

**TOWN OF LOVELL
PLANNING BOARD
MINUTES OF THE REGULAR MEETING**

SEPTEMBER 7, 2011

Noting that a quorum of the Board was present, Chairman Ryan called the meeting to order at 7:01 pm.

Members of the Planning Board present were: Joel Hardman, Ron Masse, Bill McCormick, Kevin McDonald, Chairman Ed Ryan and Dean Stearns. Also present was Lovell CEO Ron McAllister (from 7:17 pm).

Member absent: Walter Grzyb.

Also present as a member of the public was Lovell Selectman, Turf Ramsden.

**APPROVAL OF THE MINUTES OF THE AUGUST 3, 2011 REGULAR
MEETING OF THE LOVELL PLANNING BOARD**

A motion was made by Mr. Hardman to approve the minutes of the August 3, 2011 regular meeting, which had been distributed to the Board previously. Following a number of questions from the Board and discussion thereof, the motion was approved unanimously by a show of hands of those of the Board eligible to vote on this matter.

Chairman Ryan noted that the posted Agenda for this meeting indicated that there were no Conditional Use Permit Applications to be heard.

**ITEM #4 – OLD BUSINESS -- ORDINANCE DEVELOPMENT: TIME LIMITS
FOR INACTIVE (CONDITIONAL USE)
PERMITS**

Chairman Ryan explained that this item was the continuation of the discussion item under New Business at the August 3, 2011 Planning Board meeting. At that meeting, the discussion of this topic ultimately concluded that the time limit on any Conditional Use Permit rested on whether Conditional Use Permits are attached to the land and not to the specific operator (e.g. if a conditional use permit was issued for a welding shop at a specific location; a welding shop could always be there as long as it continued to meet the conditions attached to the original permit, regarding size, scope, hours of operation, noise levels, emission levels, etc., etc. and regardless of whether the operation over the years was continuous, sporadic, or intermittent, was sold or otherwise changed hands).

But before concluding on this important issue, the Board thought it prudent that Chairman Ryan solicit input from J T Lockman of the Southern Maine Regional Planning

Commission regarding the ordinances/policies relating to this issue of other municipalities similar to Lovell in the southern Maine district. In connection with that request, Chairman Ryan reported that JT Lockman was of the distinct view that the preponderance of the general practice in the district is to view an approved Conditional Use Permit as attaching to the land. At the same time, Mr. Lockman did not deem it necessary or desirable to amend the Lovell Ordinance to codify that point.

Chairman Ryan went on to explain that some of the other questions that the Board had raised at the last meeting re mixed use properties and potential safety issues of repairing gasoline engines indoors were either not of any real consequence in the Town of Lovell or were the purview of the Code Enforcement Officer.

As a result of the above, no action was taken by the Board on this matter.

ITEM #6 – NEW BUSINESS -- REVISION OF DEFINITION: STRUCTURE SETBACK

Chairman Ryan explained that this item was also a continuation of a tabled item at the August 3, 2011 Planning Board meeting, pending further research. He reported that the Board had in fact approved a change in the subject definition at its meeting on November 5, 2008, but had no explanation as to why this issue didn't progress to the next step which would have been a Public Hearing and ultimately to a vote of the residents at a properly convened Town Meeting.

Chairman Ryan also explained that since the current composition of the Board had changed from that which was in place in 2008, and since the motion that was approved in 2008 never actually attained any legal stature, he felt that it would be appropriate and proper for the current Board to rescind the motion that was approved in 2008 and then vote on a new motion.

After much discussion on the merits of the issue as well as the process, a motion was made by Mr. McCormick to rescind the motion made and approved at the November 5, 2008 meeting to amend the document entitled *Amendments to Zoning, Setback Measurements --Draft #2 dated October 10, 2008* prepared by J.T. Lockman of the SMRPC, which is attached hereto and incorporated herein by reference in its entirety

There being no further discussion, the motion was unanimously approved by the Board through a show of hands.

Using that same document, a motion was made by Mr. McCormick to delete "...centerline of either the frontage street or the right of way..." and to add "**... center of the traveled portion of the frontage street...**"

There being no further discussion, the motion was unanimously approved by the Board through a show of hands.

Chairman Ryan then suggested that the Board hold a Public Hearing on this item and that

such Hearing be held at the next regular meeting of the Board on October 5, 2011.

A motion was made to that effect by Mr. Hardman and, after discussion of the potential impact of Fair week, was unanimously approved by the Board through a show of hands.

There being no further business, Chairman Ryan called for a motion to adjourn, which was made by Mr. Stearns and unanimously approved by the Board at 7:42 pm.

Respectfully submitted,

William J. McCormick, Jr.
Planning Board Recording Secretary