

**TOWN OF LOVELL
PLANNING BOARD
MINUTES OF THE REGULAR MEETING
May 6, 2009**

Members Present: Paul Bois, Walter Grzyb, Joel Hardman, Bill McCormick, Bryan Molloy, Ed Ryan and Dean Stearns. Also present was Lovell CEO Ron McAllister.

Members Absent: None

The meeting was called to order at 7:32 PM.

**APPROVAL OF THE MINUTES OF THE APRIL 1, 2009 REGULAR
MEETING**

A motion was made by Mr. Bois to accept the minutes of the April 1, 2009 Meeting that had been distributed previously to the Board. The motion was approved unanimously after amendment to Item #4 to reflect the unanimous approval by the Board of the motion included therein.

ITEM #3 -- CONDITIONAL USE APPLICATIONS

Chairman Ryan reported that of the two or three Conditional Use Applications, referenced in the Meeting Agenda, that were expected to be filed prior to the meeting only one was actually received. That application related to the establishment of a Farmers' Market each Wednesday from 9:00 AM to 1:00 PM, commencing on June 3, 2009 and continuing weekly through September 30, 2009.

Upon review, CEO McAllister concluded that although a Farmer's Market is not specifically permitted under Article VI of the Lovell Zoning Ordinance, the listed use that is the most similar to a Farmers' Market is a Yard Sale. Yard sales are permitted in every zone without permit and therefore, the Farmers' Market was free to move ahead as planned, without the need for further approval of the Town.

Chairman Ryan said that he had a lengthy conversation with a Helen Ramsdell, who is organizing the Lovell effort, has been associated with a number of other Farmers' Markets in adjacent areas for over fifteen years. He learned that the State Department of Agriculture has included in its ordinances a strict definition of a Farmers' Market, what may be sold, what is prohibited, etc. The Chairman emphasized that as a permitted use per se, and governed by state statute, it is to be used for the sale of farm and food products that are produced by the farmer vendor (as defined in the statute). It is not a facility for the resale market, nor a market for various forms of arts and crafts.

Since the Statute permits that any jurisdiction may impose rules more strict than those mandated by the State, Chairman Ryan expressed a need to pay close attention to the

execution of this plan so that any deviation from the expected can be dealt with through an amendment to the Lovell Zoning Ordinance for the approval of such events in the future.

No action was required to be taken by the Board on this matter.

ITEM # 4 -- OLD BUSINESS. OLINSKI BUILDING ENVELOPE CHANGE.

Chairman Ryan reported that he had had a number of phone conversations with Mr. Olinski regarding the Board's hearing this application and informed Mr. Olinski that, as a minimum, the application should contain the following documents:

- Proposed amendment to the approved sub-division development Plan;
- The amended Plan should show the surveyed lot with the new clearing zone (building envelope) as well as the old one and the indication of where and the extent to which the 100-foot buffer zone has been/will be encroached upon.
- A surveyed Elevation Certificate regarding the new clearing zone and its height relative to the 100-year high water mark in the Floodplain zone.
- Documents that address the impact of the new clearing zone on the drainage of the area, including the recalculation of the phosphorus run-off into Farrington Pond.
- Landscape plan for the replanting of trees removed from the five thousand square foot excess clearing zone.
- Other replanting plans.

Chairman Ryan indicated that JT Lockman of Southern Maine Regional Planning Commission (SMRPC) has been involved and in communication with the Gorrill-Palmer engineering Firm that had been the consulting engineers for the original subdivision plan and retained by Mr. Olinski in this matter. It was JT's view that things were progressing smoothly and that the Board would have the amended plan documents and his own review report prior to the site walk and the meeting of the Planning Board on June 3.

ITEM #6 -- NEW BUSINESS. FLOODPLAIN MANAGEMENT ORDINANCE REVIEW AND SCHEDULE HEARING

By way of background, Chairman Ryan informed the Board that the existing Lovell Floodplain Management Ordinance (last adopted in 1998) as well as the current proposed Ordinance are required because the Town of Lovell has chosen to be a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (as amended).

The proposed changes have been necessitated by a need to bring all of the individual Towns' Floodplain Management Ordinances to some basic commonality and to reflect changes brought about by the Federal Emergency Management Agency (FEMA) and the recent development of Digital Flood Insurance Rate Maps (D-FIRM) and a recent Flood

Insurance Study – Oxford County (FIS). The State Planning office has placed a deadline regarding adoption of the proposed ordinance by each community of July 7, 2009.

The view of those Planning Board members that have reviewed the document to date was that there were no changes of such significance to warrant that the Town of Lovell withdraw its participation in the National Flood Insurance Program. In addition, Chairman Ryan felt that to the extent that a word for word review or future experiences disclose errors of commission or omission in the ordinance, a reasonable case for “housekeeping” type changes could be requested and would be permitted.

A motion was made by Mr. Grzyb to approve the draft of the *Notice of Public Hearing* on this proposed ordinance prepared by Chairman Ryan, which is attached hereto and incorporated herein in its entirety, setting the date of June 3, 2009 at the New Suncook School. Such motion was approved unanimously by the Board, through a show of hands.

There being no further business, Chairman Ryan called for a motion to adjourn. Such motion was made at 8:50 PM and unanimously approved by the Board.

Respectively submitted,

Bill McCormick
Planning Board Recording Secretary