

Town of Acton, Maine Planning Board Meeting

April 1, 2021, 6:00 p.m.

MEETING MINUTES

Members Present: Christopher Whitman, Chairman; Gavin Maloney, Vice-Chair; Dennis Long, John Qua, Jim Driscoll, Patricia Pearson (Alternate)

Also Present: Ben Smith, North Star Planning; John Clough, Sister Claire Lambert, Mr. and Mrs. Lawrence Walsh, Elias Thomas, Joyce Bakshi, Joe Stanley and Katelyn Long, Video Recorder.

Call to Order: The Chairman opened the Planning Board Meeting at 6:08 p.m.

Designate Alternate: All members were present so no alternate was named.

Approval of Minutes: There are no previous meeting minutes available; tabled until the next meeting.

Old Business:

- **Greg Martinez: Iron Tails Enterprises LLC, 559 Route 109, Map 148, Lot 001, Conditional Use Application:** Applicant is requesting to modify an existing Conditional Use Permit to include outdoor entertainment.

Mr. Martinez stated the Planning Board obviously scheduled a Public Hearing following their earlier meeting where he had applied to update his Conditional Use Permit to include the outdoor entertainment. Mr. Martinez further stated that he has had outdoor entertainment from the day he started back in May of 2011 and unbeknownst to him, it wasn't part of the Conditional Use Permit. Mr. Martinez stated that he has proposed erecting a couple of fences to help buffer some of the sound leaving the property and now his goal is to continue to meet the noise ordinance; last year's readings were always in compliance. Primarily the outdoor entertainment is done during the daylight hours but is asking that he be allowed to do some bigger shows that would go into the evening. All entertainment going forward will end by 10:00 pm. If these bigger shows have a likelihood of going beyond the noise ordinance, Mr. Martinez stated he would have to go before the Selectmen and apply for a mass gathering permit. Mr. Martinez stated all he could do is perform and be judged on his performance thereafter. Furthermore, Mr. Martinez stated he had consulted with some sound engineers about the situation and what could be done to improve keeping the sound on the property. Mr. Martinez stated he was uncertain whether the Planning Board members had received the email which was forwarded through the Code Office from the sound engineer. Planning Board responded that it was received. The position held by the sound engineer was the fence Mr. Martinez intended to erect, a larger 12-foot high fence, was going to really do nothing for him, so Mr. Martinez amended his plan to an 8-foot high fence. Mr. Martinez indicated all he could do was self regulate and make sure he operated within the ordinance.

Mr. John Clough started to ask Mr. Martinez a question, Mr. Ben Smith stopped him stating there was a public hearing scheduled and questions were to be addressed to the Chairman; the public at that time would have an opportunity to review new information.

Mr. Smith turned meeting over to the Chairman to recognize and take any public clarification questions the public wished to express. Mr. Clough apologized and stated he had 2 pages to go over and would need a bit of time to comment. Sister Claire Lambert, abutter spoke next. Sister Lambert stated that she was right on the pond and had to say, even though it has been allowed in the past, she consider it not a restful situation when there is music coming through that is not of their choice. In a way, it is like noise pollution. She is unaware if others feel this way but they look to having a quiet atmosphere right on the pond and

when the music is blaring out the way it has been in recent years, I know it's been hard on our older sisters that go there for the quiet. Sister Lambert indicated she was representing the sisters this evening just to make clear what their position was.

Mr. Whitman asked Mr. Martinez to comment back to Sister Lambert.

Mr. Martinez responded that there was not a whole lot that he could say to Sister Lambert that was going to change the feeling that there is noise pollution. All he could say was that he will work hard and diligently to continue to operate within the sound ordinance.

Mr. Whitman called on Lawrence Walsh.

Mr. Walsh, abutter indicated that he abutted directly behind Iron Tails and Sister Clair lives to our right. So, we are even closer to Iron Tails Saloon then that property is located. Mr. Walsh indicated that he held the exact same opinion as Sister Clair. There is no such thing as restful weekend at the lake right now. Mr. Walsh indicated he has ended up having to leave almost every weekend to even have any peace and quiet, to the point where the doors even rattle on the house at the camp and definitely does not support this. Mrs. Walsh so up and stated that they have kind of tried to tolerate it because we didn't think they had any other options, but at least I knew that at 5:00 pm I could go home and maybe have a quiet dinner and sit on my porch. Every Saturday and Sunday afternoon at home, they leave Town and should not have to do that. She further stated that she could not have her family over to enjoy a quiet picnic on my lawn on the weekend. I can't do it during the week, they have jobs. I can't do it on the weekend because it is blaring and there have been days when my door actually vibrated from the sound, so I just leave and now you want to extend that till 10:00 at night when my grandchildren spend the night, am I supposed to say ok no bedtime tonight until 10:30 or 11:00 pm. You know, it is a residential neighborhood and we'd like to keep it that way. Mr. Walsh further responded that they have called the Sherriff and the Sherriff told them there was no noise ordinance so he could not do anything about it.

Mr. Martinez responded: As you know, there is in fact a noise ordinance and the measurements that were taken last year were within the noise ordinance and also I am not looking to go to 10:00 pm every night, that was off by special permit to do a bigger show potentially four times over the course of a season. Up to now, all my outdoor entertainment has ended at 5 pm.

Mrs. Walsh: Ok, but that means Saturdays and Sundays, I have to leave Town for peace and quiet. When do I get to enjoy a weekend at my camp? Mr. Whitman asked Mrs. Walsh to direct questions to the Chair and not Mr. Martinez directly. Mrs. Walsh: Sorry. Mr. Whitman: We all need to get used to it, but to be fair, is there any other public comments?

Mr. Whitman: Elias do you have a comment?

Mr. Elias Thomas: Hi. Jan and I have lived here and a fairly close neighbor. We are about 500 feet up the road and actually the music is generally aimed out at Route 109. It is a commercially zoned property and I have been very impressed by the fact that the folks who are patrons of Iron Tails are very respectful. Most often, not always, but most often the noise that comes out from the motorcycles leaving Iron Tails is a t a minimum. I cannot say that for the other establishments up the road from us on 109 but generally speaking we've been very, very content with the respect that has been shown to the neighborhood along 109 and across over by the fair grounds and so forth. So, I think that Mr. Martinez and his organization has certainly been very strong in striving to be cooperative and to be understanding of the fact that people are trying to enjoy their lives. But, I think that the fact that the property is zoned commercially, when people purchase property in the area and I have been doing that after 52 years here, in this immediate area, they are aware of the fact that there are commercial properties in the area and understand that there may be some inconveniences as a part of that. I think they have been minimal with respect to Mr. Martinez and the way he has operated his business there; very respectfully. Wasn't quite the same way with the previous owners.

