

Town of Acton, Maine Planning Board Meeting

May 10, 2021, 6:00 p.m.
(Approved June 3, 2021)

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; Jennifer Roux, Greg Martinez and Katelyn Long, Video Recorder

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

Designate Alternate: Pat Pearson, Alternate was named to take Jim Driscoll's place (prior to arriving late).

Approval of Minutes: April 22, 2021

Mr. Gavin Maloney made a motion to accept the minutes of April 22, 2021; seconded by John Qua. All in favor.

Old Business:

- **Gregg Martinez, Iron Tails, 559 Route 109, Map 148, Lot 001, Conditional Use Application Update:** Mr. Martinez joined the Board.

Mr. Martinez: Good evening. My last email, I neglected unfortunately, as I indicated earlier, I neglected to email the potential contract between myself and the sound engineer company to help me to move forward with noise mitigation or however you want to describe it. I have identified and it's clearly visible now, the back property line. I did walk it, I did drive it and it is well marked and I invite you all to make yourselves familiar with that going forward. So, if you do in fact get complaints, you know exactly where to go to do any sound measuring. Going forward, my intent, if the Board allows it, is to self-monitor currently as conditions exist today as well as after I finish construction of that sound wall and a few other items that I plan on putting in place; the knee wall, the sound wall, just buffers between there and the property line. During that period I intend to be within the ordinance. The only way I will know whether I am in the ordinance or not is by example. I have to operate to be able to see where I need to be and to adjust the sound accordingly and then I would each time, reach, find a point there where I constantly maintain the noise and obviously speak with each of the bands to say this is where we need to be and this is where we need to stay throughout your performance. My day shows, is you know my main concern, which end at five o'clock on Saturdays and Sundays live outdoor music is over. I was doing shows Friday evening, but I propose that I'd do my Friday evening shows inside so any time that it would have a performance outside, beyond five o'clock would be via a mass gathering permit. This way, it gives me an opportunity because I do have some big shows planned and a couple of big names coming through. So, I proposed that I would get a mass gathering permits for those shows and then do everything required that mass gathering permit requires as far as security, trash, all that stuff which I have done before and I currently do, but all I can do is set an example and see what we can do. And then move forward from there. It may be eventually I will have to do some kind of a professional noise study, but at this point in time I am asking that the Board allow me to self-police and also I can provide my sound meter for if anybody needs to take readings based on complaints and I work closely with the Sherriff's Department regardless and the property line can be viewed by you all; it's right next to middle road and go straight across the complaints back fence which I didn't know. Right down the fence line. Then, when I was on the property I looked up through and it's kind of like a tunnel, unfortunately, right down to the lake. So, I certainly sympathize with the situation. Outside of that, outside of

my music noise there on the lake, and you have the boats and the jet skis also, so, it's kind of a double whammy for those folks who are looking for complete quiet. I don't know if anybody has had their hands on a sound meter did any readings for themselves but I do have you know, I did print up some examples but you've probably all done that and you know just as far as the decibels go it doesn't take much to violate the sound ordinance that is in place now at 50 decibels. Normal conversation and background music is 60. In a 60 mr, you know normal conversation; I am already over the noise ordinance. So, that is why I propose that when I do these big shows, that are after 5 pm however complete and quiet by 10 pm mind you, I would get a mass gathering permit allows me that flexibility for the noise and I don't know if it's appropriate or if it is allowed. I'd have to obviously talk with the administrators of the local Facebook page but I would put it on there, It's like, hey this is a notice, this is what's going on in Town here I just want to let you know it's going to be noisy as part of you know it's part of just notifying neighbors what they can expect during those times that I would apply for the mass gathering permit, but as far as my regular shows during the week, Saturdays and Sundays, today my music runs from 1 pm to 5 pm and at 5 pm the outdoor live music has ended. Like I said, I ask you all to make yourself familiar with the property line so you know exactly where to go if it becomes necessary to take a reading and when you do go to the property line if you're there on just take into consideration you know the decibel levels we spoke of and what to expect like I said if normal speech is 60, there's a situation there.

Someone sneezed. Mr. Dennis Long made a comment that that was 47 decibels. Yeah this, these are gym... Mrs. Pat Pearson: So, Greg, you said, your show, you're going to end at 10 pm all? All shows? Mr. Martinez: Yes, I generally close at 10 pm. Mrs. Pearson: Okay. Mr. Martinez: Then when I do big shows you know I will see to it that they're done at 10 o'clock.

Mr. Maloney: What is the number we settled on now, are you settled on for the special larger concerts? To me, it seemed to move around, I think you originally came in for 10 pm. Mr. Martinez: Right, yes. I am trying to be reasonable and negotiate you know I'd like to do them often but you know, like I said, this, I'd like to have 10. I say 10, but it is just depends on what I am able to book and whatever makes sense for me because for me to put on these performances, costs a lot of money and I need to be able, I want to sell tickets at a reasonable price to cover the cost of the event. So, you know it's all relative to that, but in the same token, I say 10, but it's very unlikely that I'm going to do anywhere's near that. Mr. Maloney: You did not amend your application for less than 10? I thought we'd come in on a lower number. Mr. Martinez: I don't recall that. Mr. Whitman: I think originally you said 10. Mr. Martinez: Yes. Mr. Whitman: First meeting remember, that might be true, in the same meeting I think we dropped it down to five. You said originally 10 and then we pushed it back to five for some reason it's sticking out in my head.

Mr. Martinez: I can live with 5, you know that these are just an extra thing for my business, but it's not my, you know it's not my bread and butter. You know I don't intend to you know turn it into a concert venue but, I'd like to have some big shows and get some, you know get some big name entertainers coming through once in awhile. Mr. Long: I don't think that's under our jurisdiction. What are we doing about that? Mr. Martinez: I wouldn't, I would have I know it goes before the Selectmen yeah and I know there's stipulations; there's different things that I have to meet. Mr. Whitman: Right. Mr. Martinez: I believe security, potential fist aid on site, things of that nature off site and I'm talking with some neighboring, some abutting properties about also offsite parking because I would potentially need offsite parking to keep people off the street, be it the fairgrounds. I haven't approached them, but I did talk to a neighboring property and he is considering it but I would you know obviously the fairgrounds or even the abuttant, I would be named insured under my policy, provide porta-potties, trash removal and what have you, but like I said, that's all within the mass gathering ordinance.

Mr. Long: I agree, I think we understand the design is beyond, but the only thing we can consider, under my understanding and the application is the outdoor music; that is what it is for. Anything else, is just talk or conversation I mean Greg could say to make people happy, you know I'm only gonna have four big events a year or five bigger events a year but that would have nothing to do with us. Is that right then?

