

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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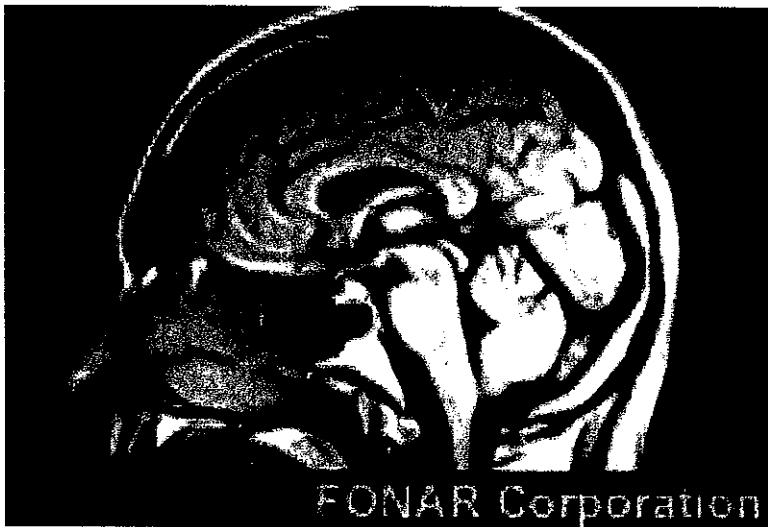
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How the Brain Tunes Out Background Noise

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."

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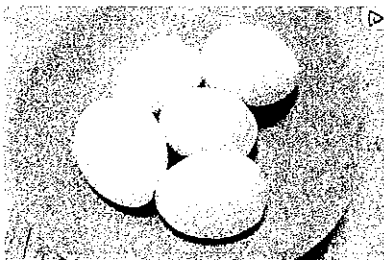


Covey said similar neurons seem to be present in all vertebrates and almost certainly exist in the human brain.

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.



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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

