

Permit Fee 100  
 Date Paid 4/11/22  
 Receipt # 5584

**Town of Readfield**  
 Readfield, Maine 04355  
 (207) 685-4839

**Planning Board**  
**Land Use Permit Application**

Town of Readfield  
 ----- Receipt -----

The undersigned applies for approval of the Readfield Planning Board

1. Applicant / Owner: Leah Hayes Agent (if any):  
 Name Leah Hayes Name \_\_\_\_\_  
 Address Po Box 602 Address \_\_\_\_\_  
Readfield  
 Phone# (W) 207-467-5111 Phone# (W) \_\_\_\_\_  
 (H) \_\_\_\_\_ (H) \_\_\_\_\_

04/01/22 12:11 PM ID:RMP #5584-1  
 TYPE----- REF--- AMOUNT  
 PB-BOA LAND USE P PERMIT 10 100.00  
 Paid By: Eittar, Robert  
 Remaining Balance: 0.00  
 Thank you have a great day!  
 Check : 100.00  
 6893 - 100.00

Note: Property owner must provide written authorization if he/she will. Such authorization may be provided either by signing this application means of a separately signed statement included with the application.

2. Please describe what you are proposing to do:

Safe Space Meeting House (SSMH) is proposing to use 26 Mill Stream Rd. as a meeting house for our members. We are a non profit, voluntary association for social and benevolent purposes. Our By-Laws state that our facilities are not open to the public. SSMH activities are available for members. We will not engage in commercial activity.

3. What land use district, e.g. rural residential, is the property located (as defined in Article 7 of the Land Use Ordinance (LUO) and depicted on the Land Use Map)?  
MAP 120 LOT 13, 18

4. What is the existing use of the property (see Table 1/Table of Uses, Article 7, of the LUO)?  
unused

5. What is the proposed use of the property as best described from Table 1/Table of Uses in Article 7?  
Community Center

5. Lot Width 235 Lot Depth 190 Lot Area in Acres (1 acre = 43,560 sq. ft.) 2 ac

6. If a structure is proposed to be built, or expanded, list the following:

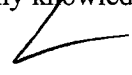
Type of Structure(s)	Length	Width	Height
<u>house</u>	<u>20</u>	<u>50</u>	<u>16</u>
<u>garage</u>	<u>50</u>	<u>30</u>	<u>21</u>

**Non-Conforming Structures**

Questions to answer **if** you are seeking a permit to expand, relocate, reconstruct or replace a **non-conforming** structure **or** are seeking a permit to build a new, enlarged or replacement foundation beneath an existing non-conforming structure. (See Article 11 of the Land Use Ordinance for definition of “non-conforming.”)

- A. For an expansion of a structure, please list the total **floor area** for all portions of the structure(s) located between 25 to 75 feet from the normal highwater line of the water body, tributary stream, or upland edge of a wetland: NA. (Please attach a worksheet showing how you calculated the total **floor area**. The term “**floor area**” is defined in Article 11 of the Land Use Ordinance.”)
  
- B. For an expansion of a structure, please list the total **floor area** for all portions of the structure(s) located between 75 to 100 feet from the normal high-water line of the water body: NA. (Please attach a worksheet showing how you calculated the total **floor area**. The term “**floor area**” is defined in Article 11 of the Land Use Ordinance.”)
  
- C. If you plan to put in a new, enlarged or replacement foundation below a non-conforming structure OR if you are seeking to relocate, reconstruct or replace a non-conforming structure, please describe whether the foundation or structure can be located further from the water to meet, or come closer to meeting set-backs, and if not, explain why it cannot be moved further back.  
NA  
\_\_\_\_\_  
\_\_\_\_\_
  
- D. For structures in the Shoreland Residential, Resource Protection or Stream Protection zones, please show how the proposed development does not result in exceeding the 20% lot coverage maximum. See Article 11 of the Land Use Ordinance for definition of “**lot coverage**.”  
NA  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the foregoing, and the attached materials including responses to review criteria, are true, correct and accurate to the best of my knowledge.

Signature of Applicant / Owner  Date 3/30/22  
Signature of Agent (if any): \_\_\_\_\_ Date \_\_\_\_\_

**Instructions for Completing the Review Criteria Questionnaire**

A review by the Readfield Planning Board will be restricted to the criteria set forth in Article 6, Section 3.C, below. Following this Article is a questionnaire intended to help you provide information to demonstrate that your proposed use meets these criteria. Please respond to these questions as completely as possible as they relate to your proposed project. Any questions that

## Required Submittals

(Per Article 6, Section 3.I.2)

