

**TOWN OF LOVELL
PLANNING BOARD
MINUTES OF THE REGULAR MEETING
April 1, 2009**

Members Present: Paul Bois, Walter Grzyb, Joel Hardman, Bill McCormick, Bryan Molloy and Ed Ryan. Also present was Lovell CEO Ron McAllister.

Members Absent: Dean Stearns.

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

Item #7 - Election of Officers

Since this was the first meeting of the Lovell Planning Board subsequent to it being reconstituted at the Annual Town Meeting held on March 7, 2009, it was necessary for the Board to reorganize in order for it to carry on any further business.

Mr. Ryan chaired this reorganization meeting and called for nominations to the position of Chairman of the Board. Mr. McCormick nominated Mr. Ryan to the position; seconded by Mr. Bois. There being no further nominations, the nominations were deemed closed by Mr. Ryan and the Board voted unanimously, with Mr. Ryan abstaining, to elect Mr. Ryan to the position of Chairman of the Board.

Next, Chairman Ryan called for nominations to the position of Vice-Chairman. Mr. Bois nominated Mr. Grzyb; seconded by Mr. McCormick. There being no further nominations, the nominations were deemed closed by Chairman Ryan and the Board voted unanimously, with Mr. Grzyb abstaining, to elect Mr. Grzyb to the position of Vice-Chairman of the Board.

Next, Chairman Ryan called for nominations to the position of Secretary of the Board. Mr. Bois nominated Mr. McCormick; seconded by Mr. Grzyb. There being no further nominations, the nominations were deemed closed by Chairman Ryan and the Board voted unanimously, with Mr. McCormick abstaining, to elect Mr. McCormick to the position of Secretary of the Board.

Oaths of Office signed by Messers. Hardman and Molloy, the newly elected members of the Board, were submitted to Chairman Ryan.

- Non- Agenda Item -- Indoctrination of New Members.

In connection with the reconstitution, reorganization and the election of officers described above, Chairman Ryan took time later in the meeting to indoctrinate the new members of the Board. He summarized the powers and duties of the Planning Board as more fully delineated in Article 9.5 of the Lovell Zoning Ordinance, as well as the functionality of the various other documents/publications that the Board utilizes in carrying out its duties, namely the *Comprehensive Plan*, last prepared by the Planning Board in 1992 after being a work in process for a number of years, and the Publication entitled *Planning Board Rules*

and Regulations which includes the Board's *Rules of Organization and Procedure* and the Town's *Subdivision Regulations*. Chairman Ryan highly recommended the reading of all of these documents to the new Planning Board members.

Since the Board deals to a large extent with Conditional Use Applications, Chairman Ryan briefly described the process of these applications beginning with the Lovell CEO, through the Planning Board and ultimately to a Public Hearing. In so doing, Chairman Ryan explained some of the control aspects of the process such as the requirements to notify abutters, the meaning of party-in-interest transactions, the need for perimeter surveys, etc.

Chairman Ryan emphasized that we are the Planning Board and, as such, are charged with certain planning responsibilities by the Lovell Zoning Ordinance:

- To write, revise and update the Comprehensive Plan (Article 9.8.D).
- To initiate and direct long range planning studies of the Town following the guidelines, and within the framework, of the Comprehensive Plan (Article 9.8.E).

APPROVAL OF THE MINUTES OF THE MARCH 4, 2009 REGULAR MEETING

A motion was made by Mr. Bois to accept, the minutes of the March 4, 2009 Meeting that had been distributed previously to the Board. The motion was approved unanimously by those present and eligible to vote on this motion, through a show of hands.

ITEM #4 – OLD BUSINESS – NON-CONFORMANCE: ARTICLE 5.2 REVISIONS, DRAFT #4

The reconstituted Board continued the discussions of the last five or six meetings on this subject. The focus at this meeting dealt primarily with the specific language, “willful act”, that some thought was pejorative and favoring instead a more neutral tone, by just deleting those specific words from the draft that was prepared by the Board at the March 4, 2009 meeting. In addition the suggestion was made to include the concept of “substantial removal” to eliminate the “one standing wall” concept that appears from time to time in applications.

