

## Brenda Day

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**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

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

**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.
<b>Total area impacted</b>	<b>4322 sq.ft.</b>

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.