1. Copy of the portion of applicable tax map showing subject property, abutting properties and boundaries of all contiguous property under the control of the owner or applicant, regardless of whether all or part is being developed at this time.
2. Names and mailing addresses of all property owners abutting the proposed development. (Abutters are the owners of any parcels with one or more common boundaries or points, as well as property owners of any parcel located directly across any road, railroad or stream along the road, railroad or stream from the parcel involved in the application. Also included is any Qualified Conservation Holder of an easement in any of these parcels).
3. Exact direction to the property from the Town Office, using a map if necessary.
4. The Assessor's tax map and lot numbers of the parcels.
5. A copy of the deed to the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
6. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan.
7. Map showing the north bearing and lot dimensions of all property lines of the property to be developed and the source of this information.
8. Site plan(s) illustrating the following: (Note: If the site plan is not drawn to scale, then specific distances identifying the relative locations of the following features must be shown on the plan).
  - a) The location and size of any existing and proposed sewer and water mains, culverts and drains that will serve the development whether on or off the property along with the direction of existing and proposed surface water drainage across the site.
  - b) The location, names, and present and proposed widths of existing and proposed roads, driveways, streets, parking and loading areas, walkways and rights-of-way within or adjacent to the proposed development.
  - c) The location and dimensions of all existing and proposed buildings and structures on the ~~EA~~ site, including underground storage tanks.
  - d) The location of intersecting roads or driveways within 200 hundred feet of the site.
  - e) The location of existing and proposed open drainage courses, wetlands, water bodies, floodplains, stands of trees, and other important natural features, with a description of such features to be retained.
  - f) The location and dimensions of any existing and proposed easements.
  - g) The location and dimensions of all existing and proposed provisions for water supply and wastewater disposal systems, including a design copy or letter of soils suitability for any proposed new or replacement wastewater disposal systems.
  - h) The location and dimensions of all existing and proposed signs.
    - i) For any project which shall result in a change to exterior lighting, the location, height, and type of existing and proposed exterior lighting and, for commercial, industrial and institutional projects, the foot-candle intensities of proposed lighting projecting on abutting properties.
    - j) The proposed landscaping and buffering.
  - ~~NA~~ k) The location and amount of any earth-moving.
  - l) A copy of all existing or proposed covenants or deed restrictions associated with the subject property.

- 9. A copy of any applicable Federal, State or Town applications or permits which have been issued.
- 10. A ~~narrative~~ describing how the proposal meets all of the Planning Board's Review Criteria.
- 11. Evidence of receipt of application fee paid to the Town of Readfield.
- 12. A schedule of construction, including anticipated beginning and completion dates.
- 13. A stormwater drainage and erosion and control plan in compliance with Article 8, Sections 10 and 11.
- 14. A description of the traffic movement to be generated by the development including types, peak hour and average daily vehicle trips, travel routes, and duration of traffic movement both during and following construction. A full traffic impact study shall be required under the conditions set forth in Article 8, Section 18.H, and shall include the components described therein.
- 15. An assessment of the solid or hazardous wastes to be generated by the proposed activity and a plan for its handling and disposal, along with evidence of disposal arrangements.
- 16. A copy of any required dimensional calculations applicable to the standards being reviewed, for example, square footage of structures, percent of lot coverage, etc.
- 17. Elevation drawings for new commercial, industrial, and institutional buildings.
- 18. Any additional information relevant to the project, for example, photographs, Cobbossee Watershed District recommendations, etc.

-----(end of application)-----

**Planning Board Fees**

Value of Project

Fee

Up to \$100,000	\$100
\$100,001 to \$500,000	\$150
\$500,001 to \$1,000,000	\$250
\$1,000,001 and over	\$500



“Value of Project” is considered the fair market value of all labor and materials associated with the project requiring site review. The above fee schedule does not include other fees that may be required as part of this project, for example, building and plumbing permit fees.

**Subdivision Review**

Minor subdivisions	\$175
Major subdivisions	\$175 plus \$50 per lot

*Legitimate non-profit organizations will be assessed one-half of the regular fees*

# **Readfield Planning Board**

## **Safe Space Meeting House**

### **Site Plan Review Criteria (Art. 6, Sec 3 (c))**

#### **1. Aesthetic, Cultural and Natural Values:**

SSMH will create member activities which supplement the historic nature of the property and its location in this important historic area.

SSMH will collaborate with town Conservation committee on paths through the property for their maintenance and future development which they may require.

- a) there is a historic trail which has been cleared and is a part of the Readfield Trail System. It leads to a scenic high plateau.
- b) The Colonial House at 26 Mill Stream Rd is the oldest building in Readfield and in Kennebec County. It is one of the 7 oldest buildings in Maine. It is restored with the timbers which were a part of the original building.
- c. the stream and meadow lands are a home for wildlife habitat
- d. The town maintains an easement for this property. The easement permits the public to use the property.
- e. fields, stream, One of the few remaining American Chestnut trees remaining in the united States. Only three of these trees exist in Maine. This tree is one of the largest at 95' high.

#### **2. Conformity with Local Ordinance and Plans:**

- a) there are no permits required for the activities anticipated at this site.
- b.) NA

SSMH has submitted documents from the 2017 Department of Environmental Protection. The town requested and received an easement for 26 Mill Stream Road Property. That easement provides for development and maintenance of the historic dam. The town dam has been proposed a town park for town recreation and use. The DEP evaluated the site and the proposed use and found that those proposed uses will not impact DEP and Resource Protection guidelines. Town Residents and other

have been invited by town committees and organizations to use the property. There is additional description of this use in the attached pages.

