseditor
Cc: Brenda Day; Perri Black; axmir; Tom Smith
Subject: Hotel Bridgton

To the Editor:

Last night's Planning Board Meeting, once again allowed Mr. McIver to display his tactics of subterfuge. His scale model (on display at the Town Office) had so many trees that it masked the downtown area! The point of the display was to show the Hotel in perspective to the surrounding buildings. The Kennard group's scale model (on display at the Town Office) did just that, it had pieces that could be interchanged to show the size of the current buildings and how the size of the Hotel compares. It was amazing how two models of the same property could look so different. Please go view them for yourselves.

The second display which Mr. McIver presented was to have us believe Kennard Street is a commercial area because it has rental units, an Airbnb, and a bait shop. Thus we should have no problem accepting his commercial enterprise, a "boutique hotel". The word boutique in no way fits this Hotel. Implicit in the definition of the word boutique, is small. A 68 room hotel in Portland would not be considered boutique, how does that possibly fit in Bridgton. I am also sure the residents in the rental units on Kennard Street consider it a neighborhood, not a commercial development. The traffic generated by the rental units is no greater than if they were occupied by their owners. Now compare that to a 68 room Hotel and 175 capacity Banquet Room. The "bait shop" is run by two teenage girls to help introduce them to the business world. It does not appear to be a threat to Bass Pro Shops yet.

Wilbert E. Libbey
Bridgton

Hotel Bridgton FAILS to meet SPRO Performance Standard 2 (compatible scale and size)

In the most recent revision to the Hotel Bridgton Proposal submitted to the Planning Board 1/17/19 the Applicant provides narrative attempting to demonstrate his burden of proof for meeting the Site Plan Review Ordinance (SPRO) Performance Standard 2. Relationship to Surroundings: Proposed structures or additions to existing structures shall be harmonious with the terrain and existing buildings in the vicinity and shall; a. Be of compatible scale and size. The narrative indicates "the site design and traditional architecture of the proposed buildings will compliment the historic style of the buildings on Main Street, including the adjacent NHAGA building". The Applicant's recently constructed Chalmers - NHAGA building is on Main Street opposite Stevens Brook from the Hotel site and within the Village Center District defined in the SPRO. The proposed Hotel site is surrounded by the residential neighborhood of Kennard & Bacon Streets and Highland Road and is NOT in the Village Center. The Applicant claims "Because the proposed buildings are more similarly scaled to the Main Street corridor, the project site was designed to interact with downtown Bridgton". The Applicant provides a table of Building Sizes in the Downtown area comparing Footprint Area and Volume of Renys, Magic Lantern, Office Building on Theatre Site, and the Existing Mill Buildings including separate house. The Table disingenuously separates the footprint area and volume of the two proposed connected Hotel buildings, perhaps hoping the Planning Board and/or public cannot add for proper comparison. Using their numbers the total Hotel buildings footprint is 13,330 sq.ft. & 405,908 cu.ft. meaning the proposed Hotel is only smaller to Renys and the existing Mill Building including the separate house by footprint and only Renys building is larger by volume at 426,000 cu.ft. Why was the footprint and volume numbers for the "adjacent" Chalmers-NHAGA building left out of his comparison Table? Perhaps because the Hotel buildings are nearly 6 times larger than the Chalmers-NHAGA building. A more striking omission is any mention of the footprint, total square footage, or volume of the surrounding and abutting neighborhood homes! The Applicant is attempting to redefine the meaning of "Relationship to Surroundings" and "existing buildings in the vicinity" in the SPRO as the largest building he can find in the center of Town. The Hotel will be a 38,862 sq.ft. building compared to the abutting less than 2000 sq.ft. homes and will included an enormous 82 car parking area, 26 spaces surrounding the home at 4 Kennard Street. Let's be honest and fair to the neighboring residents of Bridgton. For this and many other failings this proposal must be denied by the Planning Board.

Sincerely,
Doug Oakley
Bridgton Resident

Section 13. Establishment of Districts
c. General Development Districts

2. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development Districts may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance.

There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA and adjacent to rivers that which flow to great ponds classified GPA.

