

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

**October 28, 2020
5:00pm**

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		Linda LaCroix, Dir. Of Comm Development	X
Dee Miller	X		
Dan Harden	X		
Mike Figoli-Alternate			

Call to Order

Deb Brusini, Chair, called the meeting to order in the downstairs conference room at 5:00 pm on October 28, 2020.

The Pledge of Allegiance

Approval of Minutes:

October 6, 2020

MOTION: Dan Harden moved to approve the minutes of October 6th, Second by Ken Gibbs. **MOTION CARRIES 4/0**

Item #4 Old Business

**4A. Hotel Bridgton
Map 22, Lots 85,86,70
12 Bacon Street
Remand Order**

Dan Harden recused himself and did not participate in any discussion regarding Hotel Bridgton.

Objective of the board is to take action on the Remand Order, as read “To make its own determination as to whether any of the work within the stream protection zone is filling as described in items 27 and 28 section 14 of the Shoreland Zoning Ordinance and make additional findings of Fact and Conclusions of Law on that issue. If necessary, the Board will amend the approval to disallow any filling in the SP Zone”

Deb Brusini stated that everyone will need to stick to what is in the record, and not bring in anything new. Town Council, Aga Dixon summarized the Remand Order from the superior court. This remand order is what is at hand tonight.

- Each lawyer is given an opportunity to give a 5-minute oral argument.

Mark Bower: Referred to the full plan set submitted in May of 2019. Specifically, C2 is pointed out, which shows the existing conditions of the site. Attorney Bower speaks about the sites contouring

proposal which would allow for stabilization of the soil and vegetation. Attorney Bower explained that the grading will help direct the stormwater and prevent erosion. All these things would be part of the erosion and sedimentation control plan, which is also a part of stormwater management. Better material, more infiltration, and a well vegetated area to protect the soil and the brook are all previous findings. Attorney Bower talked about interpretation of the ordinance. He believes the activity this fits into is not filling and earth moving, but rather soil and water conservation practices.

David Lourie: Stated that the essential object of the stream protection ordinance is to protect the stream. Attorney Lourie explains his objective in his memorandum to explain what is fill. The Stream protection ordinance is supposed to protect against fill in that area, the question at hand is whether this is fill or not. States that the board is required to give the term fill its customary and dictionary definition which is as follows: "Material used to fill in a low spot." Attorney Lourie talked about the site being undisturbed native soil.

Mark Bower: Stated the importance of the Ordinance. Attorney Bower explained the overly simplistic definition for the term fill, however if the idiosyncratic meaning is looked at in regard to Shoreland zoning then the meaning is more specific. The project site showed that there was absolutely prior activity within the lot.

David Lourie: Attorney Lourie talked about conflicting ordinance standards, the stricter standards applying. The prohibition in this case, must be the focus.

The board discussed filling and its definition and interpretation. The Board also discussed the Shoreland Zoning Ordinance with regards to the term fill. The board has consensus that they do not interpret the activity taking place as filling. The board agreed that they do not believe that digging trenches, laying pipes, recontouring, or laying of any essential service is considered filling. Furthermore, the Board agrees that in terms of the material used for the recontouring and any backfilling where the pipes are laid, etc. should follow best management practices and be the proper type of materials.

- **Straw Vote**

MOTION: Ken Gibbs moved that the board finds that the activities proposed in the Stream Protection District do not constitute filling and direct the town attorney to draft a supplemental decision with the board's deliberations for future consideration, Second by Dee Miller. **MOTION CARRIES 3/0**

Other-

Deb Brusini informed the Board that she gave staff the go ahead to send along the letter to Maine Only regarding the entry and exit.

The board and Community Development director discussed an upcoming workshop for Land Use Ordinance consolidation, and amendments.

MOTION: Ken Gibbs moved to adjourn at 7:36, second by Dan Harden. **MOTION CARRIES 4/0**