

**Town of Otisfield  
Planning Board Meeting Minutes  
May 17, 2016**

**1. Call to Order:** The regular meeting was called to order at 7:00 PM by Chair – Karen Turino.

**2. Attendance:** Members present were Chair, Karen Turino, Vice Chair, Beth Damon, Herb Olsen, David McVety, David Hyer – Alternate & Stan Brett – Alternate. (Absent – Rick Jackson) \* Stan moved up as a voting member.

Code Enforcement Officer: Richard St. John

Planning Board Secretary: Tanya Taft

**3. Announcement of Quorum:** Board had a quorum.

**4. Approve Secretary's Report:**

**A. Site Walk Minutes from April 5, 2016.** \*Motion to accept minutes as amended. SB/DM – Unanimous. DH: Would like to see Tax Map and Address added.

**B. Public Hearing Minutes from April 19, 2016.** \*Motion to accept minutes. HO/SB- Unanimous.

**C. Regular Meeting Minutes from April 19, 2016.** \*Motion to accept minutes as amended. BD/DM – Unanimous. BD: Under Site Plan Application #8 A. 1B, (Strike Unanimous). Change should reflect (4) Agree (1) opposed BD.

**D. Workshop Minutes from May 10, 2016.** \*Motion to accept minutes. HO/SB – (5) Agree (1) abstained. BD was not in attendance.

**5. Discussion & Comments from public:**

**A. Jennifer Becker:** I live across the street from Proposed Wedding Barn. I sent out an email informing neighbors of tonight's meeting. Did not state it was a PH, but encouraged public to participate. KT: Our meetings are always open to the public and we encourage anyone to attend, but the Public Hearing was held on April 19<sup>th</sup>. J. Becker: Can we have another public Hearing? This is a very big decision. KT: We had one as required and have noted concerns and we are allowing brief comments tonight during Public discussion and comments. CEO: The entire file has been available at the Town Office ready to present at any time. When information is presented at a meeting, it then becomes Public Information. Jennifer Becker: I have catered weddings myself, I can attest it is not a good idea. The noise level is more then you can ever imagine. We have had multiple accidents on Gore Road and this will add to it. A dog and multiple animals have been hit near this location. I can assure you there will be a noise issue. Signs are already being ignored. When you have people who are leaving this location after drinking it's very scary. The real noise will be when the party lets out. It's not acceptable or fair for neighbors. Bob Becker: I feel the noise issue has not been adequately discussed. We didn't know the issues to ask. We would like a more accurate measure of predicted noise at this event. I know decibels were done on an iphone, but I think it should be done on calibrated equipment. Noise does not travel down the hill like water. We can hear applicant on the porch talking. We are requesting you have noise level looked into. KT: We do not have a noise level ordinance in Otisfield. Bob Becker: Property values need to be adequately looked into. Sam Molton: 515 Gore Road. What noise tests have been done? Where are the oxford people and have they been notified? KT: Town of Otisfield does not have a noise ordinance, and, according to the Site Plan Review Ordinance, we are not required to notify Oxford Residents. We have posted this in newspapers and on our web site and out front on the Town Kiosk. Joan Kelly: What are the plans for the Septic tank? They were going to put in a holding tank? What was the decision on that? CEO: As the Local Plumbing Inspector, they will be going with what is recognized by the State of

Maine. Holding tank is the last resort. They have to investigate septic system options. BD: The minutes you are reading are that of the presentation. We are still gathering information. It is available in the CEO office. Everyone has a responsibility to educate themselves. KT: What our CEO is saying is if this is approved, everything will be legal and as required by the State of Maine guidelines. Charidy Johnson: 556 Gore Road: I want to say my biggest concern is that I just moved here from out of town to be away from the noise and to be in our own space. My concern with this coming in is the noise late into the night. We have a family and we bought our property because it was peaceful and quiet. I understand it's the applicant's dream and what she wants to do, but I feel the rest of us should at least be considered and heard. It's peaceful and quiet and has serenity to it and I ask that you consider our concerns when you make your decision. Michelle Draper: I live off the Gore Road. This is not just about the noise, but also the safety. It's already dangerous as it is now. This will only make it worse. Bob Becker: The sounds from Oxford Speedway carry over, so I can't even imagine what it's going to be like living on the Gore Road with this. It will be contentious. KT: The purpose of a public hearing is the gathering of information. We invited you to share your concerns then and we are hearing you now. At this point, we've heard your comments and are going to move on. DM: I would like to help you understand that it is a common misunderstanding that we can go against the Ordinance. We can't. The Ordinance was voted on by the Town People. We are under obligation to follow the Ordinance and that's what we have been doing. We can't change it. If you don't agree with it, bring it to Town Meeting. All agree we are bound by the Ordinance.

