

Town of Acton, Maine Planning Board Meeting

April 22, 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: Attorney Joe Lenkowski and Katelyn Long, Video Recorder

Call to Order: The Chairman opened the Planning Board Meeting at 6:06 p.m.

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

Approval of Minutes:

- March 18, 2021
- April 15, 2021

Mr. Dennis Long made a motion to approve the minutes from April 15, 2021 and March 18, 2021; seconded by John Qua. All in favor.

Old Business:

- **Martel Subdivision Request for Extension, 760 Youngs Ridge Road, Map 217, Lots 028, 029 and 030:**

Chairman Whitman stated that Attorney Lenkowski was there to help the Planning Board and turned the meeting over to him to see where the application stands.

Mr. Lenkowski: Thank you Mr. Chairman. I've reviewed the minutes from earlier Planning Board meetings, and as I'll explain briefly in just a second, they've convinced me that there really is no need for an extension at this point because I think where we actually are now is, I believe the preliminary plan was never actually approved and, if that's the case, then the period of time for submitting the final plan has not even started to run yet.

Let me just summarize what I looked at here that led me to that conclusion. The first set of minutes I was provided with are from June 11, 2020 and the relevant portion of those minutes, states, Martel Estates, Arnie Martell, and the rest of the introduction, members reviewed a preliminary plan application submitted by Martel Estates on the Lake LLC for an 18 lot subdivision. The CEO said that the plan was submitted to North Star Planning for review and the Board should have some feedback by the next meeting. Dennis Long moved to accept the preliminary plan application for an 18 lot subdivision submitted by Martel Estates on the Lake LLC, Leslie Berlan seconded. Motion passed 5 – 0. So, that was June 11.

Then, the next time, next thing we have is from the July 2 hearing and under old business, we have the Martel Estate again and this time, the minutes reflect Brad Jones said that the checklist from Ben Smith at North Star Planning has been reviewed and responded to and that the plans have been updated to reflect those changes. So, the first thing that tells me is that there's been a change in the plan since June 11. Okay, so it's not the same plan anymore. Minutes go on, Dennis Long move to approve the Martel Estates Preliminary plan for an 18 lot subdivision as presented to the Planning Board on June 26, 2020 as complete. Leslie Berlan seconded. Motion passed 5 – 0. The next line is, "a Public Hearing is scheduled for July 23, 2020 at 6:30 pm."

So, I think what happened there is, I think would, I mean I'd put words in Dennis' mouth, but I think what he was saying here, because he says, "move to approve the Martel's Estate Preliminary plan as complete. So, I think really what we were talking about at that point is accepting the plan as a completed preliminary plan that seems

to be supported by the fact that the next line says now we're going to have a Public Hearing. You would not normally approve the plan before the Public Hearing. You have a Public Hearing to determine whether or not you were going to approve the plan. So, I think what we really had the second time around is we know from the minutes, the plan was submitted, it was changed. It was submitted again. So, I think what you did, what you actually did at that July 2nd hearing is accept the revised preliminary plan. You scheduled the Public Hearing for 23rd, that Public Hearing was then continued or postponed at the request of (let's find it here), under the Public Hearing heading, we said, it states the chair announced that Gelia has requested to postpone the Public Hearing from Martel Estates and the Board has granted their wish. She stated that a new public hearing will be announced under old business. It says, it states, due to the meeting being cancelled, this item was under Martel Estates. I'm sorry. This item was not discussed.

So, that's where it ended. Thanks to COVID and everything else, the Public Hearing never got rescheduled. So, I think that is where you are at this point, you've got a Preliminary plan that's been accepted but not approved. So, no time limits have run. I think the next thing that is in order is for you to simply, to just to go ahead and reschedule The Public Hearing on the Preliminary plan as your schedule permits. I think that is all you really have to do. I don't think there's anything you need to vote on tonight because there's no need to vote to consider the extension because the extension was only necessary if the preliminary plan had been approved and we were running up against the six-month deadline. It hasn't been, so the clock's not ticking yet; any questions?

Mr. Long: I think I'll agree with Joe and those words as I've said previously, not just because of this and that is what I meant Joe, you know, to accept it. The words that we use as a Planning Board is very, very important depending on which side you are, it's what word you use, it's who takes it, however you meant it, but that is what I meant. We didn't, I didn't look at it as approving the plan, it was really a slip in terminology because there's four processes there or whatever we have to follow. We have to accept, approve and then we have a public hearing and then we have to approve the final plan and so, I agree with what Joe's saying that 100 percent I where I was the one doing the talking.

