

MEMBERS PRESENT

Steve Collins, Chair
Deb Brusini, Vice Chair
Doug Oakley-recused for Hotel

Dee Miller

Ken Gibbs
Diane Paul -recused for Hotel

MEMBERS ABSENT

STAFF PRESENT

Robert Baker, Code Enforcement

Brenda Day, Secretary

Item #1 Call to Order

Steve, Chair, called the meeting to order in the downstairs conference room at 6:00p.m. on March 20, 2019.

Item #2 The Pledge of Allegiance

Item #3 Appoint Alternate(s)

All regular members in attendance. No alternates appointed.

Item #4 Approval of Minutes:

None

Item #5 Old Business-

none

Item #6 New Business

Item #8 Approved Applications as per Bridgton Site Plan Review Ordinance 4.A.1

Hotel Bridgton
Saunders Mills, LLC
12 Bacon St. Map 22 Lot 85,86, 70
Hotel
Presented by Michael E. Tadema-Wielandt
Terradyn Consultants, LLC
Review of Findings of Facts and Conclusion of Law

**TOWN OF BRIDGTON
BRIDGTON PLANNING BOARD**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Property Owners/Applicants: (hereinafter, collectively referred to as the “Applicant”)

Saunders Mill, LLC
175 Portland Road
Bridgton, Maine 04009
(Tax Map 22, Lots 85 and 86).

Main Eco Properties, LLC
P.O. Box 50
Bridgton, Maine 04009
(Tax Map 22, Lot 70).

Nulty Street, LLC
175 Portland Road
Bridgton, Maine 04009
(Tax Map 23, Lot 24).

Attn: Justin McIver, Principal

Property Location: 12 Bacon Street, Bridgton, Maine
Bridgton Tax Map 22, Lots 70, 85, and 86; Bridgton Tax Map 23, Lot 24

The Planning Board of the Town of Bridgton (the “Planning Board” or the “Board”), at a meeting of the Board held on June 10, 2019, after reviewing the application materials and supporting documents submitted by the Applicant, public comments and testimony, impact statements, and other related materials on file, finds the following facts:¹

I. PROCEDURAL HISTORY

- A. On February 22, 2018, the Applicant submitted a formal site plan application to the Town of Bridgton, with the required application fee and notice to the Bridgton Town Manager and property owners within 100 feet of the subject property.
- B. On March 6, 2018, the Planning Board tabled its review of the application because the application was deemed incomplete.
- C. On April 21, 2018, the Applicant and its agents, the Planning Board, and members of the public conducted a site visit to on the subject property.
- D. On April 25, 2018, the Planning Board held a public hearing on the proposal. The hearing was continued on December 12, 2018, on January 30, 2019, and on May 22, 2019. Thereafter, the Planning Board closed the public hearing on May 22, 2019. Public comments were accepted at each phase of the public hearing. Many members of the public expressed support or opposition to the proposal. Supporters of the proposal discussed, among other things, the positive impact of the proposal on tourism, jobs, the tax base, and the economy (*see, e.g.*, 5/5/18 letter from Walter E. Shaw, Jr.; 5/5/18 letter from David Gunville; 5/5/18 letter from Steve Rickert; 3/4/18 letter from Jimmy Burke; 3/4/18 letter from Kevin Hancock; 3/3/18 letter from Beverly Chalmers; undated letter from Tom Chalmers; 3/3/18 letter from Jacquie Newson; 3/2/18 letter from Chet and Geoff Homer; 4/30/18 letter from Judith Evergreen). Concerns raised by members of the public included, among other things, the appropriateness of the proposed location of the hotel; environmental impacts on Stevens Brook; impacts of the proposal on the Town’s recreational areas and beaches; traffic, light, and noise impacts on surrounding residential

¹ References herein to the site plan application materials and supporting documentation submitted by the Applicant on May 10, 2019 (hereinafter, “App. ___”) are illustrative and do not identify all of the evidence relied on by the Planning Board in making its findings.

areas; impacts on the Town's public sewer system; and compliance with the Town's shoreland zoning ordinance (*see, e.g.*, 3/6/18 letter from James and Betty Hathaway; 3/5/18 letter from Laura Cleveland; undated letter from Perri Black; 3/22/18 letter from Judith von Sicard; 3/13/18 letter from Donna Ross; 12/11/18 and 1/30/19 letters from Catherine S. DiPietro; 12/29/18 letter from Christine White). Written comments are on file with the Town.

- E. The application was reviewed by the Department Heads and impact statements were submitted by each Department Head and updated as of May 22, 2019 based on the Applicant's May 10, 2019 filing, and are on file with the Town.
- F. In response to comments from the Planning Board, Department Heads, and members of the public, the Applicant revised the proposal and resubmitted its application and supporting documentation on February 22, 2018; on March 22, 2018; on October 25, 2018; on January 17, 2019; and on May 10, 2019. Among other changes, the Applicant redesigned and reduced the scale and height of the proposed hotel structure; eliminated curb cuts and reduced access driveways to one main drive and one emergency-access, gated drive; and eliminated a proposed conference/banquet center and restaurant.
- G. The Planning Board held deliberations on the proposal on May 29, 2019 and on May 31, 2019.

II. EXISTING CONDITIONS

- A. The Subject Property. The subject property is composed of three adjoining parcels totaling approximately 2.53 acres in size, with frontage on Bacon Street and Kennard Street, as shown on Bridgton Tax Map 22 Lots 70, 85, and 86 (hereinafter, collectively referred to as the "Hotel Site"); and a parcel separated by roughly 400 feet from the Hotel Site to the east, approximately 0.42 acres in size with frontage on Nulty Street, as shown on Bridgton Tax Map 23, Lot 24 (hereinafter, referred to as the "Satellite Lot") (App. 1, 23-36; Sheet C-1.0, C-3.2). Two permanent, non-exclusive pedestrian easements over and across certain Town-owned property connect the Hotel Site to the Highland Road by an existing gravel drive located along the northeast shore of so-called Gibbs Mill Pond (App. 27-29, 45; Sheet 1).
- B. Ownership. The subject property is owned by Saunders Mill, LLC (owner of Tax Map 22, Lots 85 and 86); Main Eco Properties, LLC (owner of Tax Map 22, Lot 70); and Nulty Street, LLC (owner of Tax Map 23, Lot 24), all Maine limited liability companies whose sole member is Justin McIver (App. 22-36, 210).
- C. Existing Structures and Uses on the Subject Property. The Hotel Site is the site of the former Fred P. Saunders dowel factory, a pre-existing commercial use (App. 1). Lot 86 is developed with an old cement block mill building, two storage buildings, a paved driveway, gravel driveway and compacted gravel areas encircling the old the mill building (App. 1; Sheet 1, C-2.0) (the "Dowel Factory Lot"). Lot 85 was formerly used for log storage and watering, and is developed with a gravel driveway connecting it to the Dowel Factory Lot and compacted gravel areas (the "Log Storage Lot"). Lot 70 is developed with an existing single-family residential dwelling with an attached barn and enclosed porch, a shed, and a paved driveway (App. 1; Sheet 1, C-2.0). The Satellite Lot is developed with a dilapidated asphalt-paved parking lot (App. 199; Sheet C-3.2).

- D. Natural and Topographic Conditions; Non-Structural Features. The Hotel Site is bounded along its southern boundary by Stevens Brook and generally slopes gently from north to south (App. 1, 45; Sheet 1, C-4.0). Stormwater runoff drains directly to Stevens Brook via existing storm drains that discharge stormwater directly into the brook, including a drainage ditch and a 36" concrete culvert that diverts runoff from upstream areas of the Hotel Site to Stevens Brook (App. 45; Sheet 1, C-4.0). Existing soils are likely not native but rather fill (App. 45-46). A pedestrian trail, known as the Stevens Brook Trail, crosses the Hotel Site along the north shore of Stevens Brook from Bacon Street to the southwest corner of the Hotel Site, and continues on Town-owned land southward to the Gibbs Mill Pond dam and Shorey Park, a Town-owned recreational area located on the southerly shore of Stevens Brook, and eastward to the Highland Road and Highland Lake Beach, a Town-owned recreation area located on the southerly tip of Highland Lake (App. 1, 45). There is an existing sign at Bacon Street marking the trail, but there is currently no formal trail surface visible across the Hotel Site (App. 45).
- E. Neighboring Structures and Uses. The Hotel Site is situated within 1,000 feet of Main Street and adjoins Kennard and Bacon Streets; Kennard Street is a residential area characterized by roughly a dozen residential dwellings and accessory structures (App. 193). Among other nearby structures and uses, the subject property is located within 1,000 feet of the Reny's department store, NAHGA insurance building, Magic Lantern movie theater, and an office complex (App. 193).

