

**TOWN OF LOVELL
PLANNING BOARD
MINUTES OF THE REGULAR MEETING
JANUARY 5, 2011**

Noting that a quorum of the Board was present, Chairman Ryan called the meeting to order at 7:00 pm.

Members Present: Members of the Planning Board present were: Joel Hardman, Ron Masse, Bill McCormick, Kevin McDonald and Chairman Ed Ryan. Members absent were: Walter Grzyb and Dean Stearns.

Also present was Lovell CEO Ron McAllister, Lovell Selectman Turf Ramsden, and two members of the public, Tensy McDonald and Al Greenhalgh.

APPROVAL OF THE MINUTES OF THE DECEMBER 1, 2010 REGULAR MEETING AND THE DECEMBER 8, 2010 SPECIAL MEETING

A motion was made by Mr. Hardman to approve the minutes of the December 1, 2010 regular meeting that had been distributed to the Board previously. There being no questions or discussion, the motion was approved unanimously by a show of hands of those of the Board eligible to vote on this matter.

A motion was made by Mr. McDonald to approve the minutes of the December 8, 2010 special meeting that had been distributed to the Board previously. There being no questions or discussion, the motion was approved unanimously by a show of hands of those of the Board eligible to vote on this matter.

Chairman Ryan suggested that the Board deviate from its published agenda in order to deal with the Public Hearing portion of the meeting first. To that end, Chairman Ryan confirmed that the notice of this hearing was published in the two local newspapers in a timely fashion and that copies of the Ordinances that were discussed at the December 1, 2010 Public Hearing and the amendments that were made thereto as an outcome of that hearing have been available at the Town Office and were included on the Town website. These documents referred to as Draft or Draft 2, 12-8-10 are attached hereto and incorporated herein in their entirety by reference. With that in mind Chairman Ryan asked that the Board turn its attention to:

ITEM #4 -- OLD BUSINESS -- BEACH ORDINANCE REVISIONS

Ms. McDonald asked that Chairman Ryan read the proposed changes, to mitigate the possibility of misunderstanding or miscommunication, given the number of comments, questions and concerns that the proposed changes to this Ordinance have generated over the past couple of months.

During and after Chairman Ryan's recitation of the proposed changes, the following questions/issues were raised by either the public or Board members.

- There were a number of questions posed regarding the specifics of how any of these provisions were going to be enforced. Chairman Ryan indicated that enforcement was the purview of the Selectmen and not of the Planning Board.
- There still appeared to be an inconsistency in Para. 9 regarding the hours that Town beaches and landings were open to the public and the permitted ability to launch and retrieve boats at any time, whether the facility was open or not. Chairman Ryan explained that the operating hours were more to restrict partying, picnicking, and the like, into the night, than to restrict launching a boat very early in the morning for a bass tournament or to stop someone from taking their boat out of the water, if they missed getting back to the landing by 9:00 pm.
- There seemed to be an inconsistency in the strict prohibition against boats beaching at the area adjacent to the Farrington's swimming beach at Pleasant Point and that which had been approved at Town Meeting a couple of years ago to permit boats to beach there as they have for many, many years. Since other revisions to this Ordinance clearly set out who will be permitted to use the Town beach, further restrictions will impact mostly those for whom the revisions were made to benefit, namely town residents and taxpayers. After much discussion as to precisely what was said to whom and when on this provision, and the lack of time to propose additional changes, have another public hearing on the changes, and do it all prior to the deadlines for the Town Meeting was impractical. So the draft stands as it is, recognizing that it will probably draw comments from the voting public at Town Meeting.
- Chairman Ryan noted that the proposed ordinance includes a sunset provision whereby, the ordinance as approved would automatically expire, unless and until, it, or some amended version of it, is approved by the Board, is the subject of another Public Hearing and a vote at Town Meeting in March 2012.
- Para. 5.c. – The comma between the words "programs" and "swimming" should be removed.
- The proposed Ordinance revisions have a number of "scribe's errors", i.e. immaterial errors in capitalization, spelling etc. that, when corrected would not change the purpose and intent of the Ordinance. Chairman Ryan noted that these "errors" will be corrected in the final version and they do not have to be discussed at a public hearing or voted upon by the residents at Town Meeting.