Mr. Whitman: Thank you Mr. Thomas. Is there anyone else for a public comment?

Sister Claire raised her hand. Mr. Whitman called upon her. Sister Claire Lambert stated she would like to respond to the previous comment. When it was an indoor restaurant or pub, there was a difference in that there was not the music exterior to the building and that made a difference. It has only been in the past couple of years that we're experiencing this. We understood. We had our property there when it was still part of the Apple Orchard organization. So, I mean it's not like we are going to move now that there is a different commercial enterprise. I think it would be unreasonable specifically to extend those hours especially on the weekends. I just find that it is not in keeping...I can't image that the sound resounds over the ponds well. Maybe not to the extent that we have it, but I think there is a certain limit that should be introduced and no different from what people have experienced with other areas where we have shows that are put on during the summer outdoors and the neighborhood ends up speaking to the issue and sometimes it does get addressed, but to extend it beyond what we are already experiencing, to me, it doesn't make any sense.

Mr. Whitman: Thank you Sister Claire; any other comments from the public?

Mr. Ben Smith: I think if there's no other comments from the public, the applicant should be given a chance to address some of those comments and then if there is anything new that comes out or questions coming out of those comments, it might be fair to give members of the public one more chance to make a comment or ask a question as part of the public hearing process.

Mr. Whitman: Mr. Martinez would you like to add anything?

Mr. Martinez: Probably nothing that going to change any minds of the people on the surrounding residential properties, just kind of a repeat that I work hard to stay within the noise ordinance and I am not looking to extend daily shows. Primarily, I end up my outdoor music at 5 pm. I was looking to do a couple (about 3 or 4) bigger shows over the course of the season that would go into the evening and potentially could be beyond the noise ordinance. I would like to say, I'm being forward and honest, I was unaware prior to this very moment that these folks had issues prior to. When like I said I've been doing the outdoor music for over 10 years now and the noise levels have never been an issue until this past year. So, all I can do is continue to, you know, like the sound engineers said, I have to self-monitor and make sure that I am within the noise ordinance. That is all I can do. I mean, you stick you know the outdoors is what my business is about. Live music is what my business is about and it has been. We have always operated outdoors and that is what people come for. And, I certainly, you know, I feel badly that folks can't enjoy their property, but in the same token, I have a lot of folks that enjoy my property.

Mr. Whitman: At this rate, we are going to close the public part of it and we will move to Board discussions.

Mr. Lawrence Walsh raised his hand and was called upon by Mr. Whitman.

Mr. Walsh: I just want to clarify that we have called the bar several times about the noise. This is not the first time. Mrs. Walsh: This has been an issue. He did know because we have called him. We gave up a couple of years ago, but we have called him in previous years and asked him to turn it down.

Mr. Martinez asked if that spoke to him specifically. Response was yes. Mr. Martinez was not saying that they did not. He just doesn't remember folks names and over the course of his time there (10 years) I thought he had outside a couple of calls from the police (the Sherriff's Department) he has had only 2 calls from local residents and perhaps that was you.

Mr. Walsh: Just to clear a point. This was never an issue until you started outside. Mrs. Walsh: Music in the bar is, you know when we bought our property, we knew there was a bar there, but there were also a bigger buffer of trees and the previous owner chapped down a lot of those trees and that made it worse. We appreciated that you didn't run it into the night but, there is hardly any buffer between us and I don't think an 8-foot wall is going to help. I don't know what else to say. When we bought our property, we knew there was

a bar. We did not know there were going to be outdoor bands every weekend or nearly every weekend. Mr. Walsh: And, I think Sister Claire would agree it's ruined our property; we get no enjoyment out of it.

Mrs. Walsh: This is something, if we sell our property, this is something I'm going to have to disclose to the new buyers and this is going to hurt the value of my land.

Mr. Whitman: Ok, thank you. At this moment, I'm going to close the public comment down and move to Board discussion. I thank everybody for taking their time out. Any questions or comments from the Board? Ben?

Mr. Ben Smith: Yes, thank you very much Mr. Chairman. I wanted to remind the Board that this is the second time this item has been on the agenda. The first time it was on the Planning Board agenda was February 18, 2021 and at that meeting there was some discussion around some potential considerations that had to do with the overall number of shows with potential discussion on the hours of operation or at least the hours of outdoor entertainment, outdoor music. I think the Board had also asked for some clarification around lighting of the outdoor space and how that was going to be planned for around the fencing requirements. I think the applicant should maybe address if there is going to be any changes to proposed lighting with the proposed changes to the fence. And, I think finally there was some discussion around the parking area shown on the plan. I do have that plan if you'd like to have that screen shared. At some point Mr. Chairman thinking about trees or some kind of plantings in either the parking area or I believe at that corner of the property where the fence and the stage met at the corner of 109 and the side road there. So, I think that the homework was certainly going to be...I had an expectation that there was going to be some information from the sound engineers, in particular, Mr. Martinez has share some of those conversations with us but, I think that in addition to what we've heard from folks this evening, these were some of the items where we left off back in February. Thank you.

Mr. Whitman: I would like to have the Board look at page 57 of 108 of the Zoning Ordinance pamphlet and once everybody gets to that I'll move forward to it. Let me know please...I'll read the paragraph so everyone else can hear it as well.

Unknown Speaker: Is there any way to screen share that? Mr. Whitman: No, not right now. Sorry.

Mr. Whitman (reading from the Zoning Ordinance): ***Under findings and purpose, it is recognized that people have the right to and should be ensured an environment free from excess noise that may jeopardize their health, safety or welfare or degrade the quality of life. This section is enacted to protect, preserve and protect healthy safety welfare and quality of life through reduction control and prevention of excessive noise.***

Mr. Whitman: Basically that is the purpose of the overall noise ordinance. Gavin, I see you have your hand up.

Mr. Maloney: Yes, I just wanted to point out on the next page, page 58, the little chart that gives the decibel readings. It denotes that the commercial district should not exceed 60 decibels at the property line during the daytime and 50 decibels at the property at night.

(Garbled speaking), Mr. Walsh would you mind muting your microphone.

Mr. Maloney: I was wondering about the fence and why we're reducing from 12 feet to 8 feet, can you speak a little bit more about that?

Mr. Martinez: I did not get the question, I'm sorry, the audio is, is not working properly I guess. Can you repeat the question?

Mr. Whitman: Gavin, did you have a question for Greg cause I think you froze didn't you? Mr. Martinez: Yes, that is what seemed to happen.

