



TOWN OF READFIELD

8 OLD KENTS HILL RD. • READFIELD, MAINE 04355
TEL. (207) 685-4939 • FAX (207) 685-3420

PLANNING BOARD AGENDA Wednesday September 25, 2018

Public Hearing of September 5, 2018 Continues at 6:30

Application:

1. Readfield Planning Board will continue the Public Hearing at the Town Office, 8 Old Kents Hill Road beginning at 6:30 PM. The purpose of this Continued Public Hearing is to review any received comments regarding the complete application by Robert Bittar, who is requesting a zoning change for Lots 11, 12, 13, 14, 16, 17, 18 on Map 120 from a Rural Residential Zone to a Rural Zone. The proposed change from Rural Residential to Rural would allow a wide range of commercial, industrial and retail activities on the lots proposed for change. Rezoning would affect all the above referenced lots, including Mr. Bittar's. Lot owners could then seek a site review permit from the Planning Board for activities allowed in the newly proposed rural zone. The Public Hearing was continued to allow Board Members and the Public time to consider all the oral and written comments of the September 5th Public Hearing and allow time for additional written comments to be presented to the Board.

Application Requesting Approval as Complete:

1. NONE

Administrative Items:

- Review of Minutes for 8-8-2018
- Review of Minutes for 9-5-2018

Comments from the public are encouraged and welcomed. Written comments from the public will be accepted at the Town Office at any time; however to be placed on the agenda the submission shall be received 7 days prior to the next scheduled meeting. Comments received at a meeting shall only address items on the agenda and/or as deemed appropriate by the Chair. If you have any questions regarding this agenda or would like to be placed on a future agenda, please contact the Code Office at 685-3290 or e-mail readfield.ceo@roadrunner.com.

Next scheduled meetings: September 26, and October 10, 2018

To: The Readfield Planning Board

Re: The application to rezone Lots 11, 12, 13, 14, 16, 17, 18 on Map 120

September 9, 2018

I would like to add to the public comments that pertain to the application by Robert Bittar. I attended the Public Hearing on September 5th because I believe in the benefits of increasing the cultural offerings of Readfield, and I am very much in favor of increasing live music offerings in the area.

After attending the Public Hearing, listening to views from both sides of this issue, and doing my own research, it is my opinion that the Planning Board should reject Mr. Bittar's application. Although I feel that there is great value in the project Mr. Bittar is ultimately planning, the town of Readfield has developed a thoughtful plan for responsible, future development of land in the town, which is laid out in the town's Comprehensive Plan. An important part of writing the Plan was updating the Land Use Ordinances to better protect Readfield's rural character and natural resources, protect existing property values, and address development sprawl in the town. The zoning change that Mr. Bittar has requested is contradictory to the goals of the Plan in several ways.

A stated policy in the Plan is to "direct projected growth to areas most suitable for development and that possess relatively few severe or significant natural resource constraints". The Lots identified in the application are directly abutted, on several sides, by Resource Protection areas. Additionally, those Resource Protection areas account for a significant portion of the land in the small area that the Lots belong to. Although the Resource Protection zoning would not be affected by the change, allowing new commercial development on adjacent land would not be aligned with the goal of protecting Readfield's natural resources.

A specific goal of the Plan is to "encourage the orderly growth and development in appropriate areas of the community while protecting the rural character". The Plan recognizes the value of small, local businesses in growing the town's economy. However it also recognizes the undesirable impacts those businesses can have on neighborhoods and the importance of balancing economic growth and protecting the existing community character. To that end, the Plan designates specific areas to be utilized for commercial growth. There is still much opportunity available in those designated areas, and therefore there is little need to rezone additional land to allow commercial development at this time.

As a final point, the Lots in question are also part of an established neighborhood/residential area; the area enclosed by Giles Road, Old Kents Hill Road, and Route 17. The Lots in question are not so distinct or isolated that they should be considered separately from that larger area. Based on the Plan, that area is appropriately zoned as Rural Residential, which is "generally

located along major roadways and serves primarily low-density residential housing". Whereas the Rural designation is "intended to preserve existing rural development patterns of mixed, lower density land use". Rezoning the area to Rural would not be aligned with the purpose of that designation, since those Lots are already developed as residential areas, and there is not a pattern of mixed land use to preserve. Instead it would change a neighborhood into a potentially commercial area.