The Applicant may NOT expand the General Development District property Map 22 Lot 86 (1.63 acres) into the Stream Protection District property Map 22 Lot 85 (0.78 acres)

Section 13. Establishment of Districts
D. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream, exclusive of those areas within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 7. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality the more restrictive provision shall control.

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Allowed with approval from the Planning Board

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection SP - Stream Protection District

LR - Limited Residential GDI - General Development I District

GDII - General Development II District

E & S - Erosion and Sedimentation Control District

TABLE 1. LAND USES IN THE SHORELAND ZONE

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICTS				
	SP	RP	LR	GDI	GDII
27. Filling & earthmoving of less than 10 cubic yards	No	CEO	Yes	Yes	Yes
28. Filling & earthmoving of greater than 10 cubic yards	No	PB	CEO	CEO	CEO

The Applicant's proposal (blueprints) show large areas of Fill within the 75 foot setback in the Stream Protection District which is PROHIBITED. The proposal also calls for installation of a 3 foot Storm Drain pipe SD5 & SD6 within the Stream Protection District that would clearly require earthmoving and is PROHIBITED and may be considered an accessory structure that is also prohibited. The proposal also show installation of a retaining wall within the Stream Protection District that would require Fill & earthmoving and is PROHIBITED.

Applicant: Provided NO written narrative addressing Section 14.

Section 15. Land Use Standards

B. Principal and Accessory Structures

NOTE: Section 16.1 of this Ordinance provides significant penalties for violations involving vegetative cutting, earthmoving or other construction conducted before or after the issuance of any permit.

NOTE: See Section requirements. 15.R "Water Quality" for additional

1. All new principal and accessory structures utilizing solid wall foundations shall be set back at least one hundred and twelve (112) feet horizontal distance, from the normal high-water line of great ponds classified GPA, rivers that flow to great ponds classified GPA and the upland edge of any wetland contiguous to those great ponds and rivers. Areas more than 100 feet horizontal distance, from the normal high water line of all great ponds, rivers that flow to great ponds, tributaries and wetlands contiguous to those great ponds, rivers and tributaries may be used for construction of structures such as decks and patios which do not have solid wall foundations. All new principal and accessory structures shall be set back at least seventy-five 75 feet horizontal distance, from the normal highwater line of other water bodies, streams, and the upland edge of other wetlands. In the General Development Districts the setback from the normal high-water line shall be a minimum of fifty (50) feet horizontal distance. The water body or wetland setback provision shall not apply to docks and retaining walls. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

The Planning Board may reduce the setback requirement for projects in the General Development District by up to 50% upon a positive finding of fact that, for any lot of record, all of the following provisions are met:

a. The total area impacted by the proposed setback reduction shall not exceed 25% of the portion of the lot lying within 50 feet of the normal high water mark of any river or tributary stream regulated by this Ordinance.

The Shoreland Zoning Narrative provided by the Applicant only states the area of the proposed accessory structure (Building 2) within setback at 10%. The Applicant FAILS to provide the area numbers impacted for the parking lot, area impacted by proposed Fill, and area impacted by proposed retaining wall. All of these additional areas impacted have been left out of the Applicant Narrative failing his burden of proof that he has met this Standard.

Building 2	1432 sq.ft.
Parking Lot ~ 80' x 20' =	1600 sq.ft
Retaining wall ~ 30' x 3' =	90 sq.ft.
Area with Fill conservative estimate ~ 120' x 10' =	1200 sq.ft.
Total area impacted	4322 sq.ft.

25% of Total area within 50' (14022 sq.ft. x 0.25 = 3506 sq.ft.) **3506 sq.ft** Total allowed

Applicant: "Total area lying within 50' of the normal high water mark of Stevens Brook: 14,022 square feet

Total area of proposed building within 50' of Stevens Brook: 1432 square feet (10%)"

b. Infiltration systems shall be installed and maintained to infiltrate storm water runoff from all man-made impervious surfaces on the property. Systems shall be sized to accommodate all runoff from a two inch precipitation event of 24-hour duration and shall be located at least 50 feet from the normal high water mark of any river or tributary stream regulated by this Ordinance.

