

**TOWN OF LOVELL
PLANNING BOARD
MINUTES OF THE REGULAR MEETING
October 7, 2009**

Members Present: Walter Grzyb, Joel Hardman, Bill McCormick, Ed Ryan and Dean Stearns.

Members Absent: Paul Bois and Bryan Molloy

Also present was Lovell CEO, Ron McAllister.

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

APPROVAL OF THE MINUTES OF THE SEPTEMBER 2, 2009 REGULAR MEETING

A motion was made by Mr. Stearns to accept the minutes of the September 2, 2009 Meeting that had been distributed to the Board previously. There being no discussion, the motion was approved unanimously by a show of hands.

Chairman Ryan told the Board that he wanted to deviate from the order in the published meeting agenda by dealing with Item #7 first.

ITEM #7 – OTHER. BOARD MEETING PROCEDURES

Chairman Ryan said that over the last few months he had observed that the Board had slipped to a degree of informality in the Board meetings that can be destructive to full and open discussion. He went on to explain that the role of the Chairman is to prepare an agenda and then to conduct the meeting in good order and in accordance with the published agenda.

In order to preserve good order, Chairman Ryan proposed to re-establish a few simple rules of procedure for the Board to follow in the future:

- Board members wishing to be heard should raise their hand and speak only when recognized by the Chairman.
- When recognized, the Board Member should speak only to the agenda item and
- Avoid repetition
- All comments and questions should be directed only to the Chair

Chairman Ryan then polled the Board as to their views of the rules of procedure and found general agreement and acceptance. There was one dissenting view that such rules would go

a long way to eliminate any collegiality and spontaneity among the Board members and would, in all probability, result in less full and open discussion rather than more.

ITEM #4 – OLD BUSINESS. REVISIONS TO SECTION 9.9 OF THE LOVELL ZONING ORDINANCE – UPDATE

Chairman Ryan reported that he had discussed the Board's issues with *Draft #1 dated 6/22/09 (Proposed Zoning Ordinance Amendments – Conditional Use Application Submittals)* that had been discussed at the September 2, 2009 Board Meeting, with JT Lockman of SMRPC. Based on that discussion, Mr. Lockman produced a second draft, but Chairman Ryan was of the view that the document still needed work and that he had offered additional suggestions to Mr. Lockman.

This item was tabled until a third draft is forthcoming and therefore, may be discussed at the next regular meeting of the Board on November 4, 2009.

ITEM #4 – OLD BUSINESS. RESEARCH FINDING ON WATERBODY ACCESS.

Chairman Ryan reported that he and Messers. Bois and Stearns met at the Town Office to review the tax maps relating to the existence of possible access points to Kezar Lake, and Messers. Bois and Stearns continued the research at the Registry of Deeds in Fryeburg on the following access points:

- **Kezar Lake Access at Northwest Cove.** The researchers reported that there was no readily determinable indication in the deed conveyed by Charlotte Hobbs of a grant of a right of way to the Town over Timberbay Shores property to Kezar Lake. Mr. Stearns also stated that he spoke to two people that were members of the Planning Board at the time of the Timberbay Shores sub division and both recalled a provision for a right of way to Farrington Pond but neither recalled access to Kezar Lake being a part of the transaction.
- **Kezar Lake Access at Severance Lodge.** The maps at the Registry clearly show a right of way to the Lake but there did not appear to be any deed that included language that supported the map notation.

Chairman Ryan said that the research would continue as far as practicable.

ITEM # 6 – NEW BUSINESS, ORDINANCE ISSUES -- DISCUSSIONS

Before The Board started to discuss this Item, CEO McAllister, asked to be heard and cited the second paragraph of Item #7 of the Board Minutes for September 2, 2009:

“.....segued into a discussion of the overall effectiveness of the operational aspects of the Lovell Zoning Ordinance. Of particular concern, was the apparent lack of consistency in the enforcement of the Ordinance, and the apparent disconnect in the policies, procedures and practices of the various autonomous or semi-autonomous

Lovell officials charged with the responsibility of establishing, monitoring and enforcing the Lovell Zoning Ordinance.”

CEO McAllister stated that he believed most of the issues alluded to in the minutes would be effectively dealt with if the Board in its review of the Lovell Zoning Ordinance would take the time to re-write the rules so that they would be clear, unambiguous and easily understood by everyone. Chairman Ryan supported the CEO comments by emphasizing that one of the roles of the Planning Board is to provide the Town and the CEO with language and rules that can be enforced. CEO McAllister then excused himself from the Board Meeting.

The Board continued to discuss various areas that should be the center of focus in any overall review of the Lovell Zoning Ordinance, which principally included:

Conditional Use Application:

- Tiered approach, based on traffic, noise and/or pollutants
 - Documentation requirements
 - Flexibility vs. common sense
- Statute of limitation on conditional uses
 - Periodic review procedures of current use status
- Signage Ordinance
- Revised procedures regarding changes to Planning Board approved applications
 - Official Board resolution process
- Communications stream
- Planning Board utilization of professionals/experts
- Fines and penalties
- Development of baseline data
- Standard procedures re “whistle-blower” type complaints

The Board did not take any action regarding the discussions under Item # 6.

There being no further business, Chairman Ryan called for a motion to adjourn which was made, seconded and unanimously approved at 8:17 pm.

Respectfully submitted,

Bill McCormick
Planning Board Recording Secretary.