Mr. Smith: Well, one of the things you'll find in your places today is an email that I'd sent to the Town Administrator in regard to the noise standards in section 5.11 that's on page 59 of the ordinance that's talk

about noise and specifically exemptions. There is a number of exemptions to the noise standards in the Acton ordinance and one of those, Letter F, under exemptions says noise created by recreational activities which are permitted by law and for which a license or permit has been granted by the Town including but not limited to parade, sport events, concerts and fireworks displays. So, there was some thinking and a specific request made, would this type of use be considered a concert and as such, would it be exempt from the standards for noise. I think that based on the nature of the outdoor music occasional live outside music event seems to be a concert subject you know that would be exempt from the noise standard and I think to Dennis' point the idea of the normal types of use that would be going on in the property would be subject to this amended site plan and that's things like, the character of the additional parking and seating, the addition of the retail use inside the existing building, and in normal types of activities associated with the project and as they're represented here are the Friday evening shows and the Saturday and Sunday kinds of events. I think that the idea of those occasional larger events subject to a mass gathering permit which is issued by the Select Board on a case by case basis would be an appropriate way to handle those kinds of things, but I think that what the Board needs to be thinking about here is what would a normal week or normal weekend kind of activity day in day out, week in week out look like. I don't think it's really about those larger occasional events as much as the former situation where it's going to be the regular ongoing types of activities whether it is traffic noise, storm water impacts those kinds of things. So, I would recommend again the approach of only from an enforceability standpoint and I know that there is a Code Officer in the room whom might also have some things to say about this, it is from my perspective, difficult to measure accurately and especially in times when a Code Officer is available on weekends, later in the evening, those kinds of things to accurately measure and make sure that violations are being caught and enforcements happening appropriately is much easier through a mechanism of the condition of the plan and to say, to set a number of hours or days of operation for those kinds of outside events. So, I think that's the direction I would encourage the Board to think about, but from my perspective, I think those larger kind of one-off types of things are really beyond the scope of what the Board should be looking at today and it's more about those week in and week out kind of activities.

Mr. Qua: Then it shouldn't be a part of the application, right? The application that says asks us to approve 10 or 5 or whatever the number is right, so, the application should be amended to just remove that and we will deal with the normal business that Greg conducts. Mr. Smith: I think that is really where I'm going with this. It really doesn't matter so much the Board because the Board doesn't grant the, the Planning Board doesn't grant mass gatherings, it's so, it's really saying, what are these normal kind of impacts that someone could expect throughout the summer and it's really up to the Select Board whether they want to grant one, three, seven or zero mass gathering permits.

Mr. Qua: I only addressed it because it was in the application, I agree with everything you said. Mr. Martinez: Well that's it; it would be a procedural thing on my end because I just thought it was appropriate to bring it before this Board. Mr. Long: Gavin, when we did the dog rescue/ miniature golf/ice cream shop, what was the time on that at night? 10 o'clock? When they had to stop their noise I guess. Mr. Maloney: Probably, I don't remember, and, that when night time starts in the ordinance so it makes sense that we would use that as our time. Mr. Long: And, so I guess where I am going here is and hopefully for the neighbors, the dog rescue won't be quite as loud as outdoor music, but, having that timeframe for something like that, and Greg says he going to move Friday night stuff inside AND THE Saturday and Sunday stuff will be done by 5 o'clock in the afternoon, suggestible readings and I know it is two different things, that we're talking about but the decibel readings are the decibel readings and this was never taken into consideration with the dog rescue. Would the decibels being put out of there, other than the dogs barking, and you know they had some kind of restrictions on that.

Mr. Whitman: Did any abutters raise any issues Dennis? Was the only thing they were always concerned about, uh maybe that is there's quite a few people with that. Mr. Long: There's more for the noise complaints both for the dog then they're concerned about the dogs barking at night and they were going to put stonewall insulation in the dog buildings to help muffle the sound in case there was, so it wasn't so sharp. Mr. Qua: And that was basically the big concern? Mr. Long: Was the dogs' the dogs and the tree cutting. There were concerns about the owls and bats and stuff like that. Most of the, don't you think Gavin, most of it?

Mr. Long: So, I have said all along these decibel readings really need to be revisited. Because I think they are unreasonable. You know, it's just, I don't see how you can attain you know, something like that. You know you can't be a bunch of people up eating going to exceed that. What is the exception allowed? You know what I mean? If it says we only have 50 and you have 70. Was at 50 and now you got 80, where you... where's the stock gap? Where have you put them and where have you done this historically with any other outside businesses? I understand this is out here conversations and maybe not in any conversation.

Mr. Martinez: Well, unfortunately, I'm not looking to shoot myself in the foot. I'm looking to be honest and unfortunately these things with the growth that I've seen in the Town here the last couple of years. I mean, there's going to be a lot you know, there is going to be a lot more noise coming, coming the way to this community. You know, I live in Wells, and it's, it's getting out of reach for a lot of folks I know, so where's the next best place to go? As far as I'm concerned, it is Acton. You know and uh with growth comes the additional noise; It comes as road noise, it is more commercial projects. We've already seen some come in and I'm sure there is more to come. So, that is why you, I don't know if any of you took the time to look through the proposal from that noise engineering company, there is a lot to it. As much as I hate the price tag, it's the only fair way to do if and when we get to that and I hate to say it, but I feel confident that I think eventually I'll have to do something of that nature and it may not be too far away. It just might be couple of years down the road. As things develop around my location and perhaps more complaints come in because they don't like what they hear. You know, the living, I suppose living on a lake just like living you know on any body of water, all of the sudden, I live on train tracks, I don't hear the trains anymore. I don't hear them. You know, like folks living on the lakes, they don't hear the boat motors anymore. But, when you introduce a new sound that they are not comfortable with, or they are not used to then hey we got a noise here. You know like they were the engineering companies talking 70 to 72 hour studies you know to measure what's the ambient noise of fuel which is boats and cars and all of that then when the music is introduced how does it all work out in the fold and you know it all comes with growth and then all of the sudden all kinds of

Mr. Martinez: the engineering companies are talking 70 to 72 hour studies to measure what's the ambient noise if you will, which is boats and cars and all that and then when the music is introduced how does it all work out in the fold. It all comes with growth and then all of the sudden, all kinds of very expensive people get involved in every little project and we don't have the luxuries that we've come to know thus far.

Mr. Long: We have a lot of business especially gravel businesses that start at 6 in the morning and they start their crushers, their screens and equipment and the people down on square pond that listen to the one up here past the orchard because it goes right down through that valley and I don't know. I was listening to motorcycles the other night from over in NH by Oak Hill. It just seemed like it went on for an hour and I was trying to hear the owls and stuff and it really aggravated me but that's what eight miles away? But again, it comes down through that valley. Mrs. Pearson: Yeah. Mr. Long: I wonder what, and I have to say Greg, that last meeting I said that I thought you should be back here. I said that right now, well you're not this minute, but you've been in violation, okay, and it is very important to the slowest things move to keep things moving. Mr. Martinez: Agreed. Mr. Long: So, I want to understand, I want you to understand that it wasn't anti what you're doing, I just don't like to have things dragged out. I don't think it's fair to you. It costs you money and it's not fair to the people and that's why we need to make a decision on this.

Mr. Martinez: And, that's why my letter, it indicated that I had neglected to submit the contract that I had gotten from the noise engineering company that was supposed to be attached to that and when I viewed the meeting and was like, well, I wanted to respond to the proposed that they sent me, before I signed the contract and that's why I wasn't here. I certainly want this to move forward and also remind you thus far, I've had my entertainment inside. I mean not that it's been stellar weather, but a couple of days ago I said just keep it inside for now until we find a solution on at least you know, pick a direction to move in. Also, mind you, not only do you know I stop the music at 5 pm, I close at 10 pm. I close at 10 o'clock at night. Obviously, I can stay open later, but I don't want to and never have I wanted to and that's been my hours for many years because nothing good ever happens you know, after 10 pm anyways.

