



TOWN OF READFIELD

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

READFIELD PLANNING BOARD

AGENDA

Tuesday, May 25, 2021

6:30 PM

Public Hearings and Submission 6:30 pm:

1) **Public Hearing: 111 Mayo Road**. This application was open on 5/11/21, closed and scheduled for next public hearing 5/25/21. Submitted by Dawn and Scott Morash to construct a new 3290 sq. ft., 3 bed 2.5 bathroom year round home on Maranacook Lake and demolish the existing structure on the property. The property is located at 111 Mayo Road in the Shoreline Residential District identified on the Accessors map 134 lot 125

2) **New Submission: 26 Mill Stream Road - Safe Space Meeting House (SSMH)**: The application is a proposal to create a community center/club location. The proposal allows for a space designed for cultural events, meeting space and social gatherings. The application asks for the board to decide if the Community Center/ Club use fits within the Rural Residential district when allowed by Planning Board decision. The board is asked to judge the completeness of the application and move the request on to a public hearing. The property is located at 26 Mill Stream Road in the Rural Residential District identified on the Assessors map 120, lot 013.

3) **Public Hearing: 1146 Main Street**. This application was open on 5/11/21, applicant did not show (attend) and was continued to public hearing 5/25/21. Submitted by Aaron Neily to open a new Medical Marijuana Retail Dispensary under Readfield Marijuana Establishment Ordinance. The property is located at 1146 Main Street in the Village District identified on the Assessors map 120 lot 086

Administrative items:

- Review/approve minutes of May 11, 2021

Please note: due to COVID-19 restrictions this meeting will be held via web zoom/phone (see below):

Join from PC, Mac, Linux, iOS or Android:

<https://us02web.zoom.us/j/86327315730?pwd=TVBncExsOVZFS1dRVDVPNEd6cjJSOT09>

Or by Telephone: 1 301 715 8592 Meeting ID: 863 2731 5730 Password: 216751

You may also participate in the hearing at the Town Office at the scheduled times and sharing the large video screen which will be logged into the interactive website. The Planning Board will also accept written comments submitted by US Mail, drop off at town hall or emailed to ceo@readfieldmaine.org.

Comments from the public are encouraged and welcomed. They will be received at the time and in the order during the meeting as deemed appropriate by the Chair. Written comments from the public will be accepted at the Town Office at any time; however, they must be submitted by the Thursday prior to the next scheduled meeting in order for them to be considered at that meeting. If you have any questions regarding this agenda or would like to be placed on a future agenda, please call the Code Enforcement Office at 685-3290.

NOTE: Due to Town Election next scheduled meeting: June 9, 2021

READFIELD PLANNING BOARD

Minutes of Tuesday, May 25, 2021

Planning Board Members: Paula Clark (Chair), Jack Comart (Vice Chair), William “Bill” Buck, William “Bill” Godfrey, Jan Gould, Don Witherill, Henry Clauson

Others Attending: Clif Buuck (Interim CEO), Kristin Parks (Board Secretary), Ron “Chip” Stephens (CEO), Eric Dyer (Town Manager), Rob Corey, Kristin Collins (Town Attorney), Rob Schumacher, Samantha Morash, Bob ?, Aaron Neily, Dawn & Scott Morash, Eric Falconer, Matthew Nazar, Grace Keene, Justin Morgan

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

Public Meeting:

1. **111 Mayo Road.** This application was reviewed and opened for a public hearing on 5/11/21. The public hearing was closed and scheduled for further review on 5/25/2021. The plan submitted by Dawn and Scott Morash is to construct a new 3290 sq. ft., 3 bed 2.5 bathroom year round home on Maranacook Lake and demolish the existing structure on the property. The property is located at 111 Mayo Road in the Shoreland Residential District identified on the Assessor’s map 134 lot 125
 - Site visit was done May 11, 2021.
 - Demo of existing structure with replacement of new structure; still non-conforming on a non-conforming lot.
 - Concerns received from the Coreys, abutters; drainage of septic system from new driveway, tree removal and a natural buffer and new driveway is 3 ft. from property line.
 - The Morash’s have worked with the Coreys and a site survey was submitted and sent out on Monday, May 24th. The Coreys are satisfied with the Morash plans and water run off issue. A buffer is to remain between the properties.
 - Kristin Collins, Town Attorney, did not agree that it was allowable under the LUO to redesignate a portion of Mayo Road as a driveway and thereby reduce the road frontage from approx. 180 feet to 30 feet, thus making the non-conforming lot more non-conforming. Her opinion is consistent with that the opinion provided by MMA.
 - Morash may come back with a different proposal. He may pursue a variance request.
 - Suggested by Kristin Collins to withdraw the current application and resubmit with new LUO and setback changes or to table the application and see the outcome of the June 8 vote.
 - **Motion** made by Don to table the application, **second** by Jack. **Vote** 7-0 in favor.

New Application:

2. **New Application: 26 Mill Stream Road - Safe Space Meeting House (SSMH):** The application is a proposal to create a community center/club location for cultural events, meeting space and social gatherings. The property is located at 26 Mill Stream Road in

READFIELD PLANNING BOARD

the Rural Residential District identified on the Assessor's map 120, lot 013. Since the applicant was not present at the meeting, no action was taken by the Board.

Public Hearing:

3. **1146 Main Street:** This application was found complete on 4/27/21 and was scheduled for a public hearing on 5/11/21. Since the applicant was not in attendance on 5/11/21, the public hearing was continued to 5/25/21. Applicant Aaron Neily seeks to open a new Medical Marijuana Retail Dispensary in conformance with the Readfield Marijuana Establishment Ordinance. The property is located at 1146 Main Street in the Village District identified on the Assessors map 120 lot 086
 - Application found complete at April 27, 2021 meeting. Applicant not present for public hearing on May 11, 2021, public comments still made.
 - Brief summary presented by applicant who is no longer seeking to cultivate marijuana at the site. Application is now limited to retail only. Already has state license. The product will be coming from other sources.
 - Henry asked about security; applicant said motion lights will be installed along with a security system and a safe to lock up items every night. Another concern at public hearing was the location being in the center of town and near the library. This makes people in the community concerned.
 - Discussion on signage. No signs have been made yet by applicant. Will follow all guidelines.
 - Board requested that a corrected/up to date lease be submitted.
 - **Motion** made by Henry to close the public hearing at 8:04 pm, **second** by Bill B. **Vote** 7-0 in favor.
 - **Motion** made by Jack to approve the application with standard conditions; ensure security measures and odor control mechanisms are in place before opening per Town of Readfield Marijuana Ordinance and that there will be no cultivation activities at 1146 or 1150 Main Street without town approval, **second** by Bill G. **Vote** 7-0 in favor.

Administrative Items:

- **Review/approve minutes of May 11, 2021**
 - Tabled until next scheduled meeting

Meeting adjourned at 8:18 pm.

Minutes submitted by Board Secretary, Kristin Parks

Permit fee: _____
Date Paid _____
Receipt # _____

Town of Redfield
Readfield MAINE 04355

MAP 120 LOT 13

Planning Board

Land Use Permit Application

The undersigned applies for approval of the Readfield Planning Board as follows:

1. Applicant:

Safe Space Meeting House

26 Mill Stream Road
Readfield Maine

Agent:

Alexandra Twarog
Fayette Maine
207 320 0015

2. Land District: Rural Residential

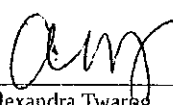
3. Property currently unused

4. Proposed use of the property and its development-

Community Center – A colonial restoration will provide a historic venue for cultural events and meeting place for residents, their relatives and friends. The members-only access will provide the necessary “safe” quality of association. It will help to create a community among those people who share common interests. The historic venue will be an ideal setting for cultural events.

5. Lot is irregular in size. It is approximately 2+/- acres

6. we plan no additional buildings.

Signed  _____
Alexandra Twarog

Land Use Permit Application Questionnaire:

1. a. Activities will be held indoor. Existing buildings have improved the scenic and natural beauty of the area which had been used for illicit and dangerous activities. An town easement is granted to the historic property. Citizens and tour buses regularly come to the property to view its natural beauty. We intend to maintain this property.
b. The restored colonial building (c.a. 1770) is the only colonial building in Readfield and in Kennebec County. It is a landmark for the people of Readfield and will be available for viewing.
c. none observed
d. The town maintains an easement for this property. They have created a path which overlooks the stream and wetlands. This path connects to the town trail system.
e. The town easement the wetlands

2. a. No permits are required.
b. We intend to consider permits for activities common to other meeting house associations in Readfield. We are uncertain of which activities we will consider at this time. Those considerations will be the responsibility of a Safe Space Meeting House (SSMH) Activities Committee. That committee has not yet been formed. Any permits required for these the use of the building and activities of its members will be sought as the committee determines their relevance to our mission.
c. Activities will conform to all local state and federal laws.

3. a. The property is developed. No further development is planned which would compromise the land, by storm water or soil erosion.
b. Grasslands and foliage are designed to prevent storm water erosion.

4. The proposed activity should have little impact on Town services. SSMC activities will most likely be held in the evening and would not conflict with the recreational use of the town Mill Stream Park.

- A study of Mill Stream Road and its use as a community center was made by the Readfield Fire Department and filed in 2018 with the Planning Board. It stated that there should be little problem with emergency access to the area. SSMC members will have access to an adjacent parking lot which can accommodate 35 cars. We would hope that the members will use this lot rather than on-street parking.

- 5.a. We have adequate financial resources to use and maintain this property.
b. There will be no design or development of the property by SSMC.
c. Board Members and officers have no history of violations of previous land use approvals.

6. The property is not located within any flood areas.

7. a. We intend no use of the adjacent wetland.
b. we are aware of laws regulating use or activities within or on the wetland.

8. SSMC plans no activity which will rely on or impact groundwater. The sewage septic system is new and designed for our intended use.

9. a. We have not yet determined the activities which will be provided to our members. The committee designed for that purpose will determine those activities. The nature of our mission will include

activities in which members will gather for social and cultural evenings. These events may create some solid waste. We do not anticipate an excessive quantity of waste product.

b. Except for occasional use solid waste generated through the regular use of our members all waste will be removed by a contracted private waste company.

10. No

11.a. Member meetings and activities will be confined to hours when they are most commonly held by similar associations. We envision that the facility will be used during evening hours

b. The proximity of the adjacent mobile home is of some concern. We intend to insulate and sound proof the Barn walls closest to this home. At the request of the mobile home owner, the Barn owner constructed a \$2000.00 fence which the neighbor's requested to block noise. We may be able to create an additional acoustically buffered area using this fence.

Neighboring homes are 600 - 1000 feet distant from the Barn. This distance is greater than the distance from residential homes near organizations with similar activities.

12. N.A (slope of land, nature of the soils, vegetation)

13.a. Mill Stream

b. 80 feet

c. We intend no impact on the stream or water activities.

14. A new sewage system for the intended use has been designed, constructed and approved

15. We do not intend any use which will create storm water.

16. A new drilled well with 25 GPM is available.

17. The town easement to this property encourages continued public use of this facility . Our mission is to create a community resource for members, their relatives and those who support a safe, secure meeting place. With cooperation of the town, it is possible that the land currently designated as a parking area, continue to be used by members as well as the public who come to this area. The area below the mobile home may be designated as a no parking area except for delivery of supplies needed by SSMH. In that way the area adjacent to the stream may be kept free of debris, cars and a will guarantee a true recreation area.

18. access to the site will not be altered.

19. No

20. NA

21. Chief Lee Mank has reviewed the area in 2018. His findings were submitted to the Planning Board. He stated that use of the property did not prevent access by emergency vehicles. Nevertheless he did suggest that one side of Mill Stream Road (on which the mobile home sits) be declared "No Parking". That would give increased access to the area by emergency vehicles. This may be considered along with the collective use of the parking lot which is available at the entrance of Mill Stream Road.

Required Submittals

1. Attached: Tax map

2.

Mr. and Mrs. Harris
Old Kent's Hill Road

Mr. and Mrs. Cote

3. A Rental Lease for the property to be occupied

4. Map See #1 Map

5. Attached: A Rental Lease for the property to be occupied

6. N.A.

7 Map See #1 Map

8: Site Plan

a. n/a

b. Map See #1 Map

Safe Space Meeting House Bylaws

Article 1

The name of the corporation shall be Safe Space Meeting House. The Corporation may be conducted as Safe Space Meeting House.

Safe Space Meeting House (SSMH) is a public benefit non-profit corporation and shall be operated for rural and residential interests consonant with the Readfield LUO. It will also be operated for charitable purposes within the meaning of State of Maine public benefit non-profit charter.

SSMH's primary facility is the original mill building at Safe Space Meeting House Road in Readfield. This building which has been renovated is at the heart of the abandoned colonial industrial center of Readfield. Safe Space Meeting House is a non-commercial, voluntary association of persons. The clubhouse / meeting house is open to members and guests only.

Article 2. Mission and Powers

2.01 Mission

1. We support inclusivity, equality, community and the fundamental rights of all human beings. Readfield's **Safe Space – Meeting House [SSMH]** will provide a space for LGBTQ+ community to build professional and social connections in the community. Our effort intends to establish a "meet-up Space". It will be a "Safe" setting in which to share cultural interests, resources, and opportunities with people who share similar interests and concerns.

SSMH will model its community activity on civic outreach activities used by The Readfield Union Meeting House. The SSMH "meeting house" outreach will be dedicated to the arts as a primary link for community communication. It integrated within the Readfield community.

Our society is beset with uncertainty and anxiety. Readfield's SSMH is dedicated to providing community resources needed to help support LGBTQ+ community in Readfield. We advocate for laws and policies that will protect all peoples' rights and everyone's dignity. We work for a world where all people can enjoy their rights fully.

SSMH will provide the community with a **contemporary meeting house**. In Readfield history, the Grange, provided an informal place for the rural community to meet for discussions and social activities. The social meetings helped to create a place for discussions which led to the support of vital rural political and economic movements. SSMH will help identify Rural issues vital to sustaining and improving the rural life. Our goal is a modest rebirth of the rural Grange tradition for the LGBTQ+ community.

In addition: This meeting house will support

- local rural history at the Mill Stream historic area

Safe Space Meeting House revenue stream, contributions and income will be used for, but not limited to,

- explore opportunities and activities that engage LGBTQ+ community. Among them, folk art, crafts, music, local history, cooking, as well as singularly rural skill building building, hunting, fishing,
- provide items and services needed to maintain the historic property. The town requested and maintains an easement on the property. The easement opens this property for public use. Funding is required to maintain this property due the invitation of public.

2. Parks and Recreation – The Town of Readfield requested and Helen and Robert Bittar granted an easement to a large portion of their land at 26 Mill Stream Road to the town of Readfield. The Town of Readfield integrated SSMH /Bittar lands into the new Town Mill Stream Park and outdoor miles of trails. SSMH must maintain the property at SSMH to accommodate the public use of our property as a part of the Readfield Trail System. Trail use is constant and unmonitored. Consequently the easement property which the Town of Readfield integrated into its town park requires constant care. This Town Park is recreational facility used by many Readfield people. As with all public parks it requires maintenance. Broken bottles and other debris are found there and require regular maintenance.

The town has created a park, and integrated Bittar property within its park. The public is invited to use this land at 26 Mill Stream Road for unscheduled outdoor recreational activity. This park which is open to the general public, includes green strips, open space, seating/picnic grounds, and wildlife and nature preserves. There is no barrier or fence which separates the Town park and trail from the land and property owned by the Bittars. For this reason, it is necessary to create a safe and sanitary adjacent space for children and others who are drawn to the SSMH/ Bittar property. Support of these Readfield Town Park facilities include necessary auxiliary facilities (rest rooms as well as other health, rest and sanitary facilities for women and children). Activities will be used to subsidize the purchase of items needed for the maintenance of land and facilities required by the public use trail/path easement. The close proximity of the meeting house buildings and its facilities within the unmonitored town activities on our land requires support. The police have suggested installation of online 24 hour communications cameras and security equipment for maintenance and protection. (The buildings have already experienced extensive theft, debris, and vandalism at 26

Mill Stream Road.) Public recreational use of the Readfield Town Trail will require lighting along the path for safety during evening trail use, regular removal of trash, cutting of grass, maintenance of shrubbery, removal of dead trees and dangerous tree limbs.
an understanding and contribution of LGBTQ+ community to their expression of life, music and culture

Revenue Stream -

It is estimated that 26 Mill Stream Road was built on or about 1770. It is the only designated colonial building in Readfield. The Planning Board and other town officials have assisted the historic Union Meeting House. Union Meeting House has been granted an opportunity to create a limited revenue stream to support its activities. SSMH functions are similar. The Readfield Comprehensive Plan suggests that SSMH seek assistance of the Readfield Planning Board and other administrators. Administrators will be requested to guide and facilitate in placing 26 Mill Stream Road on the National Registry of Historic sites. Safe Space Meeting House will follow the example the Union Meeting House. The town has created a Town Park on Bittar land. SSMH site is integrated into the Readfield town Park and the Readfield trail system. The town invites the Readfield public to use the SSMH historic site. They sit on benches, picnic tables. Look at the surrounding beauty. Walk on SSMH land and use its facilities. It is one of the few destination places on the Readfield Town Trail System. It is a place where the SSMH Resources are available for water, use and maintenance of toilets, health and sanitary services related to the public town use of our land. Donations and activities will be required to defray the expenses required to maintain the safe and sanitary public use of the town easement. Our revenue stream will be required to support the town generated public use of SSMH land and facilities.

2.02 Powers

SSMH will engage in all activities necessary or incidental to developing an effective outreach center for LGBTQ+ community center. Those activities will be similar to those used by the Union Meeting House. SSMH will acquire, lease and take and hold by purchase, gift, devise or bequest, personal property and real estate not to exceed the amount limited by law and to use and dispose of the same for the purposes for which this corporation is organized.

The corporation shall have the power, directly or indirectly, alone or in conjunction or cooperation with others, to do any and all lawful acts which may be necessary or convenient to affect the charitable purposes, for which the corporation is organized, and to aid or assist other organizations or persons whose activities further accomplish, foster, or attain such purposes. The powers of the corporation may include, but not be limited to, the acceptance of contributions from the public and private sectors, whether financial or in-kind contributions.

2.03 Nonprofit Status and Exempt Activities Limitation

a. Nonprofit Legal Status. SSMH is a Maine non-profit public benefit corporation, organized and registered in Maine as a non-commercial corporation.

b. Exempt Activities Limitation. Notwithstanding any other provision of these Bylaws, no director, officer, employee, member or representative of this corporation shall take any action or carry on any activity by or on behalf of the corporation not permitted to be taken or carried on by a non-profit organization. No part of the net earnings of the corporation shall inure to the benefit or be distributable to any director, officer, Maine member or other private person, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the Articles of Incorporation and these Bylaws.

2.04 Distribution upon Dissolution.

Upon termination or dissolution of the SSMH any assets lawfully available for distribution to one (1) or more qualifying organizations described in Section 501 (c) (3) of the 1986 Internal Revenue Code (or described in any corresponding provision of any successor statute) which organization or organizations have a charitable purpose which, at least generally, includes a purpose similar to the terminating or dissolving corporation.

The organization to receive the assets of the SSMH hereunder shall be selected in the discretion of a majority of the managing body of the corporation.

Article 3 Membership

3.01 No Membership Classes

The corporation shall have no members who have any right to vote in or title to or interest in the corporation, its properties and franchises.

3.02 Non-Voting Affiliates

The board of directors may approve classes of non-voting affiliates with rights, privileges and obligations established by the board. Affiliates may be individuals, businesses, or other organizations that seek to support the mission of the corporation. The board, a designated committee of the board, or any duly elected officer in accordance with the board policy shall have the authority to admit any individual or organization as an affiliate to recognize representatives of affiliates and to make determinations as the affiliates' rights, privileges and obligations. At no time

**Lease : Safe Space Meeting House
26 Mill Stream Road Readfield Maine**

The Landlord and Tenant agree to lease the building at 26 Mill Stream Road Readfield Maine 04355 the Rent for the Term stated on these terms: LANDLORD: Robert Bittar 309 Waugan Road, North Monmouth Maine 04265 TENANT: Safe Space Meeting House 1925 Main Street Fayette Maine 04349

Lease Term: Beginning October 1, 2020 Ending October 1, 2021 Rent \$4800 Monthly Rent \$400. Lease renewal will reflect the increased taxes, insurance, and cost of improvements to the property made by the landlord.

This lease is for use 26 Mill Stream Road as a public benefit non-profit corporation. This organization will use the property as a non-profit Meeting House/association as defined in the LUO. No commercial business is permitted.

Lease. 1. Lease begins October 1, 2020. Rent shall be payable as of the beginning of the Term unless Landlord is unable to give possession. Rent shall then be payable as of the date possession is available.

2. Services: Tenant will supply: (a) heat (b) hot and cold water for bathroom and kitchen sink. Stopping or reducing of service(s) will not be reason for Tenant to stop paying rent, Damage to the equipment or appliances supplied by Landlord caused by Tenant's act or neglect, should be repaired by Tenant at Tenant's expense. Tenant must pay for all electric, gas, telephone and other utility services used in the air cooling or electrical systems due to accident, emergency, repairs, or changes until the work is complete.

3. Repairs and maintenance: Tenant must take good care of the building and all equipment and fixtures in it. Tenant must, at Tenant's cost, make all repairs and replacements. Tenant will repair the walkways and electrical connections outside the home. Tenant will maintain the grounds which includes mowing and keeping the grounds free of debris or broken branches and any additional impediments which may result from weather.

4. Alterations TENANT MUST OBTAIN Landlord's consent to install any paneling, flooring, "built-in" decorations, railings or make alterations or to paint or wallpaper the building. Tenant must not change the plumbing, ventilating, air-conditioning, electric or heating systems. If consent is given, the alterations and installations shall become the property of Landlord when completed and paid for, and shall remain with and as part of the building at the end of the Term. Landlord is not required to do or pay for any work unless stated in this Lease.

5. Fire, Accident, Defects, Damage Tenant must give Landlord prompt notice of fire, accident, damage or dangerous or defective condition. If the building cannot be used because of fire or other casualty, Tenant is not required to pay rent for the time the building is unusable. Landlord is not required to repair or replace any equipment, fixtures, furnishings or decorations unless originally installed by Landlord. Landlord is not responsible for delays due to settling insurance claims, obtaining estimates, labor and supply problems or any other cause not fully under Landlord's control. If the fire or other casualty is caused by an act or neglect of Tenant or guest of Tenant, or at the time of the fire or casualty, Tenant is in default in any term of this Lease, the Lease is canceled, Landlord is not required to repair the building or Building.

6. Liability Landlord is not liable for loss, expense, or damage to any person or property. Tenant must pay for damages suffered and money spent by Landlord relating to any claim arising from any act or neglect of Tenant. Tenant is responsible for all acts of Tenant's family, employees, guests, or invitees.

7. Landlord may enter Landlord may, at reasonable times, enter the building to examine, to make repairs or alterations, and to show it to possible buyers, lenders or tenants.

8. Assignment and Sublease Tenant must not assign this Lease or sublet all or part of the building or permit any other person to use the building. If Tenant does, Landlord has the right to cancel the Lease as stated in the Default Section. Subordination This Lease and Tenant's rights are subject and subordinate to all present and future: (a) leases for the Building or the land on which it stands, (b) mortgages on the leases or the Building or land, (c) agreements securing money paid or to be paid by a lender, and (d) terms, conditions, renewals, changes of any kind, and extensions of the mortgages or leases or Lender subordinate.

9. Condemnation If all of the building or Building is taken or condemned by a legal authority, the Term, and Tenant's rights shall end as of the date the authority takes title to the building or Building. If any part of the building or Building is taken, Landlord may cancel this Lease on notice to Tenant. The notice shall set a cancellation date not less than 30 days from the date of the notice. If the Lease is canceled, Tenant must deliver the building to the Landlord on the Cancellation date

10. Tenant's duty to obey regulations. Tenant must, at Tenant's expense, promptly comply with all orders, rules, requests, and directions of all Governmental authorities, Landlord's insurers, Board of Fire Underwriters or similar groups. Tenant may not do anything which may increase Landlord's insurance premiums. If Tenant does, the Tenant must pay the increase as added rent.

11. Tenant's defaults and Landlord's remedies:

A. Landlord may give 5 day's written notice to Tenant to correct any of the following defaults:
Failure to pay rent on time. Landlord will not permit assignment of the Lease, subletting all or part of the building. Failure to fully perform any other term in the Lease. Tenant continues to be responsible for rent, expenses, damages, and losses.
If the Lease is canceled, or rent is not paid on time, or if Tenant vacates the building, Landlord may, in addition to other remedies, take any of the following steps: 1. Enter the building and remove Tenant and any person or property; 2. Use dispossession, eviction, or other lawsuit methods to take back the building.

B. If the Lease is ended Landlord may re-rent the building and anything in it for any Term. Tenant shall continue to be responsible for rent, expenses, damages and losses. Any rent received from the re-renting shall be applied to the reduction of money that Tenant owes.

Tenant must comply with Landlord's Rules. Notice of Rules will be posted or given to Tenant.

12. Tenant has read this Lease. All promises made by the Landlord are in this Lease. There are no others.

13. End of Term At the end of the Term, Tenant must leave the building clean and in good condition, subject to ordinary wear and tear, remove all of Tenant's property and all Tenant's installations and decorations, repair all damages to the building and Building caused by moving, and restore the building to its condition at the beginning of the Term. Space "as is" Tenant has inspected the building and Building. Tenant states they are in good order and repair and takes the building "as is." Quiet enjoyment and habitability Subject to the terms of the Lease, as long as Tenant is not in default, Tenant may peaceably and quietly have, hold, and enjoy the buildings for the Term. Lessees shall maintain order in the building and shall not make or permit any improper or unnecessary noises or actions. Abusive noise is prohibited. Any disturbances or unlawful activities will constitute a default of the Lease. Landlord states that the building and Building are fit for human living and there is no condition dangerous to health, life, or safety. No commercial use is permitted.

Landlord's consent If Tenant requires Landlord's consent to any act and such consent is not given, Tenant's only right is to ask the Court to force Landlord to give consent. Tenant agrees not to make any claim against Landlord for money or subtract any sum from the rent because such consent was not given.

This Lease is binding on Landlord and Tenant:

Any acts Landlord may do may be performed by Landlord's agent or employees.

14 Changes – This Lease may be changed only by an agreement in writing signed by each party.

15 Effective date – This Lease is effective when Landlord delivers to Tenant a copy signed by all parties.

16 TENANT PAYS FOR HEATING FUEL, ELECTRICITY, PHONE, CABLE, COOKING GAS .

17 RENT IS DUE ON THE FIRST DAY OF EACH MONTH.

18 AT THE TERMINATION OF THE LEASE, THE building MUST BE IN THE SAME CONDITION AS FOUND UPON OCCUPANCY. SIGNATURES: (LANDLORD AND TENANT SIGNED AS OF THE DATE AT THE TOP)

LANDLORD: _____ TENANT: _____

RULES AND REGULATIONS RIDER

Trash must be brought to the dump.

UTILITIES – Tenant will be responsible for arranging and paying for all utility services required on the premises, including HEAT, HOT WATER, and ELECTRICITY.

REPAIRS – Tenant is responsible for all repairs . It is agreed that Tenant will not make or permit to be made any alterations, additions, improvements, or changes in the buildings without in each case, first obtaining the consent of the Landlord. Consent to a particular alteration, addition, improvement, or change shall not be deemed consent to or waiver of restrictions against alterations, or changes for the future. All alterations, changes and improvements built, constructed, or placed in the leased building by Tenant, will be the property of Landlord and remain in the leased building at the expiration of the Lease.

DRAINS –Toilets, sinks, and drains function properly . No sweepings, rubbish, rags, diapers, sanitary napkins, tampons, ashes or other destructive substances shall be thrown down the drains.

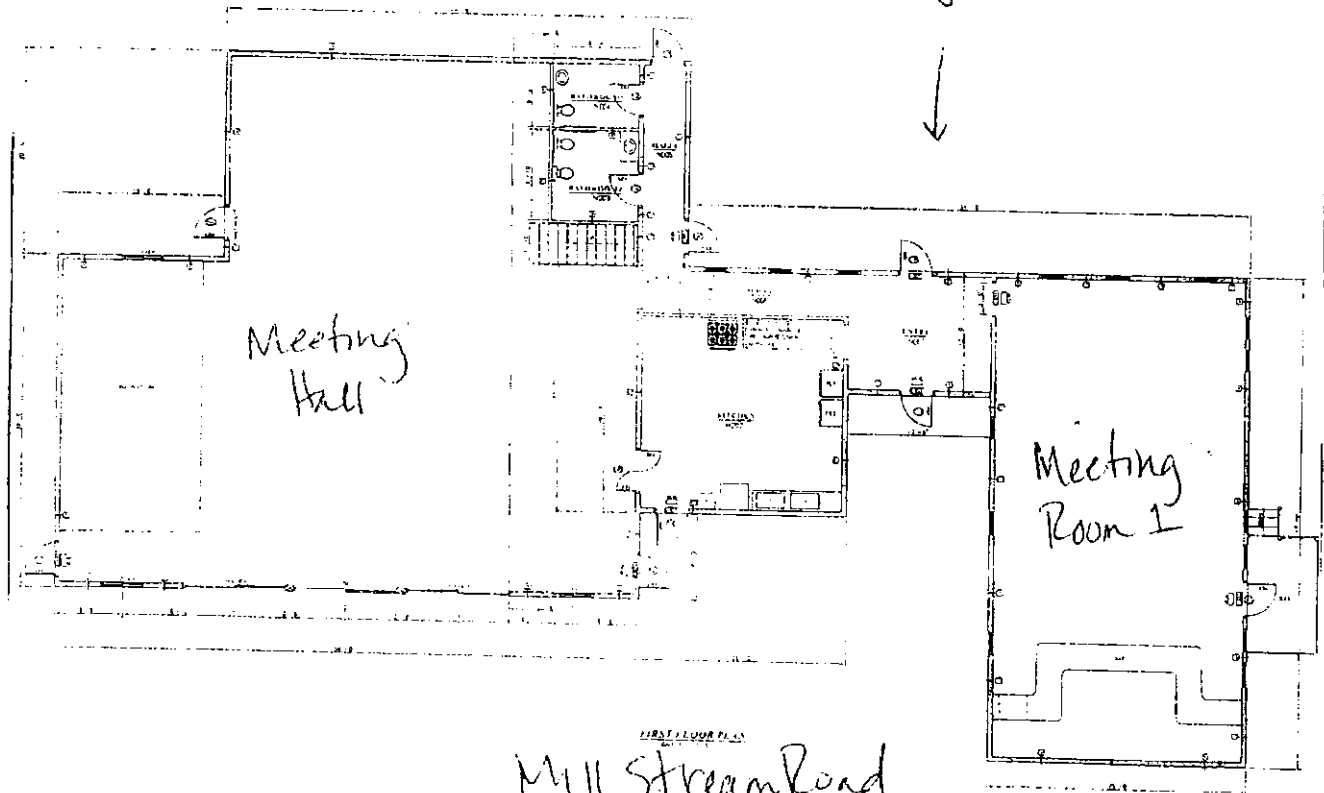
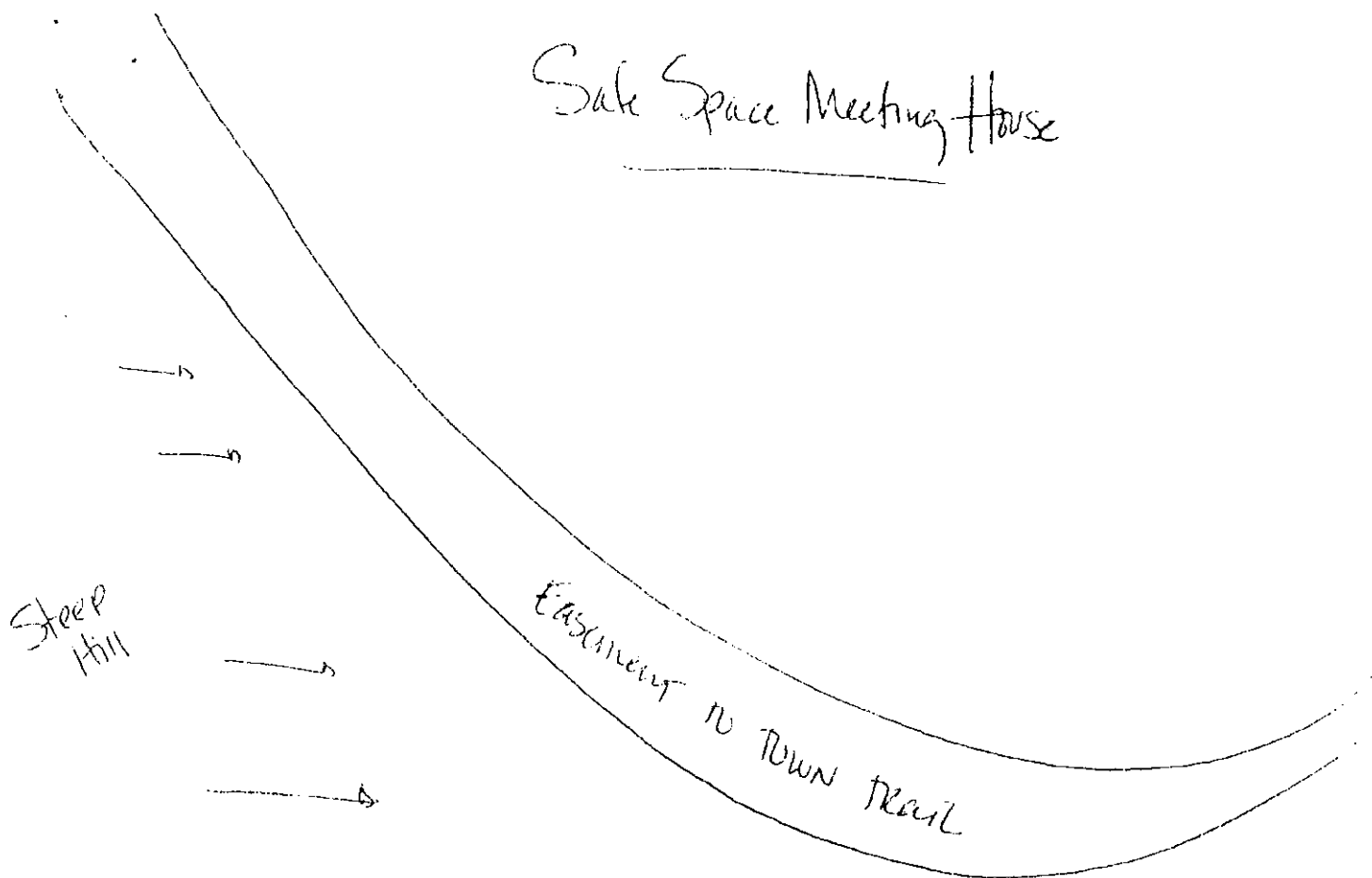
WALL HANGINGS – Tenant shall not drill holes in any walls. A reasonable number of mirrors and pictures may be hung on interior walls, provided proper picture hooks are used. Access must be allowed at all reasonable times with reasonable notice for unit inspection, repairs, alterations and improvements.

PAINTING – Tenant shall not redecorate, paint walls, or change locks without written consent of Landlord.

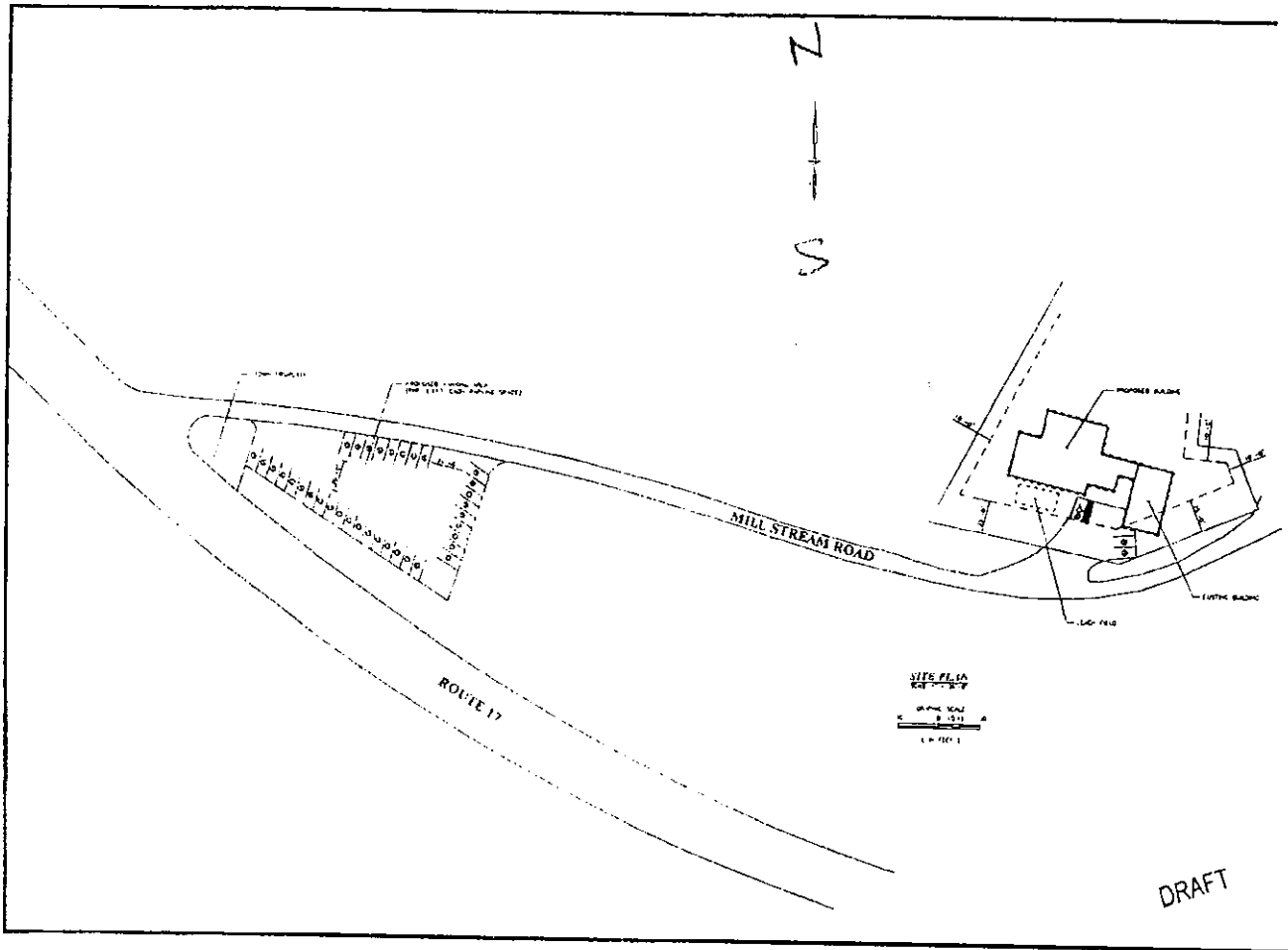
FLAMMABLES – Tenant shall not store gasoline, oil, or other flammable materials in the building or anywhere on the premises.

X _____ Initials Tenant has read and understands the terms and conditions of the above Lease agrees to ALL of the above. AGREED AND UNDERSTOOD BY: X _____ TENANT DATE X _____

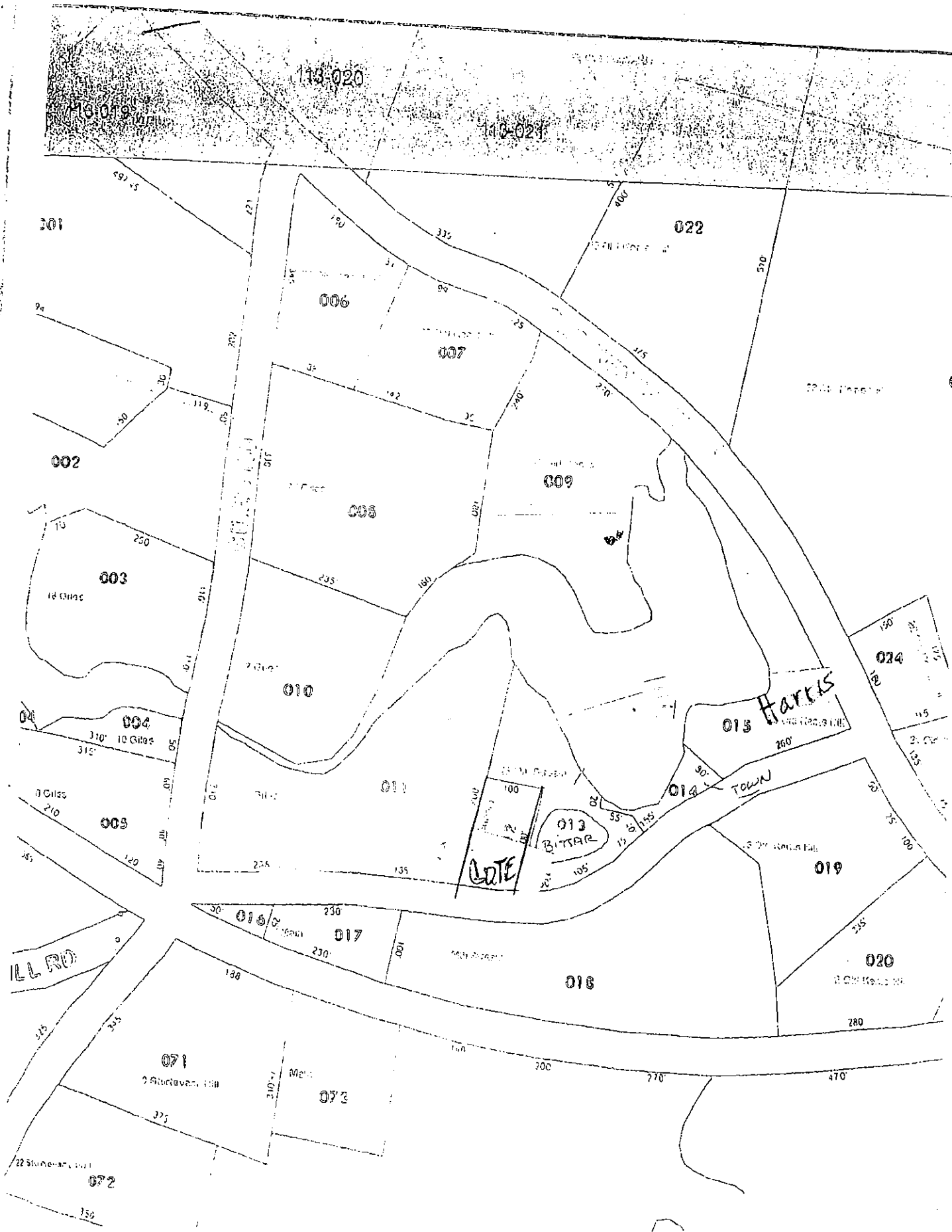
Sale Space Meeting House



DRAFT



20 M - 4



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SSMH's Addendum to Land Use Permit Application
April 28, 2021

1. Contact Information:

Jed Davis Esq., attorney for SSMH, Jim Mitchell and Jed Davis, P.A., 86 Winthrop Street, Suite One, Augusta Maine 04330, 207-622-6339, jed@mitchellanddavis.com .

Applicant: Safe Space Meeting House, Alex Twarog; shall be contacted through Jed Davis' office.

2. Readfield has a diverse population of citizens of diverse genders, religious affiliations, nationalities and ethnic groups.

➤ **SSMH is proposing to:** Create a community center that will provide nonprofit, non-commercial activities and recreational opportunities for Readfield's diverse population of LGBTQ residents and other residents of diverse genders, religious affiliations, nationalities and ethnic groups, to be physically active, interact with, and support other LGBTQ residents. SSMH will create a space for LGBTQ and others to build their connections within the community. The membership will be limited to only those members who support and will help expand SSMH's mission in accordance with members' interests.

✓ **SSMH's application is substantially different than the one first submitted in 2020 as this application clarifies that SSMH will not engage in any commercial activities nor conduct any activities primarily for pecuniary gain, and that the SSMH will restrict its activities to conform to only those activities allowed within the Rural Residential zone.**

➤ **SSMH Activities Committee:**

• An Activities Committee, when formed, will consider its members' interests and applicability, feasibility, and SSMH's financial ability to support those activities. SSMH will not hold any activities that are substantially similar to retail or commercial businesses, "indoor theaters" or "civic centers" as SSMH's activities are expected to attract a select group of people to its nonprofit events.

• SSMH's activities will conform to the Land Use Ordinance for Rural Residential properties.

• 26 Mill Stream Road sits at the end of a dead end. We do not anticipate any impact on town services from member activities.

5. Cultural Events; General Public Access to a Community Center Activities

➤ **All Activities Planned by SSMH will be non-profit and non-commercial in nature**

➤ **All SSMH activities will be open ONLY to SSMH members and their invited guests.**

• Fine Arts Cultural Activities - Art shows -- (members' art shows, etc.); Private Craft shows -- Members' Fashions, Gold and Silversmith, Jewelry makers.

- Private music events open ONLY to members and their invited guests.
- Reading and Literature – reading of members’ writings, discussion and exploration of members’ works.
- Private dance events – Contra-dance, Swing, Salsa, Modern, Ballet etc. open ONLY to members and their invited guests.
- Private, nonprofit financial planning, business consulting and self-help events open ONLY to members and their invited guests.
- Small business consulting and startup discussions by professional volunteers – Learn how to set up a financial portfolio; how to set up a stock market investment club; provide SSMH mentorship program with business people to teach SSMH members about setting up and operating a business in Readfield.

Safe Space Meeting House Activities Open Only to Members and Invited Guests.

- SSMH will support Readfield's LGBTQ community and diverse population. SSMH property will provide a “safe space” for activities for its LGBTQ members, their invited guests and Readfield residents who support SSMH’s mission without fear of social prejudice and discrimination.
- SSMH’s membership will be offered to only those individuals who support SSMH’s mission. Its activities will be open only to members and their invited guests.
- SSMH is a community center – a building that will house SSMH’s voluntary association of persons who are organized for social, religious, benevolent, literary, scientific or political purposes; whose facilities are open to members and their guests only, and not the general public; and will not engage in any activities that are customarily carried on by a commercial business or for pecuniary gain.
- SSMH’s main purpose is to provide a common central place where members have the opportunity to socialize and engage in cultural, educational and recreational activities in a safe, inclusive environment.
- SSMH will create a positive, supportive and inclusive atmosphere that SSMH anticipates will become essential to the personal health and wellness of its Readfield community thereby reducing its members’ reliance on healthcare and other costly social services.
- In turn, SSMH members will be better able to support the local Readfield community by contributing to its overall growth and economic development while reducing demand on other social services.
- SSMH and its members will not render any goods or services primarily on a retail basis which are customarily carried on in a building specifically for that purpose, such as retail stores and in restaurants. SSMH’s revenue from any and all of its activities will be used to support SSMH’s nonprofit mission and pay for any maintenance and repairs to the 26 Mill Stream property.
- SSMH will maintain a membership list which will be closely monitored. Visitors to SSMH’s property will have their membership validated before being permitted access to SSMH facilities.

4. **35 Car Parking lot** - Use and access approved by new owner. Lease **attached**.

11. **Hours of Operation** -

Members' activities are expected to be held weekly, ending by 9:30 pm daily.
Occasional weekday activities may be scheduled for late morning, afternoon or evening.

14. **Septic System Design:** Design and specifications **Attached**

16. **DRINKING WATER attached**

This issue was addressed and resolved in 2017 with CEO Gary Quintal. In 2017 the Planning Board requested a Stop Work Order because they received a notification concerning a public water supply at 26 Mill Stream Rd. The 26 Mill Stream Rd water supply was inspected in 2016 by the Division of Environmental and Community Health Department, Drinking Water Inspector. The Inspector indicated that rural community centers may be exempt from public water supply requirements. The Maine Drinking Water Program provides a "Bottled Water PWS Exemption" for facilities not connected to a public/town water supply. The waiver is permitted for facilities where drinking water is not served from an on-site source of water. LA waiver was received for Drinking Water at 26 Mill Stream Road. SSMH must conform with PWS requirements and provide members with bottled water. No ice will be used which is made from the on-site water supply. The DPW waiver was received 11/17/17. A copy was submitted to CEO Quintal. He confirmed the waiver with the DPWS. Quintal and filed the waiver. The Planning Board was notified of the waiver. The Stop Work Order rescinded.

22. **Enforceable land use violations:**

There are no land use violations.

Past occupancy issues are not relevant to the SSMH application.

Robert Bittar is the owner and landlord of 26 Mill Stream Road property; Robert Bittar is not a member of SSMH.

The SSMH application and lease do not provide occupancy or usage by anyone other than SSMH members and staff.

Submittals

2. Abutters
lot 014 Town of Readfield
lot 009 Mr. Wilson, 37 Old Kent's Hill Road
lot 111 Ms. Ashy, 10 Giles Road

5. 26 Mill Stream Rd., **Property Deed Attached**

8. **Site Plan – Attached**

- a. NA
- b. NA
- c. existing buildings
none proposed
- d. Mill Stream Road
- e. Mill Stream
- f. Town Easement
- g. water supply and waste water system
- h. NA
- I exterior lighting – building wall lights ; ground spot lights lighting the buildings
- j landscaping Plants fence
- k NA
- l deed restrictions NA

9. Other Permits:

The Fire Marshal's permit

Permit approved for installation of a Fire Safety Sprinkler System has been received. The Town has a copy.

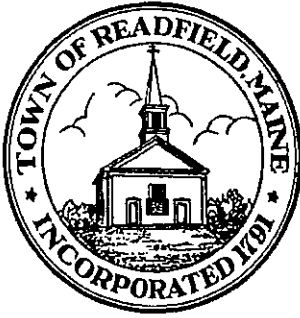
No activities are planned at this time that would require permits.

14. Traffic movement

Because SSMH anticipates participation in its private activities to include only a select group of invited participants, traffic movement is not expected to exceed that which would be similar to residential gatherings of friends and family. Many SSMH activities will attract a very limited number of selected, invited participants.

16. Dimensional calculations

Dimensional calculations are the same as calculated for #5 of the questionnaire. (Cliff Buuck's letter said **#15** of the questionnaire)



TOWN OF READFIELD

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

Thursday, September 24, 2020

To: Ms. Alexandra Twarog
From: Jaime Hanson
Code Enforcement Officer
Town Of Readfield
Subject: Planning Board Application is Not Complete

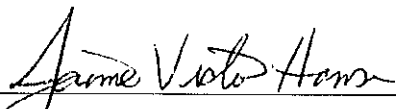
Ms. Twarog,

I received an application from you on August 25, 2020 for the Readfield Planning Board to consider the property at 26 Mill Stream Road for the Land Use: "Community Center, Club". I am writing to inform you that your application has been found by me to be incomplete. There are several answers to the questions listed in the Town of Readfield *Land Use Ordinance, Article 6, Section 3.C Review Criteria* that would require additional information to be considered.

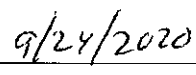
Additionally, the condition of 26 Mill Stream Road and the Land Use proposed there in your application is the same as on a previous application at that property, that was reviewed by the Planning Board. That application was denied on 06/27/2018. I understand that the denial was based primarily on the activities proposed not meeting the definition of "community center, club". The Board concluded that the activities proposed in the application are, in fact, "customarily carried on by a business or for pecuniary gain". This application is for the same zoning district, address and Owner, identified as Landlord Robert Bittar, and use. You included a copy of the "Safe Space Meeting House Bylaws" but the Safe Space Meeting House organization has not been formed, and the application does not adequately describe the use to be reviewed or allowed by the Planning Board.

Pursuant to Section 10 of the Board of Appeals Ordinance of the Town of Readfield (enacted June 13, 2017), you may appeal this decision to the Board of Appeals no later than October 26, 2020.

Sincerely,



Jaime V. Hanson, Code Enforcement Officer
Town of Readfield



Date:

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Page

April 25, 2021

Mr. Clifford Buuck, CEO
Town Office Readfield

Dear Mr. Buuck,

I no longer have a copy the SSMH application submitted to the Readfield Planning Board August 25, 2020. The town has the original. Please send a copy of the original application to our legal representative Mr. Jed Davis at Mitchell and Davis in Augusta.

Since I no longer have a copy of the original SSMH application, the Mitchell and Davis law office prepared an application which was intended as my legal notification to your office to begin the Planning Board review of the original August 25 2020 SSMH application. That **March notice from my attorney** did not replace the original August 25, 2020 application. It was intended to begin the process of the SSMH application from the Town Office to the Planning Board for their review.

In October 2020, SSMH appealed to the Readfield Board of Appeals concerning the claim of discrimination against SSMH and its LGBTQ mission. The town CEO rejected the SSMH application to the Planning Board. He requested no information and claimed it was "incomplete" and denied it as invalid.

The SSMH appeal was reviewed by Chair of the Readfield Board of Appeals, Mr. Bickerman, his decision is attached.

