

May 21, 2019

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

Re: Hotel Bridgton Hearing 4

Dear Members of the Planning Board

As with the prior versions of the hotel plans and narrative, review of the latest Hotel Bridgton revisions dated May 10, 2019 reveal a number of changes that are not well addressed in the application.

Attachment 3

Drawing A101. The new hotel rendering has a 29 seat café (kitchen, coffee bar and serving counter) on the first floor. This change contradicts the original application wherein the applicant indicates that NO food would be prepared at the hotel. All food would be catered at the Conference Center which is no longer part of the project. The presence of this new café is not discussed in the narrative where one would have expected some presentation of why a kitchen/café is now being proposed.

Drawing A102. The new hotel rendering shows a fire pit on a second floor balcony. Most fire pit manufacturers indicate that the fire pit must be at least 20 feet from a flammable surface (deck or wall) or have the flammable surface covered with a fire proof protection. Could the fire department access the rear of the building easily in the event of a fire?

The May 21, 2019 letter from the applicant's lawyer states that the Fire Chief (as well as other department heads) have reviewed the project and signed impact statements. However, NO impact statements from the new Fire Chief (including cited conditions), nor from the Police Chief, Public Works Director or Code Enforcement Officer were included in the Application.

Attachment 5

1. The addition of the cafe on the first floor is NOT reflected in the EDU summary in Attachment 5 updated on May 10. Neither employees nor the the wastewater needs of the proposed kitchen are included in the wastewater estimate.

2. The pool is still NOT accounted for in either the water or wastewater summaries in Attachment 5. How is the pool to be filled and how is the pool to be drained for maintenance?
3. 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. (repeated from the THREE prior reviews)
4. 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. (repeated from the THREE prior reviews)

Attachment 10

Site Plan Review

Item 2 – The additional height required for the elevator is just now coming to light. Did the applicant not know that the elevator shaft would exceed the building height requirement before this fourth revision of the plan?

Item 7 – Existing utilities. The applicant shows a kitchen/café on the first floor of the hotel – a space which has not been part of the prior revisions of the hotel and which is NOT accounted for in the wastewater loading. The applicant has NOT accounted for the water needs of the pool in either the filling phase OR the draining of the pool for maintenance. Thus, the applicant's claim of no unreasonable burden on public utilities has not been met.

Item 13 – Protection against undue water pollution. The drawings, specifically Drawing C-4.0, show fill within 25 feet of Stevens Brook in the General Development Parcel and within 75 feet of Steven Brook in the Shoreland Protection parcel. These steep slopes are proposed in areas which do not now have steep slopes and have the potential for erosion in those locations. No fill is permitted in such close proximity to a water body under the Town's Shoreland Zoning Ordinance.

Item 16 – Erosion, see comments for Item 13.

Item 17 – Please see comments under Item 7 existing utilities.

Item 21 – Conformance with 2014 Comprehensive Plan - The Comprehensive Plan quoted "to put in place policies that provide stable employment opportunities at a living wage". The Bureau of Labor Statistics indicates that the median hourly wage for a hotel clerk is \$11.39 (\$23,700 a year) and the median hourly wage for maids and housekeeping staff is \$11.43 which does not meet the living wage calculation for the State of Maine (livingwage.mit.edu). So the hotel would be yet another low wage employer in the Town.

Shoreland Zoning Ordinance

The applicant's narrative of the Shoreland Zone Ordinance does not include Section 14 Table of Land Uses. The Table is presented below. This omission is important because the proposed project would violate allowed land uses regarding fill in the Shoreland Protection Zone.

Table 1. Land Uses in Shoreland Zone

Land Uses	Districts				
	SP	RP	LR	GD1	GD2
Non-intensive Recreational Use	Yes	Yes	Yes	Yes	Yes
Motorized traffic on existing roads/trails	Yes	Yes	Yes	Yes	Yes
Clearing or Vegetation removal	CEO	CEO ¹	Yes	Yes	Yes
Fire Prevention Activities	Yes	Yes	Yes	Yes	Yes
Wildlife Management Practices	Yes	Yes	Yes	Yes	Yes
Soil and Water Conservation Practices	Yes	Yes	Yes	Yes	Yes
Mineral Exploration	No	Yes ²	Yes	Yes	Yes
Mineral Extraction	No	PB ³	PB	PB	PB
Surveying and Resource Analysis	Yes	Yes	Yes	Yes	Yes
Emergency Operations	Yes	Yes	Yes	Yes	Yes
Agriculture	No	No	No	No	No
Aquaculture	PB	PB	PB	Yes	Yes
Principal Structures and Uses					
One/two family residence	No	PB	CEO	CEO	CEO
Multi-Unit Residential	No	No	PB	PB	PB
Commercial/Industrial	No	No	No	PB	PB
Governmental/Institutional	No	No	No	PB	PB
Small Educational Facilities	No	No	CEO	CEO	CEO
Driveway for Residences	PB	PB	CEO	CEO	CEO
Accessory Structures	No	No	CEO	Yes	Yes

