

**TOWN OF LOVELL
PLANNING BOARD
MINUTES OF THE REGULAR MEETING
October 6, 2010**

Members Present: All members of the Planning Board were present, except for Alternate Ron Masse (i.e. Walter Grzyb, Joel Hardman, Bill McCormick, Kevin McDonald, Chairman Ed Ryan, and Dean Stearns).

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 1, 2010 REGULAR MEETING

A motion was made by Mr. Hardman to approve the minutes of the September 1, 2010 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.

**ITEM # 4 –OLD BUSINESS -- BEACH AND DUMP ORDINANCE
BEACH ORDINANCE**

In order for Chairman Ryan to have a first-hand appreciation of the considered sense of the Board on this highly controversial and very complex issue, he commenced an analysis and discussion of each of the fourteen paragraphs in the Ordinance. What follows is meant to be an inventory of the issues embodied in each paragraph and addressed by the Board, rather than a reiteration of the in depth Board discussion of each item. The intent being that Chairman Ryan be provided with enough information to generate a composite document upon which the Board would be able to build consensus, or offer other agreed-upon options.

Paragraphs 1-4

1. The primary concern here was the lack of completeness, specificity and consistency. The Board was of the view that care should be taken to be clear regarding the inclusion/exclusion of specific Town beach and boat facilities.
2. The paragraphs should be re-written to provide a more direct and efficient legislative format.

Paragraph 5

1. Wording should be adjusted to be consistent and complete.
2. There should be a provision that deals with the rights/privileges of temporary residents, such as renters or those staying in local inns and hotels.
3. Specific reference should be made for the inclusion of non-resident Lovell Rec Department Swimming Program participants.

4. Any measure that the Planning Board might develop and propose to be voted upon at the 2011 Town Meeting, might be set in the form of a list of options that could be individually voted upon by the residents.
5. The Board should consider recommending that any proposed ordinance include a sunset provision requiring that it be re-examined at the end of one year or some other specific time to recognize technical deficiencies, tweak problems/solutions, adjust for experienced abuses, etc.
6. *Accompanied guest* and *immediate family* definitional issues might be avoided by the use of the term *household*.
7. Some provisions and definitions of certain terms might have to be supplemented by rules or other determinations of the Selectmen.
8. Ever-present and problematic is the issue of enforcement; how, when and by whom.

Paragraph 6

1. No watercraft should be launched at a Town Beach.
2. Boat launch ramps should include the North Town Landing
3. Clear designation of the North Town Landing as a Beach

Paragraph 7

1. Waterskiing at Farrington's Beach should be addressed and restricted to an area at least 200 feet from the shore and from the swimming area.

Paragraph 9

1. Seems to need rewriting. A boat launch ramp is either open or it is closed.
2. Ordinance needs reworking for the need of overnight parking at the North Town Landing for Island residents and their guests. The suggestion has been made that overnight parking be on the basis of a permit issued by the Selectmen.
3. North Town Landing is not a long-term boat trailer storage area beyond the day of use because stored boat trailers take up limited parking at the location and may interfere with the safe launching and retrieval of watercraft. Other than as mentioned immediately above in item#2, storage beyond the day of use shall not be permitted.

Paragraph 10

1. No dogs should be permitted on Town Beaches at any time.
2. Dogs may be permitted at Town Landings.

Paragraph 14

1. Stipulated fines were established when the Ordinance was adopted in 1970 and are woefully out of date and represent an inconvenience rather than a penalty for improper behavior. Suggestions were made to set fines anywhere between \$10/\$100 to \$100/\$1000.
2. Selectmen will determine fine structure.

**ITEM # 4 –OLD BUSINESS -- BEACH AND DUMP ORDINANCE
DUMP ORDINANCE**

The Board concluded that the Ordinance needed updating to include the other municipalities with which Lovell shares the facility on a contractual basis. The question was whether the other towns should be named per se.

Regardless of the language fix, the ever-present issue of the need for enforcement by transfer station personnel and the tools necessary to perform that function were discussed.

ITEM #4 – OLD BUSINESS -- CONFLICT OF INTEREST

Chairman Ryan had previously distributed a draft Ordinance/Policy for discussion purposes entitled *Conflict of Interest - How a Board Member Should Handle a Conflict or Bias*. In addition, he indicated that he recently received a submission on this subject that he had requested of JT Lockman of SMRPC, identified as *Amendments Regarding Bias and Conflicts of Interest Draft 1 dated 1 October 2010*, and distributed copies to the Board for their review.

The Board expressed a preference to have adequate time to compare and study these two documents. As a result, Chairman Ryan agreed that this item be tabled until the next Regular meeting of the Board on November 3, 2010. He did remind the Board that in connection with their review of the documents, they should be cognizant that although, Planning Board Meetings are open to the public, other than at a specifically called and legally convened Public Hearing, the public has no right to speak at such regular meetings unless recognized to do so by the Chairman.

In addition, Chairman Ryan asked the Board to look at Section 9.7.C. of the Lovell Zoning Ordinance regarding the requirement stated therein that calls for a majority of the **full** members of the Board be needed to pass a motion vs. the majority of the members voting (i.e. without any delineation of the voting members' status). It was agreed that discussion of this technicality should be tabled until the next Regular Meeting of the Board on November 3, 2010.

ITEM #7 – LADIES DELIGHT ASSOCIATION LETTER

A letter from Mr. Steve Lynch, President of Ladies Delight Association dated August 31, 2010 regarding objections to additional boat accesses to Kezar Lake through Ladies Delight, via the former Koski property, and the community area of Timberbay Shores had been previously distributed to the Board.

After due discussion, Chairman Ryan indicated that he would respond to Mr. Lynch and explain the objective of the Board's review for potential boat access points to Kezar Lake, the sense of the Board re the potential use of the former Koski property as a public boat access point to the Lower Bay and to ensure him that whatever happens in this regard would take into full account the danger of additional watercraft access points to Kezar Lake and the spread of invasive plants.

Mr. Lynch's letter is incorporated herein by reference in its entirety and is attached hereto.

The Board took no action regarding the matters included under Items 4 and 7 above.

There being no further business, Chairman Ryan called for a motion to adjourn, which was made by Mr. Hardman and unanimously approved by the Board at 8:24 PM.

Respectfully submitted,

William J. McCormick, Jr.
Planning Board Recording Secretary