

## Session Outline

The lessons we want to convey are:

1. Applications for development approvals should initially be submitted to an administrative official (building inspector, planner, zoning administrator, development clerk, administrative assistant, Board of Selectmen, etc.) for a determination of what review is needed.
2. When a proposal needs a Special Exception or a Variance from the ZBA, that review should take place before moving to the PB for a Site Plan Review or Subdivision approval.
3. The ZBA must review the application against the SE criteria contained in the zoning ordinance and cannot require conditions unless they relate to the SE criteria.

We'll highlight these by showing the "wrong" way, discussing what went right or wrong, then redo it the "right" way with a closing Q&A period.

### I. The wrong way:

Applicant for a convenience store in a zone where "retail sales" are allowed by SE comes in to the town office. He meets with the part-time secretary who clearly has no idea about the planning and zoning process. The applicant says he thinks he needs a SE from the ZBA and also a site plan approval from the PB and knows he can just barely meet the submission deadline for the PB and wants to go there first to save time. Secretary says, OK - whatever - and puts the application in the PB mailbox.

Fast forward to the May PB meeting (assuming no notice/scheduling/administrative defects) where the board meets, reviews the application and approves the development with the condition that the ZBA grant a SE. The PB thinks this is a very straightforward and simple application and a great addition to the tax base.

FF to the June ZBA meeting (again assuming no notice/scheduling/administrative defects) where the ZBA reviews the plan approved by the PB. The ZBA thinks this is an outrageous use of the property and does not want any more convenience stores in town. They grant the SE with specific conditions relative to hours of operation, the number of parking spaces, the location of the sign, the number of employees and brands of food that can be sold. This requires the plan to be changed. There was no discussion of the SE criteria contained in the zoning ordinance.

FF to the applicant in the town office meeting with the BI seeking his building permit. The building permit application contains the plan approved by the ZBA. The BI reviews the file and sees the original plan approved by the PB and notices they are different. Not knowing what to do he sends the applicant back to the PB.

FF to the July PB meeting where the PB is perplexed that the ZBA made changes and questions why they did that. They ask the applicant to resubmit the plan to them for next month with the changes the ZBA required. Since there are changes, this will require a new public hearing and new notification fees. The applicant leaves in a huff mumbling something to the effect that these boards don't know what they are doing.

**II. General discussion.** Ask each group to take a few minutes to discuss amongst themselves what happened, think of how things could have been changed to make it smoother, then share these ideas with everyone. This portion will take the most time as we'll need to go around the

room to each group for their input. We have over 100 people signed up for this session so I'll set the room up for 10 groups of 10. Even at 2 minutes each, that will be 20 minutes alone just to report out, let alone any back and forth discussion.

### **III. The right way:**

Applicant for a convenience store in a zone where "retail sales" are allowed by SE comes in to the town office. The part-time secretary directs him to the building inspector who clearly knows the planning and zoning process. The BI reviews the ordinance and determines that the proposed use requires a SE from the ZBA as "retail sales" and a site plan review from the PB as a nonresidential use. The applicant says he thought he needed both and knows he can just barely meet the submission deadline for the PB and wants to go there first to save time. BI says that's all well and good but he needs to go to the ZBA first for the SE. The BI puts the application in the ZBA mail box and calls the chairman to alert him of the application.

FF to the May ZBA meeting (again assuming no notice/scheduling/administrative defects) where the board meets and reviews the application. Even though they think there are too many convenience stores in town, they grant the SE with the conditions that the parking be relocated to the other side of the lot in order to meet SE criteria #2, *that there is safe vehicular and pedestrian access to and from the site*, that all exterior lighting be designed so it does not shine into adjacent residential areas in order to meet SE criteria #4 *the proposed use will not be more objectionable to nearby properties by reason of noise, fumes, vibration, or inappropriate lighting than the existing use of the property* and that stormwater be handled on-site in order to meet SE criteria #6 *that the proposed use will not adversely affect the ground water resources of the town*. At the end of the meeting, the board resolves to schedule a work session this fall with the PB to discuss their concerns about convenience stores and other land uses.

FF to the June PB meeting (again assuming no notice/scheduling/administrative defects) where the board meets, reviews the application as revised by the SE conditions, and grants the site plan approval. The PB took the 3 conditions of the ZBA and reviewed details of how those would actually be implemented on the applicant's plan. The PB thinks this is a very straightforward and simple application and a great addition to the tax base.

FF to the next day where the applicant goes back to the town office to meet with the BI who reviews the file and issues the building permit for the convenience store. The applicant leaves happily opining that this town knows what they are doing!

### **IV. Final discussion and Q&A.**

We only have 75 minutes for all this so we will likely need to make adjustments. I'll be the moderator/MC/narrator for the session to do the introductions/outline and let people know what is going on as we transition from board to board. One of you should be the applicant (I'll bring a hardhat unless you have something else), and the other should play the roles of the ZA, PB and ZBA (bring appropriate hats for each so you can wear the them as you move from role to role. We'll set up a table for the "boards" to use, a podium for the applicant and I'll have a flip chart to show what is happening.