"The **CEO shall make a preliminary determination** of whether or not an application for **site review is complete, but the Planning Board has the authority to make the final decision concerning completeness.**" Mr. Bickerman advised the town office to submit our application to the Planning Board to resolve outstanding issues.

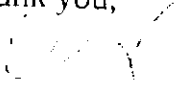
After 8 months, the Town of Readfield has not followed legal directives of Mr. Bickerman, Appeals Board Chairman. The town delayed to submit the SSMH application permit to the Planning Board while at the same time, a new town ordinance was written to declare the SSMH use of the Mill Stream Road property as illegal.

Documents you requested were submitted to other CEOs, approved and filed in the town office. Duplicates are attached. All questions you ask were answered and are attached to this mailing.

The SSMH Application is dated August 25, 2020 - 8 months ago. Please deliver the SSMH application to the Planning Board for consideration at their next meeting.

The Town proposes a June 8 vote to approve a new town law that declares Mill Stream Road no longer a legal place for our Community Center. We hope to speak with members of the Planning Board concerning the SSMH application as soon as possible.

Thank you,



Alex Twarog
SSMH President

Board of Appeals

----- Forwarded message -----

From: **Peter Bickerman** <pbickerman@gmail.com>

Date: Monday, November 2, 2020

Subject: Application of Safe Space Meeting House

To: Travis Gould <ceo@readfieldmaine.org>, wilynails@gmail.com

Cc: Holly Rahmlow <holly@tc2.net>, Fran Zambella <frananz@aol.com>, clif_buuck@yahoo.com, Henry Whittemore <henry.whittemore@gmail.com>, Will Gagne Holmes <willbgh@gmail.com>, John Blouin <JohnBlouinRealtor@gmail.com>, Eric Dyer <manager@readfieldmaine.org>

Dear CEO Hanson and Ms. Twarog,

I am sending this email to you in my capacity as Chair of the Town of Readfield Board of Appeals. Recently the Board of Appeals received copies of correspondence from the Town's CEO to Ms. Twarog dated September 24, 2020 and October 22, 2020, concerning the application of an organization called Safe Space Meeting House (hereinafter SSMH) seeking to operate a social club or community center at 26 Mill Stream Road.

Please be advised that, notwithstanding the final paragraph of CEO Hanson's letter of September 24, the Board of Appeals lacks jurisdiction to consider an appeal from a preliminary determination by the CEO that the pending application is incomplete.

Article 6, Section 3 of the Land Use Ordinance of the Town of Readfield (hereinafter LUO) governs proposed activities that require site review by the Town's Planning Board. An application to operate a social club or a community center in the Rural Residential Zone requires site review and approval. See the Table of Uses in Article 7 of the LUO. Article 6, Section 3(B)(2) of the LUO states that the CEO shall make a preliminary determination of whether or not an application for site review is complete, but the Planning Board has the authority to make the final decision concerning completeness.

Accordingly, if the CEO and SSMH cannot reach an accord regarding the completeness of the application, SSMH could ask the Planning Board to decide whether or not the application is complete. In the event that the Planning Board were to decide that the SSMH application is incomplete, or if the Planning Board were to consider the application on its merits and reject it, then SSMH could appeal that determination to the Board of Appeals.

Please understand that, aside from clarifying the issue of jurisdiction, the Board of Appeals is not expressing an opinion regarding any of the statements contained in the SSMH application or the CEO's letters.

Sincerely,

Peter Bickerman
Chair, Board of Appeals

APPENDIX B

BOTTLED WATER PWS EXEMPTION FORM

This form is used to record the details of where bottled water will be used at a transient eating facility or convenience store to prevent regulation as a public water system. See Appendix A for determining who is eligible for a Bottled Water Exemption. This form is filled out by a Division of Environmental Health Inspector and establishment contact or owner.

Establishment Name: Readfield Country Club/Emporium
Address: (Street & Town/City) 26 Mill Stream Road Readfield, ME 04265
WSID# (if applicable) ME1092574 EST ID# (if applicable): _____
Dept of Ag ID # (if applicable): _____

Division of Environmental Health Inspector Name: _____

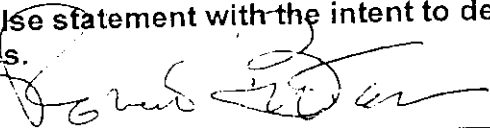
Contact Individual/Owner:

Name: Bob Bittar Telephone Number: 207-933-4965

Describe how bottled water will be used at this transient eating facility or convenience store as a method of avoiding serving water to the public from an on-site source of water:

Provided for drinking purposes, bagged ice bought off site and no cups provided near restrooms.

Maine law (17-A MRS453) makes unsworn falsification a Class D crime, punishable by up to 364 days of incarceration or up to a \$2000 fine (or both). You are guilty of unsworn falsification if you make any written false statement with the intent to deceive a public servant in the performance of his official duties.

Establishment Owner/Contact Signature: 

Date: 11/17/17

Submit completed form to the DWP PWS Inspection Team Manager. This form shall be kept on file with the Maine Drinking Water Program.

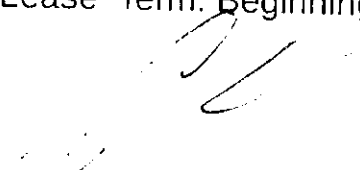
LEASE mill stream road parking lot Readfield maine

I Alexis Bittar of 35 Willow Street Brooklyn own Map 120 lot 017 on Mill Stream Road in Readfield. Safe Space Meeting House, a non profit organization has requested use of the parking lot which I own. Rent for use of the property is \$10/year.

I provide written permission to Safe Space Meeting House and their members and other tenants who rent 26 Mill Stream Road Readfield Maine to use the parking lot Map 120 lot 017 on Mill Stream Road which I own during their tenancy of 26 Mill Stream Road for their use for the duration of their tenancy at 26 mill Stream Road.

I have received the rental fee this day.

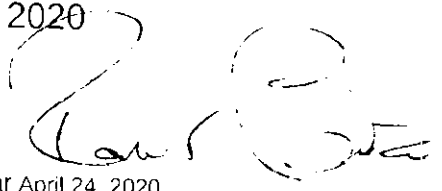
Lease Term: Beginning june 1, 2021



Alexis Bittar

April 24, 2020

Witness



Robert Bittar April 24, 2020

01/23/2014

01/23/2014

01/23/2014

01/23/2014

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2014-01-23 15:58:15 [D:\Program Files\Microsoft Office\Office12\Outlook.exe] [1558]

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SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
Division of Health Engineering, SMS 11
(207) 287-5689 FAX (207) 287-3165

PROPERTY LOCATION

» Caution: Permit Required - Attach in Space Below «

City, Town, or Plantation **READFIELD**

Street or Road **26 MILL STREAM ROAD**

Town/City _____ Permit # _____
Date Permit Issued / / fee: \$ _____ Double fee charged

Subdivision Lot # _____

Local Plumbing Inspector Signature _____ P.I. # _____

OWNER/APPLICANT INFORMATION

Name (last, first, MI) **B STAR ROBERT** Owner Applicant

Mailing Address of Owner/Applicant **309 WALGAN ROAD
MONMOUTH MAINE 04265**

The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.

Daytime Tel # **207-933-4265**

Municipal Tax Map # **120** Lot # **13**

Owner or Applicant Statement

Caution: Inspection Required

I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.

Signature of Owner or Applicant _____ Date _____

Local Plumbing Inspector's Signature _____ (1st) Date Approved _____
_____ (2nd) Date Approved _____

PERMIT INFORMATION

TYPE OF APPLICATION

- 1 First Time System
- 2 Replacement System
Type Replaced: _____
Year Installed: _____
- 3 Expanded System
 - a <25% Expansion
 - b >25% Expansion
- 4 Experimental System
- 5 Seasonal Conversion

THIS APPLICATION REQUIRES

- 1 No Rule Variance
- 2 First Time System Variance
 - a Local Plumbing Inspector Approval
 - b State & Local Plumbing Inspector Approval
- 3 Replacement System Variance
 - a Local Plumbing Inspector Approval
 - b State & Local Plumbing Inspector Approval
- 4 Minimum Lot Size Variance
- 5 Seasonal Conversion permit

DISPOSAL SYSTEM COMPONENTS

- 1 Complete Non-Engineered System
- 2 Primitive System (graywater & oil toilet)
- 3 Alternative Toilet, specify _____
- 4 Non-Engineered treatment tank (only)
- 5 Holding Tank, _____ Gallons
- 6 Non-Engineered Disposal Field (only)
- 7 Separated Laundry System
- 8 Complete Engineered System (2000 gpd or more)
- 9 Engineered Disposal Field (only)
- 10 Engineered Disposal Field (only)
- 11 Pre-treatment, specify _____
- 12 Miscellaneous Components

SIZE OF PROPERTY

2± sq. ft. acres

DISPOSAL SYSTEM TO SERVE:

- 1 Single Family Dwelling Unit, No. of Bedrooms **4**
 - 2 Multiple Family Dwelling, No. of Units _____
 - 3 Other _____ specify _____
- Current Use Seasonal Year Round Undeveloped

SHORELAND ZONING

Yes No

TYPE OF WATER SUPPLY

- 1 Drilled Well 2 Bog Well 3 Private
- 4 Public 5 Other _____

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

- Concrete HEAVY DUTY
 - a Regular
 - b Low Profile
- 2 Plastic 1000 GAL
- 3 Other GREASE TRAP & CAPACITY **000** gallons

DISPOSAL FIELD TYPE / SIZE

- 1 Stone Bed 2 Stone Trench
- 3 Proprietary Device
 - a Cluster Array b Linear
 - c Regular Load (20' x 20' x 20' Units)
 - 4 Other, ENCLOSED
- SIZE **420** sq. ft. 12' x 35'

GARBAGE DISPOSAL UNIT

- No 2 Yes 2 Maybe
- If Yes, Or Maybe Specify one below
 - a multi-compartment tank
 - b _____ tanks in series
 - c increase in Tank Capacity
 - d Filter on Tank Outlet

DESIGN FLOW

360 gallons per day

BASED ON:

- 1 Table 4A (swelling unit(s))
 - 2 Table 4C (other facilities)
- SHOW CALCULATIONS FOR OTHER FACILITIES

SOIL DATA & DESIGN CLASS

PROFILE CONDITION **LC**
at Observation Hole # _____
Depth **40**
OF MOST LIMITING SOIL FACTOR _____

DISPOSAL FIELD SIZING

- 1 Medium - 2.8 sq. ft./gpd
 - 2 Medium-Large - 3.3 sq. ft./gpd
 - 3 Large - 4.1 sq. ft./gpd
 - 4 Extra Large - 5.0 sq. ft./gpd
- (ITEM NUMBERS ARE USED FOR DATA ENTRY PURPOSES)

EFFLUENT/EJECTOR PUMP

- 1 Not Required
 - 2 May Be Required
 - 3 Required
- Specify only for engineered systems
Dose: _____ gallons

LATITUDE AND LONGITUDE

Lat. **44** d **23** m **19.10** s
Lon. **59** d **58** m **24.83** s
2003 state boundary of _____

SITE EVALUATOR STATEMENT

CERTIFY that on **7/26/15** (date) completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

George A. Courbron
Site Evaluator Signature

EE

REvised 9/23/15

GEORGE A. COURBRON

EE #

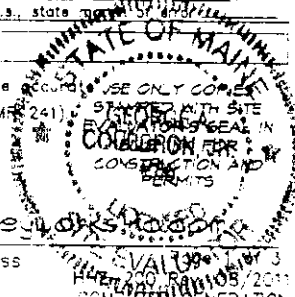
Date

Site Evaluator Name Printed

Telephone Number # **946-4480**

george@...
E-mail address

NOTE: Changes to or deviations from this design and plan are allowed by the Site Evaluator.



SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Environmental Health, STS
 (207) 287-6689 FAX (207) 287-3165

Town, City, Precinct
READFIELD

Street, Road, Subdivision
26 MILL STREAM ROAD

Owner or Applicant Name
ROBERT BITTAR

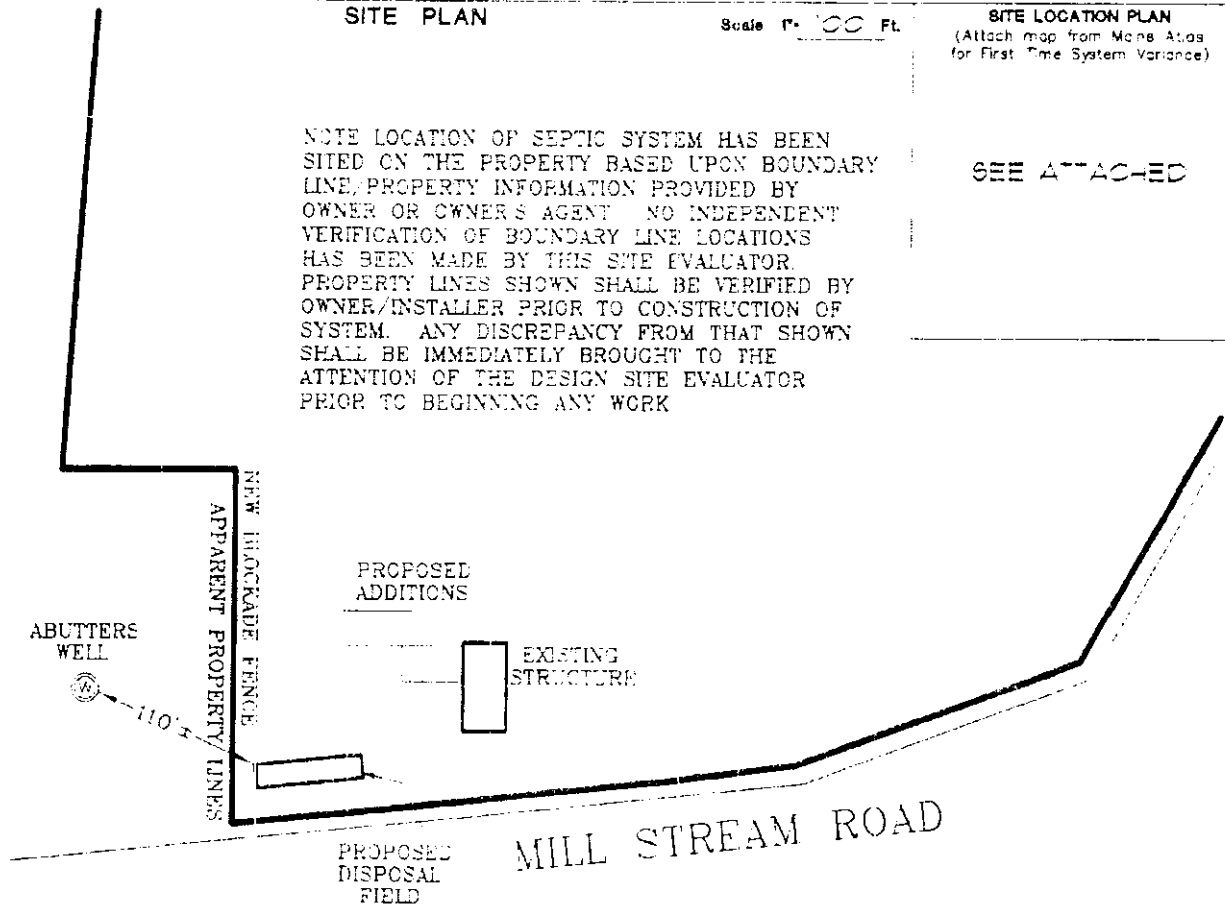
SITE PLAN

Scale 1" = 100 Ft.

SITE LOCATION PLAN
 (Attach map from Maine Atlas
 for First Time System Variance)

SEE ATTACHED

NOTE LOCATION OF SEPTIC SYSTEM HAS BEEN SITED ON THE PROPERTY BASED UPON BOUNDARY LINE, PROPERTY INFORMATION PROVIDED BY OWNER OR OWNER'S AGENT. NO INDEPENDENT VERIFICATION OF BOUNDARY LINE LOCATIONS HAS BEEN MADE BY THIS SITE EVALUATOR. PROPERTY LINES SHOWN SHALL BE VERIFIED BY OWNER/INSTALLER PRIOR TO CONSTRUCTION OF SYSTEM. ANY DISCREPANCY FROM THAT SHOWN SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE DESIGN SITE EVALUATOR PRIOR TO BEGINNING ANY WORK.



SOIL PROFILE DESCRIPTION AND CLASSIFICATION

(Location of Observation holes Shown Above)

Observation Hole Test Pit Boring
 Depth of Organic Horizon Above Mineral Soil

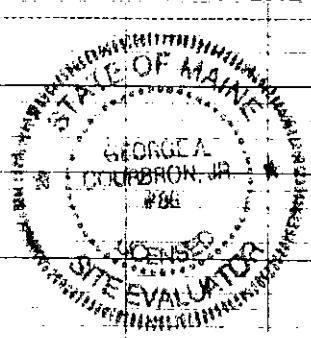
Texture	Consistency	Color	Mottling
	FRIABLE	BROWN	
	SOME THIN		
MIXED HORIZONS AND THIN LAYERS OF FINE LOAMY SANDS, COARSE SANDS AND GRAVELS	FIRM LAYERS TO BE REMOVED	LIGHT BROWN	
		BROWN	
		OLIVE BROWN	
	FIRM	BROWN	

Soil Classification: 7 C 3
 Slope: 40%
 Limiting Factor: 40"
 Profile: Condition: Percent: Depth:

Observation Hole Test Pit Boring
 Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
A SECOND PIT SHOWED SAME RESULTS			

Soil Classification: Slope: Limiting Factor:
 Profile: Condition: Percent: Depth:
 Groundwater
 Restrictive Layer
 Bedrock



George A. Coulbron
 Site Evaluator Signature

EE
 Date

REvised 9/29/05
 730.5
 Date

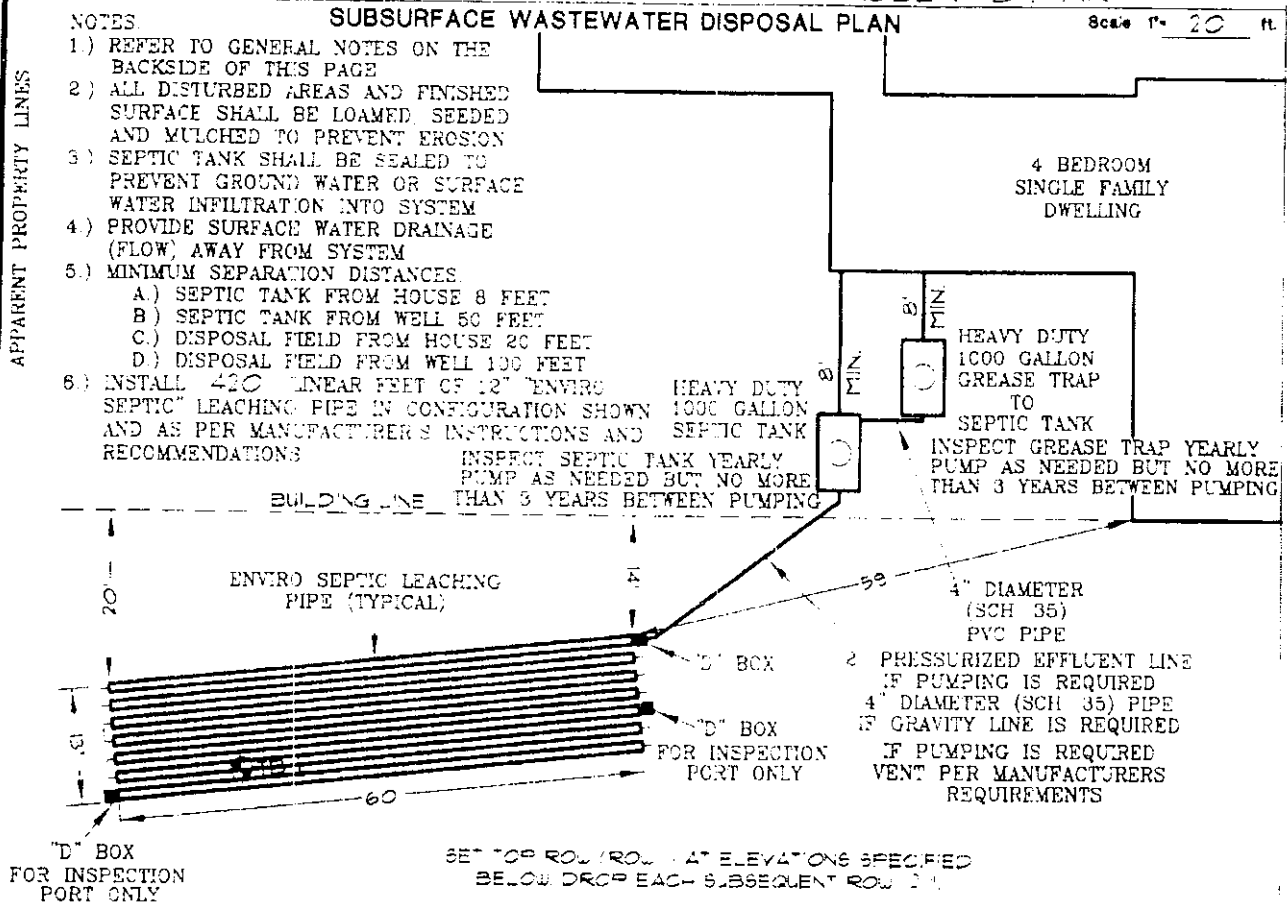
SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Vermont Department of Human Services
Division of Environmental Health, STS 11
(207) 297-5689 FAX (207) 287-3185

Town, City, or Plantation
READFIELD

Street, Road, Subdivision
26 MILL STREAM ROAD

Owner or Applicant Name
ROBERT BITTAR



BACKFILL REQUIREMENTS

Depth of Backfill (upslope) 6
Depth of Backfill (downslope) 8
DEPTHS AT CROSS-SECTION (SHOWN BELOW)

CONSTRUCTION ELEVATIONS

Finished Grade Elevation -66
Top of Distributor Pipe or Proprietary Device -78
Bottom of Disposal Field -90

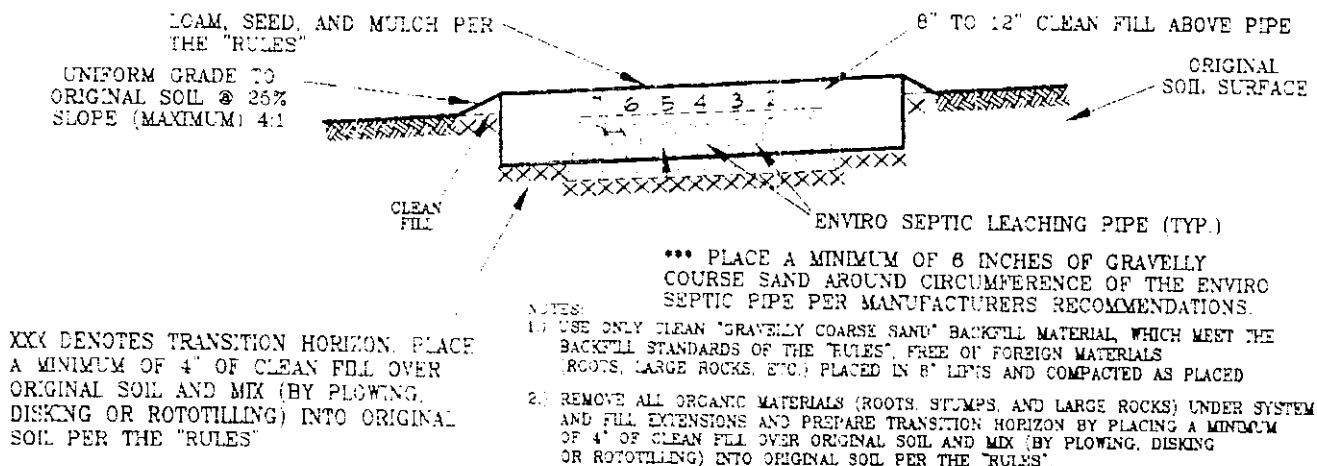
ELEVATION REFERENCE POINT

Location & Description NAIL SET 63" ABOVE FOUNDATION IN BUILDING CORNER
Reference Elevation Is: 0.0' on

All depths may vary due to uneven ground contour.

DISPOSAL AREA CROSS SECTION

Vert Scale 1" = 5 ft.
Horz Scale 1" = 0 ft.



Site Evaluator Signature

28

REVISED 9/28/15
7/30/15

Date

Page 3 of 3
TBE-203 Rev. 8/09
(COMPUTER GENERATED)

Site Plan

plants
Trees

Mill

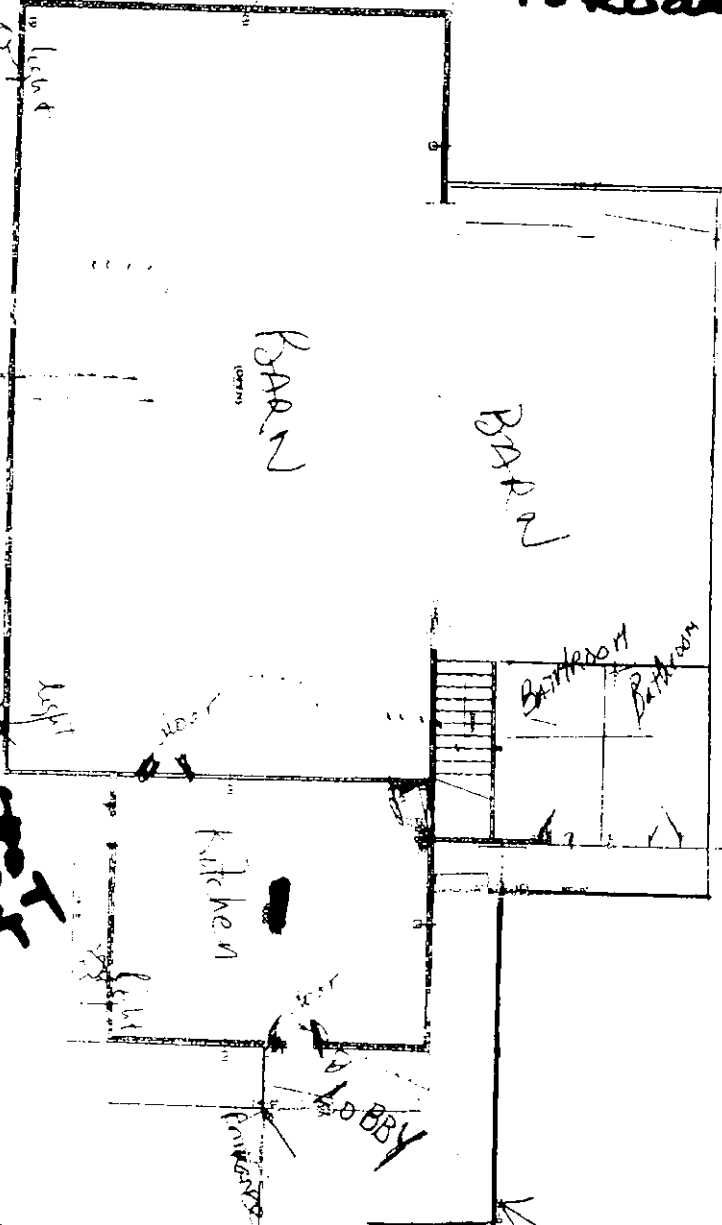
50' FENCE
TO ROAD

Wastewater
system

Mill Stream Rd

Tree

700' Town Easement
STREAM



Plants

COMMUNITY
ROOM
Gloria
House

30' TO
STREAM

10'
TO Public
Easement

READFIELD COUNTRY CLUB
READFIELD ME



DAVID W. LANDMAN R.A.
16 CONCRETE LANE
WINDSOR, ME 04093

1st FLOOR PLAN
A2

Handwritten notes and scribbles at the bottom left corner, including the word 'BIB' and other illegible marks.

WARRANTY DEED

26 Mill Stream, Readfield, Maine

ROBERT W. BITTAR and **HELEN M. BITTAR**, having a mailing address of 309 Waugan Road, North Monmouth, Maine 04265, for consideration paid, GRANT to **ROBERT W. BITTAR** and **HELEN M. BITTAR**, as Trustees of **THE ROBERT BITTAR AND HELEN BITTAR REVOCABLE LIVING TRUST u/a dated March 24, 2015**, having a mailing address of 309 Waugan Road, North Monmouth, Maine 04265, with *Warranty Covenants*, the following described real property:

A certain lot or parcel of land, with the buildings thereon, and contents therein, located in Readfield, County of Kennebec and State of Maine, and bounded and described as follows:

Beginning at a point on the northerly side line of the Mill Stream Road, so called, said point being the southeasterly corner of land now or formerly Roland & Phyllis Cote (Bk. 2600, Pg. 122):

Thence generally northerly along the easterly line of land now or formerly said Cote about two hundred (200) feet to a point:

Thence generally westerly parallel to Mill Stream Road, so called, one hundred (100) feet to a point and land now or formerly Roy Giles, formerly W. P. Roberts:

Thence generally northerly along the easterly line of land now or formerly Roy Giles about one hundred eighty (180) feet to the former high water line of Grist Mill Pond, so called:

Thence generally southeasterly along the line of Mill Stream and Grist Mill Pond, so called, to the land now or formerly owned Town of Readfield (Bk. 4663, Page. 221) to a 3/4 inch iron pipe:

Thence generally southeasterly along land now or formerly Town of Readfield (Bk. 4663, Pg. 221) approximately twenty-eight feet & three inches (28' 3") to a 3/4 inch iron rod and an 8 inch by 8 inch stone monument:

Thence generally southerly along land now or formerly Town of Readfield (Bk. 4663, Pg. 221) approximately forty-five feet & five inches (45' 5") to a #4 iron rebar:

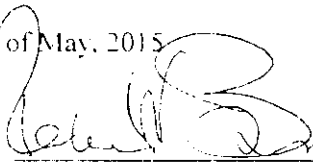
Thence generally westerly along northerly side of Mill Stream Road, so called, approximately one hundred forty-five (145) feet to a #4 iron rebar:

Thence generally northwesterly along northerly side of Mill Stream Road, so called, approximately one hundred (100) feet to the point of beginning.

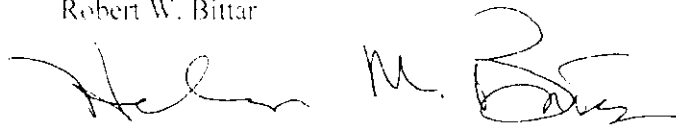
Also conveying the spring and all rights thereon located on the southerly side of Mill Stream Road, so called, as described in a deed, Humphrey to Fish and recorded at the Kennebec County Registry of Deeds (Bk. 1168, Pg. 385).

Being the same premises conveyed by Cecelia Reardon to Robert W. Bittar and Helen M. Bittar by deed dated October 23, 2013 and recorded in the Kennebec County Registry of Deeds in Book 11572, Page 173.

WITNESS our hands and seals this 18th day of May, 2015



Robert W. Bittar



Helen M. Bittar

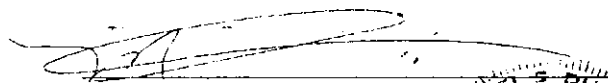
STATE OF MAINE
KENNEBEC COUNTY ss.

May 18, 2015

*

Personally appeared the above-named Robert W. Bittar ~~and~~ Helen M. Bittar and acknowledged the foregoing to be their free act and deed.

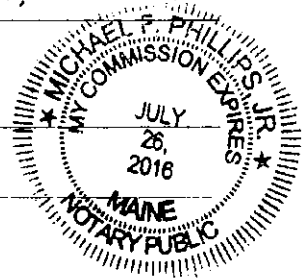
Before me,



Notary Public

Printed/Typed Name:

My Com. Exp.:



* individually and as attorney in fact for



TOWN OF READFIELD

8 OLD KENTS HILL ROAD • READFIELD, MAINE 04355

Tel. (207) 685-4939 • Fax (207) 685-3420

Email: info@readfieldmaine.org

Web Site: www.readfieldmaine.org

April 16, 2021

Christina Swanson
86 Winthrop St., Suite 1
Augusta, ME 04330

Dear Christina:

Last week you forwarded a Land Use application to me from you, the applicant being Safe Space Meeting House, Inc., to submit to the Readfield Planning Board. I have given it a preliminary review for completeness but before I forward it to the PB for their final determination of completeness, I consider it to be yet incomplete as described below. I am not sure if I should forward this to you, to the applicant or to the applicant's agent; if not you, please advise who should receive this. I'm also attaching the relevant pages from the land use application for reference.

Regarding the application's cover page the following additional information is needed:

- 1) Phone numbers for applicant and whoever agents are participating in the application. We would also request email addresses for convenience.
- 2) The second item of this page was completely omitted, i.e., "Please describe what you are proposing to do." This narrative is vitally important and must be very specific relating to the applicant's proposal. For this application, it must also include statements as to *how this application is substantially different than the one the Planning Board previously reviewed*. Community centers/clubs are permitted in the Rural Residential district, but indoor theaters and civic centers are not. Please provide more information as to how the planned use meets the definition of Community Center or Club.
- 5) Elaborate on what is meant specifically by "cultural events". ("Social Safety" and "Fire Safety" are not uses—they can be removed). Explain whether and if so, how, the use will be "open to members and guests only, and not the general public."

Regarding the Questionnaire:

- 2) Regarding other permits required: the applicant on one hand states no other permits are required but on the other hand is uncertain of which activities they will undertake. This has to be sorted out and can be done so through the narrative in (2) of the cover page referred to above. Confirm that there will be no alcohol/food service or assembly use which requires a Fire Marshall's Office permit.

3) Once again, the proposed activity has not yet been clearly defined so how do we know it will have little impact on Town services? A description might also address traffic amount and type and impact to the Town's gravel road. Regarding the reference to SSMH having access to an adjacent parking lot for 35 cars—we have recently received a new deed to the parking lot referred to showing it has been conveyed and the applicant will have to prove they hold rights to the use this property from the new owners for the stated purpose.

11) I think the PB will want to know more specifically what the hours & days of operation will be.

14) Please provide confirmation from septic designer that system is adequate for the proposed use.

15) The applicant should include calculations that the impervious (or developed) area does not exceed 20,000 sq. ft. of total lot size. Developed area includes all structures, driveway/parking areas, etc. which do not result in vegetated surfaces.

16) Regarding water requirements: will the proposed use become a "public water supply", i.e., serving more than 25 persons over 60 days/year. What will the State regulations require and how does the applicant propose to meet them?

22) I do not see any response to this question regarding current, enforceable land use violations associated with the property.

Regarding the submittals:

2) List of abutters is incomplete: missing are lots 011, 014, and 009;

5) I don't find a copy of the deed in the file;

8) There does not seem to be a detailed site plan showing all items listed on #8;

9) This has not been addressed. If no other permits have been issued then simply state this.

14) A description of traffic movement depending on the type of specific activities proposed; and

16) The dimensional calculations required here may be the same calculated for #15 of the questionnaire above.

Incidentally, the PB application fee is \$100, not just the \$50 paid on 8/27/20, rec. #998.

When the applicant provides all of the items listed in this memo, I'll be happy to look at it again for completeness before placing it on the PB agenda. If you have any questions you may email (ceo@readfieldmaine.org) or call the Code Enforcement Office at 685-3290.

Sincerely,

Clifford Buuck



TOWN OF READFIELD

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

READFIELD PLANNING BOARD

AGENDA

Wednesday, June 2, 2021

6:30 PM

Application Submission 6:30 pm:

1) **26 Mill Stream Road - Safe Space Meeting House (SSMH)**: The application proposes to create a community center/club location and was opened at the May 25, 2012 meeting, no testimony was taken and the application was continued. The application asks the board to consider if the proposed Community Center/ Club use fits within the Rural Residential District when allowed by Planning Board decision and to judge the completeness of the application. The property is located at 26 Mill Stream Road in the Rural Residential District identified on the Assessors map 120, lot 013.

Please note: This meeting will be held only **via web zoom/phone** (see below):

Join from PC, Mac, Linux, iOS or Android:

<https://us02web.zoom.us/j/86327315730?pwd=TVBncExsOVZFS1dRVdVPNEd6cjJSOT09>

Or by Telephone: 1 301 715 8592 Meeting ID: 863 2731 5730 Password: 216751

The Planning Board will also accept written comments submitted by US Mail, drop off at town hall or emailed to ceo@readfieldmaine.org.

Comments from the public are encouraged and welcomed. They will be received at the time and in the order during the meeting as deemed appropriate by the Chair. Written comments from the public will be accepted at the Town Office at any time; however, they must be submitted by the Thursday prior to the next scheduled meeting in order for them to be considered at that meeting. If you have any questions regarding this agenda or would like to be placed on a future agenda, please call the Code Enforcement Office at 685-3290.

NOTE: Due to Town Election next scheduled meeting: **June 9, 2021**

READFIELD PLANNING BOARD

Minutes of Tuesday, June 2, 2021

Planning Board Members: Paula Clark (Chair), Jack Comart (Vice Chair), William “Bill” Buck, William “Bill” Godfrey, Jan Gould, Don Witherill, Henry Clauson

Others Attending: Ron “Chip” Stephens (CEO), Kristin Parks (Board Secretary), Eric Dyer (Town Manager), Kristin Collins (Town Attorney), Clif Buuck, Jed Davis, Leah Hayes, Grace Keene, Gina Turcotte

Meeting called to order at 6:30 pm by Paula.

1) **26 Mill Stream Road - Safe Space Meeting House (SSMH)**: The application proposes to create a community center/club on property located at 26 Mill Stream Road in the Rural Residential District identified on the Assessors map 120, lot 013 and was initially considered by the Board at the May 25, 2021 meeting.

- Paula Clark: Tonight’s meeting is to consider completeness of the application by Safe Space Meeting House for a “Community Center/Club” proposed to be located at 26 Mill Stream Road.
- Brief timeline review by Eric Dyer on the application by SSMH (*copy inserted for reference*)
- Jed Davis, Attorney for SSMH, gave a brief intro and went over letter to the Town of Readfield on completeness of application (*copy inserted for reference*).
- Jack: Proposal also has to meet site review criteria, in addition to meeting the definition for a community center/club.
- Paula: The proposed activity must fit within the definition of community center/club. This structure was first reviewed for an expansion of an existing non-conforming single family residence and was permitted as such.
- Leah Hayes, representing SSMH on behalf of applicant Alexandra Twarog: The proposal is for a LGBTQ Club/Community Center and it would be used as a club would use it. The Club is on hold and no activities have been planned due to COVID.
- Planning Board would like more information about proposed events/activities.
- Jack: Question on parking and how it was determined that the lot is able to hold 35 cars. Requested a diagram of parking area, showing parking spaces and lanes consistent with the ordinance. Other questions asked: Hours of operations and time, if seasonal or full year, any food service or food preparation since there is a commercial kitchen, if food prepared on site how will odor be controlled, will there be liquor service, how would proposed sound proofing be done so as to not disturb the neighbors, need for septic system/letter from soil engineer as to ability of the current system to meet the proposed needs, will the use of the building include using it as a pub, what outdoor activities are proposed and what are the proposed hours of operation, will there be renting to outside groups, what is the distance from other residences (info in the application doesn’t seem accurate), fire safety issues and access (information needed from Fire Chief), is anyone renting the house or intend to live in the house, (Jed Davis said no one is living there or intends to live there), what exactly is the proposed lighting on the trail, the lease is

READFIELD PLANNING BOARD

not signed by anyone (we need a signed lease) who has the legal authority to enter into the lease (need proof of that).

- Review of letter from Clif, CEO at the time application first received. (*copy inserted for reference*). Information requests are still outstanding.
- Jed Davis (Applicant Attorney) would like a letter outlining all items of concern.
- Chip (CEO) and planning board members would like more detail and clarity before public hearing of events and activities and how the events will be planned and attendance.
- Kristin Collins (Town Attorney): look at the types of activity and frequency and if they fall under the ordinance as an approved use. Looking at completeness and if they have supplied all required submission items. Recommendation to go through list of submission requirements to determine completeness. Since this is under site review, it is not up to the CEO to approve application as complete but instead it is the Planning Board's role.
- Board discussed in detail whether the application met the Site Review submission requirements of Article 6 Section 3(I)(2) of the LUO.
- Discussion about whether to find the application complete given the lack of information, or find it complete subject to conditions on the submission of additional information. The PB felt that the application is not ready for a public hearing given the lack of needed information.
- **Motion** made by Henry to find that the application has met the basic submission requirements of Article 6, Section 3(I)(2) and that the Planning Board will not schedule a public hearing until it has received the documents and information as outlined in this meeting, **second** by Bill Buck. **Vote** 6-1, opposed by Jan.

Meeting adjourned at 8:07 pm.

Minutes submitted by Board Secretary, Kristin Parks

Jed Davis
(Maine and New York)

Elizabeth Mitchell
of Counsel

Aglaia Davis
of Counsel

Jennifer M. Bryant

Jim Mitchell and Jed Davis, P.A.

Lawyers

86 Winthrop Street, Suite 1

Augusta, Maine 04330

(207) 622-6339; 1-800-639-1530

Fax (207) 622-6549

Email: Jed, Libby, Aglaia, or Jennifer
@mitchellanddavis.com

In memory of Philip Davis
1908 - 1998

In memory of James E. Mitchell
1941 - 2016

June 1, 2021

Town of Readfield
Planning Board

Re: Application of Safe Space Meeting House, Inc.

Ladies & Gentlemen:

The Town of Readfield's Land Use Ordinance defines a commercial establishment as one that renders goods or services primarily on a retail basis which are customarily carried on in a building specifically for that purpose.

The LUO defines a community center/club as a building that houses any voluntary association of persons organized for social, religious, benevolent, literary, scientific or political purposes; whose facilities, especially a clubhouse, are open to members and guests only, and not the general public; and are not engaged in activities customarily carried on by a business or for pecuniary gain.

The issue before the Board is SSMH's request to create a voluntary, nonprofit, non-commercial community center for social and recreational activities for its members and their guests which may include music, art, cultural, educational, informational and other type of nonprofit events. Although nonprofit in nature, some of those events may include SSMH's receipt of money donations by its members and guests to pay expenses for the property and their activities.

Community centers can be found in all areas of the state in many different types of buildings; some being commercial in nature and others residential. Many community centers occupy residential buildings – especially multi-unit buildings – for the purpose of using the units as office space and community meeting rooms.

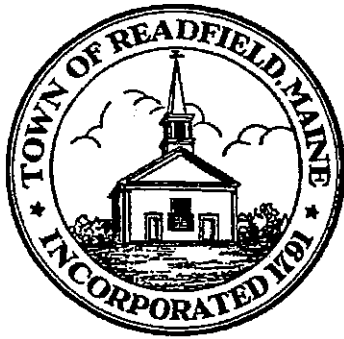
Other community centers can be found in large open buildings that do not conform to structural requirements for a single, or a multi-family home, but is not necessarily considered a commercial establishment when the community center's activities are not of a commercial nature.

SSMH's application meets all of the requirements under the LUO because:

1. SSMH is a voluntary association of people for social purposes.
2. It is a nonprofit corporation registered with the Secretary of State Charter No. 20210133ND.
3. It has a valid lease with the property owner, Robert Bittar.
4. Its facilities will be open only to invited members and their guests.
5. Its permit application clarifies that it will not engage in activities customarily carried on by a business or for pecuniary gain.

Sincerely yours,


Jed Davis



TOWN OF READFIELD

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April 16, 2021

Christina Swanson
86 Winthrop St., Suite 1
Augusta, ME 04330

Dear Christina:

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- 5) Elaborate on what is meant specifically by "cultural events". ("Social Safety" and "Fire Safety" are not uses—they can be removed). Explain whether and if so, how, the use will be "open to members and guests only, and not the general public."

Regarding the Questionnaire:

- 2) Regarding other permits required: the applicant on one hand states no other permits are required but on the other hand is uncertain of which activities they will undertake. This has to be sorted out and can be done so through the narrative in (2) of the cover page referred to above. Confirm that there will be no alcohol/food service or assembly use which requires a Fire Marshall's Office permit.

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- 11) I think the PB will want to know more specifically what the hours & days of operation will be.
- 14) Please provide confirmation from septic designer that system is adequate for the proposed use.
- 15) The applicant should include calculations that the impervious (or developed) area does not exceed 20,000 sq. ft. of total lot size. Developed area includes all structures, driveway/parking areas, etc. which do not result in vegetated surfaces.
- 16) Regarding water requirements: will the proposed use become a "public water supply", i.e., serving more than 25 persons over 60 days/year. What will the State regulations require and how does the applicant propose to meet them?
- 22) I do not see any response to this question regarding current, enforceable land use violations associated with the property.

Regarding the submittals:

- 2) List of abutters is incomplete: missing are lots 011, 014, and 009;
- 5) I don't find a copy of the deed in the file;
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- 9) This has not been addressed. If no other permits have been issued then simply state this.
- 14) A description of traffic movement depending on the type of specific activities proposed; and
- 16) The dimensional calculations required here may be the same calculated for #15 of the questionnaire above.

Incidentally, the PB application fee is \$100, not just the \$50 paid on 8/27/20, rec. #998.

When the applicant provides all of the items listed in this memo, I'll be happy to look at it again for completeness before placing it on the PB agenda. If you have any questions you may email (ceo@readfieldmaine.org) or call the Code Enforcement Office at 685-3290.

Sincerely,

Clifford Buuck

SSMH Timeline**Notes**

Non-exhaustive, mostly non-transitory

- August 25, 2020 An application was submitted by the SSMH for a Community Center / Club
- September 24, 2020 CEO Hanson responds to the initial SSMH application with a letter indicating that the application similar to a previously rejected PB application, and is incomplete
- September 28, 2020 SSMH responds to CEO Hanson with a letter providing some additional information but not all that was requested

- October 21, 2020 SSMH submits Appeal of CEO decision to Board of Appeals
- October 22, 2020 CEO Hanson writes to SSMH regarding their incomplete application clarifying the information request from his September 24 letter
- November 2, 2021 Board of Appeals issues electronic statement that they lack jurisdiction and suggest that SSMH work with the CEO and identifies the Planning Board as the final review body
- November 17, 2020 Town Manager met in-person with Alex Tearog of SSMH to discuss their project, request for clarification, and options to proceed
- November 24, 2020 Application received from Bob Bittar for a high-capacity assembly use sprinkler system to be installed for the premise leased by the SSMH
- December 3, 2020 Permit issued for the SSMH building sprinkler system by interim CEO Buuck with the conditions that the permit did not allow for use of the property and that assembly use was inconsistent with zoning
- December 23, 2020 Town Manager sent an electronic follow-up letter to Alex Twarog of SSMH regarding their project
- March 30, 2021 SSMH application re-submitted by Mitchell & Davis (dated 3/26/21 but identical to 8/25/20 app.)
- April 23, 2021 Letter from Mitchell & Davis asking about status of SSMH application
- April 23, 2021 Letter sent by Interim CEO Buuck to SSMH detailing incompleteness of application
- April 25, 2021 Letter from SSMH requesting copy of their application
- April 28, 2021 Addendum from Mitchell & Davis providing a more complete application and supplemental materials
- May 3, 2021 Final application fee received for SSMH
- May 27, 2021 Initial completeness review scheduled but not held



TOWN OF READFIELD

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TEL. (207) 685-4939 • FAX (207) 685-3420

READFIELD PLANNING BOARD AGENDA

Tuesday, July 27, 2021

6:30 PM

Public Meeting 6:30 pm:

Review the 5/11, 5/25, 6/2 meeting minutes for approval.

- 1) **7 Colony Road** – **Nathan Baudo** Continuation of application for a new replacement single-family seasonal dwelling, in the Shoreland Protection zone on Maranacook Lake. This application was originally opened at the September 14, 2020 meeting. The application was continued to October 14 to answer further questions and enter proper maps and drawings. The application was left open as applicant did not participate at that meeting. Accessor Map 134-167 and 167.
- 2) **26 Mill Stream Road - Safe Space Meeting House (SSMH)**: The application proposes to create a community center/club location and was opened at the May 25, 2021 meeting, no testimony was taken, and the application was continued to a June 2 special session where the application was considered and further continued to July 27th for further board questions to be discussed. The property is located at 26 Mill Stream Road in the Rural Residential District identified on the Assessors map 120, lot 013.

Old Business

NOTE: This will be the last Planning Board Meeting available via ZOOM until further notice with the expiration of the Governors Emergency COVID Declaration

This meeting will be held LIVE at the Readfield Town Hall and via web zoom/phone (see below):

Join from PC, Mac, Linux, iOS, or Android:

<https://us02web.zoom.us/j/86327315730?pwd=TVBncExsOVZFS1dRVDPNEd6cjJSOT09>

Or by Telephone: 1 301 715 8592 Meeting ID: 863 2731 5730 Password: 216751

The Planning Board will also accept written comments submitted by US Mail, drop off at town hall or emailed to ceo@readfieldmaine.org.

Comments from the public are encouraged and welcomed. They will be received at the time and in the order during the meeting as deemed appropriate by the Chair. Written comments from the public will be accepted at the Town Office at any time; however, they must be submitted by the Thursday prior to the next scheduled meeting in order for them to be considered at that meeting. If you have any questions regarding this agenda or would like to be placed on a future agenda, please call the Code Enforcement Office at 685-3290.

READFIELD PLANNING BOARD

Minutes of Tuesday, July 27, 2021

Planning Board Members: Paula Clark (Chair), Jack Comart (Vice Chair), William “Bill” Buck, William “Bill” Godfrey, Jan Gould, Don Witherill, Henry Clauson

Others Attending: Ron “Chip” Stephens (CEO), Eric Dyer (Town Manager), Nathan Baudo & Wife, Tom Wilson, Jed Davis, Leah Hayes, 15 or more live attendees for SSMH and 10 or more via ZOOM

Excused Absence: Kristin Parks (Board Secretary)

1) 7 Colony Road – Nathan Baudo

- Continuation of application for a new replacement single-family seasonal dwelling, in the Shoreland Protection zone on Maranacook Lake (Assessor’s Map 134 Lots 066 and 067). This application was initially considered by the Board on 9/9/20 and 9/23/20, at which time the Board requested additional information. A public hearing was scheduled for 10/14/20. The public hearing was continued because the applicant was not in attendance. Additional information submitted by the applicant, including revised site and erosion/sedimentation control plans, were reviewed by the Board at the 7/27/21 meeting.

26 Mill Stream Road - Safe Space Meeting House (SSMH):

- The application proposes to create a community center/club on property located at 26 Mill Stream Road in the Rural Residential District identified on the Assessor’s Map 120 Lot 013. The application was initially considered by the Board at the May 25, 2021 meeting, and was found to have met the basic Site Review submission requirements of the LUO on June 2, 2021. The Board reviewed supplemental information that was provided by the applicant earlier in July.
- Site visit scheduled for 08/24/2021 and Public Hearing scheduled for 08/25/2021. Abutters notified on August 9, 2021.

Meeting adjourned

Minutes submitted by Board Secretary, Kristin Parks via notes received from CEO and Planning Board members

Kristin Parks/Town of Readfield

From: CEO <ceo@readfieldmaine.org>
Sent: Wednesday, November 10, 2021 3:48 PM
To: Kristin Parks
Cc: Paula Clark
Subject: Look back on the July 27th Minutes from my email and files

To the 27th July Public Meeting minutes (Kristen was absent and there was no Zoom Recording)

Attendance: Nate Baudo and wife, Tom Wilson his neighbor
Jed Davis, Leah Hayes, plus 15 or more live attendees for SSMH and 10 or more on Zoom (remember the guy on zoom that wanted to speak and when muted was flipping the finger) I believe we had a sign in sheet, for the record and for COVID, but not sure where that landed. This was the meeting Bob had advertised as THE meeting and mistakenly advertised it as a hearing and site visit (see below)

The August 25th meeting was the Public Hearing with the Site Visit on the 24th, remembering that there was no SSMC representation except Jed Davis at the site visit. The abutter list was notified on August 9th for the public hearing August 25th

R Chip Stephens – CEO LPI
Town of Readfield
8 Old Kents Hill Rd.
Readfield, ME 04355
ceo@readfieldmaine.org
Desk: 207.685.3290
Mobile: 207.394.6414



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READFIELD PLANNING BOARD PUBLIC HEARING AGENDA

Wednesday, August 25, 2021
6:30 PM

Public Hearings 6:30 pm:

- 1) **Public Hearing - 7 Colony Road** – Nathan Baudo Continuation of the Public Hearing that was open on 10-14-2020, for a new replacement single-family seasonal dwelling, in the Shoreland Residential zone on Maranacook Lake. There will not be an additional Site Visit for this application. Accessor Map 134-167 and 167.
- 2) **Public Hearing - 26 Mill Stream Road - Safe Space Meeting House (SSMH)**: The application proposes to create a community center/club location and considered by the board at the May 25, 2021, June 2 and continued to July 27th for additional board questions to be discussed. A Site Visit will be held on August 24th at 5 PM at 26 Mill Stream. The property is located at 26 Mill Stream Road in the Rural Residential District identified on the Assessors map 120, lot 013.

