

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

Wednesday, December 5, 2007

Members Present: Ed Ryan (Chair), Bill McCormick, Farwell Sawin, Steve Korth, Walt Grzyb, Paul Bois, and CEO, Ron McAllister.

Members Absent: John Donnelly

Meeting was held at the New Suncook School and was called to order at 7:35 PM

- Public Hearing regarding proposed changes to the town ordinance reflecting the shoreland zoning changes mandated by the state.
 - Chairman Ryan spoke about the review process for when a property with a non-conforming use makes a request to change to another non-conforming use and who should review that request. Currently the appeals board does. In light of comments made by a Judge during the Pleasant Point case, in which he stated the planning board should have reviewed the request first, Chairman Ryan stated he would ask the planning board to vote on the issue. Town council advised it was his opinion that it should remain the responsibility of the appeals board and not transferred to the planning board.
 - Robert Drew does not like the fact that sub-divisions are not included in the net residential area exemption. He feels that not including subdivisions make those regulations far too restrictive.
 - John Bliss agreed with Robert Drew regarding sub-divisions not being exempted. He believes the 5-acre density is adequate. He also stated that he favors having the review process described earlier remaining in the jurisdiction of the appeals board.
 - Robert Drew commented that he and the other selectman agree that the review process should remain with the appeals board.
 - Robert Drew asked that the proposed changes be broken out as much as possible so that the various items within the body of changes can be individually voted on at town meeting.
- The Board reviewed the conditional use application for the Decorsey property on Town Beach Road. The dwelling on the property is not currently conforming in terms of the 100-foot setback from Kezar Lake. The owner wishes to place a foundation under it. The owner's proposal does not meet the "greatest extent possible" standard. Chairman Ryan and the code enforcement officer, who have viewed the property, agree that the residence could be moved further back on the property. The board suggested that the residence be moved back to the 75-foot setback from the public road. Although this would not bring the residence into conformance it would meet the "greatest extent possible" standard. Ms Decorsey declined this proposal at this time. The board voted (0-5) not to approve on the original proposal submitted by Ms. Decorsey.

- The Board reviewed the conditional use permit application for a road to be built to the Bullman property on Cushman Pond. In order to assure that construction of the road is done properly, The Chair suggested that the Board impose one of two possible mechanisms. The first is to establish an escrow account that would make funds available to make any necessary corrections. The second would be to put a freeze on any issuance of a building permit for any future dwelling that would be accessed by the proposed road. Jon Bliss, representing the property owner stated he would talk with the owner about those choices. Jon Bliss pointed out that it is up to the planning board to determine the best placement for a road through a resource protection area and that the ordinance doesn't require highly detailed plans from the property owner. The board voted to approve the permit with the following conditions:
 1. The final plans for the construction of the road are approved by SMRPC
 2. Suitable arrangements for supervision of the construction are made with the Chair and CEO
 3. Ms. Bullman decides between the escrow option and the freezing of a building permit option described earlier.
- The Board voted to delete the proposed language that would switch the reviewing body in a change of non-conforming use issue from the appeals board to the planning board. The result is that there will be no change in the way this is currently done. The Board voted 3 in favor and 2 opposed.

Meeting adjourned at 8:55PM

Respectfully Submitted,

Walter Grzyb