

Bridgton Planning Board Meeting Minutes
In Person Meeting

October 5, 2021
5:00 pm

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

Call to Order

Deb Brusini, Chair, calls the meeting to order at 5:00 pm on October 5, 2021.

The Pledge of Allegiance

Chair Brusini appointed alternate, Rolf Madsen as a voting member.

Approval of Minutes

- **September 21, 2021**

MOTION Dan Harden moved to approve the minutes of September 21, 2021, with a few minor changes second by Rolf Madsen **MOTION CARRIES 5/0**

Item #4 Old Business

- 4A. Opus Organics, LLC/ Lauren Beatrice & Bob Hoot**
4 Sustainable Way
Map 10 Lot 8A

- *Findings of Fact and Conclusions of Law*

MOTION Dan Harden moved to approve the Findings of facts as written, second by Rolf Madsen **MOTION CARRIES 5/0**

- 4B. Bridgton Gateway- MEH**
267 & 271 Main Street
Map 23 Lots 105 & 106

- *Findings of Facts and Conclusions of Law*

MOTION Dan Harden moved to approve the Findings of Facts with two minor changes, second by Rolf Madsen **MOTION CARRIES 5/0**

Item #5 New Business

- 5A. Wild Haven/Joshua Arsenault & Lisa Deschenes**
Wild Haven Road
Map 17 Lot 27A-8
- *Subdivision Revision*

George Sawyer, Engineer for the proposal gave a brief overview of the proposed subdivision revision. The Board asked a few questions concerning phosphorus, water frontage, and covenants. All questions and concerns were answered by the applicant.

Subdivision Ordinance Review

Article 5 Section 1 & 2: Met

Item 1: Met, previously approved subdivision

Item 2: Met, grandfathered

Item 3: Met, Wells,

Item 4-5: Met

Item 6: Met, Shown with test pits on plan

Item 7-8: Met

Item 9: Met, conforms with the shoreland zone

Item 10-13: Met

Item 14: Met, the envelopes avoid wetlands

Item 15-16: Met

Item 17: Met, less than 5 to 1

Item 18: Met, meets standards of DEP phosphorus control manual

Item 19-20: Met

Article X Design Standards:

Items 1-9: Met

Subdivision regulations bypass the LUO regulations with the exception of the use, which is an allowed use. Nothing in the Shoreland Zone applies except for driveways.

George Sawyer assured the Board that he would send a revised copy of the application with the corrected language.

MOTION Dan Harden moved to tentatively approve the project as presented and submitted but withhold final judgment pending the review of the findings of facts and conclusions of law, second by Rolf Madsen **MOTION CARRIES 5/0**

Chair Brusini suggested that both alternates refrain from being voting members for this agenda item as neither member were members of the Board during this application nor were able to review the original application in full prior to this meeting. Both Board members were agreeable.

The Board will have a quorum for this item; therefore, the vote must be unanimous.

5B. North High Street Solar- Borrego Solar

North High Street Solar

Map 11 Lots 1A, 3 & 4

Chair Brusini went over procedural matters and advised the Board that no new evidence can be submitted, and the Board must be very careful to not stray from what is being reviewed here.

The Board read sections from the Fire Safety Ordinance and gave their interpretation. Chair Brusini read Article 4: Applicability. The Board discussed the interpretation, specific to occupancies. The Board agreed the Ordinance does not apply to unoccupied facilities. The Board watched a clip of the former Chief's testimony from the original meeting pertaining to this project.

Comments related to access:

Dee Miller: Talked about the detail Chief Harriman paid attention to and did his due diligence when looking at all the particulars. Satisfied in going with his recommendations. All definition could have been made part by the Fire Chief, which they were. Also, suggested that there is no reference point to the structure

Dan Harden: Airs on the side of the former acting Fire Chief as he has 30+ years of fire experience.

Deb Brusini: At the beginning of NFPA1 the AHJ has authority to interpret the code. Because it is not occupied and because of other factors such as slope, Chief Harriman felt he had enough access to put a fire out safely if need be and had safe emergency vehicle access with examples given.

Article 2: All relevant sections of the code were taken into account when the fire chief gave his recommendations.

Findings:

1. NFPA1 Does not apply. Ordinance doesn't require the Board to follow NFPA1 because it is unoccupied.
2. Regarding NFPA1 18.2.3.2.2 the AHJ, which is the Fire Chief, concluded this is not treated the same as an occupied building. The Board did not treat it as an occupied facility. The Board agrees with the Chief's recommendations.

Fire Chief Glen Garland, 45+ years as a fire chief, spoke about fire access and snow. Chief Garland suggested that the 150 ft roadway is of limited relevance to this project due to there being access between the panels. Chief explained that snow would take care of the vast majority of any danger and the forestry truck can travel through severe weather conditions.

Chair Brusini allowed the appellants a short rebuttal

Appellant, Glenn Jukkola, suggested that his interpretation is that the facility is defined by the perimeter of the facility

Appellant, Ken Ainsley, suggested that the definition of occupancy is included in NFPA1, it is not as limited at the Board suggested. Occupancy doesn't refer to whether the facility is occupied by a human or not. Ken Ainsley Suggested that if snow accumulates the road will be very hard to navigate in the spring.

Chief Garland read the definition of industrial occupancy and suggested that this would apply most closely to this definition.

Chair Brusini explained NFPA 11.12.3.1 speaks to a vegetation management plan and security barriers. The applicant did say the facility will be mulched. There is no evidence regarding access roads.

Chair Brusini voiced her opinion to the Board if the two other findings were defeated. Conditions of the waiver have to do with the type of installation it is and the type of ground it covers. The Board determines the special circumstances of the site, such application requirements would not be applicable. It is not an occupied facility, and it is not a building and there are special considerations of the site. The development can still be safely accessed, and a fire can be put out.

Final Findings:

1. Fire protection ordinance applies to occupancies and the solar farm is not an occupied facility or establishment, this is also supported by the Boards and the Fire chief's interpretation of the definition of occupancy.
2. The interpretations of 18.2.3.2.2 by the AHJ indicates that the way the standard should be applied is whether there is reasonable and safe access to fight a fire effectively and safeguard the health and safety of the public and the abutters, the fire Chief testifies that he agrees he does have those items.

MOTION Dan Harden moved that the Fire Protection Ordinance applies to occupancies only, and this is not occupied, NRPA 18.2.3.2.2 does not require a road around the perimeter of the facility based on the evidence presented and interpretation of the Fire Chief, the Fire Chief's interpretation is supported by NFPA1 as the authority, second by Dee Miller **MOTION CARRIES 5/0**

MOTION Dee Miller moved to stipulate the mulch condition, second by Dan Harden **MOTION CARRIES 3/0**

Item #6 Approved Applications- As per Bridgton Site Plan Review Ordinance 4.A.

None

Item #7 Other

Chair Brusini suggested the board discuss virtual meetings policy again, the board consensus was to discuss this further at the workshop on October 19th

Item #8 Adjourn

MOTION Dan Harden moved to adjourn at 7:30pm, second by Rolf Madsen **MOTION CARRIES 5/0**