Attorney Lenkowski: So, it sounds like my job here is done. Mr. Long: Well I can argue the other way if you want. Attorney Lenkowski: No, that's ok. I think you did just fine. Mr. Long: I don't want to really make you work. Thank you. Mr. Long: Nice seeing you Joe. Mr. Lenkowski: Good to see you too.

Mr. Qua: Voted it's complete, it's pretty clear.

Mr. Whitman: So, with that being said, should we try to reschedule the Public Hearing or... Mr. Driscoll: It's what the lawyer...Mr. Long: Well, I think in the process and Gavin can do better with this than me probably. I don't, usually we have a public hearing normally approving their preliminary plan, right, then we have the public hearing and we get input and if there's concerns that come up, that we agree with or need to be in there, we tell them they need to change their final plan and then when they do all that and then we approve the final plan. Normally, we do have a public hearing after we approve the preliminary plan. Isn't that right Gavin? Mr. Maloney: Yeah, yeah, there's usually a hearing between the preliminary and the final. Mr. Long: Exactly. Mr. Maloney: Yeah. Mr. Long: So I really think we have to according to our process that we have to follow, that we have to have Mr. Martel come back in and with the updated plan and we have to approve it and then we can schedule a public hearing. Mrs. Pearson: We have to approve the plan again? We have to approve the acceptance of the plan again? The Board approved. Now it should be the public hearing. Mr. Long: Yeah, we approved the preliminary plan first. Mrs. Pearson: Oh, oh, oh. Mr. Long: The preliminary, and... Mrs. Pearson: Wasn't that within the 90 day window as approved? Mr. Long: No, once we do it, yes, then you'll be in the 90-day window. But, accepting it and I remember we had quite a conversation back then Gavin about the terminology we're using with Ben Smith and different ones. Mr. Maloney: Approve versus accept. Mr. Long: Yeah, yeah and because we've done it kind of both ways in the past...Mr. Maloney: But with the plan, you accept it (Mr. Long: Right.), it's like, oh, thanks for the plan (Mr. Long: Right), but then if you say it's complete, then that's when you approve it. (Mr. Long: Right.) We have to keep that straight. Mr. Long: Yeah, we have to keep that straight and it's hard sometimes and but I agree with Joe's interpretation because it was my intent it what Joe said, even though I really used the wrong word.

Mr. Qua: Mr. Chair, for my clarification, I think it is a two-step deal right. We accept it and say it's complete. So they included everything that you know, that has to be included in the plan and then separate from that is when we approve the preliminary plan. Mr. Long: But they might, they might not have everything there John. Mr. Qua: Right, so then we wouldn't say it's complete. Mr. Long: The preliminary plan would be complete but there's still changes that can be made after you (Mr. Qua: Oh, I got that.) approve the preliminary plan. Mr. Qua: But, what I think you did at that meeting from what I read in a response to Ben from the engineering company is the Board voted that the application is complete. I think that means you accept it. Now you go to review to see if there's things that you know you need to change or be modified or whatever, but they've gone through the process and checked, okay you hit this requirement, this requirement, that requirement but you have to accept it and then approve it. It's two different, two different things. Mr. Qua: That's exactly what I am saying. Mr. Long: So the verbiage you say there is what we did. Mr. Qua: Yeah, and I'm fine with it. I think now we have to do just as you said. I think we now have to look at the updated plan.