Mr. Smith: I think he was talking about why the reduction from a 12-foot fence to an 8-foot fence. Mr. Maloney: Yes, I was hoping to (computer froze again). Mr. Martinez: I think I got the gist of the question though and the answer is simply because of the distance from where the stage is, this will be erected. It's too far away to be effective in dampening the sound. There is a three-foot knee wall that I'm going to be putting around the pad that actually surrounds the stage that would probably will do more than the larger one. So that's in and obviously I proposed it, you know I reduced (more garbled speak). Mr. Martinez: I'm just not getting that, he's got a connection problem.

Mrs. Pearson: Jennifer, are you here? Can you help Gavin? Are you in the building? I don't know if you know Gavin but you are frozen. Mr. Smith: Gavin, close your Zoom and come back into the meeting. Gavin quit your Zoom and come back into the meeting, it will fix it.

Mr. Smith: Mr. Chairman, while we are waiting for Gavin would it be alright if I asked a question? Mr. Whitman: Yeah, and actually could I ask, do you mind if I throw one out there so that we can ponder on it? Can we have Mr. Martinez effectively comply with the sound ordinances as he, can he demonstrate that he actually has tried to comply with the sound ordinances. That should be alright.

Mr. Martinez: What do you mean I can demonstrate? I had a sound meter and I have took several readings, not even quite to the property line, within the property line but I mean it's might right, I mean I've got phone video of it, of it being taken in the reading but I certainly don't know how to share that in this venue.

Mr. Whitman: Ok Ben, Do you have a question? Mr. Smith: I think it was related to the construction of the fence. I can see that Gavin is back with us, so maybe I'll defer to him, I know that he, that's kind of where he was going with this question.

Mr. Maloney: Yes, I was wondering what the height of the knee wall was. Mr. Martinez: Three feet. Three feet with a shelf on it of about 2 inches so actually, the concrete pad is raised off the ground so uh, four feet but actually that would be irrelevant because the stage is on the same pad so, three feet and that's at a distance of about 75 feet from the stage and that will serve as a baffle if you will.

Mr. Whitman: Yes, Pat?

Mrs. Pearson: Yeah, I'm just wondering Mr. Martinez, how do you determine how much noise comes out of a speaker? How much music is, I'm not familiar, so I'm just asking the question. So if you are going to mitigate the sound, is there a way to turn it down a little bit? Mr. Martinez: Yes, yes of course there isn't every time the band sets up they've got their own equipment and they have their own idea of what is reasonable. Trust me, I know and so I have to take readings and my sound engineer is going to, he proposes to set me up with equipment that will indicate when the band is above the sound ordinance and that will be constantly running during the performance.

Mrs. Pearson: So, is it reasonable to assume that a band would like to have the music as loud as possible? They probably wouldn't want to tone it down because that's what a band does? Is that what you are trying to say; they have ideas? Mr. Martinez: No, no, no, no that is not what I am saying, but I mean if anybody has been to a concert, usually the music is loud for all to hear. All to hear at whatever the venue may be, be it you know, the Fryeburg Fair or the Civic Center. But what I'm saying is they all come with their own sound equipment, so I would have to monitor with my sound equipment, my sound monitoring to let them know what level they need to be at.

Mrs. Pearson: So, in other words, you can control this a little bit. Mr. Martinez: Yes, absolutely and like I say, I have in the past, if I you know but to be quite honest with you, I never had an opportunity to be above the noise ordinance from the time that I started checking on it until the time I got my monitoring equipment and it could take a reading and that was probably mid-season, maybe somewhere in late June, early July.

Mrs. Pearson: So, I guess what I'm wondering is there a way, is it reasonable to think that there is a way that there can be full transparency for what you've taken for measurements so if you're...I'm just trying to think of a way that you could work with the neighbors. Mr. Martinez: Right, I understand.

Mrs. Pearson: Where we're the people that are having a problem with this, I'm just wondering is that possible? Mr. Martinez: Well I had to, I don't know if it was at the meeting but I propose that we mark out my property line and make it known to members of the Board, the Code Enforcement Officer, the Sheriff's Department to go in with their own equipment and take a reading when there's a complaint. I think that is the best way to handle it. I can go out there and I can take a reading and say it's accurate but that doesn't necessarily mean that the neighbors is going to buy it or the neighbors like what they're hearing so they would in turn call the police or call make a complaint with Code Enforcement. So, you know there would have to be obviously a third party that comes and takes a reading when there's a complaint if and when there's a complaint.

Mrs. Pearson: So, Mr. Martinez, when I know that we talked about this a little bit at the first meeting. When I look at this on page 58, it has a little a block on sound pressure level limits and you talked about decibels. So in a residential area for daytime can you and I think you did this before, correct me if I'm wrong, 50 decibels would sound similar, for those of us who don't really understand decibels, what would that sign like. Would it be a tractor, would it be, like what is 50 decibels? Mr. Martinez: Oh, I wish I had those answers for you and my paper work; I had those before to give me, I mean all that information is easily found on the internet. 50 decibels is somewhere near speech. Speech is at 50 decibels believe it or not and somewhere in my submission...like I said, the information that it's not is it's..I don't think it's the issue of the sound, I think you know the neighbors are..you know, their issue was the continuing sound. But like I said, 50 decibels is not much at all. I think a lawnmower is 90 to 120. I can look. I can take a peek at the internet because like I said, I don't have that paperwork with me but I did have the chart with me at the meeting. Mrs. Pearson: Thank you.

Mr. Whitman: Mr. Martinez? Mr. Martinez: Yes. Mr. Whitman: Is there any way you can provide the Board with any sound decibel documentation? I guess we are kind of leaning towards that. Mr. Martinez: Repeat the question? You broke up. Some documentation on what...? Mr. Whitman: Any of the sound decibel readings that you've had...Mr. Martinez: Yes, yes I can, I can forward videos that I have in my cell phone and you know, the distances will be obvious. There are some that I'm standing right at the corner of the asphalt that goes to the rear of the property and then the other is generally the same direction but I'm not sure, I don't believe it was quite to the property line. So just, if you give me an email or send me an email with some phone numbers, I can email it or text the video or whatever.

Mr. Whitman: I guess what I'm saying, trying to figure everything out is that we get someone that's as you know a professional that can with calibrated equipment, document it versus cell phone or whatnot or a Youtube video, you know, you understand what I am saying? Mr. Martinez: Well it's not a Youtube video, it's a video from my phone where I was operating the sound meter that I had purchased to answer my questions about the sound level. So, I guess what the Board's going to look for is you know, someone independent of myself; is that what you are asking for because in that case I mean obviously we can't, that can't happen until the next elect, next live music show.

Mr. Whitman: Dennis? Dennis go ahead? He is muted. Mr. Smith: Dennis, I think you can either click the microphone button down in the left hand corner or even just press the space bar, I think that will temporarily unmute you. Nope still on mute Dennis.