#### **6. Residence - Based Business Applications:**

A. Zachary Neuts DBA Zach's Landscape and Property Maintenance. Map R02 Lot 038-02. CEO: Bank requested something in writing that this business exists. CEO can confirm with Bank that this has been brought before the PB. CEO: I see no issues with this application. PB would like CEO to ask applicant if he plans to use any pesticides and if so, will he be storing them and is he licensed? \*Tabled until an upcoming meeting.

#### **7. Shoreland Zoning Applications:**

A. None.

#### **8. Site Plan Applications:**

A. Tammy Ray DBA Wedding Barn, 439 Gore Rd: Tax Map R04 Lot 021.

#### **SITE PLAN REVIEW ORDINANCE: Beginning on Page 14:**

**5. A. 6. Utilities:** *The development shall not impose an unreasonable burden on public utilities.*

DISCUSSION: We have the letter from the BOS stating that they do not think that this project will place an undue burden on any services. Discussion: The only public utility would be electric and there should not be an excessive draw on that. All agree this Standard has been met.

\*Motion to accept this as satisfied. SB/BD – Unanimous.

**5.A. 7. Advertising Features:** *The size, location, design, and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties. Exterior signs and other advertising features if will be lighted shall be lit by shielded non-flashing lighting.*

DISCUSSION: We had a discussion that she was going to provide a sketch. KT: Signs were discussed during the application completion review of 4.B.1.1. Signs were also discussed at Public Hearing. Information has been received. There will be Solar lights along pathways. Tammy: There will be two lit, fixed signs. They will be shielded and non-flashing; one for the entrance of the parking area and one on the Barn. There will be a light on the sign on the Barn, which will face the building. SB: Will sign only

be lit when there is a function? Tammy: Yes, it will only be lit during functions. Solar lights will be on the pathway. They will only be on during functions. All agree this Standard has been met.

\*Motion that they have satisfied our concerns on the lighting and the location. SB/BD - Unanimous.

**5.A. 8. Special Features of the Development:** *Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall be subject to such setbacks, plantings or other screening methods to provide an audio-visual buffer to minimize their adverse impact on other land uses within the development area and be screened from view from surrounding properties.*

DISCUSSION: We did discuss waste disposal previously and a dumpster will be used which will be screened by a fence. They are not building anything new. It will just be storage area and waste that requires screening. Any storage would be inside. BD: The only new construction is parking lot. All agree this Standard has been met.

\*Motion that they have satisfied special features of the development. HO/DM – Unanimous.

**5.A. 9. Exterior Lighting:** *Exterior lighting shall provide for security, safety and operational needs. Exterior lighting shall be designed to minimize glare that creates hazards to vehicle traffic, light trespass onto adjacent properties or night sky glow. Fully shielded or hooded exterior light fixtures shall be used.*

DISCUSSION: We have discussed exterior lighting. Any exterior lighting fixtures will be hooded or will be solar. All agree this Standard has been met.

\*Motion that Exterior lighting has been discussed under Advertising Features and this Standard has been satisfied. SB/HO – Unanimous.

**5.A.10. Emergency Vehicle Access:** *Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.*

DISCUSSION: The entry driveway access is more than adequate-for emergency vehicle access for all of the buildings. All agree this Standard has been met.

\*Motion that Emergency vehicle access Standard has been met. BD/HO – Unanimous.

