

**TOWN OF LOVELL
PLANNING BOARD
MINUTES OF THE REGULAR MEETING
July 2, 2008**

Members Present: Walter Grzyb, Steve Korth, Bill McCormick, Dean Stearns and Chairman Ed Ryan. Lovell CEO, Ron McAllister, was also present.

Members Absent: Paul Bois and John Donnelly

Noting that there was a quorum of the Planning Board present, Chairman Ryan called the meeting to order at approximately 7:34 PM.

APPROVAL OF THE JUNE 4, 2008 MINUTES

A motion was made by Mr. Korth to accept the minutes of the June 4, 2008 meeting that had been previously distributed to the Board. The motion was unanimously approved by the Board.

**ITEM #3 – CONDITIONAL USE APPLICATION
CORMIER PROPERTY – MAP U08, LOT 19 – NEW FOUNDATION**

As had been requested previously by Chairman Ryan, Mr. Cormier submitted the following documents to the Board: (i) a copy of the deed for the subject property, (ii) a Sketch Plan of the property prepared by Bliss & Associates undated but identified by the reference **07-125** in the lower right hand corner and (iii) a note from Mr. Cormier's children, the owners of record of the subject property, that attests that on the authority of their title, Mr. Cormier continues to have a right and an interest in the subject property.

The conditional use application was necessitated by Mr. Cormier's desire to build a new foundation under the existing cottage, which is located within the required 100-foot setback from Lake Kezar. Under these circumstances, Section 5.2.C. of the Lovell Zoning Ordinance requires that the new, enlarged or replacement foundation and the non-conforming structure must be placed on the lot such that the setback requirement is met to the greatest practical extent as determined by the Planning Board.

Chairman Ryan indicated that he and CEO McAllister visited the site with Mr. Bliss of Bliss & Associates and both he and Ron were of the opinion that the proposed relocation of the cottage met the setback requirements to the greatest practical extent.

Chairman Ryan called for a motion to approve the application as submitted for discussion purposes. Such motion was made by Mr. McCormick.

In answer to questions posed by the Board, it was determined that:

- The relocation would result in the southern non conforming set back to be increased from 36 feet to 60 feet and the western non conforming set back from 54 feet to 70 feet. The Applicant stated that the relocation could place

a yet to be determined portion of the structure outside of the required 100' setback.

- The reasons that the structure could not be moved back further from the shore was a concern for encroaching on the septic system leaching fields and the need to cut down 16 to 20 very large pine trees. In the view of CEO McAllister, the removal of so many large trees would be more detrimental than the advantages that may be gained by marginally increasing the setback.
- The Applicant expressed a desire to put a full basement under the relocated structure. It was determined by Applicant testimony that because of the slope of the land, even with a full basement the bottom of the basement would still be at least a foot and a half above the flood plain target level.
- Expansion of any portion of the structure, including the full basement, that falls within the 100-foot setback would be included under the 30 % increase limitation of floor area or volume during the lifetime of the structure.

There being no further questions or discussion, Chairman Ryan called for a vote on the motion to approve the issuance of the Conditional Use Permit on the basis submitted. The Board voted unanimously by a show of hands, to approve the application.

ITEM #4 – BOARD RULES – PROPOSED CHANGES, PUBLIC HEARING

Chairman Ryan called the Public Hearing portion of the meeting to order and noted for the record that the public hearing had been advertised in the Bridgton News on one occasion and twice in the Conway Daily Sun, within the time frame required by the Ordinance. Chairman Ryan then read the description of the subject matter of the Public Hearing included in the legal advertisement into the record as follows:

Proposed changes in the sub-division regulations relate to fees, references cited in the regulations, submission contents and lead times and abutter notification requirements. Proposal for the Board Rules of Organization and Procedure makes specific the authority of the Board to recover costs for consulting services the Board may need, from the applicant in any matter where Board review is necessary under the Zoning Ordinance.

Chairman Ryan opened the meeting for discussion and/or questions. Noting that no one coming forward, Chairman Ryan indicated that he would entertain a motion to approve the changes in the Sub-division Regulations and the Board Rules as printed. Such a motion was made by Mr. Grzyb and unanimously approved by the Board through a show of hands.

Chairman Ryan did mention that, in addition to the changes that were approved by Mr. Grzyb's motion, the Board's work in this area highlighted a number of changes that should be made to the physical organization of the printed Regulations. He stated his intent to discuss these changes with JT Lockman of SMRPC and have a revised draft prepared and disseminated to the Board as soon as practicable for approval prior to final printing.

Although not a subject included in Mr. Grzyb's motion, a conversation ensued regarding a letter that had been submitted by Messers. Nista and Bliss regarding the highlights but

mostly the lowlights of trying to measure set back requirements from the edge of a traveled portion of a street rather than the centerline.

Chairman Ryan said that the Board would welcome suggestions from those most familiar with the practical aspects of dealing with these issues on a day-to-day basis.

ITEM #7 – OTHER. NON-AGENDA ITEM

Property of Charles Sullivan – Map U11, Lot 10

Mr. Sullivan was represented by Mr. Jon Bliss of Bliss & Associates, Inc. and Mr. Sullivan's daughter, Jan. The representatives summarized a plan that would be brought before the Board at the August meeting. They explained that the three principal structures on the lot were all located in the floodplain and had experienced flooding on a number of occasions in the past. Finances permitting, the concept, as depicted on sketch drawings by Bliss & Associates, was to put a foundation (either full basement or frost wall only) under cottage #3 and move it 10 feet back from the Lake and 3 feet to the side. The Applicant proposes to raise the structure at the same time to be higher than the flood levels that had been experienced over the past 20 – 30 years but not to the height that would be required under the *Floodplain Management Standards*.

There was discussion initiated by questions of the Applicant regarding the expiration period of a granted conditional use permit and a provision in the Ordinance that improvements could be made to a structure located in a floodplain of up to 50 % of its value without being required to meet the floodplain target construction heights. No specific section of the ordinance was referenced on this latter point.

Chairman Ryan informed the Applicant that the Board would need a copy of the deed to the property, a sketch of the property showings the bounds and correspondence from Mr. Sullivan, indicating that his daughter had the authority to act on his behalf before the Planning Board. Chairman Ryan indicated that a timely receipt of the required documents would be determinative in placing this item on the Board's agenda for its regular meeting on August 6, 2008.

No action was taken by the Board on this non-agenda item.

A motion was made to adjourn and was unanimously approved at 8:21 PM.

Respectfully submitted,

Bill McCormick
Planning Board Recording Secretary.