

Minutes and Exhibits from July 5, 2023, Lovell Planning Board Meeting

1. Call to Order: 6:30 PM

Andrew: Call to Order

2. Attendance

Andrew call for names present:

- PB Members present: Andrew Brosnan (Andrew), Dave Durrenberger (Dave), Eugene Jordan (Eugene), Mike Lewis (Mike), Rose Micklon (Rose), Heinrich Wurm (Heinrich).
- CEO Present: None
- Also present: Paul Denis (Paul), Chris Brink (Chris), Jill Rundle, Dave Morine, David Foley, Tim Cyr (Tim), Bill Paulmann, Lynn Hurd (Lynn), and other members of the public.

3. Review, Accept / Correct Minutes

Andrew: Motion to accept Minutes for 6/7/23 = Unanimous

Performance Standards

Andrew: It may be a little heavy handed, it may delay an application, it is unfortunate, but there is no other way to have rules for review. If down the road, we had site plan review, we would have to do the same work on the fly, to create performance standards.

Heinrich: Are you in favor of moving this along?

Andrew: Yes, I will vote in favor of it.

Heinrich: I think if we did this, there are several things that an applicant is going to have difficulty with. I think we will need professional help in getting these standards done. If that is part of the deal, then I would be in favor of it.

Mike: It is not temporary, if we pass it, we may never create performance standards.

Eugene: I am concerned it will be permanent, this is a concern.

Dave: I do not think an applicant is going to have any difficulty if they have to wait. Applicants hire attorneys and civil engineers. If we do not have performance standards, we have citizens without a voice. In the past two hundred citizens signed a petition against self-storage, and that didn't stop the application or change what the planning board approved. Need the performance standards in place before the application arrives.

Lynn: I think we need to have Ordinances to protect us.

Andrew: We have not had any Conditional Use applications, so how many people are we inconveniencing. We can find consultants that can work with Lovell. There are probably some uses in our tables that should not be there.

Eugene: My resistance is just to make sure it is not permanent.

Heinrich: Can anyone file a lawsuit if they do not like our performance standards?

Paul: Anyone can challenge anything, but I do not see that happening.

Paul: It is only permanent if you do not trust yourself to get the work done. There is a cost to leaving things the way they are right now. Solar, self-storage, warehouse, development is happening, it is a reality. The cost is the cost of detracting from the town, it is going to be a recurring cost, to Rose's point. We have not seen any projects that we want. To me there is a much bigger cost to do nothing. We cannot do what we think we can do under 9.9.I. The way you get the powers back is performance standards.

Submitted by Dave Durrenberger

Note: These minutes are a best effort written record of all actions taken, and all topics discussed by the Board, applicants and public presenting testimony, and the substance of that testimony. The verbatim dialogue for any topics listed in these minutes can be obtained from the audio recording of the meeting, available from the Lovell Town Office.

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Tim: The true entrepreneur is going to recognize the value in the town, to Rose's point. So, I suggest strong performance standard language, a savvy businessman will find a way. We are never going to totally resolve all the contingencies, so I think this amendment will address a short-term discrepancy.

Eugene: I am concerned we will not agree on the performance standards when we try to write them and we will not complete them, so the prohibited uses will be permanent.

Chris: We can make this temporary, and in October, pick the top twenty performance standards for 2024 town meeting, then do them all by 2025.

Dave: I hear mention of temporary vs. permanent. Right now, permanently, we have no ability to affect how most development is going to look. If there is concern that we won't be able to agree on performance standards outside of the pressure of a live application, their attorney, their civil engineer the FOA requirements, then how are we going to ever affect a live application on the fly with specific standards at that time?

Dave: Regarding the warehouse, there were PB verbal ideas to move building back, screen, exterior color... Applicant said, "we can have that discussion". Well, who had the discussion? When did they have it? No one had it. In fact, PB voted to get a landscape architect to advise on screening, and PB was not allowed to participate. What was the point of the PB getting a consultant?

Andrew: Motion to forward the amendment regarding district regulations to the selectboard with a recommendation for passage at the town meeting? Dave 2nd. Yes = Andrew, Heinrich, Dave; No = Mike, Eugene. Motion = Approved.

Andrew: Motion to adjourn at 7:59 PM = Unanimous.

4. Meeting Adjourned: 7:59 PM

- **Date and Time of Next Meeting:** August 2, 2023, 6:30 PM.

Additional Exhibits - None

Submitted by Dave Durrenberger

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