

**BRIDGTON BOARD OF APPEALS  
MEETING**

**Downstairs Meeting Room (Virtual)**

**May 28, 2020  
6:30p.m.**

The Bridgton Board of Appeals was called to order at 6:30p.m. by John Schuettinger, Chair. Those in attendance were: John Schuettinger, Chair; Mark Harmon, Vice Chair; Bruce Hancock; Kevin Raday, Dick Danis. Absent were: None

Also present were: Kari Downs, Administrative Assistant; Linda LaCroix, Community Development Director; Justin McIver and Mike Connolly of Maine Eco Homes; Colin Dinsmore, HEB Engineers; and Aga

**Pledge of Allegiance**

**Appoint Alternate(s) to vote in place of any absent regular member(s), if necessary**

None

**Approval of Minutes**

None

**PUBLIC PROCEEDING**

**Administrative Appeal Planning Board Decision**

**Applicant: Justin McIver on behalf of Maine Eco Homes**

**Property Owner - Maine Eco Homes**

**Location: 144 Main Street**

**Represented by Justin McIver, Mike Connolly, and Colin Dinsmore**

The Board received a letter from DEP Bureau of Land Resources regarding 144 main St M23L28. This letter is officially entered into record and must be considered when drawing conclusion. Their opinion is that the requirement to meet inability to yield reasonable return unless variance is issued, not met. DEP further recommends denial of variation.

Application specifies the poor soil present requires construction of a special foundation lifting the building five feet out of the flood zone and requiring substantially ADA adaptations. These costly features would need to be offset by a building of size. If variance is not granted, the lot will remain vacant which is a visible eyesore to the public.

Allowing a variance will not alter the area as proposed building will match overall scale and character of the other structures in the area. The prior building was demolished by previous owner, if it were not, this building would be grandfathered if built within 1 year within date of demolition.

There was a letter of support from abutters which listed the current vacant lot as an eyesore and agree that the area is very difficult to build upon. They thank Justin of MEH for taking the risk by purchasing.

Colin Dinsmore of HEB gave a rundown of project as a vacant lot formerly Main St Variety. In 2016, the owner was going to renovate. A permit was issued, however once he dug in, it was discovered that the foundation was severely rotted and not salvageable. The building was declared a public safety hazard. Once demolished, the owner found that it would be very costly to rebuild. Being below the flood plain and the poor condition of soil all add to cost to rebuild. Justin purchased the property and developed a plan for a new building that fits well with the character of the area. These plans meet all other ordinance requirements, however due to the small size of lot, it does not meet setbacks and lot size requirements. Speaking to DEP letter, and proving no beneficial use of land, the soils are horrible. A new building would need piers drilled 20ft to bedrock. It is located in a flood hazard zone, and subsequently must be elevated 5 ft causing elaborate ADA ramp structure. That being said, the building would need to be a certain size to be financially feasible. If denied, it is most likely the lot will not be developed as it has no known use. The lot couldn't even use for parking lot or Town park as is due to flooding. Applicant would suffer undue hardship and practical loss of all beneficial use. The grandfather clause has lapsed, however this is a considerable improvement from what was previously at that location.

John Schuettinger - Please remember that we can only look at the two specific items related to this application.

Kevin Raday - looking at black area of plan, how many sqft is this? (2229sqft black outline and red is 3530sqft). Stevens brook from front corner of lot is 170ft. Within requirement of 75ft plus away. Shoreline is within 250ft because Stevens brook is outlet for Highland lake which is great pond.

Aga agrees that the question is very specific to the applicant asking for two variances. There is no question of district and zoning. For purposes of this discussion, the mapping accuracy or wetland issue is not relevant.

Justin comments that he feels this is the standard response from DEP as they are looking at this from a "10,000ft view" not from a community prospective or aesthetic prospective. The site is extremely challenging and we were willing to take on the sizable project. No basement will be allowed so we must utilize the space to the greatest extent possible.

John Schuettinger - What is the repercussions of not agreeing with DEP? Aga answers that it must be considered only. DEP does not have the authority to overrule. If granted, we must notify DEP. They may have a right to appeal, but she would have to look further into that. They can not vacate or overturn the decision unilaterally.

John Schuettinger - Reminds the board and applicant that owner is not entitled to maximum return on property, only reasonable return. Please keep in mind.

Bruce Hancock - can we hear from MEH about undue hardship. He can visualize and has walked the lot, read the application and plans. He agrees it is difficult to make profitable.

Mike Connolly answered that structure is not designed to be any larger than it needs to be. We don't want to lose money, but must break even.

Not being able to forgo voting rights of the people. Majority of townspeople would vote to approve an aesthetically pleasing building over the hole in the wall that is there now.

He further feels that Bridgton wants to invite ppl to generate revenue and jobs. Either side buildings are going to fall to the ground, there would be 20ft between them all which would not be in line with area appearance.

Kevin - Is this lot buildable without special engineering techniques?

Colin HEB - No, a basic foundation would not support load of a building.

Kevin - Please place in writing that this would not buildable.

Colin - This is listed in the geotechnical study included with the application. Look at the building to east - it is evidence of the soil.

Kevin - cost comparison between traditional building and this special foundation.

Mike Connolly states it would be approximately 6-10x the cost of traditional foundations. Structural steel is required.

Justin states that either size will cost the same due to the mobilization of the company to construct and the engineer. Justin further states if not approved, he WILL NOT be able to build there. It will remain vacant. Community has been so happy that we have taken this on to improve the downtown. It is not an easy project and has been sold numerous times for that very reason. No one else has been able to make this work. This is a much-needed project and I have been happy to be able to help.

Mike Connolly states whoever builds to either side will also have to build to the same technical plans.

John brings back the side setback issue (technically 2ft required if not in shoreland zone). Aga states that the reason the DEP does not comment on the side and rear setback as they can only comment on the variance that would affect their jurisdiction.

Aga provides guidance based on the court. She states that they do not take money into consideration. They are looking solely at whether the lot would allow ANYTHING to be done within the parameters set forth in the Land Use Ordinance.

Final thoughts of the Board prior to voting:

The plan does not alter the essential character of the area,

This circumstance is unique to this location.

The applicant has proven that this lot can not be used for park, parking lot, or other building purpose.

**MOTION:** Mark Harmon moves to allow the variance for setback requirements both sides and rear. Seconded by Bruce Hancock. **MOTION CARRIES 5/0.**

**MOTION:** Mark Harmon moves to allow the variance for lot coverage. Seconded by Bruce Hancock. **MOTION CARRIES 5/0.**

Chair Schuettinger adjourned the meeting at 7:39p.m.