Readfield Wetlands Map has been used to determine the delineation of wetland boundaries for local properties. That 15 year old map was based on DEP 35,000 foot aerial drone photographs. Unfortunately the DEP itself states the inaccuracies inherent in these maps. They state, the maps are not reliable in delineation of small wetland areas. Consequently an independent soil engineer has provided a recent map. It more correctly and accurately pinpoints the wetland setback from the property at 26 Mill Stream Road. The new map indicates that the Readfield Map is incorrect. The colonial house at 26 mill Stream Road is more than 50' from the wetlands and therefore not subject to RP guidance.

3. no earth moving is anticipated. SSMH proposes no soil impact or land impact that would change the land's capacity to hold water or any unhealthy conditions. During all past construction at 26 MSR Best practices were monitored by the CEO and used by the property owner employed.

- a.) there is no "development" anticipated and no consequent storm water activity due to soil erosion.
- b.) The land surrounding the 26 mill Stream Building has a historic house. The addition of a barn replaced an existing barn and is located farther from the stream.

4. Financial Burden on the town;

SSMH intends to be a self sustaining entity. It has its own water source and will monitor its own facility. There is little need for town services.

5. Financial and Technical Capacity:

a) the construction project has been completed. There is no mortgage commitment and financial resources exist to complete all compliance requirements.

b.) SSMH has sufficient financial resources and technical capacity to construct and maintain the proposed improvements and meet all applicable ordinances. There are no construction goals at this time. Minor additional sound insulation will continue. No technical support will be used with design or development of SSMH use of this property.

**SITE PLAN  
REVIEW CRITERIA**

1 – 5

**EXHIBITS**

## Required Submittals

\* 1 MAP

### 2. Abutters

Peter Fiori	20 Mill Stream Rd
William Harris	26 Old Kents Hill Road
xxx	52 Old Kents Hill Road
Town of Readfield	8 Old Kents Hill Road
	27 Old Kents Hill Road
Jerry Bley	17 Giles Rd
	8 Giles Rd

3. Directions from the Town Office - walk to Mill Stream Road

4. Map 120 Lot 13

5. SSMH will rent the property from the owner. Rental Agreement attached

6. NA

\* 7. Map of property – attached

8. Site Plan Attached

9. Additional permits - None requested

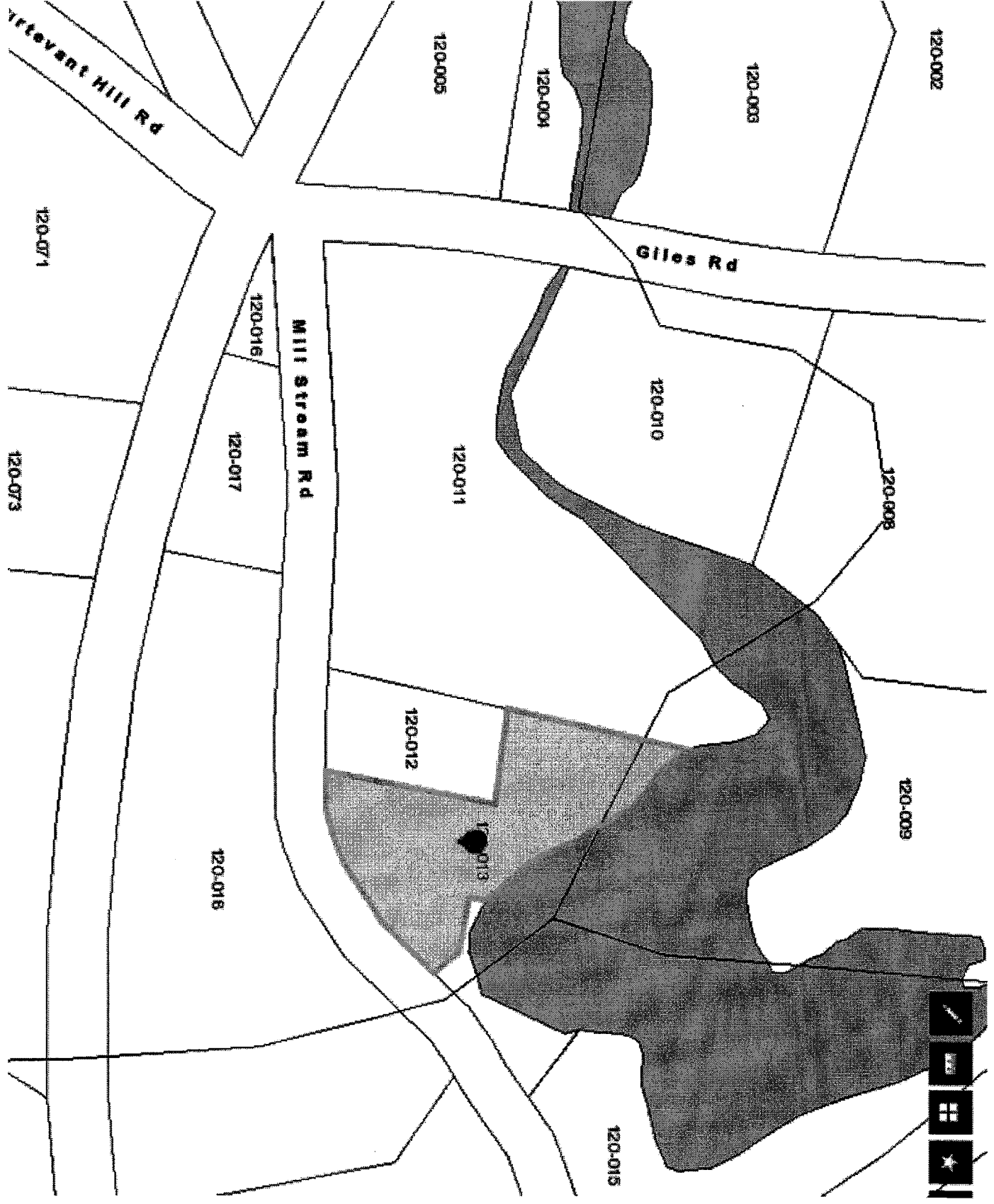
10. The Planning Board submitted a permit denial Nov. 3 2021. The present application remedied all conditions cited in the November denial.