Mr. Long: Well, what Joe was saying was we didn't approve it. Mr. Qua: Right, we haven't. All we've done is accepted it and said it was complete. Mr. Maloney: But what you are saying now that we did that he fulfilled the requirements of the preliminary plan. Mr. Long: I guess I don't understand. Mr. Maloney: We didn't fully approve it, we didn't approve the preliminary plan but we said it was complete. Right, we voted it that it was complete. You know, check checkbox and stuff. Mr. Long: So, our next step is to approve the preliminary plan. Mr. Maloney: Or, to do the public hearing. Mr. Long: I'd rather do it after we accept the preliminary plan. Mr. Maloney: Yeah, yeah. Mr. Long: That's how we always been. Mr. Maloney: Got the plan in front of everybody on the Board (yeah), review it. I think there's a good chance we should do a site walk, just so people know what they are looking at. Mr. Long: Oh yeah. Mr. Maloney: You know, give everybody a couple weeks to look at the papers. (Yeah) and then at the next, potentially the next meeting after the site walk, we would schedule a Public Hearing. Mr. Long: Yeah. Mr. Maloney: It's like, it's as I see it but...Mr. Long: I'm fine with that. Mr. Maloney: It would be interesting to see if he has made any changes in the past year to the plan itself too because there were some things we were still looking for him to add to it. They were just small things but. Mr. Long: And, whether that was all done, I don't remember.

Mr. Whitman: Whether you got the State okay... Mr. Long: I don't know any of that. Mr. Maloney: Yeah, well that was one of the big things was the DEP approval. Mr. Long: Yeah, we don't have any paperwork, so...Mr. Maloney: Correct. So, yeah, hopefully we will have that paperwork in hand and then we can start the process. Mr. Long: We can probably do that at the next meeting, right? Mr. Whitman: Yes, May 6th meeting? Mr. Maloney: If the Land Use Office has the new paperwork or.... Mr. Whitman: It'll be May 6th. Mr. Long: I assume they must have something if it's on the agenda; or something must have come in. Mr. Maloney: Yeah, yeah.

Mr. Whitman: Do it May 6th? Mr. Long: I'm fine with that. Mr. Whitman: All right, May 6th. Mr. Long: I like to keep the ball rolling on stuff. Mr. Whitman: All right, well, we'll keep it rolling. Mr. Long: Let's roll.

Mr. Qua: How do we get the file to review; the application? Mr. Long: It should be submitted from Mr. Martel and we can just get copies. That's normally when they submit something. There's like what eight copies or 10 copies or something that they submit for everything. They go for Mr. Whitman: They go through Michael, right? Mr. Long: Yeah. Mr. Whitman: No to through you under the bus back there because you are hiding. But, you'd have to give us copies of all the stuff that's been submitted. Mr. Demers (distantly speaking): Typically it would be the Land Use Secretary, but yeah. Mr. Long: I'm going back to before we had a Deputy or a Secretary. It was always on the Code guy. Mr. Whitman: All right. (Yeah.) Mr. Long: we didn't have Mike for a lot of years did we. Town Administrator: We can pull everything together. Mr. Long: So, I'm all for that. Mr. Whitman: All right, so we'll put him on for May 6th. Mr. Qua: So, he's going to come before us one more time? Mr. Long: More than that, probably more than one. Mr. Whitman: But, May 6th would be the first time we, all of us would be seeing him, except for Dennis and Gavin. Mr. Long: First step, where are we starting?

Mr. Whitman: All set? We'll move on to the York County Agricultural Association.

- **York County Agricultural Association, Route 109 and 13th Street, Map 241, Lot 003, Site Plan Review:**

Mr. Whitman: Mr. Stanley is not able to make it tonight but we can review about the site walk that we had with members and we can get a list of questions together for him when he comes back in, I think, May 6 is the date for him. Mr. Long: Oh it's fine with me. Yeah, there is one thing I would like to say about that site walk. Mr. Whitman: Other than it was cold? Mr. Long: Other than it, was it? I don't know, I was late so I didn't stay there that long. Well, I did stay there for a while, but, where we don't have a Executive Secretary, (Mr. Whitman: Right) and this is new for a lot of people, the Selectmen last year said that these site walks have to be filmed because we have to have minutes of these site walks. Attendance and stuff like that by law. And, I don't think that the fairgrounds is going to take us to task for it, but I would like to make sure that in the future, Mr. Chairman, that you make sure that um APAT, through Jennifer obviously, knows about this, so we do have documentation of it because that is legally what we have to do.