Thank you for your consideration,

Mitch Levesque
Wayne, ME

Readfield CEO

From: Eric Dyer <readfield.tmgr@roadrunner.com>
Sent: Monday, September 10, 2018 10:10 AM
To: CEO and LPI
Subject: FW: [Readfield ME] 26 Mill Stream Road " CONCERT BARN" (Sent by Phyllis & Roland Cote, phyllisann180@gmail.com)

FYI

-----Original Message-----

From: vtsdmailer@vt-s.net [<mailto:vtsdmailer@vt-s.net>]
Sent: Sunday, September 09, 2018 6:36 PM
To: readfield.tmgr@roadrunner.com
Subject: [Readfield ME] 26 Mill Stream Road " CONCERT BARN" (Sent by Phyllis & Roland Cote, phyllisann180@gmail.com)

Hello edyer,

Phyllis & Roland Cote (phyllisann180@gmail.com) has sent you a message via your contact form (<https://www.readfieldmaine.org/user/37/contact>) at Readfield ME.

If you don't want to receive such e-mails, you can change your settings at <https://www.readfieldmaine.org/user/37/edit>.

Message:

hello Mr. Dyer, Roland & I just sent an email to Mr. Quintal about our view of the happenings at 26 Mill Stream Road with Mr. Bittar and hopefully we are not too late to let you know that we are TOTALLY AGAINST EVERYTHING HE IS DOING! We have heard that Mr. Bittar has been saying that we as owners of 20 Mill Stream Road are fine with what he is doing and we want you to know that we are NOT OK with any of it!

We like music and the music is not the issue - All music is beautiful but when you play it in a residential neighborhood loud enough for your neighbor(s) to hear, it becomes a disturbance of the peace and a public nuisance.

We hope that Mr. Bittar is not allowed to get away with this because if he does, all of Readfield will be at risk!

We appreciate all that you have done and continue to do for Readfield and wish you the best!

Thank you, Phyllis & Roland Cote, 20 Mill Stream Road

Collection Clerk

From: Barbara McClure <grammybarbmaine3@gmail.com>
Sent: Thursday, September 13, 2018 11:00 PM
To: info@readfieldmaine.org
Subject: The Barn/Bob Bittar



September 13, 2018

Board of Selectmen
Town of Readfield
8 Old Kents Hill Rd.
Readfield, ME 04355

Dear Board Members:

The purpose of this letter is to voice our support for Bob Bittar and The Barn. After we retired 8 years ago, we moved to Readfield to be closer to our son Aaron McClure and his family who reside at 16 Poole Road. We have been very happy in Readfield, the town referred to several times at the Selectmen's meeting we attended on September 5th as a "hamlet."

I think of a hamlet as a small town where the people are friendly, loving and compassionate and who work together for the betterment of their town. I was disappointed at the tone of the meeting on September 5th. I detected little compassion for a man of nearly 80 years who has exhausted himself and spent thousands of dollars to build The Barn to honor his late wife and fulfill her dream of providing a music venue for the residents of the Town of Readfield and surrounding towns.

Yes, I understand that certain rules and regulations must be followed, but my impression is that there is an unnecessary amount of nitpicking going on to delay Mr. Bittar's opening of The Barn. How about less legalese and more compassion for a near 80 year-old man and his late wife whose dream was to leave behind a beautiful music venue in the Town of Readfield?

My husband Larry and I spend much of our time following area musicians to various venues, including Readfield, Augusta, Hallowell, Winthrop, Belgrade, Boothbay Harbor, and Portland. It would be wonderful to draw these musicians and their followers to Readfield! (And, the tax income derived from The Barn would certainly benefit the Town of Readfield.) We are very much in favor of Bob Bittar and The Barn.

Very truly yours,

Barbara McClure

Matt Nazar
62 Old Kents Hill Rd
Readfield, ME 04355

August 27, 2018

Readfield Planning Board
Readfield Selectboard
8 Old Kents Hill Road
Readfield, ME 04355

Dear Board Members,

Thank you for the volunteer work you do and I want to specifically single out the outstanding job Paula Clark did last night managing a difficult meeting with people passionate about the issue on both sides. I also want to say how difficult it is for people who are friends and neighbors to find themselves on opposing sides of an issue where the stakes have grown so large that it's resulting in real division in the community. All of us love Readfield. That's why we chose to live here and stay here. I raised two children here in the past eighteen years and hope I'll be here for the next thirty years in the same spot.