12. Application fee receipt attached.

### COPY TOWN FEE RECEIPTS

13. Stormwater plan attached





# Resource Protection District Wetlands LUO Definition and Findings

## Land Use Ordinance

### Wetlands - Resource Protection District definition:

**“The wetlands and the areas within 25 feet horizontal distance of the upland edge of wetlands that are greater than 2 acres and less than 10 acres.” (Page 31 LUO) -**

The eastern edge of the **Colonial Building** at 26 Mill Stream Road is **greater than 75 feet** from the actual “wetlands” soil and flora as required to be determined by on sight observation by DEP and Resource Protection experts.

This distance is greater than the 25 feet separation defined area declared as within the LUO RP defined district. (Mill Stream Road is 35 wide. The eastern edge of the colonial building is greater than 35’ feet away from Mill Stream Road.)

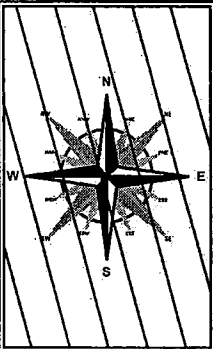
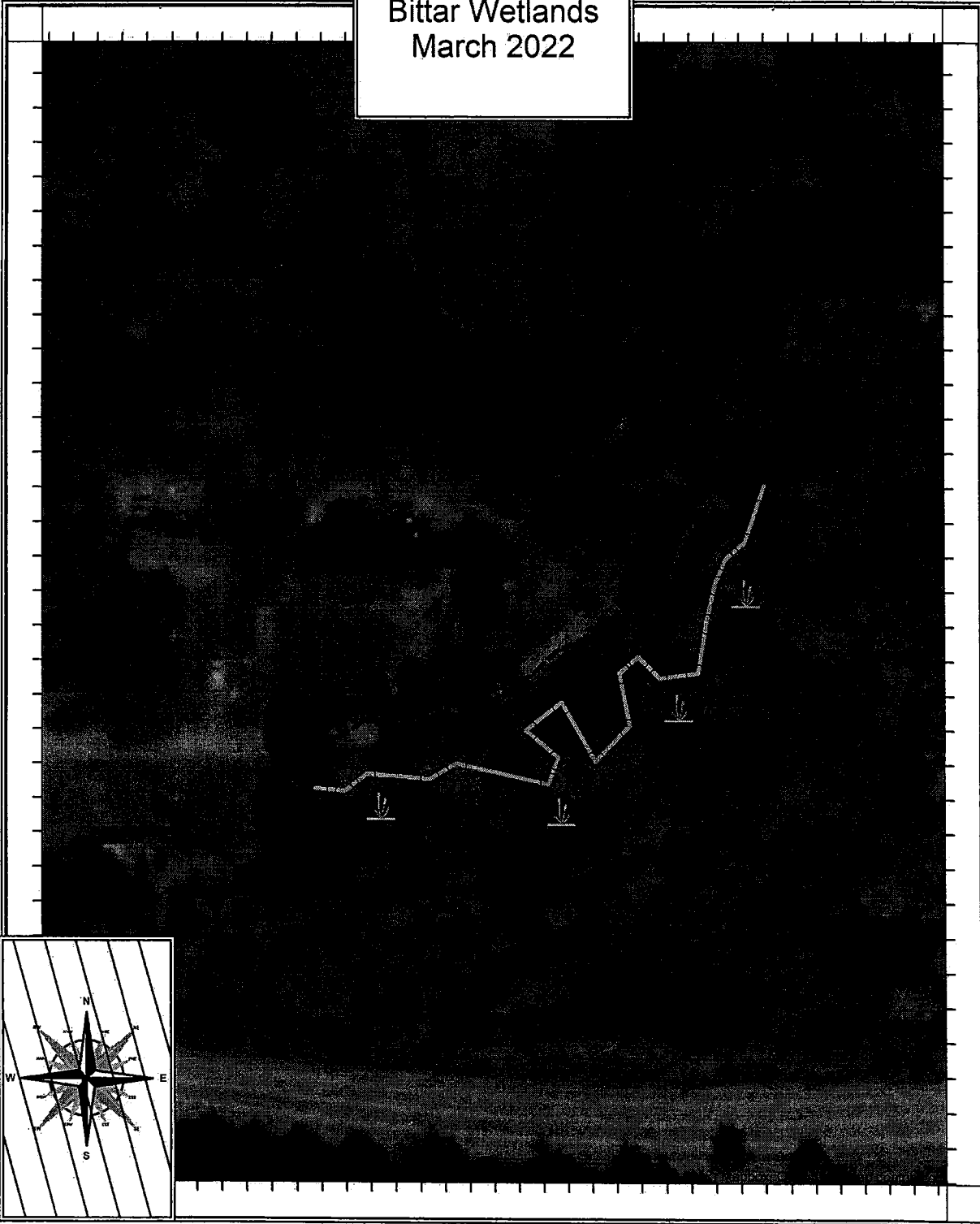
### Stream – Resource Protection District definition:

