



Town of Livermore Falls

Planning Board Meeting

Agenda

Thursday January 6, 2011

Municipal Building

6:00 PM

1. Call to order
2. Consideration of minutes from meeting held on September 2, 2010, and meeting held on December 2, 2010.
3. New Business Rural Water Ordinance Application
Moose Hill Pond Watershed Protection Ordinance
Susan Breau-Kelley
4. Old Business Livermore Falls Medical Arts Building
Site Plan Review Permit Application
Main-Land Development Consultants, INC.
5. CEO Report
6. Other Business
6. Adjournment

CEO: office 897-3321 · ext. 105 · fax 897-9397 · ceo@lfme.org
The Planning Board meets on the First Thursday of each Month at 6:00



Town of Livermore Falls Planning Board Meeting Minutes January 6, 2011

Members Present: Guy Palmieri, Elecia Pillsbury, Scott Roberts, Mellette Pepin, John Ross
Meeting called to order by Guy Palmieri at 6:11p.m.

Consideration of minutes from September 2, 2010. Millette mm to accept the minutes. Elicia s. (4-0) John abstained due to not being present at September 2 meeting.

Consideration of minutes from December 2, 2010. Planning Board members decided to call the December 2, meeting minutes "notes" due to the fact not enough members were present for a quorum. Scott mm. Guy s. (3-0) John and Mellette abstained due to not being present.

New Business:

Franklin Memorial Hospital Livermore Falls Medical Arts Building Site Plan Review Application

The Board complimented the Applicant (Main-Land Development) for providing a well prepared application. Scott mm to accept the application as complete. Mellette s.(5-0)

Mellette mm to approve the application. Elecia s. (5-0)

Moose Hill Pond Sourcewater Protection Plan – The Board listen to Susan Breau-Kelley from Maine Rural Water Association about the proposed plan. Citizens from community were present to show support of this plan and tell the Planning Board that they have involved in the development of the plan with the Maine Rural Water Association. Guy mm to table the plan till next meeting so the members would have time to properly revue the plan. Scott s.(5-0)

Old Business: No old business was discussed.

Meeting Adjourned at 7:15 PM

Moose Hill Pond Watershed Protection Ordinance

I. Authority

The Moose Hill Pond Watershed Protection Ordinance (Ordinance) is created pursuant to Title 30-A M.R.S.A. §4352 (Zoning ordinances).

II. Purpose

The purpose of this Ordinance is to prevent contamination of Moose Hill Pond (Pond), a public drinking water supply located in the Town of Livermore Falls (Town), Maine, by preventing contamination of the surface water and ground water that feeds the Pond.

III. Definitions

- A. Agricultural use: any activity that includes the production, keeping or maintenance, for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.
- B. Animal Unit: One Animal Unit is the equivalent of 1000 lbs. of animal.
- C. Commercial use: the use of lands, buildings or structures, other than a "home occupation", defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units. Commercial use does not include activities covered by the agricultural use section above.
- D. Home occupation: an occupation or profession which is customarily conducted on or in a residential structure or property and which:
 - i. Is clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
 - ii. Employs no more than two persons other than family members residing in the home; and
 - iii. Impacts surface water and ground water no more than a residential land use customarily would.
- E. Industrial use: the assembling, fabrication, finishing, manufacturing, packaging or processing of goods.
- F. Residual: material from an industrial source which is agronomically used by land-applying it in order to increase the nutrient content of soil at a rate commensurate with the nutritional needs of the crop to be grown and the assimilative capacity of the soil; otherwise improve agricultural soil conditions; or provide some other horticultural benefit.

IV. Applicability

The provisions in this Ordinance apply to all proposed land uses in the Moose Hill Pond watershed, except essential operations of the Livermore Falls Water District (Water District) and emergency and enforcement operations conducted by official federal, state or local entities.

V. Administration and Enforcement

The Town of Livermore Falls Code Enforcement Officer (CEO) shall enforce the provisions of this Ordinance. The Town of Livermore Falls Planning Board (PB) shall review and act upon permit applications as designated under this ordinance.

VI. Existing Uses

This Ordinance allows, without a permit, land use activities that existed before the effective date of this Ordinance to continue as long as the property is not sold, or is sold within the same family. The provisions of this Ordinance apply to existing land uses in all other cases, except those exempted in the Applicability section above. Please refer to the "Moose Hill Pond, Sourcewater Protection Plan, Town of Livermore Falls, ME" report by Maine Rural Water Association, October 2010, for more information on existing land uses.

VII. Delineation The Moose Hill Pond watershed is the land area draining to Moose Hill Pond. The Moose Hill Pond Watershed Protection Zone (MWP Zone) is defined as the Moose Hill Pond watershed, and is delineated on a map entitled "Moose Hill Pond Watershed Protection (MWP) Zone, Livermore Falls, Maine". This map is kept on file with this Ordinance at the Town Office.

VIII. Provisions

A. General:

Per Maine Public Law 761, the Town shall send copies of plans for all projects requiring a permit within the MWP Zone to the Water District for review.

B. Agricultural Land Uses:

1. For any proposed agricultural land use in the MWP Zone that confines and feeds 27 or more animal units at any one time, an application and \$50 application fee must be filed with the CEO and a nutrient management plan must be filed with the Maine Department of Agriculture (DOA). The person preparing the nutrient management plan shall adhere to rules adopted in accordance with Title 7 M.R.S.A. §4204 (Nutrient management plan) pertaining to the preparation and requirements of the plan. The CEO shall request that the DOA 1) review and provide written comments

to the Town on the agricultural operation including the nutrient management plan and potential negative impacts to water quality in Moose Hill Pond, and 2) propose any modifications necessary to ensure that the operation is properly designed and sited so as to meet DOA rules, regulations and guidelines on the use of best management practices. A copy of the DOA's comments shall be given by the CEO to the Water District for review. If the DOA is unable to provide the requested review and comments to the Town, the PB may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant. A permit for an agricultural land use required under this section may be denied by the PB if the operation is determined by the PB to pose an unnecessary risk to the quality of surface water and/or ground water in the MWP Zone.

2. Over-wintering of uncovered residuals in the MWP Zone is prohibited. Use of residuals must comply with applicable State and local regulations.

3. All agricultural land uses shall be in compliance with the most current version of the Maine Department of Agriculture Manual of Best Management Practices For Maine Agriculture.

4. Per Maine Department of Agriculture Manure Utilization Guidelines, no manure field stacking sites shall be located within 500-feet of the Pond.

5. As of the effective date of this ordinance, no new manure storage facilities shall be located within 500-feet of the Pond.

C. Commercial and Industrial Land Uses

An application and \$50 application fee must be filed with the CEO for any proposed commercial or industrial land use in the MWP Zone. A copy of the application shall be given by the CEO to the PB and the Water District for review. The PB may require an applicant to submit a hydrogeological study. The study must be prepared by a licensed geotechnical engineer or geologist with proven experience in hydrogeology. The PB may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant. A permit for a commercial or industrial land use required under this section may be denied by the PB if the operation is determined by the PB to pose an unnecessary risk to the quality of surface water and/or ground water in the MWP Zone. The PB agrees to permit commercial and industrial land uses in the MWP Zone only with consent from the Water District.

IX. Relationship with Other Laws and Regulations

In any case in which a provision of this Ordinance conflicts with a provision of any other State or local law or regulation, the provision which establishes the more restrictive provision shall apply.

X. **Validity and Severability**

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

XI. **Effective Date**

The effective date of this ordinance is: _____.

DRAFT