Mr. Long: There, how's that? Now you can hear me. I've been saying, normally when I speak, the decibels have been measured on me and I do exceed the decibel levels that's in a good neighborhood's policy. That will give you some idea what you are looking at.

Mr. Martinez: So, according to what I am seeing here on the internet, anybody can look at it, the average noise home is about 45 decibels; office noise, inside a car at 60 mph is 70; heavy traffic, window air conditioner, noisy restaurant, power lawnmower is 80 to 89; and chain saw, leaf blower, snowmobile is at

106. So, that just gives an idea of what I'm seeing on the internet just doing a quick search. So, it doesn't take a whole lot of noise to get to 60. Let's say 60 is normal conversation but background music is 60.

Mr. Whitman: Yes, Gavin? Mr. Maloney: Yes, I would hope that the applicant would consider replanting some trees in the back of the property to buffer the sound and maybe provide a drawing of proposed plantings that could help with this issue? Mr. Martinez: The trees on the back side of the property? Well, since I bought the property have cut no trees. And the trees on the back side of the property are they are primarily Maples, um I'm guessing somewhere in the area of 40-foot tall. That would kind of be cost prohibitive to do that as I'm not real sure how planting, brought more trees at the back side of the property would change much because like I said, the 12-foot high fence doesn't help according to the sound engineers.

Mr. Maloney: Perhaps we could add a lower hedge of thicker bushes like arborvitae that would help where there are not as many branches on those trees where the sound's travelling through the trunks. You'd still have the foliage at the top of the tree to help up there but maybe something that would help to round direct sound upward. Mr. Martinez: I will certainly consult with the sound engineer and get some written documentation if that makes sense to do it if that is effective. I will certainly agree to do that. Mr. Maloney: Ok. Mr. Martinez: But, like I say, I need to make sure it's going to be effective for you know it's an exercise in futility.

Mr. Maloney: Absolutely. Perhaps the sound engineer would have other ideas that will help with this other than vegetation or a fence. Mr. Martinez: Perhaps he would. I think the information that he did give me via that email was based on what the plan was. He pretty much has kind of narrowed it down to self-policing and self-monitoring and he's talked about the equipment that I could use to do that.

Mr. Maloney: Have you given any consideration to the islands in the parking lot that may have vegetation to help break up the sound within the lot? Mr. Martinez: Are you still talking about the back lot that's going to be fenced in? Mr. Maloney: Yes, on the Milton Mills side. Mr. Martinez: On the back side of the property? Mr. Maloney: Yes, where you are proposed to have motorcycle parking. Mr. Martinez: Well that's yeah, that's going to be all, that's all gravel parking, you know as it has been since I've been there. Mr. Maloney: The ordinance asked that we have one island per twenty parking spaces and I'm hoping that having some vegetated islands will help break up the sound as it travels through the parking lot. Maybe the sound engineer would comment on that as well. Mr. Martinez: I will specifically ask him that.

Mr. Whitman: Pat, did you have a question and then I saw Ben had a question.

Mrs. Pearson: Go ahead Ben, I'm looking for some information. Mr. Whitman: Okay, Ben you are up. Mr. Smith: Thanks, I see John has his hand up as well. I did not know who was first, but I believe John was first. Mr. John Quay: Actually, Gavin asked the question that I was going to ask, "Could Greg get some opinion or some advice from the sound engineer; are there any other ways that either the vegetation or other ways we haven't thought of that could help dampen the sound. Mr. Martinez: Yeah, I will be contacting him in the morning because he has asked me to keep him updated on the progress and so I will bring him up to speed on our conversations this evening and the request and see what he comes up with for me and I will get, I will have him you know bring you know forward documentation. Is there any benefit do you want me to forward my own sound readings, the videos that I took on my phone. Is there any benefit to that?

Mr. Whitman: I brought in the need more towards professional engineer documentation, I mean a cell phone, it's going to change anything is and all of us would know. Mr. Martinez: No, no, I just was recording the reading. I was recording my sound meter while it was, just as proof that I wasn't at my property line and then I was taking the reading. The reading was videotaped, you know, obviously you probably can hear some sound on the phone as well on the phone recording but and like I said earlier, all that being said, if we're gonna, if I'm gonna bring a professional in to do a noise reading obviously there's going to have to be, that it will have to take place at the next event which would be my opening weekend.

Video: John's hand went back up and then Ben as well.

Mr. Whitman: Okay uh do you want to go to Ben first and then we'll follow up with Gavin.

Mr. Smith: Thank you. I do hear the conversations about tree plantings and fencing and those kinds of things but we had also suggested an approach that I think based on the hours of operation or at least when outdoor entertainment would be permitted that would avoid some of the complications with either well you know at certain points you know whether it's you know 49 decibels or 53 decibels or if it's a you know atmospheric conditions can also affect the quality of noise how far sound carries. I think it would be you know as we think about looking ahead I would suggest to the Board that they consider using time of day as a you know it can be music between these hours and if there's music outside, of those hours, then that would be the regulating factor as far as ease of enforcement and understanding for all involved. We haven't talked about that this evening but I was wondering if the board or the applicant had thoughts on an approach like that.

Mr. Martinez: Well, that is what I was suggesting because I believe I put it in writing and so also I spoke of it the last time we met about historically when my live music took place outdoors primarily Saturday and Sunday always done by 5 pm outside of bike week, I do shows throughout bike week but it's you know during the week it's just a one man acoustic playing the guitar during the day and then the evening's show that on the weekends ends at 5 pm. Anything beyond those hours is what we are talking about but you know requiring a you know special permit. That's why we're here also. So, anything beyond the hours of 5 pm if I was going to go and have a show that could go for example and end at 10 o'clock because I do close at 10 o'clock mind you all I don't stay open to 1 o'clock, there's no noise, there's no bodies at the saloon. At 11 pm we're locked up tight. Although I could stay open to 1 o'clock, that's not how I operate, that's never been how I operated. So, anything outside of the 5 pm any period of my standard music that I do on weekends I would have to get a special entertainment, a special permit; mass gathering permit which means going before the Selectmen and as we spoke of in the previous meeting, that would be on a case-by-case basis and also obviously if the performance was poor on the first event, there wouldn't be a second event because they have the control to do that. The control is in the hands of the Board of Selectmen. Does that answer questions?

Mr. Smith: Yes, that seems like a relatively straightforward condition of approval potentially to say outside music must be over by 5 pm unless it's special permits granted by the Select Board and I don't know if that would meet the intent of what the Board is wrestling with here about the levels of sound but it would kind of short cut that conversation; just make it a little more clean to understand and enforce I think. I'll turn it back over to you Mr. Chair I know there are a couple of other hands raised.

Mr. Whitman: I think Gavin was up next; if I remember correctly. Mr. Maloney: I'll let someone else go first.