Old Business

Review 7/27/2021 meeting minutes for approval.

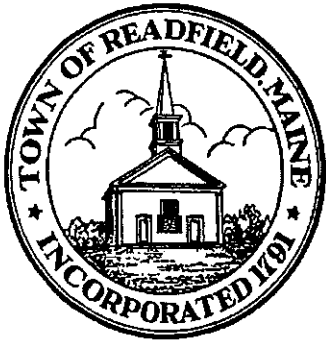
This meeting will be held LIVE at the Readfield Town Hall and via ZOOM web zoom/phone *Join from PC, Mac, Linux, iOS, or Android:*

<https://us02web.zoom.us/j/86327315730?pwd=TVBncExsOVZFS1dRVdVPNEd6cjJSQT09>

Or by Telephone: 1 301 715 8592 Meeting ID: 863 2731 5730 Password: 216751

Public Comments are encouraged and welcomed. They will be received at the time and in the order during the meeting as deemed appropriate by the Chair. Written comments from the public will be accepted at the Town Office at any time or emailed to ceo@readfieldmaine.org; however, they must be submitted by the Thursday prior to the next scheduled meeting for them to be considered at that meeting. If you have any questions regarding this agenda or would like to be placed on a future agenda, please call the Code Enforcement Office at 685-3290.

Next Scheduled Planning Board Meeting is September 21, 2021



TOWN OF READFIELD

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

To: Land Abutters of 26 Mill Stream Rd
From: Code Enforcement Officer

Notice of Public Hearing and Site Visit for Site Plan Review of Application for a Community Center/Club for the Safe Space Meeting House (SSMH)

As required by Readfield's Land Use Ordinance, this letter serves as a notification to land abutters of the property located at 26 Mill Stream Rd also described as Tax Map 120 Lot 013. The Town of Readfield Planning Board will conduct the Public Hearing at the Town office located at 8 Old Kents Hill Road on August 25 starting at 6:30 PM. A site visit will occur on the property and is open to the public on August 24th 2021 at 5 PM. The application is a proposal to allow for a Community Center / Club which is located in the Rural Residential District.

The purpose of this Public Hearing is to receive comments from the public regarding the site plan review application. This application is on file at the Town office for public inspection. If you have any questions regarding this application please contact the Code Enforcement Officer at 685-3290.

READFIELD PLANNING BOARD

Minutes of Wednesday, August 25, 2021

Planning Board Members: Paula Clark (Chair), Jack Comart (Vice Chair) (Via ZOOM), William “Bill” Godfrey, Jan Gould, Don Witherill, Henry Clauson

Excused Absence: William “Bill” Buck

Others Attending: Ron “Chip” Stephens (CEO), Kristin Parks (Board Secretary), Eric Dyer (Town Manager), Multiple ZOOM Participants, Tom Wilson, Charles Weaver, Nate Baudo, M. Liss, Rexford Tychna, Jason Hall, Matt Nazar, N. Marston, Beth Wells, Phil Tedrick, Jerry Bley, Rala ?, Jamie Mangin, Bonnie Harris, Will Harris, Linda Tukey, James Tukey, Elliot Sandler, Sean Keegan, John Jonc, Leah Hayes, Jed Davis

Meeting called to order at 6:31 pm by Paula.

1. **Public Hearing - 7 Colony Road** – **Nathan Baudo** Continuation of the Public Hearing that was open on 10-14-2020, for a new replacement single-family seasonal dwelling, in the Shoreland Residential zone on Maranacook Lake. There will not be an additional Site Visit for this application. Assessor Map 134-167 and 167.
 - Applicant, Nate Baudo, reviewed the new revisions of the site plan and erosion plan that were submitted per request of the Planning Board.
 - Tom Wilson, an abutter, feels that everything looks good and is very supportive of the replacement of the old camp.
 - Charles Weaver, an abutter, stated that the application has been in process for a long time and as the President of the Association in the area where they are located wanted to share that everyone is in favor of moving ahead and are very supportive.
 - **Motion** made by Don to close the public hearing at 6:44 pm, **second** by Henry. **Vote** 6-0 in favor.
 - Revised Site Plan looks good. Erosion Control Plan still has a few issues. Discussion amongst the Planning Board and Applicant over plans. Prior to issuance of building permit all erosion control measures need to be in place and before Certificate of Occupancy permit is issued.
 - **Motion** made by Bill G to approve the application with standard conditions; subject to revised plans; and for the CEO and Contractor to work together to ensure that erosion control measures are in place prior to the start of demolition and that storm water measures be sustainably in place prior to issuance of a certificate of occupancy. Owner is to ensure on-going maintenance of these features particularly after rainfall of greater than 1 inch. **Second** by Jan. **Vote** 6-0 in favor.

2. **Public Hearing - 26 Mill Stream Road - Safe Space Meeting House (SSMH)**: The application proposes to create a community center/club on property is located at 26 Mill Stream Road in the Rural Residential District, identified on the Assessor’s Map 120, Lot 013.and the application was considered by the Board at the May 25, June 2, and July 27, 2021 meetings, and a site visit was held on August 24, 2021.
 - Review by Chair, Paula of past timeline for the SSMH application. A site visit was held on 08/24/2021. The application proposes a change of use from Single

READFIELD PLANNING BOARD

Family Residential to Community Center Club in the Rural Residential District. Public comments will be accepted until Tuesday, September 7 at 5:00 pm.

- Public Hearing opened at 7:09 pm by Paula.
- Jed Davis, lawyer for SSMH, gave a review of the SSHM Mission Statement that is included in their application.
- Leah Hayes, applicant for SSMH, spoke about why they wanted to have a community center: as a central hub for the community; where everyone can come together and meet surrounding neighbors.
- Eric Dyer, Town Manager, made a statement focused on the LUO requirements applicable to the application. and issues with that aspect and not on the vision of the community center. In part, he mentioned the parking situation and safety concerns with Route 17, and the fact that Mill Stream Road is a dirt road with no significant base and not built to sustain the proposed use.
- Will Harris, Abutter: Expressed his opposition due to the fact that the proposed use is located in the Rural Residential zone and that a previous rezoning proposal for this property was not approved. He expressed his concern regarding different ways in the past that the 26 Mill Stream Road property has been used/proposed to be used but never approved for these usages, along with different permit attempts. A 2017 consent agreement between the property owner Mr. Bittar, and the town, provided that the building would only be used as a single family dwelling. He feels as an abutter he is entitled to the property protections afforded by Residential zoning designation. he has concerns related to an increase in traffic, noise, and environmental protection. He and his wife urge the board not to approve the application.
- Anne Liss, Abutter: Agrees 100% with the comments of Mr. Harris and the Town Manager. Concerns she pointed out are noise, time frame of activities and events, vandalism, trespassing, parking issues, trash issues, property value, emergency response and impact, road and parking conditions, COVID protocols and regulation of land use. Stated that the SSMH is listed as a non-profit and that other areas in the town are available to be used for meeting spaces.
- Rexford Tychan; Ratt Mill Hill Road: He has received an abundance of mailers and home appearances by Mr. Bittar and has asked for them to stop. Concerned about whether the actual use of the property would be what the applicant is saying it would be.
- Jason Hall, Ratt Mill Hill Road: Concerns about parking and that it doesn't look like there is enough room for 35 spaces along with handicapped accessibility. Safety and protections in a community like Readfield were the main reasons they moved here in 2018 and he wants to keep that security.
- Matt Nazar, Abutter: Has previously submitted comments and agrees with the Town Manager and other testimonies presented. Would like everyone to point out that a community center is not an approved use in the Resource Protection Zone, which extends to a portion of the 26 Mill Stream Road structure.. He has concerns regarding parking, traffic, public safety and the condition of Mill Stream Road. Photos of the road have been submitted after usage in 2018. Concerns expressed about the lack of sound barrier as the hill to Old Kents Hill Road does not shield the noise from traveling. he mentioned the building capacity per fire

READFIELD PLANNING BOARD

chief and parking needs to accommodate larger events. Even with conditions of approval the applicant may ask for more changes down the road.

- Phil Tedrick, Touissett Point Road; He has been a resident for 25 years and feels that the property is a wonderful gift to the community. As he is aware of the issues and understands the concerns by those who have commented he encourages the board to have a second opportunity to review and approve the application.
- Jon Jonc, Non-Resident; Expressed his support of the music and events at the SSMH, feels like this is a gift to the community, and likes the opportunity it brings for music and arts to the future kids and teenagers.
- Elliot Sandler, Winthrop Road; He has been a resident for 40 years and was present at the site visit. Feels this is a wonderful opportunity if it can be done with restrictions or conditions to see if it works. Hoping there can be a happy medium found and the property can be used in the right way.
- Next steps: No deliberations to be conducted tonight; application to be brought up in a future meeting for discussion; September 7 by 5:00 pm is the deadline for written public comments to be received to the CEO.
- Jack Comart requested two items:
 - i. Documentation of what portion of the property is in the Resource Protection Zone
 - ii. Dimensions of the parking area and spaces.
- CEO did receive comments/input that parking along Route 17 is an issue to be determined by the town.
- There is confusion over the distances between the barn/house from abutting property lines and/or structures.
- Bill Godfrey would like the previous 2017 consent agreement reviewed by the Town of Readfield Attorney to make sure there are no violations.
- CEO mentioned that part of the house is in the Resource Protection Zone.

Meeting adjourned at 8:12 pm by Paula.

Minutes submitted by Board Secretary, Kristin Parks

Meeting recorded via ZOOM and available

Jed Davis
(Maine and New York)

Elizabeth Mitchell
of Counsel

Aglaia Davis
of Counsel

Jennifer M. Bryant

Jim Mitchell and Jed Davis, P.A.

Lawyers

86 Winthrop Street, Suite 1

Augusta, Maine 04330

(207) 622-6339; 1-800-639-1530

Fax (207) 622-6549

Email: jed, libby, aglaia, or jennifer
@mitchellanddavis.com

In memory of Philip Davis
1908 - 1998

In memory of James E. Mitchell
1941 - 2016

August 24, 2021

Chip Stevens, Code Enforcement Office, and
Town of Readfield Planning Board

RE: SSMH's response to letter by Matt Nazar, April 14, 2021

Dear Chip,

My client responds to Matt Nazar's letter as follows:

1. SSMH's application was submitted with good faith in full accordance with Readfield Land Use Ordinances. Contrary to Mr. Nazar's allusions that my office, my paralegal or my client's landlord are targeting him personally through these legal actions, SSMH's application for an occupancy permit is the only relevant issue before the Board.
2. Mr. Nazar used a good portion of his letter to raise unrelated legal actions taken by my paralegal from several years ago which were unknown to my client and which have absolutely no relevance and no bearing on SSMH's permit application with the Town. There was no other reason to raise these issues except to try to disparage my office and my client. To that end, Mr. Nazar's comments should be entirely ignored.
3. Mr. Nazar also cites his concern about "potential retaliation for exercising [his] legal right to provide [his] testimony for the Board's consideration." Oddly, his concern is misplaced because SSMH has done nothing to target Mr. Nazar or his family during this application process. Prior relations between my client's landlord and Mr. Nazar – whether personal or legal in nature – have no bearing on or relevance to SSMH's application.

4. It is reasonable for SSMH's landlord, Robert Bittar, to promote SSMH's proposed use of the property so SSMH can have a place to hold their activities and Mr. Bittar can reap rental benefits after he helps SSMH to put the building into service.

Even though SSMH is the applicant, Mr. Bittar is still the legal owner of the property and must approve and assist SSMH with making all structural and topographical changes to the building and land so their permit is granted after the Board's conditions are met.

5. SSMH has mentioned the possibility of activities like singing and dancing. These activities are in alignment with other community centers. Music, dancing and singing are obvious activities for members of an organization such as SSMH. Meetings will be held with members to plan future activities and goals.

The activities will fulfill SSMH's Mission Statement:

"We support inclusivity, equality, community and the fundamental rights of all human beings. Readfield's **Safe Space - Meeting House [SSMH]** will provide a space for LGBTQ+ community to build professional and social connections in the community. Our effort intends to establish a "meet-up Space". It will be a "Safe" setting in which to share cultural interests, resources, and opportunities with people who share similar interests and concerns.

"SSMH will model its community activity on civic outreach activities used by The Readfield Union Meeting House. The SSMH "meeting house" outreach will be dedicated to the arts as a primary link for community communication. It is integrated within the Readfield community.

"Our society is beset with uncertainty and anxiety. Readfield's SSMH is dedicated to providing community resources needed to help support LGBTQ+ community in Readfield. We advocate for laws and policies that will protect all people's rights and everyone's dignity. We work for a world where all people can enjoy their rights fully."

If the Planning Board feels that any of these activities are not appropriate, my client would be happy to discuss the concerns about them with the Board.

6. SSMH has fully complied with the Town's LUO permit process, submitted every requested document and answered every question asked to the best of their ability and knowledge. Mr. Bittar's previous dealings with the Town should have no bearing on my client's application.

7. Regarding Mr. Nazar's concern about use within the resource protection shoreland zone, the LUO provides for Rural Residential occupancy which includes a community center or club. If the resource protection shoreland zoning's more restrictive provision is controlling, then it would essentially prohibit even single family residential use of the property, thereby nullifying any occupancy or use of the property entirely. As a matter of fact, single family homes are permitted within the Resource Protection with PB and CEO approval.

8. Mr. Nazar asked, **"If the use is not allowed in a portion of the building labelled in the application as "Meeting Room 1", how does the Board anticipate the town will realistically enforce that prohibition if the use is allowed in the rest of the building?"** The answer lies within the Town's Land Use Ordinance which does not specifically outline acceptable uses for a community center within the Rural Residential zone. In order for this question to be answered, the Town needs to provide a comprehensive list of accepted, and prohibited, uses for a community center in a Rural Residential zone.

9. Because the Town's RR LUO does not specifically or comprehensively outline what activities are permitted and prohibited by a community center, it is difficult for SSMH to determine which activities they are going to provide. Until they know what activities are prohibited, then cannot decide which activities to offer.

10. Regarding the issues of parking and winter access:

(a) Your recent email said that Mr. Allen of DOT has said "that the Maine DOT represented by him and his regional office staff uniformly have not written a letter or verbally stated an official ME DOT position on this request", because Maine state statute speaks for itself; and, most recently, that "it is the town's responsibility and choice as to allow or not allow parking on Route 41 in Readfield," which must comply with Maine state law.

(b) Mr. Allen is an engineer, not a legal authority. So he is not qualified to provide a legal interpretation of section 2068 and must rely on the written law.

(c) As I explained in my prior email with my legal opinion on section 2068, the law is clear about the criteria for prohibited parking, none of which appear to apply to SSMH.

(d) Mr. Nazar is correct that the Planning Board has no legal authority to prohibit parking along a public street. 29-A MRSA § 2068

does not grant any authority to a Town or other government agency to prohibit or restrict the stopping, standing or parking of any vehicles on a public way – that authority is reserved only to Department of Transportation. See 29-A MRSA § 2068(C).

(e) 29-A MRSA § 2069 grants authority to a law enforcement officer, Department of Transportation or the Maine Turnpike Authority to remove a vehicle from a location in violation of section 2068. It does not grant any Town that authority.

11. SSMH's application clearly described that their winter and cold-weather activities will be much fewer than those held during the warmer months. Their application also explained that their activities during the warmer months would happen only a few times a week and only for a few hours at a time.

12. Because SSMH's winter-time and cold-weather activities will be much fewer, the risk of mud and unsafe pedestrian/vehicle interactions on an icy road are far less probable than Mr. Nazar is alleging. SSMH's activities will be scheduled in accordance with the unpredictable weather patterns that Maine is famous for having, and will cancel or reschedule events due to weather-related, or parking-related obstacles.

13. It's a common occurrence in Maine for people to have to park their cars at the top of their dirt driveway in the springtime because of the muddy nature of our topography; delaying or rescheduling SSMH events for the same reason would be acceptable.

14. Mr. Nazar says "a significant uptick in use will require taxpayers to do repairs to the road probably a couple of times a year." But SSMH's application clearly says they do not expect to have a 'significant uptick' in use, because their activities are not going to be held daily, nor all day long. Their activities are expected to include only 3 or 4 days per week, and only 3 or 4 hours per event, with attendance limited to 35 +/- cars, at most. It's not possible to predict what effect that traffic is going to have on Mill Stream Road.

15. Regarding Mr. Nazar's arguments about noises and decibel level testing, his arguments are premature as the types of activities have not yet been definitively planned. SSMH cannot provide the Town with a comprehensive list of proposed activities until the Town provides SSMH with a comprehensive list of prohibited activities.


15. As shown in SSMH's exhibits regarding the sound level testing when music inside the barn was played at 95 decibels, noises outside of the barn registered at 50-60 decibels which is no louder than normal

conversation or a hairdryer, as shown in Mr. Nazar's exhibits. Mr. Marston testified that the ambient noises caused by traffic on Route 17 was louder than, and drowned out, noises caused by the music played on the day of his testing.

In closing, I would suggest that the most significant obstacle during this process is the Town's lack of a comprehensive list of permitted and prohibited activities by a community center or club within the Rural Residential zone.

In that regard, SSMH is willing and able to work with the Town to determine practical and reasonable activities and uses for their members that will not increase town expenses, the need for town services or interfere with neighbors' right to peaceful enjoyment of their homes.

Sincerely yours,



Jed Davis, Esq.

Cc: Alex Twarog

Jerry Bley
27 Giles Road
Readfield, ME 04355

August 25, 2021

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

Dear Planning Board Members:

I had hoped to speak at the public hearing for the Safe Space Meeting House (SSMH) proposal this evening, but had to leave before my opportunity arose due to another commitment. Please accept this written account of my planned remarks.

Tonight, I wear a variety of hats:

- I am a neighbor to the proposed SSMH site living at 27 Giles Rd.;
- I am an acquaintance of the owner of the property, Bob Bittar and his late wife, Helen, having known them for many decades;
- I am a long-time member of the Readfield Conservation Commission (which is not involved in these deliberations) and helped coordinate the donation the Mill Stream Dam trail easement and trail use agreement by the property owners to provide recreational and historic benefits to Town residents; and
- And in my day job, I am a land use consultant providing planning and conservation expertise to clients and have been through numerous permitting procedures over my career.

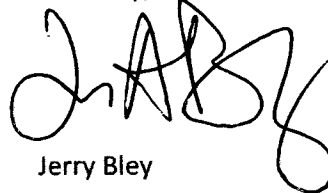
So, with those different perspectives, I would like to share a variety of thoughts that this proposal has given rise.

- As we all know, there is a lot of history – and regardless of one’s perspective, ugly history – that pre-dates this proposal. My hope is that the Planning Board will leave that baggage behind and judge this proposal based upon the facts and its merits.
- I am not afraid of change in my town or even in my neighborhood, in fact I welcome it. Otherwise, community life becomes stale. The Planning Board has the challenging task of providing for that lifeblood of positive change while being responsive to the fears and legitimate concerns that inevitably accompanies it.
- And I think that we, as a community, can do a better job of welcoming and assisting new enterprises, whether they be businesses, farmers or associations. Somehow there needs to be an alternative to the tortured saga that has occurred at Mill Stream. In my day job, I spend a lot of time facilitating creative solutions to challenging situations. That doesn’t typically happen through the permit review process – it needs to happen in other ways. It certainly didn’t happen here.

- Love it or hate it, the SSMH proposal (as well as the proceeding proposals on this site) is about one thing – providing a benefit to the community. It is not about personal gain or profit. The stated mission of the SSMH aligns with the values that I hold dear in Readfield and fits squarely within the concept of a community center.
- And in that light, I think it is important that the Planning Board look around the town and see how other similar facilities have managed to co-exist within neighborhoods. What has worked and what hasn't? The SSMH proposal should be assessed in a manner consistent and commensurate with these other facilities.
- I understand and appreciate the legitimate concerns expressed by some neighbors; noise, parking, safety and others -- have some of them myself. But, I also understand the role and power of the planning board to address those concerns through permit conditions and other means. The applicant appears open to such limitations.
- Is that possible here? Quite honestly, I am not sure, but I hope that is where the Planning Board's efforts will focus. You have a proposal that seeks to fill an important need in our community; one that will make us a better and stronger town. I believe it fits the definition of a community center, an allowed use in the zone. And yet, it is proposed in a challenging location where great care is required to prevent unwelcome impacts, most notably to close-by neighbors.

Thank you for this opportunity to share my thoughts with the Planning Board.

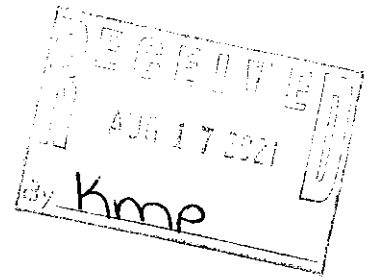
Sincerely,

A handwritten signature in black ink, appearing to read "J. Bley". The signature is stylized and fluid, with the first letter "J" being particularly large and the last letter "y" having a long, sweeping tail.

Jerry Bley



Readfield MAINE



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[Home](#) > [Boards & Committees](#) > [Select Board](#) > [Public Comment Form](#) > [Webform results](#) > [Public Comment Form](#)

Submission information

Form: [Public Comment Form](#) [1]
Submitted by Anonymous (not verified)
August 17, 2021 - 2:40pm
2603:7081:6d07:e300:49f5:64d9:992c:a2f6

Date

August 17, 2021

Name

Phyllis & Roland Cote

Email Address

phyllisann180@gmail.com

Phone Number

207-213-4167

My meeting, public hearing, or general comments are for:
Planning Board

Date of Meeting or Hearing (if known)

August 25, 2021

Agenda Item or Issue (if known)

26 Mill Stream Road Club application

Your Comments

This comment is from Phyllis & Roland Cote, 20 Mill Stream Road. We have a bedroom 50ft from proposed "club" at 26 Mill Stream Road and we live in a residential district. It should not have to be explained at all but when a person owns property in a residential neighborhood, it is the expectation that any/all activity would be of a residential nature. Any other use belongs in a commercial/business district.

Source URL: <https://www.readfieldmaine.org/node/20984/submission/6021>

Links

[1] <https://www.readfieldmaine.org/select-board/webforms/public-comment-form>

Kristin Parks/Town of Readfield

From: CEO <ceo@readfieldmaine.org>
Sent: Wednesday, August 25, 2021 8:58 AM
To: Don Witherill; Henry Clausson; Jack Comart; Jan Gould; Kristin Parks; Paula Clark; William "Bill" Godfrey; William Buck
Cc: manager@readfieldmaine.org; clif buuck
Subject: SSMH Public Comment Form

Date of Meeting or Hearing (if known): August 25, 2021
Agenda Item or Issue (if known): 26 Mill Stream Road Club application

This comment is from Phyllis & Roland Cote, 20 Mill Stream Road.

We have a bedroom 50ft from proposed "club" at 26 Mill Stream Road and we live in a residential district. It should not have to be explained at all but when a person owns property in a residential neighborhood, it is the expectation that any/all activity would be of a residential nature. Any other use belongs in a commercial/business district.



Town of Readfield MAINE



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[Home](#) > [Boards & Committees](#) > [Select Board](#) > [Public Comment Form](#) > [Webform results](#) > [Public Comment Form](#)

Submission information

Form: [Public Comment Form](#) [1]
Submitted by Anonymous (not verified)
September 6, 2021 - 10:23pm
70.20.51.14

Date

September 6, 2021

Name

Carol Doorenbos

Email Address

cdoor@myfairpoint.net

Phone Number

(207)446-7535

My meeting, public hearing, or general comments are for:

Planning Board

Date of Meeting or Hearing (if known)

Agenda Item or Issue (if known)

Mill Stream Barn

Your Comments

Dear members of the Planning Board,
I would like to propose some thoughts regarding the Mill Stream Barn. From listening to the meetings held so far, it seems that parking is a major issue, so here are some ideas for solutions. I imagine most of the events would be quite small with an occasional gathering might be well attended.

1. The Barn is located right behind the town hall. So can the 16 approximately parking spaces at the Readfield Town Hall be used for overflow in the evenings or weekends when it is not being used?
2. Patrons of The Barn can also park along the north side of Main Street like they do for Fire Station and Library functions. From our house at 1163 Main St the corner here are about 15 spaces, and even more going as far as the library. With just a short walk on the sidewalk to the trail, they can arrive at The Barn safely.
3. For a bigger event, there can be a shuttle van that can go from The Barn to Maranacook High School I would like to compare it to the Barn at Silver Oaks (BASO) in Winthrop at the intersection of Route 41 & 133. I recently attended a function there in the for Travis Mills Foundation, and it was beautiful and spacious, but the BASO is even more limited in parking spaces than are proposed at The Barn. Guests were shuttled in vans for the event to and from the Winthrop High School, which

is even farther than from The Barn to MHS. It worked very smoothly and eliminated any congestion at that busy intersection.

All over town, businesses and non-profit organizations are challenged with inadequate parking. That clearly was witnessed at nearly all venues during Heritage Days. But wasn't it great to see so many people out and about socializing and supporting the town?

Another concern is "Will events at the Barn create too much noise?"

We have lived diagonally to the Emporium for 20+ years. In all that time, I don't recall any time when there was excessive noise, loud music, or any other kind of disturbance whatsoever. I was not a frequent patron, but it was a nice place to gather for good atmosphere, great food, and nice music on occasion. It was also one of the few successful businesses we have had. Thank goodness for the Readfield Market and the Weathervane. In the surrounding areas of Manchester, Winthrop and even Wayne new small businesses are opening and thriving. Now it is another constant reminder of the decline of business in downtown Readfield and at the Depot. Of course I believe the town ordinances must be followed, and the Planning Board has the job to enforce that. You have a difficult job to do.

Bob can be a very polarizing person. In his passion to create a place in some unorthodox ways, and his actions have terribly divided this town. Today we have an existing barn that is just sitting there deteriorating, I hope the town can come together with some kind of acceptable use for it. Our town needs to heal. If the town can mend this very long and painful division in Readfield by allowing some way that The Barn can be used with proper guard rails in place, it would be a giant signal that Readfield is a friendly town that is open for business.

Why is the Barn needed locally?

Sadly, we have found out how damaging isolation can be for teens during the Covid shutdown. We are fortunate to have a fabulous arts program at MHS, but in the summer months that is closed. For those that are not involved in sports, there is very little available over the summer for teens to occupy their time in a positive way. The Barn can be a great gathering place in the summer for teens to enjoy their passion and talents in music and the arts when the school is not in session. The same can be said for our senior citizens. Unless people are involved in the schools or local churches, the biggest opportunity to run into neighbors is at the Post Office and the Transfer Station. Our town can offer so much more.

Respectfully,
Carol Doorenbos

Source URL: <https://www.readfieldmaine.org/node/20984/submission/6071>

Links

[1] <https://www.readfieldmaine.org/select-board/webforms/public-comment-form>

To: The Readfield Planning Board, Paula Clark, Chair

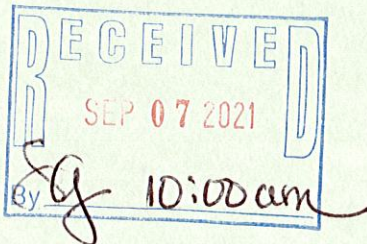
From: Will Harris 

Subject: Submission of Exhibits in Support of My Statements to the Board on August 25, 2021

Date: September 7, 2021

The application before you regarding the property at 26 Mill Stream Road alleges to be for a change of use for a non-profit community center unrelated to the property owner Mr. Robert Bittar's previous iterations for the use of this property. Please accept the attached as a few (of many) mass mailings, articles in the Community Advertiser, and the Kennebec Journal, etc. which are examples of Mr. Bittar's involvement in the use of the Mill Stream property. Please note that they are substantially unchanged from one another and all are focused on the same change of use within the rural residential and resource protection zones for which he previously signed a consent agreement to only use the property for a single family dwelling.

Thank-you for the opportunity to provide this information and I wish you the best of luck in reviewing and deciding upon this request.



Testimony of Willard Harris

To

Readfield Planning Board

August 25, 2021

Good Evening. I am Will Harris and my wife Bonnie and I live at 26 Old Kents Hill Rd. Our property abuts the property at 26 Mill Stream Rd.

I come here tonight, once again, to express my opposition to permitting a public use of the Robert Bittar property at 26 Mill Stream Rd. This property was, and continues to be zoned rural residential in Readfield's Land Use Ordinance.

Mr. Bittar has sought since 2013 to develop the property as a bar/music venue despite its location in a Rural Residential location.

He has sought, unsuccessfully, to have the area re-zoned to accommodate his intended use.

He has sought several times to portray the usage as some kind of community center or club in order to include its intended use to be allowed within the Rural Residential zoning designation.

- In 2015 he called it the Readfield Country Club
- In 2018 he filed to set up a "non-profit" corporation called the Music and Arts Coalition of Maine at 26 Mill Stream Rd; at which, among other things, they would "sell products and food; rent space within the facility for events."
- Now in 2021, you have been presented with the opportunity to permit the same types of activities under the title of "Safe Space Meeting House."

At least for the last two permit attempts you are being asked to overlook the fact that Mr. Bittar, on July 18, 2017 signed a Consent Agreement with the Town of Readfield that stated that 26 Mill Stream Rd. would ONLY (all caps in the agreement) be used as a single family dwelling. Having read the Consent Agreement several times I can find no wherein it that it is time-limited. Has the agreement run out, or do its terms still stand?

Does the fact that the permit request before you states that it is brought by the Safe Space Meeting House and not Bob Bittar mean that he no longer has to abide by the agreement that he signed, even though he still owns and controls the property? Mr. Bittar was denied an occupancy permit in large part because he did not abide by the terms of the Consent Agreement. Should a shell organization be permitted to do what had been denied to the owner?

As an abutter within the Rural Residential zone I believe that I am entitled to the protections and restrictions of that zone, I am entitled to the quiet enjoyment of my property and I look to you on the Planning Board to help me protect those rights. If you approve this project – which is essentially the same one you have been presented with many times since 2013 – it will mean significant noise and traffic both adversely affecting my property. The questions regarding types of usage, numbers of people using it, public safety, parking, and runoff issues in an environmentally sensitive wetland area (to name just a few), have not been addressed satisfactorily.

Bob Bittar can call this the Readfield Country Club, the Music and Arts Coalition, Helen's Barn, the safe Space Meeting House, the Dew Drop inn or the Number 10 Saloon. They are all just names for the same business venture that is Not Allowed under the guiding regulations of the Land Use Ordinance.

I urge you to reject this permit application.

Thank-you for the opportunity to speak.

Kristin Parks/Town of Readfield

From: ceo@readfieldmaine.org
Sent: Tuesday, September 7, 2021 1:08 PM
To: 'Kristin Parks/Town of Readfield'
Subject: FW: To the Planning Board in regard to 26 Mill Stream Road

Please forward this too !

Thanks

Chip

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

From: Grace Keene <g4k4@fairpoint.net>
Sent: Tuesday, September 7, 2021 9:25 AM
To: CEO@ReadfieldMaine.org
Subject: To the Planning Board in regard to 26 Mill Stream Road

I am expressing my concern about the property at 26 Mill Stream Road that is still owned by Robert Bittar. Since he is still the owner, I believe he will still be controlling what the activities will be on the property. Since the building permit for that property was issued as a single family dwelling, I think the application for any other use should be denied by the Planning Board.

Grace Keene
Beaver Dam Road
Readfield, Maine

Sent from my iPad



To: Readfield Planning Board
From: John Knox, 16 Old Kents Hill Rd., Readfield ME
Subject: Application for a Community Center

I have lived 35 years abutting the discontinued portion of Mill Street and of Mill Stream. As I have since its beginning, I am writing to oppose passage of usage of the barn at 26 Mill Street.

1. My Property

From a vision standpoint, I am the closest abutter to this property both from my lawn by the stream, and at times, when there are no leaves I can see it from my house. If this venture takes place, I would have to draw the curtains in my bathroom at night. I can hear noise from the proposed parking lot. I would imagine in the summer windows will be open and probably activities taking place outside. I was well aware of the swimming hole formed by the stream when the dangerous activities mentioned took place.

The proposed activity would seriously affect the enjoyment of my home and the reasons I originally bought it.

2. Factory Square

At the time of the Readfield bicentennial, I volunteered to bring Factory Square (where the current new barn is located) into the celebration and put together a considerable program. Because of this I have been asked to help with the Historical Section of the new 10-year Comprehensive Plan currently being prepared. While my work is not completed, I have proposed that the site be declared a local historic site, so further disruption such as caused by the barn, cannot take place. I feel the current existence of the barn might make this declaration difficult. If the barn is removed, I propose a walking trail connecting the sites which are exposed or can be exposed.

3. The Permit Application

I believe the Permit Application is so full of errors and omissions that it should not be acted upon in its current state. Because of this, I have not taken a great deal of time verifying the issues listed below. They may be hearsay or secondhand. However, I have lived here 35 years and have been very involved with the area in question.

- A. Application states it will be available to residents yet it refers to members-only.
- B. Application states activities would only be indoors. As stated previously in this document, I believe this to be unlikely.
- C. Application states that existing buildings have improved the area. I believe it is exactly the opposite.
- D. What does "historic property" mean? I believe it refers to the recently completed trail.
- E. I have been retired on my property for a considerable time and have never seen a tour bus.
- F. Application states "no permits required" but that they may be required in the future. It does not state what they are and gives the impression they are subject to approval only by the lessee committee.

- G. Application mentions their committee but no member names are given.
- H. Application states that activities will conform to "state and federal laws" but does not mention town ordinances.
- I. Application mentions a "Mill Stream Park." As an abutter, I should have heard of this. I have not.
- J. Application mentions Fire Department's studies of the project, but only states that there is no problem for emergency vehicles.
 Mill Street dead ends at one end and connects with Giles Road where that road intersects Route 17. Giles Road also dead ends at its other end as does Mill Street. Route 17 leads to two major ski areas and two paper mills. The lessor should talk to the sheriff and the Department of Transportation.
- K. The application mentions a committee and then mentions a board again with no members or specific mission for each.
- L. Since one third of my property is in shore land zoning, I am surprised some of the proposed property is not also in shore land zoning.
- M. The application shows concern for the one home on Mill Street in terms of noise but does not show concern for abutters facing the stream. A document recently received from the lessor included a frightening list of possible activities. I would insist on such a list from the applicant.
- N. The application states that there are other houses in Town that are close to a similar organization. I believe they mean the Readfield Union Meeting House. The two are not similar. One Meeting House board member I spoke to agreed with me.
- O. The application gives the impression that the discussed land is without incline. However, there is a fairly major hill in back of the barn that contains the remains of the Factory Square mills.
- P. The property in question is not near other buildings, is on a dead end road, and the applicant sites activities which have previously existed in the area. How can this be "safe and secure?" The applicant even sites activities since the barn was built.
- Q. The application sites members as having access but does not identify by who, when, and how many.
- R. Previous to this application the lessor offered the building to the Town as a community building and, as near as I can tell, there was not enough interest.
- S. The applicant states that they will "police" their area but does not mention the parking lot.
- T. Was the "parking lot" at the Giles Road end of Mill Street ever approved?
- U. I have not seen, nor do I hope to see, restroom facilities at this "Town Park."
- V. I have read the most recent (2009) Comprehensive Plan and see no mention of the Planning Board relative to this property. In fact, in the most recent proposed land use plan it appears to result in the barn being removed. It was not passed. Possibly I feel this may have been due to lobbying efforts by the lessor.
- W. The application suggests the National Register of Historic Places. I do not believe Factory Square is eligible even before the barn. Also, the Register does not protect the designated items. It only adds fundraising and "prestige."
- X. Will the lessee carry liability insurance?

- Y. "Quiet enjoyment." How is this defined? What about guests?
- Z. Lease provisions should prohibit persons sleeping in the structures mentioned.
- AA. Lease provisions should have a notice if tenant wishes to terminate the lease early.
- BB. The application refers to "property" as "historic." Nowhere in the document is it mentioned that the barn is only several years old.
- CC. The application mentions that the lessee is a fundraising nonprofit. What is the purpose of the funds raised? Is that stated in a non-profit state application, assuming there is one?
- DD. Application mentions parking spaces for 35 cars. This space was cleared by the Town many years ago with no mention to this abutter. It has been a source of trash and, possibly, drugs. At the time of its construction I was told it was a place for the Town plow to turn around. Parking for 35 cars is a far reach from snow plow turnaround.
- EE. Application should detail the following about the proposed project:
- The number of persons utilizing the building on an average day.
 - How will this differ by winter/summer and is it heated?
 - Children and Adults
 - Are children required to have an adult present?
 - Definition of children?
 - Members/residents. Is there a fee or membership for either?
 - Days and hours open.
 - Manager on duty? Paid or volunteer?
 - Who will clean up when building is closed for the day?
 - Will swimming be allowed?
 - Should be regulation about walking on the dam.

Matthew Nazar
62 Old Kents Hill Rd
Readfield, ME 04355

August 31, 2021

Readfield Planning Board
8 Old Kents Hill Rd
Readfield, ME 04355

Dear Board Members,

First, please let me apologize again for what was undoubtedly incoherent testimony that I gave last week. I assume it was extremely obvious how anxious I was to be standing in front of you and speaking about this project. I was that nervous because the risk to me personally has never been this big. In 2019, the owner of this property attempted to get me fired from my job for speaking to public officials about his project. All of my activity in Readfield is on my own time and has nothing to do with my employer in Augusta. All I have ever done related to this property is speak as a private citizen to public officials about my concerns. Everything I have stated to every public official has been accurate, as I understood the situation at the time.

And to correct the record, the city of Augusta negotiated for over a year to get a purchase and sales agreement with the landlord of Attorney Davis's paralegal and actually failed in those negotiations. I was not involved in any of the negotiations, but my department was. The house was ultimately purchased in 2014 by the Maine Governmental Finance Authority – a state entity. Yet in 2016, I was personally named in a lawsuit related to this issue. I have no idea why Attorney Davis would believe that a lawsuit brought against me by his paralegal could somehow disparage his office and his client. However, it clearly played a role in my anxiety last week.

It seems important that the public testimony in favor of the project centered on the owner and his "gift" to the community and the chance for the owner to create "Emporium 2.0". Those speaking in favor did not mention Safe Spaces Meeting House or mission of the applicants, they focused on the mission of the owner.

To the substantive points Attorney Davis makes, I have a few responses. Item 7 in his letter does not make sense. Readfield's shoreland zoning is part of the base zoning scheme in the town. It is not an overlay zone. 26 Mill Stream Road is a parcel that is split into two zoning districts – Rural Residential and Resource Protection. Article 7, Section 3(C) of the Land Use Ordinance states that:

If a lot is divided by two or more districts, the requirement of this Ordinance for a particular district apply only to the PART of the lot which is located in THAT district.

The question that remains is how much of the building is Rural Residential and how much are in Resource Protection. The Resource Protection zoning district does not permit the use being

requested, so any portion of the buildings that is in the Resource Protection district cannot be used as the applicant requests. Contrary to Attorney Davis's assertion, there are some uses permitted in the Resource Protection district. And a single-family home that has been in existence for 250 years can clearly continue to be a single-family home per the ordinance. This use, as proposed, appears to not be allowed in part of the building and this should result in the denial of the application. The applicant proposes using the entire building, despite the use not being permitted in a portion of the building. And there's no realistic way to divide the building to prevent use in areas where the use is not permitted. This is grounds for denial.

On Item 8, Attorney Davis is also mistaken. Readfield's Ordinance has language that is not typical in most ordinances in Article 7, Section 5, giving the Code Enforcement Officer authority to review uses that are not specifically listed in the Ordinance and determine if they are similar to permitted uses, similar to Planning Board approved uses, similar to CEO approved uses, or similar to "prohibited" uses. This is clunky language because Readfield's ordinance is a permissive ordinance only listing uses that are permitted. Rather than the word "prohibited" here, I would have said "not permitted in that zoning district, but permitted in other districts". This is the point that Town Manager Eric Dyer made in his testimony. He listed all of the uses proposed by SSMH that are similar to uses permitted by the ordinance, but not permitted in the Rural Residential zoning district. It does not make sense that a single use in the Rural Residential zoning district could effectively be a conglomeration of multiple other uses not permitted in that zone. If they are not permitted individually, how could they be permitted collectively when land use ordinances are designed to mitigate impacts and individually the impacts would be less than they would be collectively?

On item 9, Readfield's ordinance construction is as a "permissive ordinance", listing uses that are permitted. I urge the Planning Board to resist Attorney Davis's request to identify "prohibited uses". That's not the way your ordinance language is constructed and courts have found that mixing prohibited uses with permitted uses leads to significant problems regarding what's in the middle, what's not listed. It's the applicant's job to tell the Board exactly what they want to do, how they want to do it, where they want to do it, and when they want to do it. It's your job as a quasi-judicial Board to review their proposal.

On item 10, Attorney Davis is wrong, in my non-legal opinion. 30-A MRS Section 3009 gives the municipal officers the legal authority to enact parking regulations. The problem in Readfield is that there is no enforcement entity in town, making any parking regulations effectively meaningless. Neither the state police nor the sheriff will enforce local parking regulations. Roads must be designed and built to accommodate human behavior, rather than attempting to regulate behavior without enforcement. Mr. Allen is a highly respected DOT regional engineer who, after decades in his position, has a very clear understanding of the laws directly related to his daily duties. I recommend you consult with the town's attorney to confirm legal assertions made by any applicant's attorney.

On item 11, the Board should both hope and expect that SSMH will be successful and will be open and active year-round with increasing activity and an increasing operational schedule until

they meet the Fire Marshal's limits for occupancy of the building. I have no idea what "fewer" activities in the winter means. "Fewer" is wholly unquantified. Given the condition of Mill Stream Road as well as the remote parking, whether there's 35 or 200 is irrelevant. The road and the parking are inadequate for spring and winter use that is any more substantial than a single-family home at 26 Mill Stream Road. And the road is certainly not able to be maintained in a condition during spring and winter that enables people to walk from a business to their remotely parked vehicle either in the light, or after 4pm in the dark. The applicant has provided no viable options for dealing with the public safety issues their operation will create. Unpaved, unmarked parking lots typically hold fewer vehicles than they are designed to hold because of inefficient parking by visitors. And unrestricted openings to parking lots along roads are a serious safety hazard to pedestrians and drivers. Parking, traffic, and pedestrian safety are all critical public safety concerns. This failure of the application should be part of why the proposal is denied.

Attorney Davis's letter states that attendance will be limited to 35+/- vehicles. At the last meeting he was stating that parking could occur on Route 17 and Mill Stream Road. If the parking lot can hold 35 vehicles, and attendance is limited to 35 vehicles, I don't understand his argument in favor of additional on-street parking. And anything beyond the one or two single family homes that have existed on Mill Stream Road will be a "significant uptick in use".

I remain very interested in knowing what brand and model sound level meter was used to take decibel readings and when it was last calibrated by a qualified technician. I also want to know where the readings that were identified as being adjacent to my house were taken. I did not grant permission for anyone to be on my property and if readings were taken from Old Kents Hill Road they are inaccurate due to obstructions. My house sits on a knoll and accurate readings cannot be taken from anywhere off my property. Finally, I encourage the Board to regulate decibel levels at SSMH property line, not at neighboring buildings. Their noise should not trespass on abutting properties above a designated level. With the inaccuracies and vagaries in the applicant's submissions I outline in this letter, I have little confidence any information submitted to the Board is accurate. I recommend independent verification.

I strongly support the goals of SSMH, but not the proposed location. In my opinion the owner of 26 Mill Stream Road owns the perfect location for this proposal that is appropriately sized, properly zoned, and has been sadly vacant for several years – the old Emporium building in the middle of the village. Emporium 2.0 would thrive in the same location as Emporium 1.0. The village needs more economic and cultural vitality and SSMH would be perfect there.

Thank you for your time. And again, I speak here as a private citizen of Readfield with no public position and no authority to make anything happen. Let me also be clear I am not an attorney and none of my comments in this letter should be viewed as giving legal advice. The Board should consult with its own hired attorney.

Sincerely,
Matt Nazar

Matthew Nazar
62 Old Kents Hill Rd
Readfield, ME 04355

August 14, 2021

Readfield Planning Board
8 Old Kents Hill Rd
Readfield, ME 04355

Re: Safe Space Meeting House

Dear Board Members,

I write as a resident of Readfield and close neighbor of the proposed SSMH. I will admit to submitting this testimony with some trepidation. Over the past several years, the owner of the subject property has spent thousands of dollars on mass mailings to all Readfield residents making all sorts of false claims about me and attempting to harm my reputation. He even suggested in his mass mailings that I and others living on Old Kents Hill Road are both mentally unstable and racist, claiming opposition to his project is because of his Middle Eastern heritage. He has filed lawsuits in Superior Court filled with many of the same claims. And in 2019, he contacted my employer in Augusta and attempted to get me fired, or at least reprimanded, because he did not like the fact that on my personal time, in my hometown, I opposed his event center on Mill Stream Road.

In addition to this situation giving me pause, I discovered at the last Planning Board meeting that the attorney representing SSMH is Jed Davis, working with his paralegal GinA (f/k/a Gina Turcotte). I have no concerns about Attorney Davis, but in 2016, GinA was a resident in one of the houses that the city of Augusta was buying as part of the construction of the new Kennebec County Courthouse. GinA filed a lawsuit in US District Court claiming discrimination and named Judge William Stokes (Mayor of Augusta and an Assistant Attorney General at that time), City Manager William Bridgeo, the entire City of Augusta Police force, Senator Matthew Pouliot (who was then Representative Pouliot), and me personally, among a few others including her landlord, as people who were "discriminating against her and violated her rights to equal protection because of her status as 'a disabled, low income homeless white woman'". She filed the suit as a result of the city purchasing the building from the owner with the intent to tear the house down, thereby requiring her to move before the sale. To the best of my knowledge, she was given proper legal notice by her landlord. GinA's case was dismissed by the judge and it is my understanding that the judge issued the following warning to her:

I now place GinA on **NOTICE** that filing restrictions "may be in the offing." *Cok v. Family Court of Rhode Island*, 985 F.2d 32, 35 (1st Cir. 1993). This represents a "cautionary order" of which Cok speaks. *Id.* Groundless and frivolous filings will not be tolerated.

So I speak tonight with concern about potential retaliation for exercising my legal right to provide my testimony for the Board's consideration. Let's just say that ironically I don't feel that I am in a safe space at all. But there is nothing more important to me than the home I live in and the 22 year emotional and financial investment I've made to be here, raise my children here, and be part of this community every day, year-round. I will once again emphasize that I speak here as a private citizen and resident of Readfield offering public testimony to public officials with no connection to my employer. However, I do speak with three decades of experience in land use regulation and development, as that is my profession. My opposition to this project has nothing to do with SSMH's mission or the desire for additional community space in Readfield. Both are admirable positions. My opposition is to the location of this project and its impact on public infrastructure (Mill Stream Road) and the impact on the adjacent neighborhood.

I apologize for the length of this, but I know that this may be my only opportunity to speak, so I want to say everything that I think needs to be said. First, I understand that Attorney Davis and the applicants for SSMH stated that the owner of the property is not the applicant and that the Board should focus on the application in front of them. However, the owner of the property has spent thousands of dollars promoting SSMH over the last year via his mass mailings, the most recent one arriving in my mailbox on August 21, 2021. And SSMH is in many ways the same project he himself attempted to open prior to SSMH application. In my opinion, it is incumbent on the Board to assume that there is a tight linkage between the owner and SSMH, significantly tighter than a typical landlord/tenant agreement. And that as the landlord who is currently waiving any lease fees and has spent presumably thousands of dollars promoting their application, he may have significant influence on the applicants' actions after any possible approval. The statements of the owner in his numerous mass mailings and countless hours of door to door canvassing in the Spring of 2021 are relevant to consider in that context. Any potential approval should contain numerous conditions and be airtight, with a requirement that ANY deviation from the exact approval of the Planning Board must return to the Board for further public hearing and consideration. This is the first time SSMH has filed an application, however, the owner of the property has failed to comply with conditions of approval for this property numerous times in the last 8 years. Evidence of that is posted on the Town's web site, as documented by municipal officials. While I would love to agree with Attorney Davis that Mr. Bittar is irrelevant to this application, the circumstances make it impossible to do that.

I intend to step through the application and discuss issues I believe are significant. **First, I remain unclear as to how the proposed use could be permitted on the portion of this property that appears to be within the Resource Protection shoreland zoning district.** Based on Readfield's adopted shoreland zoning maps, it appears that all or some of the original house is within the Resource Protection shoreland zone. If there is a conflict within the ordinance regarding this designation, Article 1, Section 6 outlines how conflicting provisions are handled – the more restrictive provision shall control. **If the use is not allowed in a portion of the building labelled in the application as "Meeting Room 1", how does the Board anticipate the town will realistically enforce that prohibition if the use is allowed in the rest of the building?**

It remains unclear exactly what the proposed use will be and how or when it will be operated. SSMH written application states one set of possible uses and that they will be entirely indoors. Their site plan graphic shows outdoor event space and seating both in front of the building and behind the building. Their verbal description of their proposed use was vague at the last meeting and they suggested they didn't know how often events will happen or how large they might be or what types of events they might be. I understand the uncertainty since they are starting up a new use. But I am not comfortable as a nearby resident with the uncertainty of how my property might be affected. **The applicant needs to provide a definitive list of proposed activities, their location on the property, and the hours of operation.**

While not relevant to the project, I want to address the repeated claims about the historic nature of this building. The building is not the only colonial building in Kennebec County. Old Fort Western was constructed in 1754 and is a National Historic Landmark, the oldest wooden fort in the country. I'm sure there are other colonial buildings in Kennebec County, and perhaps Readfield, as well. And while I'm very pleased the building was saved, it is not a historic restoration. Neither the interior nor the exterior of the building bear any architectural resemblance to the building that existed for the hundreds of years prior to 2013.

Parking and access to the building are real concerns. The applicant stated at the last meeting that DOT engineer David Allen reviewed and approved the existing parking lot. **I request that the Board be provided with a written statement on DOT letterhead from Mr. Allen indicating his review and approval of the parking lot design.** If that's unavailable, perhaps Mr. Allen could attend a Board meeting and provide verbal testimony on behalf of DOT in favor of this private project.

I recommend that the Planning Board require a set of plans for the parking lot that are stamped by an engineer or other qualified professional and evidence that the parking lot is built to the engineer's specifications. In my experience, the plan provided is inadequate. The grade is steep making winter use difficult. The material used to build the lot is not the appropriate material nor is it appropriately compacted as evidenced by the almost immediate and substantial plant growth that took over. This will mean people getting mired in mud during Spring and wet events. The parking lot has direct access to Mill Stream Road along its entire length, which will lead to unsafe pedestrian/vehicle interactions and unsafe vehicle movements. The lot should have a defined entrance and exit, and a physical barrier preventing entrance and exit elsewhere, for safety purposes. If activity at this site is event driven, large numbers of people could arrive then leave at the same time, increasing safety concerns about the poor design.

Parking will undoubtedly happen along Mill Stream Road. Readfield does not have a police force to enforce parking violations and the nature of people is that they will park as close to the facility as they can. The applicant cannot prevent this, as the applicant has no legal authority to prevent people from parking along a public street, even if it is their use that is creating the safety problem. This is why on-site parking for potentially high volume uses is very important.

The on-site parking becomes the closest parking, eliminating visitor's desire to park on a public street that does not have the space to accommodate the parking rather than in a remote parking lot. Mill Stream Road is narrow and parking along the road will result in fire apparatus and rescue apparatus having difficulty maneuvering down the road in an emergency situation. It will also result in pedestrians having to walk down the middle of the road to get to the remote parking or just walk by the property, putting those pedestrians at risk with the greater traffic that will exist. **I don't believe the Planning Board has the legal authority to prohibit parking along a public street and I suggest you consult with your attorney about how to address that concern. It is my opinion that this is a sound public safety reason for denying the application, as the applicant has not proposed a viable way to solve this serious public safety issue.**

Mill Stream Road is a very lightly traveled unpaved, unlit road. It is very soft and muddy in the Spring and very icy and dangerous in the winter. A significant uptick in use will require taxpayers to do repairs to the road probably a couple of times a year. It will necessitate a rebuild of the road far sooner than if the proposed reuse of the building was a single-family residential use, as was its use prior for at least the 100 years prior to the current ownership. **If the Board intends to approve the proposal, I recommend the applicant be required to reconstruct, pave, and light Mill Stream Road prior to occupancy, due to the substantially increased use and remote parking, all caused by their use.** This type of condition of approval is very typical for developments that impact public infrastructure that is inadequate to handle the proposed use. The developer covers the cost of upgrades to the public infrastructure that is necessary to serve their use, the infrastructure is inspected during construction by the municipality to ensure it meets standards, and then the taxpayers become responsible for maintaining the new infrastructure. If this is not a condition of this approval, I predict that the applicant and/or members of SSMH will be requesting that Readfield taxpayers do this work within 5 years. Anyone walking along the dark, icy public road for 400 feet is going to be very unhappy with that situation.