III. THE PROPOSAL

- A. Demolition. The Applicant proposes to demolish and dispose of the old mill building and accessory storage buildings, paved driveways, gravel driveways, compacted gravel areas, single-family dwelling and accessory structures, and certain culverts, hydrants, wells, and tanks located on the Hotel Site (App. Sheet C-2.0). Those areas that are not proposed to be replaced with new structures will be revegetated (App. Sheet C-3.0).
- B. Hotel Structure. The Applicant seeks permit approval to construct a three-story 66-room hotel structure—including a connected indoor pool house, fitness center, sun porch, portico over the main entry, and covered concrete patios—with a total footprint of 15,355 square feet and a total floor area of 37,902 square feet on the Hotel Site, as well as an outdoor permeable paver patio with table and lounge seating adjoining the hotel structure (App. 1, 12-21, 46; Sheet C-3.0).
- C. Parking Lots; Vehicle and Pedestrian Access. The Applicant proposes to construct a 51-space porous/permeable pavement parking lot connected by a 20-foot wide driveway and 6-foot wide concrete sidewalk and curb, all adjoining the northerly and easterly sides of the hotel structure, on the Hotel Site (App. 2; Sheet C-3.0). Vehicle access is proposed via Bacon Street, and gated secondary emergency access is proposed via Kennard Street (App. 2; Sheet C-3.0, C-3.1). A public concrete sidewalk and curb is also proposed along the west side Bacon Street connecting the Hotel Site to Main Street (App. 2). The Applicant also proposes to continue use of the Satellite Lot for parking by repaving and restriping the lot to delineate 33 parking spaces thereon (App. 199).
- D. Non-Structural Features. The Applicant proposes to install a stormwater management and phosphorus control system composed of (i) porous pavement with a subsurface gravel section or a perforated underdrain inlet system; (ii) porous paver system patio area; (iii) roof drain and dripedge systems and infiltration trench; and (iv) traditional stormwater runoff and phosphorous control measures, such as installing, replacing or relocating

drainage ditches, culverts, and catch basins, as well as grading, earthmoving, and revegetating the Hotel Site in order to redirect runoff to infiltration systems and vegetated buffers (App. 48-50, 67-73; Sheet C-4.0, C-6.0, C-6.1, C-6.3). The Applicant proposes to remove approximately 40 trees on the Hotel Site, as well as invasive species and dead/diseased vegetation along the north shore of Stevens Brook, and proposes to plant 46 new trees, 474 shrubs and perennial grasses, and groundcover on the Hotel Site (App. 192; Sheet L100). The Applicant also proposes to install stockade fencing along portions of the north and east perimeter of the Hotel Site; relocate large boulders on the site to create a boulder landscape feature and fire pit in the southwest corner of the Hotel Site; install pole-mounted, full cut-off light fixtures ranging from 15 to 17 feet in mounting height in the Hotel Site parking areas and access drives; install underground septic tanks and a pump station; and install two seating areas and bollard lights 3 feet in mounting height along the Stevens Brook Trail (App. 2, 46, 206; Sheet C-3.0, C-6.0, L100, P-1.0).

- E. Construction Schedule. Project construction is expected to start upon receipt of all local and state approvals, and must be completed before permit expiration. Prior to the start of construction, the Applicant must submit a detailed construction schedule to the Town Manager, Code Enforcement Officer (“CEO”), and Town Attorney.

IV. SUMMARY OF THE EVIDENCE; ANALYSIS AND FINDINGS

The Planning Board shall approve or approve with conditions a submitted application if there is an affirmative finding based on information presented that the application satisfies the standards set forth in the Bridgton Site Plan Review Ordinance (the “SPRO”), including, as applicable, Article VII and Article X of the SPRO and the Bridgton Shoreland Zoning Ordinance (the “SZO”). The applicant has the burden of establishing by demonstrable evidence that the application and project is in compliance with all applicable requirements. After reviewing the application materials and supporting documents, public comments and testimony, and other evidence on file, the Planning Board affirmatively finds as follows:

- A. Preserving and Enhancing the Landscape (SPRO, Art. VII.B.1). Based on a Natural Resource Conservation Commission (NRCS) medium intensity soil survey, the soils at the Hotel Site and Satellite Lot are predominantly Urban Land – Adams Complex (UaC)—i.e., fill (App. 1-2, 7). Because the site is located within a heavily developed part of the Town, existing surficial soils are likely not native (App. 1-2, 45-46). The Applicant has submitted a landscaping plan, which is incorporated into the final site plan (App. Sheet L100). Because the subject property is already developed, there will be limited clearing of existing vegetation during construction (App. 192). Specifically, the Applicant proposes to remove approximately 40 trees on the Hotel Site, as well as invasive species and dead/diseased vegetation along Stevens Brook, and proposes to plant 46 new trees, 474 shrubs and perennial grasses, and groundcover on the Hotel Site (App. 192; Sheet L100). No invasive species will be planted (App. 192). The Applicant also proposes to install fencing along portions of the north and east perimeter of the Hotel Site (App. Sheet C-3.0, C-6.0, L100). The combination of landscape plantings and fencing will screen off-street parking areas on the Hotel Site from Kennard Street and Bacon Street, as well as from abutting residential properties on Kennard Street (App. 192, 199; Sheet L100). The proposed landscaping plan will result in an increase in vegetation on the Hotel Site as compared to existing conditions (App. 192; Sheet L100). In sum, the proposal minimizes disturbance to soil and removal of existing vegetation during construction; the proposed fencing and vegetation along property boundaries will largely screen the proposed off-street parking areas on the Hotel Site from view from public roadways and adjoining properties; and the proposed landscaping plan complements the physical design of the hotel structure and the Hotel Site and increases the amount of vegetation on the Hotel Site, thereby minimizing adverse impacts on neighboring residential

uses. To further ensure that the proposal preserves and enhances the landscape, the proposal is conditioned on strict adherence to the landscaping plan; additional plantings on portions of the fencing surrounding the Perham & Kilgore lot; installation of plantings on the north shore of Stevens Brook immediately after rough grading is completed; and filing a report with the CEO upon completion of all revegetation. Subject to the above-identified conditions of approval, the Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the standard of preserving and enhancing the landscape.

- B. Relationship to Surroundings (SPRO, Art. VII.B.2). The Hotel Site is located near Bridgton's Main Street, an area characterized by commercial development, and adjoins Kennard and Bacon Streets, areas characterized by residential development (App. 193). Among other nearby structures and uses, the Hotel Site is located within 1,000 feet of commercial structures of comparable footprint and volume to the proposed hotel structure, including Reny's department store, the NAHGA insurance building, the Magic Lantern movie theater, and an office building (App. 193). To the northeast of the Hotel Site, there is an existing residential neighborhood along Kennard Street composed of roughly a dozen residential dwelling units and accessory structures. The hotel structure is proposed to be set back approximately 183 feet from Kennard Street and 137 feet from Bacon Street, and the nearest residential dwelling to the hotel structure is proposed to be approximately 140 feet away on Kennard Street. (App. 193). The proposed hotel structure, including the proposed elevator shaft, will not exceed a height of 35 feet, as measured from the mean original grade at the downhill side of the structure and the highest point of the structure (App. 16, 194-95). The proposed design of the hotel structure includes architectural features similar to those of adjacent residential dwellings, such as pitched gable roofs, shed dormers, asphalt/fiberglass shingles on visible high roofs (including the pool house and portico), and traditional red window trim (App. 17-21, 193-96). The hotel structure contains varying roof lines, and is designed to break the form of the structure into smaller components, including two hotel room wings, the portico, and pool house (App. 196). The façade is modulated with paired windows and a centered mechanic vent, all trimmed out to work as repetitive architectural element, and there are no blank walls on the hotel structure (App. 196-97). The proposed exterior of the hotel structure is made of wood-like trim and clapboards, as well as natural stone (App. 197). The Applicant proposes to demolish and dispose of all existing structures on the Hotel Site, including the old mill building, which is not of compatible scale, size, or architectural style to nearby and adjoining commercial or residential development (App. 193-94). Proposed construction will minimally disrupt slopes, soil types, and drainage ways, and will enhance the environmental condition of Stevens Brook—the predominant natural feature of the Hotel Site—by treating stormwater runoff, reducing phosphorus export, removing invasive species, and planting a more robust vegetative buffer along its northern bank (App. 197; Sheet C-4.0, L100). As discussed earlier, proposed fencing and vegetation along the property boundaries will minimize audiovisual impacts of the proposed development on neighboring residential areas. (*See* Section IV.A, *supra*). To further ensure that the proposed structures are harmonious with existing buildings in the vicinity, the proposal is conditioned to require that portions of the proposed fencing be surrounded by 2- to 3-foot tall shrubbery and that it be additionally reinforced in any areas that are proposed to be used for snow storage to withstand winter snow load conditions. In sum, the proposed development is surrounded by a mixture of residential and commercial structures and uses of compatible scale, size, and style; the hotel structure will not exceed 35 feet in height and will be of a compatible, traditional, and consistent architectural style designed to reduce its bulk and scale and fit harmoniously with surrounding structures and uses, and the project will present minimal disruption to natural features. Subject to the above-identified conditions of approval, the Planning Board affirmatively finds, based on this and other information

presented, that the proposal meets the standard of providing for a harmonious and compatible relationship to surroundings.

- C. Vehicular Access (SPRO, Art. VII.B.3). The Applicant proposes a single full-movement driveway on the Hotel Site connecting to Bacon Street and, at the request of the Town’s Fire Department, an emergency-only gated secondary access way connecting to Kennard Street (App. 2, 198; Sheet C-3.0, C-3.1). With respect to pedestrian movement and pedestrian-vehicular contacts, the Applicant proposes to construct sidewalks along the front of the hotel structure to collect pedestrian from parking areas to hotel entrances, as well as a sidewalk along Bacon Street from the Hotel Site to Main Street, and that pedestrians will be shuttled from the Satellite Lot to the Hotel Site, to facilitate safe pedestrian access to and from the hotel structure and into the downtown area (App. 133, 198). The Applicant also proposes to improve the Stevens Brook Trail to facilitate safe pedestrian access on the Hotel Site and to certain existing Town-owned recreational areas (App. 2, 198). The Applicant submitted a traffic impact study conducted by Maine Traffic Resources (“MTR”) that assessed driveway sight distances, high crash locations, peak hour traffic volume impacts, and traffic congestion impacts of the proposed hotel development on neighboring street intersections (App. 128-91, 198). MTR determined the sight distances for the primary driveway to be in excess of 275 feet to the Main Street intersection and approximately 225 feet to the Kennard Street intersection, which exceed the MaineDOT minimum sight distance standard for entrance permits (App. 133-34, 198). MTR also determined that there are no high crash locations in the vicinity of the subject property (App. 132-33). With respect to peak hour traffic volume impacts, MTR calculated that the projected hotel use would contribute an additional 38 to 49 one-way trips during peak hours to projected traffic conditions in the neighborhood, as follows:²