The Applicants drawing C-4.0 shows a 4" storm drain pipe, UD, under the parking lot adjacent to Building 2 within the 50 foot setback which is prohibited, FAILING this requirement. Applicant has provided calculations for the entire project in the Stormwater Management Report but has not provided the calculations specific to the area within the 50 foot setback in the Shoreland Zone. The Applicant has the burden of proof to provide numbers for this specific area.

c. There shall be a net increase in the area of the lot which is covered by multi-level vegetation combining ground cover, bushes and trees with at least 50% evenly-distributed tree leaf canopy as viewed from above. All areas of the property not covered by structures (roads, buildings, parking areas, septic systems, etc.) shall be re-vegetated and maintained in such a manner.

Applicant claims there will be a net increase in area covered, but fails to provide the calculation of existing area coverage verse proposed area coverage and has not provided any evidence that it will be at least 50% evenly-distributed tree leaf canopy as viewed from above. No area numbers are provided in the Applicant's Narrative.

Applicant: "Limited clearing is proposed within the shoreland zone in order to remove dead, dying, diseased, or invasive vegetation. Any clearing that results in a loss of multi-level vegetation will be revegetated in accordance with this standard and standard P.2. Proposed multi-level plantings shown on the landscape plan, including those directly adjacent to Stevens Brook will increase the area of multi-level vegetation within the shoreland zone."

d. The proposal shall be designed and built to reduce the gross amount of phosphorus exported from the property by a minimum of 10%.

An independent third party Engineering review would likely be required to determine if the Applicant has met this Standard.

Section 15. Land Use Standards

B. Principal and Accessory Structures

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

Applicant: The proposed building is 35' in height at the roof ridges.

Section 17. Definitions

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

The Applicants plans show a prior to construction grade at the downhill side of the building of 414 feet. The applicant's 35' measurement is from the finished grade after fill of 420 feet. The Applicant FAILS to meet this standard by the 6 foot difference since his measurement is not from grade prior to construction.

Section 15. Land Use Standards

B. Principal and Accessory Structures

7. All new principal and accessory structures shall be set back at least 10 feet from all side and rear (non-shoreline) lot lines . (6/03)

Although the Applicant has revised the proposal to move the principle structure (Hotel) outside the required 75 foot setback on the parcel in the Stream Protection District (Map 22 Lot 85), the principle structure (Hotel) FAILS the 10 foot side setback requirement for the parcel in the General Development I District (Map 22 Lot 86). A portion of the Hotel is within the 10 foot side setback and would require yet another plan revision.

Applicant: All structures are set back at least 20' from all side and rear (non-shoreline) lot lines in accordance with the Site Plan Review Ordinance.

The Applicant has not met the 20' set back requirement in accordance with Article X of the Site Plan Review Ordinance (see further description below)

Section 15. Land Use Standards

C. Docks, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water body or Within a Wetland.

Applicant: Not Applicable

The Applicant's proposal, drawing C-3.0, includes a **Footbridge over Stevens Brook** (38' x 5'). Construction of a new Bridge over the Brook should be subject to all requirements of this Standard. The Applicant would have to have an approved "Permit by Rule" from DEP. Where has this been provided in the application?

Section 15. Land Use Standards

G. Parking Areas

3. In determining the appropriate size of proposed parking facilities, the following shall apply:

a. Typical parking space: Approximately ten (10) twenty (20) feet long, except that parking spaces and boat trailer shall be forty (40) feet long.

Applicant's design drawings show nine parking spots proposed within the 50 foot setback and assumed the Planning Board has granted the 25 foot reduction in the minimum setback. As previously mentioned the applicant has failed to meet the requirement for granting this reduction. The Applicant's designs specify the typical dimensions for these parking spaces as 9 feet by 18 feet for a total area of 162 sq.ft. per space. The Standard above say ~ 10 feet by 20 feet for a total area of 200 sq.ft. per space. This represents a 19% reduction in the "appropriate size" per parking space. If the Applicant followed the Standard there would only be Seven parking spaces in the area within the proposed reduced Shoreland setback of 50 feet, rather than Nine. 162 sq.ft. is NOT approximately equal to 200 sq.ft

Applicant: Proposed parking spaces throughout the site are 9' x 18', which is a very common parking space size, and is adequate for all passenger vehicles.