Attached are photographs of the road in the winter. It's pretty much all ice, especially in front of the applicant's property. There appears to be a spring that daylight in the applicant's driveway and flows across the road. I walk the road regularly year-round with my dog, and in the winter, spikes are necessary to avoid slipping and falling. Simply sanding and salting more will create a separate problem for an unpaved road, exposing the surface, softening the road in minor thawing events, and causing more damage to the road base. I suggest the Board get advice from a qualified professional, due to the proposed substantial new use that this road has never experienced in modern times.

The Board asked for sound level readings at adjacent properties. I believe this is the wrong approach. And based on extensive experience with noise complaints, I am of the opinion that this issue cannot be easily resolved. This is a use that is proposed to have frequent events that could be loud. It is not the irregular and infrequent noise of a party that anyone can expect from their residential neighbors. The applicant apparently had sound level readings taken by an individual that were provided to the Board. **I would like to know what the brand and model**

sound level meter that was used and the last time it was calibrated by a certified technician. I would like clarity on the circumstances of the measurements (doors and windows open at the SSMH site, location and directional orientation of sound producing device, sound level of sound producing device at 5 feet. I would also like to know exactly where sound level readings were taken. I did not grant anyone permission to enter onto my property and if readings were taken adjacent to my property in the Old Kents Hill Road right of way, they were blocked by topography or my house and were considerably further away than my house or my property from the source of the sound. I can say that events that were held in 2018 were clearly audible inside my house with the windows closed and were louder outside my house in my back yard.

Attached is a topographic map of Factory Square. The topo lines are 2 foot intervals created by a state LIDAR project and are very accurate – not survey level accurate, but very accurate. The data are publicly available on the Maine Office of GIS web site which I downloaded at home and imported to Google Earth. As can be seen from the topography, all of Old Kents Hill Road is exposed to the back of the Mill Stream Road building with no intervening topographic features to block the sound. My house sits on a knoll about 40 feet above the Mill Stream Road building and sound moves directly toward me. Giles Road homes are far more screened due to a sizable hill between the Mill Stream Road building and Giles Road.

In my opinion, the Board should be concerned about sound levels at the applicant's property lines, not at neighboring buildings. Any excess sound beyond the applicant's property line infringes on the neighboring property owner's rights. But even if sound level, measured in decibels, are at a specific level at the property line (say 60dB, for example), it will not eliminate the disruption for neighbors caused by the type of sound produced.

At the last meeting the applicant and their sound engineer compared background sound levels to the sound levels generated by the applicant's proposal in the only way available, by measuring decibels. Decibel level is a measurement of sound pressure level and is a logarithmic scale making it a bit difficult to understand. Please see the attached chart that helps provide some context to sound levels of various activities. Please also note that the sound engineer stated that he had the sound being generated at 90dB at the SSMH and described that as "Rock Concert" levels. None of the available online charts for decibel levels indicate the typical rock concert is as low as 90dB. They all put rock concerts between 110 and 130dB, which is considerably louder than 90dB due to the logarithmic scale of dB.

Decibels are a scale that will tell you how loud a noise is, but does not measure or describe how the brain processes and tunes out or tunes in to specific sounds. Background noises – traffic, birds, wind, a droning lawnmower, etc – are noises that most brains will pay attention to when they initially start because they are new sounds in the environment, but will quickly tune out as background noise. Music, voices, and other sounds that are irregular, of differing pitches and tones, are sounds that the brain is designed to tune in to. They are more disruptive sounds in an environment because of the way our brains function. Please see the attached articles that summarize studies on the auditory functions of the brain. I encourage the Board to take these

issues into account as you review this application and understand the limitations of using just decibel levels as the measurement of what's acceptable and what isn't.

The Board requested distances measured from the applicant's building to neighboring buildings. Again, I think this is the wrong metric, since not only my home, but my entire property will be potentially impacted by this project. However, the data the applicant provided is not accurate. The applicant's data consistently measures the distance between buildings as significantly further than they actually are. The distance between the nearest point of the applicant's building to the nearest point of my home is 750 feet.

I hope to be present at the Board meeting on Wednesday, but my work often has me at evening meetings. If I am not there, I request that the Board ensure that this letter becomes part of the testimony to the Board.

Sincerely,

Matt Nazar

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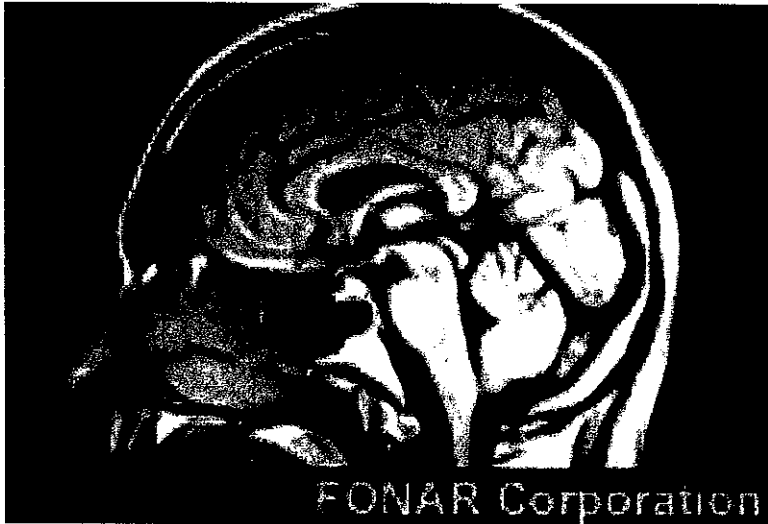
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How the Brain Tunes Out Background Noise

By Live Science Staff December 02, 2005



Some Imagination! How Memory Fails Us

Special neurons in the brainstem of rats focus exclusively on new, novel sounds and help them ignore predictable and ongoing noises, a new study finds.

The same process likely occurs in humans and may affect our speech and even help us laugh.

The "novelty detector neurons," as researchers call them, quickly stop firing if a sound or sound pattern is repeated. They will briefly resume firing if some aspect of the sound changes. The neurons can detect changes in pitch, loudness or duration of a single sound and can also note shifts in the pattern of a complex series of sounds.

"It is probably a good thing to have this ability because it allows us to tune out background noises like the humming of a car's motor while we are driving or the regular tick-tock of a clock," said study team member Ellen Covey, a psychology professor at the University of Washington. "But at the same time, these neurons would instantly draw a person's attention if their car's motor suddenly made a strange noise or if their cell phone rang."

RECOMMENDED VIDEOS FOR YOU...

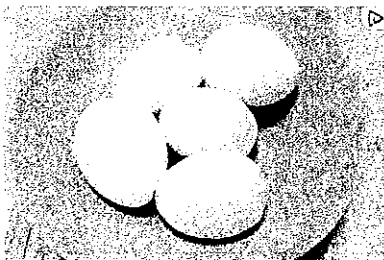
LIVESCIENCE

Covey said similar neurons seem to be present in all vertebrates and almost certainly exist in the human brain.

The novelty detector neurons seem to act as gatekeepers, Covey and her colleagues conclude, preventing information about unimportant sounds from reaching the brain's cortex, where higher processing occurs. This allows people to ignore sounds that don't require attention.

The results are detailed this month in the *European Journal of Neuroscience*.

The novelty detector neurons seem able to store information about a pattern of sound, so they may also be involved in speech, which requires anticipating the end of a word and knowing where the next one begins.



U.S. Surgeon: This Simple Trick Empties Almost Immediately Your Bowels Every Morning

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"Speech fluency requires a predictive strategy," Covey explained. "Whatever we have just heard allows us to anticipate what will come next, and violations of our predictions are often surprising or humorous."

- Look and Listen: Brain Struggles to do Both
- Women Enjoy Humor More, Study Suggests
- Scatterbrained? You Need a Thought Bouncer
- The Human Brain Seen as Master of Time
- No Joke: Animals Laugh, Too



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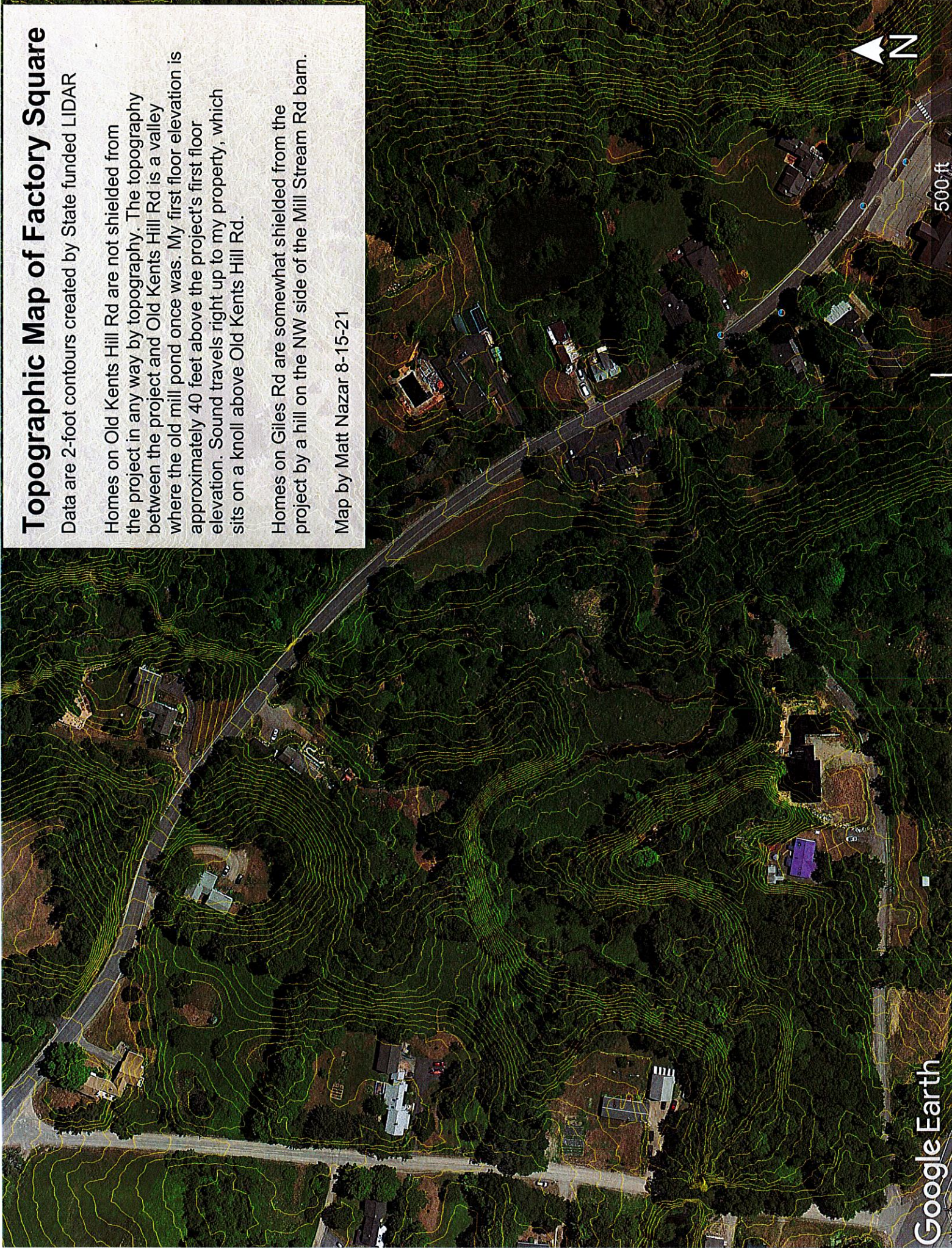
Topographic Map of Factory Square

Data are 2-foot contours created by State funded LIDAR

Homes on Old Kents Hill Rd are not shielded from the project in any way by topography. The topography between the project and Old Kents Hill Rd is a valley where the old mill pond once was. My first floor elevation is approximately 40 feet above the project's first floor elevation. Sound travels right up to my property, which sits on a knoll above Old Kents Hill Rd.

Homes on Giles Rd are somewhat shielded from the project by a hill on the NW side of the Mill Stream Rd barn.

Map by Matt Nazar 8-15-21











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Submission information

Form: [Public Comment Form](#) [1]
Submitted by Anonymous (not verified)
August 25, 2021 - 4:30pm
66.63.67.158

Date

August 24, 2021

Name

Anonymous

Email Address

Phone Number

My meeting, public hearing, or general comments are for:

Select Board

Date of Meeting or Hearing (if known)

August 24, 2021

Agenda Item or Issue (if known)

Mill Stream Property

Your Comments

It is my understanding that an application requiring planning board review is subject to an outcome based on evidence gathered by the planning board. It is not a guarantee that just because the land use ordinance allows such a use, that it will be automatically approved in any location. The planning board must review ALL aspects and make a judgement. I think in this case, the negative effects on the residential neighborhood in very close proximity is a huge aspect that the planning board will take into consideration, and in my opinion, conclude that this location isn't fitting for such an event center, or club, or whatever it is being called now.

Source URL: <https://www.readfieldmaine.org/node/20984/submission/6036>

Links

[1] <https://www.readfieldmaine.org/select-board/webforms/public-comment-form>



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Submission information

Form: [Public Comment Form](#) [1]
Submitted by Anonymous (not verified)
August 25, 2021 - 2:49pm
66.63.67.158

Date

August 25, 2021

Name

Anonymous

Email Address

Phone Number

My meeting, public hearing, or general comments are for:

Select Board

Date of Meeting or Hearing (if known)

August 25, 2021

Agenda Item or Issue (if known)

26 Mill Stream

Your Comments

I am writing this comment anonymously because having had Mr. Bittar stop at my home and have an angry conversation with my husband trying to promote his barn, I do not feel comfortable putting my name to anything that might go against Mr. Bittar and his event center/Barn, for fear of retaliation. This I believe is something that many Readfield residents are experiencing right now. I do thank those brave residents who have submitted thorough and fact-driven comments thus far with their names attached. The fact that this Barn's campaign has been driven by fact-less statements and driven by anger, enough to scare residents of Readfield, should be enough to throw out the application. That being off the table, the simple fact that in the past Mr. Bittar has re-worded his application or intent of use-in-order to get approval, and then use the space however he wants, even if not approved, should be considered here, and the risk that this may happen again. I know full well the negative effects this will have on neighbors, not just immediate neighbors, but in a much greater radius. Trees are not at all enough of a sound break - my property abuts 2 noisy users through 14 acres of woods - and I can still hear when there is music playing or dogs barking or hooting & hollaring of party goers. This tree buffer/forest is a greater expanse than is present at the Mill Stream property to those on Old Kents Hill & adjacent roads. It would be one thing, if in this same zoning district, there were no residences in visual or audible distance, within reason, and a community center/Barn was constructed for the original intended use here. Then if abutting lots were sold and houses built - then residents would be well aware of what they are building next to

and the consequences (both positive or negative) of living near an event center. However, here this is not the case. This is an established residential neighborhood, where an event center's effect on these residents should be considered with the highest regard. It is clear that the residents of this neighborhood do not approve of this Barn's use, and have expressed how this use will negatively impact them, their daily lives, and the values of their homes. It is clear there would be distress and disruption of many residents in a much larger radius from the event center's location. It is clear that this application comes from a place of anger, and that true use of this event center remains unclear. To those of the Readfield select board - if a definitive decision cannot be made either way, perhaps a 5-year moratorium should be placed on this property. Mr. Bittar needs to recognize that if he truly desires an event space as he originally proposed, then perhaps it is best to build it where it will be warmly received, and surely another location within the town of Readfield could be found. I think it was best said by another commenter, who emphasized that it is NOT the use that he was against, but rather the LOCATION of the proposed use. The Barn as a community center or event space is a wonderful idea and a place that could truly thrive in Readfield and benefit both Mr. Bittar as well as Readfield residents. It's just not in an acceptable location currently.

Source URL: <https://www.readfieldmaine.org/node/20984/submission/6031>

Links

[1] <https://www.readfieldmaine.org/select-board/webforms/public-comment-form>



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READFIELD PLANNING BOARD

AGENDA

Tuesday September 28, 2021

6:30 PM

Public Meeting Starts 6:30 pm:

- 1) **368 Main Street - Readfield Solar 1 LLC / Syncarpha Solar LLC:** The Board will consider a request from Syncarpha for a one (1) year extension of the 11/4/20 planning board approval of a 4.95 megawatt AC ground mounted photovoltaic solar array on 20 acres of an 104 acre parcel. The one year limit on the original approval expires on 11/4/2021 unless extended by the board. The property is located at 368 in the Rural Residential District identified on the Assessors map 136, Lot 19.
- 2) **26 Mill Stream Road - Safe Space Meeting House (SSMH):** The Board will continue consideration of the application of SSMH to create a community center/club. The Planning Board conducted a site visit on 8/24, and a public hearing was held on 8/25. Public comments on the application were accepted until 9/7. The property is located at 26 Mill Stream Road in the Rural Residential District identified on the Assessors map 120, lot 013.

Old Business

Review the meeting minutes of 5/11, 5/25, 6/2, 7/27, and 8/25 for approval.

This meeting will be held LIVE at the Readfield Town Hall and via ZOOM web zoom/phone *Join from PC, Mac, Linux, iOS, or Android:*

<https://us02web.zoom.us/j/86327315730?pwd=TVBncExsOVZFS1dRVDPNEEd6cjJSOT09>

Or by Telephone: 1 301 715 8592 Meeting ID: 863 2731 5730 Password: 216751

Public Comments are encouraged and welcomed. They will be received at the time and in the order during the meeting as deemed appropriate by the Chair. Written comments from the public will be accepted at the Town Office at any time or emailed to ceo@readfieldmaine.org; however, they must be submitted by the Thursday prior to the next scheduled meeting for them to be considered at that meeting. If you have any questions regarding this agenda or would like to be placed on a future agenda, please call the Code Enforcement Office at 685-3290.

Next Scheduled Planning Board Meeting is October 12, 2021

READFIELD PLANNING BOARD

Minutes of Tuesday, September 28, 2021

Planning Board Members: Paula Clark (Chair), Bill Buck (present but unable to fully participate/vote due to technical difficulties), Henry Clauson, Jack Comart, William Godfrey, Jan Gould, Noel Madore (not sworn in yet so could not vote), Don Witherill

Excused:

Others Attending: Ron “Chip” Stephens (CEO), Eric Dyer (Town Manager), Kristin Collins (town attorney), Leah Hayes, Alex Brock

Meeting called to order at 6:30 p.m. by Paula via Zoom and at the Town Office.

368 Main Street — Readfield Solar 1 LLC / Syncarpha Solar LLC:

The board considered a request from Syncarpha for a one-year extension of the 11/4/20 approval of a 4.95-megawatt AC ground-mounted photovoltaic solar array on 20 acres of a 104-acre parcel. The one-year limit on the original approval expires on November 4, 2021, unless extended by the board. The property is in the Rural Residential District identified on the Assessor’s map 136, Lot 19.

Chip noted that Syncarpha has come up with a decommissioning bond from CMP so he can now write them a building permit.

Paula said that considering the timing, they are unlikely to make a substantial start this fall.

Jack made a motion to allow the one-year extension; William G. seconded. Vote unanimous with Noel abstaining.

Proposal solar project to provide power to Kents Hill School

Chip said an applicant came in for a discussion about a medium-size solar farm to provide 600 Kw to Kents Hill School. The ordinance that governs this project requires equipment to be real property, a stipulation that the group cannot meet. Section 7.3, registration for the project, limits the ID to personal property and this group cannot do it as taxed property. They would not be selling excess power to the grid, but rather selling it to KHS.

Chip asked the board to provide guidance on how to proceed, suggesting that the group might come in and make a presentation to the board, but they are reluctant until they know if there is a workaround on this provision.

Jack asked Henry what the reason is for this provision that the system has to be incorporated into the description of the real property and registered with the registry of deeds.

Henry said the intent of the clause is not to be restrictive and that there is a plethora of PPA models between landowners and developers. He said the clause is fairly standard and the solar structure is large so it needs to be in the deed or at least deeded because if there is a change of ownership.

Henry said it will need more thought and discussion, but he suggested that Chip might speak to Eric and also possibly broach the topic with RSU 38 in case they might be interested in sharing power.

Noel asked where the solar ordinance can be found. Jack said it's in the list of ordinances, but is not currently part of the LUO.

26 Mill Stream Road — Safe Space Meeting House (SSMH):

The board continued consideration of the application of SSMH to create a community center/club. The Planning Board conducted a site visit on August 24, and a public hearing was held on August 25. Public comments on the application were accepted until September 7, 2021. The property is in the Rural Residential District identified on the Assessor's map 120, lot 013.

Paula introduced the town attorney, Kristin Collins, and said the plan for tonight is not necessarily to make any final decisions but rather to discuss the many complicated issues. Votes will be on whether the standard has been met for any listed criterion, establishing some findings of fact for ultimately deciding on the project as a whole. She noted that the site review criteria all apply to this application. She noted that it will take some time and that time must be taken to be sure the board gets it right. There will be an opportunity to revisit any issues further. There may not be complete agreement, but the decisions will reflect the collective will of the board.

Paula reviewed the LUO definition for a community center club (page 120 of the LUO), which lists the activities allowed or disallowed and states that there must not be any pecuniary gain.

The SSMH property is in the Rural Residential District, where specific uses are not allowed. Those include indoor theaters, restaurants, museums, libraries, offices, commercial recreation, and civic and convention center, which includes public facilities for cultural, recreational, athletic and entertainment purposes. Some of the public comment said it isn't logical to prohibit those uses individually under that umbrella term nor is it reasonable to prohibit those public activities if they are being held privately.

Paula noted that it has been difficult to pin down the specific activities that are planned for the facility. The applicant says the town is not specific in what activities it prohibits, so the discussion has been rather circular. A broad array of activities has been suggested by the property owner, including use of the property by the greater Readfield community, music, dance, arts and craft shows, concerts, yoga and weddings.

The question is whether the community club as proposed is consistent with the vision of the ordinance as it defines a community center club and how it limits or allows various uses. Paula said that a number of the comments received from the public are about whether the proposal is consistent with the definition put forth in the ordinance and the broader zoning scheme.

Paula launched a general discussion among board members. Topics included:

- the overall project and intended uses

- the building being a nonconforming structure
- part of the building being in a Resource Protection District
- site review criteria: traffic and parking
- noise, music and soundproofing
- commercial cooking
- lighting for safety reasons
- expenses for town
- inconsistencies between corporate filing and application

Paula went through the site review criteria. She suggested that a block vote be held after the 23 standards had motions and seconds.

On the first (1), aesthetic, cultural and natural values: Jack moved that the application meets that standard. Jan seconded.

On the second (2), conformity with local ordinances and plans: Jack moved that this standard was not met. Jan seconded.

Number three (3), erosion: Jack moved they meet the standard. Don seconded.

Number four (4), financial burden on the town: Jack moved they don't meet the standard because of costs for improving the road, building a sidewalk and revenue stream from the town for public use requested in SSMH bylaws. Jan seconded.

Number five (5), financial and technical capacity: Jack moved they don't meet that criteria based on the insufficiency of information supplied. Jan seconded.

Number six (6), flood risk: Don moved applicant meets criteria. Jack seconded.

Seven (7), project shall not have an adverse effect on wetlands: Jack moved that they meet the requirement; Jan seconded.

Eight (8), activities shall not adversely affect the quantity or quality of groundwater: Jack moved that they meet the groundwater requirement; Bill seconded.

Nine (9), activities shall not impose a burden on town's solid waste disposal: Jack made a motion that they meet that requirement; Bill seconded.

Ten (10), not imposing a burden on existing water supply: Jack moved they meet that standard; Jan seconded.

Eleven (11), adjacent land uses: Jack moved they don't meet this standard, in particularly related to noise; Jan seconded.

Twelve (12), shall not add to water or air pollution: Jack moved they meet the standard, Bill seconded.

Thirteen (13), shall not impact water bodies: Jack moved they meet the standard; Bill seconded.

Fourteen (14), shall provide adequate wastewater disposal: Bill moved they do not meet that standard because of insufficient information; Henry seconded.

Fifteen (15), storm water management: Bill moved they do not meet that standard because of insufficient information on the parking area and subsequent runoff; Henry seconded.

Sixteen (16), sufficient water to serve the facility for the foreseeable future: Jack moved that they comply with these requirements; Henry seconded.

Seventeen (17), traffic: Jack moved they don't meet the standard; Jan seconded.

Eighteen (18), legal access sufficient to meet all proposed uses: Bill moved they meet the standard; Jack seconded.

Nineteen (19), impact on adjoining municipality: Jack moved they meet the standard; Bill seconded.

Twenty (20), life and fire safety: Henry moved they do not meet the standard; Jan seconded.

Twenty-One (21), no current violations on property: Jack moved they meet that standard; Bill seconded.

Twenty-Two (22), timber harvesting: Jack moved they meet that standard; Jan seconded.

Twenty-Three (23), proposed road construction: Jack moved they meet that standard; Jan seconded.

Jan made a motion that the applicant meets the standard on 1, 3, 6, 7, 8, 9, 10, 12, 13, 16, 18, 19, 21, 22, and 23; Jack seconded. Unanimous except for Noel, who abstained.

Applicants provided information from an engineer saying that wastewater disposal is adequate for 300 people. Don moved that the board reconsider its vote on that standard; Bill seconded. Unanimous except for Noel abstains. Don also moved to change the conclusion on standard number 14 from not meeting to meeting the standard based on the information provided as to the building's capacity. Jan seconded. Unanimous vote.

Paula called for a motion saying that standards were not met for standards 2, 4, 5, 11, 15, 17, 20. So moved by Jack. Bill seconded. Unanimous vote.

Paula asked for comments from Kristin, who will be putting together findings of fact for a future meeting. Kristin suggested a further review of LUO Article 8 Performance Requirements and Standards, some of which may be applicable to this application, including lighting; commercial, industrial and institutional standards; parking areas and traffic access; and resource protection standards.

In section 15, applicant must provide sufficient building lighting to provide safe use at night, including parking areas. Jan moved that the plan is inadequate for this standard; Bill seconded.

Section 16 states that solid waste must be shielded from public view. Jan moved that applicant does not meet this standard; Bill seconded.

Section 17 regarding parking setback requirements: Jack moved that they don't meet the standard. Jan seconded. The board is unable to determine if they meet the setback requirement based on the map provided, storm water runoff is an issue, the size of spaces is unknown, and nothing is known about the 19 spaces proposed for onsite.

In Section 18 the issue is traffic access. Paula suggested skipping a vote on this issue since nothing new is being developed and instead fold traffic access into the site review.

Parking issues as discussed in Section 19 Resource Protection were discussed. It was determined that part of the proposed parking lot would be in the RP zone, so it will not meet the standard. Jan moved does not meet; Henry seconded.

Jack moved that Sections 15, 16, 17 and 19 do not meet the standard. Jan seconded. Unanimous vote.

The next meeting is scheduled for 6:30 p.m. on October 12. Kristin will draft the findings of fact to circulate among the board.

Paula thanked the applicants for attending.

Meeting adjourned at 10:02 p.m. by Paula.

Minutes prepared and submitted by Holly Rahmlow

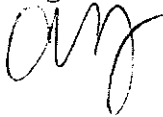
Dear Members of the Planning Board,

The SSMH application was submitted in August 2020. In the past months this board has had an opportunity to consider the merits of the application. Requests for information were answered with authoritative documentation and good faith.

Emotional interests on all sides have made a decision difficult. We ask this committee to reject negative characterizations of the SSMH LGBTQ and minority, home-owning members of the Readfield community. Opposition groups have advised the Planning Board to deny the SSMH permit application. They speak of fears of disruptive SSMH member activities, violation of local laws, vandalism and possible violence. These fears are unfounded.

The SSMH community center will be a welcoming place for new residents, older residents. It is with warmth and an invitation to communion in the spirit of generosity and hope that we begin this endeavor. We anticipate working with the community to meet all concerns as we develop ties and communication. Thank you for your attention.

Alex Twarog



Leah Hayes



SSMH Rationale for PB approval

- SSMH is a legal non-profit entity. It was incorporated in 2020 and as a Maine corporation is entitled to the full protection of equal rights under the constitution.
- SSMH has no legal affiliation with any other organization or individual. It has no prior history.
- SSMH is an organization whose mission is clearly aligned with LGBTQ community issues. We are dedicated to pursue this mission here in Readfield.
- The SSMH tenant lease at 26 Mill Stream Road is favorable to our organization mission. The public long-standing landlord-family interest in LGBTQ and minority issues are renown and well documented in a general search of the internet.
- SSMH has a lease to occupy 26 Mill Stream Road which is in the Rural Residential Zone. That zone is designated by the LUO as a valid location for LGBTQ community center activities. The site is an ideal setting for our community center. It has unparalleled facility advantages which will support our mission.
- SSMH proposals for use are similar to outreach activities approved for other community center organizations which served the Readfield community.
- 26 Mill Stream resources (parking, water resources, sewage, as well as an observance of the town concern for historic and resource protection) meet town requirements.

Members of the Readfield Planning Board

SSMH is interested in resolution of community and board concerns. Consequently we have completed

Physical Site Improvements during the past 2 weeks:

1. Sound Proofing – Both the northern walls **AND** the wall facing Rt 17 have been faced with 4” interior sound proof insulation. The northern exterior walls will be insulated with an additional 3” exterior insulation. Effective insulation of the barn doors is being considered. All walls are now sound proofed.

2. Parking - During the last Planning Board hearing, PB members and speakers spoke of unresolved issues concerning SSMH parking availability for members.

SSMH Previously submitted a Parking Lot Map drawn in 2018. **That map was incomplete and INACCURATE.** That map included only 120' of the 230' property on Mill Stream Rd.

A NEW PARKING LOT MAP: An SSMH supporter owns a professional architectural drafting and design company in this region. He provided the attached SSMH parking lot drawing. His drawing is based upon his on-site measurements confirming the lot 230' dimension recorded on Town Map 120. He wishes to remain anonymous.

A new corrected map of the parking lot is attached. The new map accurately represents the extensive 230' length of the property along Mill Stream Road. This revised map designates available parking spaces for SSMH members. In addition to the parking lot availability, there is additional parking available for members on 26 Mill Stream property. (That parking would not be in the Mill Stream Road right of way.) Parking spaces conform to town code. In addition to this parking lot design assistance, a second volunteer cleared the entire 200 x 230' parking lot area of trees and brush. The generous size of this parking area available for SSMH members is now easily visible.

(The fine print in the drawing states a numeric accumulator of each parking space.)

54 parking spaces in the Parking Lot on MSR

Number of parking spaces in each line of cars in the parking lot

14

9

11

20

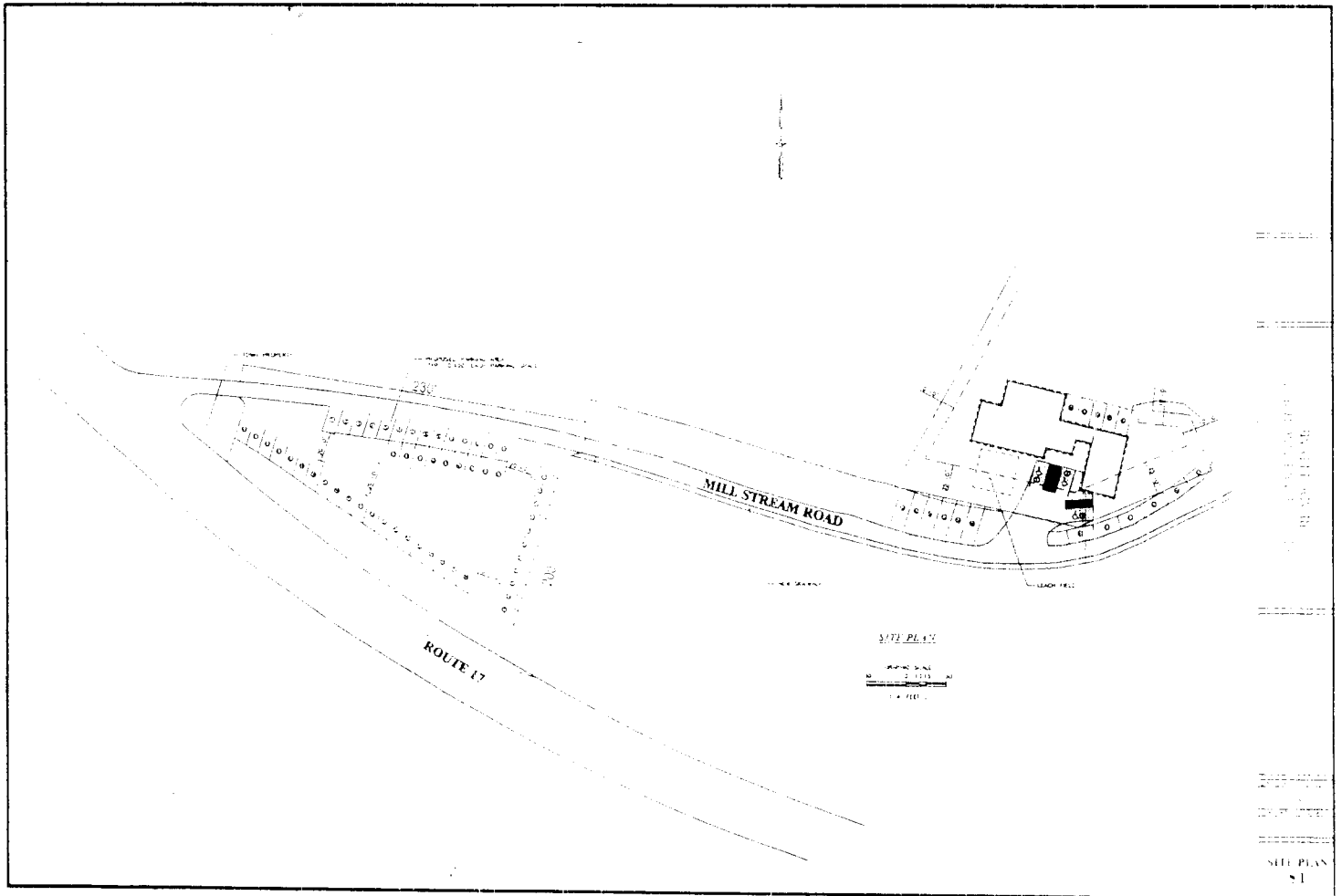
19 additional parking spaces are located on 26 MSR property surrounding the 26 MSR buildings

TOTAL Parking Spaces available to SSMH members - 73

SSMH will restrict attendance to members, family and guests. We anticipate that people may arrive in family groups. On site parking availability appears sufficient to meet the organization needs.

Alex Twarog

Leah Hayes



PROPERTY OF
MILL STREAM ROAD
ROUTE 17
SCALE
1" 4" FEET
SITE PLAN
51



TOWN OF READFIELD

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READFIELD PLANNING BOARD

AGENDA

Wednesday November 3, 2021

6:30 PM

Public Meeting Starts 6:30 pm:

- 1) **26 Mill Stream Road - Safe Space Meeting House (SSMH)**: The Board will continue consideration of the application of SSMH to create a community center/club. Public Meetings occurred 5/25, 6/2, 7/27 and 9/28. The Planning Board conducted a site visit on 8/24 and public hearing was held on 8/25. Public comments on the application were accepted until 9/7/21. The property is located at 26 Mill Stream Road in the Rural Residential District identified on the Assessors map 120, lot 013.

Old Business

Review the meeting minutes of 5/11, 5/25, 6/2, 7/27, 8/25, 9/28, and 10/26 for approval.

This meeting will be held LIVE at the Readfield Town Hall and via ZOOM web zoom/phone *Join from PC, Mac, Linux, iOS, or Android:*

<https://us02web.zoom.us/j/86327315730?pwd=TVBncExsOVZFS1dRVdVPNEd6cjJSOT09>

Or by Telephone: 1 301 715 8592 Meeting ID: 863 2731 5730 Password: 216751

Public Comments are encouraged and welcomed. They will be received at the time and in the order during the meeting as deemed appropriate by the Chair. Written comments from the public will be accepted at the Town Office at any time or emailed to ceo@readfieldmaine.org; however, they must be submitted by the Thursday prior to the next scheduled meeting for them to be considered at that meeting. If you have any questions regarding this agenda or would like to be placed on a future agenda, please call the Code Enforcement Office at 685-3290.

Next Scheduled Planning Board Meeting is November 9, 2021

READFIELD PLANNING BOARD

Minutes of Tuesday, November 3, 2021

Planning Board Members: Paula Clark (Chair), Bill Buck, Henry Clauson, Jack Comart, William Godfrey, Jan Gould, Don Witherill

Alternate Planning Board Member (not voting): Noel Madore

Others Attending: Ray Wendell Esquire, Phyllis Cote, Penny Eno, Jerry Bley, Grace Keene, Steve Smith, Ron “Chip” Stephens (CEO), Eric Dyer (Town Manager), Kristin Collins (Town Attorney), Leah Hayes, Kristin Parks

Meeting called to order at 6:30 p.m. by Paula via Zoom and at the Town Office.

26 Mill Stream Road— Safe Space Meeting House (SSMH):

The board continued consideration of the application of SSMH to create a community center/club. Public Meetings occurred May 25, June 2, July 27 and September 28. The Planning Board conducted a site visit on August 24 and a public hearing was held on August 25. Public comments on the application were accepted until September 7. On September 28 the board held a meeting to go over the site-review criteria.

The property is located at 26 Mill Stream Road in the Rural Residential District identified on the Assessors map 120, lot 013.

Paula recapped the actions taken so far. Town Attorney Kristin Collins presented the findings of fact compiled from the SSMH application, site review, public meeting and September 28 meeting.

Paula went through the findings of fact section by section.

Jack moved that board accept Sections 1 through 4 as written with a second by Bill G. Vote passed 7-0.

In Section 5A, Requested Use, clarification of two issues was requested: Jack asked that the definition of community center/club be clarified. Leah asked for clarification on which portion of the building and land fall into the Resource Protection zone. A footnote was added noting that the 26 Mill Stream Zone map would be added to the record. Don moved that with those changes that Section 5A be approved. Seconded by Bill B. All approved.

In Section 5B, Change of Use of Nonconforming Structure, information provided by the abutters for B3 was found credible. Jack moved that the conclusion be accepted. Bill B. seconded. Vote passed 7-0.

In Section 5C Site Plan Review Criteria, changes to number 7, Wetlands, were suggested. Jack moved those amendments be approved. Jan seconded. Approved 7-0.

Also in Section 5C, changes were suggested to numbers 13 and 20 and agreed upon.

Jack moved that numbers Section 5C be accepted as amended. Seconded by Bill B. Approved 7-0.

In the final section, D, Applicable Criteria, number 15, the word "specific" was removed.

Section 16, which states solid waste must be in an enclosure, was reviewed and the previous determination was reversed. The applicant now meets this standard.

Don moved that Section 5D Article 8 criteria be accepted as amended. Bill B. seconded. Unanimous vote.

Paula asked everyone if there was anything else to be discussed before the final vote. There was not. Jack moved that the application be denied. Bill B. seconded.

Paula noted the difficulties around this application and asked each board member to state their reasoning for their vote. She spoke about the land use ordinance, which states that any change of use to a nonconforming structure will not have a greater adverse impact than the existing use. She said that standard is very clear, and it is clear to her that the proposed use would have a greater impact. For those and other reasons she votes to deny the application despite her support for the SSMH mission.

Bill G. spoke of his support for the idea, saying a safe space meeting house is a great idea, but this property is not an appropriate location and the change of use will have too great an impact on surrounding properties. He is voting to deny.

Jack said he agrees with everything that has been said. He appreciates the applicants' mission and hopes they succeed in doing it, but this is not the right location, especially considering the impact on neighbors Cotes. Votes to deny.

Jan votes to deny for all the reasons stated in the written decision. She is also particularly concerned about the noise and other effects of the proposal on this particular area. She also stated support for SSMH and their quest to find a more appropriate location.

Henry is also voting to deny for all the reasons stated in the findings of fact. He said SSMH is a great cause but 26 Mill Stream is not the right place. He noted that this is why we have land use ordinances and such a thorough process. All property owners have rights that the community has agreed upon. This is not an emotional response, but a carefully thought-out decision based on the ordinances.

Bill B. said the project is one that every community needs, but it just doesn't fit this place. He votes to deny.

Don agrees that SSMH is a great idea, but there are just too many conditions that cannot be met even under a conditional approval. Votes to deny.

Final vote was 7-0 to deny the application.

Kristin asked that a vote be taken to authorize Paula to sign the findings of fact as amended. Don moved to authorize that approval. Henry seconded. All approved.

Paula said the minutes from previous meetings would be discussed at the next meeting, which is scheduled for 6:30 p.m. on November 9.

Minutes prepared and submitted by Kristin Parks and Holly Rahmlow

DRAFT



TOWN OF READFIELD

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

READFIELD PLANNING BOARD

AGENDA

Wednesday November 3, 2021

6:30 PM

Public Meeting Starts 6:30 pm:

- 1) **26 Mill Stream Road - Safe Space Meeting House (SSMH)**: The Board will continue consideration of the application of SSMH to create a community center/club. Public Meetings occurred 5/25, 6/2, 7/27 and 9/28. The Planning Board conducted a site visit on 8/24 and public hearing was held on 8/25. Public comments on the application were accepted until 9/7/21. The property is located at 26 Mill Stream Road in the Rural Residential District identified on the Assessors map 120, lot 013.

Old Business

Review the meeting minutes of 5/11, 5/25, 6/2, 7/27, 8/25, 9/28, and 10/26 for approval.

This meeting will be held LIVE at the Readfield Town Hall and via ZOOM web zoom/phone *Join from PC, Mac, Linux, iOS, or Android:*

<https://us02web.zoom.us/j/86327315730?pwd=TVBncExsOVZFS1dRVdVPNEd6cjJSQT09>

Or by Telephone: 1 301 715 8592 Meeting ID: 863 2731 5730 Password: 216751

Public Comments are encouraged and welcomed. They will be received at the time and in the order during the meeting as deemed appropriate by the Chair. Written comments from the public will be accepted at the Town Office at any time or emailed to ceo@readfieldmaine.org; however, they must be submitted by the Thursday prior to the next scheduled meeting for them to be considered at that meeting. If you have any questions regarding this agenda or would like to be placed on a future agenda, please call the Code Enforcement Office at 685-3290.

Next Scheduled Planning Board Meeting is November 9, 2021

Permit fee: _____
Date Paid _____
Receipt # _____

Town of Redfield
Readfield MAINE 04355

MAP 120 LOT 13

Planning Board

Land Use Permit Application

The undersigned applies for approval of the Readfield Planning Board as follows:

1. Applicant:

Safe Space Meeting House
26 Mill Stream Road
Readfield Maine

Agent:

Alexandra Twarog
Fayette Maine
207 320 0015

2. Land District: Rural Residential

3. Property currently unused

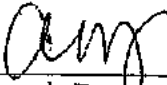
4. Proposed use of the property and its development-

Community Center – A colonial restoration will provide a historic venue for cultural events and meeting place for residents, their relatives and friends. The members-only access will provide the necessary "safe" quality of association. It will help to create a community among those people who share common interests. The historic venue will be an ideal setting for cultural events.

5. Lot is irregular in size. It is approximately 2+/- acres

6. we plan no additional buildings.

Signed _____


Alexandra Twarog

Land Use Permit Application Questionnaire:

1. a. Activities will be held indoor. Existing buildings have improved the scenic and natural beauty of the area which had been used for illicit and dangerous activities. An town easement is granted to the historic property. Citizens and tour buses regularly come to the property to view its natural beauty. We intend to maintain this property.

b. The restored colonial building (c.a. 1770) is the only colonial building in Readfield and in Kennebec County. It is a landmark for the people of Readfield and will be available for viewing.

c. none observed

d. The town maintains an easement for this property. They have created a path which overlooks the stream and wetlands. This path connects to the town trail system.

e. The town easement the wetlands

2. a. No permits are required.

b. We intend to consider permits for activities common to other meeting house associations in Readfield. We are uncertain of which activities we will consider at this time. Those considerations will be the responsibility of a Safe Space Meeting House (SSMH) Activities Committee. That committee has not yet been formed. Any permits required for these the use of the building and activities of its members will be sought as the committee determines their relevance to our mission.

c. Activities will conform to all local state and federal laws.

3. a. The property is developed. No further development is planned which would compromise the land, by storm water or soil erosion.

b. Grasslands and foliage are designed to prevent storm water erosion.

4. The proposed activity should have little impact on Town services. SSMC activities will most likely be held in the evening and would not conflict with the recreational use of the town Mill Stream Park.

A study of Mill Stream Road and its use as a community center was made by the Readfield Fire Department and filed in 2018 with the Planning Board. It stated that there should be little problem with emergency access to the area. SSMC members will have access to an adjacent parking lot which can accommodate 35 cars. We would hope that the members will use this lot rather than on-street parking.

5.a. We have adequate financial resources to use and maintain this property.

b. There will be no design or development of the property by SSMC.

c. Board Members and officers have no history of violations of previous land use approvals.

6. The property is not located within any flood areas.

7. a. We intend no use of the adjacent wetland.

b. we are aware of laws regulating use or activities within or on the wetland.

8. SSMC plans no activity which will rely on or impact groundwater. The sewage septic system is new and designed for our intended use.

9. a. We have not yet determined the activities which will be provided to our members. The committee designed for that purpose will determine those activities. The nature of our mission will include

activities in which members will gather for social and cultural evenings. These events may create some solid waste. We do not anticipate an excessive quantity of waste product.

b. Except for occasional use solid waste generated through the regular use of our members all waste will be removed by a contracted private waste company.

10. No

11.a. Member meetings and activities will be confined to hours when then are most commonly held by similar associations. We envision that the facility will be used during evening hours

b. The the proximity of the adjacent mobile home is of some concern. We intend to insulate and sound proof the Barn walls closest to this home. At the request of the mobile home owner, the Barn owner constructed a \$2000.00 fence which the neighbor's requested to block noise. We may be able to create an additional acoustically buffered area using this fence.

Neighboring homes are 600 - 1000 feet distant from the Barn. This distance is greater than the distance from residential homes near organizations with similar activities.

12. N.A (slope of land, nature of the soils, vegetation)

13.a. Mill Stream

b. 80 feet

c. We intend no impact on the stream or water activities.

14. A new sewage system for the intended use has been designed, constructed and approved

15. We do not intend any use which will create storm water.

16. A new drilled well with 25 GPM is available.

17. The town easement to this property encourages continued public use of this facility . Our mission is to create a community resource for members, their relatives and those who support a safe, secure meeting place. With cooperation of the town, it is possible that the land currently designated as a parking area, continue to be used by members as well as the public who come to this area. The area below the mobile home may be designated as a no parking area except for delivery of supplies needed by SSMH. In that way the area adjacent to the stream may be kept free of debris, cars and a will guarantee a true recreation area.

18. access to the site will not be altered.

19. No

20. NA

21. Chief Lee Mank has reviewed the area in 2018. His findings were submitted to the Planning Board. He stated that use of the property did not prevent access by emergency vehicles. Nevertheless he did suggest that one side of Mill Stream Road (on which the mobile home sits) be declared "No Parking". That would give increased access to the area by emergency vehicles. This may be considered along with the collective use of the parking lot which is available at the entrance of Mill Stream Road.

Required Submittals

1. Attached: Tax map

2.

Mr. and Mrs. Harris
Old Kent's Hill Road

Mr. and Mrs. Cote

3. A Rental Lease for the property to be occupied

4. Map See #1 Map

5. Attached: A Rental Lease for the property to be occupied

6. N.A.

7 Map See #1 Map

8: Site Plan

a. n/a

b. Map See #1 Map

Safe Space Meeting House Bylaws

Article 1

The name of the corporation shall be Safe Space Meeting House. The Corporation may be conducted as Safe Space Meeting House.

Safe Space Meeting House (SSMH) is a public benefit non-profit corporation and shall be operated for rural and residential interests consonant with the Readfield LUO. It will also be operated for charitable purposes within the meaning of State of Maine public benefit non-profit charter.

SSMH's primary facility is the original mill building at Safe Space Meeting House Road in Readfield. This building which has been renovated is at the heart of the abandoned colonial industrial center of Readfield. Safe Space Meeting House is a non-commercial, voluntary association of persons. The clubhouse / meeting house is open to members and guests only.

Article 2. Mission and Powers

2.01 Mission

1. We support inclusivity, equality, community and the fundamental rights of all human beings. Readfield's **Safe Space – Meeting House [SSMH]** will provide a space for LGBTQ+ community to build professional and social connections in the community. Our effort intends to establish a "meet-up Space". It will be a "Safe" setting in which to share cultural interests, resources, and opportunities with people who share similar interests and concerns.

SSMH will model its community activity on civic outreach activities used by The Readfield Union Meeting House. The SSMH "meeting house" outreach will be dedicated to the arts as a primary link for community communication. It integrated within the Readfield community.

Our society is beset with uncertainty and anxiety. Readfield's SSMH is dedicated to providing community resources needed to help support LGBTQ+ community in Readfield. We advocate for laws and policies that will protect all peoples' rights and everyone's dignity. We work for a world where all people can enjoy their rights fully.)

SSMH will provide the community with a **contemporary meeting house**. In Readfield history, the Grange, provided an informal place for the rural community to meet for discussions and social activities. The social meetings helped to create a place for discussions which led to the support of vital rural political and economic movements. SSMH will help identify Rural issues vital to sustaining and improving the rural life. Our goal is a modest rebirth of the rural Grange tradition for the LGBTQ+ community.

In addition: This meeting house will support

- local rural history at the Mill Stream historic area

Safe Space Meeting House revenue stream, contributions and income will be used for, but not limited to,

- explore opportunities and activities that engage LGBTQ+ community. Among them, folk art, crafts, music, local history, cooking, as well as singularly rural skill building building, hunting, fishing,
- provide items and services needed to maintain the historic property. The town requested and maintains an easement on the property. The easement opens this property for public use. Funding is required to maintain this property due the invitation of public.

2. Parks and Recreation - The Town of Readfield requested and Helen and Robert Bittar granted an easement to a large portion of their land at 26 Mill Stream Road to the town of Readfield. The Town of Readfield integrated SSMH /Bittar lands into the new Town Mill Stream Park and outdoor miles of trails. SSMH must maintain the property at SSMH to accommodate the public use of our property as a part of the Readfield Trail System. Trail use is constant and unmonitored. Consequently the easement property which the Town of Readfield integrated into its town park requires constant care. This Town Park is recreational facility used by many Readfield people. As with all public parks it requires maintenance. Broken bottles and other debris are found there and require regular maintenance.

The town has created a park, and integrated Bittar property within its park. The public is invited to use this land at 26 Mill Stream Road for unscheduled outdoor recreational activity. This park which is open to the general public, includes green strips, open space, seating/picnic grounds, and wildlife and nature preserves. There is no barrier or fence which separates the Town park and trail from the land and property owned by the Bittars. For this reason, it is necessary to create a safe and sanitary adjacent space for children and others who are drawn to the SSMH/ Bittar property. Support of these Readfield Town Park facilities include necessary auxiliary facilities (rest rooms as well as other health, rest and sanitary facilities for women and children). Activities will be used to subsidize the purchase of items needed for the maintenance of land and facilities required by the public use trail/path easement. The close proximity of the meeting house buildings and its facilities within the unmonitored town activities on our land requires support. The police have suggested installation of online 24 hour communications cameras and security equipment for maintenance and protection. (The buildings have already experienced extensive theft, debris, and vandalism at 26

Mill Stream Road.) Public recreational use of the Readfield Town Trail will require lighting along the path for safety during evening trail use, regular removal of trash, cutting of grass, maintenance of shrubbery, removal of dead trees and dangerous tree limbs.
an understanding and contribution of LGBTQ+ community to their expression of life, music and culture

Revenue Stream -

It is estimated that 26 Mill Stream Road was built on or about 1770. It is the only designated colonial building in Readfield. The Planning Board and other town officials have assisted the historic Union Meeting House. Union Meeting House has been granted an opportunity to create a limited revenue stream to support its activities. SSMH functions are similar. The Readfield Comprehensive Plan suggests that SSMH seek assistance of the Readfield Planning Board and other administrators. Administrators will be requested to guide and facilitate in placing 26 Mill Stream Road on the National Registry of Historic sites. Safe Space Meeting House will follow the example the Union Meeting House. The town has created a Town Park on Bittar land. SSMH site is integrated into the Readfield town Park and the Readfield trail system. The town invites the Readfield public to use the SSMH historic site. They sit on benches, picnic tables. Look at the surrounding beauty. Walk on SSMH land and use its facilities. It is one of the few destination places on the Readfield Town Trail System. It is a place where the SSMH Resources are available for water, use and maintenance of toilets, health and sanitary services related to the public town use of our land. Donations and activities will be required to defray the expenses required to maintain the safe and sanitary public use of the town easement. Our revenue stream will be required to support the town generated public use of SSMH land and facilities.

2.02 Powers

SSMH will engage in all activities necessary or incidental to developing an effective outreach center for LGBTQ+ community center. Those activities will be similar to those used by the Union Meeting House. SSMH will acquire, lease and take and hold by purchase, gift, devise or bequest, personal property and real estate not to exceed the amount limited by law and to use and dispose of the same for the purposes for which this corporation is organized.