	EXISTING CONDITIONS (2018 one-way trip counts adjusted to peak summer volumes)	PROJECTED BASELINE (2024 one-way trip projections based on 2% annual growth rate, “without” hotel use)	PROJECTED HOTEL USE (one-way trip projections at 2024 buildout)	TOTAL PROJECTED PEAK HOUR TRAFFIC (2024 one-way trip projections “with” hotel use)
Weekday (AM)	21	24	38	62
Weekday (PM)	45	51	41	92

² Specifically, MTR calculated projected Saturday and weekday morning and afternoon peak hour trip generation rates attributable to the proposed hotel use (App. 129). MTR estimated the number of one-way anticipated to be generated by the proposed hotel using the Institute of Transportation Engineers Trip Generation Manual, 7th and 10th editions (App. 129). To determine existing traffic conditions, MTR conducted turning movement/classification counts at the intersection of Main Street and Bacon Street during weekday morning and afternoon peak hour periods on April 3 and 4, 2018; these counts were then adjusted upward to simulate peak summer volumes using MaineDOT group mean factors to obtain 30th highest hour conditions, and afternoon weekday counts were further adjusted upward based on MaineDOT turning movement counts taken under absolute peak summer conditions during the first week of August 2016 at certain Main Street intersections in Bridgton (App. 130, 163-64, 175). To project future baseline conditions (*i.e.*, projected 2020 and 2024 traffic volumes “without” the proposed hotel project), MTR adjusted the existing conditions numbers upward by a conservative 2% annual growth rate based on changes to MaineDOT average annual daily traffic (AADT) volume counts from 2005 to 2016 at various locations on Main Street in Bridgton (App. 130, 176-77).

Saturday Peak Hour			49	
-----------------------	--	--	----	--

As to traffic congestion,³ MTR determined that, based on 2024 projected peak hour traffic volumes at buildout, motorists approaching Main Street while traveling on Bacon Street would experience an additional delay of 0.6 seconds during the weekday morning peak hour and 2.0 seconds during the weekday afternoon peak hour attributable to hotel traffic, but this delay would not change the level of service at the intersection (App. 176-77). In sum, the proposal places the primary access driveway on Bacon Street and directs pedestrian and vehicular traffic away from existing residential dwellings on Kennard Street. While traffic volume is likely to increase from existing and projected baseline levels as a result of an anticipated increase in hotel-related traffic, any such increase will not result in any substantial traffic congestion and will not exceed reasonable limits for this mixed-use neighborhood. To further ensure that traffic conditions do not exceed reasonable limits for the neighborhood—and, specifically, on the existing residential dwellings on Kennard Street—the proposal is conditioned to require signage that allows right turns only from the Hotel Site onto Bacon Street and, except for safety or emergency vehicles, prohibit all vehicles (including without limitation construction vehicles, service vehicles, shuttles, buses, and guest/employee vehicles) from accessing the Hotel Site using the Kennard Street driveway entrance. In sum, the proposed layout ensures that vehicular and pedestrian traffic will not exceed reasonable limits for the neighborhood—including on the existing residential dwellings on Kennard Street—considering the location, number and control of access points; adequacy of adjacent streets; traffic flow; sight distances; turning lanes; traffic signalization; and pedestrian-vehicular contacts. Subject to the above-identified conditions of approval, the Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the standard of providing for a layout of vehicular access and pedestrian traffic conditions that do not exceed reasonable limits for the neighborhood.

- D. Parking and Circulation. (SPRO, Art. VII.B.4). The hotel structure will include a covered portico for loading and unloading guests and luggage at the entrance (App. 2, 199; Sheet C-3.0). A gated access drive is proposed to allow emergency vehicles access to the Hotel Site (App. 2, 199; Sheet C-3.0, C-3.1). Neither shared parking nor the use of leased or municipal parking lots is proposed (App. 199). Instead, the Applicant proposes to construct a 51-space paved parking lot on the Hotel Site connected by a 20-foot wide driveway and 6-foot wide concrete sidewalk and curb, all adjoining the northerly and easterly sides of the hotel structure, as well as a 33-space parking lot and associated driveway on the Satellite Lot, for a total of 84 parking spaces (App. 2; Sheet C-3.0). Based on Institute of Traffic Engineers (“ITE”) figures, peak parking demand for suburban hotels (including guests and employees) is approximately 1.2 spaces per occupied room, necessitating a total of 80 spaces to serve a proposed 66-unit hotel at peak-usage times (App. 199). The 51 spaces proposed for the Hotel Site would be adequate for 42 occupied guest rooms, which equates to an occupancy rate of approximately 64% (App. 199). Based on the Applicant’s market feasibility study for the proposal, the stabilized annual occupancy rate is anticipated to reach approximately 59%; accordingly, for a majority of the year during non-peak demand hours, the Hotel Site parking spaces would meet demand (App. 199). The 33 additional spaces proposed at the Satellite Lot would be used during peak hotel occupancy times to supplement parking demand as needed (App. 199). To further ensure that parking and circulation is safe and convenient, the proposal is conditioned to require the installation of a 24/7 surveillance camera at the Satellite Lot that is monitored by employees at the hotel structure, that the hotel provide transportation

³ Traffic congestion is evaluated in terms of level of service (LOS)—a qualitative measure that describes average control delay per vehicle for each minor, opposed movement by letter designations ranging from “A” (very little delay) to “F” (extreme delays) (App. 131). LOS “D” is generally considered acceptable in urban locations (App. 131).

between the hotel structure and the Satellite Lot to guests after dusk; that the Satellite Lot be lighted with downward-facing lighting; and that no boats or boat trailers be allowed in any of the parking lots. In sum, the proposed parking areas, driveways, sidewalks, and other features of the development reduce the need for service trucks, shuttles, and emergency vehicles to back out of the facility; provide adequate turning capacity for such large vehicles; and clearly delineate safe vehicular and pedestrian traffic patterns. In addition, the portico separates and does not detract from the proposed hotel structure or neighboring properties. Subject to the above-identified conditions of approval, the Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the standard of providing for safe, convenient and clearly delineated parking and vehicular and pedestrian traffic circulation.

- E. Surface Water Drainage (SPRO, Art. VII.B.5). The Hotel Site generally slopes gently from north to south and, presently, stormwater runoff from the Hotel Site drains directly to Stevens Brook (App. 1). Several existing storm drains discharge stormwater directly into the brook, including a 36" concrete culvert that diverts runoff from upstream areas across the site to Stevens Brook (App. 1). The Hotel Site currently contains significant impervious area and no measures for stormwater treatment or volume reduction, and inadequate erosion control (App. 201). Existing parking areas, building roofs, walkways, and lawn areas on the Hotel Site are not treated and result in a phosphorus export of 1.30 pounds of phosphorus export per year ("lbs P/yr") (App. 50, 85). The Applicant proposes to install a stormwater and phosphorus management system, which will be inspected and maintained as provided in a Stormwater Infrastructure Inspection & Maintenance Manual attached to the application, composed of the following stormwater treatment, stormwater peak rate reduction measures, and phosphorus export controls: (i) porous pavement with a subsurface gravel section or a perforated underdrain inlet system designed to infiltrate stormwater into the subgrade and convey stormwater runoff to a surface overflow catch basin inlet, gravel section, or adjacent vegetated areas when needed; (ii) porous paver system patio area to capture and infiltrate stormwater runoff from the patio area; (iii) roof dripedge systems and infiltration trench to capture, treat, and infiltrate roof runoff from portions of the hotel structure; and (iv) traditional stormwater runoff and phosphorous control measures, such as installing, replacing or relocating drainage ditches, culverts, and catch basins, as well as grading, earthmoving, and revegetating the Hotel Site in order to redirect runoff to infiltration systems and vegetated buffers (App. 48-50, 67-73, 87-89, 200). The system is designed so that stormwater runoff from all impervious surfaces proposed within the Shoreland Zone and from 62% of total developed area on the Hotel Site will be treated through infiltration measures (App. 48). These measures will result in a reduction of 1.10 lbs P/yr on the Hotel Site, down to a total of 0.20 lbs P/yr, and will reduce the impact of peak rates of runoff leaving the Hotel Site (App. 50, 84-122). The project will not discharge runoff into the public storm drainage system (App. 200). After buildout, stormwater runoff patterns will remain similar to existing conditions in that runoff will continue to flow to Stevens Brook; however, the infiltration systems and roof dripedges constructed around the Hotel Site will provide not only runoff treatment but also volume reduction and attenuation of peak rates of runoff leaving the Hotel Site (App. 47). Based on the stormwater management calculations submitted by the Applicant's consultant, Terradyn Consultants, LLC, the proposed demolition and construction activity will result in a net decrease in impervious area on the Hotel Site by approximately 3,389 square feet (App. 45, 47). In addition, the Applicant has submitted a proposed erosion and sedimentation control plan to prevent erosion and sedimentation during the construction phase and thereafter through the use of temporary and permanent erosion control measures, including sediment barriers installed at the edge of downgradient disturbed areas, riprap, temporary stabilization with non-erodable cover, stockpiling of topsoil, use of

erosion control mesh, and inspections (App 200; Sheet C-6.2). To further ensure that the proposal makes adequate provision for surface drainage, the proposal is conditioned to require compliance with the Department of Environmental Protection best management practices for manmade pervious surfaces; that, for the first three months following construction, porous pavement shall be inspected weekly and thereafter as specified in the Stormwater Infrastructure Inspection & Maintenance Manual; and that all inspections be performed by a qualified professional engineer with a soils background. In sum, the proposal adequately provides for stormwater runoff using onsite infiltration techniques, including use of vegetative buffers, porous pavement, and roof dripedge systems. The proposal will cause the peak stormwater runoff values post-development to be less than the peak runoff values under existing conditions, and will result in a reduction of phosphorus export on the Hotel Site. Subject to the above-identified conditions of approval, the Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the standard of adequate provision for surface water drainage.

