

**TOWN OF LOVELL
PLANNING BOARD
MINUTES OF THE REGULAR MEETING
APRIL 4, 2007**

Members Present: Chairman Ed Ryan, Paul Bois, Steve Korth and Bill McCormick.

Members Absent: John Donnelly, Walter Grzyb, Farwell Sawin and Lovell CEO Ron McAllister.

The meeting was called to order at 7:30 PM.

Minutes of the March 7, 2007 regular meeting of the Board were unavailable due to the absence of Walter Grzyb, Recording Secretary of the Board.

**ITEM 3. CONDITIONAL USE APPLICATIONS
PUBLIC HEARING - LITTELL APPLICATION**

The application was filed pursuant to Article VI of the Lovell Zoning Ordinance requiring Planning Board review of any temporary pier or dock extending more than 25 feet.

Chairman Ryan informed the Board that in addition to the application and supporting documentation that previously had been provided to the Board, Mr. and Mrs. Littell had also provided the requisite copy of the deed of the effected property, a list of the abutters that were notified of such application by Mr. Littell (of which there were 3) and the required fee.

Chairman Ryan reviewed the sketch of the proposed pier/dock provided by Mr. Littell showing the depth of the water at specific points of the structure. The point was made by Chairman Ryan that the only place that a powerboat could be docked would be at the "L" end of the pier where the water was depicted to be at least 6 feet deep.

In response to questions by the Board regarding the placement of the pier and its 36-foot length, Mr. Littell indicated that the length was dictated by the desire to have at least 4 feet of water at the L during the dry period in the summer. It was also noted that the application shows the dock portion (L) of the pier to be 60 square feet whereas the Ordinance permits a total area slightly more than twice that size. Placement was based on the area in the cove judged by Mr. Littell least likely to be a spawning area or habitat for other wildlife resources.

The Board reviewed each of the Standards Applicable to Conditional Uses specified in Article 9.9.G. of the Ordinance and found that, except for the matter discussed in the next paragraph, the Littell application was either in compliance with the standard or the standard was not applicable.

During this review process, Mr. Littell volunteered, “ in the interest of full disclosure” that he had hired a contractor to clean up the subject lot, to remove a few standing dead trees and other dead wood. For some inexplicable reason, there was a significant misunderstanding and the contractor felled a mature hemlock at the pond’s edge. Mr. Littell apologized for this unfortunate and unintended consequence of attempting to improve the property, without on site supervision.

There being no further questions or conditions to be stipulated by the Board, a motion was made by Mr. Bois and seconded by Mr. Korth to approve the application, as presented.

Upon a show of hands, the Board unanimously approved the motion.

ITEM 4. SUBDIVISION REGULATIONS

In connection with the Board’s ongoing project to revise the “Lovell Subdivision Regulations”, the Board voted unanimously to make the following substantive changes:

- The provision in the existing Regulations referring to notification 10 days prior to a scheduled Board meeting in Articles 4, 5.2.A., and 8.1 must be conformed to the 14 days stipulated in the approved changes through Draft 3, dated March 12, 2007.
- Article 6.1.C of Draft 3 should be changed to require that the applicant “..... notify in writing by certified mail return receipt...” instead of by first class mail. The information required to be in the notification should be amended to include the date of the meeting of the Board at which the preliminary plan application may be discussed.

In addition, The Board reviewed the clarity of the following two provisions of Draft 3 and did not deem it necessary to change the provisions as drafted:

- Article 7.2. L. and M. It is the expressed intent of these provisions that the Board may waive the submission of the specific plan required by each paragraph only if all three conditions stipulated in each are met.
- Article 7.2.S. It is understood that the completion of the construction of the subdivision referred to in this section is limited to the scope of the subdivision application.

ITEM 4. ORDINANCE UPDATE

Chairman Ryan reported that the long awaited input from Town Attorney Pratt regarding the following two changes to the Lovell Zoning Ordinance being considered by the Board, continues to be a work in process.

- Whether the hearing by the Appeals Board to review a decision of the Lovell CEO can be appellate rather than de novo.
- The Ordinance provides that in the case of a change from one nonconforming use to another, the Board of Appeals has the responsibility to determine the impact of the change on adjacent properties and the appropriateness of the change for the district. The question was raised as to why the Planning Board, given its greater breadth of experience in this area, shouldn't be the body to make those determinations rather than the Board of Appeals.

Item 4. ANIMAL HUSBANDRY

After due discussion, and after a motion made and seconded, the Board unanimously approved, in concept, the following modifications to the undated draft of the Animal Husbandry Standards previously provided to the Board:

- Article 8.2.A.1 Line 1 After "of" insert "... any potable water supply, nor 100 feet horizontal distance of a great pond, nor...."
- Article 8.2.A.1 Line 4 Change the sentence to "Facilities existing on the effective date of the adoption of this amendment....."
- Article 8.2.A.5 Remove the entire paragraph
- Article 8.2.B insert the word "also" between shall and meet.
- Article 8.2.B.3 Line 1 After 100 feet add "horizontal distance"
- Article 8.2.B.3 Line 2 After the parenthetical add "...existing at the time when such use begins,..."
- There was also a view that the draft needed a consistent use of terms throughout. Of primary concern are the use of the applicant vs. owner or operator and the description of the various distances and set-back requirements.

There being no further business, a motion to adjourn was made and unanimously approved at approximately 9:30 PM.

Respectfully submitted,

Bill McCormick