

**TOWN OF LOVELL
PLANNING BOARD
MINUTES OF THE REGULAR MEETING
September 2, 2009**

Members Present: Paul Bois, Walter Grzyb, Joel Hardman, Bill McCormick, Bryan Molloy, Ed Ryan and Dean Stearns.

Lovell CEO, Ron McAllister, was not present for this meeting.

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 AUGUST 5, 2009 REGULAR MEETING

A motion was made by Mr. Bois to accept the minutes of the August 5, 2009 Meeting that had been distributed to the Board previously. There being no discussion; the motion was approved unanimously by a show of hands.

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

Chairman Ryan introduced this subject by reiterating the basis upon which these proposed revisions became an agenda item. He explained that the current Conditional Use Application form is less than user friendly and that we never seem to get adequate responses to the *Standards Applicable to Conditional Uses* enumerated in Section 9.9. G. of the Ordinance. With these deficiencies in mind, Chairman Ryan asked JT Lockman of SMRPC to develop a better form. Upon review, Mr. Lockman expressed the view that other towns had taken a much more detailed approach to the standards of documentation in the CU Application process and believed that the Lovell Board had a number of decisions to make before any form (most probably a check list) could be developed.

To help the Board focus on the basic questions, Mr. Lockman produced *Draft #1 dated 6/22/09 (Proposed Zoning Ordinance Amendments – Conditional Use Application Submittals)* which consisted of more than three single-spaced typed pages of twenty-eight separate items and six sub-items and comprising a couple thousand words.

The Board noted that Draft #1 included all of the current Zoning Ordinance standard requirements, plus all of the requirements of the Lovell Sub-Division Regulations. It was generally felt, that even though the new and improved form could cover every possible type development and contingency, it was out of sync with the type CU Applications that the Lovell Planning Board deals with on a meeting to meeting basis, i.e. for every nursing home that someone may try to develop in Lovell there are hundreds of mundane applications made by small businesses, home occupations and local residents, for whom

such a form (even in checklist format) would clearly be a burden and unnecessary for the task at hand.

The Board discussed other options to dealing with the perceived deficiencies in the current system such as developing a two-tier system of CU's, more instructional information to accompany the Application form, etc.

Chairman Ryan, indicated that he would discuss the Board's concerns with Mr. Lockman and would report back to the Board at the Regular Meeting on October 5, 2009.

ITEM #7 – OTHER. NON-AGENDA ITEMS

Mr. Molloy repeated his questions of the last two or three meetings regarding (i) the expansion of a non-conforming use at the Kezar Lake Marina relating to the storage of boat trailers and (ii) the non conformance of a cut flower business to the home occupation rules of the Lovell Zoning Ordinance. In the absence of Lovell CEO McAllister, there were no readily available answers.

With nothing else on the agenda, the latter discussion, coupled with the earlier discussion regarding the Conditional Use Application standards and submissions, segued into a discussion of the overall effectiveness of the operational aspects of the Lovell Zoning Ordinance. Of particular concern, was the apparent lack of consistency in the enforcement of the Ordinance, and the apparent disconnect in the policies, procedures and practices of the various autonomous or semi-autonomous Lovell officials charged with the responsibility of establishing, monitoring and enforcing the Lovell Zoning Ordinance.

Chairman Ryan asked that for its next regular meeting, the Board be prepared to discuss specific instances which would seem to require some action be considered to either change the Ordinance or the enforcement or all both.

The Board did not take any action relating to non-agenda items.

There being no further business, Chairman Ryan called for a motion to adjourn which was made, seconded and unanimously approved at 8:57 pm.

Respectfully submitted,

Bill McCormick
Planning Board Recording Secretary.