Mr. Long: What I was getting at and Ben can enlighten us on this, could the Board try to make the Town's people happy and not be cost prohibitive on the business? Could the Board amending the conditions like a three-year plan that he would follow say like this year, he's putting up a fence which obviously can be pretty expensive and then next year like Gavin was talking about plant some new shrubs around or whatever he was talking about and like he can operate this year, but he has to do this, next year he has to do that, and in the year after that is something that would be feasible or agreeable for the Board. Because we are talking and I know we are not supposed to take this into consideration but it's a lot of money. What do you say Ben?

Mr. Smith: It's an interesting idea. I don't know that I've ever seen an approach like that. I've seen applicants propose phased projects where you know they're going to build this section and then come back later to do another section, but I never seen or phased approval that would let someone operate with...you know, if you had an inkling that a fence and shrubs and whatever else were going to be required, that would be part of the approval and someone might have a year you know as part of a normal permanent process to get those things in place, but I don't recall ever seeing a you know multi-year kind of approach from the Board on those kinds of things.

Mr. Long: Yeah, whatever you guys think. I was thinking...

Mr. Martinez: The wall, the wall is going to happen. I've just kind of been dragging my feet trying to...figure out what the best materials are...absolutely disgusting to you know what, but that is a whole other story. But, I talked with someone local who had just harvested some hemlocks in Town here about potentially getting those milled out and using those on the back wall because they're pretty heavy. They can be heavy duty, thick and what have you...I want a heavy, I want a significant wall. If I could get, I was thinking...if I could get, 5 quarter PT from Home Depot at \$16 per board to fill in all that space, how effective is that going to be ultimately in talking with different sound engineering companies, sealed up is better, nice and tight from the ground up is what works, what is most effective. To do, my first order of business is to get that rear wall complete and obviously the knee wall but the knee is short. It does help, it is a filter but the big wall across the back is what I wanted when I intended to finish it first and get on it as soon as I can get the materials.

As far as trees go, I, it's pretty tall woods out there right now and to fill in those holes we are talking some pretty significant tree heights and I'm not saying, I'm not for it, but I've never seen anybody planting 50/60 foot trees easily. I think in my experience, you put in these Sugar Pines, the soft wood pine, they grow pretty quickly. I mean pretty quickly, I mean probably in four or five years. We'd have a knife thick cover because that's one thing I did notice when I went down to the complainants property line I looked up it's very thin in that area and the property was cut before I owned it and I don't know how it used to be. I don't, but it looks then however I do have a lot of new growth a lot of Sugar Pines and they are you know they're 12/14 feet tall but obviously they have a long ways to go to plan on being an effective buffer and then once, you that, you know that's on me, I'm putting a wall up and then once I get my stage up there, I got a portable stage, I'm going to put some kind of a canvas roof on it and try different things. I have a few ideas. I'm no sound professional but just different things to buffer the music during the day, but like, once again, during normal events during my weeklies, I do my music Saturday and Sunday's, done at 5 pm and I do some music indoor, I'm closed up tight 10pm. At least nobody else is coming in at 10 pm and the doors are locked and we wind it down. There definitely is no music. The music ends at 10 pm.

Mr. Long: Point to the Board and the applicant. If you've got people a little bit upset on either side of this issue, he's always got me personally; I think he's been successful.

Mr. Martinez: I do have a lot of support on the pond. A lot of the folks there are regular customers and you know, I know everybody out there on the pond, are good people. I just you know, work with me also, I'm willing to do what I have to do and continue to try to improve my situation in the backyard as far as noise goes as things develop, but I have to start somewhere. Mr. Long but those aren't the people we hear from.

Mr. Martinez: I know, I know, you know, when that, when there was first a public hearing, I didn't think it was appropriate to turn it into a circus, because hey yeah go Greg and all this. That's just you know, that's not the time for it. That's not how it's helpful, but it's not helpful, because it is irrelevant in the end of the day it's about the people that he have a problem and trying to appease them.

Mr. Long: So what am I going to do myself, like I normally do, I'm going to voice my opinion and now you guys can say what you want to do moving forward but I want to get this thing moving you know you guys got a business to run.

Mrs. Pearson I think we all do we want to get it moving. I think Greg, if you can prove that all of the ordinance is meeting the ordinance criteria, how can you be denied? But if there's a problem with meeting the criteria, how can you prove that you can meet it, like you're trying to do, like you're saying, you're making adjustments for the time for the concerts and so forth, but there are also some other things that I think we could talk about on your application you have listed. Mr. Martinez: Okay. Mrs. Pearson: Because we seem to be stuck on this decibel and all that and I think Ben already addressed that if we talked about the times and so forth but there are some other things on the application does anybody else want to talk, talk about that, I mean.

Mr. Maloney: Absolutely! We should and then we can read through the standards for Conditional Use Permit. Mrs. Pearson: That's where I would like to go. Then we can kind of move forward on lessons and put it to bed. Mr. Driscoll: What are your concerns Pat? Mrs. Pearson: They aren't concerns, they're just things that need to be addressed, like the retail gift shop, then there were some other things, like food trucks I think was on there. What I'm thinking about is what constitutes an expansion or change of use because that's what we have to look at on the list I guess.

Mr. Martinez: Change of use, I think it is next. I don't think I'm really having a Change of Use and the purpose of the food trucks is to address the current situation. It's getting people fed, a lack of employees, how I've changed how I've had to charge, and how I serve folks, this year. This year, I have folks coming up, they are placing their order, they're paying for it and we're giving them a pager. I saw a model like this in Florida and thought it was pretty creative. Believe me, I was sweating bullets because I get a lot of folks that come in for dinner but everybody was very receptive to it and they understand and it's worked out pretty well. We've managed to serve a lot more food, a lot quicker, but in the same token, that's with me in the kitchen. I'm fortunate to have the few people I do but I need more. That brings me to the food trucks. The purpose of the food trucks is to provide more food and eating opportunities for the customers and getting everybody serviced. Mrs. Pearson: Are those your food trucks or other peoples? Mr. Martinez: it's kind of a double whammy I would love to be able to control the food quality and also the type of food that is served because I don't want to undermine my own kitchen, unfortunately, I'd love to own them but then I'm still back to the same issue; I might have a food truck but who's going to work it?

So I'm going to look for outside folk, say hey we do Tacos, I don't do Tacos, so I see if I can get them to come down and just take the load off the kitchen and just have more food options for people; that is the purpose of the food trucks. I'm not turning to a, you know, I'd like to have three or four options ultimately. I mean, so people have that and can also work. We are talking motorcycle week and then weekends. You know, like during the week and they'll be within the confines of that outside, you know, within the fence line is where they would be. They would be parked and that's even to say it's hard to get food trucks now. They're very much in demand because all the restaurants are in the same spot. Yeah, everybody you know, I mean Congdon's is killing it down there with those food trucks. Mrs. Pearson: Yeah. Mr. Martinez: Everybody you know I mean Congdon's is killing it down there. But those food trucks don't need Congdon's anymore. Everybody wants food trucks. I have called a couple already and they responded we're spoken for, we don't have any availability, and we are not available. And, that's apparently the new thing, so that was where the food trucks came in, and then as far as the retail, I have a small retail gift shop within the confines of the restaurant and what I'd like to do is expand that. I'd be taking what is storage now and converting it to a bigger retail area and in doing that obviously would require a building permit. This means fire code and all that, so I am aware of what I have to do there but that's a project that you know going to be somewhat costly and I don't know how long the approval is good for. If you say okay, you can do it, do I have one year? Do I have two years to do something towards that? Mrs. Pearson: Do you have a permit for that already? Mr. Martinez: I know I have to apply. I want to get the approval and then I would apply for a building permit and then move forward with that when the funds are available. I was just throwing it out on the table as part of what my big plan is and that is my big plan and that's the end of it. Mrs. Pearson: You mentioned having some other people come in to be able to sell their wares as well. Mr. Martinez: Oh yeah, on Bike Week. I guess different

vendors that come in within the fence line and you know people. For example, there's a fellow who's been coming around lately and he sells what is called grave-robber industries it's t-shirts, sweatshirts what have you, that appeal to the motorcycling public. And, they just, and then I have had people in the past that sell jewelry. So you know, kind of like, I guess off the market; a motorcycle flea market so to speak. Then outside, I also have folks that come up here and say, hey, you know, would you mind setting up a table or raising money for this situation or that situation. That's like, absolutely, come on in. Mrs. Pearson: I don't have that one in front of me. Mr. Long: Yeah, I don't have anything.