After due discussion of these points and a basic review of the concepts involved for the new Planning Board members, Mr. Grzyb made a motion to accept all of the changes that were encompassed in Draft #4 of Article 5.2 Non-conformance dated April 1, 2009, except that the following two paragraphs should read as follows:

Article 5.2.A.4 Destruction, Demolition, Removals and Replacements

Any non-conforming use or structure which is hereafter damaged, destroyed or removed or substantially removed by any cause may be restored or reconstructed within eighteen months of the date of said damage, destruction, removal or substantial removal and approval by the Planning Board provided that:

- d. In addition, if the damage, destruction, removal or substantial removal is the result of the willful act of the owner or his agent, the restored or reconstructed structure shall be relocated to conform to all setback requirements to the greatest practical extent, pursuant to Section 5.2.C.2 below.

The motion was unanimously approved by the Board, through a show of hands.

ITEM #6 – NEW BUSINESS SCENIC AND RECREATIONAL RESOURCES

In conjunction with the “Planning” responsibilities mentioned earlier and somewhat motivated by the discussion at Town Meeting regarding the expenditure of Town Conservation Funds, and the specific point made by the Selectmen at the Meeting that this subject had to be studied further and a plan developed on precisely what the funds should be expended, Chairman Ryan re-reviewed the Comprehensive Plan. He reported to the Board that his review focused principally on the informational (reference) material on areas that would most probably be of interest from a protection stand point, such as scenic view sheds, and found the information to be inadequate and, at best, could be considered only a sample of those scenic places that should at least be considered for permanent protection.

Chairman Ryan reiterated the initial discussion that the Board had on this subject at the March 4, 2009 meeting dealing with scenic views in the Town of Lovell. He indicated that at that meeting it was the sense of the Board that a project should be undertaken to inventory scenic views, obtain additional input from the Selectmen and possibly other interested parties with the ultimate outcome being a Report/Plan as to whether, or the extent to which actions should be taken to protect those areas in perpetuity.

Chairman Ryan indicated that it was not his intention that this program be necessarily restricted to just scenic vistas and fleshed out the potential program by extending its scope to consider all Town assets including its lakes and ponds and significant open spaces. In short, any and all resources of the Town that have potential recreational value to the residents and visitors. He also envisioned that the Board’s work would conclude with both specific and general recommendations of actions that could or should be taken.

The final steps in the process would be discussion with the Selectmen, Public Hearings and then a formal presentation at the Annual Town Meeting or at a special Town meeting held just for this purpose.

There was a view expressed that although local residents and visitors enjoyed climbing a mountain to be able to take in sweeping scenic vistas, ultimately, with increased residential development, and population, the time would eventually come and dictate the dire need for increased access to our community’s lakes and ponds for both boat access and beach and swimming facilities.

The Board believed that in order to address this future needs issue, the Board needed accurate information on the current inventory of all property, including waterfront property,

already controlled by the Town through either fee ownership or via easements. Because of the potential that the Board could incur costs in this project that would not be recoverable from an applicant, as is generally the case with much of which the Board is involved, it was the sense of the Board that it would be prudent to come to an agreement with the Selectmen on a Plan that would best meet their needs as expressed at the Town Meeting and to address sorely needed specific updating to the Town's Comprehensive Plan that, in effect, dealt with conditions as they existed at least three or four years prior to its issuance in 1992.

In the interim, Chairman Ryan requested that the Board think about any other items that should be added to the list of areas or other aspects of preservation that should be considered. He also asked the Board to suggest other actions that might obviate or mitigate the need for increased recreational facilities, such as enforcement of the Town's rules regarding who is welcome to use which of our community's facilities.

The Board did not take action on any Non-Agenda item.

There being no further business to conduct, Chairman Ryan called for a motion to adjourn. Such a motion was made, seconded and unanimously approved by the Board through a show of hands and the meeting was adjourned at approximately 9:00 P.M.

Respectfully submitted,

Bill McCormick
Planning Board Recording Secretary