The corporation shall have the power, directly or indirectly, alone or in conjunction or cooperation with others, to do any and all lawful acts which may be necessary or convenient to affect the charitable purposes, for which the corporation is organized, and to aid or assist other organizations or persons whose activities further accomplish, foster, or attain such purposes. The powers of the corporation may include, but not be limited to, the acceptance of contributions from the public and private sectors, whether financial or in-kind contributions.

2.03 Nonprofit Status and Exempt Activities Limitation

a. Nonprofit Legal Status. SSMH is a Maine non-profit public benefit corporation, organized and registered in Maine as a non-commercial corporation.

b. Exempt Activities Limitation. Notwithstanding any other provision of these Bylaws, no director, officer, employee, member or representative of this corporation shall take any action or carry on any activity by or on behalf of the corporation not permitted to be taken or carried on by a non-profit organization. No part of the net earnings of the corporation shall inure to the benefit or be distributable to any director, officer, Maine member or other private person, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the Articles of Incorporation and these Bylaws.

2.04 Distribution upon Dissolution.

Upon termination or dissolution of the SSMH any assets lawfully available for distribution to one (1) or more qualifying organizations described in Section 501 (c) (3) of the 1986 Internal Revenue Code (or described in any corresponding provision of any successor statute) which organization or organizations have a charitable purpose which, at least generally, includes a purpose similar to the terminating or dissolving corporation.

The organization to receive the assets of the SSMH hereunder shall be selected in the discretion of a majority of the managing body of the corporation.

Article 3 Membership

3.01 No Membership Classes

The corporation shall have no members who have any right to vote in or title to or interest in the corporation, its properties and franchises.

3.02 Non-Voting Affiliates

The board of directors may approve classes of non-voting affiliates with rights, privileges and obligations established by the board. Affiliates may be individuals, businesses, or other organizations that seek to support the mission of the corporation. The board, a designated committee of the board, or any duly elected officer in accordance with the board policy shall have the authority to admit any individual or organization as an affiliate to recognize representatives of affiliates and to make determinations as the affiliates' rights, privileges and obligations. At no time

**Lease : Safe Space Meeting House
26 Mill Stream Road Readfield Maine**

The Landlord and Tenant agree to lease the building at 26 Mill Stream Road Readfield Maine 04355 the Rent for the Term stated on these terms: LANDLORD: Robert Bittar 309 Waugan Road, North Monmouth Maine 04265 TENANT: Safe Space Meeting House 1925 Main Street Fayette Maine 04349

Lease Term: Beginning October 1, 2020 Ending October 1, 2021 Rent \$4800 Monthly Rent \$400. Lease renewal will reflect the increased taxes, insurance, and cost of improvements to the property made by the landlord.

This lease is for use 26 Mill Stream Road as a public benefit non-profit corporation. This organization will use the property as a non-profit Meeting House/association as defined in the LUO. No commercial business is permitted.

Lease. 1. Lease begins October 1, 2020. Rent shall be payable as of the beginning of the Term unless Landlord is unable to give possession. Rent shall then be payable as of the date possession is available.

2. Services: Tenant will supply: (a) heat (b) hot and cold water for bathroom and kitchen sink. Stopping or reducing of service(s) will not be reason for Tenant to stop paying rent. Damage to the equipment or appliances supplied by Landlord caused by Tenant's act or neglect, should be repaired by Tenant at Tenant's expense. Tenant must pay for all electric, gas, telephone and other utility services used in the air cooling or electrical systems due to accident, emergency, repairs, or changes until the work is complete.

3. Repairs and maintenance: Tenant must take good care of the building and all equipment and fixtures in it. Tenant must, at Tenant's cost, make all repairs and replacements. Tenant will repair the walkways and electrical connections outside the home. Tenant will maintain the grounds which includes mowing and keeping the grounds free of debris or broken branches and any additional impediments which may result from weather.

4. Alterations TENANT MUST OBTAIN Landlord's consent to install any paneling, flooring, "built-in" decorations, railings or make alterations or to paint or wallpaper the building. Tenant must not change the plumbing, ventilating, air-conditioning, electric or heating systems. If consent is given, the alterations and installations shall become the property of Landlord when completed and paid for, and shall remain with and as part of the building at the end of the Term. Landlord is not required to do or pay for any work unless stated in this Lease.

5. Fire, Accident, Defects, Damage Tenant must give Landlord prompt notice of fire, accident, damage or dangerous or defective condition. If the building cannot be used because of fire or other casualty, Tenant is not required to pay rent for the time the building is unusable. Landlord is not required to repair or replace any equipment, fixtures, furnishings or decorations unless originally installed by Landlord. Landlord is not responsible for delays due to settling insurance claims, obtaining estimates, labor and supply problems or any other cause not fully under Landlord's control. If the fire or other casualty is caused by an act or neglect of Tenant or guest of Tenant, or at the time of the fire or casualty, Tenant is in default in any term of this Lease, the Lease is canceled, Landlord is not required to repair the building or Building.

6. Liability Landlord is not liable for loss, expense, or damage to any person or property. Tenant must pay for damages suffered and money spent by Landlord relating to any claim arising from any act or neglect of Tenant. Tenant is responsible for all acts of Tenant's family, employees, guests, or invitees.

7. Landlord may enter Landlord may, at reasonable times, enter the building to examine, to make repairs or alterations, and to show it to possible buyers, lenders or tenants.

8. Assignment and Sublease Tenant must not assign this Lease or sublet all or part of the building or permit any other person to use the building. If Tenant does, Landlord has the right to cancel the Lease as stated in the Default Section. Subordination This Lease and Tenant's rights are subject and subordinate to all present and future: (a) leases for the Building or the land on which it stands, (b) mortgages on the leases or the Building or land, (c) agreements securing money paid or to be paid by a lender, and (d) terms, conditions, renewals, changes of any kind, and extensions of the mortgages or leases or Lender subordinate.

9. Condemnation If all of the building or Building is taken or condemned by a legal authority, the Term, and Tenant's rights shall end as of the date the authority takes title to the building or Building. If any part of the building or Building is taken, Landlord may cancel this Lease on notice to Tenant. The notice shall set a cancellation date not less than 30 days from the date of the notice. If the Lease is canceled, Tenant must deliver the building to the Landlord on the Cancellation date

10. Tenant's duty to obey regulations. Tenant must, at Tenant's expense, promptly comply with all orders, rules, requests, and directions of all Governmental authorities, Landlord's insurers, Board of Fire Underwriters or similar groups. Tenant may not do anything which may increase Landlord's insurance premiums. If Tenant does, the Tenant must pay the increase as added rent.

11. Tenant's defaults and Landlord's remedies:

A. Landlord may give 5 day's written notice to Tenant to correct any of the following defaults:

Failure to pay rent on time. Landlord will not permit assignment of the Lease, subletting all or part of the building. Failure to fully perform any other term in the Lease. Tenant continues to be responsible for rent, expenses, damages, and losses.

If the Lease is canceled, or rent is not paid on time, or if Tenant vacates the building, Landlord may, in addition to other remedies, take any of the following steps: 1. Enter the building and remove Tenant and any person or property; 2. Use dispossession, eviction, or other lawsuit methods to take back the building.

B. If the Lease is ended Landlord may re-rent the building and anything in it for any Term. Tenant shall continue to be responsible for rent, expenses, damages and losses. Any rent received from the re-renting shall be applied to the reduction of money that Tenant owes.

Tenant must comply with Landlord's Rules. Notice of Rules will be posted or given to Tenant.

12. Tenant has read this Lease. All promises made by the Landlord are in this Lease. There are no others.

13. End of Term At the end of the Term, Tenant must leave the building clean and in good condition, subject to ordinary wear and tear, remove all of Tenant's property and all Tenant's installations and decorations, repair all damages to the building and Building caused by moving, and restore the building to its condition at the beginning of the Term. Space "as is" Tenant has inspected the building and Building. Tenant states they are in good order and repair and takes the building "as is." Quiet enjoyment and habitability Subject to the terms of the Lease, as long as Tenant is not in default, Tenant may peaceably and quietly have, hold, and enjoy the buildings for the Term. Lessees shall maintain order in the building and shall not make or permit any improper or unnecessary noises or actions. Abusive noise is prohibited. Any disturbances or unlawful activities will constitute a default of the Lease. Landlord states that the building and Building are fit for human living and there is no condition dangerous to health, life, or safety. No commercial use is permitted.

Landlord's consent If Tenant requires Landlord's consent to any act and such consent is not given, Tenant's only right is to ask the Court to force Landlord to give consent. Tenant agrees not to make any claim against Landlord for money or subtract any sum from the rent because such consent was not given.

This Lease is binding on Landlord and Tenant.

Any acts Landlord may do may be performed by Landlord's agent or employees.

14 Changes - This Lease may be changed only by an agreement in writing signed by each party.

15 Effective date - This Lease is effective when Landlord delivers to Tenant a copy signed by all parties.

16 TENANT PAYS FOR HEATING FUEL, ELECTRICITY, PHONE, CABLE, COOKING GAS .

17 RENT IS DUE ON THE FIRST DAY OF EACH MONTH.

18 AT THE TERMINATION OF THE LEASE, THE building MUST BE IN THE SAME CONDITION AS FOUND UPON OCCUPANCY. SIGNATURES: (LANDLORD AND TENANT SIGNED AS OF THE DATE AT THE TOP)

LANDLORD: _____ TENANT: _____

RULES AND REGULATIONS RIDER

Trash must be brought to the dump.

UTILITIES - Tenant will be responsible for arranging and paying for all utility services required on the premises, including HEAT, HOT WATER, and ELECTRICITY.

REPAIRS - Tenant is responsible for all repairs . It is agreed that Tenant will not make or permit to be made any alterations, additions, improvements, or changes in the buildings without in each case, first obtaining the consent of the Landlord. Consent to a particular alteration, addition, improvement, or change shall not be deemed consent to or waiver of restrictions against alterations, or changes for the future. All alterations, changes and improvements built, constructed, or placed in the leased building by Tenant, will be the property of Landlord and remain in the leased building at the expiration of the Lease.

DRAINS - Toilets, sinks, and drains function properly . No sweepings, rubbish, rags, diapers, sanitary napkins, tampons, ashes or other destructive substances shall be thrown down the drains.

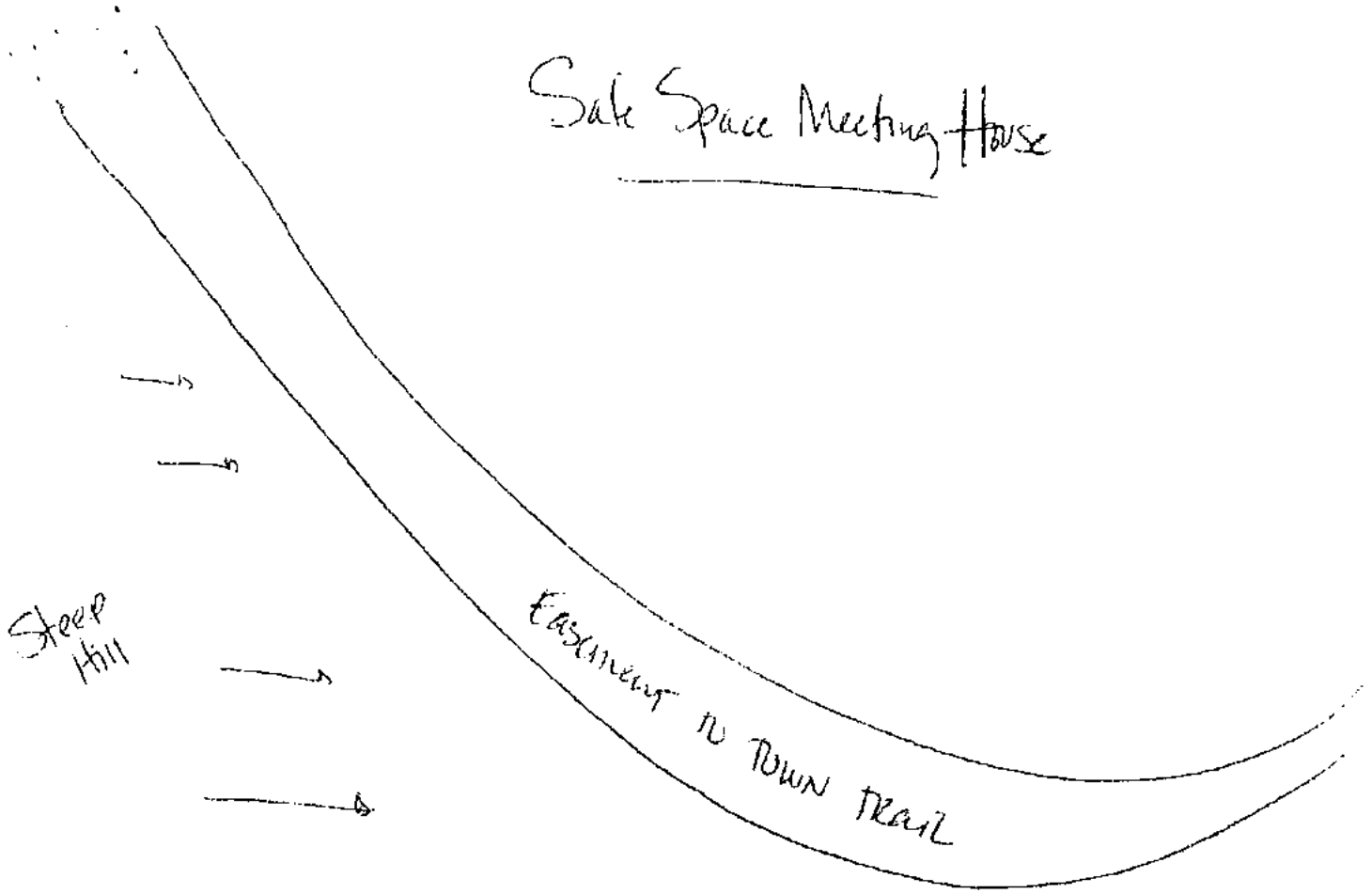
WALL HANGINGS - Tenant shall not drill holes in any walls. A reasonable number of mirrors and pictures may be hung on interior walls, provided proper picture hooks are used. Access must be allowed at all reasonable times with reasonable notice for unit inspection, repairs, alterations and improvements.

PAINTING - Tenant shall not redecorate, paint walls, or change locks without written consent of Landlord.

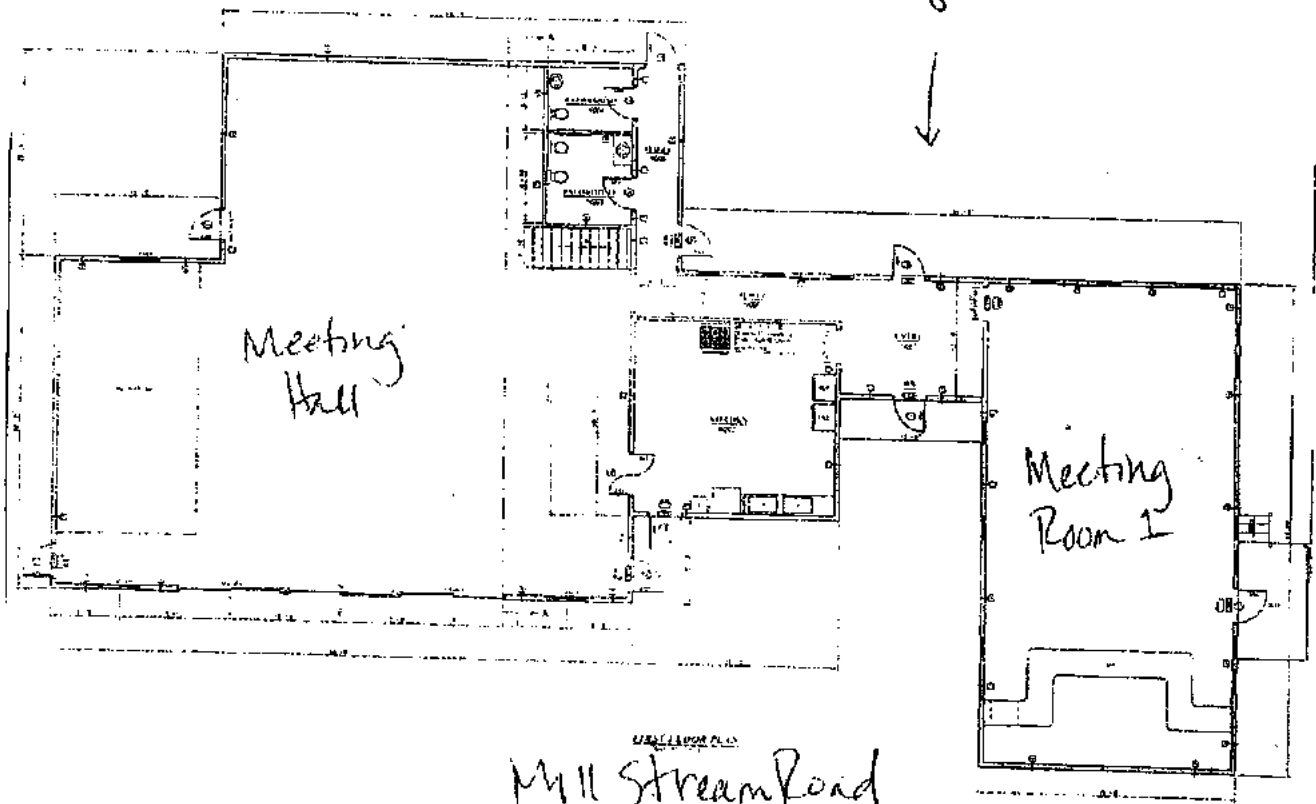
FLAMMABLES - Tenant shall not store gasoline, oil, or other flammable materials in the building or anywhere on the premises.

X _____ Initials Tenant has read and understands the terms and conditions of the above Lease agrees to ALL of the above. AGREED AND UNDERSTOOD BY: X _____ TENANT DATE X _____

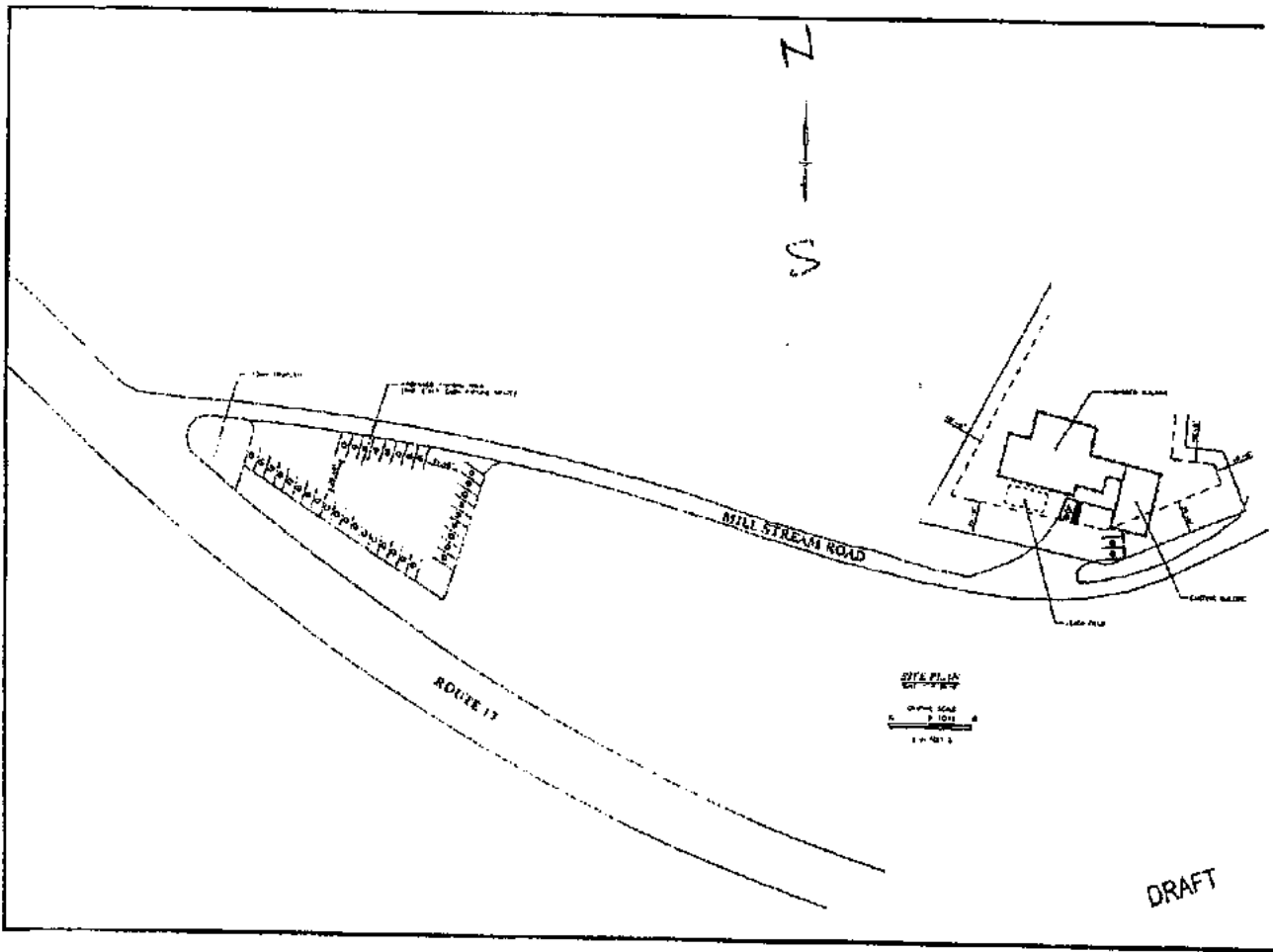
Safe Space Meeting House



↑
8'
↓



-DRAFT



CS.M.108

SSMH's Addendum to Land Use Permit Application
April 28, 2021

1. Contact Information:

Jed Davis Esq., attorney for SSMH, Jim Mitchell and Jed Davis, P.A., 86 Winthrop Street, Suite One, Augusta Maine 04330, 207-622-6339, jed@mitchellanddavis.com .

Applicant: Safe Space Meeting House, Alex Twarog; shall be contacted through Jed Davis' office.

2. Readfield has a diverse population of citizens of diverse genders, religious affiliations, nationalities and ethnic groups.

- **SSMH is proposing to:** Create a community center that will provide nonprofit, non-commercial activities and recreational opportunities for Readfield's diverse population of LGBTQ residents and other residents of diverse genders, religious affiliations, nationalities and ethnic groups, to be physically active, interact with, and support other LGBTQ residents. SSMH will create a space for LGBTQ and others to build their connections within the community. The membership will be limited to only those members who support and will help expand SSMH's mission in accordance with members' interests.
- ✓ **SSMH's application is substantially different than the one first submitted in 2020 as this application clarifies that SSMH will not engage in any commercial activities nor conduct any activities primarily for pecuniary gain, and that the SSMH will restrict its activities to conform to only those activities allowed within the Rural Residential zone.**
- **SSMH Activities Committee:**
 - An Activities Committee, when formed, will consider its members' interests and applicability, feasibility, and SSMH's financial ability to support those activities. SSMH will not hold any activities that are substantially similar to retail or commercial businesses, "indoor theaters" or "civic centers" as SSMH's activities are expected to attract a select group of people to its nonprofit events.
 - SSMH's activities will conform to the Land Use Ordinance for Rural Residential properties.
 - 26 Mill Stream Road sits at the end of a dead end. We do not anticipate any impact on town services from member activities.

5. Cultural Events; General Public Access to a Community Center Activities

- **All Activities Planned by SSMH will be non-profit and non-commercial in nature**
- **All SSMH activities will be open ONLY to SSMH members and their invited guests.**
- Fine Arts Cultural Activities - Art shows – (members' art shows, etc.); Private Craft shows – Members' Fashions, Gold and Silversmith, Jewelry makers.

- Private music events open ONLY to members and their invited guests.
- Reading and Literature – reading of members’ writings, discussion and exploration of members’ works.
- Private dance events – Contra-dance, Swing, Salsa, Modern, Ballet etc. open ONLY to members and their invited guests.
- Private, nonprofit financial planning, business consulting and self-help events open ONLY to members and their invited guests.
- Small business consulting and startup discussions by professional volunteers – Learn how to set up a financial portfolio; how to set up a stock market investment club; provide SSMH mentorship program with business people to teach SSMH members about setting up and operating a business in Readfield.

Safe Space Meeting House Activities Open Only to Members and Invited Guests.

- SSMH will support Readfield's LGBTQ community and diverse population. SSMH property will provide a “safe space” for activities for its LGBTQ members, their invited guests and Readfield residents who support SSMH’s mission without fear of social prejudice and discrimination.
- SSMH’s membership will be offered to only those individuals who support SSMH’s mission. Its activities will be open only to members and their invited guests.
- SSMH is a community center – a building that will house SSMH’s voluntary association of persons who are organized for social, religious, benevolent, literary, scientific or political purposes; whose facilities are open to members and their guests only, and not the general public; and will not engage in any activities that are customarily carried on by a commercial business or for pecuniary gain.
- SSMH’s main purpose is to provide a common central place where members have the opportunity to socialize and engage in cultural, educational and recreational activities in a safe, inclusive environment.
- SSMH will create a positive, supportive and inclusive atmosphere that SSMH anticipates will become essential to the personal health and wellness of its Readfield community thereby reducing its members’ reliance on healthcare and other costly social services.
- In turn, SSMH members will be better able to support the local Readfield community by contributing to its overall growth and economic development while reducing demand on other social services.
- SSMH and its members will not render any goods or services primarily on a retail basis which are customarily carried on in a building specifically for that purpose, such as retail stores and in restaurants. SSMH’s revenue from any and all of its activities will be used to support SSMH’s nonprofit mission and pay for any maintenance and repairs to the 26 Mill Stream property.
- SSMH will maintain a membership list which will be closely monitored. Visitors to SSMH’s property will have their membership validated before being permitted access to SSMH facilities.

- 4. **35 Car Parking lot** - Use and access approved by new owner. Lease **attached**.
- 11. **Hours of Operation** -
Members' activities are expected to be held weekly, ending by 9:30 pm daily.
Occasional weekday activities may be scheduled for late morning, afternoon or evening.
- 14. **Septic System Design:** Design and specifications **Attached**
- 16. **DRINKING WATER** attached

This issue was addressed and resolved in 2017 with CEO Gary Quintal. In 2017 the Planning Board requested a Stop Work Order because they received a notification concerning a public water supply at 26 Mill Stream Rd. The 26 Mill Stream Rd water supply was inspected in 2016 by the Division of Environmental and Community Health Department, Drinking Water Inspector. The Inspector indicated that rural community centers may be exempt from public water supply requirements. The Maine Drinking Water Program provides a "Bottled Water PWS Exemption" for facilities not connected to a public/town water supply. The waiver is permitted for facilities where drinking water is not served from an on-site source of water. LA waiver was received for Drinking Water at 26 Mill Stream Road. SSMH must conform with PWS requirements and provide members with bottled water. No ice will be used which is made from the on-site water supply. The DPW waiver was received 11/17/17. A copy was submitted to CEO Quintal. He confirmed the waiver with the DPWS. Quintal and filed the waiver. The Planning Board was notified of the waiver. The Stop Work Order rescinded.

22. **Enforceable land use violations:**

There are no land use violations.

Past occupancy issues are not relevant to the SSMH application.

Robert Bittar is the owner and landlord of 26 Mill Stream Road property; Robert Bittar is not a member of SSMH.

The SSMH application and lease do not provide occupancy or usage by anyone other than SSMH members and staff.

Submittals

- 2. **Abutters**
lot 014 Town of Readfield
lot 009 Mr. Wilson, 37 Old Kent's Hill Road
lot 111 Ms. Ashy, 10 Giles Road
- 5. **26 Mill Stream Rd., Property Deed** Attached
- 8. **Site Plan** – Attached

- a. NA
- b. NA
- c. existing buildings
none proposed
- d. Mill Stream Road
- e. Mill Stream
- f. Town Easement
- g. water supply and waste water system
- h. NA
- I exterior lighting -- building wall lights ; ground spot lights lighting the buildings
- j landscaping Plants fence
- k NA
- l deed restrictions NA

9. Other Permits:

The Fire Marshal's permit

Permit approved for installation of a Fire Safety Sprinkler System has been received. The Town has a copy.

No activities are planned at this time that would require permits.

14. Traffic movement

Because SSMH anticipates participation in its private activities to include only a select group of invited participants, traffic movement is not expected to exceed that which would be similar to residential gatherings of friends and family. Many SSMH activities will attract a very limited number of selected, invited participants.

16. Dimensional calculations

Dimensional calculations are the same as calculated for #5 of the questionnaire. (Cliff Buuck's letter said #15 of the questionnaire)



TOWN OF READFIELD

8 OLD KENTS HILL RD. • READFIELD, MAINE 04855
TEL. (207) 685-4939 • FAX (207) 685-3420

Thursday, September 24, 2020

To: Ms. Alexandra Twarog
From: Jaime Hanson
Code Enforcement Officer
Town Of Readfield
Subject: Planning Board Application is Not Complete


Ms. Twarog,

I received an application from you on August 25, 2020 for the Readfield Planning Board to consider the property at 26 Mill Stream Road for the Land Use: "Community Center, Club". I am writing to inform you that your application has been found by me to be incomplete. There are several answers to the questions listed in the Town of Readfield *Land Use Ordinance, Article 6, Section 3.C Review Criteria* that would require additional information to be considered.

Additionally, the condition of 26 Mill Stream Road and the Land Use proposed there in your application is the same as on a previous application at that property, that was reviewed by the Planning Board. That application was denied on 06/27/2018. I understand that the denial was based primarily on the activities proposed not meeting the definition of "community center, club". The Board concluded that the activities proposed in the application are, in fact, "customarily carried on by a business or for pecuniary gain". This application is for the same zoning district, address and Owner, identified as Landlord Robert Bittar, and use. You included a copy of the "Safe Space Meeting House Bylaws" but the Safe Space Meeting House organization has not been formed, and the application does not adequately describe the use to be reviewed or allowed by the Planning Board.

Pursuant to Section 10 of the Board of Appeals Ordinance of the Town of Readfield (enacted June 13, 2017), you may appeal this decision to the Board of Appeals no later than October 26, 2020.

Sincerely,



Jaime V. Hanson, Code Enforcement Officer
Town of Readfield

9/24/2020
Date:

April 25, 2021

Mr. Clifford Buuck, CEO
Town Office Readfield

Dear Mr. Buuck,

I no longer have a copy the SSMH application submitted to the Readfield Planning Board August 25, 2020. The town has the original. Please send a copy of the original application to our legal representative Mr. Jed Davis at Mitchell and Davis in Augusta.

Since I no longer have a copy of the original SSMH application, the Mitchell and Davis law office prepared an application which was intended as my legal notification to your office to begin the Planning Board review of the original August 25 2020 SSMH application. That **March notice from my attorney** did not replace the original August 25, 2020 application. It was intended to begin the process of the SSMH application from the Town Office to the Planning Board for their review.

In October 2020, SSMH appealed to the Readfield Board of Appeals concerning the claim of discrimination against SSMH and its LGBTQ mission. The town CEO rejected the SSMH application to the Planning Board. He requested no information and claimed it was "incomplete" and denied it as invalid.

The SSMH appeal was reviewed by Chair of the Readfield Board of Appeals, Mr. Bickerman, his decision is attached.

"The CEO shall make a preliminary determination of whether or not an application for site review is complete, but the Planning Board has the authority to make the final decision concerning completeness." Mr. Bickerman advised the town office to submit our application to the Planning Board to resolve outstanding issues.

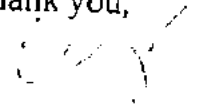
After 8 months, the Town of Readfield has not followed legal directives of Mr. Bickerman, Appeals Board Chairman. The town delayed to submit the SSMH application permit to the Planning Board while at the same time, a new town ordinance was written to declare the SSMH use of the Mill Stream Road property as illegal.

Documents you requested were submitted to other CEOs, approved and filed in the town office. Duplicates are attached. All questions you ask were answered and are attached to this mailing.

The SSMH Application is dated August 25, 2020 - 8 months ago. Please deliver the SSMH application to the Planning Board for consideration at their next meeting.

The Town proposes a June 8 vote to approve a new town law that declares Mill Stream Road no longer a legal place for our Community Center. We hope to speak with members of the Planning Board concerning the SSMH application as soon as possible.

Thank you,


Alex Twarog
SSMH President

Board of Appeals

----- Forwarded message -----

From: Peter Bickerman <pbickerman@gmail.com>

Date: Monday, November 2, 2020

Subject: Application of Safe Space Meeting House

To: Travis Gould <ceo@readfieldmaine.org>, wilynails@gmail.com

Cc: Holly Rahmlöw <holly@tc2.net>, Fran Zambella <frananz@aol.com>, [clif buuck](mailto:clif_buuck@yahoo.com)
<clif_buuck@yahoo.com>, Henry Whittemore <henry.whittemore@gmail.com>, Will Gagne Holmes
<willbgh@gmail.com>, John Blouin <JohnBlouinRealtor@gmail.com>, Eric Dyer
<manager@readfieldmaine.org>

Dear CEO Hanson and Ms. Twarog,

I am sending this email to you in my capacity as Chair of the Town of Readfield Board of Appeals. Recently the Board of Appeals received copies of correspondence from the Town's CEO to Ms. Twarog dated September 24, 2020 and October 22, 2020, concerning the application of an organization called Safe Space Meeting House (hereinafter SSMH) seeking to operate a social club or community center at 26 Mill Stream Road.

Please be advised that, notwithstanding the final paragraph of CEO Hanson's letter of September 24, the Board of Appeals lacks jurisdiction to consider an appeal from a preliminary determination by the CEO that the pending application is incomplete.

Article 6, Section 3 of the Land Use Ordinance of the Town of Readfield (hereinafter LUO) governs proposed activities that require site review by the Town's Planning Board. An application to operate a social club or a community center in the Rural Residential Zone requires site review and approval. See the Table of Uses in Article 7 of the LUO. Article 6, Section 3(B)(2) of the LUO states that the CEO shall make a preliminary determination of whether or not an application for site review is complete, but the Planning Board has the authority to make the final decision concerning completeness.

Accordingly, if the CEO and SSMH cannot reach an accord regarding the completeness of the application, SSMH could ask the Planning Board to decide whether or not the application is complete. In the event that the Planning Board were to decide that the SSMH application is incomplete, or if the Planning Board were to consider the application on its merits and reject it, then SSMH could appeal that determination to the Board of Appeals.

Please understand that, aside from clarifying the issue of jurisdiction, the Board of Appeals is not expressing an opinion regarding any of the statements contained in the SSMH application or the CEO's letters.

Sincerely,

Peter Bickerman
Chair, Board of Appeals

APPENDIX B

BOTTLED WATER PWS EXEMPTION FORM

This form is used to record the details of where bottled water will be used at a transient eating facility or convenience store to prevent regulation as a public water system. See Appendix A for determining who is eligible for a Bottled Water Exemption. This form is filled out by a Division of Environmental Health Inspector and establishment contact or owner.

Establishment Name: Readfield Country Club/Emporium

Address: (Street & Town/City) 26 Mill Stream Road Readfield, ME 04265

WSID# (if applicable) ME0092574 EST ID# (if applicable): _____

Dept of Ag ID # (if applicable): _____

Division of Environmental Health Inspector Name: _____

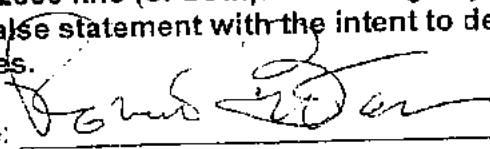
Contact Individual/Owner:

Name: Bob Bittar Telephone Number: 207-933-4965

Describe how bottled water will be used at this transient eating facility or convenience store as a method of avoiding serving water to the public from an on-site source of water:

Provided for drinking purposes, bagged ice brought off site and no cups provided near restrooms.

Maine law (17-A MRS453) makes unsworn falsification a Class D crime, punishable by up to 364 days of incarceration or up to a \$2000 fine (or both). You are guilty of unsworn falsification if you make any written false statement with the intent to deceive a public servant in the performance of his official duties.

Establishment Owner/Contact Signature: 

Date: 11/17/17

Submit completed form to the DWP PWS Inspection Team Manager. This form shall be kept on file with the Maine Drinking Water Program.

LEASE mill stream road parking lot Readfield maine

I Alexis Bittar of 35 Willow Street Brooklyn own Map 120 lot 017 on Mill Stream Road in Readfield. Safe Space Meeting House, a non profit organization has requested use of the parking lot which I own. Rent for use of the property is \$10/year.

I provide written permission to Safe Space Meeting House and their members and other tenants who rent 26 Mill Stream Road Readfield Maine to use the parking lot Map 120 lot 017 on Mill Stream Road which I own during their tenancy of 26 Mill Stream Road for their use for the duration of their tenancy at 26 mill Stream Road.

I have received the rental fee this day.

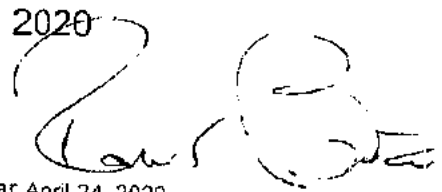
Lease Term: Beginning june 1, 2021

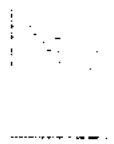


Alexis Bittar

April 24, 2020

Witness


Robert Bittar April 24, 2020



01/20/2015

Ms. Hill

1/20/2015

10000
26 Mill Street
North Smithfield, RI 02895

Re: Subsurface Wastewater Disposal System Application for a First Time System
Site Location: 26 Mill Street Road, Pawtucket

Dear Ms. Hill:

Per your request on 7/16/2015 and on several other occasions I met with you on the above referenced site to perform a site evaluation for the purpose of installing a Subsurface Wastewater Disposal System for a Commercial Center Eating Place. Per your instructions, I have determined that the proposed Subsurface Wastewater Disposal System Application and Design Form (HHF-1000) will be acceptable for your use. Please let me know if you need to convert the form to your format.

I do not intend to have any further questions as to the design, installation or construction of the system. Please do not hesitate to call me.

Sincerely,

James F. Lumbert
10000
26 Mill Street
Pawtucket, RI 02895

1/20/2015

(11)

01/20/2015 10:10 AM

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
Division of Health Engineering, SHS 11
(207) 287-5689 FAX (207) 287-3165

PROPERTY LOCATION

Caution: Permit Required - Attach in Space Below

City, Town, or Plantation: **READFIELD**

Street or Road: **26 MILL STREAM ROAD**

Town/City: _____ Permit #: _____
Date Permit Issued: **1/1** Fee: \$ _____ Double fee charged

Subdivision Lot #: _____ L.P.I. #: _____

OWNER/APPLICANT INFORMATION

Name (last, first, MI): **BUTAR, ROBERT**
 Owner Applicant

Mailing Address of Owner/Applicant: **309 WALGAN ROAD
MONMOUTH MAINE 04265**

Local Plumbing Inspector Signature: _____

The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.

Daytime Tel. #: **207-933-4365** Municipal Tax Map #: **120** Lot #: **13**

Owner or Applicant Statement

Caution: Inspection Required

I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a Permit.

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.

(1st) Date Approved: _____

Signature of Owner or Applicant: _____

Date: _____

Local Plumbing Inspector's Signature: _____

(2nd) Date Approved: _____

PERMIT INFORMATION

TYPE OF APPLICATION

- 1. First Time System
- 2. Replacement System
Type Replaced: _____
Year installed: _____
- 3. Expanded System
 - a. <25% Expansion
 - b. >25% Expansion
- 4. Experimental System
- 5. Seasonal Conversion

THIS APPLICATION REQUIRES

- 1. No Rule Variance
- 2. First Time System Variance
 - a. Local Plumbing Inspector Approval
 - b. State & Local Plumbing Inspector Approval
- 3. Replacement System Variance
 - a. Local Plumbing Inspector Approval
 - b. State & Local Plumbing Inspector Approval
- 4. Minimum Lot Size Variance
- 5. Seasonal Conversion permit

DISPOSAL SYSTEM COMPONENTS

- 1. Complete Non-Engineered System
- 2. Primitive System (graywater & sit. toilet)
- 3. Alternative Toilet, specify: _____
- 4. Non-Engineered treatment tank (only)
- 5. Holding Tank, _____ Gallons
- 6. Non-Engineered Disposal Field (only)
- 7. Separated Laundry System
- 8. Complete Engineered System (2000 gpd or more)
- 9. Engineered Disposal Field (only)
- 10. Engineered Disposal Field (only)
- 11. Pre-treatment, specify: _____
- 12. Miscellaneous Components

SIZE OF PROPERTY

2± sq. ft. acres

DISPOSAL SYSTEM TO SERVE:

- 1. Single Family Dwelling Unit, No. of Bedrooms: **4**
- 2. Multiple Family Dwelling, No. of units: _____
- 3. Other: _____

SHORELAND ZONING

Yes No

TYPE OF WATER SUPPLY

- 1. Drilled Well 2. Dug Well 3. Private
- 4. Public 5. Other: _____

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK

- Concrete HEAVY DUTY
 - a. Regular
 - b. Low Profile
 - 2. Plastic 1000 GAL
 - 3. Other GREASE TRAP
- CAPACITY: **1000** gallons

DISPOSAL FIELD TYPE / SIZE

- 1. Stone Bed 2. Stone Trench
 - 3. Proprietary Device
 - a. Cluster Array
 - b. Linear
 - c. Regular Load
 - d. In-20 Load
 - 4. Other: ENVIROSERVIC
- SIZE: **420** sq. ft. to ft.

GARBAGE DISPOSAL UNIT

- 1. No 2. Yes 3. Maybe
- If Yes, Or Maybe Specify one below:
 - a. multi-compartment tank
 - b. _____ tanks in series
 - c. increase in Tank Capacity
 - d. Filter on Tank Outlet

DESIGN FLOW

360 gallons per day

BASED ON:

- 1. Table 4A (dwelling unit(s))
 - 2. Table 4C (other facilities)
- SHOW CALCULATIONS FOR OTHER FACILITIES

SOIL DATA & DESIGN CLASS

PROFILE CONDITION: **1C**
at Observation Hole # _____
Depth: **40**
OF MOST LIMITING SOIL FACTOR: _____

DISPOSAL FIELD SIZING

- 1. Medium - 2.5 sq. ft./gpd
 - 2. Medium-Large - 3.5 sq. ft./gpd
 - 3. Large - 4.1 sq. ft./gpd
 - 4. Extra Large - 5.0 sq. ft./gpd
- (ITEM NUMBERS ARE USED FOR DATA ENTRY PURPOSES)

EFFLUENT/EJECTOR PUMP

- 1. Not Required
 - 2. May Be Required
 - 3. Required
- Specify only for engineered systems:
Dose: _____ gpd/gals

LATITUDE AND LONGITUDE

Lat. **44** d **23** m **19.10** s
Lon. **89** d **58** m **24.83** s
E.P.S., state required

SITE EVALUATOR STATEMENT

I CERTIFY that on **7/16/15** (date) completed a site evaluation on this property and state that the data reported are correct and that the proposed system is in compliance with the State of Maine Subsurface Wastewater Disposal Rules (10-144A CMR 241).

George A. Courbron
Site Evaluator Signature

88

REVISED 9/23/15

7/30/15

GEORGE A. COURBRON

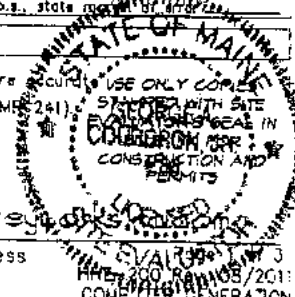
SE #

Date

Site Evaluator Name Printed

Telephone Number: **946-4480**

george@surveyors.com
E-mail address



NOTE: Changes to or deviations from this design shall be performed by the Site Evaluator

STATE OF MAINE
DIVISION OF HEALTH ENGINEERING
COMPUTER GENERATION

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Environmental Health, STS
 (207) 287-5889 FAX (207) 287-3765

Town, City, Plantation
READFIELD

Street, Road, Subdivision
26 MILL STREAM ROAD

Owner or Applicant Name
ROBERT BITTAR

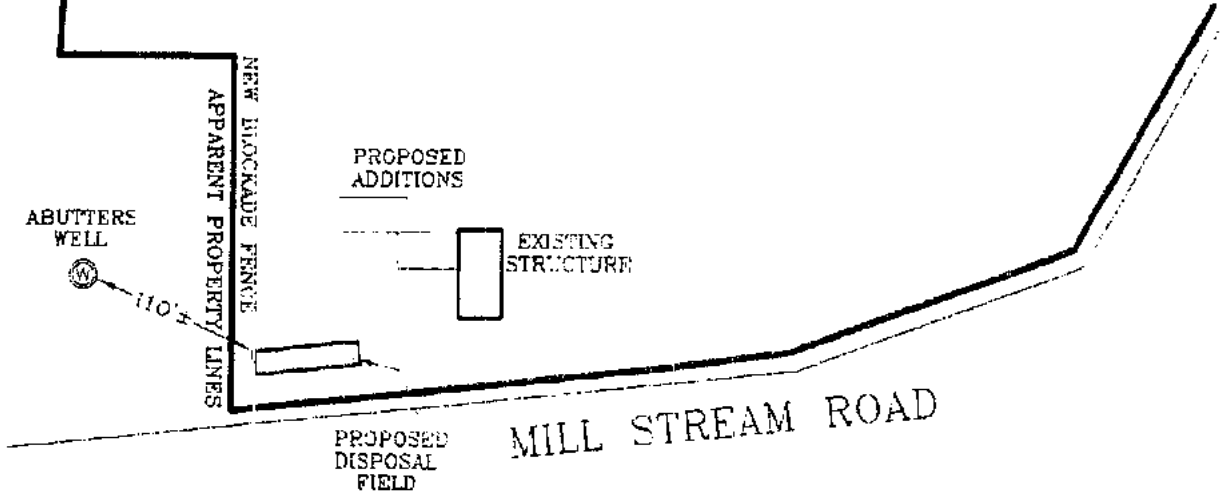
SITE PLAN

Scale 1" = 100' PL

SITE LOCATION PLAN
 (Attach map from Maine Area
 for First Time System Variance)

SEE ATTACHED

NOTE LOCATION OF SEPTIC SYSTEM HAS BEEN SITED ON THE PROPERTY BASED UPON BOUNDARY LINE/PROPERTY INFORMATION PROVIDED BY OWNER OR OWNER'S AGENT. NO INDEPENDENT VERIFICATION OF BOUNDARY LINE LOCATIONS HAS BEEN MADE BY THIS SITE EVALUATOR. PROPERTY LINES SHOWN SHALL BE VERIFIED BY OWNER/INSTALLER PRIOR TO CONSTRUCTION OF SYSTEM. ANY DISCREPANCY FROM THAT SHOWN SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE DESIGN SITE EVALUATOR PRIOR TO BEGINNING ANY WORK.



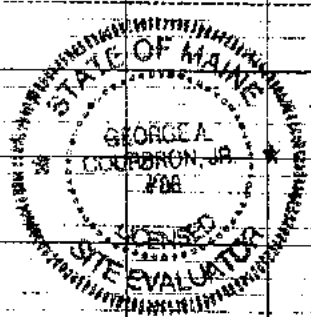
SOIL PROFILE DESCRIPTION AND CLASSIFICATION (Location of Observation holes Shown Above)

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Observation Hole			
	Texture	Consistency	Color	Mottling
0		FRIABLE	BROWN	
3		SOME THIN		
6		FIRM LAYERS		
12	MIXED HORIZONS AND THIN LAYERS OF FINE COARSE SANDS, COARSE SANDS AND GRAVELS	TO BE REMOVED	LIGHT BROWN	
20				
30				
40				
50		FIRM	BROWN	

Soil Classification	Slope	Limiting Factor	Groundwater
7 C	5	40"	<input type="checkbox"/>
Profile Condition	Percent	Depth	Restrictive Layer <input type="checkbox"/>
			Bedrock <input type="checkbox"/>

DEPTH BELOW MINERAL SOIL SURFACE (inches)	Observation Hole			
	Texture	Consistency	Color	Mottling
0				
6	A SECOND PIT SHOWED SAME RESULTS			
12				
20				
30				
40				
50				

Soil Classification	Slope	Limiting Factor	Groundwater
			<input type="checkbox"/>
Profile Condition	Percent	Depth	Restrictive Layer <input type="checkbox"/>
			Bedrock <input type="checkbox"/>



George A. Courbon
 Site Evaluator Signature

33
 33

REvised 4/23/05
 7:30:5
 Date

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
Division of Environmental Health, STS 11
(207) 257-5689 FAX (207) 287-3165

Town, City, Parish or
READFIELD

Street, Road, Subdivision
26 MILL STREAM ROAD

Owner or Applicant Name
ROBERT BITTAR

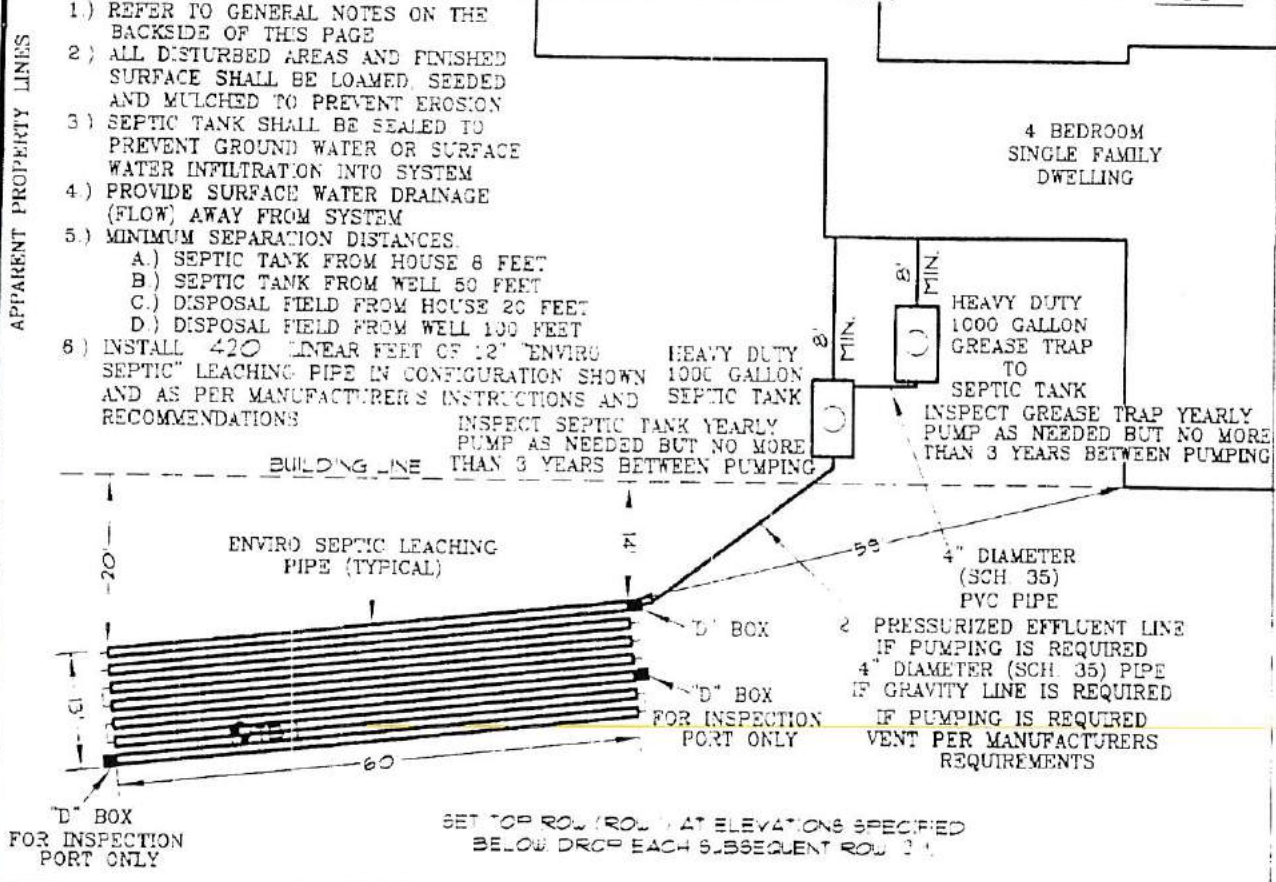
APPARENT PROPERTY LINES

NOTES

- 1.) REFER TO GENERAL NOTES ON THE BACKSIDE OF THIS PAGE
- 2.) ALL DISTURBED AREAS AND FINISHED SURFACE SHALL BE LOAMED, SEEDED AND MULCHED TO PREVENT EROSION
- 3.) SEPTIC TANK SHALL BE SEALED TO PREVENT GROUND WATER OR SURFACE WATER INFILTRATION INTO SYSTEM
- 4.) PROVIDE SURFACE WATER DRAINAGE (FLOW) AWAY FROM SYSTEM
- 5.) MINIMUM SEPARATION DISTANCES.
 - A.) SEPTIC TANK FROM HOUSE 8 FEET
 - B.) SEPTIC TANK FROM WELL 50 FEET
 - C.) DISPOSAL FIELD FROM HOUSE 20 FEET
 - D.) DISPOSAL FIELD FROM WELL 100 FEET
- 6.) INSTALL 420 LINEAR FEET OF 12" ENVIRO SEPTIC LEACHING PIPE IN CONFIGURATION SHOWN AND AS PER MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS
 - INSPECT SEPTIC TANK YEARLY
 - PUMP AS NEEDED BUT NO MORE THAN 3 YEARS BETWEEN PUMPING

SUBSURFACE WASTEWATER DISPOSAL PLAN

Scale 1" = 20' ft.