Mr. Smith: Yeah, I think along those lines. A couple clarifying questions that might help the Board understand when you're talking food trucks, you're talking about those special kind of one-off occasional events. Are you talking on a normal weekend when you might have that food truck? Mr. Martinez: On a normal weekend, I would like, I would love to have food trucks like I say, to take some of the load off the kitchen and give my customers more options.

Mr. Smith: I think along those lines were making a list of things that the plan should show. And, I'd suggest that the plan should probably where the food trucks would be on the site as far as impact on circulation and parking areas. Then another kind of clarifying question, in regard to the retail, and I heard you speak a little bit about the difference between an accessory kind of retail operation that's you know glassware, clothing, whatever accessory to the Iron Tails versus..Mr. Martinez: Renys?

Mr. Smith: Right, or the kind of retail that would attract your trips are new people to the restaurant versus people who are going to the restaurant and grab a glass on the way. Mr. Martinez: Yeah, no this is all my own printed Iron Tails Saloon t-shirts, glasses, sweatshirts, what have you; all related to my specific business. Mr. Smith: And, that's what you're showing on a plan that little retail area? Mr. Martinez: That I have outside the main building, yeah, but then, like I said, I because it would expand, that because it's pretty tight quarters.

Mr. Smith: Okay Mr. Martinez: You know I mean I have the good fortune of selling a lot of t-shirts and it certainly helps the bottom line and so, you know, it's an important part of the business. The retail piece and I've always done that, but, I'm to a point where, when you know, we need more space and it also allows me to bring in more product, you know, different things like glassware, thermoses and coolers and carry whatever anything with your know my brand on it.

Mrs. Pearson: I had a question Greg about your exhibitions. What would those specifically be? You said pm. concerts, comedy shows and exhibitions. Mr. Martinez: Okay, well I've had comedy shows in the past and you know...

Mrs. Pearson: How many shows? Mr. Martinez: Yeah, right like, I mean, like you know, that's just things. Examples of things that are, what I would do, probably at night exhibitions, I've had professional stunt riders, new shows for my customer base doing tricks on motorcycles. That's what I mean by exhibitions. Mrs. Pearson: Is that all? Mr. Martinez: So I'm afraid to say yes, because hey, you know I mean, but that's what I'm talking about when I say yeah, you know, an exhibition of you know a stunt show. Mrs. Pearson: Okay.

Mr. Long: You guys want to go outside and do a review? Mrs. Pearson: I do. Mr. Long to Mr. Martinez: Take a look and read this for what we're talking about.

Mr. Maloney: Yeah, so, I think they're a little bit different. Mr. Long: What's that Gavin? Mr. Maloney: I'm just wondering whether we use the same standards for conditional use as a site planner when we read through them. Mr. Long: I don't know. Mr. Smith: There is a lot of overlap between those things. Mr. Maloney: Right, more from the site review. I think you have to read the conditional-use, so... Mr. Smith: That's 6.6 Point 3.4, page 2/3.

Mr. Long to Mr. Martinez: This is what we normally do. Yeah and you will read the question and then it's either yes or no or N/A. Yeah, and you would answer each one like that and give it back to us. Mr. Martinez: All right. Mr. Whitman: Everybody ready? Mr. Maloney: So help me out here, are we on conditional-use review or site planner review? Mr. Whitman: Conditional use which is page two, right there in 6.6. All set?

Mr. Long to Mr. Whitman: You might want to move closer to the microphone. Mr. Whitman: My decibel levels aren't loud enough?

Mr. Whitman read the section of aloud to the group:

The standards listed in section 6.6 3.7 have been reviewed and found that a) The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat. B) The use will conserve shore cover and visual as well as access to water bodies. N/A)The use this consistent with a comprehensive plan.

Mr. Long: Well I think that was still being worked on. Obviously it's in reference to the comp plan. I don't remember.

Mr. Maloney: So we'd say yes. Mr. Whitman: The traffic access to the site meet standards contained in this ordinance and traffic congestion has been addressed in accordance with performance standards in this ordinance.

Mrs. Pearson: I think so. Mr. Whitman: Is that a yes? Mr. Long: Generally what they do is you'll say what it is. Mr.

Whitman: Yeah. Mr. Long: then if somebody disagrees with it still speak up.

Mr. Whitman: Okay.

- The site design is conformance with Municipal flood hazards projections and regulations? "Yes."
- Adequate provision for disposal of all waste water and solid waste has been made? "Yes."
- Adequate provision for the transportation storage and disposal of any hazardous materials has been made? "Yes."
- A stormwater drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed? Mr. Martinez: I believe it was prior to because I know that there's a retention pond on the east end of the property because when it rains hard it all feels up in there and it's my understanding that oh, that's how it was designed. The water is collected on the front of the property in front of the white fence in parking lot. If you look at the front door it is on the left.
- Adequate provisions to control soil erosion and sedimentation have been made? "Yes."
- The adequate water supply to meet demands of proposed use and for fire protection purposes? "Yes"
- The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of development such as noise, glare, films, dust, odor and the like? "Yes."
- Performance standards in this ordinance are applicable to the proposed use and will be met? "Yes."
- Archaeological and historic resources as designated in this comprehensive plan will be protected? "That's N/A'."

Mr. Whitman: Then just go into public hearing which we already had. Mr. Smith: That was April 22nd correct? Was that the last meeting we just review the minutes for? Mr. Maloney: I think it was previous to that. "Yes." "Okay."

Mr. Martinez: I don't know if this is a site walk. I mean for you all to come down and see, be on site and see what I'm doing and see the direction might be helpful to all of you. Mr. Long: I mean this is up to you Greg.

Mr. Martinez: Well, Mr. Long: Myself, I don't need to see, well... Mr. Maloney: Yeah, I think we kind of waived the site walk so to speak."Yeah." Mr. Long: Because what this is going to do, if we do something, to do a site walk, is going to put this out 2 weeks, follow. " Yeah, well..." because you have to have your notification and all this stuff in your schedules. Mr. Martinez: I just, you know, like I said, I got nothing to hide. "Yeah" You know everything out there in the open and anybody's welcome to come out and like I said, look at where the property line is. I had it marked out. Drive through and see the direction. You know, as a matter of fact, I've got, well the traffic you know, traffic control painting, it's getting repainted on site. Traffic flow, traffic direction, site safety signs and what have you. Additional signs are in the works. Mr. Maloney: Yeah, you do have a lot of flow sometimes and that is something we haven't really talked about. Mr. Martinez: The traffic flow? "Yes" I believe the current site plan that's on file does show the traffic flow as well as like I said it is marked on-site to and I'm having the lines repainted. And, I'm taking some further steps because I have some you know safety concerns on site.