It was difficult to hear Mr. Bittar speak disparagingly about existing business owners in Readfield by saying that no one with any money or who knows anything about making money would ever start a business in Readfield. I love Readfield and I appreciate the businesses that are here. The Apple Shed, Saunders Manufacturing, Readfield Family Market, The Weathervane, Tallwood Design, Kents Hill School, Ray Construction, Belle Vue Farm, Creative Conservation, Elvins Farm, Great Northern Motor Works, Clark's Custom Cabinetry, Matthew's Furniture (which has recently changed names), and many skilled trades people, professional services, and other small businesses in addition to The Emporium make Readfield's economic activity quite healthy for a small community of 2,500 people. We are not, and never will be, a center of booming commerce. We are on the outskirts of two service center communities - Winthrop and Augusta - and need to focus our economic development energy on the niche businesses we can support. I'm an active patron of many Readfield businesses and would support more business in the parts of town that already have businesses and are zoned for business uses. My professional experience tells me that, as a community, we can best capitalize on and protect the investments of residents and other businesses by encouraging new businesses to locate in our villages, not in our residential neighborhoods. That's also exactly what our Comprehensive Plan, adopted by Town Meeting in 2009, says we should be doing.

Some people suggested last night that those who are opposed to this rezoning that allows a huge number on new commercial uses along Mill Stream Road are being unreasonable, untruthful, threatening, and are a group of elite curmudgeons who can afford to take their kids to Merrill Auditorium and want to deny the people of Readfield a place to gather and hear music or see performances. Nothing could be further from the truth. I would be an active advocate for a music venue or cultural center in the middle of the Readfield Corners area, where both the Comprehensive Plan and the zoning encourage this type of use. **We have one of the most beautiful historic buildings in central Maine on Church Road - the Readfield Meeting House - in the Readfield Village zoning district that could be a perfect venue for artists and musicians.** The old Cornerstone Cafe across the street from The Emporium is an

ideal location for a venue similar to what has been described as desirable. The Weathervane restaurant is currently for sale and can also easily serve as a cultural hub.

Eighteen years ago when I moved to Readfield, I looked at the Comprehensive Plan and the zoning when I was looking for a home. I looked at ten properties. One was in the Depot, four were in the Readfield Corners village, one was up on Kents Hill, and there were a few in rural areas. I chose the Old Kents Hill Road neighborhood because it is one of Readfield's few true residential neighborhoods and the beautiful historic homes within walking distance of downtown were a real draw. I also knew that the plans, policies, and zoning were in place to protect my investment. I am not a wealthy person and I come from a family of very modest means. I have one home. I can't afford more than one, so my investment decision was very important. I'd love to own a half mile of lakefront property in a Maine community or oceanfront property in another state where I could escape Maine winters, but I'm very satisfied with and very proud of my one home in a beautiful residential neighborhood in Readfield. I want to be able to continue to enjoy it without Mr. Bittar's business proposal dramatically changing it or any of the other possible commercial uses in the proposed Rural zone changing it. The activity there has already changed the residential nature of the neighborhood through the concerts he has already held with the added traffic, noise, and potential environmental degradation it poses. Mr. Bittar stated that he would place a deed restriction on his property preventing it from being used in any way other than the way he intends to use it. Given that I'm not sure what uses that is, I'm not comforted by that. And since he has repeatedly stated that his businesses make no money at all, and he supports them out of the joy of being in Readfield, the idea that a property in Readfield will be limited by deed to being a business with a model that is a proven failure simply means that once his heirs own it, the only way they will be able to sell the property will be to remove the deed restrictions and sell it for some other commercial use or allow it to fall back into disrepair.

And now for the legal stuff. Maine towns that have zoning are required by state law to have a comprehensive plan. The zoning that the community adopts must then be consistent with the comprehensive plan that they adopted. Zoning has a profound effect on what for most people is the largest investment they will ever make. Ensuring that zoning regulations are predictable and that the process for adopting them follows a logical plan protects everyone's rights. Mr. Bittar has chosen to repeatedly ignore the verbal and written statements of town staff, the Planning Board, and neighbors during the last five years that he's owned 26 Mill Stream Road that the only legal use of his property is as a single family home and that any other use would need to follow a significantly different process. While I believe it's clearly possible for an individual to navigate our democratic and regulatory processes without an attorney, this is clearly a case where a little legal advice from an attorney he hired to advise him would have served Mr. Bittar well five years ago.