**5.A. 11. Municipal Services:** *The development will not have an unreasonable adverse impact on existing community services and facilities. When the Board finds based on a recommendation of the selectmen and the results of any municipal impact analysis that municipal services do not have the capacity to provide services to the proposed development the Board will require one or more of the following.*

DISCUSSION: We received a letter from the BOS for this Standard. All agree this Standard has been met. \*Motion that the development does not have any impact on existing community services. BD/SB – Unanimous.

**5.A.12. Surface Water Quality:** *The proposed development will not result in surface water pollution. In making this determination, it shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluents; the aquifers and aquifer recharge area; the availability of streams for disposal of surface runoff; and the applicable federal, state and local laws, ordinances, codes and regulations.*

DISCUSSION: All agree this information can be found in the Engineers Project Report & Storm-water Analysis provided by Ross A. Cudlitz, PE dated March 2016. All agree this Standard has been met.

\*Motion that we have this information and this has been met. HO/SB – Unanimous.

**5.A.13. Conservation, Erosion & Sediment Control:** *Soil erosion and sedimentation of watercourses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Site Plan Review and approval.*

DISCUSSION: All agree this information can be found in the Engineers Project Report & Storm-water Analysis provided by Ross A. Cudlitz, PE dated March 2016. All agree this Standard has been met.

\*Motion that this Standard has been met. HO/BD – Unanimous.

**5.A.14. Phosphorous Export:** *Phosphorus, a natural nutrient, stimulates algal growth that causes a significant decline in water quality. The primary source of new and increasing phosphorus loads in Maine lakes is development-residential, commercial, and industrial. Its impact on water quality is permanent. The following phosphorus control measures were created and designed to address this concern*

DISCUSSION: All agree this information can be found in the Engineers Project Report & Storm-water Analysis provided by Ross A. Cudlitz, PE dated March 2016. All agree this Standard has been met.

\*Motion that this has been met. DM/SB – Unanimous.

**5.A.15. Ground Water:** *The proposed development shall not result in undue affect of the quality or quantity of ground water. In making this determination, the Board shall consider the location of aquifers and aquifer recharge areas, the nature of the proposed development and its potential threat to ground water resources. The Board may place conditions upon an application to minimize potential impacts to the Town's ground water resources.*

DISCUSSION: All agree this information can be found in the Engineers Project Report & Storm-water Analysis provided by Ross A. Cudlitz, PE dated March 2016. All agree this Standard has been met.

\*Motion that this has been met. HO/SB – Unanimous.

**5.A.16. Air Emissions:** *No emission of dust, ash, smoke or other particulate matter or gases and chemicals shall be allowed which can cause damage to human or animal health, vegetation or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which fail to meet or cannot meet the standards set by the Maine Department of Environmental Protection.*

DISCUSSION: All agree this is N/A.

\*Motion that this Standard is N/A. DH/HO – Unanimous.

**5.A.17. Electromagnetic Interference:** *The development shall not produce electromagnetic interference with radio, television or internet reception.*

DISCUSSION: All agree this development meets the criteria based on the nature of the proposal and will not interfere.

\*Motion that this meets the criteria and has been met. BD/DM – Unanimous.

**5.A.18. Odor Control:** *The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.*

DISCUSSION: All agree they cannot foresee any odors that are offensive based on the nature of the proposed activity. If holding tanks are used the odors will be contained and if cooking occurs it is subjective as to what is offensive.

\*Motion that this has been met. HO/SB – Unanimous.

**5.A.19. Water Supply:** *The development has sufficient water available for intended use. When the location of the water supply source will be a public water supply as defined in Title 22 M.R.S.A. Section 2601, its location shall not restrict the location of a subsurface sewage disposal system on adjacent parcels. If subsurface sewage disposal will be restricted, the applicant shall obtain an easement.*

**DISCUSSION:** There is no public water supply. CEO: One would assume that they have a well suited for this, but I don't recall what they submitted.

\*Motion to table this until we have this information in writing. KT/BD – Unanimous.

**5.A.20. Sewage Disposal:** *The development shall provide for a suitable sewage disposal.*

**DISCUSSION:** CEO: I have not seen the final plan, but I have the septic report on the farm house and it is suitable. This does not include how they plan to handle it for the 140 guests. At Public Hearing we discussed Holding tanks so we need to know their intentions.