Mrs. Pearson: Ok, so what I was wondering about, is, I'm not really clear and I'm asking this question. I'm referring to some notes that we had with regard to the first meeting and it says, let's see...Greg Martinez, owner at Iron Tails Saloon explained to members that previous CEO notified him in 2020 that his existing Conditional Use permit from 2011 did not allow outdoor music and events at his business and I remember we were talking about picnic tables and outdoor food and things like that. So, are we just talking about the noise, the music level, the decibels or are we talking about some of these other things like outdoor seating, additional parking, some of the things that we talked about in the last one. I just want to be clear on what we're talking about. Mr. Martinez: For the update on the Conditional Use permit, the only part of that needed updating was the outdoor entertainment. Everything else was in order from what I was told by the Code Enforcement and Secretary that they found it in their paperwork that I did have approvals. Also, I mean there was outdoor dining prior to my taking over the business. I don't know if there was outdoor entertainment, I can't say but I can say that when I took over in 2011 I started doing outdoor entertainment.

Mrs. Pearson: So you were having some music inside. Mr. Martinez: Oh yeah when I my shows at night I did inside. And what I'm asking for (not to be repetitive), but what I'm asking for is special permit possibilities for some bigger shows outside to bring some bigger name bands in. Mrs. Pearson: What about the

Conditional Use permit for music outside? What are you asking for that? To have outside music? Mr. Martinez: To be allowed to continue just as I have done from 2011. I was notified by Code Enforcement midsummer that I needed, in his words, I needed to update my Conditional Use permit. Mrs. Pearson: Okay, because that's what that's why I'm asking the question. Mr. Martinez: Yes. Mrs. Pearson: Yes, yeah, I just want to be sure on what we are talking about here. Mr. Martinez: Sure. Mrs. Pearson: That all I have, anyone else?

Mr. Smith: I think John's had his hand up for a little while Mr. Chair. Mr. Whitman: Sorry John.

Mr. John Qua: That's quite all right. Just to a previous question, Greg, I think it would be helpful just as a data point to send that video in for the Board to review. Mr. Martinez: Absolutely. Mr. Qua: Data Point, again I think talking to a sound engineer and maybe getting an independent reading is or get their thoughts is appropriate. But I just want to follow up on Pat's clarity question. In the memo you sent us in February, you talked about your usual business, the holidays, the bike week, the Saturday and Sunday. But in that paragraph, you also mentioned a Friday night from I think 6 pm to 10 pm. So, you currently do or do not run concerts at night. Mr. Martinez: I have been doing last summer about August, I started doing some Friday evening shows from 6 pm to 9 pm. Mr. Qua: Okay, so again for clarity, the larger shows, the one-off shows that would need, the big approval, that is not these Friday night deals. So, you're asking us to approve your current process which includes Friday night. Mr. Martinez: Right, yeah. Mr. Qua: Okay. See, that's a little bit different than what we've just been talking about. Mr. Martinez: Yeah, so. I'm so used to that, that routine is different to me, you know like I said I started doing that the Friday evening shows about mid-summer last year and they were under the tent in the backyard and they ran from 6 to 9 pm but I still contend that they were within the sound ordinance and they were done by 9 pm. Not that's any consolation or whatever, but they were still within the ordinance and also worst case scenario, if that's a bargaining point, I put those shows inside. I'd rather not, because my customer base likes to be outdoors. It's summertime and they want to enjoy outside.

Mr. Whitman: I have a question down here from Mike Demers. I'm just going to slide the computer towards them. Acting Deputy CEO Acton, Mike Demers: I just want to propose another course for the Board to consider is that you're considering the approval or disapproval of this conditional use and Mr. Martinez could potentially comply with the decibel readings but not in harmony with the overall nature of the ordinance where quality of life of neighboring people might be affected. I just wanted to stress that that is still a consideration and should be taken into account in the process of this Conditional Use. It is not, let's find a way to make it happen, it's whether there are sufficient implications on neighbors as well; they do have that right to welfare quality of life and that shouldn't be understated. Thank you.

Mr. Whitman: At this time I'll entertain any motions. Anyone who would like to propose? Gavin raised his hand. Mr. Martinez: If I could just add something. I've been operating in the same fashion for 11 years and you know this was this wasn't an apparently something an afterthought or it wasn't seen earlier that I can't you know I'm allowed to do outdoor music. Well I built a business on live music and I get a lot of people from around the property lines that enjoy it. They come, they patronize me and they don't complain. I mean outside of the folks that you know are directly behind me there's a lot of folks in Town a lot of folks around me and I get a lot of support from them and the amount of music. I've done over 11 years the minimal amount of complaints should speak for itself. I've got a good track record and I do work hard to be a good neighbor. We had problems with burn outs last year, a neighbor came forward, came to me and spoke to me in person and I corrected it immediately and my customers were more than cooperative and made it happen.

Mr. Whitman: Gavin are you frozen again? Mr. Maloney: No, I was just going to put up the sound engineers report, but I see Dennis' hand up too. Mr. Whitman: Yeah, I'll and we'll have to we'll listen to it. Have Dennis come on. I think you'll have to unmute it. Hit the space bar Dennis. You know, you are still muted Dennis. Dennis you are still muted.

Mr. Dennis Long: Maybe I've gone too long without talking. Jesus, isn't that a strange thing to happen. I guess this is just my opinion; we have the decibels and the good neighbor policy for a reason. It was a

standard that was set up to protect the neighborhood. And, obviously Mr. Martinez can't do any, nobody can, any decibel readings until he starts up again because there is nothing to meter. I do know he said in the past that he had a professional meter he had purchased and Kenny had said the same thing at the time. When he started expanding his outdoor music last year like he did too, a lot of that was brought up by the COVID and the regulations by the Governor which, I mean, everybody was in a bad time, but I believe that the only thing we can consider is what's on the application and it's to do with outside entertainment and if he stays within the criteria of the decibel levels, he's been, he's been a very good business with the Town of Acton. He's done a lot of fundraisers. He's always tried to be very accommodating and he's given nobody any reason not to take him at his word. You have to understand from my point of view I have always voted as a citizen not to have any of these places in Town. I don't like them, I don't drink myself, If I don't go there to eat, but I also do defend his right to be able to do this because this has all been legitimate. It's been a vote of the Community in past Planning boards. What's he's asking for to me is more than reasonable. I'll make a motion, unless there are other questions that we close the public hearing and move on.

Mr. Whitman: Jim Grimm has a question for us here.