Mr. Whitman: Okay; any other questions that we could come up for the fairgrounds? Mr. Maloney: We did talk, I talked about the monitoring wells for a second with Joe when he said they'd put at least two of them in so maybe that's something which needs to be added to the, at least in the notes of the plan if they're not denoted on the map. Mr. Whitman: Okay. Do you think we need a public hearing on that, since there was already one in September of 2019 or no. Mr. Long: Well, myself personally? Mr. Whitman: Yeah. Mr. Long: I don't think we need one, there wasn't that much concern about what they were doing down there from the public and the people on 13th Street, I mean they worked everything out and everybody seemed to be happy. So, I mean, we can have one, but I don't, I don't know what anybody else thinks. Mr. Maloney: I think we are technically supposed to have one because it was a conditional use permit application the last time we looked at it last year and now it's a site plan review but, I think that what we have done for the public in the past is probably adequate but it is a different application now in site plan review. Mr. Long: Well, like I said, it's completely up to you guys I really don't care our ordinance says as far as public hearings that we may have a public hearing. It's not a requirement. Mr. Whitman: There you go. Thank you. Jim? Mr. Long: Well, big words are hard for me. Nice to see you are listening to me though. (Mr. Driscoll speaks but tape doesn't pick up what he is saying.) Mr. Long: Speed it up. I mean, it's completely; I don't care one way or the other. Mr. I think it's cut and dry there. Mr. Long: It's not much debate. Mr. Whitman: Yeah, It's a parking lot essentially.

Mr. Maloney: Well, I still think it should be two permits: one for the mineral extraction and then one for the parking lot. I've stated that since the beginning. We've just haven't gained too much traction or actually voted on it as a Board, and I also asked Joe for the total number of yards that were going to be taken out of the site because that would be, I mean, it's a fair number and that is indicative of mineral extraction. Mr. Long: I thought we got that last time, but I'm not sure Gavin. Mr. Maloney: No, we got it for the.. I think it was a couple streets down. Mr. Long: That other one. MR. Maloney: 11th Street or something. We were looking at them both at about the same time. They gave us the (Mr. Long: Right, right) tremendous number for that one. So, oh, you could at least add that to the (Mr. Whitman: Questions) list for Joe. Mr. Whitman: Yeah, what was it again? Sorry. Mr. Maloney: How many yards of material are being removed from the site? Mr. Long: That's a pretty easy number to get. Mr. Maloney: Yeah, they calculate that pretty readily. They probably already have it somewhere. It's just, I didn't see it in the application and he, I don't think it is in there.

Mr. Whitman: So, just the monitoring wells and how many yards removed from the site? That's it right? Mr. Maloney: Well, I mean it, I don't know if I should. Mr. Long: Well, really we shouldn't, this is my opinion, we shouldn't be talking too much about an application without the applicant (Mr. Whitman: Right) present. You know what I'm saying, I don't thin it'd be considered good business. Mr. Whitman: Okay, we can move forward then. Mr. Long: Yeah.

Mr. Whitman: Next up would be...

- **Greg Martinez, Iron Tails, 559 Route 109, Map 148, Lot 001, Conditional Use Application Update:**

Mr. Whitman: Probably table it until the owner is ready with this sound study for tonight. We did receive a letter of public comment before. It got misplaced with the whole shift of the Land Use thing. It is a letter I can read out. Mr. Driscoll: Which was the second letter? Is that mailed to us because I'm (Mr. Whitman: No) having trouble with.. Mr. Long: Yes, I'm sorry. Yeah it was... Mr. Whitman: Yeah, second one. Mr. Driscoll: Here's my mistake, it was another letter that wasn't signed or something. Mr. Long: The unsigned letter? Mr. Driscoll: Did everyone else get that? Mr. Long: Yeah. Mr. Whitman: Jen has it. Jen Roux has a comment. Mrs. Roux: One of the Planning Board members came in and reviewed the entire file and she found the letter within the file and she asked that it be sent to the entire Planning Board. It was dated August 21. It was just in the file Jim. The Town's Board of Selectmen never saw it. Apparently somehow it must have gone down stairs and someone moved the file. That was the first time anybody seen it. She pulled it out of the file and asked that you all get it. Mr. Driscoll: I just couldn't find any of my attachments on my email. I'm not sure it's not me though. Mr. Long: Well, I'll come down and help you out Jim. Mr. Driscoll: I'm not too sure about that. Mr. Long: I'll bring Molly down and we'll help you out. Mr. Driscoll: Yeah.

Mr. Whitman: So, this letter came in on March 25, 2021 at 9:28 am and it was from Leslie Berlan.

I'm writing in reference to Greg Martinez Iron Tails Saloon Conditional Use Permit. I'm on vacation, so I cannot attend the meeting. I am asking the following be read at the public hearing. Thank you.