\*Motion to table this until we have a written waste disposal system plan by a Licensed Soil Evaluator. KT/BD – Unanimous.

**5.A.21. Waste Disposal:** *The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.*

**DISCUSSION:** All agree this is referring to trash. It was noted that it will go to a licensed facility. On the application they mentioned using the local transfer station.

\*Motion that this Standard has been met. HO/BD – Unanimous.

**5.A.22. Scenic locations and Views:** *The Board shall assess the proposed activities impact upon scenic areas and views as identified in the Town of Otisfield Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views, the Board shall require the applicant to minimize such effects.*

**DISCUSSION:** All agree that no buildings are changing. CEO: There is one view that applies. There is a scenic view on the Gore Road. The view point is the road, so looking over a parking lot it should not impact this scenic view. No fences, no shrubbery, no new buildings. The parking lot will be below the road by 12 feet. The parking lot is the only thing that will be constructed and the Road is at a higher elevation. \*Motion that there are no obstructions. HO/SB – Unanimous.

**5.A.23. Noise:** *The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume.*

**DISCUSSION:** At the Public Hearing it was mentioned that noise was measured by applicants. BD: This is subjective. DM: With the hours being late, we should have a new study done. I recommend we table this until we have more official analysis. HO: If we question it ourselves, I agree we should have a Professional Engineer measure the noise. SB: I feel it depends on which way the wind is blowing and the weather. KT: As I recall, at the Public Hearing you said it would be closed at 10:00 PM. DM: Catering trucks would be leaving later. *(Public submitted (2) noise issue reports about other wedding barn projects elsewhere in Maine into Public Record)* BD: Who would provide that? CEO: There are firms that can provide this information. A sound engineer would probably be working with those. If done on a Saturday night, the ambient might be Oxford Plains Speedway.

\*Motion that we table this until applicant can provide a professional noise analysis in writing. DM/BD – Unanimous.

**5.A.24. Protection of Significant Wildlife Habitat:** *Applicants proposing a development in or within seventy-five (75) feet of significant wildlife resources or fisheries habitats as identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. The Board shall consider any recommended measures provided to minimize impacts on such habitats.*

**DISCUSSION:** All agree this does not apply. The property is not in or within seventy-five (75) feet of significant wildlife resources or fisheries habitats as identified by the Maine Department of Inland Fisheries and Wildlife. \*Motion that this Standard is N/A. DH/HO – Unanimous.

**5.A.25. Archaeological Sites:** *Any proposed development activity involving structural development or soil disturbance on, or adjacent to, sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Planning Board, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment at least 20 days prior to final approval. The Board shall consider comments received from the Commission prior to rendering a decision on the application.*

DISCUSSION: All agree this does not apply.

\*Motion that this Standard is N/A. BD/SB – Unanimous.

**5.A.26. Endangered and Threatened Plants:** *The Board shall consider the existence of endangered or threatened plants as may be identified by the Maine Natural Areas Program. As a condition of approval the Board may require the applicant to undertake protective measures as recommended by the Maine Natural Areas Program.*

DISCUSSION: All agree this does not apply. There are no endangered or threatened plants where the parking lot will be developed, and there will be no other soil disturbance.

\*Motion that this Standard is N/A. DH/HO – Unanimous.

**5.A.27.** *Is in conformance with the Comprehensive Plan for the Town of Otisfield, Maine, and Town of Otisfield ordinances.*

DISCUSSION: All agree not able to answer this at this time.

\*Motion that we table whether this Standard has been met until the end of review when a decision can be made relative to whether or not the development is in compliance with ordinances. DM/BD – Unanimous.

**5.A.28. Financial and Technical Capacity:** *The Board shall find that the applicant has adequate financial and technical capacity to meet the standards of this Ordinance.*

DISCUSSION: A statement from Tamstars LLC dated 12/4/2015, stating they have the financial capacity up to \$75,000 has been submitted in the application. Tammy: It's a private investment group.

\*Motion that this Standard has been satisfied in the Application letter dated 12/04/15 from Tamstars LLC, Investment Group. SB/HO – Unanimous.