- F. Setbacks from Vehicle Rights of Way (SPRO, Art. VII.B.6). Pursuant to SPRO, Art. X.2.1, lots and structures associated with commercial uses are subject to a 25-foot minimum front setback from the edge of a right of way. With the exception of vehicular driveways and sidewalks, all proposed structures on the Hotel Site, including the hotel structure, outdoor patio, and all parking lots,⁴ are proposed to be located at least 25 feet from the edge of all rights of way, and no non-impervious development is proposed within the setback areas (App. 201; Sheet C-3.0). The Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the setback standards.
- G. Existing Utilities (SPRO, Art. VII.B.7). The Hotel Site is proposed to be served by the Bridgton public water system via a connection to an existing water service line on Bacon Street, and by the Bridgton public sewer system via a force main connection to an existing force main at Wayside Road (App. 2, 201; Sheet C-5.0). Power and telecommunications services are proposed to be installed underground from the existing utility pole next to the Bacon Street entrance (App. 2-3; Sheet C-5.0). With respect to public water capacity, the Bridgton Water District has confirmed that it has the capacity to serve the proposed development, assuming an estimated usage of 10,020 gallons per day (GPD) (App. 42, 201). The 10,020 GPD estimate exceeds the size of the revised hotel proposal (App. 42). Sewer capacity is discussed in Section IV.Q, below. The Planning Board affirmatively finds, based on this and other information presented, that the proposal will not impose an unreasonable burden on public utilities.
- H. Advertising Features (SPRO, Art. VII.B.8). The Applicant proposes to install two signs at the Hotel Site, one at the driveway entrance at Bacon Street and one over the main entry of the hotel structure (App. 126, 202). All signs are proposed to be non-flashing and externally lit with shielded lights (App. 202). The Planning Board affirmatively finds, based on this and other information presented, that the proposed signage will not detract from the design

⁴ The SPRO defines a structure as “[a]nything constructed, erected or placed on the ground which is permanent, temporary or mobile. Structure(s) include but are not limited to building(s), mobile homes, recreational vehicles, piers and pads, and storage and processing facilities. Boundary walls, fences and flagpoles are not considered structures.” (SPRO, Art. XVII.2) The Planning Board concurs with the determination of the Code Enforcement Officer that a parking lot is something that is “constructed . . . or placed on the ground which is permanent . . .” Accordingly, the Planning Board finds that parking lots are a structure for purposes of the SPRO and are subject to the dimensional requirements in SPRO Art. X.2.1.

of the proposed hotel structure or other surrounding structures and properties and that it meets the advertising features standard.

- I. Special Features of the Development (SPRO, Art. VII.B.9). The Applicant proposes to locate a dumpster in the parking area adjoining the east side of the hotel structure, which will be set back from other land uses within the development area and surrounding properties, and will be screened with a fenced enclosure and landscape plantings designed to buffer it from surrounding uses (App. 202; Sheet C-3.0, C-6.0). The Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the standard of minimizing adverse impact of special features of the proposed development on surrounding uses and properties.
- J. Exterior Lighting (SPRO, Art. VII.B.10). The Applicant proposes to install pole-mounted, full cut-off (shielded) LED light fixtures with controlled light distributions, ranging from 15 to 17 feet in mounting height, in the Hotel Site parking areas and access drives, and bollard lights 3 feet in mounting height along the Stevens Brook Trail (App. 202; Sheet P-1.0). A photometrics plan showing calculated light levels throughout the Hotel Site demonstrates that light levels drop off significantly at the perimeter of the Hotel Site so that adjacent properties are minimally impacted (App 202; Sheet P-1.0). In sum, all exterior lighting is proposed to be shielded, non-flashing, and energy efficient, and lighting locations were selected to facilitate safe movement of pedestrians and vehicles and to minimize glare and reflection on adjacent properties and public rights of way. The Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the standards for exterior lighting.
- K. Emergency Vehicle Access (SPRO, Art. VII.B.11). Vehicle access is proposed via Bacon Street and, at the recommendation of the Fire Department, a gated secondary emergency access is proposed via Kennard Street (App. 2, 198; Sheet C-3.0, C-3.1). Drive aisles are a minimum of 20-feet wide and provide emergency access directly to the front and south side of the hotel structure (App. 198). In sum, the proposed driveways and entrances are sufficiently sized and designed to provide access to the Hotel Site by emergency vehicles. The Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the standard of providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.
- L. Municipal Services (SPRO, Art. VII.B.12). The proposal is not expected to have any greater impact on fire department, police department, emergency medical service resources, or schools than a typical commercial use in town (App. 203). With respect to solid waste services, the Applicant proposes to use a private hauler to dispose of solid waste; accordingly, the project will have no impact on the Bridgton transfer station (App. 203). As discussed, the traffic impact study indicates that the existing public road system has ample capacity to support the additional traffic expected to be generated by the proposed hotel use. (*See* Section IV.C, *supra*). A market feasibility study submitted by the Applicant identified the average annual occupancy rate for the proposed hotel to be approximately 59%, with higher rates in the summer and fall and lower rates in the winter and spring, and the hotel is anticipated to be staffed by up to 10 people per day conducting management, guest services, cleaning, and maintenance duties (App. 213). Hotel guests are expected to be tourists visiting the area to participate in the numerous outdoor activities that Bridgton and the surrounding area offer (App. 213). While it is reasonably anticipated that some hotel guests and employees may use the existing nearby Town-owned recreation areas and facilities—namely, at Gibbs Mill Pond and Highland Beach—including during peak summer use days, no credible evidence was presented that such additional use would significantly deteriorate these

public spaces or that the impacts on the resource or current users of the resource would be unreasonably adverse. To ensure that the proposed hotel use does not unreasonably adversely impact nearby open spaces and recreational programs and facilities, the Applicant has agreed to notify the Town's recreation department in advance of any known guest-organized events proposed to be located at these public facilities. Impact statements submitted by the CEO, the fire department, planning and development department, public works and the transfer station, and the police department did not present any concerns with respect to impacts of the proposal on municipal road systems, fire department, police department, emergency medical unit, solid waste program, or other municipal services and facilities, and any recommendations made by these departments have either been incorporated by the Applicant into the revised proposal or have been incorporated herein as conditions of approval. Subject to those conditions of approval, the Planning Board affirmatively finds, based on this and other information presented, that the proposal will have no unreasonable adverse impact on municipal services.

- M. Water Pollution (SPRO, Art. VII.B.13). According to FEMA Flood Insurance Rate Maps, the 100-year flood zone associated with Stevens Brook varies from an elevation of 417 feet above sea level at the downstream side of the Gibbs Mills Pond dam to an elevation of 410 feet at the existing culvert under Bacon Street (App. 204). The proposed hotel structure will have a lowest first floor elevation of 419.25 feet above sea level; thus, it is located outside of the floodplain (App. 204). Existing soils on the Hotel Site are likely not native but rather fill and the Hotel Site has no steep slopes with the exception of the north shore of Stevens Brook; in any event, the project proposes to utilize the public sewer and no on-site wastewater disposal is proposed (App. 45-46, 204). The Hotel Site is not located on a mapped significant sand and gravel aquifer, as identified by the Maine Geological Survey (App. 2, 8, 204). As discussed, the Applicant proposes to install a comprehensive stormwater runoff and phosphorus control system that will result in a decrease in impervious area, treat runoff, reduce runoff volume, attenuate peak rates of runoff leaving the Hotel Site, and substantially reduce phosphorus export from the Hotel Site. (See Section III.D, IV.E). The system will maintain a vertical separation to groundwater designed to prevent groundwater contamination with untreated stormwater runoff (App. 205). Because the proposal will disturb more than one acre of land area, the Applicant is required to secure a stormwater permit from the Department of Environmental Protection pursuant to 38 M.R.S. § 420-D, and must comply with all applicable laws, ordinances, codes, and regulations (App. 3, 205). The Planning Board affirmatively finds, based on this and other information presented, that the proposal will not adversely affect the quality or quantity of groundwater and meets the standard of protection against undue water pollution.
- N. Air Pollution (SPRO, Art. VII.B.14). The proposed development will not emit any regulated sources of emissions that would trigger any federal or state air quality licensing requirements (App. 205-06). The Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the standard of protection against undue air pollution.
- O. Water Use (SPRO, Art. VII.B.15). The Applicant proposes to use the public water system owned and operated by the Bridgton Water District (App. 206). The District has confirmed that it has the capacity to serve the proposed development, assuming an estimated usage of 10,020 gallons per day (GPD) (App. 42, 201). The 10,020 GPD estimate exceeds the size of the revised hotel proposal (App. 42). The Planning Board affirmatively finds, based on this and other information presented, that there is sufficient water available for the reasonably foreseeable needs of the proposed development, and the proposal will not cause an unreasonable burden on the public water supply.