My name is Leslie Berlan. I'm a long-term property owner of and resident of Acton. I've served approximately six years on the Planning Board and I'm also employed at Iron Tails Saloon. I have extensive experience in the food industry service for 25 years plus as a bartender, server and service manager. Greg runs a tight ship at the saloon. He is highly responsive to any suggestions and feedback whether brought to him by staff, patrons or neighbors. He immediately takes the appropriate measures as warranted. Last summer, there was an individual who complained about the noise. Greg addressed this with the band and also spent a great deal of time taking decibel readings around the property to ensure he was in compliance with the Town ordinance decibel levels at the property line. It is my understanding he is taking additional noise migrating measures for the summer. Greg and Iron Tails Saloon are an asset to the Town of Acton, a number of Acton residents are employed at the saloon, numerous benefits are held at the saloon throughout the summer; in fact, \$20,000 dollars was raised last summer for Vouchers for Veterans. Greg is an upstanding citizen of this community and I support him 100%. Iron Tails Saloon is one of the few businesses here in Acton and as such, the Town should support its continued success. I urge the Planning board to approve the updated Conditional Use Permit for Iron Tails Saloon.

Mr. Whitman: That's it. So, it came in but it was found after the fact, so, I should read it, it has to be read. Is there any new business tonight?

Mr. Long: I'm just wondering why Greg didn't come tonight; where he was on the agenda. Mr. Whitman: His sound study wasn't released, so I guess that is what he was waiting for. Mr. Driscoll: Was he having it done? Mr. Whitman: Yes, I believe so, nobody says to us so...Mr. Driscoll: What is he building down there, do you know? I see some holes that's got to be the...Mr. Whitman: The front side? Mr. Long: So, it's got to be the wooden fence he's putting up. Mr. Driscoll: That's gonna be 12 feet tall though right? That's not what he was talking about was he though? Mr. Long: Originally, it was 12, but he dropped it from 12 then 6. I don't know if it is back or not. Mr. Whitman: One side was 6 feet or something like that too. Mr. Long: I know it's a wooden fence. Mr. Whitman: Right.

Mr. Whitman: That's it for tonight. Mr. Long: I believe that permit goes back to last summer. Yeah, I think so, that's not part of the..that's a whole different... Mr. Driscoll: So, what are we going to do? Mr. Whitman: Table this until he gets his sound study. That's it. Mr. Long: So, how does that work? Mr. Whitman: The sound study? Mr. Long: No, I mean and I've got no, whatever, one way or the other, but, he's coming to us with conditional use permit to do something and because he is in violation but he can't cure the violation until he does the same thing again, to know if it's cured or not, I just don't understand how all this works. I guess. Mr. Driscoll: Like next month, you're talking or something? Mr. Whitman: I'm not sure. Mr. Driscoll: There is no time line on it? Mr. Whitman: I think we should put a timeline on it. Mr. Long: I guess that is my

point for liability purposes and complaints and because the Planning Board, it could be said, not by me of course, that's the Planning Board's not doing their job. They're allowing something to go on, this in violation of the ordinance. Mr. Driscoll: I heard you have to put a timeline on this. Mr. Whitman: Yeah, that's when I'm mean I get.. Mr. Long: Nothing against him doing I understand it but we're the ones that are putting our necks out there I guess. Mr. Driscoll: Right, it's our responsibility. Mr. Long: That's what I'm saying. Mr. Whitman: Yeah. Mr. Long: Of course, because my but the opinion of right or wrong is irrelevant at this point because we don't have all of our information but we either do our due diligence and be responsible. Mr. Whitman: Right. Mr. Long: So, I think, myself, if in fact he's doing those sound meters tonight, there's no reason why we can't have this information that we asked for on the 6th. Mr. Whitman: On the 6th? Okay. Mr. Long: I mean, what to you guys think? We got to move forward with it. Mr. Whitman: Right, because he's.. Mr. Driscoll: He said he's talking about this Chris, do you have any idea what or how... Mr. Whitman: No, the last conversation I had, he was gonna do it and then and that was after the public hearing I believe and he was gonna do it and then he, this was, he hasn't got it done yet. Obviously, Jen? Mrs. Roux: He sent the full Planning Board a letter on April 17th and that where he references where it stands and where he's at and so forth so that's the last the Town of Acton has heard from him but he spelled it all out in that April 17th email that hopefully you all received. Mr. Driscoll: Can you put a timeline in there. Mr. Roux He continued on that he did not currently have anything he could email you be the 22nd. (Mr. Long: I don't think so.) I appreciate the efforts that you resolve by April 29th. Mr. Driscoll: I read that email, but he didn't address... Mr. Long: And, I think we need to. We're the ones putting an X out there.