**The stream/wetland Resource Protection Zone includes areas within 75 feet horizontal distance of the upland edge of wetland stream . (Page 31 LUO) -**

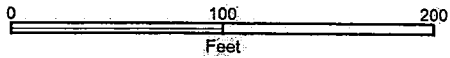
The western edge of the **Colonial Building** at 26 Mill Stream Road is **greater than 75 feet** from the actual “wetlands” soil and flora as required to be determined by on sight observation by DEP and Resource Protection experts.

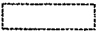
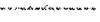

In **2017, the DEP Study and Findings** reported that Colonial Building is 80 feet from the 75 feet declared as within the the LUO RP defined district. Page 2/ paragraph 1 (2017 DEP Findings of Fact. 7 page Findings)

Bittar Wetlands  
March 2022



SCALE 1:1000



-  25' Buffer
  -  Wetland Line
  -  Wetlands
- Joseph F. Stevenson, L.P.F.





# Readfield, ME

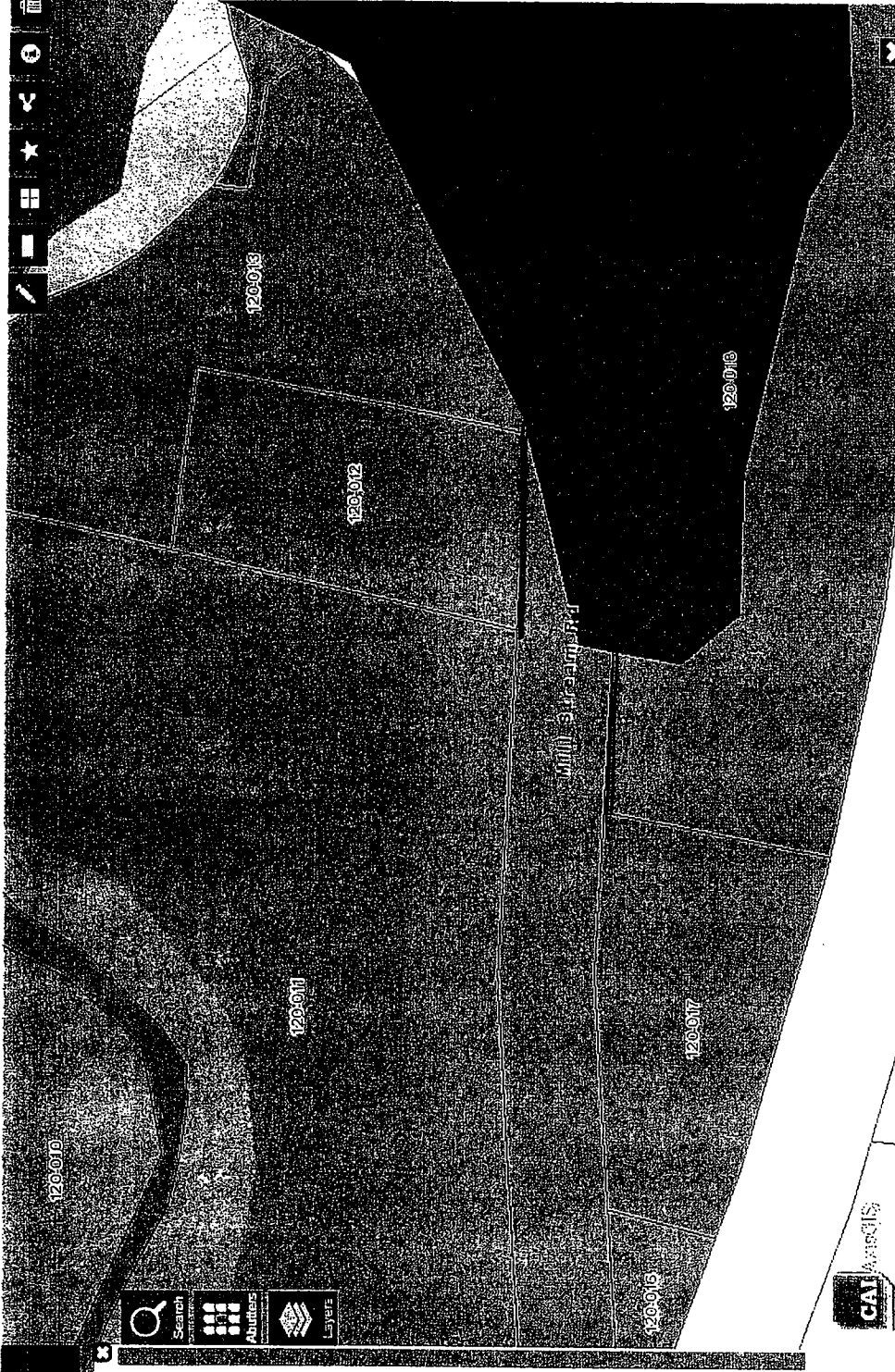
Contact

Quick Maps: Property Map

- Readfield, ME

- + Property Map
- + Aquifer Map
- + E911 Address Point Map
- + FEMA Flood
- + Future Land Use Map
- + Land Cover Map
- + Road Management System
- + Public Facilities Map
- + Soil Map
- + Subdivision Map
- + Bedrock Map
- + Conserved Lands
- + Watershed Map
- + Topographic Map
- + Transportation
- + Wetland Map
- Zoning Map

- Zoning
- Resource Protection
- Shoreland Residential
- Stream Protection
- Rural Residential





Br#200      Tlr#1302      Seq# 21  
Business Date:      April 01, 2022  
Time:      10:25 AM  
Account:      XXXXXX1799

DDA Deposit \$20,000.00

Please keep this receipt for your records.  
Account number, date and amount of  
transaction shown above.  
Deposits may not be available for  
immediate withdrawal.

Exhibit as SSMH financials



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
17 STATE HOUSE STATION      AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF READFIELD	) NATURAL RESOURCES PROTECTION ACT
Readfield, Kennebec County	) ADJACENT ACTIVITY
PARK AND TRAIL SYSTEM	) WATER QUALITY CERTIFICATION
L-27563-2F-A-N (approval)	) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S. §§ 480-A–480-JJ, Section 401 of the Federal Water Pollution Control Act (33 U.S.C. § 1341), Chapters 310, and 315 of Department Rules, the Department of Environmental Protection has considered the application of the TOWN OF READFIELD with the supportive data, public comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

I. PROJECT DESCRIPTION:

A. History of Project: The applicant submitted a Permit by Rule Notification Form (PBR #53070) under Sections 2, 4 and 10 for the replacement of an existing footbridge over Mill Stream. The Department accepted PBR #53070 on September 27, 2011. The project was completed on October 22, 2011. The bridge occurs on a footpath from Old Kents Hill Road to the end of Mill Stream Road, and is located approximately 75 feet downstream from the remnants of Mill Stream Dam.

