

**TOWN OF LOVELL  
PLANNING BOARD  
MINUTES OF THE REGULAR MEETING  
November 4, 2009**

**Members Present:** Joel Hardman, Bill McCormick, Bryan Molloy, Ed Ryan and Dean Stearns.

**Members Absent:** Paul Bois and Walter Grzyb

Also absent was Lovell CEO, Ron McAllister.

Noting that a quorum of the Board was present, Chairman Ryan called the meeting to order at 7:15 PM.

**APPROVAL OF THE MINUTES OF THE OCTOBER 7, 2009 REGULAR  
MEETING**

A motion was made by Mr. Stearns to accept the minutes of the October 7, 2009 Meeting that had been distributed to the Board previously. There being no discussion, the motion was approved unanimously by a show of hands.

**OTHER ATTENDEES**

Chairman Ryan welcomed the others that were in attendance: Cheryl Trimpop who resides on Slab City Road and Ron and Sandra Masse of West Lovell Road. In response to queries by Chairman Ryan, the guests indicated that they were not there for any specific issue but rather to see the workings of the Planning Board at its regular meetings.

Also present was Bob Drew, a Selectman of the Town of Lovell, who indicated that unlike the others, he did come to the meeting to deal with a specific non-agenda issue. Chairman Ryan indicated that since the published Board agenda consisted only of items that were for intra Board discussion and involved neither outside applications nor applicants, the Board could agree to deviate from its published agenda and would hear Bob's question/proposal first.

Mr. Drew explained that he had received a phone call from Roger and Caroline Sorg, the owners of "Little Carrie Island" at the North end of Kezar Lake asking whether, or the extent to which, they could build a tent platform on the Island, so that family members could camp out on the Island occasionally. The point was made and agreed that the Island was so small that there would not be any point on the Island at which construction would be in compliance with the Shoreland Zoning Ordinance (i.e. nothing constructed within one hundred feet of the normal high water line) and that almost any increase in the water level of the lake would inundate the island and would probably set an improperly constructed tent platform afloat.

Upon further discussion and due consideration, Chairman Ryan concluded that this type of question should be addressed by Lovell CEO McAllister and suggested that Selectman Drew contact him directly.

**ITEM #4 – OLD BUSINESS. REVISIONS TO SECTION 9.9 OF THE LOVELL ZONING ORDINANCE – DRAFT #3**

Chairman Ryan explained that after our last discussion on this subject, he had communicated with JT Lockman of SMRPC, and provided him with the sense of the Board regarding the revisions as reflected in the first two drafts and asked that JT re-address them in a new draft. Draft #3 was received by Chairman Ryan in the early afternoon of the day of the meeting. Since there was not sufficient time for any member of the Board to read, let alone study, this five-page document, Chairman Ryan suggested that this agenda item be tabled until the December 2 regular meeting of the Board.

Hearing no objections, this agenda item was accordingly tabled.

**ITEM #6 – NEW BUSINESS. REVIEW OF SECTION 7.14 OF THE LOVELL ZONING ORDINANCE, SIGNS AND LIGHTS**

Chairman Ryan polled the Board to get a sense of the outstanding issues, if any, that the Board saw in the existing Ordinance.

It was clear that the Board felt that the Ordinance was exceedingly voluminous, caused primarily by the Ordinance dealing with unnecessary details and providing for a wide variety of size restrictions, and yet did not deal with a number of necessary specifics. In addition it was clearly the view that the Ordinance did not meet the requirements requested by Lovell CEO McAllister and established as a goal by the Board, that the ultimate language be clear, concise and unambiguous so that he would be in a position to enforce the ordinance with reasoned consistency.

The Board concluded that in order to amend Section 7.14 into a comprehensive ordinance that would meet its goals, the Board would have to devote substantial time over the next few meetings. In addition, it concluded that Chairman Ryan should charge JT Lockman of the SMRPC with coming up with some examples of the sign Ordinances of other towns in the region, focusing particularly on road side signs for a start.