- P. Soil Erosion. (SPRO, Art. VII.B.16). The Hotel Site currently contains significant impervious area and inadequate erosion control (App. 201). The Applicant has submitted a proposed erosion and sedimentation control plan to prevent erosion and sedimentation during the construction phase and thereafter through the use of temporary and permanent erosion control measures, including sediment barriers installed at the edge of downgradient disturbed areas, riprap, temporary stabilization with non-erodable cover, stockpiling of topsoil, use of erosion control mesh, and inspections (App. 200, 206; Sheet C-6.2). During construction, the plan includes limiting the amount of denuded area to the smallest amount necessary, stabilizing areas as quickly as possible, and utilizing perimeter erosion control measures (App. 206). Post-construction, the site will be stabilized with permanent vegetation or porous pavement (App. 206). The Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the standard of protection against unreasonable soil erosion or reduction in the capacity of the land to hold water.
- Q. Sewage Disposal (SPRO, Art. VII.B.17). The Applicant proposes to use the public sewer system to dispose of wastewater. Wastewater will flow by gravity to a series of septic tanks and a pump station located on the Hotel Site, and effluent will be pumped to the town's public sewer system and will ultimately be disposed of at Dodge Field municipal wastewater system (App. 206). The Applicant's engineering consultant determined that the proposed hotel use is expected to generate wastewater at a rate equivalent to 33 single-family dwellings (33 Equivalent Dwelling Units, EDUs) based on the design flow rates set forth in the Bridgton Sewage Ordinance, evaluated the available capacity of the affected municipal wastewater systems (Dodge Field and Lower Ballfield), and concluded that sufficient capacity exists to accommodate the proposal (App. 38-39, 201). The Town's wastewater superintendent has reviewed the consultant's assessment and stated that "the applicant has accurately reflected their EDU requirement based on the EDU table" (App. 40). The Applicant has reserved an allocation of 42 EDUs from the Town of Bridgton for the wastewater needs of the proposal (App. 38, 201, 206). To further ensure that the proposal adequately provides for wastewater disposal, the proposal is conditioned to require a written agreement with a licensed hauler for draining the hotel pool so that pool water is not disposed of in the public sewer system; to require the inspection of all wastewater force main connections by the wastewater superintendent when the connections are made; and to limit the proposed bar to a self-service bar without kitchen equipment. Subject to these conditions of approval, the Planning Board affirmatively finds, based on this and other information presented, that the proposal provides for adequate sewage waste disposal.
- R. Scenic and Natural Beauty; Historic Sites; Natural Areas (SPRO, Art. VII.B.18). The Hotel Site is the site of a former factory and is developed with an old cement block mill building, two storage buildings, a paved drive, gravel parking areas, and a residential dwelling (App. 1; Sheet 1, C-2.0). There are no known historic sites or structures listed on the National Register of Historic Places on or in the vicinity of the Hotel Site, and no rare or irreplaceable natural areas exist on the site (App. 207). By demolishing the dilapidated structures on the Hotel Site, replacing them with an architecturally compatible hotel structure and parking areas, and revegetating the site, the project will improve the aesthetics of the site (App. 207). The Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the standard of protection against undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.
- S. Waters and Shorelines (SPRO, Art. VII.B.19). The Hotel Site is not located within 250 feet of any pond, lake, or river and, as discussed in Section VI.Z, below, will be in compliance with the SZO. Accordingly, the Planning Board affirmatively finds, based on this and other

information presented, that the proposal meets the standard of no adverse effect on waters and shorelines.

- T. Noise (SPRO, Art. VII.B.20). The hotel structure, where any guest activity and related noise is most likely to occur, is proposed to be set back 137 feet from Bacon Street and 183 feet from Kennard Street, and landscaping and fencing will be installed at the Hotel Site boundaries—all of which will help dampen noise and increase privacy between abutters (App. 201, 208). Noise generated by the proposed hotel use is expected to be minor, and hotel management will monitor guest activities to ensure compliance with all noise restrictions (App. 208). Such monitoring will be facilitated by full-time surveillance in and around the Hotel Site (App. 208). Although the proposal is expected to generate some increase in noise on the Hotel Site arising from the activities of guests and employees, the proposal will not raise noise levels so as to adversely affect abutting or nearby residents. Credible evidence exists that any noise emanating from the affected property would not be continuous, regular, or frequent and, in any event, would not likely exceed the maximum permissible sound pressure levels set forth in SPRO, Art. VII.B.20. Because Kennard Street and Bacon Street are public roads, noise associated with hotel-generated traffic on these roads is exempt from the sound pressure level limits set forth in the SPRO. To further ensure that noise generated by the proposed hotel use does not adversely affect abutting or nearby residents, the proposal is conditioned to require that all noise-generating outdoor activities on the Hotel Site, including entertainment functions or gatherings at the outdoor fire pit or patio area, cease at 11:00 p.m. Subject to this condition of approval, the Planning Board affirmatively finds, based on this and other information presented, that the proposal meets all applicable noise limit standards.
- U. Comprehensive Plan (SPRO, Art. VII.B.21). The Hotel Site is located within an area that appears to be designated in the Future Land Use Plan and Map of the Town of Bridgton Comprehensive Plan (the “Comprehensive Plan”) as a Downtown Village Neighborhood area. Although the Map “is not a zoning map, and the boundaries of the identified areas on the map are general,” both the map and the plan are intended to “help guide development of the management plan, future zoning, other land use measures, and the capital investments program” (Comprehensive Plan, at 11-2). The Plan identifies the Downtown Village Neighborhood as a growth area suitable for redevelopment (Comprehensive Plan, at 11-9). More broadly, the Plan establishes future land use goals for the Town, which include expanding and nurturing economic growth in ways that build on Town assets, including tourism (Comprehensive Plan, at 11-1). By providing overnight accommodations for visitors and new employment opportunities, the proposal contributes to these future land use goals. The Planning Board affirmatively finds, based on this and other information presented, that the proposal conforms with the Comprehensive Plan.
- V. ADA Compliance (SPRO, Art. VII.B.22). The Hotel Site is proposed to meet all applicable requirements of the ADA (App. 209, Sheet C-1.0). To ensure that the proposal is in compliance with ADA requirements, and based on the combined 84 parking spaces proposed, the proposal is conditioned to require a minimum of four (4) accessible parking spaces, all located at the Hotel Site, of which one space must be van-accessible. Subject to this condition of approval, the Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the standard of ADA compliance.
- W. Flood Zone (SPRO, Art. VII.B.23). A 100-year flood zone associated with Stevens Brook varies from elevation of 417 feet above sea level at the existing dam and footbridge to elevation of 410 feet at the Bacon Street culvert crossing (App. 2, 210). The lowest finished floor elevation of the hotel structure is proposed to be 419.25 feet above sea level—more

than 2 feet above the 100-year flood zone (App. 2, 210). Because no part of the proposal is situated within a flood zone, the Planning Board affirmatively finds, based on this and other information presented, that the proposal meets the flood zone standard.

- X. Adequate Financial and Technical Capacity (SPRO, Art. VII.B.24). The Applicant submitted copies of deeds identifying Saunders Mill, LLC and Main Eco Properties, LLC as the fee owner of the Hotel Site, and has identified Justin McIver as the sole member of the LLCs (App. 22-36, 210). Mr. McIver has substantial experience constructing and redeveloping residential, mixed-use, and commercial land in the Bridgton area, including nearby the Hotel Site, and has demonstrated his financial capacity to complete projects in and around Bridgton in compliance with SPRO and SZO requirements (App. 212-13). Norway Savings Bank has provided a letter stating that Mr. McIver “has the financial capacity to complete the hotel development” (App. 124, 213). The Applicant has assembled team of licensed professionals, including a civil engineer, architect, surveyor and soil scientist, landscape architect, traffic engineer, shoreland zoning consultant, and hotel design consultant, to assist with the planning and construction phase of the project (App. 210-11). To further ensure adequate financial and technical capacity, the proposal is conditioned to require a performance guarantee for an amount adequate to cover not less than 110% of the total estimated construction costs. Subject to this condition of approval, the Planning Board affirmatively finds, based on this and other information presented, that the Applicant has adequate financial and technical capacity to meet all applicable standards.
- Y. Special Regulations and Dimensional Requirements (SPRO, Art. X). With respect to the special regulations under SPRO Art. X.1 that apply to the proposal: the Applicant has furnished detailed information relating to projected numbers and types of clients, and planned and projected numbers of staff and duties, to allow the Planning Board to determine the availability of necessary Town services, and this information has been considered as part of the Board’s analysis of impacts on municipal services (App. 213) (*see* Section IV.L, above); as a condition of approval, the Planning Board will require a performance guarantee to protect the health, safety, and general welfare of the community; no outdoor storage of articles, supplies, or materials is proposed (App. 214); and the proposal complies with the minimum dimensional requirements for commercial uses set forth in SPRO Art. X.2 (App. 214-15). The Planning Board affirmatively finds, based on this and other information presented, that the proposal satisfies the special regulations of SPRO Art. X applicable to commercial uses.
- Z. Shoreland Zoning.
1. Zoning; Existing Structures, Uses, and Non-Structural Features. The part of the Log Storage Lot located within 75 feet of Stevens Brook is zoned Stream Protection (the “SP district”) and contains the following structures⁵: portions of the gravel driveway and compacted gravel areas (App. 1; Sheet 1, C-2.0). The part of the Dowel Factory Lot located within 75 feet of Stevens Brook is zoned General Development I (the

⁵ The SZO defines structure as “anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.” (SZO, Section 17) The Planning Board finds that the existing compacted gravel areas and gravel driveways located within the SP and DG-I zones were “built for the support . . . of persons . . . or property”; were “constructed . . . with a fixed location on or in the ground . . .”; and are “permanently located.” Accordingly, the Planning Board finds that the existing parking lots and compacted gravel areas located within the SP and DG-I zones are “structures” for purposes of the SZO.

“GD-I district”) and contains the following structures: a small portion of the cement block mill building, two storage buildings, a portion of the paved drive, and portions of the gravel driveway and compacted gravel areas (App. 1; Sheet 1, C-2.0). The existing structure located closest to Stevens Brook are the gravel parking area and one of the storage buildings in the GD-I district, which are set back, at most, 20 feet from Stevens Brook (App. 219; Sheet C-2.0). The SP and GD-I districts also contain certain non-structural features, including an old fire hydrant water main, a dug well, and a 36” concrete culvert connecting a drainage ditch to Stevens Brook (App Sheet C-2.0).

