

## Minutes and Exhibits March 1, 2023, Lovell Planning Board Meeting

### 1. Call to Order: 6:35 PM

### 2. Attendance

- PB Members present: Eugene Jordan (Eugene), Andrew Brosnan (Andrew), Diane Caracciolo (Diane), Heinrich Wurm (Heinrich), Dave Durrenberger (Dave),
- Jim Katsiaficas acting as Town Attorney
- CEO present: Alan Broyer (Alan)
- Also present: Rick Meek (Teradyne), Gordon Smith (Attorney for Bridgton Investment Fund LLC), Mark Lopez (Bridgton Investment Fund LLC), Jon Bliss, Scott Ransley, John Miller, Alfred St Jermaine, Irene St. Jermain, Mary Jo Lanewski, Chris Brink other members of the public.

### 3. Review, Accept / Correct Minutes

Heinrich: Motion to approve 1-18-23 minutes?

Diane: Questions the new format of the minutes

Jim K: Cited some state law minimum requirements of minutes.

Dave: Cited Lovell PB rules have “substance of meeting discussion” by PB and Public and names of Public.

Vote was unanimous to approve minutes.

### 4. Conditional Use Applications – (See below)

### 5. New Business Conditional Use Application –

### 6. Old Business Conditional Use Application – Scott and Brenda Ransley -21 Lilly Cove (This discussion held after the Public Hearing below)

Dave: One lot or 2 now?

John: It is one lot

Dave: Is the application we are looking at to build a Hypothetical structure?

John: No

Dave: Drawing needs to be cleaned up so we can review only what is being applied for, removing the hypothetical structure.

Applicant: Stated the existing camp has a bathroom, kitchen, bedroom, and septic and it will be modified, and the kitchen changed, screens / window changes, storage area, plumbing changes etc.

Dave: How will deck be constructed?

Applicant: A typical deck with wired railings, no roof

Dave: Keep bathroom, sink with partial kitchen, storage area, rest will be open screen room, window changes, electric, and plumbing.

Dave: What is the height of the camp?

Applicant: It is not going to change.

Dave: Changes to the camp are important to know, greater than 50% market value changes trigger the camp must be moved beyond the 100 ft setback.

### 7. CEO Report – No report presented.

Submitted by Dave Durrenberger

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### 8. Public Hearing – Bridgton Investment Fund LLC - Warehouse

Heinrich: Reviewed rules for public hearing, paper passed around for public sign in

Heinrich: Reviewed background, Applicant built a self-storage in LC zone, then proposed expansion, turned down due to ordinance changes, Self-Storage not listed as permitted after ordinance changes. Last PB meeting Application for 8,000 sf Warehouse, was voted complete.

Rick: No new information, stated same impervious footprint of warehouse is same as proposed self-storage expansion.

Dave: Is there a defined use of the Warehouse or defined Tenant as of tonight?

Mark: No

Heinrich: Mentioned concerns by many, including himself, and Dave Durrenberger about the screening trees in front of self-storage. They do not agree with the Applicant drawing that indicates height they were to be planted, nor do they block the view of the buildings per drawing, which shows the site line from road would be over the buildings, which it is not. Drawing circulated.

John B: Stated he is an abutter, read letter he had sent to Planning Board stating he would prefer more storage units than a warehouse.

John M: I'm not an abutter, I see the current self-storage unit, I don't think we need another self-storage unit.

Rick: Traffic trips per day would be higher for a warehouse

Jim: Grandfathering is gone, it would require an Ordinance change to build more self-storage.

Dave: What is the lot coverage with Self-Storage + Warehouse

Alan: 30 %

Alfred: Could there be explosives?

Heinrich: Don't know, don't know the tenant.

Public woman: Can it be denied?

Chris: Question, will the Warehouse have to apply for a use permit, when a use comes along, need to agree that a Condition should be: a future Use has to come before the board so that the PB has control goes into that Warehouse.

Liz Bender: As a board, I hope you won't be shy to impose restrictions, setback, vegetation type, amount, etc. within your power to create strict criteria, I hope you take that seriously.

Gordon: The self-storage planting concerns is not part of this application

Diane: Have you thought about moving the building to the back, so there is more buffer (and she demonstrates this on the drawing)?

Alfred: We can't build a Warehouse and then decide what we are going to do with it?

Irene: How high? Answer from Applicant was about 21 ft.

Long discussion about conditions which concludes that if there are topics that are at least mentioned in the ordinances, then they can be used as topics from which to apply conditions on a Conditional Use, which has no specific performance standards.

Jim: Generally, states they are to be conditions the board finds necessary and their can be performance guarantees. If the Planning Board applies conditions and the Applicant and Planning Board does not come to agreement, the project will not happen.

Jim: If Applicant does not meet the standard, or refuses to accept the Condition (like the landscape Architects suggestion as an example) then the Planning Board can deny.

Eugene: We have 35 days to make a decision; need to have the Conditions written

Submitted by Dave Durrenberger

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Jim: Do you think it is necessary to apply Conditions?

Eugene: Yes, and other PB members agreed as well.

Jim: Asked the applicant if the PB and Applicant agree to an extension to apply Conditions.

Eugene: There should be a Condition on the Warehouse to approve the Tenant.

Dave: If a change of Use occurs, and traffic changes, what happens?

Jim: If I build a store, and sell things, then the next tenant, and traffic triples, you have no control over that, you cannot go back and make them change that parking lot.

Chris: Could you write a condition that could say "no hazardous materials"

Jim: Yes, you could

Jim: Conditional approvals stay with the land.

Eugene: But there are too many unknowns in this Warehouse, so there should be language that says a future tenant has to come back to the CEO.

Heinrich: I think having an agreement is needed ON what we will do once a Tenant is located.

Chris: The town has the authority to put these conditions in, like this warehouse should not operate overnight.

There was much more discussion on Conditions, somewhat in a circle, not captured here.

Heinrich: Ask for Vote to choose Landscape review contractor SLR or Viewshed?

Vote: Was (4) Eugene, Diane, Heinrich, Andrew SLR, (1) Dave - Viewshed

Jim: I will work with the applicant's attorney to come up with Conditions.

Jim: Tenant Use check-in, no hours of operation, hazard waste are listed so far.

Mark: Who is point person to work with SLR?

Heinrich: Alan will be point-person.

Heinrich: Motion to continue discussion for the next meeting.

Vote was unanimous.

### 9. Meeting Adjourned: ~9:30 PM

- Date and Time of Next Meeting 4/4/23 6:30 PM

### Additional Exhibits

Submitted by Dave Durrenberger

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