

**PLANNING BOARD MEETING  
October 4, 2007**

**The meeting was called to order at 7:00 p.m. by Terry Lowd.**

**Board members present:** Herb Watson, George Masters, Bill Mullen and Bill Cummings.

**Also present:** Code Enforcement Officer Merle West, Kevin & Jeanne Mattson, Tom Federle, attorney for the Matsons, Kane Coffin, of E.S. Coffin Engineering & Surveying, Linda Painter, Raymond Taylor, Lionel Lindsay.

The minutes from the September 20<sup>th</sup> meeting were accepted as written.

1. **Kevin and Jeanne Mattson, Map 15 Lot 10A** (Donovan Road, Round Pond). Building permit in a Resource Protection Area.

In August, 2006, the Mattsons (dba Storm Crow LLC) bought a 1.26 acre parcel on Donovan Road in Round Pond. Shortly thereafter they applied for and received a septic permit, and a shoreland zoning permit to clear vegetation on the lot. After issuing the permits, CEO Merle West realized that the newly created lot was in the Resource Protection Area, and that the creation of the lot was a violation of Bristol's Shoreland Zoning Ordinance. The Mattsons, through their attorney Tom Federle, obtained an Administrative Consent Agreement from the Town (signed by the Selectmen May 23, 2007) to eliminate the violation of Section 16.E.2. of the Shoreland Zoning Ordinance. The consent agreement states: "The Planning Board may issue a building permit to the Mattsons provided that the Planning Board finds that all other requirements of the Shoreland Zoning Ordinance are met."

Kevin Mattson, attorney Tom Federle, and surveyor Kane Coffin presented the board with plans for a proposed house, walkway, stone terrace, steps, and detached garage with a one bedroom/bath above. Because the lot is in the Resource Protection Area, the Mattsons are limited to 1,500 square feet of lot coverage.

Based on the plans from the applicants, CEO Merle West calculated the square footage at 2193.12, not including the stone terrace, as those figures were not supplied by the applicant. Kevin Mattson presented a second plan, this one eliminating the carport and terrace.

The board asked whether the house could be moved back further from the 75' high water line, as the Shoreland Zoning Ordinance stipulates that structures in the Resource Protection Area must be set back to the "greatest practical extent." Federle said the present location was the only option because it was the flattest place coupled with the constraints of the septic system, and restrictions in the deed (65' setback from property line, 30' height in building).

Chairman Lowd suggested the board make a site review. Bill Mullin asked the applicants to flag the locations of all the structures, driveway, and the septic system, which has not yet been installed. A site review is scheduled for Friday, October 19<sup>th</sup> at 7:30 a.m. In the meantime, the applicants must provide an erosion control plan, and remove the word "Town" from item #3 of the Site Inspection and Maintenance note on the Site Details page of the plan from E.S. Coffin. When the location of the structures is finalized, the board will also need to know how much fill is needed.

2. **Raymond & Christine Taylor (Map 4B Lot 4) and Lionel & Grace Lindsay (Map 4B Lot 5)**  
Pemaquid Harbor Road, Pemaquid. Two non-conforming lots with a proposed lot line change.

Raymond Taylor, who owns a .98 acre lot and his neighbor Lionel Lindsay, whose lot is .25 acre asked the board if they could move a boundary line between their two non-conforming lots. Eleven years ago Taylor granted .23 acres to Lindsay in a deed; after the deed was recorded the Town contacted Taylor and said it was not permissible under the ordinance, so they reversed the deeds and instead granted a perpetual easement, which remains in existence today. Anticipating future problems and complications with the current arrangement--for example, if the Lindsays were to build a garage on the easement, the Taylors would have to apply for the permit—they would like to legally change the lot lines as they attempted before.

The Town sought legal advice from Maine Municipal Association, which said that the second sentence of Section 10A of Bristol's Land Use Ordinance answers the question (allowing abutting lot owners to convey to one another up to 20% of the lot for subsurface disposal systems). Unless that is the reason, then the current arrangement with an easement is the only way to accommodate the parties.

Lindsay currently has an overboard discharge system, and the state has not yet asked him to convert to a subsurface system, but he would also like to build a garage and would need the extra land. The board agreed to ask MMA or Erv Snyder whether a deed could incorporate a future plan. Both the Lindsays and Taylors are leaving soon for the winter, and the discussion will resume in the spring, if necessary.

**MISC.**

Several board members were asked by abutters to the John's Bay Homes subdivision on Pemaquid Trail about the condition of the subdivision road, which has been an ongoing issue. Several of the lots have been sold, and the covenants to the subdivision require owners to pay money for maintenance. The board will write a letter to developer Jim Scali asking for clarification about his plans.

The board will meet at 6:00 p.m. on Thursday, October 18, the work meeting, to continue efforts on the Subdivision Ordinance.

The meeting was adjourned at 8:40 p.m.

Submitted by Heather Houston, Secretary, Bristol Planning Board.

PLANNING BOARD APPROVED: \_\_\_\_\_