

**TOWN OF LOVELL
PLANNING BOARD**

**MINUTES OF THE REGULAR MEETING
February 4, 2009 Rescheduled to February 11, 2009**

Members Present: Paul Bois, Walter Grzyb, Bill McCormick, Dean Stearns and Chairman Ed Ryan. Lovell CEO, Ron McAllister, was also present.

Members Absent: John Donnelly and Steve Korth

Noting that there was a quorum of the Planning Board present, Chairman Ryan called the meeting to order at approximately 7:32 PM.

**APPROVAL OF THE JANUARY 21, 2009 MINUTES (RESCHEDULED
REGULAR MEETING OF JANUARY 4, 2009)**

A motion was made by Mr. Stearns to accept, with minor spelling corrections, the minutes of the January 21, 2009 meeting that had been distributed previously to the Board. The motion was approved unanimously by those present and eligible to vote on this motion, through a show of hands.

**ITEM #4 – OLD BUSINESS
NON-CONFORMANCE: STRUCTURES**

The Planning Board continued its discussions of the past three or four Board meetings regarding restoration and/or replacement of non-conforming structures. The basis for this meeting's discussion was Draft 3 dated December 11, 2008 from JT Lockman of SMRPC entitled *Amend Article 5.2, Nonconformance...*

After due discussion, the sense of the Board seems to be that the replacement of a non-conforming structure located in a non-shoreland zone should be consistent with the zoning ordinance and criteria applicable to such a replacement in the shoreland zone, including the need for Planning Board review. In addition, a distinction should be made between a replacement of a structure that is destroyed by its owner and a property that is destroyed involuntarily through an act of god.

In concluding the discussion, the Board suggested a number of changes that could be made to Draft 3 that would be acceptable to the majority of the Board. Chairman Ryan proposed that he have further conversations with JT Lockman and have him prepare Draft 4 incorporating, to the extent practicable, those suggested concepts and draft changes. The Board agreed and, as a result, tabled further discussion until the next regular meeting of the Board on March 4, 2009.

**ITEM #7 – NEW BUSINESS – NON-AGENDA ITEM
FARRINGTON SHORES SUBDIVISION**

Chairman Ryan and CEO McAllister reported on a number of recent phone calls with the owner of Lot #5 in the subject subdivision, regarding a citation issued by the Maine Department of Environmental Protection objecting to the owner's removal of certain trees on the property in violation of State law, and requirements to re-vegetate the property in a manner determined by the DEP.

In connection with the investigation of this violation, it was determined that the property owner constructed the foundation for a residence outside of the building envelope that was specifically approved by the Planning Board in connection with the Subdivision and which remains the jurisdiction of the Planning Board pursuant to the ***Farrington Shores Homeowners Association Declaration of Restrictive Covenants, Reservations, Restrictions and Easements.***

These two situations have led to other questions regarding the possible violation of the required 100-foot buffer zone from Farrington Pond. Chairman Ryan indicated to the owner that the Planning Board would schedule a site visit to assess the situation once the snow has melted. Chairman Ryan also indicated that it is possible that the Board would have to hire outside professional help to ascertain that the new building envelope, which had been unilaterally established by the property owner, meets the same criteria as the original approved envelope. All out-of-pocket costs incurred by the Planning Board to hear/rehear an application on this lot would be at the expense of the property owner.

There was no action taken by the Board relative to this non-agenda item

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

Respectfully submitted,

Bill McCormick
Planning Board Recording Secretary