Bridgton Site Plan Review Ordinance Review Standard 26.

In the narrative for the Hotel Bridgton proposal regarding meeting all the Bridgton Site Plan Review/Performance Standards the Applicant claims to have meet Standard 26. Dimensional Requirements as stated: "The project meets the required setbacks listed above. Setbacks are shown on the project drawings." Unfortunately for the Applicant this simply is not true. The project drawings clearly show that the 48 parking spaces (46 with revised secondary emergency access) along all the abutting properties are within 3 or 4 feet of the property lines. **Site Plan Review Standard 26 requires a minimum side and rear setback of 20 feet from the property lines.** The Applicant narrative fails to address the Site Plan's clarification of this standard in **Article X. SPECIAL REGULATIONS AND DIMENSIONAL REQUIREMENTS, SECTION 2. Dimensional Requirements** that states: **1. Lots and structures** for residential-institutional, industrial, commerce and commercial uses, shall meet the following standards where applicable; Minimum side and rear setback 20 feet. The Engineer representing the Applicant suggests that paved parking lots are not considered structures and therefore are not required to meet the Standard. But as stated in Article X above, the requirement pertains to Lots and Structures. This is further clarified in the Site Plan Ordinance in the **definitions section for Setback** – The horizontal distance from a lot line or referred location to the nearest part of a **structure or activity**. Even if the Engineer is correct that a paved parking lot surface is not a structure, clearly parking is an "activity" and therefore is included in this Standard. The Planning Board does have the following authority, but the applicant did not request a waiver since they claim the Standard has been met. **ARTICLE II. AUTHORITY AND ADMINISTRATION SECTION 3. General Provisions 1.** The **Reviewing Authority may modify or waive** any of the application requirement or performance standards when it determines that because of the **special circumstances of the site** such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not **adversely affect the abutting landowners** and the general health, safety and welfare of the Town. The requirement for a waiver has clearly not been met. The special circumstance of the site is that the Applicants proposed hotel and parking lot are grossly too large for this small parcel of land. Not adhering to the proper 20 foot setback adversely affects the abutting landowners and in the case of the resident at 4 Kennard Street the property is surrounded on 3 sides with parking spaces that fail to meet the setback standard. The Planning Board has no choice but to apply the 20 foot setback Standard and protect the rights of the abutting landowners.

Bullet Points:

Section 13. Establishment of Districts c. General Development Districts: There shall be no newly established General Development Districts or expansions in area of existing General Development Districts

- **Section 14. Table of Land Uses (27. & 28.):** Filling & earthmoving of greater than or less than 10 cubic yards is PROHIBITED within the Stream Protection District, within the 75' setback. The proposal drawings show feet of fill, a 3 foot storm drain, and a retaining wall all within the Prohibited 75' setback
- **Section 15. Land Use Standards B. Principal and Accessory Structures:** The Applicant fails to meet all the provisions for a 50% reduction in setback in the General Development District. a. Proposal exceeds 25% of the total area impacted of the portion of the lot lying within 50 feet. b. Proposal has a 4" storm drain within the 50 foot setback requirement. c. Proposal fails to provide data proving a net increase in area covered by multi-level vegetation and at least 50% evenly-distributed tree leaf canopy as viewed from above. d. Reduction in the gross amount of phosphorus exported from the property by a minimum of 10% should be verified by an independent third party review.
- 2. Buildings 1 & 2 fail to meet the 35' height requirement measured from the mean original (prior to construction) grade at the downhill side of the structure, as defined in the SLZO.
- 7. The principal structures Building 1 fails to meet the 10 foot side setback from the lot line requirement for the parcel in the General Development I District (Map 22 Lot 86), the boundary between SP District and GD District which cannot be expanded.
- **Section 15. Land Use Standards C. Docks, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water body or Within a Wetland:** Applicant has not demonstrated a permitted plan for the Footbridge over Stevens Brook or any narrative for meeting this Standard.
- **Section 15. Land Use Standards G. Parking Areas:** The Applicants parking spaces within the GD District 50 foot setback are not approximately equal to the standard space size of 10' x 20' requirement and instead have been reduced by 19% to 9' x 18', squeezing 9 spaces in the area where 7 spaces would fit under this Standard.