#### **5.A.29. Site Conditions:**

DISCUSSION: All agree this information can be found in the signed Engineers Project Report & Storm-water Analysis provided by Ross A. Cudlitz, PE dated March 2016. This is for when the construction takes place. All agree the CEO has the final say and will oversee this.

\*Motion that applicant has to meet the site conditions that are listed and overseen by the CEO. BD/SB – Unanimous.

#### **5.B. Special Regulations**

1-3. DISCUSSION: We have letter 02/20/16 from Fire Chief. It details information relating to the water supply and provisions necessary in order to respond to an emergency. It includes recommended stipulations. DH: Is this considered an institutional use: CEO: Read the definition for Institutional Use out loud. CEO: Feels this is an institutional use. This seems to be N/A. Recommendations from the Fire Chief in that letter are for a Fire Pond, sprinklers in the wedding barn and in the residence which will be used for temporary lodging, and fire and carbon monoxide systems be hardwired through the buildings.

\*Motion that if this project is approved it will be with the conditions outlined from letter from Otisfield Fire chief. Otherwise these three regulations are not applicable. KT/HO – Unanimous.

4) *All residential child care and educational institutions....*

\*Motion that this is N/A. KT/HO – Unanimous.

5) *Any industrial use which is found by the Board to constitute a public nuisance...*

\*Motion that this is N/A. KT/HO – Unanimous

6) *Any outdoor storage of articles, supplies, and materials shall not be within the required....*

\*Motion that this is N/A. BD/SB – Unanimous.

7) Dimensional Requirements.

\*Motion that this is N/A. DM/HO – Unanimous.

8) There is no # 8

9) Sand and Gravel Pits.

\*Motion that this is N/A. SB/HO – Unanimous.

**DISCUSSION:** All agree the criteria in the Standards of Review and Special Regulations have been met, with the exception to have tabled items #19, #20, #23 and #27.

At the last meeting; PB asked for the dimensions of proposed deck and for the design and circulation plan for the parking area at the main residence and the Wedding Barn. Tammy provided requested requirements tonight. CEO: Reviewed the deck plans and is comfortable stating it is well within standard construction requirements.

\*Motion that we accept submission of the parking plan and that it meets the criteria of 5.A.4.a.1).  
BD/SB – Unanimous.

\*Motion that we accept the submission of the deck framing plan and it meets standard construction requirements. BD/KT-Unanimous.

**RECAP:** The applicant will provide (9) copies of the tabled items #19, #20, #23, and #27 in writing to the PB members by noon the Friday before the Agenda gets posted. June 10<sup>th</sup>. CEO: So there's no confusion, the applicant will also provide the Sound Engineer information. PB Agrees.

### **TONIGHTS PUBLIC SUBMITTALS:**

(2) EMAILS from Joseph Draper, Otisfield resident since 1999.

1<sup>st</sup> email dated: May 16, 2016 @ 12:31 PM, 2<sup>nd</sup> email dated May 17, 2016 @ 4:02 PM.

(2) ARTICLES from Jennifer Becker, Otisfield resident and abutter.

1<sup>st</sup> article "Delta's Harris Barn Bans Weddings", 2<sup>nd</sup> article "Farm owners in Brunswick denied permit to host weddings"

### **9. Subdivision Applications:**

A. None.

### **10. Upcoming Dates:**

A. Planning Board Meeting June 21, 2016 at 7:00 PM.

### **11. Discussion & comments from Code Enforcement Officer:**

A.

### **12. Discussion & comments from Board:**

A. SLZ Ordinance: KT: TT sent the memo and changes to BOS. (1) Small formatting change found, KT will fix and submit clean copy to BOS at tomorrow night's BOS meeting,

**13. Unfinished Business:**

- A.** Sign clarification/verbiage in RBB and Site Plan Review need to be looked at.
- B.** Site Plan Determination form.
- C.** Policy or clarification of Ordinance on the timetable of submissions.

**14. Adjournment:** With no further business, the regular meeting was adjourned at 10:05 PM. HO/SB – Unanimous.

Respectfully submitted,  
Tanya Taft, Secretary

Approved by: Karen Turino, Chair  
Otisfield Planning Board  
Approved on: June 21, 2016