

Minutes for Tues., August 22, 2013 Site Walk re: Patriot Way proposed subdivision

Note: the following Minutes were drafted by Georgiann Fleck, Executive Assistant to the Bridgton Planning Board. They have been edited with minor revisions / corrections by the Sweden Planning Board Secretary.

The Site Walk officially began at 5:00p.m. Those in attendance were:

Town of Bridgton Planning Board - Steve Collins, Chair; Dee Miller and Brian Thomas.
Absent were: Fred Packard, Vice Chair; Michael Figoli; Adam Grant, Alternate;
Alternate Position Vacant

Also present representing the Town of Bridgton:
Georgiann Fleck, Executive Assistant
Rob Baker, Code Enforcement Officer
Anne Krieg, Economic Developer

Town of Sweden Planning Board - Dave Johnson; Gail Bartlett; Julie Frum; Ronald Kiesman and Laura Chadbourne.

Also present representing the Town of Sweden:
Julie McQueen, Planning Board Assistant
Eric Gulbrandsen, Code Enforcement Officer

Also present were: Kevin Taylor and Anna Marie Pond, abutters to the proposed subdivision.

JOINT MEETING WITH TOWN OF SWEDEN PLANNING BOARD

Lance Colwell/Patriot Way Subdivision

Westview Road; Map 16 Lot 5 and 5F

14 lot subdivision

Represented by George Sawyer, Sawyer Engineering and Surveying

Mr. Sawyer pointed to orange ribbons on bushes representing the town line between Bridgton and Sweden.

Julie Frum, Sweden Planning Board, pointed to property currently owned by the Smiths but said it is depicted on the Map as John Bellmer and Linda Johnson. Mr. Sawyer said that is the name I got from the Town of Sweden's information. Laura Chadbourne, Sweden Planning Board Secretary, said the Town records from 2012 have Smith as the owner so for the last two years it has had Smith. Mr. Sawyer said I get information from the map and the list but we will correct it.

Ms. Frum said according to the preliminary plan there are no plans to change the road? Mr. Sawyer said we have not reached that point of discussion yet we are only trying to show you the concept.

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Ms. Frum said some of the lots look like there is no access or easement road? Ms. Sawyer said there is access it just doesn't connect. Rob Baker, Code Enforcement Officer, said they used to connect but it was blocked off – they have their own access via a different road. Ms. Frum said is there a possibility that if the subdivision is approved others will begin using the road? Mr. Sawyer said not if they don't have a right to.

Brian Thomas, Bridgton Planning Board, said who maintains the portion of the road in Bridgton? Mr. Sawyer said we don't know. There is no established road association. Ms. Frum said whoever owns the home next to the road? Mr. Sawyer said maybe but there is no official road association. Dee said we have in the Town of Bridgton Subdivision Regulations that there must be a road association so where will the road association begin? Mr. Sawyer said that is a legal issue.

Kevin Taylor said Ms. Mitchell, Roy and Stokes personally maintain portions of the road.

Dee said what are your plans for fire protection? Ms. Sawyer said we need to discuss that with the Developer. Mr. Johnson said the fire department gave three options, fire pond, cistern or sprinkle. Ms. Frum said there is a fire pond about one mile down the road. Mr. Sawyer said the best alternative is to sprinkle the homes. It is cheaper and will hold for about ½ to 1 hour which gives the fire department time to respond. Dee said at some point the fire department will have to shift to a shuttle system but right now they couldn't because there is not enough room. Mr. Sawyer said I would assume the road will have to be brought up to town specs. Dee said but this is not in a subdivision. Mr. Sawyer said but is used to access the subdivision.

Mr. Sawyer said there is an intermittent stream which we do show on the plan which is considered a minor water course according to the most recent DEP definitions.

Ms. Frum said is the entrance road to the subdivision a “V”? Mr. Sawyer said it is a right angle turn.

Mr. Sawyer pointed to where the lots would begin and where the access road to the subdivision would be using a large tall pine as a reference point for the lots.

Ms. Chadbourne said if the road abuts the property are there any set-back requirements? Mr. Sawyer said no.

Dee said is there any level area? Mr. Sawyer said no but some of the building lots have relatively level land.

Mr. Johnson said how much will run-off into Sweden? Mr. Sawyer said the first three or four lots. Our requirement for the town as well as the state is we can't allow any increase in the runoff for up to a one hundred year storm, peak runoff. Mr. Johnson said have they actually measured a one hundred year storm here? Mr. Sawyer said we calculate it based on computer modeling which is the way we have done it for years. A one hundred year storm means that there is a 1% chance that the storm will happen in any given year.