BACKFILL REQUIREMENTS

Depth of Backfill (upslope) 6"

Depth of Backfill (downslope) 8"

DEPTHS AT CROSS-SECTION (SHOWN BELOW)

CONSTRUCTION ELEVATIONS

Finished Grade Elevation -66

Top of Distribution Pipe or Proprietary Device -78

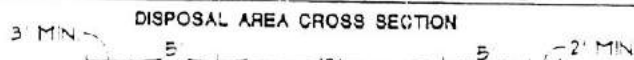
Bottom of Disposal Field -90

ELEVATION REFERENCE POINT

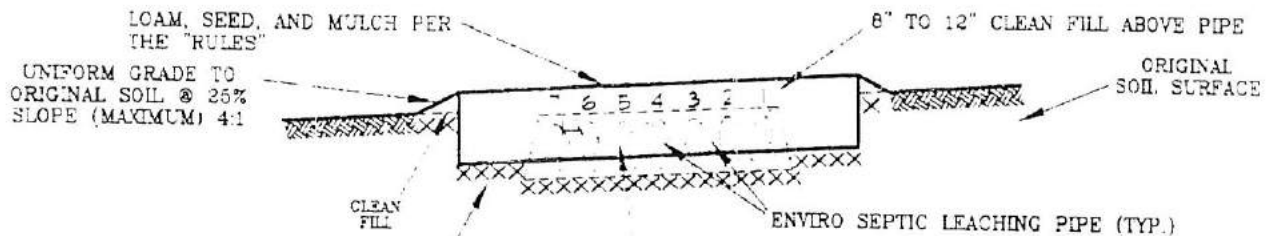
Location & Description NAIL SET 63" ABOVE FOUNDATION IN BUILDING CORNER

Reference Elevation is: 0.0' on

All depths may vary due to uneven ground contour



Vert Scale 1" = 5' ft.
Horz. Scale 1" = 10' ft.



*** PLACE A MINIMUM OF 8 INCHES OF GRAVELLY COURSE SAND AROUND CIRCUMFERENCE OF THE ENVIRO SEPTIC PIPE PER MANUFACTURERS RECOMMENDATIONS.

NOTES:

- 1.) USE ONLY CLEAN "GRAVELLY COURSE SAND" BACKFILL MATERIAL, WHICH MEET THE BACKFILL STANDARDS OF THE "RULES". FREE OF FOREIGN MATERIALS (ROOTS, LARGE ROCKS, ETC.) PLACED IN 8" LIFTS AND COMPACTED AS PLACED
- 2.) REMOVE ALL ORGANIC MATERIALS (ROOTS, STUMPS, AND LARGE ROCKS) UNDER SYSTEM AND FILL EXTENSIONS AND PREPARE TRANSITION HORIZON BY PLACING A MINIMUM OF 4" OF CLEAN FILL OVER ORIGINAL SOIL AND MIX (BY PLOWING, DISKING OR ROTOTILLING) INTO ORIGINAL SOIL PER THE "RULES"

XXXX DENOTES TRANSITION HORIZON. PLACE A MINIMUM OF 4" OF CLEAN FILL OVER ORIGINAL SOIL AND MIX (BY PLOWING, DISKING OR ROTOTILLING) INTO ORIGINAL SOIL PER THE "RULES"

George A. Pearson
Site Evaluator Signature

88

REVISED 8/23/15
TBC/MS

Page 3 of 3
TBE-200 Rev. 8/09
(COMPUTER GENERATED)

Site Plan

Plenty
Trees

Hill

50' FENCE
TO ROAD

Wastewater
System

Mill Stream Rd

Tree
Taps

700' Easement
STREAM

Kitchen

LOBBY

BARN

BARN

Bathroom

Bathroom

80' TO
STREAM

10'
TO Public
Easement

Special
House
Room
Community

Plants

166
174
175
176
177
178
179
180
181
182
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Drilled
Well

READFIELD COUNTRY CLUB
READFIELD ME



DAVID W. LANDMAN R.A.
16 CONCRETE LANE
WINDSOR, NE 68080



U'Dunnick, Inc. 345 Ocean St. Phillips, ME 05659
1205-872-0112 (pub), 1205-872-0002 (fax)

WARRANTY DEED

26 Mill Stream, Readfield Maine

ROBERT W. BITTAR and **HELEN M. BITTAR**, having a mailing address of 309 Waugan Road, North Monmouth, Maine 04265, for consideration paid, GRANT to **ROBERT W. BITTAR** and **HELEN M. BITTAR**, as Trustees of **THE ROBERT BITTAR AND HELEN BITTAR REVOCABLE LIVING TRUST** u/a dated March 24, 2015, having a mailing address of 309 Waugan Road, North Monmouth, Maine 04265, with *Warranty Covenants*, the following described real property:

A certain lot or parcel of land, with the buildings thereon, and contents therein, located in Readfield, County of Kennebec and State of Maine, and bounded and described as follows:

Beginning at a point on the northerly side line of the Mill Stream Road, so called, said point being the southeasterly corner of land now or formerly Roland & Phyllis Cote (Bk. 2600, Pg. 122);

Thence generally northerly along the easterly line of land now or formerly said Cote about two hundred (200) feet to a point;

Thence generally westerly parallel to Mill Stream Road, so called, one hundred (100) feet to a point and land now or formerly Roy Giles, formerly W. P. Roberts;

Thence generally northerly along the easterly line of land now or formerly Roy Giles about one hundred eighty (180) feet to the former high water line of Grist Mill Pond, so called;

Thence generally southeasterly along the line of Mill Stream and Grist Mill Pond, so called, to the land now or formerly owned Town of Readfield (Bk. 4663, Page. 221) to a 3/4 inch iron pipe;

Thence generally southeasterly along land now or formerly Town of Readfield (Bk. 4663, Pg. 221) approximately twenty-eight feet & three inches (28' 3") to a 3/4 inch iron rod and an 8 inch by 8 inch stone monument:

Thence generally southerly along land now or formerly Town of Readfield (Bk. 4663, Pg. 221) approximately forty-five feet & five inches (45' 5") to a #4 iron rebar:

Thence generally westerly along northerly side of Mill Stream Road, so called, approximately one hundred forty-five (145) feet to a #4 iron rebar:

Thence generally northwesterly along northerly side of Mill Stream Road, so called, approximately one hundred (100) feet to the point of beginning.

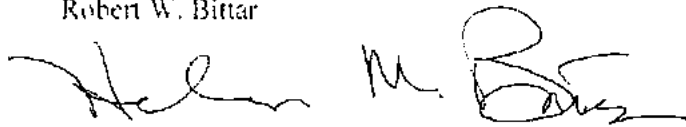
Also conveying the spring and all rights thereon located on the southerly side of Mill Stream Road, so called, as described in a deed, Humphrey to Fish and recorded at the Kennebec County Registry of Deeds (Bk. 1168, Pg. 385).

Being the same premises conveyed by Cecelia Reardon to Robert W. Bittar and Helen M. Bittar by deed dated October 23, 2013 and recorded in the Kennebec County Registry of Deeds in Book 11572, Page 173.

WITNESS our hands and seals this 18th day of May, 2015



Robert W. Bittar



Helen M. Bittar

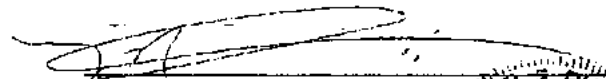
STATE OF MAINE
KENNEBEC COUNTY ss.

May 18, 2015

*

Personally appeared the above-named Robert W. Bittar ~~and~~ Helen M. Bittar and acknowledged the foregoing to be their free act and deed.

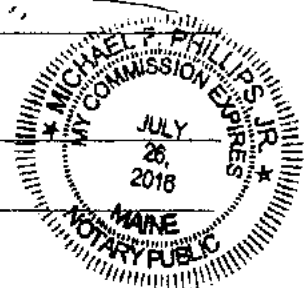
Before me.



Notary Public

Printed/Typed Name:

My Com. Exp.:



* individually and as attorney in fact for



TOWN OF READFIELD

8 OLD KENTS HILL ROAD • READFIELD, MAINE 04355

Tel. (207) 685-4939 • Fax (207) 685-3420

Email: info@readfieldmaine.org

Web Site: www.readfieldmaine.org

April 16, 2021

Christina Swanson
86 Winthrop St., Suite 1
Augusta, ME 04330

Dear Christina:

Last week you forwarded a Land Use application to me from you, the applicant being Safe Space Meeting House, Inc., to submit to the Readfield Planning Board. I have given it a preliminary review for completeness but before I forward it to the PB for their final determination of completeness, I consider it to be yet incomplete as described below. I am not sure if I should forward this to you, to the applicant or to the applicant's agent; if not you, please advise who should receive this. I'm also attaching the relevant pages from the land use application for reference.

Regarding the application's cover page the following additional information is needed:

- 1) Phone numbers for applicant and whoever agents are participating in the application. We would also request email addresses for convenience.
- 2) The second item of this page was completely omitted, i.e., "Please describe what you are proposing to do." This narrative is vitally important and must be very specific relating to the applicant's proposal. For this application, it must also include statements as to *how this application is substantially different than the one the Planning Board previously reviewed*. Community centers/clubs are permitted in the Rural Residential district, but indoor theaters and civic centers are not. Please provide more information as to how the planned use meets the definition of Community Center or Club.
- 5) Elaborate on what is meant specifically by "cultural events". ("Social Safety" and "Fire Safety" are not uses—they can be removed). Explain whether and if so, how, the use will be "open to members and guests only, and not the general public."

Regarding the Questionnaire:

- 2) Regarding other permits required: the applicant on one hand states no other permits are required but on the other hand is uncertain of which activities they will undertake. This has to be sorted out and can be done so through the narrative in (2) of the cover page referred to above. Confirm that there will be no alcohol/food service or assembly use which requires a Fire Marshall's Office permit.

- 3) Once again, the proposed activity has not yet been clearly defined so how do we know it will have little impact on Town services? A description might also address traffic amount and type and impact to the Town's gravel road. Regarding the reference to SSMH having access to an adjacent parking lot for 35 cars—we have recently received a new deed to the parking lot referred to showing it has been conveyed and the applicant will have to prove they hold rights to the use this property from the new owners for the stated purpose.
- 11) I think the PB will want to know more specifically what the hours & days of operation will be.
- 14) Please provide confirmation from septic designer that system is adequate for the proposed use.
- 15) The applicant should include calculations that the impervious (or developed) area does not exceed 20,000 sq. ft. of total lot size. Developed area includes all structures, driveway/parking areas, etc. which do not result in vegetated surfaces.
- 16) Regarding water requirements: will the proposed use become a "public water supply", i.e., serving more than 25 persons over 60 days/year. What will the State regulations require and how does the applicant propose to meet them?
- 22) I do not see any response to this question regarding current, enforceable land use violations associated with the property.

Regarding the submittals:

- 2) List of abutters is incomplete: missing are lots 011, 014, and 009;
- 5) I don't find a copy of the deed in the file;
- 8) There does not seem to be a detailed site plan showing all items listed on #8;
- 9) This has not been addressed. If no other permits have been issued then simply state this.
- 14) A description of traffic movement depending on the type of specific activities proposed; and
- 16) The dimensional calculations required here may be the same calculated for #15 of the questionnaire above.

Incidentally, the PB application fee is \$100, not just the \$50 paid on 8/27/20, rec. #998.

When the applicant provides all of the items listed in this memo, I'll be happy to look at it again for completeness before placing it on the PB agenda. If you have any questions you may email (ceo@readfieldmaine.org) or call the Code Enforcement Office at 685-3290.

Sincerely,

Clifford Buuck

Jed Davis
(Maine and New York)

Elizabeth Mitchell
of Counsel

Aglaia Davis
of Counsel

Jennifer M. Bryant

Jim Mitchell and Jed Davis, P.A.

Lawyers

86 Winthrop Street, Suite 1

Augusta, Maine 04330

(207) 622-6339; 1-800-639-1530

Fax (207) 622-6549

Email: Jed, Libby, Aglaia, or Jennifer
@mitchellanddavis.com

In memory of Philip Davis
1908 - 1998

In memory of James E. Mitchell
1941 - 2016

June 1, 2021

Town of Readfield
Planning Board

Re: Application of Safe Space Meeting House, Inc.

Ladies & Gentlemen:

The Town of Readfield's Land Use Ordinance defines a commercial establishment as one that renders goods or services primarily on a retail basis which are customarily carried on in a building specifically for that purpose.

The LUO defines a community center/club as a building that houses any voluntary association of persons organized for social, religious, benevolent, literary, scientific or political purposes; whose facilities, especially a clubhouse, are open to members and guests only, and not the general public; and are not engaged in activities customarily carried on by a business or for pecuniary gain.

The issue before the Board is SSMH's request to create a voluntary, nonprofit, non-commercial community center for social and recreational activities for its members and their guests which may include music, art, cultural, educational, informational and other type of nonprofit events. Although nonprofit in nature, some of those events may include SSMH's receipt of money donations by its members and guests to pay expenses for the property and their activities.

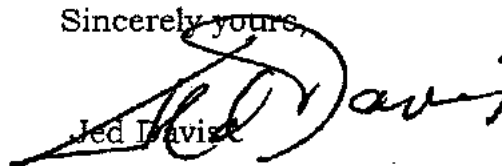
Community centers can be found in all areas of the state in many different types of buildings; some being commercial in nature and others residential. Many community centers occupy residential buildings – especially multi-unit buildings – for the purpose of using the units as office space and community meeting rooms.

Other community centers can be found in large open buildings that do not conform to structural requirements for a single, or a multi-family home, but is not necessarily considered a commercial establishment when the community center's activities are not of a commercial nature.

SSMH's application meets all of the requirements under the LUO because:

1. SSMH is a voluntary association of people for social purposes.
2. It is a nonprofit corporation registered with the Secretary of State Charter No. 20210133ND.
3. It has a valid lease with the property owner, Robert Bittar.
4. Its facilities will be open only to invited members and their guests.
5. Its permit application clarifies that it will not engage in activities customarily carried on by a business or for pecuniary gain.

Sincerely yours,



Jed Davis

List of additional information needed on SSMH application

1. Copy of Articles of Incorporation
2. A signed lease with the legal owners of the properties, Barn and Parking, since it is understood the barn property is held in a trust and parking area (35) being a separate lot under separate ownership.
3. A professional estimation of the feasibility and cost of soundproofing the barn to stop sound from going beyond property boundaries.
4. A measurement of the distance from the structure to all abutting and nearby residential structures
5. Operational information including the following: days of the week operation, hours of operation, year-round/seasonal operation.
6. Will food be prepared on site? If so, how does the applicant propose to control for odor leaving the site?
7. Will alcohol be served, sold, or allowed on site (inside or outside)?
8. A written signed statement from a septic designer that the system is adequate for the proposed use and how that determination was made.
9. A description of all intended outside lighting include a lighting plan w/locations, poles, heights, lumens and light cast footprint
10. What use will be made of the "pub" area?
11. A diagram of the parking area with measurements showing the parking capacity in compliance with Article 8, Section 17. Include spaces, dimensions and number and location of handicap locations
12. A statement from the Fire Chief regarding any concerns re access, egress, firetruck route and turnaround locations w measurements
13. A diagram of where will outdoor seating and activity are proposed to be located
14. A complete site plan detailing all required items including distances of the well from the septic system; both SSMH and abutters.
15. An explanation of whether and to what extent the facility may be rented out to outside individuals/groups for events, e.g. weddings, concerts, etc.
16. A financial statement showing that the applicant has sufficient resources or has a detailed plan to obtain sufficient financial resources to afford the rent and to maintain the property.

17. A parking and traffic plan utilizing current conditions at times proposed for use (MDOT) and how events will be controlled, police or traffic agents to manage traffic on Giles and turning off Rte. 17 (Main St).
18. Detailed description of all proposed uses each to include:
 - a. The anticipated frequency of the activity
 - b. The anticipated duration of each activity
 - c. The number of anticipated participants of each activity
19. Does the well have the flow rate to handle 200 people using the facilities (toilets), septic related services, and other uses as watering, showering, cleaning ...

SSMH
Mill Stream Rd

Kristin Parks/Town of Readfield

From: CEO <ceo@readfieldmaine.org>
Sent: Friday, July 30, 2021 1:32 PM
To: Don Witherill; Henry Clausson; Jack Comart; Jan Gould; Kristin Parks; Paula Clark; William "Bill" Godfrey; William Buck
Subject: FW: Mill Stream Rd

Forwarded per Town Manager

From: Eric Dyer [<mailto:manager@readfieldmaine.org>]
Sent: Friday, July 30, 2021 12:47 PM
To: CEO
Subject: FW: Mill Stream Rd

Hi Chip,

Please share this response to the building safety situation on Mill Stream Rd. with the Planning Board and Applicant.

Thank you,

Eric

From: Lee Mank [<mailto:mank125@aol.com>]
Sent: Tuesday, July 27, 2021 4:49 PM
To: manager@readfieldmaine.org
Subject: Re: Mill Stream Rd

Eric,
Where this is a building for public use it does not fall under my authority as the Readfield fire Chief, it falls under the state of Maine fire marshals office. I would think Mr. Bitar has already applied for a permit and has had an inspection from the FMO, if he has not, he is not in compliance with the State of Maine laws and can not use the structure for public use. I believe the town can require more than the FMO, but needs to be in the LUO and building permit application and authority given to the fire department to perform such activities.

Lee Mank, Chief
Readfield Fire Department
(207) 685-8187 or (207) 458-9495

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

From: Eric Dyer <manager@readfieldmaine.org>
To: Lee Mank <mank125@aol.com>
Sent: Tue, Jul 27, 2021 4:17 pm
Subject: FW: Mill Stream Rd

Hi Lee,

Looks like the CEO would like a little more information...

Thanks,

Eric

From: ceo@readfieldmaine.org [<mailto:ceo@readfieldmaine.org>]

Sent: Tuesday, July 27, 2021 3:46 PM

To: 'Eric Dyer'; 'Paula Clark'

Subject: RE: Mill Stream Rd

Eric

Could you follow up with Lee to get a statement on the access and exit (egress) of the building in the event of fire or problems.

Chip

From: Eric Dyer <manager@readfieldmaine.org>

Sent: Tuesday, July 27, 2021 3:15 PM

To: CEO <ceo@readfieldmaine.org>; Paula Clark <therosa173@gmail.com>

Subject: FW: Mill Stream Rd

From: Lee Mank [<mailto:mank125@aol.com>]

Sent: Tuesday, July 27, 2021 3:02 PM

To: manager@readfieldmaine.org

Subject: RE: Mill Stream Rd

Eric,
In regards to the fire departments accesses to Bob Bitars property on the rd. As you know mill stream rd is nothing more than an old wagon rd with some gravel on it, it does not meet the towns current road standards. For life safety concerns in the event of a fire or medical emergency, I must ask that there is absolutely no parking along the road. If there is a remote parking area I also ask that a path or side walk be constructed for pedestrian traffic, and be located at least 10 feet away from the Mill Stream road. Ambulances and fire apparatus are very wide and offer limited visibility.

Lee Mank, Chief

Readfield Fire Department

(207) 685-8187 or (207) 458-9495

SSMH - Mill Stream 'Kd

Mr. Jed Davis

I received information this past week concerning your client SSMH and their leased use of the property on Mill Stream Road. I mistakenly misinterpreted the advantage to the town and SSMH by providing access to a site visit which I thought would be helpful in the decision process. Signs will be posted indicating that there is no Site Viisit. Please accept my apology for creating an unnecessary misunderstanding.

Please forward this letter to Mr. Stephens, CEO, explaining my misunderstanding and its resolution.

Robert Bittar

July 26, 2021

Mr. Chip Stephens
Readfield CEO

Last week I received information informing me of a concern about my statement concerning a public site visit to the Mill Stream Property for a half hour prior to the Planning Board Hearing. I understood that this was the accepted practice especially during conditions when the property and its site pose a community concern. As a landlord for the property and in anticipation of a possible permit to SSMH to occupy the building I have scheduled workers to repair the property. The current SSMH lease states: in Article 7. " Landlord may, at reasonable times, enter the building to examine, to make repairs or alterations, and to show it to possible buyers, lenders or tenants."

There are conditions in the building which require immediate care if the building is to be occupied by tenants. There is hope that a permit for SSMH use may be granted by the planning board. Therefore it is necessary to correct those conditions which may pose a problem for their use. They are listed below.

Hall Floor tiles have loosened during 3 year closure. They are no longer cemented. Tiles require removal, new tile and thinset mortar.

3x4" CXB 4' x 8' Sheets used by workers for scaffolding must be moved to the basement

25', 20' and other Ladders to be moved to basement

Generator and Gasoline appliances to be moved

Wood surplus supplies to be discarded

Power tools and machinery to be stored

Kitchen Stove and Grill to be moved under the Ansel System Hood

Electric Main Panel was left open by workers and must be closed and sealed.

Wiring in the Wall open and must be enclosed behind wall

15 sheets metal roofing 3' x 17' must be moved and stored

That work will begin today and possibly continue for several days. While workers were engaged I thought that it would be convenient and informative if the building were available for the board and others who were interested to view the property prior to the meeting. Information I've received indicates that it is necessary for the town CEO to approve a site visit. I was mistaken I thought that Sites Visits prior to a Planning Board hearing were required and held especially in situations where the conditions at the site were important element in the decision process. I was mistaken.

Consequently, a sign will be posted on the building that "Site Visits are not being held". No one other than SSMH, their agents and clean-up workers will be permitted to enter the building.

I apologize for any confusion.

Robert Bittar

Matthew Nazar
62 Old Kents Hill Rd
Readfield, ME 04355

August 31, 2021

Readfield Planning Board
8 Old Kents Hill Rd
Readfield, ME 04355

Dear Board Members,

First, please let me apologize again for what was undoubtedly incoherent testimony that I gave last week. I assume it was extremely obvious how anxious I was to be standing in front of you and speaking about this project. I was that nervous because the risk to me personally has never been this big. In 2019, the owner of this property attempted to get me fired from my job for speaking to public officials about his project. All of my activity in Readfield is on my own time and has nothing to do with my employer in Augusta. All I have ever done related to this property is speak as a private citizen to public officials about my concerns. Everything I have stated to every public official has been accurate, as I understood the situation at the time.

And to correct the record, the city of Augusta negotiated for over a year to get a purchase and sales agreement with the landlord of Attorney Davis's paralegal and actually failed in those negotiations. I was not involved in any of the negotiations, but my department was. The house was ultimately purchased in 2014 by the Maine Governmental Finance Authority – a state entity. Yet in 2016, I was personally named in a lawsuit related to this issue. I have no idea why Attorney Davis would believe that a lawsuit brought against me by his paralegal could somehow disparage his office and his client. However, it clearly played a role in my anxiety last week.

It seems important that the public testimony in favor of the project centered on the owner and his "gift" to the community and the chance for the owner to create "Emporium 2.0". Those speaking in favor did not mention Safe Spaces Meeting House or mission of the applicants, they focused on the mission of the owner.

To the substantive points Attorney Davis makes, I have a few responses. Item 7 in his letter does not make sense. Readfield's shoreland zoning is part of the base zoning scheme in the town. It is not an overlay zone. 26 Mill Stream Road is a parcel that is split into two zoning districts – Rural Residential and Resource Protection. Article 7, Section 3(C) of the Land Use Ordinance states that:

If a lot is divided by two or more districts, the requirement of this Ordinance for a particular district apply only to the PART of the lot which is located in THAT district.

The question that remains is how much of the building is Rural Residential and how much are in Resource Protection. The Resource Protection zoning district does not permit the use being

requested, so any portion of the buildings that is in the Resource Protection district cannot be used as the applicant requests. Contrary to Attorney Davis's assertion, there are some uses permitted in the Resource Protection district. And a single-family home that has been in existence for 250 years can clearly continue to be a single-family home per the ordinance. This use, as proposed, appears to not be allowed in part of the building and this should result in the denial of the application. The applicant proposes using the entire building, despite the use not being permitted in a portion of the building. And there's no realistic way to divide the building to prevent use in areas where the use is not permitted. This is grounds for denial.

On Item 8, Attorney Davis is also mistaken. Readfield's Ordinance has language that is not typical in most ordinances in Article 7, Section 5, giving the Code Enforcement Officer authority to review uses that are not specifically listed in the Ordinance and determine if they are similar to permitted uses, similar to Planning Board approved uses, similar to CEO approved uses, or similar to "prohibited" uses. This is clunky language because Readfield's ordinance is a permissive ordinance only listing uses that are permitted. Rather than the word "prohibited" here, I would have said "not permitted in that zoning district, but permitted in other districts". This is the point that Town Manager Eric Dyer made in his testimony. He listed all of the uses proposed by SSMH that are similar to uses permitted by the ordinance, but not permitted in the Rural Residential zoning district. It does not make sense that a single use in the Rural Residential zoning district could effectively be a conglomeration of multiple other uses not permitted in that zone. If they are not permitted individually, how could they be permitted collectively when land use ordinances are designed to mitigate impacts and individually the impacts would be less than they would be collectively?

On item 9, Readfield's ordinance construction is as a "permissive ordinance", listing uses that are permitted. I urge the Planning Board to resist Attorney Davis's request to identify "prohibited uses". That's not the way your ordinance language is constructed and courts have found that mixing prohibited uses with permitted uses leads to significant problems regarding what's in the middle, what's not listed. It's the applicant's job to tell the Board exactly what they want to do, how they want to do it, where they want to do it, and when they want to do it. It's your job as a quasi-judicial Board to review their proposal.

On item 10, Attorney Davis is wrong, in my non-legal opinion. 30-A MRSA Section 3009 gives the municipal officers the legal authority to enact parking regulations. The problem in Readfield is that there is no enforcement entity in town, making any parking regulations effectively meaningless. Neither the state police nor the sheriff will enforce local parking regulations. Roads must be designed and built to accommodate human behavior, rather than attempting to regulate behavior without enforcement. Mr. Allen is a highly respected DOT regional engineer who, after decades in his position, has a very clear understanding of the laws directly related to his daily duties. I recommend you consult with the town's attorney to confirm legal assertions made by any applicant's attorney.

On item 11, the Board should both hope and expect that SSMH will be successful and will be open and active year-round with increasing activity and an increasing operational schedule until

they meet the Fire Marshal's limits for occupancy of the building. I have no idea what "fewer" activities in the winter means. "Fewer" is wholly unquantified. Given the condition of Mill Stream Road as well as the remote parking, whether there's 35 or 200 is irrelevant. The road and the parking are inadequate for spring and winter use that is any more substantial than a single-family home at 26 Mill Stream Road. And the road is certainly not able to be maintained in a condition during spring and winter that enables people to walk from a business to their remotely parked vehicle either in the light, or after 4pm in the dark. The applicant has provided no viable options for dealing with the public safety issues their operation will create. Unpaved, unmarked parking lots typically hold fewer vehicles than they are designed to hold because of inefficient parking by visitors. And unrestricted openings to parking lots along roads are a serious safety hazard to pedestrians and drivers. Parking, traffic, and pedestrian safety are all critical public safety concerns. This failure of the application should be part of why the proposal is denied.

Attorney Davis's letter states that attendance will be limited to 35+/- vehicles. At the last meeting he was stating that parking could occur on Route 17 and Mill Stream Road. If the parking lot can hold 35 vehicles, and attendance is limited to 35 vehicles, I don't understand his argument in favor of additional on-street parking. And anything beyond the one or two single family homes that have existed on Mill Stream Road will be a "significant uptick in use".

I remain very interested in knowing what brand and model sound level meter was used to take decibel readings and when it was last calibrated by a qualified technician. I also want to know where the readings that were identified as being adjacent to my house were taken. I did not grant permission for anyone to be on my property and if readings were taken from Old Kents Hill Road they are inaccurate due to obstructions. My house sits on a knoll and accurate readings cannot be taken from anywhere off my property. Finally, I encourage the Board to regulate decibel levels at SSMH property line, not at neighboring buildings. Their noise should not trespass on abutting properties above a designated level. With the inaccuracies and vagaries in the applicant's submissions I outline in this letter, I have little confidence any information submitted to the Board is accurate. I recommend independent verification.

I strongly support the goals of SSMH, but not the proposed location. In my opinion the owner of 26 Mill Stream Road owns the perfect location for this proposal that is appropriately sized, properly zoned, and has been sadly vacant for several years – the old Emporium building in the middle of the village. Emporium 2.0 would thrive in the same location as Emporium 1.0. The village needs more economic and cultural vitality and SSMH would be perfect there.

Thank you for your time. And again, I speak here as a private citizen of Readfield with no public position and no authority to make anything happen. Let me also be clear I am not an attorney and none of my comments in this letter should be viewed as giving legal advice. The Board should consult with its own hired attorney.

Sincerely,
Matt Nazar

Jerry Bley
27 Giles Road
Readfield, ME 04355

August 25, 2021

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

Dear Planning Board Members:

I had hoped to speak at the public hearing for the Safe Space Meeting House (SSMH) proposal this evening, but had to leave before my opportunity arose due to another commitment. Please accept this written account of my planned remarks.

Tonight, I wear a variety of hats:

- I am a neighbor to the proposed SSMH site living at 27 Giles Rd.;
- I am an acquaintance of the owner of the property, Bob Bittar and his late wife, Helen, having known them for many decades;
- I am a long-time member of the Readfield Conservation Commission (which is not involved in these deliberations) and helped coordinate the donation the Mill Stream Dam trail easement and trail use agreement by the property owners to provide recreational and historic benefits to Town residents; and
- And in my day job, I am a land use consultant providing planning and conservation expertise to clients and have been through numerous permitting procedures over my career.

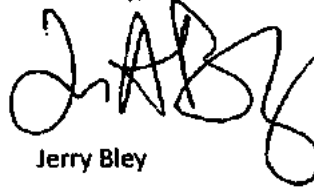
So, with those different perspectives, I would like to share a variety of thoughts that this proposal has given rise.

- As we all know, there is a lot of history – and regardless of one’s perspective, ugly history – that pre-dates this proposal. My hope is that the Planning Board will leave that baggage behind and judge this proposal based upon the facts and its merits.
- I am not afraid of change in my town or even in my neighborhood, in fact I welcome it. Otherwise, community life becomes stale. The Planning Board has the challenging task of providing for that lifeblood of positive change while being responsive to the fears and legitimate concerns that inevitably accompanies it.
- And I think that we, as a community, can do a better job of welcoming and assisting new enterprises, whether they be businesses, farmers or associations. Somehow there needs to be an alternative to the tortured saga that has occurred at Mill Stream. In my day job, I spend a lot of time facilitating creative solutions to challenging situations. That doesn’t typically happen through the permit review process – it needs to happen in other ways. It certainly didn’t happen here.

- Love it or hate it, the SSMH proposal (as well as the proceeding proposals on this site) is about one thing – providing a benefit to the community. It is not about personal gain or profit. The stated mission of the SSMH aligns with the values that I hold dear in Readfield and fits squarely within the concept of a community center.
- And in that light, I think it is important that the Planning Board look around the town and see how other similar facilities have managed to co-exist within neighborhoods. What has worked and what hasn't? The SSMH proposal should be assessed in a manner consistent and commensurate with these other facilities.
- I understand and appreciate the legitimate concerns expressed by some neighbors; noise, parking, safety and others -- have some of them myself. But, I also understand the role and power of the planning board to address those concerns through permit conditions and other means. The applicant appears open to such limitations.
- Is that possible here? Quite honestly, I am not sure, but I hope that is where the Planning Board's efforts will focus. You have a proposal that seeks to fill an important need in our community; one that will make us a better and stronger town. I believe it fits the definition of a community center, an allowed use in the zone. And yet, it is proposed in a challenging location where great care is required to prevent unwelcome impacts, most notably to close-by neighbors.

Thank you for this opportunity to share my thoughts with the Planning Board.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bley". The signature is stylized and cursive, with a large loop at the end.

Jerry Bley

To: Readfield Planning Board
From: John Knox, 16 Old Kents Hill Rd., Readfield ME
Subject: Application for a Community Center

I have lived 35 years abutting the discontinued portion of Mill Street and of Mill Stream. As I have since its beginning, I am writing to oppose passage of usage of the barn at 26 Mill Street.

1. My Property

From a vision standpoint, I am the closest abutter to this property both from my lawn by the stream, and at times, when there are no leaves I can see it from my house. If this venture takes place, I would have to draw the curtains in my bathroom at night. I can hear noise from the proposed parking lot. I would imagine in the summer windows will be open and probably activities taking place outside. I was well aware of the swimming hole formed by the stream when the dangerous activities mentioned took place.

The proposed activity would seriously affect the enjoyment of my home and the reasons I originally bought it.

2. Factory Square

At the time of the Readfield bicentennial, I volunteered to bring Factory Square (where the current new barn is located) into the celebration and put together a considerable program. Because of this I have been asked to help with the Historical Section of the new 10-year Comprehensive Plan currently being prepared. While my work is not completed, I have proposed that the site be declared a local historic site, so further disruption such as caused by the barn, cannot take place. I feel the current existence of the barn might make this declaration difficult. If the barn is removed, I propose a walking trail connecting the sites which are exposed or can be exposed.

3. The Permit Application

I believe the Permit Application is so full of errors and omissions that it should not be acted upon in its current state. Because of this, I have not taken a great deal of time verifying the issues listed below. They may be hearsay or secondhand. However, I have lived here 35 years and have been very involved with the area in question.

- A. Application states it will be available to residents yet it refers to members-only.
- B. Application states activities would only be indoors. As stated previously in this document, I believe this to be unlikely.
- C. Application states that existing buildings have improved the area. I believe it is exactly the opposite.
- D. What does "historic property" mean? I believe it refers to the recently completed trail.
- E. I have been retired on my property for a considerable time and have never seen a tour bus.
- F. Application states "no permits required" but that they may be required in the future. It does not state what they are and gives the impression they are subject to approval only by the lessee committee.

- G. Application mentions their committee but no member names are given.
- H. Application states that activities will conform to "state and federal laws" but does not mention town ordinances.
- I. Application mentions a "Mill Stream Park." As an abutter, I should have heard of this. I have not.
- J. Application mentions Fire Department's studies of the project, but only states that there is no problem for emergency vehicles.
 Mill Street dead ends at one end and connects with Giles Road where that road intersects Route 17. Giles Road also dead ends at its other end as does Mill Street. Route 17 leads to two major ski areas and two paper mills. The lessor should talk to the sheriff and the Department of Transportation.
- K. The application mentions a committee and then mentions a board again with no members or specific mission for each.
- L. Since one third of my property is in shore land zoning, I am surprised some of the proposed property is not also in shore land zoning.
- M. The application shows concern for the one home on Mill Street in terms of noise but does not show concern for abutters facing the stream. A document recently received from the lessor included a frightening list of possible activities. I would insist on such a list from the applicant.
- N. The application states that there are other houses in Town that are close to a similar organization. I believe they mean the Readfield Union Meeting House. The two are not similar. One Meeting House board member I spoke to agreed with me.
- O. The application gives the impression that the discussed land is without incline. However, there is a fairly major hill in back of the barn that contains the remains of the Factory Square mills.
- P. The property in question is not near other buildings, is on a dead end road, and the applicant sites activities which have previously existed in the area. How can this be "safe and secure?" The applicant even sites activities since the barn was built.
- Q. The application sites members as having access but does not identify by who, when, and how many.
- R. Previous to this application the lessor offered the building to the Town as a community building and, as near as I can tell, there was not enough interest.
- S. The applicant states that they will "police" their area but does not mention the parking lot.
- T. Was the "parking lot" at the Giles Road end of Mill Street ever approved?
- U. I have not seen, nor do I hope to see, restroom facilities at this "Town Park."
- V. I have read the most recent (2009) Comprehensive Plan and see no mention of the Planning Board relative to this property. In fact, in the most recent proposed land use plan it appears to result in the barn being removed. It was not passed. Possibly I feel this may have been due to lobbying efforts by the lessor.
- W. The application suggests the National Register of Historic Places. I do not believe Factory Square is eligible even before the barn. Also, the Register does not protect the designated items. It only adds fundraising and "prestige."
- X. Will the lessee carry liability insurance?

- Y. "Quiet enjoyment." How is this defined? What about guests?
- Z. Lease provisions should prohibit persons sleeping in the structures mentioned.
- AA. Lease provisions should have a notice if tenant wishes to terminate the lease early.
- BB. The application refers to "property" as "historic." Nowhere in the document is it mentioned that the barn is only several years old.
- CC. The application mentions that the lessee is a fundraising nonprofit. What is the purpose of the funds raised? Is that stated in a non-profit state application, assuming there is one?
- DD. Application mentions parking spaces for 35 cars. This space was cleared by the Town many years ago with no mention to this abutter. It has been a source of trash and, possibly, drugs. At the time of its construction I was told it was a place for the Town plow to turn around. Parking for 35 cars is a far reach from snow plow turnaround.
- EE. Application should detail the following about the proposed project:
- The number of persons utilizing the building on an average day.
 - How will this differ by winter/summer and is it heated?
 - Children and Adults
 - Are children required to have an adult present?
 - Definition of children?
 - Members/residents. Is there a fee or membership for either?
 - Days and hours open.
 - Manager on duty? Paid or volunteer?
 - Who will clean up when building is closed for the day?
 - Will swimming be allowed?
 - Should be regulation about walking on the dam.



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Submission information

Form: [Public Comment Form](#) [1]
Submitted by Anonymous (not verified)
August 25, 2021 - 4:30pm
66.63.67.158

Date

August 24, 2021

Name

Anonymous

Email Address

Phone Number

My meeting, public hearing, or general comments are for:

Select Board

Date of Meeting or Hearing (if known)

August 24, 2021

Agenda Item or Issue (if known)

Mill Stream Property

Your Comments

It is my understanding that an application requiring planning board review is subject to an outcome based on evidence gathered by the planning board. It is not a guarantee that just because the land use ordinance allows such a use, that it will be automatically approved in any location. The planning board must review ALL aspects and make a judgement. I think in this case, the negative effects on the residential neighborhood in very close proximity is a huge aspect that the planning board will take into consideration, and in my opinion, conclude that this location isn't fitting for such an event center, or club, or whatever it is being called now.

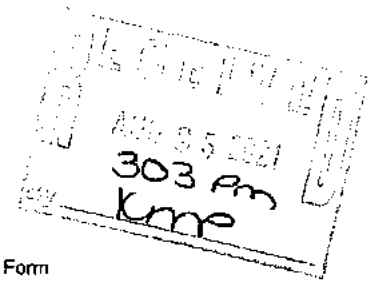
Source URL: <https://www.readfieldmaine.org/node/20984/submission/6036>

Links

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Submission information

Form: [Public Comment Form](#) (1)
Submitted by Anonymous (not verified)
August 25, 2021 - 2:49pm
66.63.67.158

Date

August 25, 2021

Name

Anonymous

Email Address

Phone Number

My meeting, public hearing, or general comments are for:

Select Board

Date of Meeting or Hearing (if known)

August 25, 2021

Agenda Item or Issue (if known)

26 Mill Stream

Your Comments

I am writing this comment anonymously because having had Mr. Bittar stop at my home and have an angry conversation with my husband trying to promote his barn, I do not feel comfortable putting my name to anything that might go against Mr. Bittar and his event center/Barn, for fear of retaliation. This I believe is something that many Readfield residents are experiencing right now. I do thank those brave residents who have submitted thorough and fact-driven comments thus far with their names attached. The fact that this Barn's campaign has been driven by fact-less statements and driven by anger, enough to scare residents of Readfield, should be enough to throw out the application. That being off the table, the simple fact that in the past Mr. Bittar has re-worded his application or intent of use-in-order to get approval, and then use the space however he wants, even if not approved, should be considered here, and the risk that this may happen again. I know full well the negative effects this will have on neighbors, not just immediate neighbors, but in a much greater radius. Trees are not at all enough of a sound break - my property abuts 2 noisy users through 14 acres of woods - and I can still hear when there is music playing or dogs barking or hooting & hollaring of party goers. This tree buffer/forest is a greater expanse than is present at the Mill Stream property to those on Old Kents Hill & adjacent roads. It would be one thing, if in this same zoning district, there were no residences in visual or audible distance, within reason, and a community center/Barn was constructed for the original intended use here. Then if abutting lots were sold and houses built - then residents would be well aware of what they are building next to

and the consequences (both positive or negative) of living near an event center. However, here this is not the case. This is an established residential neighborhood, where an event center's effect on these residents should be considered with the highest regard. It is clear that the residents of this neighborhood do not approve of this Barn's use, and have expressed how this use will negatively impact them, their daily lives, and the values of their homes. It is clear there would be distress and disruption of many residents in a much larger radius from the event center's location. It is clear that this application comes from a place of anger, and that true use of this event center remains unclear. To those of the Readfield select board - if a definitive decision cannot be made either way, perhaps a 5-year moratorium should be placed on this property. Mr. Bittar needs to recognize that if he truly desires an event space as he originally proposed, then perhaps it is best to build it where it will be warmly received, and surely another location within the town of Readfield could be found. I think it was best said by another commenter, who emphasized that it is NOT the use that he was against, but rather the LOCATION of the proposed use. The Barn as a community center or event space is a wonderful idea and a place that could truly thrive in Readfield and benefit both Mr. Bittar as well as Readfield residents. It's just not in an acceptable location currently.

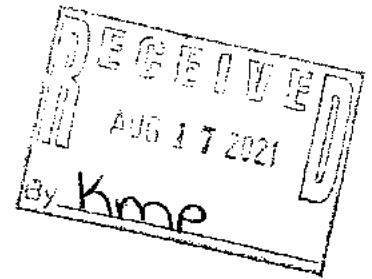
Source URL: <https://www.readfieldmaine.org/node/20984/submission/6031>

Links

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Submission information

Form: [Public Comment Form](#) (1)
Submitted by Anonymous (not verified)
August 17, 2021 - 2:40pm
2603:7081:6d07:e300:49f5:64d9:992c:a2f6

Date

August 17, 2021

Name

Phyllis & Roland Cote

Email Address

phyllisann180@gmail.com

Phone Number

207-213-4167

My meeting, public hearing, or general comments are for:
Planning Board

Date of Meeting or Hearing (if known)
August 25, 2021

Agenda Item or Issue (if known)
26 Mill Stream Road Club application

Your Comments

This comment is from Phyllis & Roland Cote, 20 Mill Stream Road. We have a bedroom 50ft from proposed "club" at 26 Mill Stream Road and we live in a residential district. It should not have to be explained at all but when a person owns property in a residential neighborhood, it is the expectation that any/all activity would be of a residential nature. Any other use belongs in a commercial/business district.

Source URL: <https://www.readfieldmaine.org/noda/20984/submission/6021>

Links

[1] <https://www.readfieldmaine.org/select-board/webforms/public-comment-form>

Kristin Parks/Town of Readfield

From: CEO <ceo@readfieldmaine.org>
Sent: Wednesday, August 25, 2021 8:58 AM
To: Don Witherill; Henry Clausson; Jack Comart; Jan Gould; Kristin Parks; Paula Clark; William "Bill" Godfrey; William Buck
Cc: manager@readfieldmaine.org; clif buuck
Subject: SSMH Public Comment Form

Date of Meeting or Hearing (if known): August 25, 2021

Agenda Item or Issue (if known): 26 Mill Stream Road Club application

This comment is from Phyllis & Roland Cote, 20 Mill Stream Road.

We have a bedroom 50ft from proposed "club" at 26 Mill Stream Road and we live in a residential district. It should not have to be explained at all but when a person owns property in a residential neighborhood, it is the expectation that any/all activity would be of a residential nature. Any other use belongs in a commercial/business district.

Jed Davis
(Maine and New York)

Elizabeth Mitchell
of Counsel

Aglata Davis
of Counsel

Jennifer M. Bryant

Jim Mitchell and Jed Davis, P.A.
Lawyers

86 Winthrop Street, Suite 1
Augusta, Maine 04330
(207) 622-6339; 1-800-639-1530
Fax (207) 622-6549

Email: Jed, Libby, Aglata, or Jennifer
@mitchellanddavis.com

In memory of Philip Davis
1908 - 1998

In memory of James E. Mitchell
1941 - 2016

August 24, 2021

Chip Stevens, Code Enforcement Office, and
Town of Readfield Planning Board

RE: SSMH's response to letter by Matt Nazar, April 14, 2021

Dear Chip,

My client responds to Matt Nazar's letter as follows:

1. SSMH's application was submitted with good faith in full accordance with Readfield Land Use Ordinances. Contrary to Mr. Nazar's allusions that my office, my paralegal or my client's landlord are targeting him personally through these legal actions, SSMH's application for an occupancy permit is the only relevant issue before the Board.
2. Mr. Nazar used a good portion of his letter to raise unrelated legal actions taken by my paralegal from several years ago which were unknown to my client and which have absolutely no relevance and no bearing on SSMH's permit application with the Town. There was no other reason to raise these issues except to try to disparage my office and my client. To that end, Mr. Nazar's comments should be entirely ignored.
3. Mr. Nazar also cites his concern about "potential retaliation for exercising [his] legal right to provide [his] testimony for the Board's consideration." Oddly, his concern is misplaced because SSMH has done nothing to target Mr. Nazar or his family during this application process. Prior relations between my client's landlord and Mr. Nazar - whether personal or legal in nature - have no bearing on or relevance to SSMH's application.

4. It is reasonable for SSMH's landlord, Robert Bittar, to promote SSMH's proposed use of the property so SSMH can have a place to hold their activities and Mr. Bittar can reap rental benefits after he helps SSMH to put the building into service.

Even though SSMH is the applicant, Mr. Bittar is still the legal owner of the property and must approve and assist SSMH with making all structural and topographical changes to the building and land so their permit is granted after the Board's conditions are met.

5. SSMH has mentioned the possibility of activities like singing and dancing. These activities are in alignment with other community centers. Music, dancing and singing are obvious activities for members of an organization such as SSMH. Meetings will be held with members to plan future activities and goals.

The activities will fulfill SSMH's Mission Statement:

"We support inclusivity, equality, community and the fundamental rights of all human beings. Readfield's **Safe Space - Meeting House [SSMH]** will provide a space for LGBTQ+ community to build professional and social connections in the community. Our effort intends to establish a "meet-up Space". It will be a "Safe" setting in which to share cultural interests, resources, and opportunities with people who share similar interests and concerns.

"SSMH will model its community activity on civic outreach activities modeled by The Readfield Union Meeting House. The SSMH "meeting house" outreach will be dedicated to the arts as a primary link for community communication. It is integrated within the Readfield community.

"Our society is beset with uncertainty and anxiety. Readfield's SSMH is dedicated to providing community resources needed to help support LGBTQ+ community in Readfield. We advocate for laws and policies that will protect all peoples' rights and everyone's dignity. We work for a world where all people can enjoy their rights fully."

If the Planning Board feels that any of these activities are not appropriate, my client would be happy to discuss the concerns about them with the Board.

6. SSMH has fully complied with the Town's LUO permit process, submitted every requested document and answered every question asked to the best of their ability and knowledge. Mr. Bittar's previous dealings with the Town should have no bearing on my client's application.

7. Regarding Mr. Nazar's concern about use within the resource protection shoreland zone, the LUO provides for Rural Residential occupancy which includes a community center or club. If the resource protection shoreland zoning's more restrictive provision is controlling, then it would essentially prohibit even single family residential use of the property, thereby nullifying any occupancy or use of the property entirely. As a matter of fact, single family homes are permitted within the Resource Protection with PB and CEO approval.

8. Mr. Nazar asked, **"If the use is not allowed in a portion of the building labelled in the application as "Meeting Room 1", how does the Board anticipate the town will realistically enforce that prohibition if the use is allowed in the rest of the building?"** The answer lies within the Town's Land Use Ordinance which does not specifically outline acceptable uses for a community center within the Rural Residential zone. In order for this question to be answered, the Town needs to provide a comprehensive list of accepted, and prohibited, uses for a community center in a Rural Residential zone.

9. Because the Town's RR LUO does not specifically or comprehensively outline what activities are permitted and prohibited by a community center, it is difficult for SSMH to determine which activities they are going to provide. Until they know what activities are prohibited, then cannot decide which activities to offer.

10. Regarding the issues of parking and winter access:

(a) Your recent email said that Mr. Allen of DOT has said "that the Maine DOT represented by him and his regional office staff uniformly have not written a letter or verbally stated an official ME DOT position on this request", because Maine state statute speaks for itself; and, most recently, that "it is the town's responsibility and choice as to allow or not allow parking on Route 41 in Readfield," which must comply with Maine state law.

(b) Mr. Allen is an engineer, not a legal authority. So he is not qualified to provide a legal interpretation of section 2068 and must rely on the written law.

(c) As I explained in my prior email with my legal opinion on section 2068, the law is clear about the criteria for prohibited parking, none of which appear to apply to SSMH.

(d) Mr. Nazar is correct that the Planning Board has no legal authority to prohibit parking along a public street. 29-A MRSA § 2068

does not grant any authority to a Town or other government agency to prohibit or restrict the stopping, standing or parking of any vehicles on a public way - that authority is reserved only to Department of Transportation. See 29-A MRSA § 2068(C).

(e) 29-A MRSA § 2069 grants authority to a law enforcement officer, Department of Transportation or the Maine Turnpike Authority to remove a vehicle from a location in violation of section 2068. It does not grant any Town that authority.

11. SSMH's application clearly described that their winter and cold-weather activities will be much fewer than those held during the warmer months. Their application also explained that their activities during the warmer months would happen only a few times a week and only for a few hours at a time.

12. Because SSMH's winter-time and cold-weather activities will be much fewer, the risk of mud and unsafe pedestrian/vehicle interactions on an icy road are far less probable than Mr. Nazar is alleging. SSMH's activities will be scheduled in accordance with the unpredictable weather patterns that Maine is famous for having, and will cancel or reschedule events due to weather-related, or parking-related obstacles.

13. It's a common occurrence in Maine for people to have to park their cars at the top of their dirt driveway in the springtime because of the muddy nature of our topography; delaying or rescheduling SSMH events for the same reason would be acceptable.

14. Mr. Nazar says "a significant uptick in use will require taxpayers to do repairs to the road probably a couple of times a year." But SSMH's application clearly says they do not expect to have a 'significant uptick' in use, because their activities are not going to be held daily, nor all day long. Their activities are expected to include only 3 or 4 days per week, and only 3 or 4 hours per event, with attendance limited to 35 +/- cars, at most. It's not possible to predict what effect that traffic is going to have on Mill Stream Road.

15. Regarding Mr. Nazar's arguments about noises and decibel level testing, his arguments are premature as the types of activities have not yet been definitively planned. SSMH cannot provide the Town with a comprehensive list of proposed activities until the Town provides SSMH with a comprehensive list of prohibited activities.

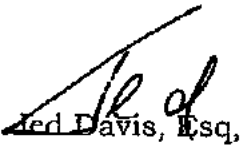
15. As shown in SSMH's exhibits regarding the sound level testing when music inside the barn was played at 95 decibels, noises outside of the barn registered at 50-60 decibels which is no louder than normal

conversation or a hairdryer, as shown in Mr. Nazar's exhibits. Mr. Marston testified that the ambient noises caused by traffic on Route 17 was louder than, and drowned out, noises caused by the music played on the day of his testing.

In closing, I would suggest that the most significant obstacle during this process is the Town's lack of a comprehensive list of permitted and prohibited activities by a community center or club within the Rural Residential zone.

In that regard, SSMH is willing and able to work with the Town to determine practical and reasonable activities and uses for their members that will not increase town expenses, the need for town services or interfere with neighbors' right to peaceful enjoyment of their homes.

Sincerely yours,


Ted Davis, Esq.

Cc: Alex Twarog

Matthew Nazar
62 Old Kents Hill Rd
Readfield, ME 04355

August 14, 2021

Readfield Planning Board
8 Old Kents Hill Rd
Readfield, ME 04355

Re: Safe Space Meeting House

Dear Board Members,

I write as a resident of Readfield and close neighbor of the proposed SSMH. I will admit to submitting this testimony with some trepidation. Over the past several years, the owner of the subject property has spent thousands of dollars on mass mailings to all Readfield residents making all sorts of false claims about me and attempting to harm my reputation. He even suggested in his mass mailings that I and others living on Old Kents Hill Road are both mentally unstable and racist, claiming opposition to his project is because of his Middle Eastern heritage. He has filed lawsuits in Superior Court filled with many of the same claims. And in 2019, he contacted my employer in Augusta and attempted to get me fired, or at least reprimanded, because he did not like the fact that on my personal time, in my hometown, I opposed his event center on Mill Stream Road.