B. Summary: The applicant proposes to construct a park and trail system adjacent to Mill Stream, and to repurpose the remnants of a concrete and stone dam that has been non-functioning since 1987. The stone and concrete dam consists of a nine-foot wide by 63-foot long section adjacent to the stream, with a height ranging from four to nine feet, and a 17-foot wide by 55-foot long landward section, with a height ranging from zero to five feet. The proposed project will include thinning vegetation on top of the dam, filling the dam's core with gravel, and grading the tops of both sections to create a crushed stone walking path with iron railings and benches. The side slopes of the landward dam section will be graded to 3H:1V, loamed and seeded with grass mix. The applicant proposes to place a two-and-one-half-foot wide by 16-foot long boardwalk with railing over an existing mortar and stone footing on the south face of the dam, located 20 feet from the stream. The applicant also proposes to create an 800-square-foot lawn by grading, loaming, and re-seeding a vegetated area between an existing gravel turnaround and an existing gravel path. One to two benches will be placed on the lawn. The applicant proposes to create a five-foot wide by 60-foot long path of crushed stone over compacted aggregate, with 3H:1V seeded side slopes, leading from the gravel turnaround to the western end of the dam. The proposed project will also include adding woodchips to a six-foot wide by 255-foot long existing historic roadway running northwest from the gravel turnaround to an existing clearing, which the applicant proposes to widen into a 20-foot by 35-foot overlook area, to be surfaced with woodchips and furnished with benches and picnic tables. The proposed project can be seen in Attachment 5B, "Project Activities," and in Attachments 6A-C, "Proposed Activities 1-3" prepared by the Readfield Conservation Commission and dated July 5, 2017. The project is located at the end of Mill Stream Road in the Town of Readfield.

C. Current Use of the Site: The site of the proposed project is located on two parcels totaling approximately one acre of land. The site contains an existing footpath and footbridge, the remnants of a breached dam, a gravel turnaround approximately 40 feet from Mill Stream, an existing residence approximately 80 feet from the stream, and an existing historic roadway running parallel to and located 40 to 100 feet from the stream. The parcels are identified as Lots 14 and 13 on Map 120 of the Town of Readfield's tax maps.

D. Public Interest: While the application was being reviewed, the Department received comments from an interested person who lives in the vicinity of the proposed project. The Department did not receive any requests for a public hearing during the 20-day period specified in the Department's Chapter 2 Rules governing the processing of applications

The interested person expressed concern regarding adverse impacts to the stream and the scenic and aesthetic value of the area, as well as other issues not subject to the standards of the Natural Resources Protection Act such as loss of privacy, noise levels, insufficient parking, and potential illegal activities in the area. The Department reviewed the interested person's concerns and accepted all comments, which were submitted to the Department's record.

