

**Bridgton Planning Board Meeting Minutes
Downstairs Meeting Room/Virtual**

**August 18, 2020
2:30pm**

| Board Members | | Staff Member | |
|-----------------------|----------|---|----------|
| Deb Brusini, Chair | X | Brenda Day, Code Enforcement | X |
| Ken Gibbs-Vice Chair | X | Erin O’Connor, Admin Asst., Staff | X |
| Greg Watkins | X | Linda LaCroix, Dir. Of Comm Development | X |
| Dee Miller | X | | |
| Dan Harden | | | |
| Paul Tworog-Alternate | X | | |
| | | | |

Call to Order

Deb Brusini, Chair, calls the special meeting to order in the downstairs conference room at 2:30 pm on August 18, 2020.

The Pledge of Allegiance

Approval of Minutes- None

Item #4 Old Business

4.A Sanborn Gravel Pit- *Deliberations*

Deb Brusini suggests that the board follow the outline within the procedural guidance that was sent out to everyone, specific for this deliberation meeting.

Clarification is given that the board will only be handling non-conformance in the Willett Brook Aquafer Protection Ordinance. The Board should not ask questions normally asked in deliberations. The board should be looking for clarification on evidence already presented.

- During this meeting- the board will only be determining if they accept the Sanborn proposal that the property is grandfathered for the gravel pit operation or gravel pit use under the non-conformance clause in the Willett Brook Aquafer Ordinance.

Applicant, board, and council discuss gravel embankment calculations

Aga Dixon, Town council talks about general principles regarding law on non-conformance. Proving non-conformance is the applicant’s responsibility, however, the determination is made on a case by case basis by the board. In court backing definitions to qualify for non-conforming status, a use must be actual and substantial. Non-conforming and grandfathered are the same terms. The board needs to decide on whether the proposed extraction is grandfathered.

The Board, and town council discuss historic size and scope as well as important past dates referencing ordinances and zoning regulations. Board needs to conclude that there was an actual and substantial use in 1992.

- In conclusion, the board discussed whether June 10, 1992 was actual and substantial, whether the proposal was actual and substantial and whether the proposal might be considered an unlawful expansion of that use. These factors should be taken into consideration when determining whether or not the proposal presented to the board is grandfathered under the non-conformance clause of the Willet Brook Aquifer Protection Ordinance.

MOTION: Greg Watkins moved that the gravel extraction operation as proposed by the applicant is not non-conforming. Second: Dee Miller. **MOTION CARRIES: 5/0**

Ken Gibbs voted yes, arriving on this decision for reasons that he does not think as of 1992, that the gravel operation was substantial. Although conflicted in any way prohibiting personal use of a property. As discussed, there is a possibility that this property can be used for personal use of gravel, it has been in no way documented or approved for a substantial commercial operation.

Greg Watkins voted yes, largely based upon the information and deliberation that Deb Brusini pointed out regarding the financial aspect. He does not believe at the time there was a substantial portion to this.

Dee Miller voted yes, for the same reasons, also the same reservations about denying a legal property owner the use of his property under any circumstance, but agrees that the early status just can't be upheld because there is no documentation and no loss.

Paul Tworog voted yes, does not like to restrict anyone's use of their property. Voted yes because he is going with the meaning of substantial to be the historical amount of money that has come out of the property. Would also like to add that he thinks the proposal would be an unlawful expansion.

Deb Brusini voted yes, her basis is that with the documentation and evidence provided on historical amounts, there might not be full information gathered, because 20 years ago, there might not be receipts for this material. Deb accepts what Mr. Sanborn has told the board; however, she does not see that it is at all substantial. Deb states this is a very difficult decision for folks to reach. She also feels very strongly about not allowing folks to do something on their land that they clearly want to do. But also feels that the board needs to use the ordinances and guidance from the law to try and make an objective decision.

MOTION: Ken Gibbs moved to adjourn the meeting at 4:02. Second: Greg Watkins. **MOTION CARRIES: 5/0**