

**TOWN OF LOVELL
PLANNING BOARD
MINUTES OF THE REGULAR MEETING
and
PUBLIC HEARING
JUNE 1, 2011**

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

Members of the Planning Board present were: Joel Hardman, Ron Masse, Bill McCormick, Kevin McDonald, Chairman Ed Ryan and Dean Stearns.

Member absent: Walter Grzyb.

Also present was Lovell CEO Ron McAllister and, as a member of the public, Lovell Selectman Turf Ramsden.

Chairman Ryan noted that since there were no members of the public present for the advertised Public Hearing portion of this meeting, he would move this traditionally first agenda item to the end of the regular meeting of the Board.

**APPROVAL OF THE MINUTES OF THE MAY 4, 2011 REGULAR
MEETING OF THE LOVELL PLANNING BOARD**

A motion was made by Mr. Stearns to approve the minutes of the May 4, 2011 regular meeting, which 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 -- MASS GATHERING ORDINANCES

Chairman Ryan introduced this subject by enumerating the documents that had been provided to the Board as examples of what other Maine towns had adopted, or were in the process of adopting, as a Mass Gathering and/or Amusement Ordinance.

From the outset, individual Board Members expressed concerns that were many and varied, and touched upon the following key issues, among others:

- The lack of any similarity between Lovell and the Towns that were included in the sample documents that had been distributed.
- The need for such an upgrade of the Town's current 16 line Mass Gathering Ordinance to a 15 to 17 page Ordinance at this time was questioned. To the best of everyone's recollection, the existing Ordinance had been placed on the books

after the Evergreen Valley Rock Concert, some 35 years ago and hasn't been evoked since.

- The only events in Lovell that even begin to approach the 1,000 mass gathering criteria of the sample documents are extensively publicized and are only the Town's Old Home Days Celebration and the Charlotte Hobbs Memorial Library Arts and Artisans Fair. Interestingly, both of these events would have been exempted under the liberal exemption provisions of the sample documents.
- Development of such an Ordinance would be outside of the ***"Powers and Duties of Planning Board"*** as spelled out in the Lovell Zoning Ordinance (Section 9.8). As such, the Ordinance could be challenged in a court of law and deemed to be invalid and unenforceable.
- Concern that the drafting of such an Ordinance would be extremely expensive because it would require the input of many stakeholders and would necessitate the consultation and advice of paid consultants such as lawyers specializing in First Amendment Constitutional Law, and knowledge of Maine Law governing such or similar matters. A mass gathering ordinance drafted without a reasoned and documented standard could also be challenged in a court of law as being arbitrary and capricious.
- Given the litigious society in which we live and the potentially politically charged subject matter involved in mass gatherings, the Board saw very little practicality to being able to pick and choose only some of the facets of this Ordinance with which to deal, once the subject matter is introduced. Explaining to a degree why all of the sample documents were voluminous.
- There were serious privacy concerns expressed by the Board, particularly if the criteria defining a Mass Gathering was tiered and citizens were required to fill in a form under penalty of fine, every time they were going to have a family reunion or a wedding, etc. As one Board member put it, ***"...even a good funeral could have more than 250 attendees."***

Having polled the Board and finding very little support for undertaking such a major, out-of-scope and controversial project, Chairman Ryan and Selectman Ramsden attempted to clarify that the chief concern of the Selectmen was one primarily of safety, i.e. that at least rescue, fire and security organizations should have some knowledge that a significant event was expected to take place and that, if ever needed, these service organizations would have increased efficiency and effectiveness because the what and where start-up questions would already be a matter of record.

After due consideration of all of the above and their various iterations, a motion was made by Mr. Stearns suggesting that the Town should deal with this notification issue through a public relations effort to encourage people to voluntarily notify the Town Office of any anticipated substantial event, and solely for the purpose of personal safety of the event host and attendees. It was also suggested that the public relations effort should start with periodic public notification via ads in the Town's newspapers of record, the Town's Annual Report and its website.

The motion was unanimously approved by the Board by a show of hands of those eligible to vote on this administrative matter.

**ITEM #4 -- OLD BUSINESS -- PUBLIC HEARING -- BEACH AND DUMP
ORDINANCES**

Chairman Ryan opened the Public Hearing portion of the meeting. He announced that the Hearing had been duly advertised in the local newspapers of record – twice in the Bridgton News and at least once in the Conway Daily Sun.

He went on to explain that the purpose of the Public Hearing was to review with the public the changes that were made to each of these Ordinances based on the input and comments made at Town Meeting in March.

Chairman Ryan noted that there was no one from the public in attendance and asked for a motion to close the Public Hearing, such a motion was made and unanimously approved by the Board by a show of hands of those Board Members present and eligible to vote on this motion.

Chairman Ryan informed the Board, that these two Ordinances and those that were inadvertently omitted from the required approval process at Town Meeting i.e. Section 9.9 *Conditional Use Permits*, Section 7.14 *Signs and Lights* and Section 9.7.C *Establishment of Planning Board* would be voted upon at the next legally convened Town Meeting.

There being no further business, a motion was made to adjourn at 7:40 PM. Such motion was approved unanimously by the Board through a show of hands.

Respectfully submitted,

William J. McCormick, Jr.
Lovell Planning Board Recording Secretary

