

READFIELD PLANNING BOARD

Minutes of Wednesday, October 3, 2018

Planning Board Members: Paula Clark; Chair, Jack Comart, Don Witherill, William Buck, Jay Hyland

Others Attending: Gary Quintal; CEO, Kristin Parks; Board Secretary, Grace Keene, Ingrid Jensen, Alex Thrarog, Holly Dominie, Linda Tukey, James Tukey, Karen Peterson, Patrick Westberry, Bonnie Harris, Will Harris, Ed Sims, Romaine Turyn, Charles Moen, Julie Smith, Milt Wright, Pamela Osborn, Brian Kavanah, Theresa Kavanah, Jill Colvin, Bob Bittar, John Jones, Leah Hayes

Meeting called to order at 6:33 pm by Paula Clark.

Public Hearing of September 5, 2018 continues at 6:30 PM

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.

Paula Clark gave a brief introduction regarding tonight's Public Hearing and that tonight's meeting is for the continuation of the September 5, 2018 Public Hearing. The Planning Board is to review and make a decision on the application as a rezoning request/change and not about the use of the building or the petition process. Purpose of tonight's meeting is to continue the Public Hearing from September 5 and provide the opportunity for the Planning Board to deliberate on all the information that has been received.

Public Hearing opened at 6:45 by Paula Clark.

- **Bob Bittar:** Looking at the lots as he understand it there are several criteria for zoning changes. 1) Spot zoning: says it isn't spot zoning because it is more than one or two lots that would be changed. 2) Spoke on the legal process and says he doesn't care about the Barn, that the legal process is the only important thing. 3) Is this process compatible with the Comprehensive Plan: Found three areas that were really important for this particular petition and the lots: history and culture, economy and the quality of life to the town.

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- **Henry Whittemore:** Asked Planning Board if they had any reply to the spot zoning. Jack Comart responded that we are here to see if consistent with the Comprehensive Plan and not about spot zoning.
- **Child (Unknown Name):** Asked when the businesses/properties along mill stream went to residential zoning.
- **John Jones:** Asked to clarify who was making the decision on the spot zoning, Town Attorney or the Planning Board. Paula replied that the focus is on the Comprehensive Plan and the rezoning change and the spot zoning hasn't really been a big issue at this point.
- **Unknown:** Asked when the building was last lived in as a residence; 1990s is the last time someone recalls of someone living there.

Motion made by Don Wetherill to close the Public Hearing at 7:09 pm, **Second** by Jay Hyland.
Vote 5-0 in favor.

- Paula Clark gave clarification on the next step(s) in the process. Helpful to go through the general provisions of the comprehensive plan and talk about the relevance to the proposal.
- Paula Clark focused on some of the primary issues: Broadly at the proposal to make shift of lots from Rural Residential to Rural and not on the idea of a music venue. First things she looked at were future land use primary goals.
- Jack Comart, page 20 of LUO, incompatible land uses to have commercial development there. Page 30 of LUO: historical sites and resources. Historic sites of community site of adjacent property owner.
- Paula Clark, Page 48: general goal – allow for new commercial services to diversify, promote local jobs, scale of new uses.
- Paula Clark – Public utilities and services; Goals: to protect safety and character of towns transportation systems.
- Paula Clark - Chapter 8 – rural economic resources on page 111 – protect quality of towns natural resources; Shoreland, resource and natural.
- Paula Clark - Page 112, 1.4 – policy that seems most relevant – exceeding the minimum of Maine Shoreland zoning laws.
- Don Witherill – Page 13: Spoke about increasing growth opportunity.
- Jay Hyland- Page 14: may be better in the village district than what they were zoned in.
- Jack Comart – Mention that we heard from the 2 or 3 closest abutters and they are all opposing. Put self in position of someone who abuts activity they are permitting and how he would feel to the changes. If he was any of them he would not want this activity next to him. Comprehensive plan preserving Rural Residential district and directing incompatible activities elsewhere. Inconsistent with Rural Residential and what it is supposed to do and what people moved into. Doesn't see how it is consistent with the comprehensive plan, not just the music venue but opens up all the different activities that could be there. He recommends not approving the proposed rezoning. Process started 4

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years ago when Bittar came to the planning board stating that he was doing a single family residence and he assured the planning board that he was not intending to do anything else then. The planning board has asked him repeatedly to come before them before any other change that wasn't a single family dwelling. He was never misled by the planning board about this process.

- Paula Clark – Number of times of verbal communication about his proposal, advised in writing by the planning board to come and discuss what his plan was and make sure the appropriate approvals were in place.
- Don Witherill – Agrees with Jack Comart on how he looks at the neighborhood and it is a rural residential neighborhood. Used to be an industrial area but we look at what it is used for now. Natural resources and shoreland zoning– doesn't really see that this zoning change would be a negative to the stream and pond. Does have a concern on the character of the neighborhood and a significant impact on the neighborhood if changed to rural. Concerned with area residents and how the change would affect the area they live in.
- William Buck - Was up in the air about it but feels there is only one decision to make and that is it doesn't fit. Looking at the comprehensive plan he doesn't see how it could be passed on.
- Jay Hyland – Identifies with a lot of the same concerns as Paula. There are positive aspects that you can take from Mr. Bittar's comments like expanding job opportunities. The problem is the job opportunities don't fit in the rural residential area. Even with the outdoor recreation and all other positives, he is left with the fact that all direct abutters are against the zoning change.
- Paula Clark – Looking at this she can certainly understand the support for the music venue itself as a concept. Spending time reviewing the comprehensive plan and each of the pieces in the comprehensive plan that is relevant to the rezoning. It isn't a fit for any of these pieces and seems problematic in one way or another in all the areas. Incompatibility with the existing uses and character of the area. Property owners – their properties were proposed for rezoning without their agreement and they object to their properties being rezoned. This is a very big issue and the planning board needs to think hard about this. Serious concern of incompatibility of use and properties rezoned over property owners objections. Her decision is not to support the proposal.
- **Motion** made by Jack Comart that we not approve the proposed rezoning application that was submitted to the planning board from rural residential to rural, **Second** by Jay Hyland. **Vote** 5-0 in favor.
- **Motion** made by Jack Comart to recommend to the board of selectmen that they not approve the proposed rezoning proposal and recommend against the rezoning approval, **Second** by Jay Hyland. **Vote** 5-0 in favor.

Application Requesting Approval as Complete:

1. None

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Administrative Items:

- **Review of Minutes from 08-08-2018**

Tabled until next regular scheduled meeting

- **Review of Minutes from 09-05-2018**

Tabled until next regular scheduled meeting

Meeting adjourned at 8:04 pm.

Next scheduled meeting(s): October 10, 2018