Mr. Jim Driscoll: Can you hear me? Mr. Whitman: I can hear you. Mr. Driscoll: Everybody else? All: Yeah, yeah, Mr. Driscoll: I have an iPhone so I'm having trouble. Yeah, I'd just like to say that I'll give you an example of sound decibels; I've been doing a lot lately. A barking dog is about 70 to 90; a rooster is anywhere from 90 to 130 and whenever these problems happen, believe me, those folks hear those noises and everybody's upset as the folks you are hearing from tonight, but they always get rectified, every single time, it's never really about the animals as you can get through that, it's about being a good neighbor and working together. That building was used prior before Greg got there; everything Mr. Martinez has done has always been, he lived up to his word and an honest guy and still has some of the New Hampshire State Trooper in him, that he used to be, he used to wander the parking lot at night a couple times at night, checked the place, he does everything. He runs a tight ship down there and he has several hundred thousand dollars invested in; when he bought that, he invested that and he and he took the time to understand what the ordinances were and he's been a good neighbor. I sympathize with folks down there. In regards to property values, within the last year, I did a, I drew up an analysis on two properties. One was on Loop Road and the other was on Middle Road right up out back. This place had no affect on that at all. Both of them came in really high. Elias could speak to that more than I; he's the expert in the field. But, zero affect on the properties out there, but with that being said, I'm just piggy backing what Dennis said and I sympathize with the neighbors, but the man has a huge investment; he's been a great neighbor; he's raised, he's allowed folks to go there, well over a hundred thousand dollars just being a good neighbor – Odyssey of the Mind, PTG, Veteran's Cemetery - you walk through that Veteran's Cemetery and you see the new walkways down there and a lot of that is because of Greg Martinez. So, he has been a good neighbor and we are really fortunate to have him in Acton. That's about all I have to say.

Mr. Martinez: Thank you for the kind words Jim. That is, what is factually true is, I do love the Town of Acton; I make no bones about that. Everybody knows how I feel about the Town of Acton and I do want to be a good neighbor and I really work hard to be a good neighbor and I will continue to do that as far as the folks that border my property, I will be contacting the sound engineer. I will get and I will refer all the information to the Board going forward and I will take whatever steps necessary within reason to improve your quality of life being you know, bordering my property because I certainly don't have any intention of upsetting anybody. My game is to make people happy and bring people together and I want to continue to do that and all I can do is what I can do.

Mr. Whitman: Gavin had a motion first I believe, right Gavin? Mr. Gavin Maloney: Yeah, so just a motion to move onto the next agenda item until we get more information. Mr. Whitman: Do I hear a second on Gavin's motion to table it? Mr. John Qua: I'll second it. Mr. Whitman: John did you seconded it? Mr. John Qua: Yes Sir. Mr. Whitman: All in favor? Mr. Martinez: Question for the Board, a question beforehand. I open April 29th and I have outdoor entertainment planned for my daylight, my day time shows. In order to get accurate assessments of the sound generated and probably and how to mitigate sounds, I'm asking that I'm you know I can continue to do that and so we have an example to work with.

Mr. Whitman: With what the Board is considering, it is kind of irrelevant within this meeting right now Greg, unfortunately, and we're going to continue with the vote, uh motions of Gavin to table it for right now and I think we were on our vote all in favor of tabling for this moment. I think we are supposed to do a roll call vote so I say yes.

Chris if you just address each member and they vote, they raise their hand, I guess that's what we're supposed to do. Mr. Whitman: Okay, I'll start with Gavin. Mr. Maloney: Yes. Mr. Whitman: Jim? Raise your hand Jim if you are in favor of tabling it. We can't hear you. I'm going to go to Dennis and then come back to Jim. Mr. Long: Yes. Mr. Whitman: John? Mr. Qua: Yes. Mr. Whitman: Pat? Mrs. Pearson: Ok, I don't think I am voting tonight. Mr. Whitman: Yeah, that's right, sorry. Jim? Jim we can't hear you so..Mr. Maloney: He raised his hand with a yes I believe. Mr. Whitman: Jim, did you raise your hand with a yes? Mr. Jim Driscoll shook his head yes.

A motion was made by Gavin Maloney to move onto the next agenda item until the Board got more information; seconded by John Qua. A roll call vote was taken; all in favor.

Mr. Whitman: So, to be clear, we are asking Greg for professional documentation on the sound and table before we make any further votes towards this. Mr. Martinez: Clear clarification please. I understand the piece where I'm going to contact the sound engineer and put together an assessment to submit to the Board but, there won't be any, there's not going to be any sample. You follow me? Unless I have a show outside, so, this is where we run into trouble. This is where we run into a problem.

Mr. Whitman: That's really not something the Board can consider at this moment and no one's really telling you not to do a show.

Mr. Martinez: Okay, well I will contact my sound engineers tomorrow, bring them up to date and go forward with them and submit whatever they can offer and I will also specifically ask about the vegetation and how it potentially could help with sound buffering. Thank you very much.

Mr. Whitman: Thank you Greg. Mr. Martinez: Is that all? Are we, does anybody else have any questions, are we through? Mr. Whitman: Yeah, we're all set Greg. Thank you. Mr. Martinez: Ok, thank you. Have a good evening.

New Business:

York County Agricultural Association, Route 109 and 13th Street, Mp 241, Lot 003, Site Plan Review Application: Application to create a parking area for the Acton Fairgrounds; Joe Stanley representing.

Mr. Joe Stanley addressed the Board indicating it was good to see all via Zoom.

Mr. Stanley: For those of you who don't know me, I'm Joe Stanley with LinePro and Surveying. I'm at this meeting on behalf of the York County Agricultural Association and the Fairgrounds and to get anybody who hasn't been involved up to speed, we submitted this project right before COVID. A couple months before we had gone through three or four meetings, site walk, public hearing with this project as a Conditional Use permit and then everyone's world changed and there were few meetings that didn't happen and there was some turnover with the Board and long story short, Ken Paul basically said that we're going to kind of resubmit. Start over to get a quorum, get a Board that was up to speed with all of this stuff so we could then proceed to hopefully get a vote here at some point.

Mr. Stanley:

Quick summary: The project is basic, is a, the majority of it's on 13th Street, right across from where the main fairgrounds are. What we've presented is a site plan for a parking area over in that area with the long-term goal being to over time, kind of regrade the site considerably and create parking over there so we would no longer need people parking on Route 109 during the evenings during the big major fair events.

What we had discussed at that point in time, part of all of this once the parking lot was finally put together we would actually work with D.O.T. on some signage to prevent people from parking out on the main road and hopefully create a much safer environment for all of the families who want to park and go to the fairgrounds.

So what we are proposing and again we resubmitted this on the suggestion of Ken Paul at the time we resubmitted this as a site plan who felt that the site plan review process was more applicable here looking at the land use charts and everything else. This was an allowed use in a zone for parking areas and you know, a lot of the work, you know, is somewhat incidental to the creation of that parking area. So what we've submitted is an engineering plan, a grading plan and storm water runoff plan sat prepared by the engineers over at Sebago Technic which meet all the applicable performance standards for a parking area to be constructed.

