

**TOWN OF LOVELL  
PLANNING BOARD  
MINUTES OF THE REGULAR MEETING  
MARCH 7, 2012**

Noting that a quorum of the Board was present, Mr. Ryan called the meeting to order at 7:00 pm.

**Members of the Planning Board present:** Joel Hardman, Ron Masse, Bill McCormick and Ed Ryan.

**Members absent:** Walter Grzyb, Kevin McDonald (first alternate) Dean Stearns and Patrick Williams (second alternate).

Also absent was Lovell CEO Ron McAllister.

Also present was Mr. Jon Bliss of Bliss & Associates, Inc. representing George and Zoe Trautman, regarding their agended Conditional Use Permit Application and, as a member of the public, Lovell Selectman John "Turf" Ramsden.

#### **ELECTION OF OFFICERS**

Mr. Ryan noted that this is the first Planning Board Meeting subsequent to the Annual Town Meeting, which was held this year on March 3, 2012. As such, The *Lovell Planning Board – Rules of Organization and Procedure*, **paragraph 2**, requires that the Board elect its Officers at this meeting to serve until the Board's first meeting subsequent to the next annual Town Meeting.

In this regard, Mr. Ryan suggested that it would be in order for a motion to be made to nominate someone to serve as Chairman of the Planning Board for the ensuing one-year period. Such a motion was made by Mr. Hardman to nominate Mr. Ryan as Chairman. The motion was seconded by Mr. Masse. There being no further nominations, the nominations were deemed closed. The motion was unanimously approved by the Board through a show of hands with Mr. Ryan abstaining.

Chairman Ryan then asked for a nomination for someone to serve as Vice Chairman. Such a motion was made by Chairman Ryan to nominate Mr. Hardman as Vice Chairman. The motion was seconded by Mr. McCormick. There being no further nominations, the nominations were declared closed by the Chairman. The motion was unanimously approved by the Board through a show of hands with Mr. Hardman abstaining.

Chairman Ryan then asked for a nomination for someone to serve as Board Secretary. Such a motion was made by Chairman Ryan to nominate Mr. McCormick as Secretary. The motion was seconded by Vice-Chairman Hardman. There being no further nominations, the nominations were declared closed by the Chairman. The motion was

unanimously approved by the Board through a show of hands with Mr. McCormick abstaining.

### **RESIGNATION OF MR. GRZYB**

Chairman Ryan proceeded to read a letter that he received dated February 9, 2012 from Mr. Grzyb stating that between family matters and a very demanding full time occupation, he did not believe that he could continue to function effectively as a member of the Planning Board and respectfully requested that the Board accept his resignation.

A motion was made by Mr. McCormick, that, with deep regret the Board acquiesce to the wishes of Mr. Grzyb and accept his resignation. The Board is sorry to see him depart and thanks him for his 15 years of dedicated service and thoughtful contributions to the Town of Lovell in his capacity of Planning Board Member and Vice Chairman. The motion was unanimously approved by a show of hands.

### **APPROVAL OF THE MINUTES OF THE FEBRUARY 1, 2012 REGULAR MEETING OF THE LOVELL PLANNING BOARD**

A motion was made by Mr. Hardman to approve the draft minutes of the February 1, 2012 regular meeting of the Board, which had been previously distributed to the Board. The motion was approved unanimously by a show of hands of those of the Board eligible to vote on this matter.

Chairman Ryan opened the meeting by noting that as a result of the resignation of Mr. Grzyb and as provided in *The Lovell Zoning Ordinance, Section 9.7.D.* and *The Lovell Planning Board – Rules of Organization and Procedure, paragraph 6*, Mr. Masse, as first alternate at the time, will assume full membership and shall serve out the term to which Mr. Grzyb had been elected by Town Meeting, i.e. 2015.

### **ITEM #3 -- TRAUTMAN CONDITIONAL USE APPLICATION**

Chairman Ryan noted that the well-documented and complete Conditional Use Permit Application had been distributed to the Board previously. He asked Mr. Bliss of Bliss & Associates, Inc. representing the property owners, George and Zoe Trautman, whether he had anything to add or wished to clarify regarding the application. Mr. Bliss stated (i) that he believed that the application is reflective of, and in compliance with, the *“...consensus of those Board members present at a site review on November 9 [2012].”*, (ii) that the permit-by-rule that he had filed with the Maine Department of Environmental Protection has timed out and that the proposal is now approved by the DEP, and (iii) that he would be happy to answer any further questions that the Board might have.

In response to Board questions, Mr. Bliss explained that the new foundation would

basically be a frost wall that would raise the structure to the required one-foot above the base flood level (as defined) with a porous crawl space. He also indicated that in connection with the movement of the structure back 20 feet, there would be a five foot expansion constructed on the entire north side of the structure, which Mr. Bliss believed was well in compliance with the 30% maximum expansion in the volume of a non-conforming structure permitted in the Shoreland Zone.

Chairman Ryan questioned whether the contemplated water supply continuing to be lake water complied with the current plumbing codes and he reserved judgment on that issue until CEO McAllister had an opportunity to review the application and approve that particular facet. Further, Chairman Ryan asked that if a drilled well was to be installed at some point in the future was there ample room on the property to meet all required setbacks and sewage disposal/water supply metrics. Mr. Bliss confirmed that there was more than ample room to site both utility functions on the 1.5 +/- acre parcel.

There being no further questions, Chairman Ryan requested that a motion be made on this application and that, if approved, it be conditioned on the approval by CEO McAllister of the continued use of lake water as the water supply.

Such a motion was made by Mr. Hardman to approve the application, as conditioned. The motion was unanimously approved by a show of hands.

#### **ITEM #4 – OLD BUSINESS – SETBACKS**

As one of the initiators of the suggested change to the setback requirement that was approved at the March 2012 Town Meeting, Mr. Bliss inquired as to what the setback subject was on the current agenda. Chairman Ryan explained the possible anomaly that could arise whereby a 20-foot required set back from the middle of the travelled way of a private road, could not be sufficient to prohibit a conforming structure unwittingly to be built in the right-of-way or with an unacceptable set back.

After some discussion and in response to a question posed by Chairman Ryan, Mr. Bliss felt that a change to the **Ordinance** and the **Town of Lovell Subdivision Regulations** to increase the set back requirement to between 35 and 50 feet would generally be reasonable and enough to correct any apparent anomaly between the new setback requirements and existing regulations.

#### **ITEM #7 – NON-AGENDA ITEM – CHECKLIST FOR APPLICATIONS – CONDITIONAL USE APPLICATION SUBMISSIONS**

Chairman Ryan explained that this evening's Trautman Application was the first to use a draft checklist prepared by Southern Maine Regional Planning Commission as a tool to assist Applicants in assembling the information necessary for a Conditional Use Application. He asked that the Board review the document for discussion at a future meeting.

The Board did not take any action with respect to the items included under Items # 4 or #7 above.

There being no further business, Chairman Ryan called for a motion to adjourn, which was made by Mr. McCormick and unanimously approved by the Board at 7:40 pm.

Respectfully submitted,

William J. McCormick, Jr.  
Planning Board Recording Secretary