Docks, structures over or below water	CEO/PB	CEO/PB	CEO/PB	CEO/PB	CEO/PB
Conversions to year round	LPI	LPI	LPI	LPI	LPI
Home Occupations	PB	No	PB	Yes	Yes
Private Sewage Disposal	LPI	LPI	LPI	LPI	No
Essential Services	PB	PB	PB	PB	PB
Service Drops	Yes	Yes	Yes	Yes	Yes
Public and Private Recreational Areas	PB	PB	PB	CEO	CEO
Private Campsites	CEO	CEO	CEO	CEO	CEO
Campgrounds	No	No	PB	PB	PB
Road Construction	No	No	PB	PB	PB

Parking Facilities	No	No	PB	PB	PB
Marinas	PB	No	PB	PB	PB
Filling and Earthmoving					
Less than 10 cubic yards	No	CEO	Yes	Yes	Yes
More than 10 cubic yards	No	PB	CEO	CEO	CEO
Signs	Yes	Yes	Yes	Yes	Yes
Construction					
More than 100 square feet	CEO	CEO	CEO	CEO	CEO
More than 10,000 square feet	PB	PB	PB	PB	PB

Section 15 B Principal and Accessory Structures

1a. In the calculations of the total area IMPACTED by the proposed setback reduction, the Applicant's Engineer calculates only the structures as impacts, not the fill required to support those structures. Earthmoving is an impact and the slopes shown on drawing C-4.0 clearly show significant amounts of fill impacts in the proposed setback reduction. Fill lines encroach upon the 25 foot setback from Stevens Brook.

Section 15C Docks, Bridges, and Other Structures and Uses Extending Over or Below the High Water Line of a Water Body or Within a Wetland

There is mention of the required MEDEP Permit-By-Rule for the walkway but the Applicant indicates that the permit would be acquired prior to construction. Acquisition and presentation to the CEO of ALL required permits should be a condition of Planning Board approval.

Drawings

1. Drawing C-1.0 lacks any reference to the required MEDEP/USACOE permits for the proposed walkway over Stevens Brook.
2. Neither Drawing C-3.0 nor Drawing C-3.2 has spaces to park tour buses. The applicant indicated in prior versions of the hotel plan that he would welcome tour buses but providing no parking for them makes it unlikely that any tour buses will take advantage of the opportunity to stop in Bridgton.
3. Drawing C-3.2 lacks elevation lines. How far underwater is the Nulty Street parking lot during a 100 year flood?
4. Drawing C-4.0 shows earthmoving and fill within the 75 foot Shoreland Protection Zone in the Shoreland Parcel. Note the new drain piping that passes through the 75 foot setback as well as the significant amount of fill required to flatten the site between the rear of the hotel and Stevens Brook. In the general Development Zone parcel, significant amounts of fill would be required to stabilize the foundation of Building 2 and the south parking lot, the 3:1 slope fill encroaches within 25 feet of Stevens Brook. This is a major impact that has not been addressed adequately under the Shoreland Zone requirements. (This is the THIRD time we have brought this same comment to the attention of the Board and the Applicant).

Last, but certainly NOT least, I was deeply disturbed to read the May 21, 2019 letter from Mr. Bower, the applicant's lawyer wherein he states "On May 8, 2019, he (Mr. Michael Morse) and the Applicant met with the Code Enforcement Officer, who went through all of the review criteria for the project and found it in full compliance."

The initial thought was that the Planning Board, not the CEO, has jurisdiction, over many of the uses permitted for Stream Protection Zones in Table 1 AND some uses, such as earthmoving, are prohibited so that neither the Planning Board nor the Code Enforcement Officer can approve them.

The second thought is that there is no documentation of this meeting and there is no written technical review from Mr. Morse included in the application even though it took place two days before the May 10 submission of documents.