What we're looking at is potentially being able to create up to 429 parking spaces there long term but you know it will be a process it's not something where they're going to go in and try to take care of all this at one particular time. As time grows, what they're envisioning there for a final parking area isn't necessarily like what you would picture at a mall or at a store you know a paved lot or something like that. What we're envisioning is more like a parking area that exists now within the fairgrounds. It's primarily grass surfaced throughout most of the year but those couple of events when there are larger influxes of people that come to those events parking is created out in those field areas kind of in a more temporary arrangement to allow for that parking to be basically anywhere else besides out on the road. So, long term, the vision for this area is to completely regrade it, make it more of a flat surface with some minor slopes to it to take care of the stormwater runoff as Sebago Technics has designed it. But, 50 weeks out of the year, most of the year, it would be a grass surface, a vegetated surface and then on the bigger events temporary lighting, temporary parking attendants and things like that would be brought in to help keep organized, an organized parking situation over there as those larger events occur.

So, again, I guess I'm trying to make sure in my head I'm trying to be cognizant of the fact that most of the Board members haven't, are just getting up to speed with this but you know in my own head I'm saying ok, we've discussed a lot of these things multiple times already, so you know I'm happy to answer any questions or get into the details of all of this.

Mr. Whitman: I think Gavin has a question for you Joe.

Mr. Maloney: Yes, I was wondering if you gave any more thought to the concept of this being two Conditional Use permits: one for the mineral extraction and one for the parking lot.

Mr. Stanley: I guess that's part of what the discussion would be early on in this process. I know things are very different now at the Town Hall even that what they were at that point in time when Ken Paul and I were having discussions about all this kind of during the beginning of COVID and then as we started to realize we had to resubmit, he was starting to look at this more as a permitted use in the zone where these things are permitted and this wasn't, he didn't feel that this was any sort of commercial mineral extraction operation that was going to be going on. But, I'm sure that's a discussion we need to have you know at this point in the approval process.

Mr. Whitman: Gavin, do you have another question?

Mr. Maloney: Yes, I was wondering about how many yards of material are going to be removed from the site in order to achieve this goal?

Mr. Stanley: I don't, I know it should be on record as we have discussed this before, you like to ask that question, I don't have it on the tip of my tongue at this point in time but I can certainly have that number. I can get it from Craig again and Craig is the engineer by the way over at Sebago Technics. If that is an important number, we can either dig it out of the minutes from some of the discussions we had or I can ask Craig to send it over again.

Mr. Whitman: Pat do you have a question?

Mrs. Pearson: So Joe, of your, I think its 14 acres over there that is on the plan. Mr. Stanley: Yep. Mrs. Pearson: How, I noticed on the plan that it looks like a lot of it is cleared. How much of the 14 acres is not cleared? I mean as far as the banking goes, as far as taking out the gravel and would you be taking any of that gravel and just redistributing it on the property to make the parking lot.

Mr. Stanley: I mean there would be some on-site redistribution of that material but there definitely a fair amount that will need to come out to make a surface flat enough for people to park on but you also have to leave a certain amount of pitch just to get the storm water to go to the two structures the engineers are proposing. Most of what would need to be cleared I believe already is. I think it might, it's shown on my plans, a little bit, it's apparent on the grading plan provided by the engineer too. There's a, there's currently kind of a stand of trees between the heavily cleared area and 13th Street. Most or all of that is intended to remain in place. You can kind of see there are some curly or squiggly lines that denote where the trees they're supposed to remain on the engineering plans. There is one area in that strip of forest that would need to be built as part a drainage structure just to prevent any storm water from leaving the site and entering 13th Street or Mr. McLeod's property that close by. So, maybe if you look at my plan, right where you see the tax map and lot number kind of in the center of the plan, you can see like a pink or magenta area that says "area required for drainage structures" that area, there would likely need to be a little bit more tree removal but otherwise, I think from a tree cutting perspective will remain significantly the same as it sits right now.

Mrs. Pearson: So, are there any vernal pools or anything like that in that area? That must be a low area if there is water going there. I'm just, it really looks like a really nice plan, it looks really thought out and it's a great place I think to put the parking that's you know really needed.

Mr. Stanley: I appreciate that feedback, we've appreciate it as it was both positive and opposite. So, basically, right now the water does the majority of it that would land on this property sheds down the existing hills that are there now. On 2 13th Street, there are two (either two or three) culverts that go under 13th Street that over the years have tried to alleviate any stormwater issues that might be there on the road. The engineer Craig has identified those culverts as being a bit undersized so, he's developed one drainage structure shown in the plans. Again, in that small area, where we need to do a little bit of tree clearing and then down towards the easterly end of the property down towards the sharp corner down there. There's already a small existing wet hole that's there was a limited amount of wetlands there that we did have mapped by a gentleman named Ken Gardner who does a lot of that type of work, but the point to kind of expand and the size of the depression there to help capture any other water that may come through and then the future parking areas would basically be built and graded in a fashion to divert the water to those two areas that were intended to treat it before the water ever reached 13th Street.

Mrs. Pearson: So, you are saying on the easterly side you would be removing trees to increase that depression?

Mr. Stanley: Yes, You're probably correct. Look to the east of that wet hole a little bit and even that wet hole does have some vegetation. I mean, looking at Craig's plan It's not like they're trying to dig a deep pond there, I think it's about the depression its two or three feet deep but they are just kind of create a structure there for the water to seep into the ground after it's been captured but yes, certainly they're probably during the grading process of that there may be a little bit more vegetation removal. You're certainly correct on that.

Mrs. Pearson: Okay. Thank you.

Mr. Smith: Mr. Chair? Mr. Whitman: Yes Ben. Mr. Smith: I have submitted a memo I think wasn't included in your packets. We were reviewing this as a sketch plan this evening. It's a chance for the applicant's to introduce the project and for folks to ask questions, get a sense of the project. I think most of my comments

and questions kind of fell into the categories around vehicular and pedestrian circulation There are only two entrances showing to the parking area but it is a really long parking area, so I have questions regarding that and how people get over to the fairgrounds based on that move around the parking lot. Then the other comments I had were related to kind of the soil and erosion control concerns with the three to one bank at the back of the parking lot as that area get excavated out, a 3:1 slope is fairly steep, it's about the limits of what you would see on the side of a roadway; it where you start seeing guard rail on edges of roadway when they have 3:1 slopes. Based on the extent of those 3:1 slopes I was wondering if the applicant gave any thought to any additional soil and erosion control measures would be worth considering beyond the loam and seed that is shown on the plan.

Unknown speaker: Minimum, it is well within the standards.