Mr. Whitman: Do we want to have him come in on the 6th then? I think you need to tell him he needs to and he has to have the information by then. Mr. Whitman: Right. Mr. Long: Otherwise, I mean, to me, if he doesn't, otherwise he gonna have to shut it down until he gets approved. That's just harsh realities. Mr. Whitman: Right. So, I'll have him come in on the 6th and... Mr. Long: Not that I agree with it, but it's reality. Mr. Maloney: I don't know, that might be too soon. I think we could give him more time than that honestly. Mr. Long: To get this, he's doing the sound things tonight Gavin. Mr. Maloney: He's doing it tonight? Mr. Long: Yeah, that's what they said that's why he's not here, he's doing the sound things.. Multiple speakers: Just wouldn't be what you say.. Mr. Whitman: He wasn't ready with the sound study yet. Mr. Long: Right, well... Mr. Whitman: So, he is not doing the sound thing tonight, but... Mr. Maloney: He has to schedule with the engineer, so we don't know when he scans with the engineering speaker (Mr. Whitman: That's a good way to try it.) and then right he's got to get his sound system set up and put music in and get a bunch of people driving around. Mr. Long: I'm mean, I just put about 40 more people on the lake on the boat so that helps out the sound too. Mr. Maloney: I don't know I just feel like maybe it's a little too soon. Mr. Driscoll: What do you suggest? Mr. Maloney: Yeah, I think he wants to get it done and he'll bring it before us when he accomplishes it honestly but... Mr. Long: But, now you're talking if we don't do it on the 6th that means it's about the 20th right? Mr. Maloney: Right, that's his own choice. I mean that's.. Mr. Long: No, no it isn't his own choice. Mr. Whitman: But, if he opens up before then and has events and then things go awry. Mr. Long: When's he... Mr. Maloney: Well, we can put him on the agenda for the 6th and if he is not ready, I don't think we should worry about it, we will just have him at the next meeting. Mr. Long: I don't know, we get a lot of people paying very close attention to what this Board's doing and myself personally the restrictions that, and this has nothing to do with this, the restrictions that are put on certain people in Town, they have to abide by those restrictions and if you want to do something different you have to go through the proper process and you can't do it until the process is done and I think we're giving him an opportunity to. We're trying very hard to work with them, but sometimes you just gotta, this is it, because we're supposed to be representing the people in these ordinances.

Mr. Driscoll: What is coming before us? The test with the...Mr. Long: Sound. Mr. Driscoll: Sound and is there going to be some kind of plan? With that wall, whatever is going... Mr. Whitman: I would assume so. If the sound comes over. Mr. Driscoll: By the engineers? Is that part of their...Mr. Whitman: Yeah, he stated in the first meeting that he was gonna have the wall and then some sort of like 40 degree thing and then the second meeting he said he wasn't going to do any of that. Mr. Long: He's gonna do an eight foot wall. Mr. Whitman: Right he's just gonna take off that 45. So, right then and there, it's he's I'd say he's kind of flip-flopping his ideas. Mr. Maloney: Also, we had asked for him to consider maybe a row of Mr. Whitman: Haribities. Mr. Qua: Haribities or planting some trees is a way, would that damper...so, he was going to ask the sound engineer as well if that would be helpful to mitigate the noise. Mr. Long: At least he's got to come to our next meeting and give us some information showing that we're moving

forward. Mr. Whitman: Let's bring him, let's we'll just bring him in on the 6th and see what he's got this offer and we can keep rolling it on and give us the timeline. Yeah. Mr. Qua: I kind of agree with Dennis, I don't think we want to let it roll on and roll on. Mr. Whitman: Right, the worst case is if he has nothing on the sticks he can't, we'll bring him back in on the 20th and then kind of tell him either he's done by then, no? Mr. Whitman: I hate to be like you know Dennis saying, like being the bearer of bad news or the bad guy, but, yeah sometimes you gotta play bad cop good cop. Mr. Long: But like I said, everybody else has to go through the consequences of whatever these books say and when you start making exceptions, that's when you start having problems.