2. Proposed Structures, Uses, and Non-Structural Features. The Applicant proposes to remove the existing structures in the GD-I district and replace them with a portion of the hotel structure—namely, a portion of the pool house—and pervious parking (App. 219; Sheet C-3.0, C-4.0). At their closest point, the proposed structures are approximately 33 feet from Stevens Brook (App. 219). The Applicant proposes no new or replacement structures in the SP district. As part of its stormwater management and phosphorus control plan, the Applicant proposes to install elements of its stormwater management and phosphorus control system in the DG-I and SP districts, including porous pavement, roof drain and dripedge systems, and traditional stormwater runoff and phosphorous control measures such as installing, replacing or relocating drainage ditches, culverts, and catch basins, as well as grading, earthmoving, and revegetating in order to redirect runoff to infiltration systems and vegetated buffers (App. 48-50, 67-73; Sheet C-4.0, C-6.0, C-6.1, C-6.3). The Applicant also proposes to remove invasive species and dead/diseased vegetation along the north shore of Stevens Brook, revegetate disturbed areas, relocate large boulders to create a boulder landscape feature and fire pit in the southwest corner of the SP district; and install two seating areas and bollard lights 3 feet in mounting height along the Stevens Brook Trail (App. 2, 46, 206; Sheet C-3.0, C-6.0, L100, P-1.0).
3. Analysis and Findings: The proposed structures within the GD-I district are a replacement of a legally existing, nonconforming structure, allowed subject to the requirements of the SZO, Section 12(C)(3). The Planning Board affirmatively finds that the replacement structures are in compliance with the stream setback requirement to the greatest practical extent because the hotel structure and parking areas cannot be located farther from Stevens Brook due to the lot size and configuration, the location of other structures on adjacent properties, the location of the proposed septic tanks and pump station, the location of the required driveway entrance off of Bacon Street, the type and amount of vegetation to be removed, the required setbacks from Kennard Street and Bacon Street, as well as due to other performance requirements imposed by the SPRO necessary to minimize adverse impacts to neighboring uses, as discussed above. The Planning Board finds that the proposal otherwise conforms with Section 12(C)(3) because the replacement structures are no larger than the original structures, as determined by the nonconforming floor area and volume of the replaced structures at their new locations. Specifically, the proposed parts of the pool house and paved parking areas located within the DG-I district are smaller than the aggregate floor area and volume of the existing storage buildings and compacted gravel parking areas in the DG-I district. The Planning Board further finds that the proposed replacement structures will not increase any nonconformance with respect to the stream protection setback, as the existing structures are set back no more than 20 feet from Stevens Brook

whereas the replacement structures will be set back at least 33 feet from the brook. With respect to the proposed non-structural features, including, specifically, the Applicant's proposal to install elements of its stormwater management and phosphorus control systems, including grading, earthmoving, and revegetation in order to redirect runoff, the Planning Board finds that, to the extent such proposed uses require Planning Board approval, they are permitted uses in the SP and GD-I districts as soil and water conservation practices because these are essential features of a stormwater management, phosphorus control, and erosion and sedimentation control system designed to minimize stormwater runoff pollution, soil erosion and sedimentation, and phosphorus export to Stevens Brook. (See SZO, Section 14, Table of Land Uses, Item 6.) In the alternative, the Planning Board finds that these non-structural elements are allowed uses in the SP and GD-I districts as "earthmoving, vegetation removal, or construction affecting more than 10,000 square feet of land area" on the two parcels.⁶ (See SZO, Section 14, Table of Land Uses, Item 34.) Finally, based in large part on its analysis with respect to comparable SPRO review criteria, the Planning Board finds that the proposal satisfies all applicable land use standards in the SZO, including without limitation, the minimum lot area and shore frontage standards in Section 15.A.1 for commercial structures, the stormwater runoff standards in Section 15.J, the vegetation clearing standards in Section 15.O, the erosion and sedimentation control standards in Section 15.O; and the soils standards in Section 15.Q; the water quality standards in Section 15.R. With respect to the essential services standards in Section 15.L, the Planning Board finds that the Applicant has demonstrated that no reasonable alternative exists with respect to locating certain essential services such as storm drains and electrical lines within the SP district because these services are either associated with stormwater management systems or trail lighting systems that necessarily must be located near Stevens Brook and within the SP district.

V. CONCLUSION

Based upon the foregoing Findings of Fact, the Planning Board concludes that, if carried out in compliance with the conditions of approval, the proposal will satisfy all applicable review criteria of the Bridgton Site Plan Review Ordinance. Therefore, the proposal of Saunders Mill, LLC, is APPROVED, subject to the following conditions.

VI. CONDITIONS OF APPROVAL

- A. The permittee shall comply with all plans and specifications which have been received by the Planning Board in connection with the proposal, all oral commitments regarding the proposal that were made by the Applicant or its agents to the Planning Board in the course of its review, and these conditions of approval. Any variation therefrom which is undertaken without approval from the Planning Board constitutes a violation.
- B. The permittee shall secure and comply with all applicable licenses, permits, authorizations, and requirements of all federal and state agencies prior to starting construction.

⁶ To the extent a court of competent jurisdiction, in a final non-appealable judgment, holds that the proposed non-structural elements involve "filling" that is prohibited in the SP district by virtue of SZO, Section 14, Table of Land Uses, Items 27 or 28, the Planning Board hereby conditions this approval to prohibit filling in the SP district.

- C. Construction activities authorized in this permit must be substantially started within 2 years of the date of this decision. Construction activities must be substantially completed within 5 years of the date of this decision, unless the cause of the delay of construction activities neither was nor could have been anticipated or was beyond the reasonable control of the permittee or the permittee's contractor(s).
- D. The permittee shall install the plantings on the north shore of Stevens Brook identified on the landscaping plan immediately after rough grading is completed.
- E. Shrubbery, at least 2- to 3-foot tall, shall be planted along the inside portion of fencing to be installed along the Perham & Kilgore lot.
- F. The permittee shall strictly adhere to its landscaping plan, and shall submit a report to the CEO upon completion of all revegetation.
- G. Fencing shall be additionally reinforced in any areas that are proposed to be used for snow storage in order to withstand winter snow load conditions.
- H. The permittee shall arrange to have signage installed at or near the Bacon Street and Kennard Street driveway entrances that allows right turns only from the Hotel Site onto Bacon Street and, except for safety or emergency vehicles, prohibits all vehicles (including without limitation construction vehicles, service vehicles, shuttles, buses, and guest/employee vehicles) from accessing the Hotel Site using the Kennard Street driveway entrance.
- I. The permittee shall arrange for the installation of a surveillance camera at the Satellite Lot that is monitored by employees at the hotel structure on a 24-hour, 7-days-per-week basis, and shall arrange for transportation of guests after dusk between the hotel structure and the Satellite Lot.
- J. Downward-facing, full cut-off (shielded) lighting shall be installed on the Satellite Lot.
- K. No boats or boat trailers shall be allowed to park in any of the parking areas on the Hotel Site or the Satellite Lot, and the permittee shall arrange to have signage installed at or near all driveway entrances so stating.
- L. The permittee shall comply with Chapter 7.7 of the Maine Department of Environmental Protection BMP Design Manual for manmade pervious surfaces. For the first three months following construction, porous pavement shall be inspected weekly and thereafter as specified in the Stormwater Infrastructure Inspection & Maintenance Manual. All inspections shall be performed by a qualified professional engineer with a soils background.
- M. Prior to connecting the Hotel Site to the water main, the permittee shall consult with the State Fire Marshal's Office to ensure that the water main from Main Street to Bacon Street and the connecting water main from Bacon Street to the Hotel Site meet all State Fire Marshal's Office requirements and recommendations for water flow capability. At the time that the wastewater force main connections are made to the public sewer system, the permittee shall ensure that the wastewater superintendent is present to inspect the connections at permittee's cost.
- N. The permittee shall prepare a pool drainage maintenance plan detailing the procedures to follow for filling and draining the pool, as well as backup plans if there is a malfunction of the pump station, and shall enter into a written agreement with a licensed hauler for draining

the hotel pool so that pool water is not disposed of in the public sewer system. The maintenance plan and agreement shall be provided to the wastewater superintendent.

- O. Any proposed bar in the hotel structure shall be restricted to a self-service bar that is licensed without kitchen equipment.
- P. The permittee shall install fire detection and fire suppression systems, which must be inspected and tested by the State Fire Marshal's Office. The system shall include a (FDC) Fire Department 5" (Storz) connection to supply the sprinkler system that is accessible from the front parking lot.
- Q. The permittee shall install a "Knox Box" containing entrance keys and other keys for emergency personnel to access essential areas.
- R. All noise-generating outdoor activities on the Hotel Site, including entertainment functions or gatherings at the outdoor fire pit or patio area, shall cease at 11:00 p.m.
- S. The hotel shall be and remain classified as at least a mid-scale or upper-scale quality hotel.
- T. Provision shall be made for a minimum of four (4) accessible parking spaces located at the Hotel Site, of which one space must be van-accessible.
- U. Prior to the start of construction, the permittee shall submit to the Town Manager, CEO, and Town Attorney a performance guarantee in the form of a cash contribution (via certified check payable to the Town, a deposit into a savings account, or a certificate of deposit) for the establishment of an escrow account naming the Town as owner, a performance bond payable to the Town and issued by a surety company acceptable to the Town Manager, or an irrevocable letter of credit from a financial institution acceptable to the Town Manager establishing funding for construction of the approved project from which the Town may draw if construction is incomplete or inadequate. The performance guarantee shall be in a form acceptable to the Town Attorney, and shall (i) be in an amount adequate to cover not less than 110% of the total estimated costs of all construction and infrastructure elements specified in this approval (including without limitation, demolition costs; construction costs for the hotel structure, patio, parking areas, driveways, and sidewalks; and installation costs of all non-structural features including the stormwater and phosphorus control system, erosion control measures, utilities, public water and wastewater system connections, landscaping/vegetation, fencing, signage, and lighting), and (ii) contain a detailed construction schedule, cost estimates for each phase of construction (taking into account inflation), provisions for inspections of each phase of construction, provisions for release of part or all of the performance guarantee to the permittee, and a date after which the permittee will be in default and the Town shall have access to the funds to complete construction. Prior to the release of any part of the performance guarantee, the Town Manager and CEO shall determine to their satisfaction, in part upon the report of a licensed engineer or other qualified individual retained by the Town at the permittee's expense and any other departments who may be involved, that the proposed construction and improvements meet or exceed the design and construction requirements for any given phase of construction for which the release is requested.