During the ensuing discussion, the Board touched upon many issues in Section 7.14 of the Ordinance that would require some form of work by the Board, be it definition, clarification, consolidation or elimination, principally as follows:

- A.1 -- Size—per sign, limit on total signage on property?
- A.2 – Rental signs – Contradictory provisions (2 square feet vs. 30% of window area) and only when the property is vacant?
- A.1 -- Size—type sign, cautionary, directional
- A.2 -- Size calculation—both sides?, includes structural components?
- A.2/3 -- Real Estate signs – size, location, height. Each broker? One sign per 1,000 feet

- A.5 -- Location – in ROW? Confiscatable? Explanation seems unnecessary in an Ordinance.
- A.4 -- Temporary signs, banners, etc –to be permitted by CEO, definition of temporary? No product signs unless generic??
- A.5 -- Lighted signs—only white lights? No neon signs??
- A.4 -- Product signs – not permitted, except if generic?
- B -- Size--18 square feet??
- C -- Multiple Occupancy? Share total sq. ft. allowed or is it additive??
- C.3 – When is a sign not a sign? Building decoration? 24 square feet?? Does the size of the sign ever relate to the size of the structure?
- G -- Signs in the Shoreland Zone? Resource Protection District? Difficult to understand??
- Safety concerns – readability to driving public standards, location, lighted
- E -- carve out of exceptions have no restrictions
- Other -- Solicit input of Real Estate Agents? All other businesses? Home Occupations? Residents? Purpose of a public hearing?

#### **ITEM #4 OLD BUSINESS. WATERBODY ACCESS**

Mr. Stearns updated the Board on the status of his and Mr. Bois research into the rights that the Town of Lovell has regarding access to Kezar Lake through a Right-of- Way at Severance lodge and another through Timber Bay Shores at Northwest Cove. In both cases, progress has been made but with difficulty. In neither case has access been documented by specific recorded deed provisions. Mr. Stearns indicated that the research should continue to be considered a work-in-progress and he will report again at the December meeting.

#### **ITEM # 7 NON-AGENDA ITEMS. OLINSKI PROPERTY AT FARRINGTON POND SHORES UPDATE**

Chairman Ryan reminded the Board that the Board stipulations regarding the replanting of the trees in the Shoreland Zone portion of the Olinski property that were erroneously removed by the Applicant and other plantings that were required due to excessive clearing for the approved building envelope, were to be completed by October 15, 2009 and the completion was to be reported to the Board immediately thereafter.

In this regard, he explained to the Board that he had received a telephone call from Rick Eastman, currently a former Selectman of the Town of Lovell, reporting that for a number of reasons related primarily to the construction component of the project, the completion deadline was missed but it was expected to be completed within the next week to ten days. Mr. Eastman was looking for the Planning Board to grant an extension. Chairman Ryan didn't believe that the Board was in a position to just grant an extension and since it was expected that the default would be remedied before the Board could do the necessary research, meet and consider the case further, the Eastman notification would suffice for the time being. An update on the status of this situation would be provided to the Board at its regular meeting on December 2.

Mr. McCormick asked Chairman Ryan if the Board had received the photographs of the property and specifically those of the areas in which the trees that had to be replanted/planted. The Board requested these immediately after the Board meeting at which the stipulations were established and agreed to be sent by the Applicant's project engineer, Mr. Haskell, of Gorrill-Palmer Consulting Engineers, Inc. Mr. McCormick reiterated the importance of these photographs in establishing the baseline data necessary for the Lovell CEO to carry out the stipulation that the property be inspected by him at least once a year for the next five years to assure that the fulfilled stipulations of the Board continue to be strictly adhered to by the Applicant.

Chairman Ryan said that he or CEO McAllister would make the call to the engineer as soon as practicable.

Mr. McCormick suggested that, if for some reason, those pictures would not be forthcoming, the CEO should take the pictures and the status of this settlement should be re-visited by the Board.

There was no action taken by the Board with respect to non-agenda items.

There being no further business, Chairman Ryan asked for a motion to adjourn, which was made, seconded and approved unanimously at 8:15 p.m.

Respectfully submitted,

Bill McCormick  
Planning Board Recording Secretary