Mr. Bittar's request is very specific, as it should be. The Boards do not have the authority to negotiate a different proposal with Mr. Bittar. If he wishes to make a different proposal, he will have to do that separately. That ensures that all citizens are afforded their rights in our democratic process, including Mr. Bittar. The proposal is to change the zoning on seven parcels from Rural Residential to Rural. The maps that were shown to the public last night would leave the shoreland zoning districts that are on parts of some of these parcels exactly where they are today. The Rural zoning district is significantly more permissive in the commercial uses that it permits and importantly, the owner of the largest property in the proposed rezoned area is opposed to it and provided that opposition to the Board in writing. Mr. Bittar's proposal will dramatically change the uses that will be allowed to occur in close proximity to a beautiful, quiet residential neighborhood, decreasing property values and bringing commercial activity to the neighborhood. And despite that dramatic addition of new commercial uses to the area, I still have no idea if Mr. Bittar's use would be allowed, as I cannot get a straight answer about what exactly it is he plans to do. The Land Use Ordinance has a

list of allowed uses, and written definitions of those uses. I have no idea which one or ones he intends to do.

The Comprehensive Plan was created by local residents in open public meetings, with public input, and then adopted by the Town Meeting in 2009. It is a democratically created, legally adopted document providing a foundation for Readfield's collective future that cannot be ignored. It can be updated and modified through a detailed legal and public process, but it can't be ignored.

Page 11 of the 2009 Comprehensive Plan discusses the Future Land Use Plan, which is the most important part of the plan with respect to land uses in the town. It states:

"Encourage orderly growth and development in appropriate areas of the community while protecting rural character, making efficient use of public services and preventing development sprawl.

Promote and maintain the character of Readfield's villages.

Assure that new commercial and industrial uses are well designed, do not negatively impact the environment or neighboring properties, do not overtax roads, and other public facilities and services and are harmonious with the visual environment"

This proposal pulls development away from the villages. This is not orderly growth, and is commercial development sprawl. Mr. Bittar's business in addition to the other rezoned parcels when they commercially develop could easily impact Mill Stream and Maranacook Lake with runoff and leachate, would severely overtax an unpaved public road leading to increased taxes, and would not be harmonious with the existing visual environment, which is woods, streams, and residences today.

And it seems clear at least to me that the reason the lots inside Factory Square are zoned for the low impact uses in Rural Residential is due to the very real concerns about the potential environmental impact of intense commercial uses in very close proximity to Mill Stream flowing into Readfield's environmental crown jewel - Maranacook Lake. Lake water quality is critical to maintain, and protection of that water quality requires caution when allowing high impact uses along Maranacook's major tributary stream.

Page 12, Item A.6 states:

"Protect residential neighborhoods and existing commercial areas from potentially incompatible commercial and industrial development..."

The Old Kents Hill Road and Factory Square area is an exclusively residential area. Introducing one commercial use, an event center/pub/bar/children's theater/etc designed to hold upwards of 250+ people, and designating four other developable lots for a very wide variety of commercial uses in a Rural zoning designation is a dramatic change in the character of the residential neighborhood. And it has been a nearly exclusively residential neighborhood for over 100 years.

Page 13, last paragraph states:

"This plan recommends maintaining the existing Rural Residential District and splitting the existing Rural District into two districts as follows:"

Clearly this proposal is in direct contradiction to this section of the Comprehensive Plan as this area has been zoned Rural Residential for years before the current plan was adopted in 2009.

Mr. Bittar's proposed amendment is not consistent with Readfield's adopted comprehensive plan and should not be allowed to move forward to the voters. It is my understanding that the Boards are not required to place items on the town warrant that would clearly be overturned by a court.

In addition to being inconsistent with the 2009 Comprehensive Plan the proposal clearly meets the legal definition of a "spot zone", which is illegal. In *City of Old Town v Dimoulas* in 2002, the courts held that spot zoning is illegal in Maine if 1) a limited area is rezoned, usually for the benefit of a single owner or special interest, 2) the rezoning is inconsistent with the comprehensive plan. Mr. Bittar's request for a rezoning is an illegal spot zone, unrelated to the surrounding zoning districts and the town should not encourage law suits against the town to benefit this one owner by providing him a new place of business in a location where no businesses exist. Mr. Bittar's use belongs in one of the existing village zoning districts for many reasons.

I believe Mr. Bittar's property also has a shoreland zoning problem. Based on overlaying the shoreland zoning maps with the aerial tax maps, half of the original building on the lot is in the existing Resource Protection zoning district. The Land Use Ordinance states in Article 7, Section 3(C) that on lots split by a zoning district the requirements for each district apply to the portions of the lot that they are located on. If half of the original building is located in the Resource Protection zoning district, as it clearly is, the commercial use of this half of the building, where the bar is located, is not permitted. Mr. Bittar's proposed zoning change does not address this issue in any way.