Mr. Maloney: Well, I'm not sure he is going to put on a whole scale event you know, before he gets approved. Mr. Long: He has to because... Mr. Maloney: I'm not sure that's how the sound engineer is going to calculate. Mr. Whitman: No, he probably has to have... Mr. Long: Sound. Mr. Whitman: like uh... Mr. Maloney: You could put a CD in and turn on the speakers, get some noise and go to the property line. I don't know exactly what the sound engineer is going to do, but I wouldn't think he would have to have a full-scale event. Mr. Long: Well, when he was here, Gavin, he said that, "Can I still have my outdoor music?" Mr. Whitman: Right, and we said, we were.. we weren't going to stop him or whatever, you know, so he is planning on having his outdoor music, so... Mr. Maloney: So, continuing the activity before we approve him.

Mr. Long: Yeah, and which I understand why he has to but there has to be a time limit on it. You know, there just has to be and it really honestly and I don't mean any disrespect to Mr. Martinez, but the time frame that it takes him to get this information isn't really our problem. Mr. Maloney: No. Mr. Long: Unless he comes forward and says you know, the engineer I had just got into a car accident and is in the hospital and he can't come for two weeks to or whatever, I mean that's all totally understandable but, everybody's busy, everybody has to move forward whatever they are doing and it is really on him. Mr. Driscoll: Information you expect from anybody. Right. Just to move the process forward. You know we can't, you know we can't be left in the dark, we need some kind of information, you know. Mr. Long: I mean, honestly, Kenny brought this to his attention last August. You know. Mr. Maloney: All right, we'll put him on the May 6th agenda and Mr. Long: Hopefully he'll have what we need. Mr. Maloney: Yeah and if not, maybe well.... Mr. Whitman: Bounce him to the 20th and... Mr. Maloney: You can state a limit at that time. Yeah. Mr. Driscoll: At least you will know on the 6th if he's here what's going on. Yeah. Right.

Mr. Long: And, like I said, there's no criticism on my part of Mr. Martinez and his operation, it's just.... Mr. Whitman: you just can't let it roll on with no...we're not doing our job if it just keeps going on...yeah...people have deadlines. On their jobs and we're people too. Mr. Long: You deal with it every day Chris. Mr. Whitman: Yeah, so it's got to get done.

Mr. Qua: Is there no ability to get our hands on some sort of sound meter that's, you know, ominey/dominey, and I think he said he was going to start on the 29th. So, to be proactive, we, the Board, and I don't know would go do it, could go to the residential areas that were Mr. Whitman: Affected? Yeah, affected by the noise and take some readings there independent of what his sound engineer says, so we have, you know, another data point. Mr. Long: Right, the Town could buy one John. Mr. Driscoll: I have one ordered, I need one for Animal Control barking dogs and so I ordered one and it hasn't come in yet, so when I get that, we can use that, you know, or someone can use it.

Mr. Qua: Is that imminent Jim? Mr. Driscoll: What's that? Mr. Qua: Is that soon? Mr. Driscoll: Yeah, it should be. Mr. Whitman: Probably Amazon has them don't they? I've become quite an Amazon shopper lately. Mr. Qua: Oh, ok, because I think he said he starts at 29th. Mr. Long: For April John? Mr. Qua: Of April, yeah. Mr. Long: Yeah; so that's just come in on the sixth and give us some information. Mr. Long: Yeah, so that's Mr. Driscoll: Just come in on the 6th and give us some information just, yeah, something. Mr. Whitman: He's opening the 29th he said of April? Mr. Long: Yeah, that's what John said, that's my recollection from the meeting and maybe that email that letter. Mr. Long: I mean he just this has to be a good faith effort and I'm not questioning his effort but it has to be shown for the people that are very interested in what's going on with their that they're working on. Mr. Whitman: It affects a lot of people. Mr. Long: Yeah. You know, that is all I am saying. Mr. Whitman: Not in a lot of ways, just ways. So, right, do I have a motion to adjourn?

Adjournment: John Qua made a motion to adjourn the meeting. Dennis Long seconded; motion passed 5-0.