Mr. Long: I don't know if you have it on there, excuse me, the one we just went through for the conditional use, those boxes have to be marked accordingly. Do you have that on your computer? "Yeah" Usually you would do that as well. Mr. Martinez: I've been making notes. Mr. Long: I only have an extra copy here. After the Land Use secretary puts a marks in the Box, Mr. Maloney: A note is added on how it met the standard like for the traffic. He said he's going to repaint the lines and have signage, he would put that down. But I think the applicant has done quite a bit to address the issues. Of course we're not sure exactly what the sounds going to be like but I feel like

with him operating with the live music only during the daytime hours that's going to really help a lot with neighborhood concerns.

Mr. Martinez: Gavin, my only concern is that historically that's what I've done, that's what I've been doing all along. Last year, I had music outside on Friday nights, I think in July, from mid-July through August and I was done at 10 pm, but the complaints were coming in on Saturday and Sunday at 3 o'clock in the afternoon. Mr. Maloney: Yeah, yeah. Mr. Martinez: You know and I was like come on! But regardless, it is what it is and the ordinance is the ordinance, the numbers are the numbers right? So that's all I can do. It is operate on that and as it is operated on that and as things develop I get my wall up and all that and if I'm out on the property line and I'm reading 65 decibels and people are whispering, our people are like turn it up, turn it up because I can't hear it. Well, then I have to take additional steps to dampen the noise so I can turn the volume up to an appropriate level for the folks that are there for the live music. Do you know what I mean? So, it's kind of like a process if you will, so I may have to, you know, I may have my first show and I got to be honest with you I don't know what it is going to sound like when I get out there on the property line. So, I got a 50 decibel reading and then you go up there and it's like an air conditioner running and then you've got a lot of people all together and it's like we can't hear the music because we're all talking, but you know that's the potential direction this will go. I don't know until I live it.

Mr. Maloney: So, I guess we should get a final plan before us and....Mr. Long: Hold on. Mr. Maloney: Unless you want to vote tonight and do you know what the list of what conditions are? Mr. Long: Yeah, we can do that. Mr. Driscoll: I walked in a little bit late and I apologize for that. Greg, are you talking about some of the larger venues you were going to treat as possibly a mass gathering?

Mr. Martinez: Yes some, for example, bike week. Bike week, there's activity through the week, I do and 1) When I submit my mass gathering this is probably irrelevant to this, but, when I submit, I'm going to spell out what my schedule looks like so they know exactly what's going on during the week. It's not bad. Also during bike week, I see all the activity during the day because people are riding, but, at the end of the night, they're all back in Laconia. Pretty much they're not in town here. I'm not saying it's going to be a ghost town, but I am saying is, my activities during the day, during the week, I just have a guy playing guitar on Tuesday, Wednesday, Thursday, and Friday. He starts at like noon to 4 and then that's it. But, on the weekends, I've got the burnout competition on the second Saturday of bike week. Then, I have big show's plans. I have Hank William's great, great, great, great Grandson performing on the 12th. I'd like to do that show outside. That show is going to be an evening show and definitely will be done by 10pm, maybe sooner. I don't have the final layout, but, that's what I would do the Mass Gathering permit for. Obviously the burnout competition, because I'll be, you know, for that, and mind you, the burnout competition it's such a small window of time, you know, I don't have a whole lot of people that get up there and do it and actually, the actual noise may be in its entirety, will last 25 minutes in increments of five minutes. So, you get these blasts when they're up there doing their thing, but, then it isn't so bad. It will look, you know, it's going to be over. The noise ordinance, so you know, that's why I figured it's a good time and appropriate time to have the permit and also you know to keep everybody informed exactly what's going on. Because my schedule and my schedule I not only got to let the world know what's going on to get them to come on down, but, the Board and the neighbors. So, when I do submit my Mass Gathering requirements as well as for July 3rd; I have another big show planned and I'd like to do that outdoors, I'm not saying it's going to go till 10 pm, but, it'll be after 5 pm. So, those are the times that it would be before the Board. Currently I only have two of these events planned where I'd like to do outdoors and it's you know, it's a dollar and cents thing. It's bringing good entertainment in but also covering enough to make some money too.

Mr. Maloney: I'm glad you brought up the burnout competition because we have had complaints about that too not just the sound but also the odor. Yeah and you know the smoke per se entering 109 and impairing traffic. I wouldn't say the Board should necessarily condone that activity but in terms of the music I'm pretty pleased with the progress we've made with you.

Mr. Long: Can we move on Mr. Chair? Mr. Whitman: Yes. Mr. Smith: Gavin started to say something about conditions.

Mr. Maloney: Well, we kind of, we just read through them so you know under D) I think we should make it a condition that he repaints those lines and has signage that informs motorists that there's motorcycles entering. Is there anything on 109 currently? Mr. Martinez: Not to my knowledge, I know the York County Sheriff's Department is, but I do know they watch motorcycles and things of that nature. I mean I can only control the signage on my own property and the safety on my own property. I've got directional signs, directional arrows and then exiting the

property I'm having new informational signs made to just advise to people to use their heads. Mr. Maloney: Go slowly? Mr. Martinez: Use their head. Mr. Maloney: Yeah, because you'll have to consider traffic flows, so if we have kind of list those things under D).

Mr. Long: The food trucks will be in the fenced-in area? Mr. Martinez: Yes. I know, I know they're ah, in fact, I can get them. Mr. Maloney: You know your locations will be marked on the plan where you would have, where you would set up the food trucks. Mr. Martinez: I will get that plan updated. I don't know how long it's going to take Corner Post to get it, everybody so darn busy. I know they've been very good to me over the years, but, I know they're obviously, everybody's busy. But, that shouldn't be too much of a change; it's just taking the existing plan and adding that line there. Mr. Maloney: Yep and um... Mr. Whitman: Vendors?

Mr. Maloney: K) would be your fence. Mr. Martinez: Yep. Mr. Long: That was 8 foot right? Mr. Maloney: I think it's up to you. Mr. Martinez: It may be higher. Mr. Maloney: It looks taller. Mr. Martinez: Well, yeah the posts are definitely 12-feet and depending on materials, you know and like I said, I'm going to go 10-feet. If I think two (2) more feet is going to help, I'll go 12-feet. Do you know what I mean? So, it's up to me to meet the ordinance. Mr. Maloney: Right you can always...Mr. Martinez: I could put, fix; I think that's an exercise in futility, you know, that's why I went 12-feet originally and then, as I was working with somebody else, well, then I said well, okay well, Jesus, if that's not going to help it, then I'll just do eight (8) because regardless, I need a fence for more than just the sound. I need it for the security of that area.

Mr. Long: What size fence are you proposing? Eight (8) or ten (10)? Mr. Martinez: I'll do ten (10). Mr. Maloney: Ten (10)? Mr. Martinez: Yeah, the higher the better as far as I'm concerned. Mr. Smith: And, before we get off that point, the plan that I have shows it along the back of the property line, away from Route 109, but also along the side of Milton Mills Road. Is that correct? Mr. Maloney: That's correct. Mr. Smith: That's all the same fence? Mr. Martinez: It's not. It's a little bit different up front. However, I do intend to continue this similar fence up to my tank. But, right now, I've got enough; I've got a lot of fence to put up. So, right now it goes up to the Milton Mills exit off my property, which you know, so, if you're in the back, that's an exit; only where people leave from the back area. I have the telephone poles going up to that point. Going forward, I intend to put telephone poles up around and then connect to the building. It will be completely enclosed eventually.