2. EXISTING SCENIC, AESTHETIC, RECREATIONAL OR NAVIGATIONAL USES:

The Natural Resources Protection Act (NRPA), in 38 M.R.S. §480-D(1), requires the applicant to demonstrate that the proposed project will not unreasonably interfere with existing scenic, aesthetic, recreational and navigational uses.

In accordance with Chapter 315, *Assessing and Mitigating Impacts to Scenic and Aesthetic Uses* (06-096 C.M.R. ch. 315, effective June 29, 2003), the applicant submitted a copy of the Department's Visual Evaluation Field Survey Checklist as Appendix A to the application along with a description of the property and the proposed project. The applicant also submitted several photographs of the proposed project site. Department staff visited the project site on June 12, 2017.

The proposed project is located adjacent to Mill Stream, which is a scenic resource visited by the general public, in part, for the use, observation, enjoyment and appreciation of its natural and cultural visual qualities. An existing footbridge, breached dam, and residence are visible from the resource at the project site.

To reduce the visibility of the proposed project from the scenic resource, the applicant has limited the size of the proposed paths and openings to the minimum necessary to allow safe access to the historic dam and to create a public space for recreation and enjoyment of the scenic qualities of the project site. The applicant proposes to add loam and grass seed to the proposed openings, including a portion of an existing gravel turnaround, and to loam and re-seed the side slopes of new paths. The applicant proposes to maintain a vegetated buffer between the proposed activities and the stream, except where the dam forms the edge of the stream. Tree removal will be limited to safety hazards, structural hazards, and trail construction.

The Department staff utilized the Department's Visual Impact Assessment Matrix in its evaluation of the proposed project and the Matrix showed an acceptable potential visual impact rating for the proposed project. Based on the information submitted in the application, the visual impact rating,

and the site visit, the Department determined that the location and scale of the proposed activity is compatible with the existing visual quality and landscape characteristics found within the viewshed of the scenic resource in the project area.

The Department determined that based on the nature of the proposed project and its location, there are no existing recreational or navigational uses of the resource that would be unreasonably impacted.

The Department finds that the proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses of the resource.

3. SOIL EROSION:

The NRPA, in 38 M.R.S. §480-D(2), requires the applicant to demonstrate that the proposed project will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

The proposed construction will take place on land. The site will be accessed from Mill Stream Road. A silt fence will be placed between all construction activity and the stream, and around any material stockpiles on site during construction. Trees and shrubs growing on top of the dam will be cut, with root structures left in place. Deteriorating concrete on top of the dam will be broken up and used as fill for the core of the dam. The grass lawn will be created manually with hand tools. The path to access the dam will be installed with geotextile fabric to hold the base aggregate in place and with side slopes loamed and seeded with grass mix. The historic roadway will be improved only with the addition of woodchips, with no soil disturbance. The proposed boardwalk will be supported by the existing stone base and wall of the dam.

The Department finds that the activity will not cause unreasonable erosion of soil or sediment nor unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.

4. HABITAT CONSIDERATIONS:

The NRPA, in 38 M.R.S. §480-D(3), requires the applicant to demonstrate that the proposed project will not unreasonably harm significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat or travel corridor.

The project site contains a meandering stream averaging 20 feet in width. Upstream of the breached dam, the stream is bordered by freshwater emergent wetland. Downstream of the dam, the stream is bordered by forested scrub/shrub wetland. All proposed activities are located adjacent to, and not within, the stream or wetlands.

According to the Department's Geographic Information System (GIS) mapping database, there is no mapped Significant Wildlife Habitat located at the project site.

The Department finds that the activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine or marine fisheries or other aquatic life.



5. WATER QUALITY CONSIDERATIONS:

The NRPA, in 38 M.R.S. §480-D(5), requires the applicant to demonstrate that the proposed project will not violate any state water quality law, including those governing the classification of the State's waters.

As discussed in Finding 3, the applicant proposes to use erosion and sediment controls during construction to minimize impacts to water quality from siltation.

The Department does not anticipate that the proposed project will violate any state water quality laws, including those governing the classification of the State's waters.

6. WETLANDS AND WATERBODIES PROTECTION RULES:

The *Wetlands and Waterbodies Protection Rules*, 06-096 C.M.R. ch. 310 (last amended January 26, 2009), interpret and elaborate on the Natural Resources Protection Act (NRPA) criteria for obtaining a permit. The rules guide the Department in its determination of whether a project's impacts would be unreasonable. A proposed project would generally be found to be unreasonable if it would cause a loss in wetland area, functions and values and there is a practicable alternative to the project that would be less damaging to the environment. Each application for a NRPA permit that involves work adjacent to a river, stream, or brook must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist.

The applicant does not propose to directly or indirectly alter the stream or freshwater wetlands to construct the park and trails. Portions of the project will be located directly adjacent to the stream and wetlands.

