

**Town of Otisfield
Planning Board Meeting Minutes
June 21, 2016**

1. Call to Order: The regular meeting was called to order at 7:02 PM by Chair – Karen Turino.

2. Attendance: Members present were Chair, Karen Turino, Vice Chair, Beth Damon, Recording Secretary, Rick Jackson Herb Olsen, David McVety, David Hyer – Alternate & Stan Brett – Alternate.

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. Regular Meeting Minutes from May 17, 2016. *Motion to accept minutes. BD/DM – Unanimous.

5. Discussion & Comments from public:

A. Jennifer Becker, Abutter on Gore Road:

1) I've been trying to understand the Ordinances and role of Site Plan Review and Planning Board. To me, Public Health and Safety seems to be the most important. All PB members agree. Her main issue since April 19th is pertaining to public health and safety. She has a child who needs adequate sleep because of a medical condition. She voiced her opinion on the water and noise issues that concern her. Submittals provided (1) from neighbor who could not attend and (1) is a Health packet on noise.

2) How does the town go about the codes being neglected? KT: If PB approves application the CEO will make sure that the ordinance is being met. Fire Marshall will oversee his part. CEO: To be clear, there is no noise ordinance in Otisfield. The Article we are discussing is in Site Plan review, but there are no measurements for her to take. PB: If noise becomes excessive it's up to the Police Department to determine if it's excessive. We don't have standards for noise ordinance. Joan Kelly: So you're saying call the police? PB: Yes. TT: There is a nonemergency line, but I had to call 911 last weekend because I couldn't remember it. After apologizing profusely for calling an emergency line, they told me, never hesitate to call and redirected me to Oxford Police. Non-emergency # is 539-4414

B. Elaine Verrill: I live about a mile from Tammy. Wanted to say that economically when someone has the idea and ambition to create something as lovely as what Tammy intends to do and it has a low impact on the land, I support the process fully, while understanding how the neighbors feel.

C. Joan Kelly: I am an immediate abutter. I haven't met the new neighbors and I am concerned about living next door to a commercial property. I don't want to live next to a function hall. And hopes PB takes that into consideration.

6. Residence - Based Business Applications:

A. Zachary Neuts DBA Zach's Landscape and Property Maintenance. Map R02 Lot 038-02. Last meeting, PB requested that CEO ask applicant if he plans to use any pesticides and if so, will he be storing them on location and is he licensed? CEO: I have made (2) attempts to contact applicant, but he has not called back. *Tabled until next month's 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.

***ITEMS TABLED AT THE 05.17.16 MEETING FROM SITE PLAN REVIEW ORDINANCE:**

5.A.19. Water Supply: *05.17.16 meeting we had a Motion to table this until we have this information in writing. KT/BD – Unanimous.*

Applicant submitted a written statement saying that the current water supply is more than sufficient for the residence. If they find that the water supply is insufficient to cover the added demand when having functions and guests, Tammy said that they will have another well drilled. As a very last resort, they do have a deeded right of way to another water supply; however, they have other options and the right of way is neither practical nor cost effective and therefore, they do not want to exercise that right.

Tonight's Discussion: SB, it appears she has options. DH: What are your plans for hooking up outhouse? Tammy: We have done lots of research and will be using energy saving ones. She provided a picture and information of a two-stall unit by Royal Restrooms. The tank is filled with water by the company and self-contained so it will not have anything to do with our water. It *can* hook up to our water with a hose if necessary, but that is not the plan. SB: We had a wedding at our place and we brought in portable toilets. They were self sustained and never needed our water source. We had (2) for 160 guests. It is her intent to have water on board and provided by company. *Motion that this Standard will be met as required if needed. SB/BD – Unanimous.

5.A.20. Sewage Disposal: *05.17.16 meeting we had a Motion to table this until we have a written waste disposal system plan by a Licensed Soil Evaluator. KT/BD – Unanimous.*

As noted above, Tammy submitted a picture of a Royal Restrooms two-stall unit that they intend to use for their sewage disposal.

Tonight's Discussion: The proposed system we now know can have the water self-contained. CEO: We know the waste will be self contained as well. The waste will not be disposed of on site. State Plumbing Code guidelines showing minimum number of water closets required based on the number of males and females who will be using the units submitted into public record by the CEO. CEO: It is my job to give this a category. Assembly places and minimum plumbing facilities must be met and should be considered as a condition. Royal Restrooms also provides a three-stall unit which could also be used. *Motion that 5.A.20, the Sewage Disposal Standard has been met as long as they are meeting the State Plumbing Code guidelines minimum as shown on table 4.1 submitted by CEO. RJ/HO – Unanimous.

PUBLIC: Debbie David: where are things going to be placed? In the field or in the driveway? This information was not available when it was time to talk at Public Hearing. Tammy pointed out on the map the placement of Portable Potties and it was shown to be in the back behind a barn and would not be within sight of any abutter.

5.A.23. Noise: *05.17.16 meeting we had a Motion that we table this until applicant can provide a professional noise analysis in writing. DM/BD – Unanimous.*

Applicant has provided letter dated 5/25/16 showing state guidelines and also outlining details of how the acoustician would produce white noise and how that was going to be measured. He sent his instrument for decibels measurement to a certified lab for calibration and included the certificate. Applicant submitted a report dated 6/12/2016 from a sound acoustician who works for Reverberations/Starry Studios, a company that provides noise/sound analyses.