Mr. Smith: So, I think that the plan that you bring back in and show that, is again, the version I see has a, it is labeled 12-foot and it goes all the way around. So, if that's not the Board's expectation, you know, it should be reflective of what the Board is actually approving. Mr. Martinez: My question is, if I you know, intend for next season to finish the fence and be that tall all the way up to that building, can I set the plan that way or do I have to get it changed again? Or, can I just say this is the proposal and it will be done, in you know, be for the summer 2022 or something of that nature? Mr. Smith: I mean, I might ask the members. Four of these approvals are good for you. I've seen some communities and I would have to look it up, grant one year or two years from date of approval. It gives you a certain amount of time to build out the plan. So, I think if the plan shows a fence there would be an expectation that, you know, it might not happen by this fall but certainly within a reasonable amount of time and that's... Mr. Long: Building permits. Mr. Smith: Right, so if this approval is granted for a fence going all the way around you'd have to do that within the timeline of the building permit.

Mr. Maloney: Are there any other conditions that you all are interested in? Mr. Qua: No, I just think, so I don't know if we need a condition around the retail stuff, but I think we need to be clear. An application, you know, we've removed the special events from the application. That's between you and the Selectmen. You removed Friday night for outdoors from the application and you left out the acoustics during bike week. So that only leaves Saturday and Sunday 1 to 5. Mr. Martinez: That's correct. Mr. Qua: I think we just got to make sure the application all accepts. Right? (Right) Mr. Smith: just to restate that a condition shown on the plan should say outdoor entertainment Saturday, Sunday 1 to 5? Mr. Long: Yeah. Mr. Smith: That was a fair reflection of what that was? Mr. Whitman: Though, he did state that he, Greg did state with like Hank William's great, great, great... Mr. Long: No, no, yeah...

Mr. Martinez: But, that would be before the Selectman, okay that would be before the Selectmen and you know, my bike week activities, those are beyond the parameters that we're discussing here and would go before the Selectmen.

Mr. Long: So, we can make a motion on that tonight? Mr. Maloney: Yeah, right and then we are clear on your conditions? Mr. Long: But, you'll want to do that right now or do you want Ben to read them back?

Mr. Smith: The two conditions that I have are as conditions of approval are: 1) To repaint parking lines and install internal signage for traffic control and 2) Outdoor entertainment is limited to Saturdays and Sundays between 1 and 5 (Mr. Long: The food trucks) and the other items we talked about were updating the plan to show food truck parking area, a service area and showing the extent of the fencing including the height of the fencing on the updated plan. I don't think those items need to be conditions of approval if you bring back the plan with those modifications on them and then list conditions 1 and 2 near the signature block so that it's clear what those conditions are.

Mrs. Pearson: Are we addressing vendors as well? Mr. Smith: And then.... Mr. Whitman: Oh, vendors. Mr. Martinez: I'm sorry? Mrs. Pearson: He mentioned it Chris. Mr. Whitman: Vender's, they're going to stay inside the fenced in area? Mr. Martinez: Yes, yes. Mr. Whitman: But usually we have them move over by the cold storage building in that area. Mr. Martinez: Yeah, yeah, but, they'll be within the confines of the fence. Yeah, so my, you know, my primary customer base has access to them without going into the front parking lot.

Mrs. Pearson: Plantings Gavin? Mr. Maloney: It seems like we're getting there. Mrs. Pearson: I didn't know if it was now.

Mr. Long: Everybody's all set? Response: Yes. Mr. Long: Then I'll make a motion? Mr. Whitman: Sure. Mr. Long: **I make a motion to approve the Conditional Use Permit for Greg Martinez, Iron Tails, 559 Route 109, Map 148, Lot 001 Conditional Use Application updated.** Mr. Driscoll: **I'll second it.** Mr. Maloney: **With conditions.** Mr. Long: **With conditions.** Mr. Maloney: **Alright, I'll second that.** Mr. Whitten: **All in favor? All hands go up.**

Mr. Long: So, now you just get on that site plan and ... Mr. Martinez: I'll also show the new, where the new gift shop is going to go. It's a conversion right now; it's just an old storage building full of junk. But, I would indicate, I would show that on the new site plan. Although going forward, with that, I would obviously have to get a building permit to do the building on them right?

Mr. Driscoll: Tell Pat you're still voting there. Response: Yeah. Mr. Whitten: She knows. Mr. Long: That's it. Mr. Smith: That's right. Mr. Martinez: Thank you! Mr. Whitman: Thank you.

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

Mr. Witten: Next is York County Agricultural Association. Mrs. Roux: I did receive confirmation that he knew the meeting was Monday, May 10th. I tried reaching out to him over the last hour but was unsuccessful, but he did know you were meeting tonight.

Mr. Whitman: Table it? Mr. Smith: Postpone. Mr. Whitman: Postponed until you want to put them on the next meeting, the 20th.

New Business:

Mr. Whitman: New business. That's where Dennis comes in.

- **Dennis Long -**

Mr. Long: I just wanted to let the Board know first that my term runs out at the end of June and I'm going to be all done serving on the Board. There has been a lot the last few years that is going on in Town and some of it has been negatively directed at me and at my age, kind of like, I'm not going to continue to be on the Planning Board. With that said, I don't think it's any big lost anyway sometimes. But, I have really enjoyed working with everybody on this Boar. I think everybody here has a little different philosophy which I think makes a really good Board. And, it's very respectful and I respect all of you because of this. But, I'm going to pick on Jim for a minute. Jim and I go back a long ways, we have plotted together to get things done. An example for me is the playground at the school. Mr. Driscoll: This conversation you're having right now, I just thought about all of it, I just thought about all of this. Mr. Long: And, the two ball fields, Jim was on the School Board at that time and I remember it very clearly. We had a price to do what we did from some professionals of \$460,000. The volunteerism and the kids and the parents and some contractors in Town helped. We got the soccer field, the baseball field and the new playground moved out from next to Milton Mills Road for \$125,000. When we started that project, we were told it couldn't be done. Jim and I have had some problems over the years in and

out like most people do, but, I think Jim will tell you for example, on this Board, that's got nothing to do with my performance or his performance on the Planning Board. We always, with anything, we've ever worked on, we've try to do what was best for the community and my personal feelings about certain things, doesn't mean anything. I see a lot of that with these people, just like that last Board.

There's been so much going on between me, and I'm not talking about you Jim, just be very clear about that, there's been so much going on with attacks from time to time towards the Planning Board I just don't want to deal with it anymore. I love doing this. Jim will tell you and Gavin will tell you I've been doing, giving to my community, my whole life. Back when Gavin was just...(reaches hand out to show the height of a child) and I'm going to miss it. But, I just can't do it anymore and I wanted to tell the Board first out of respect before I said anything to anybody else because Chris, (Oh boy!) I thought this was directed to you, but there was a little, some criticism, when I nominated you as Chairman. But, I think you've done a pretty good job and thank you for listening to me (Mr. Whitman: Thank you.) once in a while and anyways I just wanted to say that and also I'll be here for three more meetings.