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Dee said the Sweden portion is technically a driveway? Mr. Gulbrandsen said that is correct. Dee said therefore Sweden has a classification for a driveway and road? Mr. Gulbrandsen said yes, this did not cross the threshold to be considered a road. Dee said what is the threshold? Mr. Gulbrandsen said 6 units. Dee said this has not met that criteria but the people using it will represent that? Mr. Gulbrandsen said in my opinion this is a revision to a subdivision. The Town approved the subdivision with access as a driveway to two lots but this will now impact that. Dee said but you wouldn't change the designation? Mr. Gulbrandsen said yes we would and we would consider an amendment to the existing subdivision. Dee said the residents that are here don't want that because they like the rural driveway. When it becomes a road there are a lot of upgrades like paving and maybe sidewalks.

Anne Krieg, Bridgton Economic Development Director, said right now it is going through their property, therefore, when it becomes a road, does that split their property to become two lots? Mr. Gulbrandsen said probably not.

Brian said who owns that? Mr. Taylor said me and the Mitchells. Dee said was the easement ever clearly defined on the map? Mr. Gulbrandsen said yes. Dee said is the easement big enough for it to be a road? Mr. Gulbrandsen said yes.

Brian said who owns the portion of the road in Bridgton? Mr. Sawyer said Ron Leavitt or Kezar Corporation might still own the right of way/road. Mr. Gulbrandsen said Hickman has a deeded right of way. Mr. Sawyer said so don't a few other individuals. Mr. Gulbrandsen said that is correct. Mr. Baker said they don't physically own it. Mr. Gulbrandsen said I don't know what happens in Bridgton. Mr. Sawyer said it is the same in Sweden, when a road is created you have to form a road association to take ownership of the road but if you don't form a road association then the Developer still owns it. Dee said it is specified that the Developer maintains the road. Mr. Sawyer said not necessarily. Dee said until such that the Association takes over. Mr. Sawyer said a lot of times it never gets formally transferred from the Developer to the road association. Mr. Gulbrandsen said Sweden has enough regulations that in the past we have required a road association before they will grant approval for a subdivision. Mr. Sawyer said Bridgton is the same way but I bet I can show you subdivisions that have been built in Sweden that the ownership of the right of way has not been transferred. Mr. Gulbrandsen said that may be true for past subdivisions.

Dee said our Regulations may need to be more specific when dealing with ownership vs. maintenance. Mr. Sawyer said you don't get into it because transfers may not take place for a number of years it is more important for the Code Enforcement Officer to follow up on the creation of a road association. Mr. Gulbrandsen said in Sweden if you have a 14 lot subdivision, and this would be considered more than that because of the others that also have access, you now have to make a major road. Certain aspects can be waived. Mr. Sawyer said it is the same in most all Towns not just Sweden. Mr. Gulbrandsen said and you have to have a road association. Steve said but when does the Developer turn the road over to the road association? Mr. Gulbrandsen said it is upon approval of the subdivision. Mr. Sawyer said but there is no road association at that time. Mr. Gulbrandsen said one has to be created as part of the covenants.

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Ms. Frum said I recognize that our next joint meeting will be October 1, 2013, however, is there anything that either Mr. Sawyer, the abutters or anyone else should be doing between now and the October 1, 2013 meeting? Mr. Johnson said the chain of title needs to be resolved to the Board's satisfaction. Ms. Frum said then Sweden's position on October 1, 2013 is to determine if they have standing to apply? Mr. Johnson said that is correct.

Mr. Sawyer said I gave Julie Frum her packet this evening. It had been sent certified but returned. Is it acceptable with the Board? The Board concurred.

Ms. Chadbourne said to Mr. Sawyer, do you expect to send anything within the next month or two? Mr. Sawyer said we will have additional information for the October meeting. Rob said what is Sweden's required time-frame for submittal of information before a meeting? Ms. Chadbourne said 2 weeks.

Ms. Frum said Bridgton's objective or responsibility for the October meeting is to also approve the preliminary application? Steve said that is correct. Ms. Frum said therefore both Towns are working in conjunction with each other. Steve said the recommendation from Attorney Kallin was that the two sets of deliberation are separate but move forward together.

Mr. Johnson said it is my responsibility to notify the Conservation Commission which I did and Janet was invited but was in meetings so she could not attend this meeting. Mr. Johnson will also look into notifying the Sweden Historical Society.

The meeting adjourned at 5:50p.m.

Respectfully submitted,

Laura Chadbourne
Secretary