

Town of Lovell Planning Board  
Minutes of the Regular Meeting  
February 3, 2010

MEMBERS PRESENT: Paul Bois, Joel Hardman, Bryan Molloy, Ed Ryan and Dean Stearns.

MEMBERS ABSENT: Walter Grzyb and Bill McCormick.

Also present were Ron McAllister, Town of Lovell CEO, and Mr. and Mrs. Masse, residents of West Lovell Road.

Chairman Ryan called the meeting to order at 7:05 PM.

**APPROVAL OF THE MINUTES OF THE JANUARY 6, 2010, MEETING OF THE BOARD:**

The minutes were approved unanimously as submitted after a motion by Mr. Stearns.

**ADDITION TO THE AGENDA:**

Chairman Ryan requested the consideration of a draft of a report of Planning Board activities during the past year as an addition to the agenda. The report is needed for the annual Town Meeting in March. Mr. Stearns moved that the item be added to the agenda, and the motion passed unanimously. Chairman Ryan read aloud the draft report he had prepared. Some alterations were suggested by Chairman Ryan and Mr. Stearns and incorporated into the report. The report was then approved unanimously for presentation at the Town Meeting after a motion by Mr. Bois.

**OLD BUSINESS: Review and revisions of Sections 7.14 (signs and lights) and 9.9 (Conditional Use permits) of the Lovell Zoning Ordinance:**

Each item on the revised Section 7.14 document distributed at the January 6<sup>th</sup> meeting was thoroughly discussed, taking into account comments written by Bill McCormick and distributed to the Board. There was consensus agreement on alterations, additions and deletions made to all items.

As with Section 7.14, each item of the revised version of Section 9.9 distributed at the January meeting was discussed, Mr. McCormick's written comments being taken into account. Consensus was reached on alterations, additions and deletions to all items with one exception. Additions proposed to item C.11 by Chairman Ryan were thought by some members to make a sentence too long, and Chairman Ryan said that he would rewrite the passage and present it at the next meeting.

During the discussion of Section 9.9, Mr. Molloy asked if anyone had seen the Town of Stow's one-page Conditional Use permit application form, pointing out that the form works well. Chairman Ryan said that the Board could consider it when Lovell's new application form is discussed.

**CEO'S REPORT:**

Mr. McAllister reported that he had been approached by a person wanting to open a barbecue place in the gas station near the Wicked Good Store. He asked the Board for its opinion as to whether or not a Conditional Use permit would be required. Members of the Board agreed that a permit would be

required. Mr. Molloy, who owns the building in point, said that the person had talked to him about the matter some time ago but not in the last six to eight months and that he did not know that the person had talked to Mr. McAllister. Both Mr. Molloy and Mr. McAllister had informed the person that a permit from the State would have to be issued before the Planning Board could approve the Conditional Use permit application. Mr. Molloy asked whether or not the permit application would have to include a certified plot plan. Chairman Ryan and Mr. McAllister agreed that the Planning Board could waive such a requirement in lieu of an existing plot plan showing property boundaries with a sketch added to show the location of the building.

Mr. McAllister said that he had a Conditional Use permit application from Mr. and Mrs. Masse for the boat trailer-storage facility and that, after receiving one for the flower stand, he would present both applications to the Board.

#### WATER BODY ACCESS:

Mr. Stearns reported that he and Mr. Bois had met with the Town's attorney, Buzz Pratt. Mr. Pratt told them that he could not provide advice or his services to the Planning Board regarding the research Mr. Bois and Mr. Stearns had done on water body access in the town without approval by the Selectmen, but he did offer comments on a few issues.

Mr. Pratt said that it would be good to have a complete inventory of all water access sites in Lovell. Mr. Stearns said that Jon Bliss had done such an inventory in the past.

Mr. Pratt also gave a perspective on the situation at Severance Lodge regarding the old public boat landing site. He said, and Mr. McAllister confirmed, that several years ago the Lodge offered the site and dock where the Town's fire boat is now moored in return for the Town giving up use of the public landing, which is on property owned by the Town. Mr. McAllister said that the old public landing site was less convenient than that offered by the Lodge, had inadequate parking space, and the Town would have had to build a dock there for the fire boat.

Mr. Pratt mentioned that a revised State statute related to acquisition of property for roads might provide a recourse for acquisition of now prohibited water body access at sites where there is a history of previous substantial access use. Mr. Bois said that there was indeed a long history of substantial use of an access site at Timber Bay Shores until fairly recently, when a property owner refused to allow further use of the site. Both Mr. Bois and Mr. Molloy know people who had used the site, and Chairman Ryan suggested that those people be invited to meet with the Planning Board and the Selectmen to discuss the issue. Mr. Bois and Mr. Molloy agreed to ask the former users of the access site to meet with the Board or provide letters attesting to their use.

Mr. Molloy brought up the Town-owned property at Ladies' Delight, which is a potential water access site for the Lower Bay. He questioned whether or not the property could be sold by the Selectmen without a vote of the Town's citizens. Chairman Ryan pointed out that the Selectmen are given such authority by a vote at each annual Town meeting. There was agreement among members of the Board that the issue should be discussed with the Selectmen at an early date.

There being no further business, the meeting was adjourned by Chairman Ryan at 8:50 PM.

Respectfully submitted,

Joel Hardman, acting in the absence of Mr. McCormick