But the most disturbing fact, to a member of the public, is that this was a private meeting between the applicant, his consultant, and a representative of the Town on a public matter before the Planning Board during the Public Hearing phase of the review. It looks like an end run around the Planning Board as well as the public, and reinforces the lack of trust that the public has that impartiality and strict adherence to Town Ordinance standards will govern the rulings on this application.

Sincerely,

Catherine S. DiPietro, P.E.

Date: May 22, 2019

To: Bridgton Planning Board Chair – Steve Collins

Dear Mr. Chair,

I respectfully request that the latest submission from the Applicant of the Hotel Bridgton project be considered having significant, substantial, and substantive changes from all the previous versions and as such should be treated as a completely NEW application by the Planning Board.

As a new or substantially revised application I would also request that the Planning Board vote to require an independent third party engineering review of the following; environmental impact and compliance with the Shoreland Zoning Ordinance, to complete a traffic study conducted during the peak summer tourism season at Bacon St., Kennard St., Nulty St., Highland Rd., and Main St. at their intersections, and to review the Americans with Disabilities Act (ADA) compliance with all standards.

The justification for these independent reviews comes from the Applicants repeated assertions that he and his team of professionals have met or exceed all Ordinance Review Standards on previous applications only to later admit errors, omissions, or mistakes with each new submission. Each of these changes were made only after the non-compliance of his submissions were brought to light by members of the Planning Board or the Public during the four previous hearings. All these changes leave me, friends, neighbors, and certainly other members of the public questioning the Applicants due diligence and good faith efforts to adhere to all the Site Plan and Shoreland Zoning Ordinance Review Standards. A third party independent review would assure that the public's interests, the sensitive and invaluable watershed, and most importantly the abutter's rights all will be preserved.

Even the latest submission from the Applicant fails to address some important Review Standards (not limited to the following):

Drawing C-4.0 continues to show new elevation contour lines 415' to 419' within the 75 foot Stream Protection District where the Shoreland Zoning Ordinance (SLZO) Section 14 (Table of Land Uses) clearly indicates that Filling & earthmoving are NO, where NO is defined as Prohibited.

Drawing C-4.0 continues to shows that the storm drain pipe SD5 being placed within the 75 foot setback of the Stream Protection District where the SLZO Section 14 (Table of Land Uses) clearly indicates that Filling & earthmoving are NO, where NO is defined as Prohibited.

Drawing C-4.0 continues to show new elevation contour lines 412' to 417' within the 50 foot setback from Stevens brook in the General Development District. The Applicant has indicated that he has met all the criteria for the Planning Board to grant a reduction of the 50 foot setback requirement Section 15 B-1a. The Applicant fails the first provision for this request "a. The total area impacted by the proposed setback reduction shall not exceed 25% of the portion of the lot lying within 50 feet". The Applicant's calculations for impacted area only include permanently placed building II and adjacent parking area, and NOT the total "area impacted" and should include areas of filling and earthmoving to recontour the elevation within the setback. The Applicant fails Section 15 B-1b. also since one of the Storm Drains (4" UD) under the parking area is within the 50 foot setback.

The Applicant continues to claim that the proposed hotel building complex and parking are of compatible Scale & Size to the surroundings conveniently including the two largest buildings in the downtown area Reny's and The Magic Lantern for comparison. All the buildings listed in his comparison are within the Village Center District as show on the map in the Site Plan Review Ordinance (SPRO), yet the proposed Hotel on the Saunders Mill site is on the opposite North West side of Stevens Brook outside of, NOT within the Village Center District. Most of the abutting and neighboring residential homes on Bacon St. & Kennard St. have a base area of 1000 square feet or less and a total of less than 2000 square feet of living space. The proposed Hotel at 37,902 square feet of floor area DWARFS these houses (~ 19 times larger) even before you consider the enormous paved parking area. In no possible way can the Hotel be considered of comparable Size & Scale or harmonious with the neighborhood houses in the vicinity.

The Applicants latest submission now includes a request for a height waiver from the Planning Board, where the Applicant had previously asserted that the Hotel was in full compliance with the height restrictions in the Ordinances. The Applicant's justification for the additional 2 feet of height above the 35 foot maximum height requirement appears to be for the elevator shaft to be ADA compliant. This latest revision suggests that the Applicant has only recently discovered that the elevator would not have proper clearance and therefor his previous claims of full ADA compliance were not accurate.

These examples of noncompliance clearly demonstrate a need for an independent third party engineering review.

Sincerely,

--Douglas Oakley

Bridgton Resident