In accordance with Article XV of the Bridgton Site Plan Review Ordinance, any person aggrieved by this decision may appeal the decision to the Bridgton Board of Appeals within 30 days from the date of this decision.

DONE AND DATED THIS 10TH DAY OF JUNE, 2019.

By: _____
D. Steve Collins, Chair
Town of Bridgton Planning Board

Law Offices of David A. Lourie
189 Spurwink Avenue
Cape Elizabeth, Maine 04107
207-799-4922 * fax 207-221-1688
Cell: 207-749-3642
E-mail: david@lourielaw.com

Via e-mail

June 6, 2019

Bridgton Planning Board

51 Highland Road,

Bridgton, Maine 04009

Re: Bridgton Hotel - Findings of Fact Proposed by Susan Hatch, Sigvard and
Judy Von Sicard, both individually, and as members of Save Kennard Street
To: Chairman Collins and Members of the Planning Board:

Quasi-judicial decisions of planning boards are required to be supported
by adequate findings of fact, and references to the Record.

At your June 10 meeting, the Board left open several of the shoreland
protection issues raised by the proposed site plan for the "Bridgton Hotel", and
agreed that I should submit proposed findings of fact on behalf of the
Opponents to be considered along with those requested to be prepared by the
Board's Attorney concerning other provisions of the Site Plan Ordinance. (This
is a complex site plan which proposes development of two separate lots located
in different shoreland zoning districts in a single project.)

The Findings and conclusions requested below are therefore limited to

findings required in determining compliance with ordinance requirements and prohibitions applicable to the protection of Stevens Brook within both the General Development and the Stream Protection Districts in which the Applicant's two lots belong.

In making your factual findings you must apply Shoreland Zoning Ordinance Section 7 to any assertions of conflict or ambiguity in the ordinances and Land Use Tables:

“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”. SZO §7.1

1 See, also Site Plan Article XIV::

2

Findings of Fact Requested by Save Kennard Street et al:

I. General Findings Requested:

1. The site plan for Hotel Bridgton at 12 Bacon Street, tax map 22.0, is composed of two separate lots (previously tax map 22 Lot 85, and formerly used for log storage and watering, the “Log Storage Lot”), and tax Map 22 Lot 86 (formerly used to manufacture dowels “Dowel Factory Lot”.)
2. The Dowel Factory Lot is improved by a number of structures.
3. The Log Storage Lot is unimproved, with the exception of a portion of a gravel drive connecting it to the Dowel Factory Lot.
4. The two lots were not under common ownership prior to their purchase by the Applicant.
5. The contiguous Dowel Factory Lot and the Log Storage Lot are separate, legally conforming lots, under the Bridgton Shoreland Zoning Ordinance.
6. The Dowel Factory Lot is located entirely within the General Development District of the Shoreland Zoning Ordinance, and subject to setback requirements from Stevens Brook.
7. The Log Storage Lot is subject to restrictions and setbacks of the Stream Protection

District of the Shoreland Zoning Ordinance.

II. Findings Requested Specific to Proposed Development Within the General Development District

8. The Dowel Factory Lot is proposed to be improved by erection of hotel and accessory structures, including accessory parking lots. After several revisions, the Final Plan proposes a 17-space car park, extending into the Shoreland setback. Site Plan 5/10/19 sheets 3.0 and 4.0. (The Board previously ruled that paved parking lots are structures under the Site Plan Ordinance.

9. Portions of the pool building, and 17-car parking structure extend into the 50' stream set back applicable to the General Development District.

10. The parking structure will extend to within 33.8' feet from Stevens Brook

11. Portions of the pool building structure will extend to within 33.6' feet from Stevens Brook. Map C-3.0.

12. .These incursions would violate the 50' setback setback the General Development District from Stevens Brook. See, §15.B, and/or Shoreland Ordinance §14, Table 1 #14, which specifically denies the Planning Board authority to approve “structures accessory to

1. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

2. Nothing herein shall exempt any applicant or proposed development or land use from the requirement(s) of complying with other applicable Ordinances and Regulations of the Town of Bridgton.

3

allowed uses” in the General Development District. These encroachments are shown on Site Plan Sheets 3.0 and 4.0

13. The Applicant asserts that the 17-car parking structure is authorized as a replacement structure for the grandfathered portions of the structures and bunker it will remove, per Shoreland Ordinance §12.C.

14. The Applicant has failed to establish on the Record that the nonconformity of the pool building and 17-car parking structure together will not be greater than the nonconformity

of the buildings and bunker it is claimed that they will be replacing.

III. Findings Requested Specific to Proposed Development Within the Stream Protection District

A. Changes Proposed in Elevation Contours

15. The Log Storage Lot within the Stream Protection District of the Shoreland Zoning Ordinance is proposed to be altered to lessen the steep grade between the Hotel building and Stevens Brook This is to be accomplished by raising the elevation contours of the Log Storage Lot.

16. Elevation contours on the Log Storage Lot within stream protection area will be raised at least from elevation 413' to elevation 419'. (See Plans dated 5/10/19, showing elevations, especially Plan C-4.0 where areas of changed elevation are depicted by darker crosshatched lines.)

17. Filling and soil movement is prohibited in the 75' setback in stream protection.

18. Shoreland Zoning Ordinance §14, ¶14 expressly prohibits the Planning Board from approving a site plan that includes "fill and earth movement" in the SP District.

19. Other provisions exist allowing earth movement, but not expressly "fill" to change elevations (by permit from the Planning Board or from the CEO.) These provisions are all either inapplicable by their terms, or conflict with the stricter provision in ¶14, and are rendered ineffective by SZO §7 requiring application of the stricter standard.)

20. The Applicant asserts grandfathered rights to fill. (That the filling now prohibited in the stream protection district is approvable by the Planning Board as the replacement for the portion of the nonconforming gravel drive it proposes to remove, relying upon Shoreland Zoning Ordinance §12.C.)

21. The existing portion of the gravel drive on the Log Storage Lot is not a structure.

22. Only a portion of the gravel drive is located on the Log Storage Lot, and an even smaller portion is within the 75' setback where it would be "nonconforming", and count toward the area of the replacement structure.

23. The depositing, grading, and grassing of of an area in stream protection with topsoil or fill merely to change an elevation contour is not the creation of a replacement structure.

24. The gravel drive is located farther away from Stevens Brook than is the area to be filled making the claim of grandfathering unavailable to the Applicant.

25. The Site Plan Ordinance defines Top soil as “The upper, outermost layer of soil, usually the top 2 inches to 8 inches. It has the highest concentration of organic matter and microorganisms and is where most of the Earth's biological soil activity occurs”; and defines Gravel as: “Small stones and pebbles or a mixture of them with sand.” The Applicant has failed to demonstrate that the fill or top soil that it will deposit in replacement for the gravel removed will not be more nonconforming than the gravel it plans to remove in its impact on Stevens Brook as is required to claim grandfathered status pursuant to §12.C..

26. The Applicant has failed to demonstrate that the cubic volume of gravel to be removed from the area under the portion of the gravel drive located on the Log Storage Lot does not exceed the cubic volume of earth or topsoil it plans to replace as is required to claim grandfathered status pursuant to §12.C.

27. The Applicant has failed to demonstrate that the square footage of the area where the elevation contours will be increased will not be greater than the area of the gravel drive within the Log Storage Lot will be removed as is required to claim grandfathered status pursuant to §12.C.

28. The Applicant has failed to demonstrate in the Record that the volume of fill that the Applicant will deposit will not be greater than the volume of gravel that it will remove from the gravel drive within the Log Storage Lot as is required to claim grandfathered status pursuant to §12.C.

29. The area of the Log Storage Lot where the elevation contour will be increased is closer to Stevens Brook than is the gravel drive. The claim of grandfathering pursuant to §12.C is therefore not available to the Applicant.

B. Proposed New Storm Drain Across 75' Setback and into Stevens Brook

30. A storm drain is an accessory structure, and is prohibited within the Stream Protection setback. See, Shoreland Zoning Ordinance §14.

31. The Applicant has asserted grandfathered right to relocate its existing drain.

32. The existing storm drain is located entirely on the Dowel Factory Lot where it is a lawful nonconforming structure in the 50' setback applicable to the General Development District.

33. No part of the existing drain is located on the Log Storage Lot, where the applicable setback is 75'.

34. It has been suggested that the Board could approve this drain because there is "No reasonable alternative" to locating the storm drain as proposed. This conclusion may or

5

may not be correct. However, there is nothing in the Shoreland Zoning Ordinance that authorizes the Board waive this or any other Ordinance requirement.

Respectfully Submitted,

David A. Lourie

CC: Town Counsel

Mark Bower, Esq

DAVID J. JONES

RICHARD H. SPENCER, JR.