Mr. Driscoll: Can I follow up on that? Mr. Whitman: Sure. Mr. Driscoll: Dennis is talking about the playground down there and a lot of people have no idea what we went through to get that done. It was one little field out back and it was all hills and that was it for all the kids. He's giving me credit, but he was the Clerk of the Works down there. When this was going on, it was a mess. How many yards of gravel? We bartered, we bought, we had local guys come in with their excavators too. But, they didn't charge us to help us with the fields. (Mr. Long: 60,000 yards). Yeah, 60,000 yards, we had to have everything moved out of there when we bought it to have all kinds of work done. These are regulation sized fields with underground sprinklers. This is like Ogunquit or Kennebunk fields; those who can afford fields. It's beautiful, you know, you've been down there but Dennis is really the one who, he was a collector of the works. He was there every day and I understand what he's saying. There were local folks, who you think would have helped us out in this venture, but instead they called DEP and OSHA and it was just absolutely relentless, just to get their way to stop the project. You know the engineering study we hired, a company out of Berwick, and when their study came back I forget what we paid, but we did we pay for that. Do you remember that? (Yeah) And, the survey was wrong. It was just unbelievable. So, Dave Cody had his eighth grade class, they went out. Remember that? They put, Dave took the kids, he had, you know, workers. You know, do surveying work and he had some help and they put the plan together and it was the 8th grade students and that's who we went with to get it done. But, he was the one who was there every day taking the brunt of it. I remember one day, I went down there and he was wiped out. Some of the messages left on his voicemail, he played it back to me, I was on the school committee at the time and just a partner, you know, on all we were trying to do, which was create fields for the kids in this town and an opportunity. What he did was, it was, it was really, really, impressive. And, I think about it all the time. Of all the things, I hear the little kids down from my farm every day and that's all I think about every single day. I think of the aggravation and everything we had to go through, but, at the end of the day, it's worth it. You hear them all screaming on the playground; they didn't have any of that. And, just to follow up with another thing he said, I've been on a lot of Boards in this Town. Not only this time, but, before I moved here. I've been involved and I got to tell you this group of people right here: I mean Pat; I mean where'd you find a guy like John? This guy he is a good man. I've always respected Gavin, we don't, I don't always agree with everything he does but this guy is so committed and he believes in what he stands for and Chris, just this whole Board here, I am so impressed. I'm thankful to be a part of this group of people right here of all the Boards. I have been in this Town, you know, I think everybody here is here for the right reason and that's so important. I'm sorry to see you go Dennis, but I understand what you're saying. You get burned out. I've been there before and it just gets old and you get tired, but thank you. Mr. Long: Alright, a long time. Thank you. Mrs. Pearson: Thank you Dennis. Mr. Whitman: Yeah, thank you Dennis.

Pending projects:

- Mr. Smith: There are just a couple of updates on the agenda:
 - Martell Estates - No action this evening.
 - Kelly Orchards - No action this evening, but they are expected to be on the agenda for the next meeting on the 20th.
 - There is another hand out that Jennifer had provided to the Board. This is our running list of active projects that, it's not every project, there's a lot of projects that the Board deals with like practical location and minor subdivisions that don't go to Northstar Planning for review, but, these are the projects that we are kind of minding and helping the Board facilitate the process. So, if there's

information as you take a look at this part of it, it is just keeping track on, for our own purposes, and part of it is coordinating with the Town to make sure that we'll have the latest submissions and are accurate on where the schedules are. So, I would consider this a work in progress, it's just kind of a rough working list. So, if you have things that you notice between now and the next meeting, as far as questions, about plan revisions, or whether or not a site walk has been required or with the data, when it happens. Those kinds of things, we can keep that updated just for our own purposes. This isn't any kind of regulatory, or any kind of thing, it is really just a project management tool that we can use to make sure we're all communicating well together. Mr. Whitman: Alright, Dennis?

- Mr. Long: A lot of you don't know this, but when we set up these accounts, we'll say, to any of these businesses, what they have to do, we have to set up. Example of an account, you know, for the sale of a Gravel Pit and they have to put up \$5,000 if they're going to have a gravel pit for reclaiming and stuff like that.

Mrs. Roux: The escrow accounts? Mr. Long: Yeah, that all goes through Michelle. Mrs. Roux: Right, we set up different accounts and then we... Mr. Long: There is no number on this. Mrs. Roux: Yes, he just sent that to me today and I didn't fill the numbers in yet. Do we know what fees are that they paid?

Mr. Long: Yeah. Mr. Smith: I think that's really just a kind of a check mark, the presumption is that applications are going to have their fees paid before they are on an agenda. That's part of the submission requirements, so I am not the person, I'm not right, I'm not receiving the application fees. So, that's something I'll need to coordinate with staff on make sure that we can put check marks next to all of those items.

Mr. Long: Yeah, I guess, that, like you said. Mrs. Roux: We will do all four of those that he sent over this afternoon. All four of these applications were reported to the previous Land Use staff and left so I had to also assume that they were capable of following along with that and get their numbers. But I'll get your number and put it in.

- Mr. Whitman: We all got our packet that was handed out about the solar? Mr. Long: if I could Mr. Chairman, that's Mike. They've been moving on that project up on the H Road. This solar project, have you been not looking at that at all? Mrs. Roux: What do you mean? They're mowing down there? Mr. Long: It's not as if they're putting up.. Mrs. Roux: The Solar there on the H Road, behind Pillsbury's, that we used to hay for the Doyle's? (Yeah) I thought you meant this one, I was getting nervous.

Mr. Long: He has an update. Ben, on the Doyle's, right? Mr. Whitman: I don't think they have started any panels though. Mr. Long: No, they haven't started any panels. What they have done is an awful lot of work up there and they have done a lot of bulldozing. I've had quite a few phone calls about it and I don't remember any of that when we did that. Do you Gavin? They were driving the poles and they were... Mr. Maloney: There was supposed to be minimum groundwork. Really, just digging trenches for the electrical. Mr. Long: Well, they're generally, they've got a bulldozer up there to bulldoze off the topsoil and different things and..

Mrs. Roux: Dennis if I may, I'm just kind of hearing crosstalk that the one that were waiting for so they have been emailing back and forth, they contacted me, in order to connect and to get their permit from Code Enforcement and when I spoke to Mike about it he said he wasn't going to permit. It wasn't ready to be permitted until he knew if there was going to be a bond. Right, so I think the last email was probably Friday where they said that we should see a notarized form by the first of this week. So far we haven't received anything but I know that Mike has been in contact with their attorney. Sounds like it needs tabled.

Mr. Long: I just like to make sure that the conditions that we put on it, at the time, it's followed, that's all. I know there was supposed to be very little disturbance up there. That's what they had said. It surely wasn't even talked about to bulldoze. Mr. Maloney: What I remember is, we asked them about erosion control. Then they're going to be pounding and just the trenches made for the electrical. Mr. Long: Next to the fence right? Mr. Maloney: Next to the fence running by the fence. Mrs. Roux: Dennis, I will send an email and have Mike look at it and update.