Mr. Stanley: Ok, if everyone is waiting on my response, on that, well at this point in time some of those items, I definitely will try to address. But, some of the more detailed or engineering related standards in regards to slopes and erosion, Craig is my favorite engineer to work with and I trust him to have created a plan here that meets the Town of Acton's performance standards in those regards and so I have no doubt that he has done that. Some of the issues which Mr. Smith brought up I have discussed once we got this feedback back, I have had some limited discussions with both Craig, Roger Ridley with the Acton Fairgrounds and Caleb Chessie who helps over at the fairgrounds with a lot of the various earth work and things that have gone on over there in the past.

At the previous meetings, we had discussed once these slopes these 3:1 slopes at the back of the parking lot were finish, constructed, loamed and seeded. We had discussed planting either some native trees or bushes, thing of that nature on the fairgrounds and Mr. Ridley stated they were still very much happy to do so to help stabilize those slopes on the back. I also mentioned it to Craig. He stated he was pretty confident in his design that most of these 3:1 slopes would not be subject to erosion but in the case where a channel developed, coming of a neighboring property uphill or whatnot, his suggestion was some form of erosion control blanket if that problem started to show itself. To apply something of that nature and kind of nip it; once we see how the construction has gone before the issue became a significant one potentially.

Then, I also did talk to Mr. Ridley, a representative of the fairgrounds about the potential issue and what are we gonna do if there really are 300 people over there. The people furthest away from the fairgrounds, how do we get to the proposed crosswalk area. The light, the gate, and he was more than happy to discuss creating some sort of like crushed gravel walkway on the southerly side of the parking lot on the edge of the tree buffer that would be there to kind of keep people from wanting to wander out into 13th Street in an unorganized fashion; that was his suggestion that they would be happy to go along with, but again they were open to suggestions on that sort of things as well.

Mr. Whitman: Joe, will there or are there going to be parking attendants at the events?

Mr. Stanley: Yes, based on the feedback from the review notes that Mr. Smith gave us here, I did ask Roger that question. He said that yes there certainly would be. I asked him for a number. He was brainstorming on the spot and said it would likely be, larger events like the actual Acton fair, it would require five to ten assistants to help keep organized parking over there. And, I also did ask about lighting for an event that was larger like that. They had, we had proposed putting one more of a , I don't want to call it a permanent light because it will be on a switch, but where the anticipated pedestrian crossing of 13th Street will be, they plan on mounting a light to that pole to have one sort of permanent structure they can turn on "on demand" and then as they have down in the past, in the parking area on the other side of the fairgrounds, the plan would be to, those couple of weekends a year when there was a larger crowd expected, they would be renting those portable light units that would be suitable for something like this.

Mr. Whitman: Gavin?

Mr. Mahoney: Yes, I would suggest that we schedule a site walk so people can get an idea for the scale of the project on the ground.

Mr. Smith: Is that something the Board usually votes on? Is that a motion or is that something the Board would kind of find consensus on. I'm used to seeing that kind of thing around the decisions around site walks, public hearings and those kind of things being motions and votes.

Mr. Maloney: I'm pretty sure its required in this case given the scale of the activity but I can make a motion. I can make a motion. I make a motion for a site walk, but I was hoping for discussion as to when the Board would like to do it.

Mr. Whitman: Can I get a second on that motion. Dennis I guess. Do you have a question Dennis or are you seconding it. You're on mute again. Mr. Maloney: Dennis, press the space bar. Mr. Whitman: Again. Mr. Maloney: Try holding the thing down. Mr. Smith: Yeah, it's still not working.

Mr. Long: How's that. Mr. Whitman: That's perfect. Mr. Long: Somebody let me back in I guess. I don't know. I was just going to second Gavin's motion that was all. I thought I heard that John already did, so. Mr. Whitman: I guess all in favor of a site walk, we can discuss when and...Mr. Long: You gotta to do a roll call vote on that Chris. On Zoom meetings, you always have to do a roll call vote.

Mr. Whitman: Let's start with you Dennis before you mute yourself out again. Hold on, John do you have a question? Mr. Qua: Yes, I certainly have to vote on that; do we discuss now the when to do it before we vote? Mr. Whitman: We can I guess. Mr. Qua: I only bring that up because the one or two I've done previously were Saturday and Saturdays, I am not available.

Mr. Whitman: We can vote on it and then we can discuss when we want to do the site walk. Mr. Qua: Ok.

Mr. Whitman: Dennis are you in favor for a site walk? Mr. Long: Yes. Mr. Whitman: Ok, we will go to Jim. Mr. Driscoll: Yes. Mr. Whitman: Gavin? Mr. Maloney: Yes. Mr. Whitman: John? Mr. Qua: Yes. Mr. Whitman: Ok, so, when would everybody be available for a site walk? I mean, I could use the exercise too, so I am in favor; just as long as it is low impact.

Mr. Long: I'm open to what anybody else wants. Mr. Whitman: I'm pretty flexible. Do you want to schedule it right before the next meeting? Mr. Long: That is fine with me. Mr. Whitman: Do you want to do it on April 15? That would be the next meeting, right? Mr. Long: Yeah. Mr. Whitman: We could do it at 5:00 pm. Would that be fair, would that work? All members agreed.

Mr. Whitman asked the applicant if 5:00 pm worked for him. Mr. Stanley indicated yes.

Mr. Whitman: Does the Board require any more documentation before we move on this or have the site walk? Dennis? Mr. Long: Mr. Chairman, if I understand Ben's recommendation on this deal, If I've read it correctly, what we need tonight is to accept the sketch plan and that's the first process we need to follow. So, I will make a motion to accept the sketch plan for the fairgrounds application; seconded by Mr. Gavin Maloney.

Mr. Whitman: With no additional documentation? Mr. Long: No, not at this time. Mr. Maloney: It's just a sketch plan, so...Mr. Long: Right, We are just accepting it. That's all you are doing; you are not approving anything, you're just accepting it.

Mr. Whitman: All in favor of Dennis's motion? By roll call and show of hands all were in favor. So, the site walk will be April 15, 2021 at 5 pm to approve this sketch. I think we are all through. Do we need to open for public comment? That's the 3rd meeting. Oh, Dennis has something to say.

Mr. Long: There are two things I'd like to do. One, ask that we do not do another Zoom meeting. It absolutely does not work. You cannot hear half the people that are talking and these are public proceedings and the public does have the right to hear all the conversations and things like that and it just doesn't work. Not for these things especially and with that being said, I'll make a motion to adjourn; Mr. John Qua made a second. All in favor by roll call vote or show of hands. Mr. Whitman: Thank you everybody.

Adjournment: Dennis Long moved adjourned the meeting. John Qua seconded; motion passed 5-0.