F. BRUCE SLEEPER

LESLIE E. LOWRY III

PATRICIA M. DUNN

MICHAEL J. QUINLAN

NATALIE L. BURNS

SALLY J. DAGGETT

ROY T. PIERCE

BRENDAN P. RIELLY

NICHOLAS J. MORRILL

MARK A. BOWER

CHARLES M. KATZ-LEAVY

ALYSSA C. TIBBETTS

JEFFREY B. HERBERT

ERICA M. JOHANSON
J. CASEY MCCORMACK
TUDOR N. GOLDSMITH
BENJAMIN T. MCCALL
SHARRA L. INGLIS
Of Counsel
JOSEPH G. CARLETON, JR.
LAWRENCE C. CLOUGH
KENNETH M. COLE III
WILLIAM H. DALE
FRANK H. FRYE
R. LEE IVY
DEBORAH M. MANN
NICHOLAS S. NADZO
MICHAEL A. NELSON
RAYMOND E. JENSEN
(1908-2002)
KENNETH BAIRD
(1914-1987)
M. DONALD GARDNER
(1918-2003)
MERTON G. HENRY
(1926-2018)
YORK COUNTY
OFFICE
11 MAIN STREET, SUITE 4
KENNEBUNK, MAINE 04043
(207) 985-4676 (Phone)
(207) 985-4932 (Fax)
TEN FREE STREET
P.O. BOX 4510

PORTLAND, MAINE 04112-4510

(207) 775-7271 (Phone)

(207) 775-7935 (Fax)

www.jbgh.com

June 7, 2019

D. Steve Collins, Chair

Bridgton Planning Board

3 Chase Street, Suite 1

Bridgton, ME 04009

Re: Hotel Bridgton Application and Review

Dear Mr. Collins:

On behalf of my clients, Justin McIver and Saunders Mill, LLC (the "Applicant"), I am writing in response to the proposed findings of fact submitted on June 6, 2019 by Susan Hatch,

Sigvard and Judy Von Sicard, and Save Kennard Street (collectively, the "Opponents"). We understand that the Town's attorney will be drafting findings of fact, and that the Planning Board

has not requested the parties to submit proposed findings of fact in this matter. Therefore, the

purpose of this letter is to comment on the Opponents' submission and correct the numerous factual inaccuracies therein.

I. Factual Inaccuracies

As stated, the Opponents' proposed findings are riddled with inaccuracies that require correction. Below are our responses, which correspond to the numbered paragraphs of the Opponents' proposed findings:

3. Although the Shoreland Zoning Ordinance ("SZO") does not define the term "improve," the "Log Storage Lot" is not unimproved under the normal use of that term.¹

As the record evidence supports, this lot was previously developed and used as a log storage area for the prior industrial use, and therefore contains a large area of compacted gravel that is not native to the site. There is also a gravel road that passes through the lot as shown on the Survey Plan submitted with the

Application.

1

The SZO does define the term “development” as “a change in land use involving alteration of the land, water or

vegetation, or the addition or alteration of structures or other construction not naturally occurring.” Therefore, there

is a pre-existing development on the Log Storage Lot.

Jensen Baird

Gardner Henry

June 7, 2019

Page 2

6. The “Dowel Factory Lot” is not located entirely within the General Development (“GD”) district of the SZO. As shown on the Site Plan (Sheet C-3.0), only a small portion of that lot is actually located within the shoreland setback.

7. Similarly, only the portion of the Log Storage Lot within 75 feet of the Stevens Brook is subject to the restrictions and setbacks of the Stream Protection District, per Section 3 of the Shoreland Zoning Ordinance (SZO) (“This Ordinance applies to . . . [a]ll land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.”).

8. The pool building is not an “accessory structure” as it is attached to and included within the principal structure in the development. See Sheet C-3.0.

12. The Opponents’ statement that accessory structures are not allowed in the GD district is incorrect as a matter of law. Table 1 of the SZO, at Line 14, specifically authorizes “structures accessory to allowed uses” for the GD district—here, that includes the pool building and the paved parking area, which the Planning Board has found to be a “structure” as that term is defined under the SZO.

13. To clarify, and as the Planning Board has found, the paved parking area is a replacement of the existing gravel parking area and storage structures shown on the Survey Plan and Sheet C-2.0, each of which is a nonconforming structure under Section 12(C) of the SZO.

16. As shown on Sheet C-4.0, the proposed contours on the Log Storage Lot will

increase, at most, from 415 feet to 419 feet, contrary to the Opponents' proposed finding.

21. The gravel road on the Log Storage Lot is a structure, just as the gravel parking area on the Dowel Factory Lot has been deemed a structure by the Planning Board.

22. Although only a portion of the gravel road is within the Stream Protection ("SP") district, there is a large portion of the lot in the setback area that consists of a compacted gravel area that was used previously for log storage.

25. Because "top soil" and "gravel" are not uses under the SZO, it is incorrect to refer to them as "nonconforming," as the Opponents have done.

30. As has been found by the Planning Board, a storm water pipe or drain is an "essential service," as that term is defined under the SZO, not an accessory structure. Essential services are not prohibited within the SP district. See SZO, Table 1, Line 19.

Jensen Baird

Gardner Henry

June 7, 2019

Page 3

34. The Applicant has not requested a waiver on the issue of the storm water drain pipe and culvert, because that use is specifically allowed under the SZO. See SZO, Table 1 & Sec. 15(L).

II. Parking Area on the Dowel Factory Lot

The Opponents' proposed findings as to the parking area on the Dowel Factory Lot are flawed. During its deliberations, the Planning Board determined that the existing gravel parking area (shown on the Survey Plan) is a "structure" as defined under the SZO, and that the proposed, paved parking lot is also a structure. In addition, there are other nonconforming structures on the Dowel Factory Lot (two labeled "storage building" and one labeled "concrete

bunker") that will be removed and replaced. Therefore, the proposed development within the

GD district falls under Section 12(C)(3) as the replacement of nonconforming structures.

The pool building will have a setback of 33.6 feet from Stevens Brook and the 17-space parking lot will be set back 33.8 feet (Sheet C-3.0). The larger, existing storage building is set back 20 feet, and the gravel parking area is visibly closer than that (Sheet C-2.0). Therefore, as shown on the submitted plans, the new parking area will be considerably less nonconforming than the existing structures that are located within the 50-foot setback. The currently impacted areas will be revegetated, as shown on Sheet L100, which will further improve the property closest to the stream.

The Planning Board has also found that the replacement of nonconforming structures complies with the stream setback to the "greatest practical extent," as is required under Section 12(C)(3). Under the SZO, the factors to consider are the "slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation." The proposed configuration satisfies those factors.

III. Changes in Contours on the Log Storage Lot

Contrary to the Opponents' proposed findings #20-29, the Applicant does not assert that the new contours would constitute the replacement of a nonconforming structure. The Applicant is proposing a certain amount of earthmoving in order to change contours on portions of the Log Storage Lot as a soil and water conservation practice, which is allowed on Table 1, Line 6. That conclusion is supported by statements on the record by the Applicant's engineer that the contour changes will prevent storm water runoff, erosion, and soil loss into Stevens Brook. Moreover, the replacement of the existing, compacted gravel with topsoil will allow for the revegetation

plan, shown on Sheet L100, which will further stabilize the soil.

In order to carry out the soil and water conservation practice, the Applicant will need to engage in earthmoving affecting more than 10,000 square feet, which is also allowed in Table 1,

Jensen Baird

Gardner Henry

June 7, 2019

Page 4

Line 34.2

This practice is also relevant to, and contemplated by, the standard set forth in Section 15(J) ("All new construction and development shall be designed to minimize storm water runoff

from the site in excess of the natural predevelopment conditions.").

The Opponents' position, that all filling and earthmoving in the SP district is strictly forbidden, is not a reasonable interpretation of the SZO. Many of the permitted uses in the SP

zone necessarily involve filling and/or earthmoving activities, including soil and water conservation practices (#6), driveways for one- and two-family residential (#13.B), temporary

and permanent docks and other structures below normal high-water (#15), essential services

(#19), service drops (#20), public and private recreational areas (#21), and road construction

(#24). The Opponents' interpretation would also seem to prohibit a property owner from removing a nonconforming structure located within the shoreland setback and filling and regrading the hole left behind. The SZO must be read as a whole, using common sense, and with a

goal of avoiding absurd results.

As the Planning Board has already found, the proposed contouring shown on Sheet C-4.0 is allowed as a soil and water conservation practice and the related earthmoving activity affecting

more than 10,000 square feet. See SZO, Table 1, Lines 6 & 34.

IV. Storm Water Drainage Pipe on Log Storage Lot

Finally, the Opponents' proposed findings (#30-34), which relate to the new storm water

drainage pipe, are flawed. As shown on Sheet C-4.0, the Applicant does intent to install a storm

water pipe on the Log Storage Lot as part of its grading, drainage and erosion control plan. As

stated above, a storm water pipe and drain is an "essential service" under the SZO, not an accessory structure, as the Opponents contend. Therefore, the use is allowed as of right in the SP

district under Table 1, Line 19.

The location of essential services in the SP district is allowed "where the applicant demonstrates that no reasonable alternative exists." See SZO § 15(L). The Planning Board has

found that no reasonable alternative exists in this situation, which is correct. In order to remove

storm water from the project site, which is required in order to comply with "best management

practices," the drain line will need to pass through the Log Storage Lot. The project is designed

to locate as much of the drain line as possible outside of the shoreland setback area. However, a

drainage system that empties into the stream will inevitably pass through the setback area to

some extent.

2

It is possible that the actual area involving the activity will be less than 10,000 feet, in which case the use would

only require the approval of the Code Enforcement Officer. See SZO, Table 1, Line 33.

Jensen Baird

Gardner Henry

June 7, 2019

Page 5

V. Closing

Thank you for this opportunity to provide this response to the proposed findings that have been submitted. We would be pleased to provide follow up comment to the Planning Board at its

meeting on June 10. Thank you for your consideration of this matter.

Sincerely,

Mark A. Bower, Esq.

MAB/gw

cc: Justin McIver

Aga Dixon, Esq.

David Lourie, Esq.

Town of Bridgton Planning Board Item #9 Topics of Discussion

1. Maine Townsman: Received

2. Other: Deb would like to discuss the Marble Home Business on South High Street. She states in driving by, she has noticed that it does not appear to meet the commitments and requirements of the permit. She feels it is going to get worse and would like Steve to drive by and take a look.

Item #10 Adjourn

Motion-To adjourn the meeting at 6:49 p.m. was moved by Dee and a 2nd by Deb. Discussion of the motion. Hearing none. All in favor 5 to 0 to adjourn.