Pending Projects – No Action Taken at this Meeting:

- **Martel Estates, Arnie Martel, 760 Young's Ridge Road, Map 217, Lots 028-030, application for an 18-lot Subdivision**

Mr. Maloney: Do we have any papers from the Martel Estates to look at? Mrs. Roux: No, the email I last sent out to you guys, I tried to spell it out as clearly as possible so when we last left it, you were going to make the determination whether you wanted a copy of the plan. I started digging for it. Martel's attorneys have contacted the Town and indicated that they were making changes to the preliminary plan so, that is essentially why it came off the agenda because they're not ready to put that plan forward. So, we didn't think there was any reason to do a plan that's just going to change. So, until they come to us and say, here's a new plan, there's nothing to get. So, are they starting from scratch with a new plan? Yes sir. So that means we have to approve the plan before we open the plan then you would have to do the public hearing? Right. Mr. Smith: So, generally when a brand new application is received, kind of like the preliminary application, such as we had with the Sam Page Bullard folks a couple meetings ago, we accepted that plan and that begins. There's no action. It's more like an acknowledgement that we've received the plan. From that point on, it is when the timeline starts, associated with the time to do a public hearing and the amount of time you have to submit final plans. So, the idea is that once you accept the preliminary plan going forward, you're voting on things and you are approving with conditions. You are denying applications going forward. That approval, that acceptance at the beginning is really just a starting the timer kind of activity. So, it doesn't have any standing until you accept the plan.

Mr. Maloney: are we expecting Martell and his engineer at the next meeting or are we just.... Mr. Smith: It's really on their schedule. I have not gotten any indications that this is going to be on an agenda in May at all. Mrs. Roux: I spoke to the attorney myself and possibly June. They're working on issues with DEP and they want to get that straightened out before they come back to the Planning Board. And, now that they know they're not on a time crunch, if you will, because it's a new application, they will, you know, they'll come to you when they're ready, but I expect that will be June or July.

- **Miscellaneous**

Mr. Driscoll: Ben, what constitutes a cluster development? It's just something that, if you could answer that for me. Mr. Maloney: There's a good definition in our subdivision regulations. Mr. Driscoll: Yeah, I read that. Mr. Long: It's a lesser plan for a house. Like down on the Sam Page Road, on Mason Road, those are all 1-acre lots or something and normally we'd have two-acre lots with a cluster. The whole rationale for that is you put more houses in a smaller area and then they will leave more of the land for open space untouched. Mr. Driscoll: Now, in this Town, I'm just confused, and this is just conversation, and has nothing to do with...in this Town, the way I read it, cluster development is not allowed in the Shoreland Zone? (Multiple conversations over talking each other) No? Where does this all fall into? This isn't considered cluster building at all? This development. Mr. Mahoney: Will, it depends on how the development occurred. If it's one over one owner has a large parcel and they break it up and choose how they break it up, you know traditional subdivision, a cluster subdivision, just one big estate, whatever, but where you have, you know, like the Shoreland around the lake we've got multiple owners, long periods of time in which the properties were broken up you know what I mean, it's not, there's no overarching plan that brought us to that point. You know what I'm saying? Mr. Long: The comprehension says the [planning Board should be encouraging cluster subdivision and the rationale for that is because then you're preserving more open space. Mr. Driscoll: Yeah, the way I read cluster development, I'm all for it. I believe in that, but, my question is, in the Shoreland zone, it feels as though there's a fine line here to me. Mr. Smith: Well, there's an awful lot of development in the Shoreland zone in lakes and ponds that predates the subdivision statute at the State. Those in large part are grandfathered. They were existing before zoning and as long as they continue to exist, they're allowed to continue. Mr. Driscoll: I appreciate that. But, that's not what I am referencing. I'm not referencing grandfathering. I'm talking about now. It's just, you know, we're talking about abiding by you know the books in front of us and if we're going to be fair right down there, you know, and hold everybody accountable, it feels to me as though something's off here. We've missed something here or somebody has. The way I read, and I've been reading it over and over, I don't know. Just to me, it feels like this is, it's definitely Shoreland zone where all this development is going and it seems like a cluster to me.

Mrs. Roux: Are they smaller than, what is the lot size you're dealing with? Response: 9,000 square feet. Mrs. Roux: Are you going to hold on this at 9,000 feet per lot? No? So are you saying to stay within it? Mr. Mahoney:

Well, we are not talking about an applicant are we? Mr. Smith: No, we are talking in general. Mr. Long: The Shoreland zone is only what, 200 feet? It only comes out so far back from the water Jim. Mr. Driscoll: I knew that. Mr. Long: 200 or so. Mrs. Pearson: 250. Mr. Smith: But, within that development even if a couple house in a development, any development breach that 200 feet. Mr. Driscoll: I don't know. These are just questions. Mr. Long: History is 200 feet from the lake and 75 feet for a ROW (right of way). Mr. Mahoney: You are trying to ask if a parcel has some Shoreland zone and some natural land zone in it and the thing is to be, I'm talking about any development put in the Shoreland zone. There are several homes that are not all, some of them are going to be closer to the water than others, but you know, it's all part of the same development. I'm just, I don't know, I'm not talking about any development that we're talking about, no, I'm just talking about moving forward to help me think through this. You know, if we're going to hold people accountable for what it is supposed to be, it's just, I don't know, it seems like we're missing something somewhere here.

Mr. Long: Well, the original intent around the lakes you know, because I can't think of anything, you know, it doesn't matter, when they did like these developments, say like, on lakeside drive, yeah, that part of it, what the developers did was, they get the road, you get down here where you can put your camp and everybody's got a back lot. So, the original intent was when they were doing this was, I can sell this one here and then I can sell this in here on this side inside the Shoreland District and that's what they're intending to go down on little pond not so bad. They just hold 50 foot walks down there, but a lot of the stuff on Great East from these different developers. That was their plan. Wilson Pond, geez, Wilson Pond...Mr. Whitman: I think a bunch of back lots are...Mr. Long: We don't want to talk about that, he filled in a bunch of swamp back 50 - 75 years ago with logs and then covered it over with dirt so they could put the development. Mr. Driscoll: Like Ben says, those predate the ordinance? I'm talking about moving forward. Mr. Smith: I don't have a really long history, I and it's a very, very common for a lot of grandfathering type situations around lakes and ponds, but, I haven't seen anything in the last, you know, my two years here that have, you know, made me scratch my head about. Shoreland and cluster subdivisions types and I'm not sure if you've maybe got an example or two or three that you might want to have a conversation with a Code officer or go back and look at the plan but, I think that those kinds of things might be informative to look at, but, I can't think of anything that has been, you know, improper or anything along those lines. Mrs. Pearson: You see the conflict between cluster developments in the Shoreland Zone. Mr. Driscoll: Pardon me Pat. Mrs. Pearson: you are seeing a conflict. Mr. Driscoll: Yeah. I'm just look for clarification. I'm just thinking you know, trying to figure it all out. I'm new you know. It seems like there's mixed messages. Mr. Driscoll: I'm good. Mr. Mahoney: Well, yeah, the way this chart clearly states the cluster development is not allowed in the Shoreland zones and I can't think of one existence other than the lots that create lots of right. (Right) Mr. Whitman: Anything else? Mr. Driscoll: So, the new plan will be from scratch when they come in and we'll be here. Mr. Whitman: I'm good.

Mr. Mahoney: Yeah, **I'll make a motion to adjourn.** Mrs. Pearson: **Seconded.** Mr. Whitman: All in favor? **With a show of hands, all were in favor.**

Adjournment: Gavin Mahoney moved to adjourn the meeting. Pat Pearson seconded; motion passed 5-0.