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| **Bridgton Planning Board Meeting Minutes** | **October 4, 2022** |
| **In Person Meeting** | **5:00 pm** |

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| **Board Members** | **Staff Member** |
| Deb Brusini, Chair | **X** | Brenda Day, Code Enforcement  |  **X** |
| Rolf Madsen, Vice Chair  | **X** | Loralee Phillips, Admin Asst., Staff  | **X** |
| Ken Gibbs | **X** | Tori Hill, Dir. Of Comm Development  |  |
| Dee Miller | **X** |  |
| Dan Harden  |  |  |
| Cathy DiPietro- Alternate | **X** |  |
|  |  |  |

**Item #1 Call to Order**

Deb Brusini, Chair, calls meeting to order at 5:00pm.

Chair Brusini appointed Cathy DiPietro as voting member due to Dan Harden’s absence.

**Item #2 The Pledge of Allegiance**

**Item #3 Approval of Minutes**

*September 6, 2022*  **MOTION** Rolf Madsenmoved to approve minutes with the correction of change of *Notice of Decision* to *Findings of Fact & Conclusions of Law* under item 5B. Lakewood Commons, second by Dee Miller

**MOTION CARRIES 5/0**

*September 20, 2022* **MOTION** Ken Gibbsmoved to approve minutes, second by Rolf Madsen

**MOTION CARRIES 5/0**

**Item #4 Public Comment**

**Item #5 Old Business**

 **5A. Highland Pines Subdivision**

 **Highland Pines Rd**

 **Map 17 Lot 2-7**

 **Lot Split**

Abutters Jeff Dimario, Richard Conley, Paul Ruta, Steve Bell, Rebecca Azer, Susan Shaw, and Jennifer Arsenault spoke regarding their opposition to the Highland Pines project. All public comments referenced opinion on the subject lot being undividable based on covenants.

Mark Lopez spoke regarding his attorney’s legal opinion on the project. Mr. Lopez’ attorney and the Towns attorney were both in agreement that the lot is dividable.

Jeff Dimario stated there were other homeowners in the subdivision who were denied by previous Code Enforcement Officer who stated that these lots were not subdividable.

The Board began deliberations. The following conditions were set:

* Update the phosphorous calculations

**MOTION** Dee Miller moved to adopt the plan to require 2 driveways through buffer each carrying their own power and the lots will be reconfigured so that a 50 foot buffer can be maintained between split lots 7A & 7B, second by Cathy DiPietro

**MOTION CARRIES 5/0**

Chair Brusini to draft Notice of Decision. Mr. Lopez will return November 1, 2022 with a revised plan.

 **5B. Rufus Porter Museum**

 **Main St**

 **Map 23 Lot 138**

 **Barn Exhibit Building- Findings of Fact & Conclusions of Law**

**MOTION** Ken Gibbsmoved to approve Findings of Fact & Conclusions of Law as presented, second by Dee Miller

**MOTION CARRIES 5/0**

 **5C. Main Eco Homes**

 **Sustainable Way**

 **Map 10 Lot 8, 58B**

 **Lakes Luxury Spa- Findings of Fact & Conclusions of Law**

**MOTION** Chair Brusinimoved to approve Findings of Fact & Conclusions of Law with the change to state there are 30 parking spaces as opposed to 32 parking spaces, second by Rolf Madsen

**MOTION CARRIES 5/0**

**Item #6 New Business**

 **6A. Main Eco Homes**

 **Sustainable Way**

 **Map 10 Lot 8, 58B**

 **Sole\*Ful Health Club**

Ed Akers presented regarding the project for a change of use from the previously approved structure to a health club.

The proposed Health club will go on town sewer, and the spa will remain on its own septic system. For this reason, no septic expansion will be necessary.

The Board began deliberations and set the following conditions:

* No more than 50 people in building at 1 time (to be managed by the applicant)
* Meter reading for water flow to be taken once per month and submitted to CEO
* Septic holding tank to be pumped accordingly (if necessary)

The Board also suggests an automatic electronic defibrillator be on-site.

Chair Brusini stated that she would accept a motion to tentatively approve project as presented pending approval of Findings of Fact & Conclusions of law. The motion was made by Rolf Madsen, but was not seconded. A vote was taken, 5/0.

 **6B. Higher Solutions**

 **721 Portland Rd**

 **Map 6, Lot 27A**

 **Cannabis Caregiver Retail Establishment**

Thomas Karod, applicant Destin Pinkham’s attorney, spoke regarding the Higher Solutions project. He stated that the applicant was notified after submittal of his application that the proposed property for project was directly abutting a Safe Zone as declared by the Town of Bridgton, meaning the project would not meet requirements for approval.

Mr. Karod argued that due to lack of signage and the safe zone not being frequented by minors, the said park is not a “Safe Zone” as determined by the State of Maine.

Mr. Karod asked the Board if the safe zone meets the States requirements to be considered a safe zone on a legal basis.

After conversation between the applicant and the Board, the Board decided to seek legal advice on how to proceed.

**MOTION** Chair Brusini moved to seek legal guidance to determine procedurally whether the board has the authority to waive the standard regarding a 1000 foot sensitive use in the site plan or must it go to the Appeals Board as a variance; to determine if procedurally it is required to obtain a variance, and does the applicant go through the Planning Board first for other criteria then go for variance; and counsels opinion on if the Town of Bridgton’s Safe Zone ordinance conflicts with state statute or not, second by Ken Gibbs

**MOTION CARRIES 5/0**

Applicant will return to November 1, 2022 meeting after the board has had time to seek legal advice.

**Item #7 Department Reviews**

**Item #8 Other**

**Item #9 Adjourn**

**MOTION** Ken Gibbsmoved to adjourn, second by Rolf Madsen

**MOTION CARRIES 5/0**