In addition to this situation giving me pause, I discovered at the last Planning Board meeting that the attorney representing SSMH is Jed Davis, working with his paralegal GinA (f/k/a Gina Turcotte). I have no concerns about Attorney Davis, but in 2016, GinA was a resident in one of the houses that the city of Augusta was buying as part of the construction of the new Kennebec County Courthouse. GinA filed a lawsuit in US District Court claiming discrimination and named Judge William Stokes (Mayor of Augusta and an Assistant Attorney General at that time), City Manager William Bridgeo, the entire City of Augusta Police force, Senator Matthew Pouliot (who was then Representative Pouliot), and me personally, among a few others including her landlord, as people who were "discriminating against her and violated her rights to equal protection because of her status as 'a disabled, low income homeless white woman'". She filed the suit as a result of the city purchasing the building from the owner with the intent to tear the house down, thereby requiring her to move before the sale. To the best of my knowledge, she was given proper legal notice by her landlord. GinA's case was dismissed by the judge and it is my understanding that the judge issued the following warning to her:

I now place GinA on **NOTICE** that filing restrictions-"may be in the offing." *Cok v. Family Court of Rhode Island*, 985 F.2d 32, 35 (1st Cir. 1993). This represents a "cautionary order" of which Cok speaks. *Id.* Groundless and frivolous filings will not be tolerated.

So I speak tonight with concern about potential retaliation for exercising my legal right to provide my testimony for the Board's consideration. Let's just say that ironically I don't feel that I am in a safe space at all. But there is nothing more important to me than the home I live in and the 22 year emotional and financial investment I've made to be here, raise my children here, and be part of this community every day, year-round. I will once again emphasize that I speak here as a private citizen and resident of Readfield offering public testimony to public officials with no connection to my employer. However, I do speak with three decades of experience in land use regulation and development, as that is my profession. My opposition to this project has nothing to do with SSMH's mission or the desire for additional community space in Readfield. Both are admirable positions. My opposition is to the location of this project and its impact on public infrastructure (Mill Stream Road) and the impact on the adjacent neighborhood.

I apologize for the length of this, but I know that this may be my only opportunity to speak, so I want to say everything that I think needs to be said. First, I understand that Attorney Davis and the applicants for SSMH stated that the owner of the property is not the applicant and that the Board should focus on the application in front of them. However, the owner of the property has spent thousands of dollars promoting SSMH over the last year via his mass mailings, the most recent one arriving in my mailbox on August 21, 2021. And SSMH is in many ways the same project he himself attempted to open prior to SSMH application. In my opinion, it is incumbent on the Board to assume that there is a tight linkage between the owner and SSMH, significantly tighter than a typical landlord/tenant agreement. And that as the landlord who is currently waiving any lease fees and has spent presumably thousands of dollars promoting their application, he may have significant influence on the applicants' actions after any possible approval. The statements of the owner in his numerous mass mailings and countless hours of door to door canvassing in the Spring of 2021 are relevant to consider in that context. Any potential approval should contain numerous conditions and be airtight, with a requirement that ANY deviation from the exact approval of the Planning Board must return to the Board for further public hearing and consideration. This is the first time SSMH has filed an application, however, the owner of the property has failed to comply with conditions of approval for this property numerous times in the last 8 years. Evidence of that is posted on the Town's web site, as documented by municipal officials. While I would love to agree with Attorney Davis that Mr. Bittar is irrelevant to this application, the circumstances make it impossible to do that.

I intend to step through the application and discuss issues I believe are significant. **First, I remain unclear as to how the proposed use could be permitted on the portion of this property that appears to be within the Resource Protection shoreland zoning district.** Based on Readfield's adopted shoreland zoning maps, it appears that all or some of the original house is within the Resource Protection shoreland zone. If there is a conflict within the ordinance regarding this designation, Article 1, Section 6 outlines how conflicting provisions are handled – the more restrictive provision shall control. **If the use is not allowed in a portion of the building labelled in the application as "Meeting Room 1", how does the Board anticipate the town will realistically enforce that prohibition if the use is allowed in the rest of the building?**

It remains unclear exactly what the proposed use will be and how or when it will be operated. SSMH written application states one set of possible uses and that they will be entirely indoors. Their site plan graphic shows outdoor event space and seating both in front of the building and behind the building. Their verbal description of their proposed use was vague at the last meeting and they suggested they didn't know how often events will happen or how large they might be or what types of events they might be. I understand the uncertainty since they are starting up a new use. But I am not comfortable as a nearby resident with the uncertainty of how my property might be affected. **The applicant needs to provide a definitive list of proposed activities, their location on the property, and the hours of operation.**

While not relevant to the project, I want to address the repeated claims about the historic nature of this building. The building is not the only colonial building in Kennebec County. Old Fort Western was constructed in 1754 and is a National Historic Landmark, the oldest wooden fort in the country. I'm sure there are other colonial buildings in Kennebec County, and perhaps Readfield, as well. And while I'm very pleased the building was saved, it is not a historic restoration. Neither the interior nor the exterior of the building bear any architectural resemblance to the building that existed for the hundreds of years prior to 2013.

Parking and access to the building are real concerns. The applicant stated at the last meeting that DOT engineer David Allen reviewed and approved the existing parking lot. **I request that the Board be provided with a written statement on DOT letterhead from Mr. Allen indicating his review and approval of the parking lot design.** If that's unavailable, perhaps Mr. Allen could attend a Board meeting and provide verbal testimony on behalf of DOT in favor of this private project.

I recommend that the Planning Board require a set of plans for the parking lot that are stamped by an engineer or other qualified professional and evidence that the parking lot is built to the engineer's specifications. In my experience, the plan provided is inadequate. The grade is steep making winter use difficult. The material used to build the lot is not the appropriate material nor is it appropriately compacted as evidenced by the almost immediate and substantial plant growth that took over. This will mean people getting mired in mud during Spring and wet events. The parking lot has direct access to Mill Stream Road along its entire length, which will lead to unsafe pedestrian/vehicle interactions and unsafe vehicle movements. The lot should have a defined entrance and exit, and a physical barrier preventing entrance and exit elsewhere, for safety purposes. If activity at this site is event driven, large numbers of people could arrive then leave at the same time, increasing safety concerns about the poor design.

Parking will undoubtedly happen along Mill Stream Road. Readfield does not have a police force to enforce parking violations and the nature of people is that they will park as close to the facility as they can. The applicant cannot prevent this, as the applicant has no legal authority to prevent people from parking along a public street, even if it is their use that is creating the safety problem. This is why on-site parking for potentially high volume uses is very important.

The on-site parking becomes the closest parking, eliminating visitor's desire to park on a public street that does not have the space to accommodate the parking rather than in a remote parking lot. Mill Stream Road is narrow and parking along the road will result in fire apparatus and rescue apparatus having difficulty maneuvering down the road in an emergency situation. It will also result in pedestrians having to walk down the middle of the road to get to the remote parking or just walk by the property, putting those pedestrians at risk with the greater traffic that will exist. **I don't believe the Planning Board has the legal authority to prohibit parking along a public street and I suggest you consult with your attorney about how to address that concern. It is my opinion that this is a sound public safety reason for denying the application, as the applicant has not proposed a viable way to solve this serious public safety issue.**

Mill Stream Road is a very lightly traveled unpaved, unlit road. It is very soft and muddy in the Spring and very icy and dangerous in the winter. A significant uptick in use will require taxpayers to do repairs to the road probably a couple of times a year. It will necessitate a rebuild of the road far sooner than if the proposed reuse of the building was a single-family residential use, as was its use prior for at least the 100 years prior to the current ownership. **If the Board intends to approve the proposal, I recommend the applicant be required to reconstruct, pave, and light Mill Stream Road prior to occupancy, due to the substantially increased use and remote parking, all caused by their use.** This type of condition of approval is very typical for developments that impact public infrastructure that is inadequate to handle the proposed use. The developer covers the cost of upgrades to the public infrastructure that is necessary to serve their use, the infrastructure is inspected during construction by the municipality to ensure it meets standards, and then the taxpayers become responsible for maintaining the new infrastructure. If this is not a condition of this approval, I predict that the applicant and/or members of SSMH will be requesting that Readfield taxpayers do this work within 5 years. Anyone walking along the dark, icy public road for 400 feet is going to be very unhappy with that situation.

Attached are photographs of the road in the winter. It's pretty much all ice, especially in front of the applicant's property. There appears to be a spring that daylight in the applicant's driveway and flows across the road. I walk the road regularly year-round with my dog, and in the winter, spikes are necessary to avoid slipping and falling. Simply sanding and salting more will create a separate problem for an unpaved road, exposing the surface, softening the road in minor thawing events, and causing more damage to the road base. I suggest the Board get advice from a qualified professional, due to the proposed substantial new use that this road has never experienced in modern times.

The Board asked for sound level readings at adjacent properties. I believe this is the wrong approach. And based on extensive experience with noise complaints, I am of the opinion that this issue cannot be easily resolved. This is a use that is proposed to have frequent events that could be loud. It is not the irregular and infrequent noise of a party that anyone can expect from their residential neighbors. The applicant apparently had sound level readings taken by an individual that were provided to the Board. **I would like to know what the brand and model**

sound level meter that was used and the last time it was calibrated by a certified technician. I would like clarity on the circumstances of the measurements (doors and windows open at the SSMH site, location and directional orientation of sound producing device, sound level of sound producing device at 5 feet. I would also like to know exactly where sound level readings were taken. I did not grant anyone permission to enter onto my property and if readings were taken adjacent to my property in the Old Kents Hill Road right of way, they were blocked by topography or my house and were considerably further away than my house or my property from the source of the sound. I can say that events that were held in 2018 were clearly audible inside my house with the windows closed and were louder outside my house in my back yard.

Attached is a topographic map of Factory Square. The topo lines are 2 foot intervals created by a state LIDAR project and are very accurate – not survey level accurate, but very accurate. The data are publicly available on the Maine Office of GIS web site which I downloaded at home and imported to Google Earth. As can be seen from the topography, all of Old Kents Hill Road is exposed to the back of the Mill Stream Road building with no intervening topographic features to block the sound. My house sits on a knoll about 40 feet above the Mill Stream Road building and sound moves directly toward me. Giles Road homes are far more screened due to a sizable hill between the Mill Stream Road building and Giles Road.

In my opinion, the Board should be concerned about sound levels at the applicant's property lines, not at neighboring buildings. Any excess sound beyond the applicant's property line infringes on the neighboring property owner's rights. But even if sound level, measured in decibels, are at a specific level at the property line (say 60dB, for example), it will not eliminate the disruption for neighbors caused by the type of sound produced.

At the last meeting the applicant and their sound engineer compared background sound levels to the sound levels generated by the applicant's proposal in the only way available, by measuring decibels. Decibel level is a measurement of sound pressure level and is a logarithmic scale making it a bit difficult to understand. Please see the attached chart that helps provide some context to sound levels of various activities. Please also note that the sound engineer stated that he had the sound being generated at 90dB at the SSMH and described that as "Rock Concert" levels. None of the available online charts for decibel levels indicate the typical rock concert is as low as 90dB. They all put rock concerts between 110 and 130dB, which is considerably louder than 90dB due to the logarithmic scale of dB.

Decibels are a scale that will tell you how loud a noise is, but does not measure or describe how the brain processes and tunes out or tunes in to specific sounds. Background noises – traffic, birds, wind, a droning lawnmower, etc – are noises that most brains will pay attention to when they initially start because they are new sounds in the environment, but will quickly tune out as background noise. Music, voices, and other sounds that are irregular, of differing pitches and tones, are sounds that the brain is designed to tune in to. They are more disruptive sounds in an environment because of the way our brains function. Please see the attached articles that summarize studies on the auditory functions of the brain. I encourage the Board to take these

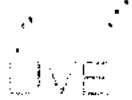
issues into account as you review this application and understand the limitations of using just decibel levels as the measurement of what's acceptable and what isn't.

The Board requested distances measured from the applicant's building to neighboring buildings. Again, I think this is the wrong metric, since not only my home, but my entire property will be potentially impacted by this project. However, the data the applicant provided is not accurate. The applicant's data consistently measures the distance between buildings as significantly further than they actually are. The distance between the nearest point of the applicant's building to the nearest point of my home is 750 feet.

I hope to be present at the Board meeting on Wednesday, but my work often has me at evening meetings. If I am not there, I request that the Board ensure that this letter becomes part of the testimony to the Board.

Sincerely,

Matt Nazar



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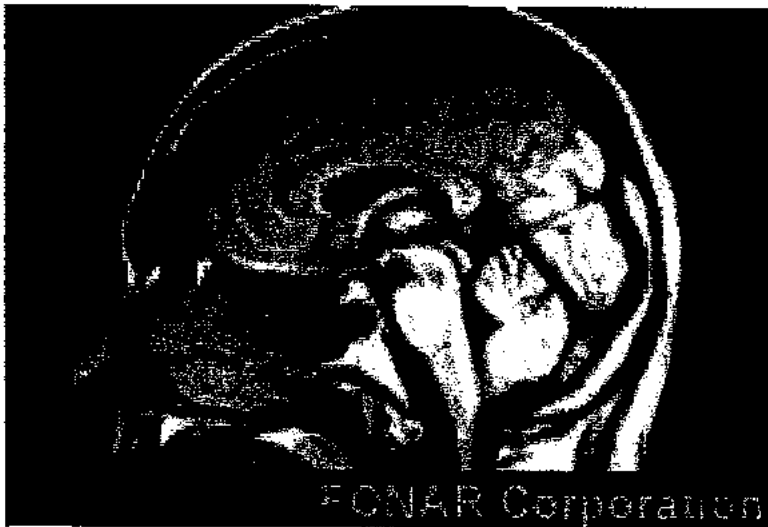
TRENDING COVID-19 News Forum Life's Little Mysteries Reference Live Science newsletters

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How the Brain Tunes Out Background Noise

By Live Science Staff December 02, 2005



Some imagination! How Memory Fails Us

Special neurons in the brainstem of rats focus exclusively on new, novel sounds and help them ignore predictable and ongoing noises, a new study finds.

The same process likely occurs in humans and may affect our speech and even help us laugh.

The "novelty detector neurons," as researchers call them, quickly stop firing if a sound or sound pattern is repeated. They will briefly resume firing if some aspect of the sound changes. The neurons can detect changes in pitch, loudness or duration of a single sound and can also note shifts in the pattern of a complex series of sounds.

"It is probably a good thing to have this ability because it allows us to tune out background noises like the humming of a car's motor while we are driving or the regular tick-tock of a clock," said study team member Ellen Covey, a psychology professor at the University of Washington. "But at the same time, these neurons would instantly draw a person's attention if their car's motor suddenly made a strange noise or if their cell phone rang."

RECOMMENDED VIDEOS FOR YOU...

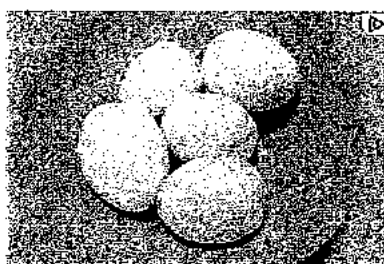
LIVESCIENCE

Covey said similar neurons seem to be present in all vertebrates and almost certainly exist in the human brain.

The novelty detector neurons seem to act as gatekeepers, Covey and her colleagues conclude, preventing information about unimportant sounds from reaching the brain's cortex, where higher processing occurs. This allows people to ignore sounds that don't require attention.

The results are detailed this month in the *European Journal of Neuroscience*.

The novelty detector neurons seem able to store information about a pattern of sound, so they may also be involved in speech, which requires anticipating the end of a word and knowing where the next one begins.



U.S. Surgeon: This Simple Trick Empties Almost Immediately Your Bowels Every Morning

Advertisement by Guthealthwellness

How To Clean Your Guts Every Day - Top Surgeon Explains

SEE MORE

"Speech fluency requires a predictive strategy," Covey explained. "Whatever we have just heard allows us to anticipate what will come next, and violations of our predictions are often surprising or humorous."

- Look and Listen: Brain Struggles to do Both
- Women Enjoy Humor More, Study Suggests
- Scatterbrained? You Need a Thought Bouncer
- The Human Brain Seen as Master of Time
- No Joke: Animals Laugh, Too



Live Science Staff

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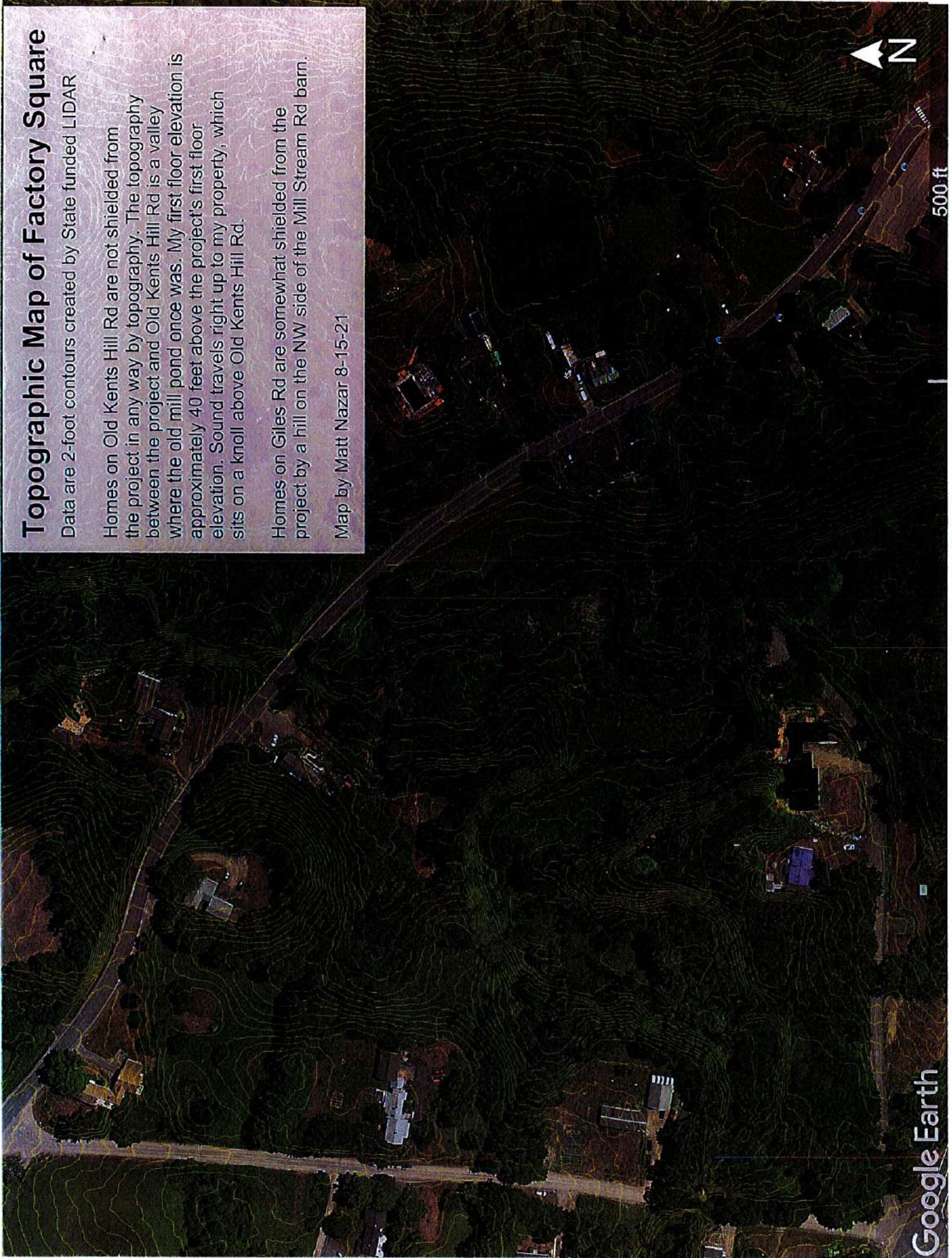
Topographic Map of Factory Square

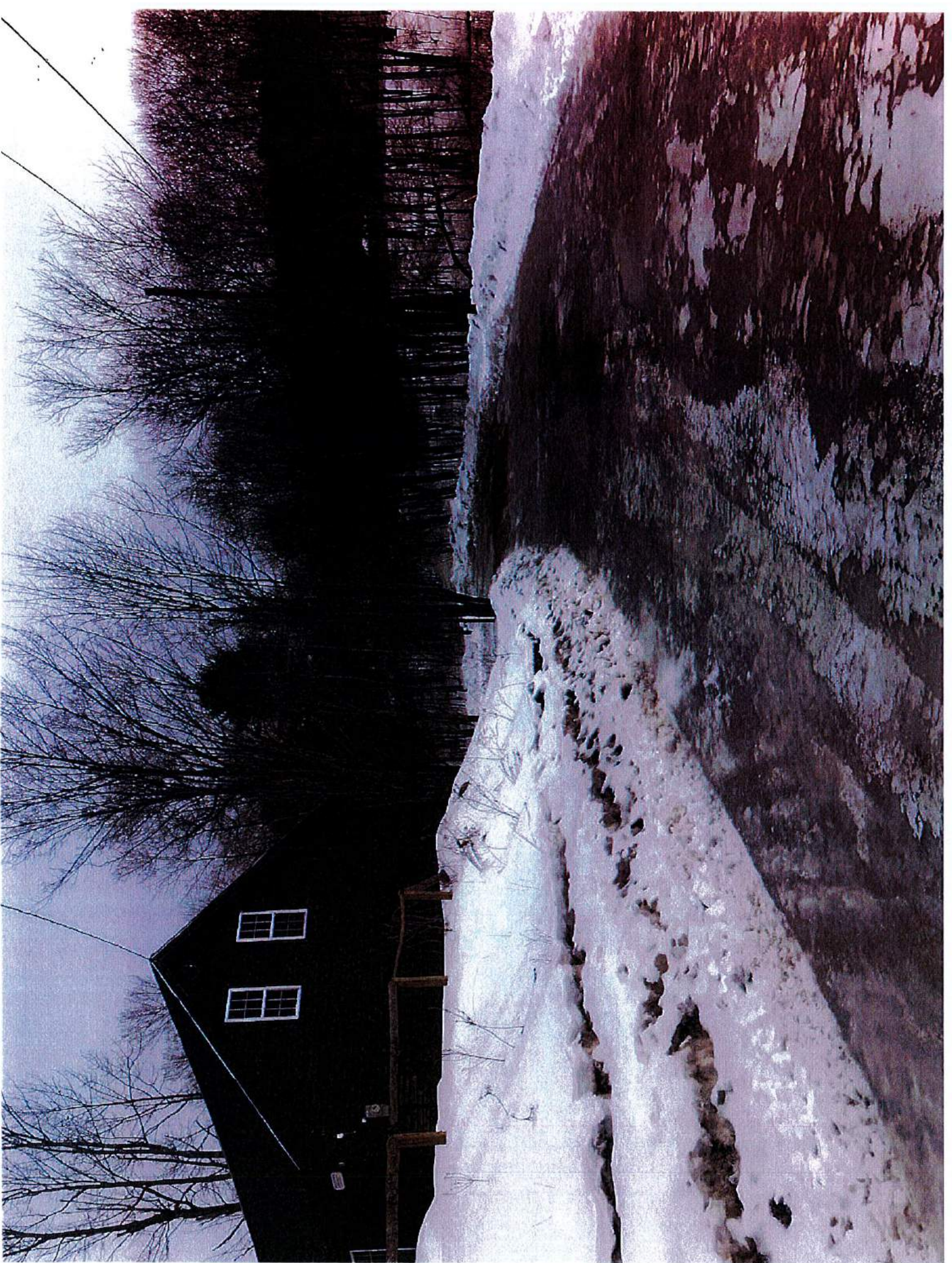
Data are 2-foot contours created by State funded LIDAR

Homes on Old Kents Hill Rd are not shielded from the project in any way by topography. The topography between the project and Old Kents Hill Rd is a valley where the old mill pond once was. My first floor elevation is approximately 40 feet above the project's first floor elevation. Sound travels right up to my property, which sits on a knoll above Old Kents Hill Rd.

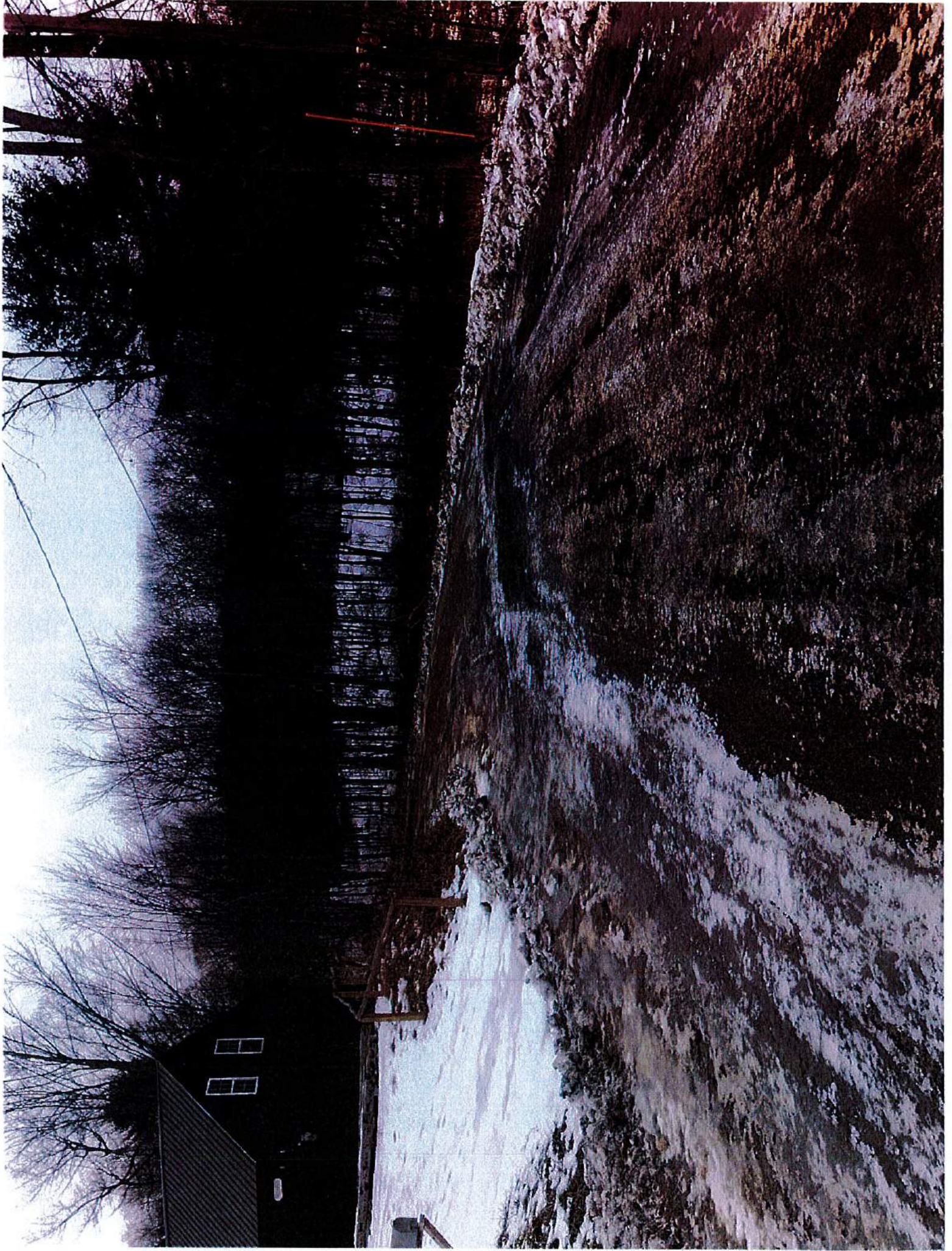
Homes on Giles Rd are somewhat shielded from the project by a hill on the NW side of the Mill Stream Rd barn.

Map by Matt Nazar 8-15-21











TOWN OF READFIELD

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

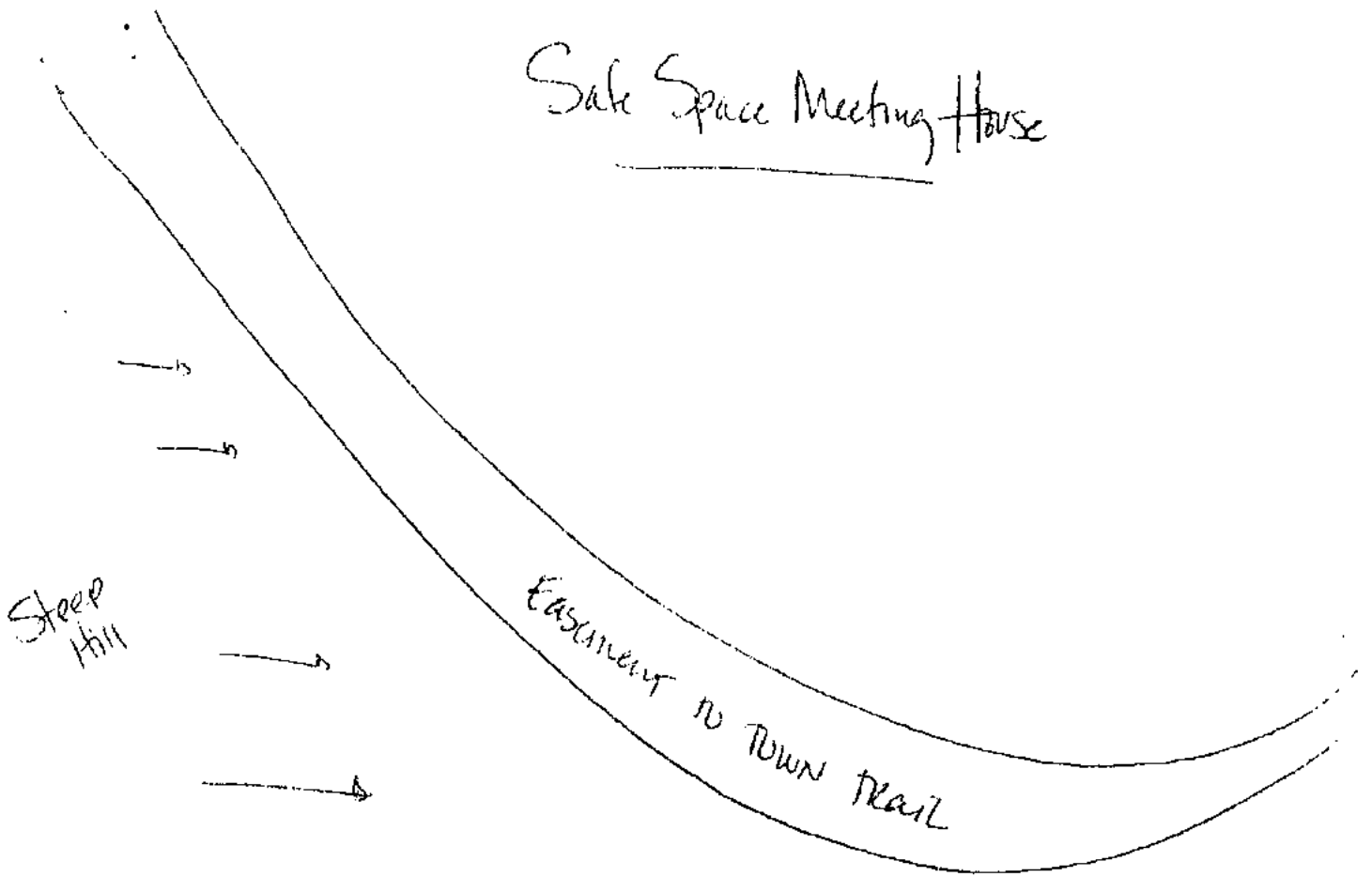
To: Land Abutters of 26 Mill Stream Rd
From: Code Enforcement Officer

Notice of Public Hearing and Site Visit for Site Plan Review of Application for a Community Center/Club for the Safe Space Meeting House (SSMH)

As required by Readfield's Land Use Ordinance, this letter serves as a notification to land abutters of the property located at 26 Mill Stream Rd also described as Tax Map 120 Lot 013. The Town of Readfield Planning Board will conduct the Public Hearing at the Town office located at 8 Old Kents Hill Road on August 25 starting at 6:30 PM. A site visit will occur on the property and is open to the public on August 24th 2021 at 5 PM. The application is a proposal to allow for a Community Center / Club which is located in the Rural Residential District.

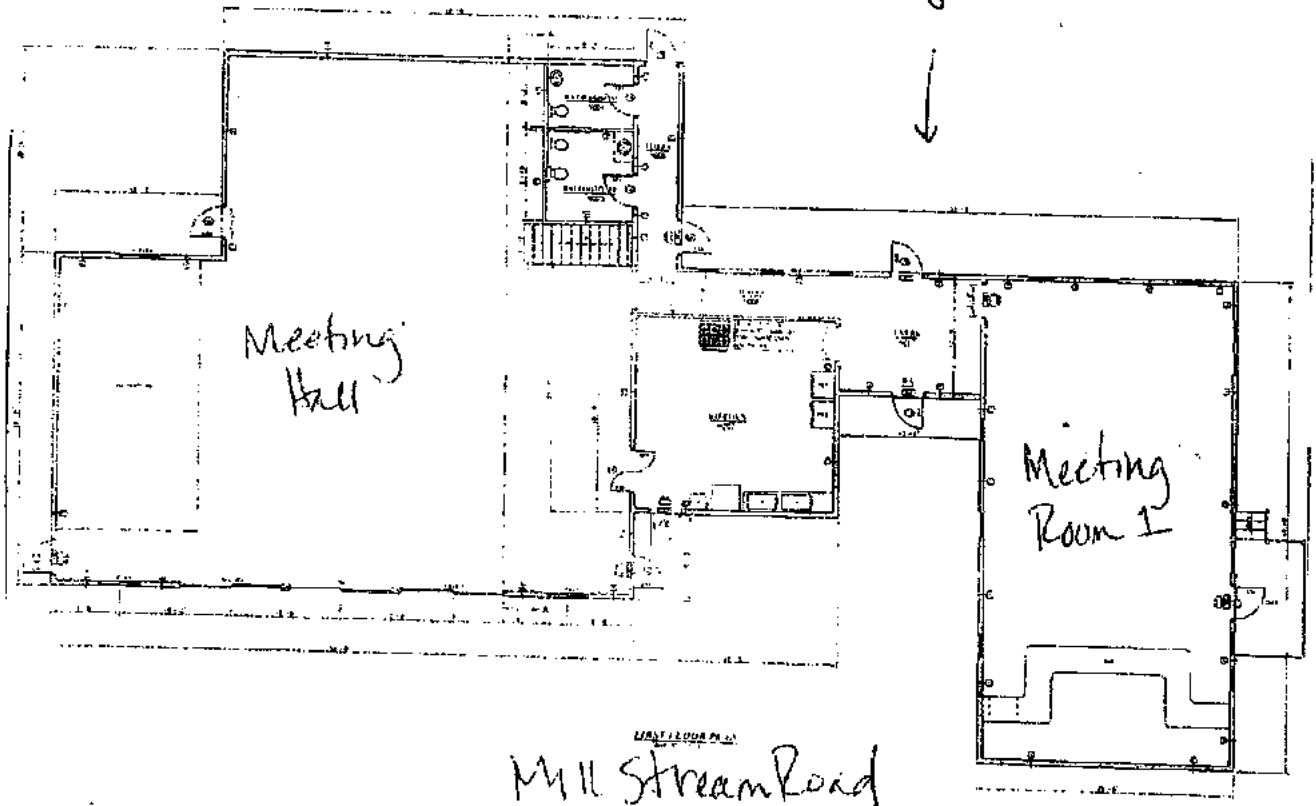
The purpose of this Public Hearing is to receive comments from the public regarding the site plan review application. This application is on file at the Town office for public inspection. If you have any questions regarding this application please contact the Code Enforcement Officer at 685-3290.

Safe Space Meeting House



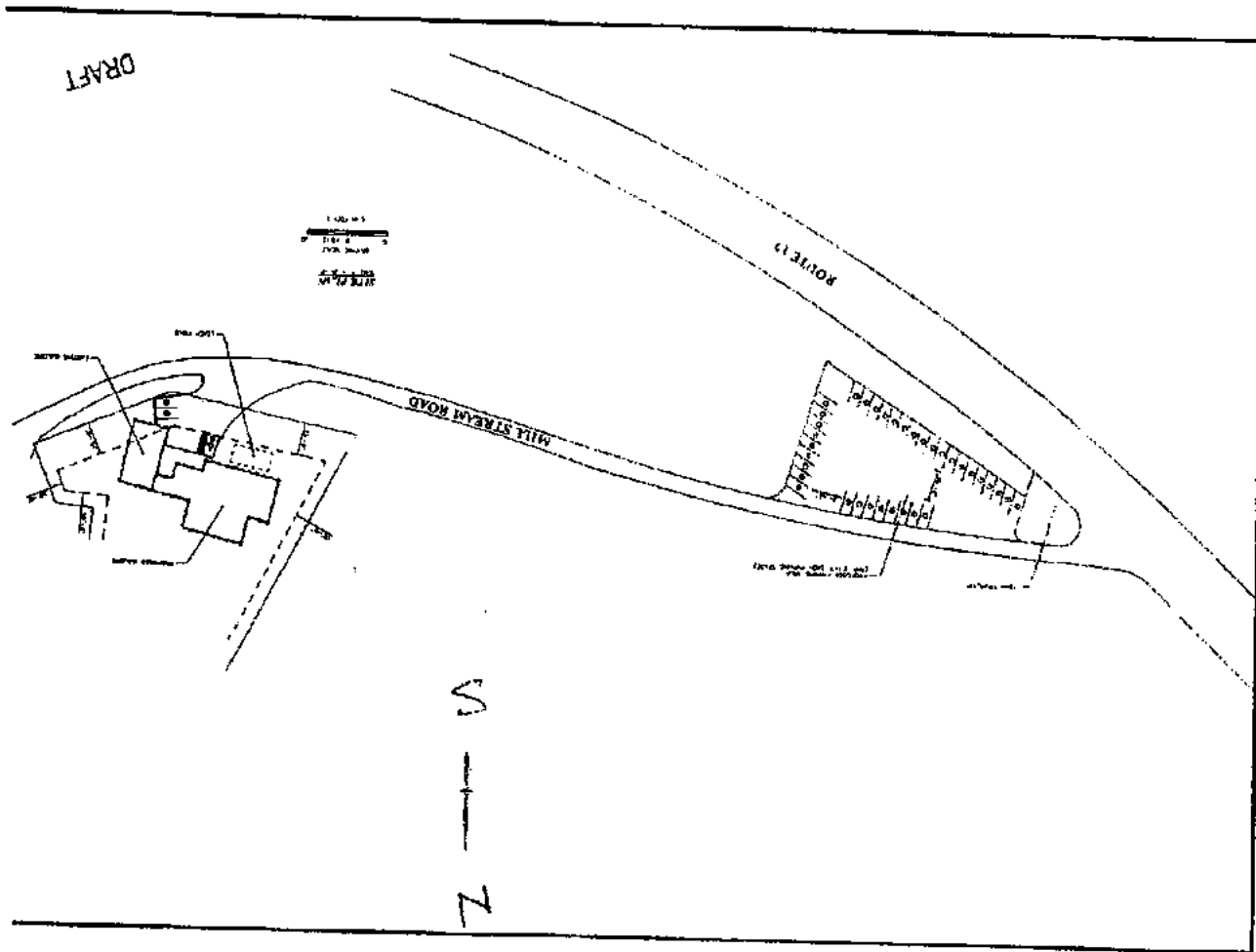
8'

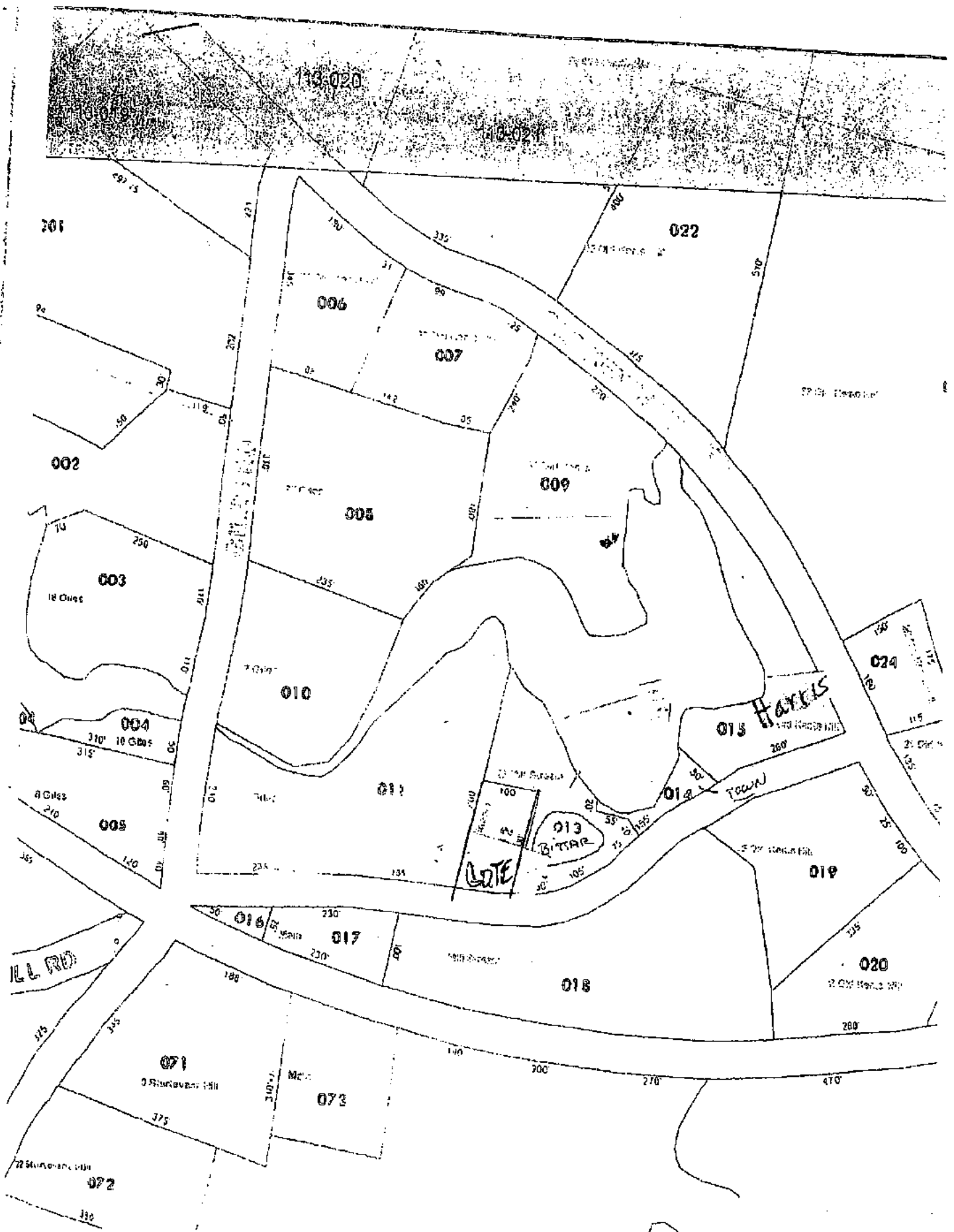
A vertical dimension line with arrows at both ends, indicating a distance of 8 feet between the top of the easement area and the top of the building footprint.



RAFT

CSM 4





001

113-020

113-021

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ILL RD

071

073

072

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Environmental Health, STS #1
 (207) 287-5689 FAX (207) 287-3165

Town City, Precinct
READFIELD

Street, Road, Subdivision
26 MILL STREAM ROAD

Owner or Applicant Name
ROBERT BITTAR

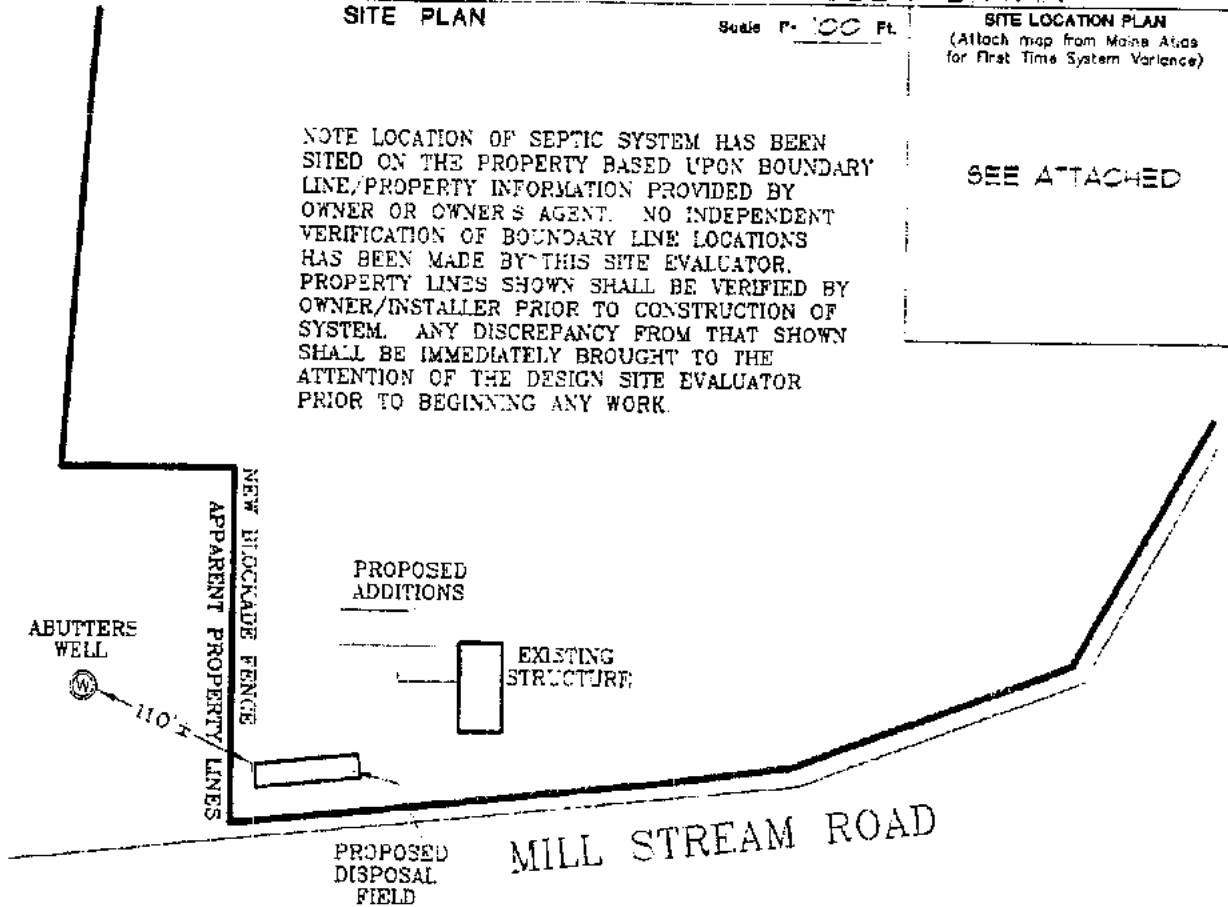
SITE PLAN

Scale 1" = 100 Ft.

SITE LOCATION PLAN
 (Attach map from Maine Atlas
 for First Time System Variance)

SEE ATTACHED

NOTE LOCATION OF SEPTIC SYSTEM HAS BEEN SITED ON THE PROPERTY BASED UPON BOUNDARY LINE/PROPERTY INFORMATION PROVIDED BY OWNER OR OWNER'S AGENT. NO INDEPENDENT VERIFICATION OF BOUNDARY LINE LOCATIONS HAS BEEN MADE BY THIS SITE EVALUATOR. PROPERTY LINES SHOWN SHALL BE VERIFIED BY OWNER/INSTALLER PRIOR TO CONSTRUCTION OF SYSTEM. ANY DISCREPANCY FROM THAT SHOWN SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE DESIGN SITE EVALUATOR PRIOR TO BEGINNING ANY WORK.



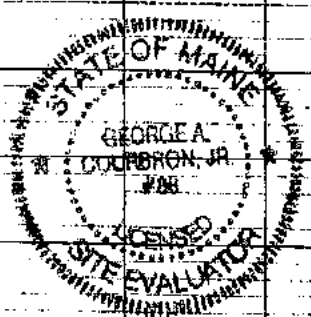
SOIL PROFILE DESCRIPTION AND CLASSIFICATION (Location of Observation holes Shown Above)

Depth Below Minimal Soil Surface (inches)	Observation Hole # 1			
	Texture	Consistency	Color	Mottling
0		FRIABLE	BROWN	
6		SOME THIN		
12	MIXED	FIRM LAYERS		
20	HORIZONS AND THIN LAYERS OF FINE LOAMY SANDS, COARSE SANDS AND GRAVELS	TO BE REMOVED	LIGHT BROWN	
30			LIGHT OLIVE BROWN	
40		FIRM	BROWN	
50				

Soil Classification: 7 C	Slope: 3	Limiting Factor: 40"	<input type="checkbox"/> Groundwater
Profile: Condition	Percent	Depth	<input type="checkbox"/> Restrictive Layer
			<input type="checkbox"/> Bedrock

Depth Below Minimal Soil Surface (inches)	Observation Hole #			
	Texture	Consistency	Color	Mottling
0				
6				
12	A SECOND PIT SHOWED SAME RESULTS			
20				
30				
40				
50				

Soil Classification:	Slope:	Limiting Factor:	<input type="checkbox"/> Groundwater
Profile: Condition	Percent	Depth	<input type="checkbox"/> Restrictive Layer
			<input type="checkbox"/> Bedrock



George A. Coulbron
 Site Evaluator Signature

33
 SE +

REVISED 4/23/15
 7/30/13
 Date

Plenty
Trees

Mill

50' FENCE
TO ROAD

Wastewater
System

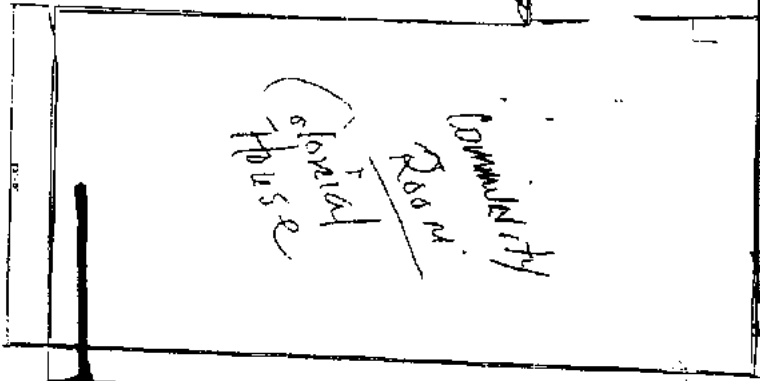
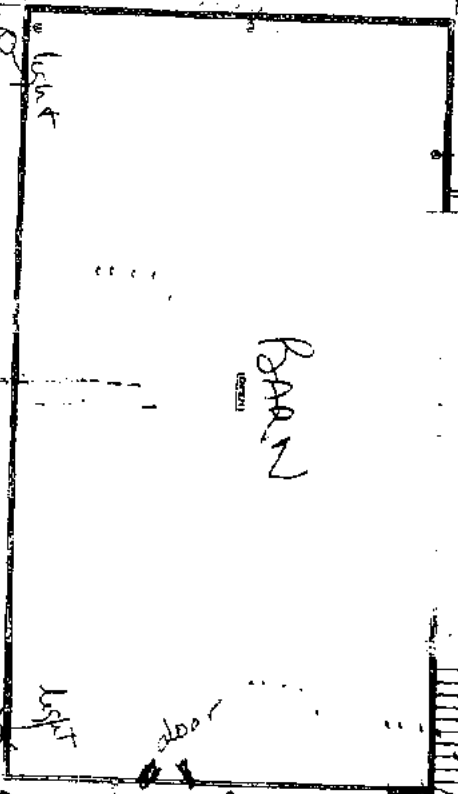
Tree
Tops

700' Town Easement
STREAM

Mill Stream Rd

Plants

Community
Room
Storage
House



10'
TO Public
Easement

1st
2nd
3rd
4th
5th
6th
7th
8th
9th
10th
11th
12th

SECOND
FLOOR PLAN
AZ

READFIELD COUNTRY CLUB
READFIELD ME



DAVID W. LANDWEHR, R.A.
16 CONVE LANE
WINDSOR, ME 04363





Town of Readfield MAINE



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[Home](#) > [Boards & Committees](#) > [Select Board](#) > [Public Comment Form](#) > [Webform results](#) > Public Comment Form

Submission information

Form: [Public Comment Form](#) [1]
Submitted by Anonymous (not verified)
September 6, 2021 - 10:23pm
70.20.51.14

Date

September 6, 2021

Name

Carol Doorenbos

Email Address

cdoor@myfairpoint.net

Phone Number

(207)446-7535

My meeting, public hearing, or general comments are for:

Planning Board

Date of Meeting or Hearing (if known)

Agenda Item or Issue (if known)

Mill Stream Barn

Your Comments

Dear members of the Planning Board,

I would like to propose some thoughts regarding the Mill Stream Barn. From listening to the meetings held so far, it seems that parking is a major issue, so here are some ideas for solutions. I imagine most of the events would be quite small with an occasional gathering might be well attended.