On a number of other issues unrelated to the zone change, I sincerely hope the Selectboard takes some action. First, Mr. Bittar has buried his water line, undoubtedly with electrical wire to run the pump, under a public road and it's my understand that was done without municipal permission. This is a very real hazard to future municipal employees or contractors doing work on the road. Digging in to a live electrical wire is dangerous and I doubt DigSafe was notified of this new line. Additionally, it would seem that anyone wishing to dig up a public road and bury private utilities in that road needs municipal approval.

Mr. Bittar's existing building is not constructed to meet fire safety codes and did not get a construction permit from the State Fire Marshal's Office. The building would be required to be sprinkled, have emergency lights, have proper, lit exit signs, have doors with appropriate hardware that open easily in the case of a fire, etc. While it sounds dramatic, the Station Fire fifteen years ago was a similar situation and 100 people died when they were unable to exit a building that did not meet fire codes. In this building, if the power goes out, or a fire cuts power to the building, there will be a room full of people plunged into total darkness with tables and chairs everywhere between them and a safe exit. I'm very concerned for people's safety. Of all the permits necessary to be obtained, the State Fire Marshal's Office permit is clearly the most critical for public safety.

Mr. Bittar's well does not meet public water supply standards and cannot be used for drinking, ice making, or preparing food.

Mr. Bittar's septic system is not designed for the crowds that have already attended concerts at the facility. It is not a residential system, but could easily be overwhelmed by 100 people at a concert drinking and flushing over the course of 3-5 hours. That will result in the system

backing up and spilling out into the building creating both a public health hazard and an environmental hazard to Mill Stream and Maranacook Lake.

Mr. Bittar continues to call this property his home including in the newspaper today. No one using any common definition of that term would agree. The building is designed as an event center with a commercial kitchen. Mr. Bittar holds concerts and events at the facility and lives at his home in North Monmouth during the summers. If he has slept at the Mill Stream property, it has been no more than a handful of times in five years. In the winters, it's my understanding that he lives in his oceanfront home in Florida. And even if someone did drastically stretch the definition of a home, the primary use of this site is as a concert venue today. I read in an email from one of Mr. Bittar's supporters that it is hoped that this winter the Emporium will locate here, becoming a restaurant and bar with a commercial kitchen that does not have potable water according to his state permit. People are most certainly allowed to have an occasional party at their home with their friends. That's called an Accessory Use and is defined in the Land Use Ordinance as a use that is clearly secondary and incidental to the primary use of the property as a home. This property is designed as an event center with events planned for 3-5 days a week year-round, not as a home that hosts an occasional party. And while Mr. Bittar is quick to say he does not charge for these concerts, he has also pointed out in his Facebook posts that he has a "donations bucket". That's semantics.

Finally, if Mr. Bittar is allowing BYOB at his event center, he may be violating state liquor laws that require a liquor license for Bottle Clubs, as they are called in state law.

I respectfully ask that both the Planning Board and the Selectboard find that the proposed rezoning is both inconsistent with the Comprehensive Plan and spot zoning, making it unable to be placed on the town warrant as the citizens cannot be asked to take an illegal action. I also ask that the the Selectboard enforce the local ordinances and make state agencies aware of potential violations of state laws, especially those that place the lives of visitors to the facility at risk. If a fire were to occur, not only would the lives of those inside be at severe risk, so would the lives of our volunteer fire fighters. It is unconscionable for a business owner to place patrons' and firefighter's lives at risk in order to save a dollar in design and construction regarding fire safety.

Sincerely,

Matt Nazar

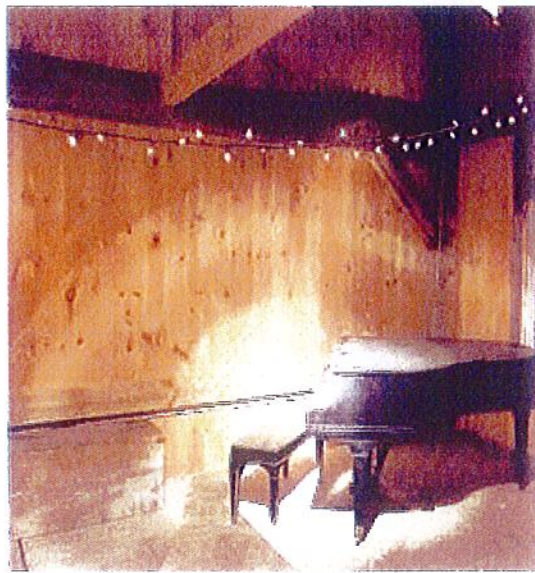
Readfield CEO

From: Matt Nazar <matt.a.nazar@gmail.com>
Sent: Thursday, September 13, 2018 9:46 PM
To: readfield.tmgr@roadrunner.com; Gary Quintal
Subject: 26 Mill Stream Road
Attachments: image1.jpeg; Untitled attachment 00015.txt; image2.jpeg; Untitled attachment 00018.txt

