

Town of Lovell Planning Board  
Minutes of the Regular Meeting and Public Hearing  
April 7, 2010

Chairman Ryan called the meeting to order at 7:05 PM and declared a quorum to be present.

MEMBERS PRESENT: Walter Grzyb, Joel Hardman, Ron Masse and Ed Ryan. Also present were Lovell CEO Ron McAllister, Jon Bliss, Dan Gray, Mark Moulton and Stan Tupaj.

MEMBERS ABSENT: Bill McCormick and Dean Stearns. Chairman Ryan announced that Paul Bois had resigned from the Board.

APPROVAL OF THE MINUTES OF THE MARCH 3, 2010, MEETING:  
The minutes of the last meeting of the Board were approved unanimously as submitted after a motion by Mr. Grzyb and second by Mr. Masse.

ELECTION OF OFFICERS FOR THE COMING YEAR:

Mr. Grzyb nominated Mr. Ryan to be Chairman. The nomination was seconded by Mr. Masse and approved with three votes in favor and Mr. Ryan abstaining. Chairman Ryan nominated Mr. Grzyb to be Vice-Chairman. The nomination was seconded by Mr. Masse and approved with three votes in favor and Mr. Grzyb abstaining. Mr. Hardman nominated Mr. McCormick to be Secretary. Mr. Masse seconded and the nomination was approved unanimously.

LOVELL HARDWARE CONDITIONAL USE APPLICATION: PUBLIC HEARING.

Mr. Moulton from Lovell Hardware distributed a revised drawing of the plot showing that the propane pumping station would be moved a few feet farther away from the insulation barn to conform to State requirements.

Mr. Grzyb asked whether or not State permits had been obtained, and Mr. Moulton replied that only an operator's license would be required and that it was expected to be issued after installation of the pumping station and its inspection by a State official.

Chairman Ryan said that all owners of abutting property had been notified and responses had been returned by all but one of them. Mr. McAllister said that he had talked to that owner who said that he had no problem with the facility.

Mr. Moulton had submitted responses to section 9.9 G of the Lovell Town Ordinances. The Board found the responses to be satisfactory.

Mr. Moulton said that the pumping station would be enclosed by an eight-foot fence. Mr. Gray of B. and L. Oil Co. added that concrete pads would be installed

under the propane tank. In response to a question from Mr. Masse, Mr. Gray said that the tank itself would not be covered but exposed as would be a home propane tank. Attachments to the tank would be in a small building.

Chairman Ryan asked if there were questions from non-Board members in attendance. There were none.

Chairman Ryan said that he had discussed the issue of section 4.2 I with J.T. Lockman of the Southern Maine Regional Planning Commission, who agreed with the Board's opinion (developed at the March 3 meeting) that the facility presented no problems with regard to that section. Mr. Lockman further stated that section 4.2 I should be deemed not applicable to the application.

Mr. Grzyb made a motion that the conditional use application be approved to allow installation of the pumping station with the provision that the facility not become operational until an operator's license from the State has been delivered to the Lovell CEO and that section 4.2 I of the Lovell Town Ordinances does not apply to the placement and operation of the facility. The motion was approved unanimously.

#### REVISION TO APPROVED PLAN FOR FARRINGTON SHORES SUBDIVISION: DIVISION OF LOT # 4.

Chairman Ryan had sent the submitted material relating to the request to Mr. Lockman at Southern Maine R.P.C. for his comments, which had been received and were distributed to the Board. The materials included a copy of a page of the warranty deed and two sketches of the property in point. Mr. Lockman pointed out that section 8.1 of the Lovell Subdivision Regulations states that creation of additional lots in a previously approved plan necessitates following procedures for preliminary plan approval as described in article 6 of the Subdivision Regulations.

Mr. Bliss, representing the owners of Lot # 4, Niall and Deirdre Harwood, stated that the Board had approved the subdivision plan previously with eight lots and the provision that Lot # 4 could be divided once. He said that he hoped that many of the previous submissions could be referenced in the preliminary plan. Chairman Ryan said that some engineer's drawings applicable to the new lot would be needed, especially relating to drainage. Mr. Bliss pointed out that the original subdivision approval included a building envelope on the proposed new lot. Chairman Ryan said that Mr. Bliss could reference documents on file in the Town Office but that a copy of the storm water analysis was not recorded.

Chairman Ryan also called attention to item 6.1 B and the application fee of \$250 and deposit of \$2000 to cover costs of independent consulting services in the application's review. Chairman Ryan said that he wanted to postpone a site visit until more Board members were available. Mr. Grzyb asked for and received from Mr. Bliss the exact location of the property.

Chairman Ryan told Mr. Bliss that Southern Maine R.P.C. would be reviewing the application and asked if there were a time line. Mr. Bliss replied that he had not talked to his clients about that, but he hoped the matter could move forward

and urged an early site visit. He said that he hoped to have the necessary documents in hand so the Board could review the application at its next meeting.

Mr. Tupaj of Kezar Realty, representing the sellers of the proposed lot, questioned the thought process behind the requirement for further documentation in view of the previous approval. Chairman Ryan pointed out that the original documents did not specify the location of a new lot. Mr. Bliss and Mr. Tupaj reiterated the hope that copies of existing and approved documents would be acceptable in the new application. Chairman Ryan said again that existing relevant documents on file could be referenced but that any required document not in the file would have to be obtained. Mr. Bliss stated that all documents required in the original approved application should be in the file now and questioned why any were not. Mr. Bliss then asked if any Board members had any problems with the proposal. No problem was expressed. Mr. Bliss and Mr. Tupaj left the meeting.

#### CONDITIONAL USE APPLICATIONS FROM RONALD AND SANDRA MASSE:

Mr. McAllister presented two conditional use applications from Mr. and Mrs. Masse which had not been included in the agenda package. The first circulated to the Board members dealt with the lot used for trailer storage on Town Beach Road. The other dealt with the placement of a flower stand on another portion of the same property. Sketches showed the locations of trailer storage and the flower stand. Mr. Masse said that a conditional use application for the trailer storage lot was submitted last year, but he and Mrs. Masse were told that they did not need one. Mr. Hardman asked if there were adequate parking for flower stand customers and was shown on the sketch that there was.

Mr. Hardman made a motion to approve the application for the trailer storage lot as sufficiently complete to allow scheduling a public hearing. The motion was approved with three votes in favor and Mr. Masse abstaining. Mr. Grzyb asked that a better drawing of the facility be provided at the public hearing.

Chairman Ryan pointed out that the flower stand application was being treated as a Type 2 Home Application as defined in Article VI of the Lovell Town Ordinances, involving more than ten vehicle trips per day with a sign being permitted. Mr. Grzyb made a motion to approve the flower stand application as sufficiently complete to allow scheduling a public hearing. The motion passed with three votes in favor and Mr. Masse abstaining.

#### CEO'S REPORT:

Mr. McAllister reported that he had recently inspected the Olinsky property on Farrington Pond and found the house, grounds and newly planted trees to be acceptable.

#### REVISIONS TO SECTION 9.9 OF THE LOVELL TOWN ORDINANCES:

Chairman Ryan proposed changing the language of item D, the fourth bullet, to read "changes in the character of the site of the use." The changes were

acceptable to the Board. Chairman Ryan said that he would send the revision with that of 7.14 to Mr. Lockman for review and comments and then give the revisions to the Selectmen.

In response to a request from Chairman Ryan, Mr. Hardman agreed to assume the unexpired term of Mr. Bois as a regular member of the Board.

There being no further business, the meeting was adjourned at 8:09 P.M.

Respectfully submitted, Joel Hardman.