

TOWN OF LOVELL
PLANNING BOARD
MINUTES OF THE REGULAR MEETING
FEBRUARY 7, 2007

Members Present: Chairman Ed Ryan, John Donnelly, Steve Korth, Bill McCormick, and Farwell Sawin.

Members Absent: Paul Bois, Walter Grzyb and Lovell CEO Ron McAllister

The meeting was called to Order at 7:30 PM.

Minutes of the January 3, 2007 regular meeting of the Board were unavailable due to the absence of Walter Grzyb, Recording Secretary of the Board.

SHORELAND ZONING ORDINANCE REVISIONS

Chairman Ryan reported that this project continues to be a work in process. Board comments on the SMRPC prepared draft 2 dated 12/07/07 had been provided to JT Lockman and Chairman Ryan has received the following oral feedback. The Board will receive a memorandum confirming the conversation prior to the next meeting.

- Page #3 - Definition of Building- change the language from '...having a roof supported by columns or walls' to '...having a roof and walls'.
- Page #7 - Definition of "Increase of nonconformity of a structure" has been added to provide a definition to cover the heightened attention paid to the process in determining such a condition elsewhere in the document.
- Page #7 - The definition for "Institutional" has been preliminarily deleted because the term is not used in the Lovell ordinance.
- Page #16 - Section 4.2. Reference to 1994 Lovell Assessors maps was changed to such maps dated 2004.
- Page #20 - Section 5.1. The question was asked whether the Board has the right to reject a proposal immediately upon determining that an application does not meet one of the Land Use requirements in order to avoid having to listen to the entire application, hire experts, etc. JT confirmed that the Board has that right.
- Page #21 - Section 3 "Change of Use". The ordinance provides that in the case of a change from one nonconforming use to another, the Board of Appeals has the responsibility to determine the impact of the change on adjacent properties and the appropriateness of the change for the district. The question was raised as to why the Planning Board, given its greater breadth of experience in this area, shouldn't be the body to make those determinations rather than the Board of Appeals. Although JT indicated that the ordinance could be changed to re-assign that authority, the Town of Lovell attorney, Mr. Pratt, did not believe that it was a good idea to do so. Mr. Pratt has agreed to send the Board a memo outlining his reasoning and suggesting further changes to that section of the ordinance.
- Page #22 - Section C 1 d Removing the January 1, 1989 effective date is still an open question.

- **Page #28 - Land Use Table.** JT is to develop information that indicates the retail, commercial or industrial uses that are currently permitted in what will become the SLR and SP zones, which will not be permitted under the new ordinance.
- Page #40 – Section 8.1A.5 JT is to look into the consistency of the “After the effective date of this Ordinance” language throughout the document.
- Page #43 – Section E should be Section D
- Page #45 - Section K.4. The question is whether a pier can be 6-foot wide. JT is still looking into it.
- Page # 55 – Section 10.5 A.1 second paragraph. The question is whether the hearing by the Appeals Board to review a decision of the Lovell CEO can be appellate rather than de novo. JT answered in the affirmative. Further discussion with Town Attorney Pratt indicated that he considered moving to an appellate process not a good idea, and would put his thoughts and reasoning in a memo to the Board.

SUB-DIVISION REGULATIONS REVISIONS

All of the Board’s comments on these regulations have been passed to JT Lockman for incorporation into a draft for the Board’s review. This is a work in process and will be available for discussion at the next regular meeting of the Board, set for March 7, 2007.

ANIMAL HUSBANDRY STANDARDS

A cut and paste draft from various sources was furnished to the Board as a discussion point document. A number of specific conditions were agreed to, including the need to see a clean draft to ensure consistency and appropriateness under the new conditions. Concepts that will carry forward into the new ordinance to be drafted by SMRPC will include:

- The Planning Board does not want to set standards or limits for the number and species of animals that might be permitted on any specific parcel of land. However, the Board may take such data into consideration in reaching a decision regarding a specific application.
- The concept of using set back requirements from the property line for housing or pasturing animals, was deemed to be ineffective and the Board opted instead to make set back requirements two pronged—20 feet from the property line and at least 100 feet from the residences on adjacent properties at the time of permitting.
 - Setbacks of 100 feet will also be required from potable water sources.
- The new Shoreland zoning Ordinance requirements will also be taken into consideration.
- Manure storage standards will be those in effect for Oxford County.
- The premises should be maintained in a clean, orderly and sanitary condition at all times relative to the size and type operation being conducted.

There being no further items on the agenda and neither new nor old business to discuss, a motion was made to adjourn the meeting at 8:47 PM.

Respectfully submitted,
Bill McCormick