You know all of this, but in case it helps, here are more photos. I walk the loop most days with my dog both in the early morning (6am-ish) and often in the evenings. Based on my observations, Bob began sleeping at the 26 Mill Stream Road property last week, on the day the Betty Adams article was published and has slept there each night since. The way I've been able to tell is that he has two Subarus and for the entire summer, only one was there each night, while the other he used to live at his home in Monmouth. This last week, both Subarus are there at 6am.

Over the summer, I've also seen one of his Subarus parked regularly at his home in Monmouth on my bike rides. One of my very regular cycling routes is around Maranacook and Annabesacook Lakes, taking me right past his Monmouth home. I've been riding that route for 4 years and only this year realized it goes right past his home in Monmouth.

The "house" has been entirely converted to a pub with a bar and tables. The hall is the passage between the pub and the barn. The area to the left of the hall, behind that wall, is the commercial kitchen that is strategically placed between the pub and the barn so it can serve both locations easily.









Readfield CEO

From: Matt Nazar <matt.a.nazar@gmail.com>
Sent: Thursday, September 13, 2018 9:29 PM
To: readfield.tmgr@roadrunner.com; Gary Quintal
Subject: 26 Mill Stream Road
Attachments: image2.jpeg; Untitled attachment 00039.txt; image3.jpeg; Untitled attachment 00042.txt

Not sure if you guys have seen his redesigned barn Facebook page called "Helen's Barn". See the attached photos... he has stated that he's winterizing the barn and now planning concerts through the entire winter.

Matt

Home Posts Reviews Photos About Community Events



Helen's Barn



Tuesday at 4:56 PM · 🌐

Dateline: Readfield, Maine Sept 10 2018

HOUSE CONCERTS ARE LEGAL!

Youngsters and teens... biggest Readfield Halloween Fantasy Bash ever
November through June concert schedule being prepared.

Gonna be a terrific Winter.

The Barn is being Winterized. Wanna help?



15

4 Comments ▾

Like Comment Share



Helen's Barn



Sunday at 2:16 PM · 🌐

Saturday Night. -

National winners of country band competitions. Lost and Found unloaded their vans with a truckload of equipment and began to fill the barn with sounds that rocked it with southern rhythm. Lost and Found have a home. This Litchfield band - two lead guitars a bass and a wow drummer. This is a very experienced group. They begin with Boogie in my Woogie. This rock blues was composed by a Harlem women in 1945. The lyrics have little to hide. And these gals are terrific. Great harmony. Sassy with style and rhythm. Good country favorite - "Help me make it through the night" performe in a deep melodic flow... then without a pause into a country rockin song about racin a 55' ford.



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Helen's Barn

...

Wednesday at 7:19 AM · 🌐

September 2018 House Music in Helen's Barn

Thursdays Simon Quist Grateful Dead Series 6th, 20th, 27th

* SEPT. FRIDAYS

9/7 Ed Desjardins & guest performers

9/14 The Rubber Band

9/21 Stan Keach

9/28 Evan Haines

* SEPT. SATURDAYS

9/1 Budaka

9/8 Lost & Found Band

9/15 Mary Murphy & Fred Aberle

9/22 George Morley

9/29 David Bailin

*** OCTOBER 2018 ***

OCT FRIDAYS

10/5 Bob Caldwell

10/12 Budaka

10/19 Ed Desjardins

10/26 Jazz Night Featuring Mary Murphy, Jesse Feinberg, Dave

Thibodeau, Dan Perkins

* OCT* SATURDAYS

10/6 Ronda Dale

10/13 Redbird Duo

10/20 Zesty Band

10/27 LaTCH (Halloween Party)



3

1 Share



Like



Comment



Share



Helen's Barn

...

