

Town of Lovell



Lovell, Maine

July 28, 2022

Mark Lopez
DBA Bridgton Investment Fund, LLC.
438 Commons Drive
Bridgton, Maine 04009

Conditional Use 2022-03. Code Enforcement Notice of Decision

Mr. Lopez,

Article 6.2 of the Lovell Zoning Ordinance requires that, in the event there is a question whether a proposed use is listed in the Land Use table, the Code Enforcement Officer shall make a formal written determination.

On July 27, 2022, the Planning Board met with you and your attorney at the scheduled public meeting. During discussion, you said that the self-storage project fit in as a warehouse, as listed in the Land Use tables. The Planning Board however disagrees, as the wording in the current Article 6.2 states, “expressly listed” and not the former wording, “most similar to”.

Although you have said that your project fits as a warehouse, your Conditional Use application and cover letter, identifies the project as a self-storage facility and does not specifically state the project is a warehouse. The definition of a warehouse found in the Merriam Webster dictionary does not include self-storage of personal possessions.

The intent of the March 2022 Lovell Town meeting vote to amend Article 6.2 was to prevent facilities that do not fall within the current land use tables from being constructed.

To aid me in deciding whether “warehouse” as listed in the current Land Use tables, can be considered to include “self-storage facility”, I will rely on the definitions below and information available in the application.

Merriam Webster Definitions:

Expressly: particularly, specifically.

Similar: having characteristics in common: strictly comparable.

Warehouse: a structure or room for the storage of merchandise or commodities.

Self-Storage: noting or pertaining to a warehouse or other facility that rents units to people for storing personal possessions. (Dictionary.com).

In March of 2021, when we met at the property, I indicated to you that “warehouse” in the Land Use table was most similar to your proposed self-storage facility. Although there were conflicting definitions whether a self-

storage facility was most similar to a warehouse, as far as the Land Use table was concerned, Article 6.2 at that time, was vague enough in its wording that it was similar to a warehouse.

Now that Article 6.2 has been rewritten, the term “most similar” no longer applies. It is either in the Land Use table or not.

The January 12, 2022, cover letter by Terradyn Consultants, LLC, which is attached to your Conditional Use application indicates that you are applying for “Lovell Self Storage”. In paragraph 2 it goes on to describe the initial 2021 application for the “construction of three self-storage buildings...”. I did not find in this letter any mention of building a warehouse.

Additionally, on the first completed page of the Town of Lovell Conditional Use Application under “Brief Description of Project” It states.

“Construct six additional self-storage buildings...”. Again, not warehouses.

Determination:

It is my determination that a self-storage facility is not a warehouse as listed in the 2022 Land Use tables.

Under Article 10.5 Appeal Procedure. An aggrieved party may appeal this decision to the Lovell Board of Appeals within 30 days of the date of the official written decision. The application for Administrative Appeal can be found on the Town of Lovell website -Appeals Board.

Respectfully,

Alan Broyer

Town of Lovell

Code Enforcement Officer