1. The Barn is located right behind the town hall. So can the 16 approximately parking spaces at the Readfield Town Hall be used for overflow in the evenings or weekends when it is not being used?
2. Patrons of The Barn can also park along the north side of Main Street like they do for Fire Station and Library functions. From our house at 1163 Main St the corner here are about 15 spaces, and even more going as far as the library. With just a short walk on the sidewalk to the trail, they can arrive at The Barn safely.
3. For a bigger event, there can be a shuttle van that can go from The Barn to Maranacook High School I would like to compare it to the Barn at Silver Oaks (BASO) in Winthrop at the intersection of Route 41 & 133. I recently attended a function there in the for Travis Mills Foundation, and it was beautiful and spacious, but the BASO is even more limited in parking spaces than are proposed at The Barn. Guests were shuttled in vans for the event to and from the Winthrop High School, which

is even farther than from The Barn to MHS. It worked very smoothly and eliminated any congestion at that busy intersection.

All over town, businesses and non-profit organizations are challenged with inadequate parking. That clearly was witnessed at nearly all venues during Heritage Days. But wasn't it great to see so many people out and about socializing and supporting the town?

Another concern is "Will events at the Barn create too much noise?"

We have lived diagonally to the Emporium for 20+ years. In all that time, I don't recall any time when there was excessive noise, loud music, or any other kind of disturbance whatsoever. I was not a frequent patron, but it was a nice place to gather for good atmosphere, great food, and nice music on occasion. It was also one of the few successful businesses we have had. Thank goodness for the Readfield Market and the Weathervane. In the surrounding areas of Manchester, Winthrop and even Wayne new small businesses are opening and thriving. Now it is another constant reminder of the decline of business in downtown Readfield and at the Depot. Of course I believe the town ordinances must be followed, and the Planning Board has the job to enforce that. You have a difficult job to do.

Bob can be a very polarizing person. In his passion to create a place in some unorthodox ways, and his actions have terribly divided this town. Today we have an existing barn that is just sitting there deteriorating, I hope the town can come together with some kind of acceptable use for it. Our town needs to heal. If the town can mend this very long and painful division in Readfield by allowing some way that The Barn can be used with proper guard rails in place, it would be a giant signal that Readfield is a friendly town that is open for business.

Why is the Barn needed locally?

Sadly, we have found out how damaging isolation can be for teens during the Covid shutdown. We are fortunate to have a fabulous arts program at MHS, but in the summer months that is closed. For those that are not involved in sports, there is very little available over the summer for teens to occupy their time in a positive way. The Barn can be a great gathering place in the summer for teens to enjoy their passion and talents in music and the arts when the school is not in session. The same can be said for our senior citizens. Unless people are involved in the schools or local churches, the biggest opportunity to run into neighbors is at the Post Office and the Transfer Station. Our town can offer so much more.

Respectfully,
Carol Doorenbos

Source URL: <https://www.readfieldmaine.org/node/20984/submission/6071>

Links

[1] <https://www.readfieldmaine.org/select-board/webforms/public-comment-form>

Kristin Parks/Town of Readfield

From: ceo@readfieldmaine.org
Sent: Tuesday, September 7, 2021 1:08 PM
To: 'Kristin Parks/Town of Readfield'
Subject: FW: To the Planning Board in regard to 26 Mill Stream Road

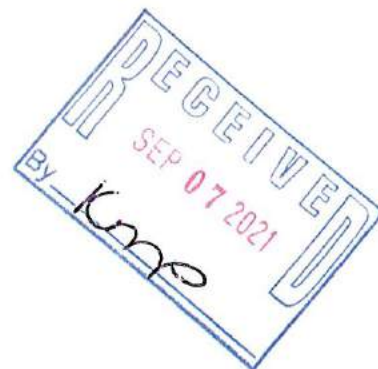
Please forward this too !

Thanks

Chip

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

From: Grace Keene <g4k4@fairpoint.net>
Sent: Tuesday, September 7, 2021 9:25 AM
To: CEO@ReadfieldMaine.org
Subject: To the Planning Board in regard to 26 Mill Stream Road



I am expressing my concern about the property at 26 Mill Stream Road that is still owned by Robert Bittar. Since he is still the owner, I believe he will still be controlling what the activities will be on the property. Since the building permit for that property was issued as a single family dwelling, I think the application for any other use should be denied by the Planning Board.

Grace Keene
Beaver Dam Road
Readfield, Maine

Sent from my iPad

To: The Readfield Planning Board, Paula Clark, Chair

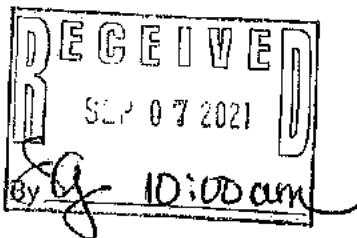
From: Will Harris

Subject: Submission of Exhibits in Support of My Statements to the Board on August 25, 2021

Date: September 7, 2021

The application before you regarding the property at 26 Mill Stream Road alleges to be for a change of use for a non-profit community center unrelated to the property owner Mr. Robert Bittar's previous iterations for the use of this property. Please accept the attached as a few (of many) mass mailings, articles in the Community Advertiser, and the Kennebec Journal, etc. which are examples of Mr. Bittar's involvement in the use of the Mill Stream property. Please note that they are substantially unchanged from one another and all are focused on the same change of use within the rural residential and resource protection zones for which he previously signed a consent agreement to only use the property for a single family dwelling.

Thank-you for the opportunity to provide this information and I wish you the best of luck in reviewing and deciding upon this request.



Testimony of Willard Harris

To

Readfield Planning Board

August 25, 2021

Good Evening. I am Will Harris and my wife Bonnie and I live at 26 Old Kents Hill Rd. Our property abuts the property at 26 Mill Stream Rd.

I come here tonight, once again, to express my opposition to permitting a public use of the Robert Bittar property at 26 Mill Stream Rd. This property was, and continues to be zoned rural residential in Readfield's Land Use Ordinance.

Mr. Bittar has sought since 2013 to develop the property as a bar/music venue despite its location in a Rural Residential location.

He has sought, unsuccessfully, to have the area re-zoned to accommodate his intended use.

He has sought several times to portray the usage as some kind of community center or club in order to include its intended use to be allowed within the Rural Residential zoning designation.

- In 2015 he called it the Readfield Country Club
- In 2018 he filed to set up a "non-profit" corporation called the Music and Arts Coalition of Maine at 26 Mill Stream Rd; at which, among other things, they would "sell products and food; rent space within the facility for events."
- Now in 2021, you have been presented with the opportunity to permit the same types of activities under the title of "Safe Space Meeting House."

At least for the last two permit attempts you are being asked to overlook the fact that Mr. Bittar, on July 18, 2017 signed a Consent Agreement with the Town of Readfield that stated that 26 Mill Stream Rd. would ONLY (all caps in the agreement) be used as a single family dwelling. Having read the Consent Agreement several times I can find no wherein it that it is time-limited. Has the agreement run out, or do its terms still stand?

Does the fact that the permit request before you states that it is brought by the Safe Space Meeting House and not Bob Bittar mean that he no longer has to abide by the agreement that he signed, even though he still owns and controls the property? Mr. Bittar was denied an occupancy permit in large part because he did not abide by the terms of the Consent Agreement. Should a shell organization be permitted to do what had been denied to the owner?

As an abutter within the Rural Residential zone I believe that I am entitled to the protections and restrictions of that zone, I am entitled to the quiet enjoyment of my property and I look to you on the Planning Board to help me protect those rights. If you approve this project – which is essentially the same one you have been presented with many times since 2013 – it will mean significant noise and traffic both adversely affecting my property. The questions regarding types of usage, numbers of people using it, public safety, parking, and runoff issues in an environmentally sensitive wetland area (to name just a few), have not been addressed satisfactorily.

Bob Bittar can call this the Readfield Country Club, the Music and Arts Coalition, Helen's Barn, the safe Space Meeting House, the Dew Drop inn or the Number 10 Saloon. They are all just names for the same business venture that is Not Allowed under the guiding regulations of the Land Use Ordinance.

I urge you to reject this permit application.

Thank-you for the opportunity to speak.

Dear Members of the Planning Board,

The SSMH application was submitted in August 2020. In the past months this board has had an opportunity to consider the merits of the application. Requests for information were answered with authoritative documentation and good faith.

Emotional interests on all sides have made a decision difficult. We ask this committee to reject negative characterizations of the SSMH LGBTQ and minority, home-owning members of the Readfield community. Opposition groups have advised the Planning Board to deny the SSMH permit application. They speak of fears of disruptive SSMH member activities, violation of local laws, vandalism and possible violence. These fears are unfounded.

The SSMH community center will be a welcoming place for new residents, older residents. It is with warmth and an invitation to communion in the spirit of generosity and hope that we begin this endeavor. We anticipate working with the community to meet all concerns as we develop ties and communication. Thank you for your attention.

Alex Twarog

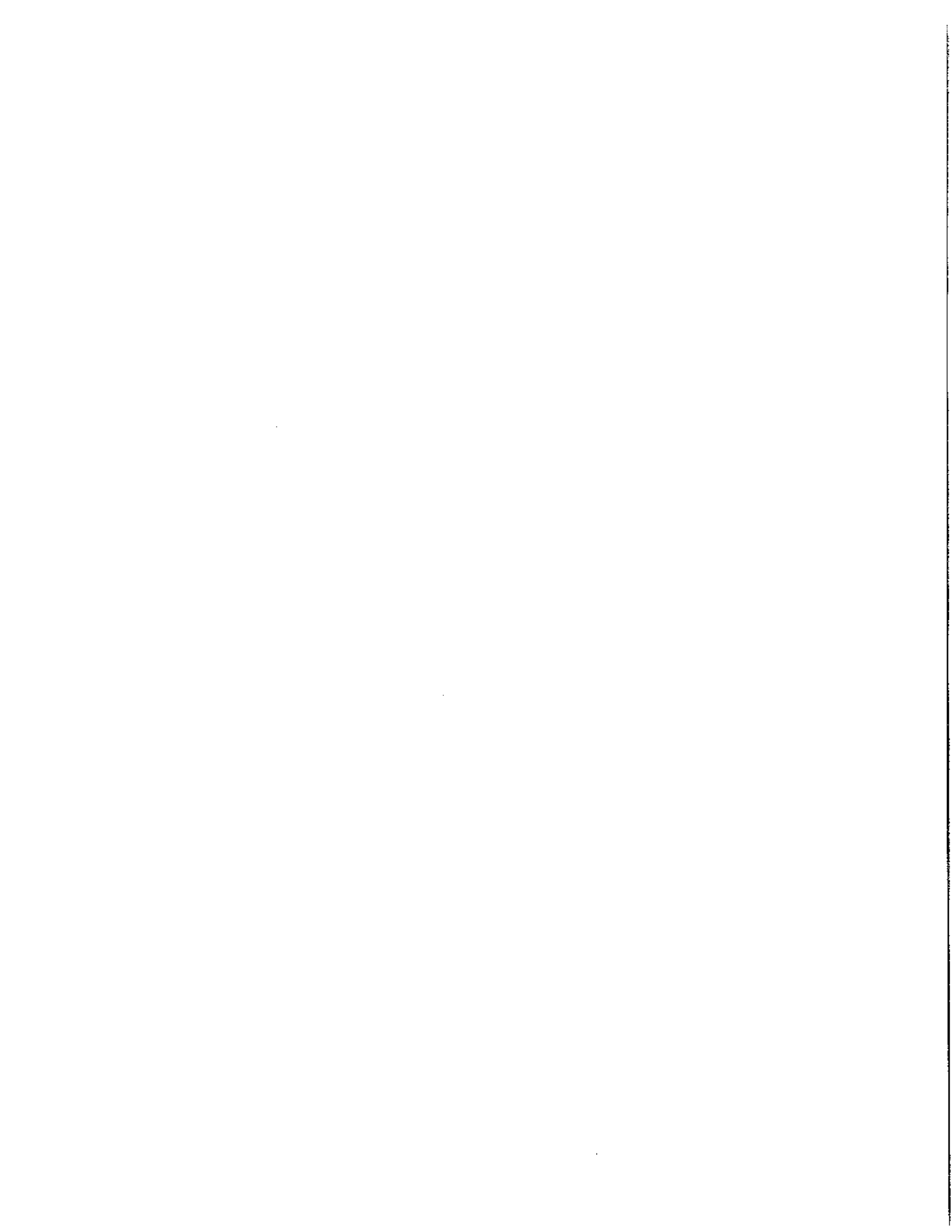


Leah Hayes



SSMH Rationale for PB approval

- SSMH is a legal non-profit entity. It was incorporated in 2020 and as a Maine corporation is entitled to the full protection of equal rights under the constitution.
- SSMH has no legal affiliation with any other organization or individual. It has no prior history.
- SSMH is an organization whose mission is clearly aligned with LGBTQ community issues. We are dedicated to pursue this mission here in Readfield.
- The SSMH tenant lease at 26 Mill Stream Road is favorable to our organization mission. The public long-standing landlord-family interest in LGBTQ and minority issues are renown and well documented in a general search of the internet.
- SSMH has a lease to occupy 26 Mill Stream Road which is in the Rural Residential Zone. That zone is designated by the LUO as a valid location for LGBTQ community center activities. The site is an ideal setting for our community center. It has unparalleled facility advantages which will support our mission.
- SSMH proposals for use are similar to outreach activities approved for other community center organizations which served the Readfield community.
- 26 Mill Stream resources (parking, water resources, sewage, as well as an observance of the town concern for historic and resource protection) meet town requirements.



Members of the Readfield Planning Board

SSMH is interested in resolution of community and board concerns. Consequently we have completed

Physical Site Improvements during the past 2 weeks:

- 1. Sound Proofing** – Both the northern walls **AND** the wall facing Rt 17 have been faced with 4” interior sound proof insulation. The northern exterior walls will be insulated with an additional 3” exterior insulation. Effective insulation of the barn doors is being considered. All walls are now sound proofed.
- 2. Parking** - During the last Planning Board hearing, PB members and speakers spoke of unresolved issues concerning SSMH parking availability for members.

SSMH Previously submitted a Parking Lot Map drawn in 2018. **That map was incomplete and INACCURATE.** That map included only 120' of the 230' property on Mill Stream Rd.

A NEW PARKING LOT MAP: An SSMH supporter owns a professional architectural drafting and design company in this region. He provided the attached SSMH parking lot drawing. His drawing is based upon his on-site measurements confirming the lot 230' dimension recorded on Town Map 120. He wishes to remain anonymous.

A new corrected map of the parking lot is attached. The new map accurately represents the extensive 230' length of the property along Mill Stream Road. This revised map designates available parking spaces for SSMH members. In addition to the parking lot availability, there is additional parking available for members on 26 Mill Stream property. (That parking would not be in the Mill Stream Road right of way.) Parking spaces conform to town code. In addition to this parking lot design assistance, a second volunteer cleared the entire 200 x 230' parking lot area of trees and brush. The generous size of this parking area available for SSMH members is now easily visible.

(The fine print in the drawing states a numeric accumulator of each parking space.)

54 parking spaces in the Parking Lot on MSR

Number of parking spaces in each line of cars in the parking lot

14

9

11

20

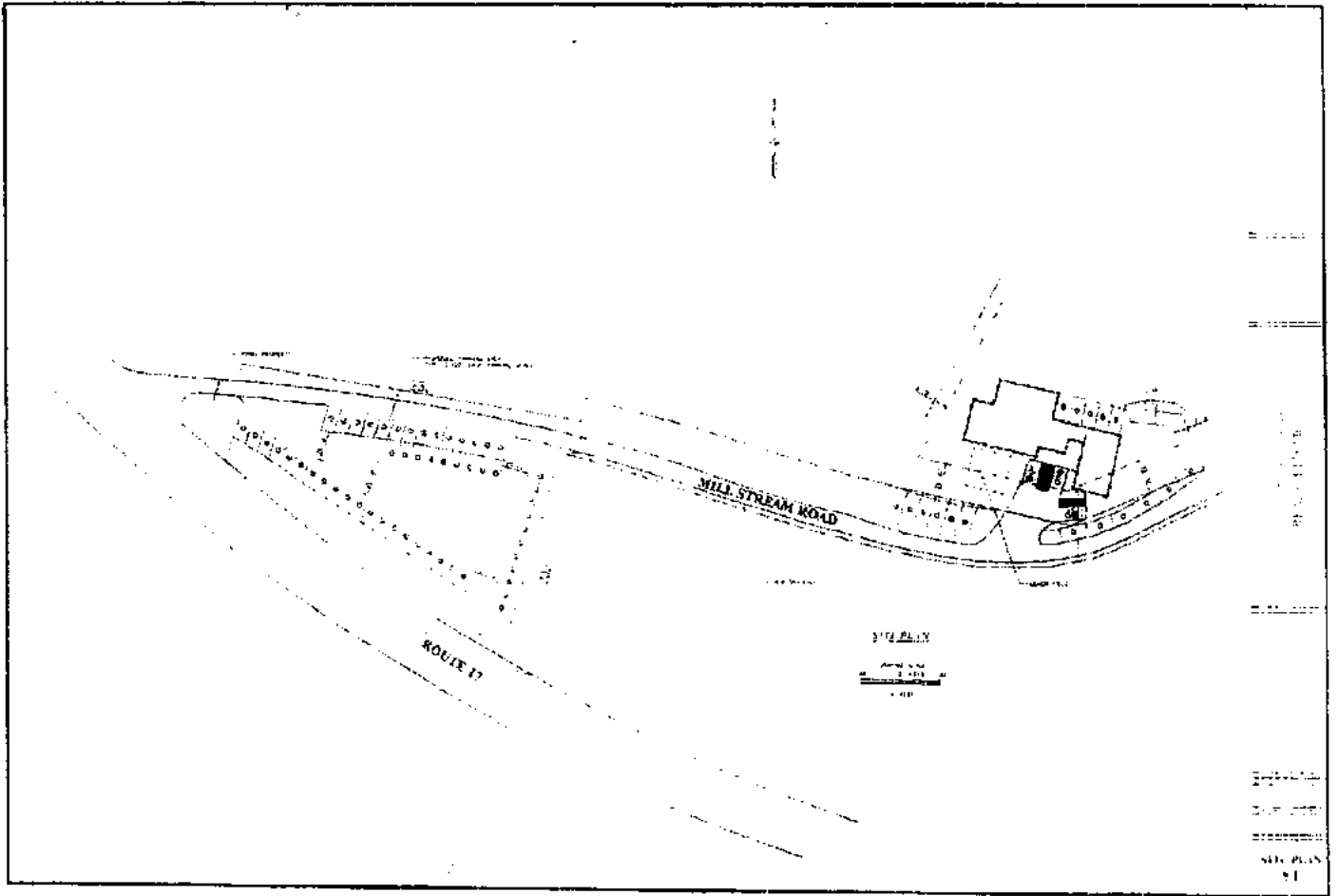
19 additional parking spaces are located on 26 MSR property surrounding the 26 MSR buildings;

TOTAL Parking Spaces available to SSMH members - 73

SSMH will restrict attendance to members, family and guests. We anticipate that people may arrive in family groups. On site parking availability appears sufficient to meet the organization needs.

Alex Twarog

Leah Hayes





TOWN OF READFIELD

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

Robert Bittar
309 Waugan Road
N. Monmouth, ME 04265

July 18, 2017

CONSENT AGREEMENT

I have reviewed your Planning Board approval which allows the use of 26 Mill Stream as a single family dwelling and after our meeting this morning, July 18, 2017. The property (aka map 120 / lot 13) will "ONLY" be used as a single family dwelling with the following requirements:

1. The transfer of the internal plumbing permit to a State Certified Plumber has been completed (see attached transfer permit). Plumber will request any and all inspections before plumbing is closed in,
2. The electrical work to be reviewed / inspected / completed by a State Certified Electrician (copies of any State permitting to be forwarded to CEO that are required for a single family rental property or any other future use requiring a State permit),
3. Any change of use shall be reviewed and permitted by the Readfield Planning Board.
4. Emergency egress shall meet State Fire Marshall requirements (windows, doors, bedrooms, etc.),
5. Requested inspections shall give the CEO 24 hour notice,
6. Ground work/ landscaping can be completed (back fill and complete septic system),
7. Exterior of the single family dwelling can be completed as approved by the Planning Board,
8. Internal construction can be completed after "ALL REQUIRED" inspections have been approved by the correct authority (State or Town),
9. The requested Planning Board review dated 7-7-17 for a change of use / gazebo has been "formally withdrawn". The \$100.00 application fee is not refundable.
10. The Stop Work Notice will not be enforced if the above requirements have been followed.
11. This Consent Agreement will not impose a fine for the Stop Work Notice, (all Land Use Violations have a \$400 fee imposed), but any future violation on the above referenced property will require full payment of the \$400 fine plus any future fines may be imposed.

This Consent agreement is of Robert Bittar's free will and shall certify that all future construction and permits request shall follow Readfield's Land Use Ordinances.

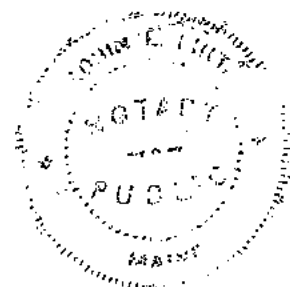
Robert Bittar

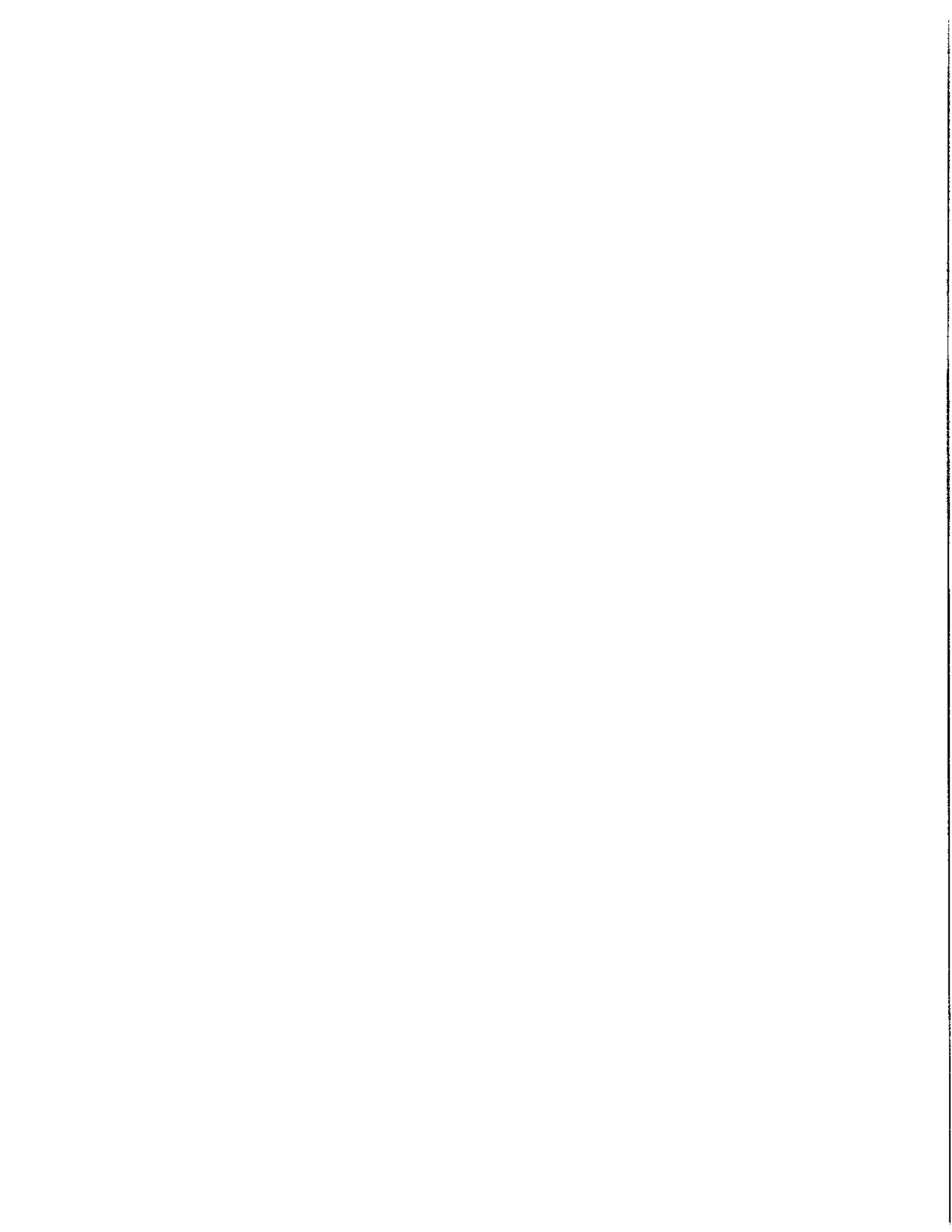
Attested By

Robin L. Lint, notarized signature

ROBIN L. LINT
NOTARY PUBLIC, MAINE
MY COMMISSION EXPIRES 5-22-2024

Gary Quintal
Gary Quintal CEO, LPI, AO
8 Old Kents Hill Road
Readfield, Me 04355
207-685-3290





Quick Maps: **Property Map**

- Readfield, ME
- + Property Map
- + Aquifer Map
- + E911 Address Point Map
- FEMA Flood
- + Future Land Use Map
- Land Cover Map
- + Land Cover
- + Road Management System
- + Public Facilities Map
- + Soil Map
- + Subdivision Map
- + Bedrock Map
- + Conserved Lands
- + Watershed Map
- + Topographic Map
- + Transportation
- Wetland Map
- Wetlands - USFWS NWI
 - Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Other
 - Riverine





Readfield, ME

Contact

Quick Maps: Property Map

- Readfield, ME
- + Property Map
- + Aquifer Map
- + E911 Address Point Map
- FEMA Flood
- Special Flood Hazard Area
- Zones
 - A
 - AE
- + Future Land Use Map
- Land Cover Map
 - + Land Cover
- + Road Management System
- + Public Facilities Map
- + Soil Map
- + Subdivision Map
- + Bedrock Map
- + Conserved Lands
- + Watershed Map
- Topographic Map
 - 100' Contours
 - 20' Contours
 - 10 ft Contours
 - 2 ft Contours
- + CobbeseeStreamWatershed
- + ReInradeRanionHillschar1



3



Search



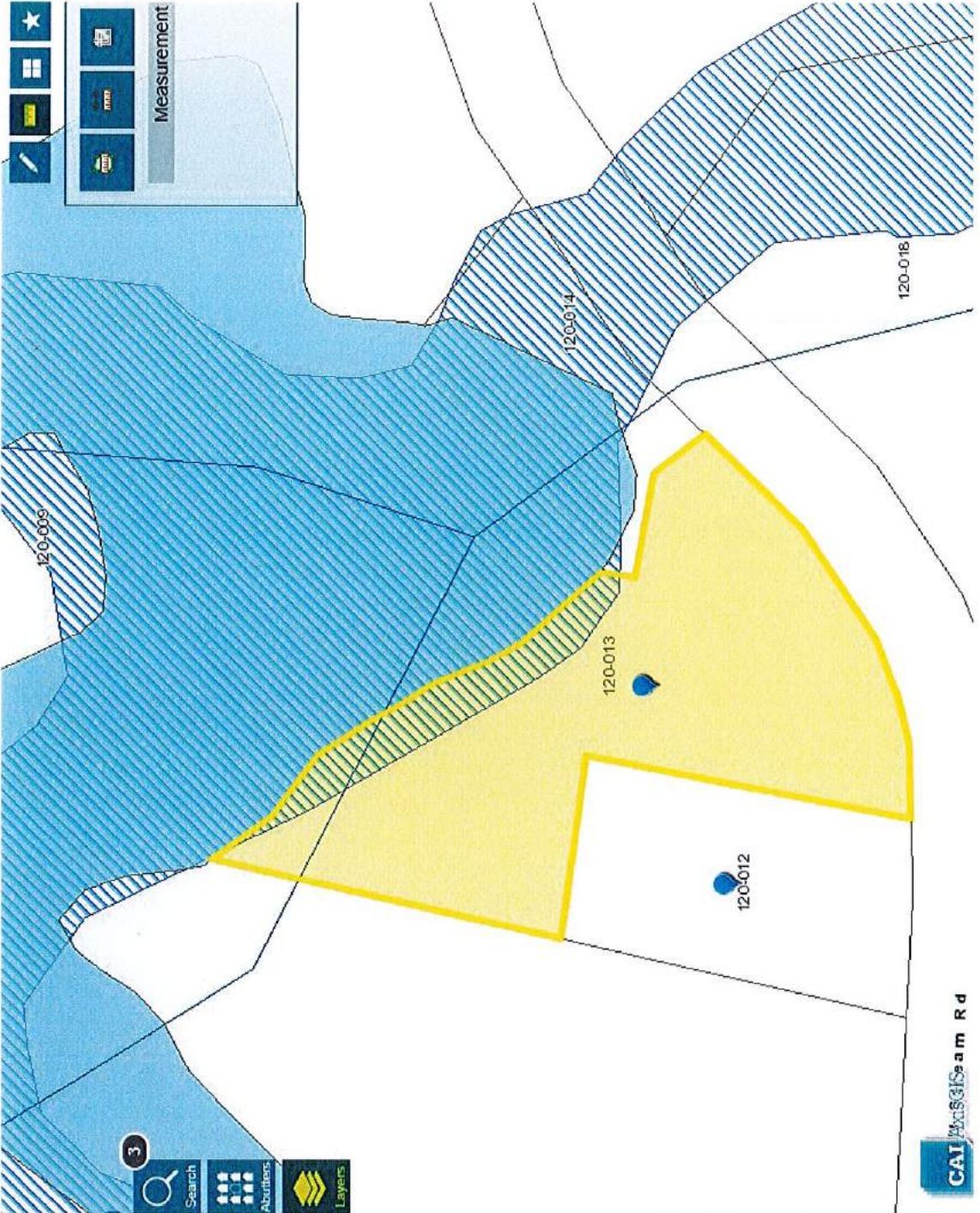
Layers



Layers

Measurement

Measure
 Measure
 Measure
 Measure





Overview

Readfield

Mill Stream Rd

16

26

20



Readfield, ME

Contact



Search



Layers



Address

1

119-042

120-003

120-004

120-005

119-051

120-069

SR 17 (Main St)

Morrill Rd

Sturtevant Hill Rd

Giles Rd

Mill Stream Rd

RIVERINE WETLAND

FORESTED WETLAND

Old Kents Hill Rd

120-023

120-024

120-025

120-026

120-020

120-021

120-079

120-074

120-073

120-071

200'

100'

120-013

120-015

120-019

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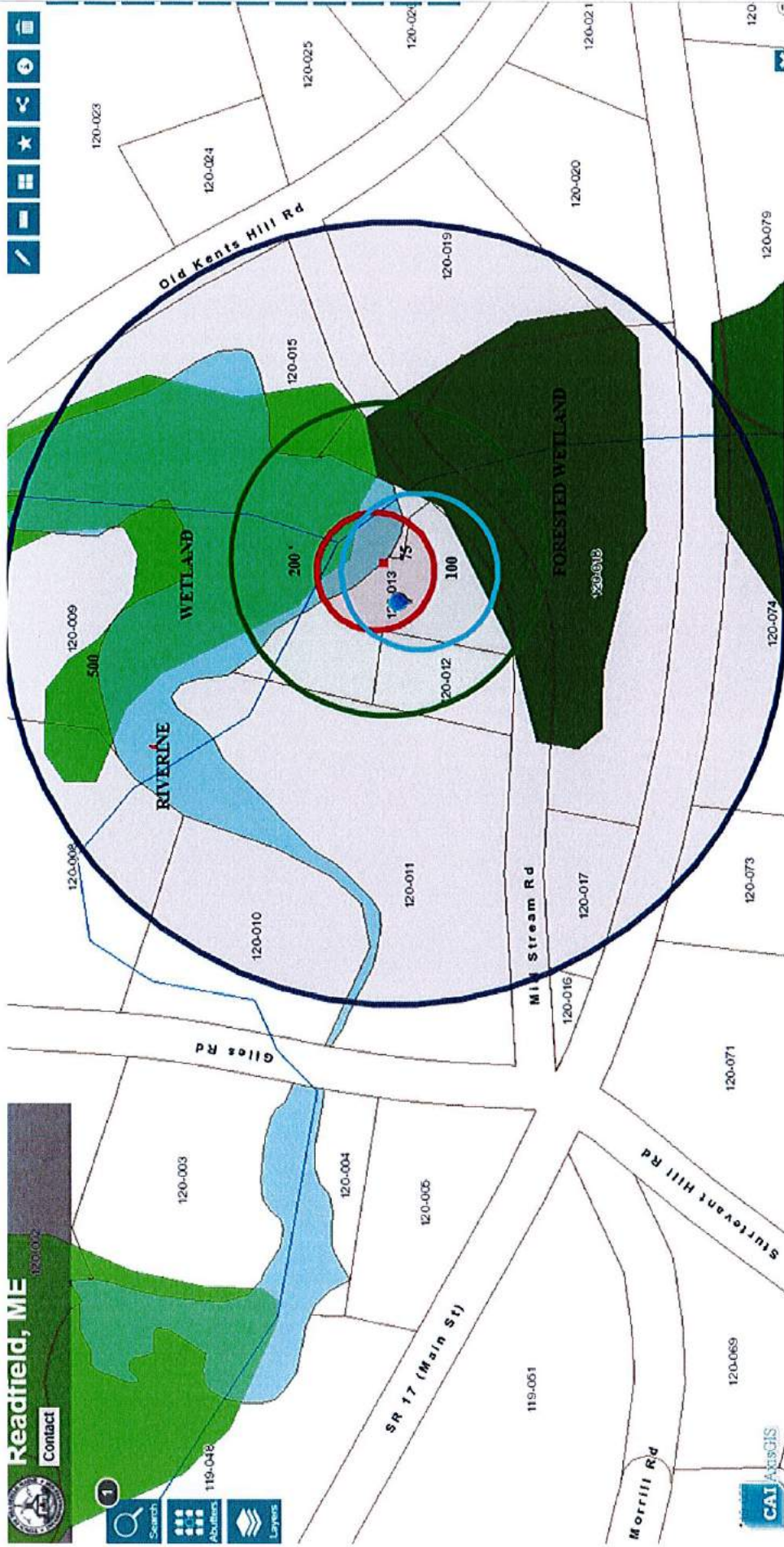
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TOWN OF READFIELD

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Office (207) 685-4939 • Fax (207) 685-3420

Website: www.readfieldmaine.org

Town of Readfield Planning Board

FINDINGS OF FACT AND DECISION

Safe Space Meeting House
Application for Community Center / Club
26 Mill Stream Road, Map 120, Lot 13

I. History of Application

The above referenced application for a Community Center or Club was filed by Safe Space Meeting House ("SSMH") on August 25, 2020. The applicant engaged with the Town's Code Enforcement Officer ("CEO") through September and October of 2020 regarding information and materials needed to complete the application prior to its placement on the Planning Board's agenda. On October 21, 2020, SSMH appealed the CEO's completeness determination to the Board of Appeals. The Board of Appeals informed SSMH that it lacked jurisdiction to review the matter and did not hear the appeal.

On March 20, 2021, SSMH resubmitted its application through agent/attorney Mitchell & Davis. SSMH engaged in further discussion with the CEO regarding completeness of the application and provided supplemental materials upon request. SSMH submitted the application fee on May 3, 2021. The Planning Board considered the application at a meeting on May 25, 2021 and again at a regular meeting on June 2, 2021 at which time the application was found to have met the basic submission requirements of the Readfield Land Use Ordinance. Supplemental information was submitted by SSMH in July and the Planning Board initially reviewed that information at its July 27, 2021 meeting. A site visit was held on August 24, 2021 and a public hearing was held on August 25, 2021. A final hearing was held to complete deliberations on September 28, 2021. Chair Paula Clark, Vice Chair Jack Comart, and Members Donald Witherill, William Godfrey, Jan Gould and Henry Clauson were in attendance. Member Bill Buck was also in attendance but, due to technical troubles, was unable to participate in deliberations. These Findings of Fact were made at a meeting held on November 3, 2021. All meetings were held via Zoom or hybrid Zoom/in person in accordance with PL ch. 617 (129th Legislature), effective prior to August 1, 2021, and in accordance with the Town's remote meeting policy and 1 M.R.S. § 403-A thereafter.

II. Summary of Project

The property at 26 Mill Stream Road is located in the Rural Residential District and partially within the Resource Protection District. It was last lawfully used as a single-family residence.

This property has a significant history that is relevant to the uses proposed by the current tenants. In 2015, the property owner, Robert Bittar, received a permit for expansion of the nonconforming single-family structure. In 2016, Mr. Bittar applied to the Planning Board for a change of use to an event and community center, which permit was denied. Mr. Bittar subsequently entered into a consent agreement with the Town in 2017, which required that the property be used only as a single-family dwelling with any change of use to be reviewed and approved by the Readfield Planning Board. Mr. Bittar applied for a change of use to a Community Center/Club/Association in 2018, which was denied, finding that the proposed use was not consistent with the definition of “community center, club.” Mr. Bittar then sought a zoning change to allow his proposed use, which was found by the Planning Board to not be consistent with the Town’s Comprehensive Plan. Due to Mr. Bittar’s repeated holding and advertising of concerts, the Town revoked his occupancy permit. The Kennebec County Superior Court upheld both the Code Enforcement Officer’s revocation of Mr. Bittar’s occupancy permit and the Planning Board’s decision that the proposed rezoning violated the Comprehensive Plan by an order entered February 28, 2020.

The present application was submitted by SSMH, which holds a lease for the property from owner Robert Bittar. SSMH is a registered Maine nonprofit corporation. The initial SSMH application describes the intended use as “a historic venue for cultural events and meeting place for residents, their relatives and friends. The member’s only access will provide the necessary ‘safe quality of association’. It will help create a community among those people who share common interests. The historic venue will be an ideal setting for cultural events.” In addition to these events, the application describes use of the space for “member meetings and activities.” SSMH’s Addendum to its application dated April 28, 2021 characterizes its proposed use as a “community center that will provide nonprofit, non-commercial activities and recreational opportunities for Readfield’s diverse population of LGBTQ residents and other residents of diverse genders, religious affiliations, nationalities and ethnic groups, to be physically active, interact with, and support other LGBTQ residents.”

During the hearings, members of the Planning Board inquired about the expected maximum occupancy for the planned uses and the applicant did not provide any specific number. The applicant proposed in application materials that parking would primarily be achieved through off-site parking located between Rte. 17 and Mill Stream Road which the applicant says would serve 35 vehicles, with additional parking to be provided on site. Materials filed just prior to the September 28 meeting depict 54 spaces in an off-site lot and 19 spaces in the on-site lot, for a total of 73 proposed parking spaces.

III. Jurisdiction

The Planning Board concludes that it has jurisdiction to hear this request for change of use to a Community Center/Club by virtue of Article 6, Section 3(A) of the Land Use Ordinance (“LUO”), which requires site review of all land use activities that require Planning Board review. Article 7, Section 5 requires Planning Board review for a Community Center / Club in the Rural Residential District. This application also seeks a change of use of a nonconforming structure from single-family residence to Community Center / Club, which the Planning Board has jurisdiction to review pursuant to Article 3, Section 4.

IV. Standing

The Planning Board concludes that the applicant, SSMH, has standing to apply for the requested permits pursuant to its lease with owner Robert Bittar.

V. Findings and Conclusions

At its meeting held on September 28, 2021, the Planning Board discussed each of the relevant approval standards and came to preliminary conclusions regarding whether each had been met. This discussion is summarized and formalized in the following Findings and Conclusions, which were officially approved by vote of the Planning Board on November 3, 2021.

A. Requested Use

1. SSMH requests approval as a Community Center/Club. That use is defined as: “A building that houses any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes; whose facilities, especially a clubhouse, are open to members and guests only, and not the general public; and are not engaged in activities customarily carried on by a business for pecuniary gain.”
2. The uses of “Civic, Convention Center” and “Indoor Theater” are prohibited in the Rural Residential District.
3. The uses of “Community Center/Club,” “Civic, Convention Center” and “Indoor Theater” are prohibited in the Resource Protection District. SSMH leases the entire structure, including the portion which falls within the Resource Protection¹, and has not suggested that its activities could or would be constrained to areas of the building or property that fall outside of the Resource Protection District. The on-site parking proposed by SSMH is located within the Resource Protection District, as are portions of the property on which SSMH indicated it would be holding outdoor events.
4. SSMH intends to offer concerts, dances and similar events to an unspecified number of people. It was unable to articulate during the hearings any way in which it would constrain these events to members and bona fide guests in a way that was commensurate with the scale of the targeted membership for Readfield’s LGBTQ residents. Public comments from the property owner indicate that the intent is to serve and entertain all Readfield residents.
5. The Planning Board cannot ignore the fact that the owner of the property has throughout the application process been sending town-wide mailers promoting approval of the present application so that weddings, music festivals and concerts, dances and food events could be held at the property. Given the long history of attempts to use this property as an event center and concert hall, these statements seem indicative of the true intended use of the property, and appear to elaborate upon the types of “cultural events” alluded to in the application. Such events more closely fall under the terms “Civic Center” or “Indoor Theater,” which are not permitted in the Rural Residential Zone. It is noted that Article 7, Section 5 provides that uses similar to prohibited uses are prohibited.
6. While there may be intended use of the property that is more in keeping with the definition of “Community Center/Club,” the Board finds it impossible given the applicant’s lack of clarity as to the day-to-day functioning of the club to distinguish which types of planned activities would appropriately fall under this definition and which would not. As such, it is impossible to grant partial or conditional approval for the application in a way that would give adequate clarity to the applicant and the Town.

¹ Ref. “26 Mill Stream Zoning Map,” included in record.

Conclusion: The Planning Board therefore finds and concludes that the application seeks approval for uses that are not permitted in the Resource Protection District, and that its proposed uses within the Rural Residential District do not fall within the definition of a permitted “Community Center/Club.” The application must therefore be denied on these grounds.

B. Change of Use of Nonconforming Structure (LUO Article 3, Section 4)

1. Article 3, Section 4(D) allows a change of use of a non-conforming structure to another use only if the Planning Board “determines that the new use shall not have a greater adverse impact on the water body, tributary stream or wetland, or on the subject or adjacent properties and resources than the existing use.”
2. The subject structure is legally nonconforming due to its failure to meet the required setback from Mill Stream and its associated wetland, and from Mill Stream Road. These facts were conceded to by the property owner, Robert Bittar, in 2015 when he requested and received approval for expansion of the nonconforming single-family structure.
3. The application proposes substantial vehicle and foot traffic to the property, with parking to occur within the required setback from Mill Stream and the associated wetland, and within the setback from Mill Stream Road. The proposed use of this area for parking would, with reasonable certainty, have a greater adverse impact on Mill Stream than the existing use through soil compaction, additional runoff and potential pollution from vehicle fluids. It would also increase the intensity of use within the setback from Mill Stream Road. Even with noise mitigation in place, the noise caused by the proposed events, and noise and nuisance caused by vehicles and traffic going to those events, will cause greater impacts to the abutting residential properties than the existing use. Direct abutters as well as other property owners in the vicinity, credibly testified that noise from prior events was disruptive and expressed reasonable concern about traffic, trash and other nuisances.

Conclusion: For the foregoing reasons, the application fails to meet the approval standards under Article 3, Section 4(D).

C. Site Plan Review Criteria (Art. 6, Sec. 3(C))

As to the site plan approval criteria in Article 6, Section 3(C)), the Planning Board finds and concludes as follows:

1. Aesthetic, Cultural and Natural Values. Although there was some discussion in the hearings regarding how this proposal might impact plans to designate Factory Square as a historic location, this designation has not been made. The Board concludes that this criterion is met.
2. Conformity with Local Ordinances and Plans. As found above, the proposal requests uses that are not permitted in the Rural Residential District or Resource Protection District. It also does not comply with Article 3, Section 4(D). The Board concludes that this criterion is not met.
3. Erosion. No issues were raised regarding the potential for soil erosion or a reduction in the land’s capacity to hold water so that a dangerous or unhealthy condition results. The proposal does not call for significant earth moving. The Board concludes that this criterion is met.

4. Financial Burden on Town. The Fire Chief recommended that a sidewalk be installed at least 10 feet from the traveled edge of the road in order to provide safe pedestrian access from the off-site parking to the building. Whereas the owner and tenant do not have rights to the property on which this work would be required, the financial burden of installing the sidewalk would fall on the Town. The proposal would also cause excessive wear and tear on Mill Stream Road, a gravel/dirt road, for which the maintenance responsibility and therefore financial burden would fall on the Town. The Board concludes that this criterion is not met.

5. Financial and Technical Capacity. Because of the nuance in what uses might be permitted as a Community Center/Club and what uses would not be permitted in this District, it would take a high level of planning, oversight and control to ensure that no violations of the Ordinance occur. The applicant has not demonstrated the existence of a management structure, particularly for events, that would help ensure that they are kept strictly to members and bona fide guests. Further, the applicant has not provided the estimated cost of this project nor evidence of financial resources to ensure its ability to build out the required parking areas. The applicant submitted proof of \$3,000 in its checking account which does not meet the reasonable expectation of what that work may cost. The Board concludes that this criterion is not met.

6. Flood Areas. The property is not in a designated flood zone. The Board concludes that this criterion is not applicable.

7. Wetlands. The Board notes that portions of the property in which parking and a portion of the structure are located are within the setback from Mill Stream and the associated wetland. The activities, particularly in the parking area, are reasonably likely to cause additional soil compaction and associated runoff and potential for pollution of Mill Stream and the wetland. The Board concludes that this criterion is not met.

8. Groundwater. There is no reason to believe that this proposed use will cause adverse effects on the quality or quantity of groundwater. The Board concludes that this criterion is met.

9. Municipal Solid Waste Disposal. No evidence was provided that the proposed use would generate an unusual quantity or quality of waste. The municipal transfer station will be used. The Board concludes that this criterion is met.

10. Water Supply. The proposed use is adequately served by an existing private well. The Board concludes that this criterion is not applicable.

11. Adjacent Land Uses. Although the applicant states that it has installed soundproofing, the types of concerts, dances and other events proposed by the applicants would undoubtedly cause noise to travel to the closely abutting residence on Mill Stream Road as well as to other adjacent properties. Testimony from these owners demonstrated that prior events had caused nuisance noise. There will also be noise and annoyance caused by substantial foot and vehicle traffic going by the closest abutting residence, none of which was previously a concern for this abutter due to its location on a quiet road with only two residences. The Board notes the stated purposes of the Rural Residential District as being "more restrictive in terms of allowable uses, and primarily seeks to accommodate low density residential use, agriculture and forestry operations which are compatible with the preservation of Readfield's rural character and which are protective of sensitive natural resources and scenic/visual quality." (Art. 7, Sec. 4(A)(4)). The applicant proposed no constraints on the type or frequency of events, or on the number of attendees, that would assure the Planning Board that those events would be of a scope or scale in keeping with the District and the neighborhood. The proposed use and its off-site parking would surround the closest abutting residence with higher

impact uses and have an adverse impact on other adjacent properties. The Board concludes that this criterion is not met.

12. Pollution. No evidence was presented as to the application's inability to meet the standards of this section. The proposed use does not involve activities that would reasonably be expected to cause pollution. The Board concludes that this criterion is met.

13. Waterbodies. As found related to standard #7, portions of the property in which parking and a portion of the structure are located are within the setback from Mill Stream and the associated wetland. The activities particularly in the parking area are reasonably likely to cause additional soil compaction and associated runoff and potential for pollution of Mill Stream and the wetland. The Board concludes that this criterion is not met.

14. Wastewater Disposal. The applicant submitted that it would be installing a new subsurface wastewater disposal system which would be in conformance with the standards for "dance barns." The system was designed for a maximum capacity of 351 people, which the applicant states it would never have on the property at one time. The Board concludes that this criterion is met.

15. Stormwater. The applicant provided no specific construction plans for the off-site parking and no plan for stormwater management. The Board concludes that this criterion is not met.

16. Sufficient Water. Based upon a statement from the well driller, the existing well provides ample water for the proposed use. The Board concludes that this criterion is met.

17. Traffic. While the specific number of vehicle trips is impossible to calculate given the lack of specificity as to the scope and scale of the planned uses, it is not unreasonable to expect dozens of vehicle trips during events. The Fire Chief indicated that without an installed sidewalk, access for pedestrians would be unsafe. Further, the number of vehicles on Mill Stream Road would be unreasonable given the residential location and the fact that the dirt/gravel construction is not suited for heavy use. The Road Commissioner also indicated that having a large volume of vehicles entering a five-way intersection from Mill Stream Road was hazardous. The Board concludes that this criterion is not met.

18. Legal Access. The property is served by a town road, which provides legal access to the property. The Board concludes that this criterion is met.

19. Impact on Adjoining Municipality. The property is solely within Readfield. The Board concludes that this criterion is met/not applicable.

20. Life and Fire Safety. The Fire Chief commented on the proposed application and stated that Mill Stream Road is really a carriageway that is insufficient for emergency vehicles. He commented (as stated above in #17) that safe pedestrian passage would require installation of a sidewalk at least 10 feet off the edge of the traveled way, to allow for safe passage of emergency vehicles. Because the applicant does not have the required legal interest in the land where such a sidewalk would be installed, the Board concludes that the Fire Chief's recommendations cannot be met and that this criterion is therefore not met.

21. Violations. While the property has been the subject of a Stop Work Order and rescinded occupancy permit, the violations that led to these actions are not presently occurring. The Board concludes that this criterion is met.

22. Compliance with Timber Harvesting Standards. The Board concludes that this criterion is met/not applicable.

23. Road Construction. The proposal does not include road construction. As such the Board concludes that this criterion is not applicable.

D. Article 8 Applicable Criteria

Section 15. The applicant presented no lighting plan to demonstrate that there would be adequate exterior lighting to provide for its safe use during nighttime hours. There was no discussion of whether or how the off-site parking would be lighted for safety. The Board concludes that this criterion is not met.

Section 16(B)(1). While there was no information submitted during the hearing, the applicant clarified during the findings process that solid waste would be stored in an enclosure to be built. The Board concludes that this criterion is met.

Section 17. Section 17(B)(1) requires parking areas to meet setback requirements to the greatest practical extent. Despite several requests from the Planning Board for additional information, the parking plan is not sufficiently clear to allow the Board to determine if the parking area(s) comply with Town standards. Section 17(B)(2) requires parking areas to be adequately sized for the proposed use. Without knowing the anticipated maximum size of events, the Board cannot determine whether the proposed parking is adequately sized for the proposed use. The parking plan also does not legibly depict where individual spaces or aisles would be located. The Board concludes that this criterion is not met.

Section 18. This section pertains to new development (physical changes to the land). The proposal does not involve new construction of driveways. As such, the Board concludes that Section 18(C) is met/not applicable.

Section 19. Resource Protection Standards. The applicant proposes a new/expanded parking area at the structure which appears to stretch into the Resource Protection District and within 75 feet of the normal high-water mark of Mill Stream and the associated wetland. That parking area therefore cannot be constructed without obtaining a State Natural Resources Protection Act ("NRPA") permit. The submitted parking plan does not demonstrate conformance with the cutting and clearing requirements of Section 19. The Board concludes that Section 19 is not met.

DECISION

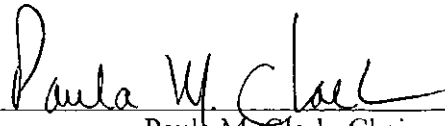
Based on the above findings of fact and conclusions of law, the Planning Board finds that the relevant approval standards have not each been satisfied, and hereby DENIES the application by motion and vote of 7 to 0.

NOTICE OF APPEAL RIGHTS

This denial may be appealed pursuant to Section 7(A) of the Town of Readfield Board of Appeals Ordinance by filing a written notice meeting the criteria of Section 11 of said Ordinance within 45 days of the date of this written decision. The applicant or other interested party seeking to file an appeal is strongly advised to consult the Board of Appeals Ordinance for further guidance in making an appeal.

Duly authorized by vote of the Planning Board taken on November 3, 2021, at which the Chair was directed to sign and transmit the above as the official Findings and Conclusions of the Planning Board on this matter.

Dated: November 3, 2021



Paula M. Clark, Chair