Tonight's Discussion: Tammy: Test was done on June 11th at 7:00 am. The report is dated June 12th. Started with sound system and produced white noise and started measuring inside the wedding barn and moving outside to the road and along the road in intervals of 10 feet. He presented a chart of readings from 35 locations based on the white noise at 100 decibels, 105 decibels and 110 decibels. KT: we don't have a noise ordinance or zones. The guidelines that are presented in the report talk about the

abutting use; so even though the property involved houses a business, the abutters are all residences. Tammy stated she will purchase a wall mounted decibel meter for inside the Barn and limit the decibels to 90, so the 100 decibel findings are the most pertinent here. The State guidelines cannot be used as standards to be met in this case, but they do give us some sense of the decibel level that will be generated. HO: we can't argue with the test that was done. Tammy: We are getting double paned glass, none of the windows will open, just the door in the front and trees have been planted in front as a buffer. HO: I feel all of this has been met. RJ: we don't have a noise ordinance or zones. KT: It's a subjective item and Tammy is monitoring herself using 90 decibels. The findings provided to us are taken at 100 decibels and ranges from 35.5 to 45.9 dbA. DH: The sound measurements were taken inside and outside building and the reading's fell below the State residential guidelines. If she lowers the noise source inside from 100 to 90 dbA, you will see a reduction at the property line. She will be below the Residential State Guidelines. I feel she is doing all she can and then some to appease the noise concern. *Motion that if the applicant follows all of the recommendations in the 6/12/2016 report, the noise Standard 5.A.23 will be met. Following those recommendations will be a condition if the application is approved. RJ/ HO – Unanimous.

5. A.21: Tonight's Discussion: KT: This item was not tabled, but for clarification, what are your plans for the Waste facility? Last month both a dumpster and the Town Transfer Station were mentioned. Tammy: We will have a dumpster and will not be using the town transfer station.

5.A.27. *05.17.16 meeting we had a 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 this Site Plan Review Ordinance and all other Town ordinances. DM/BD – Unanimous.*
Discussion: All agreed to leave this until the end of the proceedings. (SEE FINAL DECISION BELOW)

RECAP: KT: In our minutes, Findings of Facts (F.O.F.) have been documented throughout the deliberations. All of those Findings of Facts and Conclusions have been printed in one document, **SUMMARY OF FINDINGS AND CONCLUSIONS AS DOCUMENTED IN MINUTES OF THE PLANNING BOARD** for ease of review. KT: (1) of the abutters had a question about the time limit in the Ordinance and it does state under Section 4 A. Application: that a decision should be made within 45 days of Public Hearing and 90 days of receiving application if a Public Hearing is not held. There is no definition for the meaning of **days**, but we looked into it and the standard practice for Select Board and the Planning Board has always been **business** days. The Town Office is only open 4 days a week and not on weekend days.

*Motion that if the application is approved or approved with conditions, a condition will be that Review Standard 5A.27, of the Otisfield Site Plan Review Ordinance is accepted by the Planning Board as met. SB/BD – Unanimous

***Motion to APPROVE Tammy Ray's Site Plan Application, DBA Wedding Barn, 439 Gore Rd: Tax Map R04 Lot 021 WITH CONDITIONS:**

- 1) The inside noise level be maintained below or at 90 Decibels.
 - 2) Because of concerns of traffic safety, a sign be added at the applicant's expense facing east before the curve on Gore Road approaching the property from the east indicating a blind driveway ahead.
 - 3) All recommendations of sound acoustician be followed as detailed in his report dated 6/12/2016.
 - 4) All recommendations of the Fire chief be followed as stated in his letter dated 2/16/2016.
 - 5) Review Standard 5A.27, of the Otisfield Site Plan Review Ordinance is accepted by the Planning Board as met.
- SB/HO –Unanimous.

Discussion: *KT will finalize the Summary of Findings of Facts and Conclusions document to include the F.O.F.'s approved at this meeting. A letter will be sent to Tammy Rae documenting the final decision and the conditions to the approval. The letter will include a copy of the recommendations of Paul Butler, the Acoustician, and the recommendations of Kyle Jordan, the Otisfield Fire Chief, referred to in the Conditions of Approval for which the applicant will be held responsible.

TONIGHTS PUBLIC SUBMITTALS:

- (1) EMAIL from Julie Gordon, *Gore Road, Oxford* resident since 2004, dated: June 17, 2016
- (1) EMAIL from Charity Johnson, Otisfield resident. Dated: June 21, 2016.
- (1) NEIGHBORS' LETTER who could not attend tonight submitted from Jennifer Becker
- (1) HEALTH PACKET ON NOISE, submitted from Jennifer Becker.

9. Subdivision Applications:

A. None.

10. Upcoming Dates:

A. Planning Board Meeting July 19, 2016 at 7:00 PM.

11. Discussion & comments from Code Enforcement Officer:

A. No Shoreland Zoning Issues.

12. Discussion & comments from Board:

A. None.

13. Unfinished Business:

- A. Sign clarification/verbiage in RBB and Site Plan Review need to be looked at.
- B. Site Plan Determination form.
- C. Planning Board Policies and FAQ need review.

14. Adjournment: With no further business, the regular meeting was adjourned at 8:40 PM. HO/SB – Unanimous.

Respectfully submitted,
Tanya Taft, Secretary

Approved by: Karen Turino, Chair
Otisfield Planning Board
Approved on: July 19, 2016