ITEM #4 -- OLD BUSINESS – SOLID WASTE MANAGEMENT ORDINANCE REVISIONS

In item #2, the third line, first word has been changed from "adjacent" to "other" to properly reflect the current operations of the facility.

ITEM #4 -- OLD BUSINESS – CHURCH STREET PARKING ORDINANCE REVISIONS

Chairman Ryan indicated that a number of factual corrections had to be made to the wording of the current Ordinance. He was of the view that although these

particular changes were meaningful they did not rise to the level of being a substantive change that would negate the intents and purposes of the Ordinance or require another public hearing:

- The name of Church Street should be changed to Christian Hill Road to reflect its current official name.
- Reference to the former Jim Plummer's place should be changed to reflect the on-the-ground intent, which would be a point on Christian Hill Road that is 1,000 feet from the intersection of Christian Hill Road and Route #5 (Main Street) in Lovell Village.

Questions regarding this proposal that have been asked by the Board over the past couple of meetings, i.e.:

- Why is this change necessary? It was stated that emergency vehicles have a difficult time getting through on those couple of evenings when there is a program at the Brick Church, i.e. basically two hours, two nights per month during the summer months.
- There already is parking on only one side of Church Street. If the emergency vehicle issue is truly the issue, why isn't the current one side parking enforced?
- How does changing the side on which one side parking is permitted help?
- Board members indicated that the terrain on the Northeasterly side of the street made parking off of the road more difficult in spots.

These have yet to be answered and have now been supplemented by further questions from the Brick Church Performing Arts Group regarding the possibility of granting exceptions to all parking rules on Christian Hill Road during event nights due to the impracticality of asking patrons, many of whom could be elderly, to walk almost a quarter of a mile from the Library and Tennis Court parking facility on the Easterly side of Route #5.

Chairman Ryan indicated that this item was on the agenda at the request of the Selectmen.

ITEM #4 -- OLD BUSINESS – VOTE ON CONFLICT OF INTEREST RULE

Chairman Ryan explained that the Public Hearing on this proposed addition to the Planning Board Rules and Regulations was held during the December 1, 2010 Regular meeting of the Planning Board. The record for that meeting indicated that:

- The public had neither questions nor comments regarding the proposed addition to the Planning Board Rules and Regulations,
- Changes made to these Rules and Regulations do not require approval of residents at Town Meeting, although they do have to be the subject of a public hearing.

Given the full agenda of that meeting, the Board failed to make a motion regarding this amendment and therefore it was not voted upon. Chairman Ryan deemed it proper for the Board to correct this omission and asked for a motion regarding the Conflict of Interest Rule.

A motion was made by Mr. Hardman to approve the Conflict of Interest Rule as circulated at the December 1, Public Hearing. The motion was unanimously approved by the Board, through a show of hands.

ITEM #7 – PLANNING BOARD REPORT FOR THE TOWN ANNUAL REPORT

Chairman Ryan distributed a draft of the subject report, for Board input. After due discussion and a few minor editorial changes, the Report was accepted by the Board for publication/inclusion in the Town's Annual Report.

ITEM #3–CONDITIONAL USE APPLICATIONS -- DECEMBER 8 FOLLOW-UP

Chairman Ryan Updated the Board regarding the certified mail, return receipt requested mailing that was undertaken in connection with the Farnham and Marquis Conditional Use Permit Application. He stated that of the five letters sent to property owners within 200 feet of the subject property that did not respond to the initial waiver request, he has received the “green card” back on four of them. He noted that receiving the card only indicated that the letter had been received not that the recipient does not have a material objection. The deadline for filing objections is 30 days after the date of the mailing, which was December 20, 2010.

No board action was taken on Item #3.

There being no further business, a motion was made to adjourn at 7:50 pm and was approved unanimously by the Board through a show of hands.

Respectfully submitted,

William J. McCormick, Jr.
Lovell Planning Board Recording Secretary