Tuesday at 4:56 PM · 🌐



READFIELD PLANNING BOARD

Minutes of Wednesday, September 5, 2018

Planning Board Members: Paula Clark, Jack Comart, William Buck, Jay Hyland, Don Witherill, James Schmidt

Others Attending: Gary Quintal; CEO, Kristin Parks; Board Secretary, Eric, Dyer; Town Manager of Readfield, Clifford Buuck, Robert Concannon, Nunzi Graziano, Robyn Graziano, Theresa Cloutier, Michelle Cameron-Doughtey, Mike Crespi, Ed Desjardins, Tae Avezada, Phillip Avezada, Kim Whitman, Wayne Whitman, Harry Grimittiz, Julie Smith, Les Priest, Phil Tedrick, Patty Morris, Rita Alfonso LaBabbera, Leah Hayes, Flo Drake, Judith Beck, Stephen Langsdorf (Town Attorney), Grade Keene, Karen Peterson, Barbara McClure, Larry McClure, Ed Sims, Will Harris, Bonnie Harris, Linda Tukey, James Tukey, Brian Kavanah, Grace Kavanah, Shaun Wells, Bethany Wells, Erin Dunning, Kevin Ellingwood, JoEllen Lincoln, Robin Desjardins, Charles Moen, John Jones, Elizabeth Wilkins, Alexander Thrarog, Kasey Knightly, Jon Knightly, Leif Matson, Jessica Gorton, Sandra Rourke, Mitch Levesque, Pam Osborn, Holly Dominie, Ellen Bowman, Emily Bley, Aaron Neily, Deb Doten, David Trunnell, Simon Quist, Bob Bittar, John Jones, Matt Nazar, Lanie ?, Kathy Landrom, Matt Germaine, 2 illegible names

Meeting/Public Hearing called to order at 6:38 pm by Paula Clark.

Paula Clark gave a brief introduction on the zoning request that Mr. Bittar has submitted and the process for considering the request and the purpose of the hearing. This public hearing is specifically for the zoning request. Issues such as noise, occupancy, sewer and so forth are not part of the consideration of the zoning request and would be discussed in another faze. The zoning change would change the Land Use Ordinance. The Comprehensive Plan will play a role in the requests consideration. A decision will not be made at this meeting and a meeting will be scheduled for the planning board's deliberation and developmental recommendation.

The petition that was circulated and special town meeting request will be in consideration at the Select Board meeting on September 10, 2018.

The specific request is from Rural Residential to Rural and there can't have any stipulation added to the rezoning.

Eric Dyer, Town Manager: Presented maps on the projector/screen of the current zoning maps and the changes to the zoning maps being proposed.

Bob Bittar: Spoke that he would find a way to have a written statement that the property will only be used for residence or community center/club if he ever sold. Mr. Bittar voiced his opinion on how he sees no possibility of anyone putting a gas station on any of the proposed lots that are proposed of being changed. He also spoke on how he let the trails/conservation use part of his land for the dam project. He spoke on behalf of his late wife, Helen and the dream she had for the property and how they got where they are now. He mentioned all the entertainment he has lined up and the potential people who say they are going to come and perform. The nature of the building is a meeting house, parks and recreation, outdoor recreational facility and music venue.

READFIELD PLANNING BOARD

Eric Dyer, on behalf of the Town Parcels & Roads: Review of the Proposed Zoning Change and Associated Uses in the Mill Stream Area documents that were presented to the Planning Board and to the public and his proposal to not continue with consideration of the proposed zoning change.

Will Harris, abutter located at 26 Old Kents Hill Road: He likes music, he plays music but this is a hard thing for him. Why rezone if he is already doing what he is doing? Spot rezoning is being done and the Planning Board should think hard about this. Voiced his concerns that there are no guarantees that changes won't be made that would affect the abutting properties.

Matt Nazar, 62 Old Kents Hill Road: For the past couple of weeks he has heard the music and events that have been going on at 26 Mill Stream Dam and as he isn't a direct abutter he is a good distance that he's able to hear everything. Spoke on the Comprehensive Plan and if this particular zoning plan should be changed in regards to the plan. The area is in heavy resource protection and wetlands protection zones. The change is inconsistent with the Comprehensive Plan that is in place for the Town of Readfield. Mr. Nazar is still unclear on the proposed use of the property and if the zoning is appropriate for the use Mr. Bittar is proposing.

Robin Graziano, Old Kents Hill Road: Asked for clarification of the zoning uses of the current zoning and changes to the rezoning and what is allowed and not allowed.

Ed Sims, 55 Old Kents Hill Road: Spoke that he has been away for the past 2 weeks and hasn't heard any events but he has been able to hear discussions/conversations that happen at the proposed property. He has since returned and has been able to hear the music at his property. Opposed as he feels it ruins the peaceful/quietness of the neighborhood.

Phil Tedrick, Touisset Point Road: Has known Bob Bittar for about 20 years and feels the Emporium is great in town and feels that providing a performance venue like the barn in the town is a good idea and he supports Bob's project.

Emily Bley, 27 Giles Road: Spoke that she hasn't heard much noise since the construction has stopped and has been present at both events. She feels that there is no noise issue in the area.

