Planning Board Meeting

2/2/22

Lovell Maine 04051

Members present; Chairman Heinrich Wurm, Jane Lansing, Kevin McDonald, Eugene Jordan, Diane Carracciolo, Sheri Paulette, Sandra Bell.

Also present Attorney James Katsiaficas, C.E.O. Alan Broyer, Attorney Paul Driscall and a host of others who chose not to sign in.

Meeting called to order at 7:00 pm by Chairman Wurm.

Minutes; Unavailable to members, continued to next meeting.

Public Hearing regarding Ordinance change.

Chairman Wurm speaks to audience concerning the process following the 1/25/22 special town meeting vote in favor of a moratorium on solar development and asks Mr. Katsiaficas to outline next steps.

Mr. Katsiaficas outlines the history of the Walden application so far and highlights the fact that neither a decision on “listed use” had been reached nor had all required submissions been provided to date. With the application remaining incomplete he introduces a document titled “Determination of Application Status – Walden Renewables” which concludes:

*…that Walden Renewables’ October 29, 2021 Application was not a “pending proceeding” under 1 M.R.S.$302, and so is subject to the Moratorium Ordinance’s “Prohibition”. Therefore during the time the Moratorium Ordinance is in effect and during any extension of that Moratorium Ordinance, the Planning Board shall not process or otherwise act on the Application.*

He introduces a

*Motion to determine for the reasons stated above, Walden Renewables’ Application for Conditional Use Review dated October 29, 2021 is not a “pending proceeding” and that the Planning Board shall not process or otherwise act on that Application during the time the Large-Scale Solar Energy Systems Moratorium Ordinance, made by Heinrich Wurm, seconded by Kevin McDonald and approved by a roll-call vote of 5 to 0.*

Next is a public hearing on the proposed amendment change to article 6.2 of the District Regulations, specifically the change in methodology when a entity is not listed in the Table of Uses. Suggested change was previously provided by attorney Daggett and reads as follows:

***Subject to the provisions herein governing lawfully existing nonconforming uses, any use not expressly listed in the above table as a permitted use (Y or P), conditional use (C), special exception use (SE), or permit required from Maine Bureau of Forestry use (BFP) shall be considered prohibited in that zoning district. When there is a question about whether a proposed use is listed in the above table, the Code Enforcement Officer shall make a formal, written determination.***

*If accepted by the select board this amendment should be listed on the warrant as follows:*

*Article xx. Shall an ordinance entitled “2022 Amendments to the Lovell Zoning Ordinance Regarding Uses Not Listed on the Table of Land Uses” be enacted?*

Discussion regarding the pros and cons of this amendment are discussed by attorney Katsiaficas, member of the audience and the Planning Board. A vote to forward the amendment to the Selectboard is unanimous.

Chairman Wurm also explains the moratorium and what the process is going forward. The petition that was presented to the Selectman on 2/1/22 is discussed. A decision must be made within 60 days and there must be a special town meeting to vote on the petition.

Chairman Wurm calls for adjournment at 8:17 pm. Vote is unanimous to do so.

Respectfully submitted Kevin McDonald and Heinrich Wurm.