Aaron Neilly, Thundercastle Road: A beautiful venue and a lot of towns would love to have this in their town.

Casey Knightly, Old Kents Hill Road: Asked if there was a noise ordinance and doesn't understand why the noise is an issue. Also asked about the zoning areas and how certain things are in zoning areas that they are around the town.

Simon Quist, Readfield Resident: Asked who is going to make the final decision on the change of the zoning.

Stephen Langsdorf, Town Attorney: Gave a brief overview of the process of the petition and rezoning process and the Planning Board and Select Board process. They are only looking at the zoning change and making the recommendation. Not specific to any plans of use for the property. All has to be consistent with the Comprehensive Plan and compatible with the zoning uses of those who live there.

Karen Peterson, Winthrop Road: Opposed to the rezoning, doesn't feel that any of those listed uses are allowable under the Comprehensive Plan and are not compatible with the Land Use Ordinance.

READFIELD PLANNING BOARD

David Trunnell: Asked for the email from property owner that was submitted to be read located at Map 120/Lot011. William Buck read the email on behalf of the property owner. He is a new member of the Economic Committee and feels that this committee will help with decisions like this for the town in the future.

Theresa Cloutier, Readfield Resident: Feels necessary noise is good so we can continue to grow and change and make it so new blood and children want to be in Readfield.

Leah Hayes; works at Emporium, Mount Vernon Resident: Asked about the process so the questions can get on the ballot.

Lanie ?, Readfield Resident: Doesn't understand the opposition, the problem or how the rezoning would make any issues.

Holly Dominie, Old Fairgrounds Road: Finds it irresponsible that the people pushing the proposal have already done what they want to do with the property. Has no issue with the kind of venue being proposed provided that it's in the right zoning area. She feels that the Town staff and boards should be shown consideration for doing their jobs and following the rules.

Kathy Landrom, Old Fairgrounds Road: Happy to hear about the Economic Committee and feels more businesses in town area is a great idea. She would like to see the Emporium supported by the town.

Simon Quist: Asked the Planning Board what ways weigh heavier by spoken word or written.

Julie Smith, Readfield Resident: Asked how the Comprehensive Plan was modeled. Asked about grandfathered properties and how some businesses are under similar zoning areas.

Bonnie Harris, Old Kents Hill Road: She and her husband, Will, have been coming to these meetings for the past 5 years and how he was advised by the past town manager, Stefan Pakulski, to get a zoning change. Asked if it doesn't get past, why go through the process if Bob is going to do what he wants to do anyway.

Follow up remarks from previous people who have spoken on some clarification of the zoning and what will happen in the future.

John Jones, Maine resident: Spoke that he plays music at the Emporium and loves Readfield and also loves the Barn. He wanted to know how to change the Comprehensive Plan. Was told there is a process and it's a lengthy not quick process.

Ellen Bowman, Thundercastle Road: Would like to see the music and arts happen as it will be good for the community.

Matt Germaine: Create a visual flow chart that would show the procedural process for future meetings and steps of the process to clarify it.

Public Hearing closed to comments at 9:10 PM

Mr. Dyer spoke that by Friday the Select Board agenda will be available to see where this falls on the agenda.

Planning Board agreed to keep the record open for comments until the close of business on September 17th at 4:30 PM.

Next meeting scheduled to continue the Public Hearing on Tuesday, September 25, 2018.

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Motion by William Buck to continue the hearing on Tuesday, September, 25th at 6:30 PM.
Seconded by James Schmidt. **Vote** 6-0 in favor.

Application:

1. Readfield Planning Board will conduct a Public Hearing at the Town Office, 8 Old Kents Hill Road beginning at 6:30 PM. The purpose of the Public Hearing is to receive comments regarding a complete application by Robert Bittar requesting a zoning change for Lots 11, 12, 13, 14, 16, 17, 18 on Map 120 from a Rural Residential Zone to a Rural Zone. The proposed change from Rural Residential to Rural would allow a wide range of commercial, industrial and retail activities on the lots proposed for change. Rezoning would affect all the above referenced lots, including Mr. Bittar's. Lot owners could then seek a site review permit from the Planning Board for activities allowed in the rural zone. The Public Hearing will be continued to allow Board Members time to review public comments, any additional Board requested material, and written statements meeting the Boards set time line.

Application Requesting Approval as Complete:

1. None

Administrative Items:

- Review of Minutes from 08-08-2018

Tabled to next regular meeting

Meeting adjourned at 9:20 pm.

Next scheduled meeting(s): September 25, 2018