A. Avoidance. An applicant must submit an analysis of whether there is a practicable alternative to the project that would be less damaging to the environment. The applicant submitted an alternatives analysis prepared by the Readfield Conservation Commission and dated July 15, 2017. The purpose of the proposed project is to provide a safe recreation space for the public to enjoy the historic and scenic qualities of the project site. The project takes advantage of existing developed structures such as the dam remnants, Mill Stream Road and turnaround, the footbridge, and the historic roadway. Due to its adjacency to existing local trails and the location of the dam, the proposed site is the only available area suitable to the applicant's stated purpose. In light of these considerations, the applicant stated that there is no practicable alternative to the proposed project that can meet the applicant's needs and avoids impacts to the resource.

B. Minimal Alteration. An applicant must demonstrate that the amount of river, stream, or brook to be altered will be kept to the minimum amount necessary for meeting the overall purpose of the project. The applicant designed the proposed project such that no disturbance will occur directly in, on, or over the resource. The proposed trails and open spaces have been limited to the size necessary to meet project goals. The proposed trails make use of existing structures and paths, while the proposed lawn and overlook make use of existing cleared areas. During the review process, the applicant reduced the size of the proposed boardwalk and lawn area to avoid direct impacts to wetlands adjacent to the stream. The applicant also decided not to remove live

trees to create the proposed lawn and overlook. The applicant stated that the proposed project minimizes impacts to the stream to the greatest extent practicable.

C. Compensation. Compensation is not required to achieve the goal of no net loss functions and values since the project will not result in a direct impact to either the stream or the adjacent freshwater wetland of special significance.

The Department finds that the applicant has avoided and minimized stream and freshwater wetland impacts to the greatest extent practicable, and that the proposed project represents the least environmentally damaging alternative that meets the overall purpose of the project.

7. OTHER CONSIDERATIONS:

The Department finds, based on the design, proposed construction methods, and location, the proposed project will not inhibit the natural transfer of soil from the terrestrial to the marine environment, will not interfere with the natural flow of any surface or subsurface waters, and will not cause or increase flooding. The proposed project is not located in a coastal sand dune system, is not a crossing of an outstanding river segment, and does not involve dredge spoils disposal or the transport of dredge spoils by water.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S. §§ 480-A–480-JJ and Section 401 of the Federal Water Pollution Control Act:

- A. The proposed activity will not unreasonably interfere with existing scenic, aesthetic, recreational, or navigational uses.
- B. The proposed activity will not cause unreasonable erosion of soil or sediment.
- C. The proposed activity will not unreasonably inhibit the natural transfer of soil from the terrestrial to the marine or freshwater environment.
- D. The proposed activity will not unreasonably harm any significant wildlife habitat, freshwater wetland plant habitat, threatened or endangered plant habitat, aquatic or adjacent upland habitat, travel corridor, freshwater, estuarine, or marine fisheries or other aquatic life.
- E. The proposed activity will not unreasonably interfere with the natural flow of any surface or subsurface waters.
- F. The proposed activity will not violate any state water quality law.
- G. The proposed activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties.
- H. The proposed activity is not on or adjacent to a sand dune.
- I. The proposed activity is not on an outstanding river segment as noted in 38 M.R.S. § 480-P.

THEREFORE, the Department APPROVES the above noted application of the TOWN OF READFIELD to construct the a park and trail system as described in Finding 1, SUBJECT TO THE ATTACHED CONDITIONS, and all applicable standards and regulations:

1. Standard Conditions of Approval, a copy attached.
2. The applicant shall take all necessary measures to ensure that his activities or those of his agent do not result in measurable erosion of soil on the site during the construction of the project covered by this approval.
3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 28<sup>TH</sup> DAY OF AUGUST, 2017.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Filed
AUG 29 2017
State of Maine Board of Environmental Protection

BY: *Paul Mercer*  
For: Paul Mercer, Commissioner

PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

JM/L27563AN/ATS#82091

E-14

Bob Cap

**TRAIL AGREEMENT  
FOR  
MILL STREAM TRAIL  
BETWEEN ROBERT W. BITTAR AND HELEN M. BITTAR  
AND  
THE TOWN OF READFIELD, MAINE**

Robert W. Bittar and Helen M. Bittar, in their capacity as Trustees of the Robert Bittar and Helen Bittar Revocable Living Trust, with a mailing address of 309 Waugan Road, North Monmouth, ME 04265, owner of property located at 26 Mill Stream Road (Readfield Tax Map 120, Lot 13) in Readfield, Maine (hereinafter referred to as the "Landowners" which word is intended to include their heirs, successors, and assigns):

Grant permission to the **TOWN OF READFIELD**, a body corporate and politic, located at Kennebec County, Maine with a mailing address of 8 Old Kents Hill Road, Readfield, Maine 04355 (hereinafter referred to as the "Town") to locate, construct and maintain the Mill Stream Trail across a historic pathway crossing the Landowners' property as shown on the attached map and to allow for public pedestrian recreational use of the trail as well as a scenic overlook area.. The Landowners grant permission for walking use of the trail by the public and use of the scenic overlook area. No other uses of the trail, including motorized vehicles and horses, are permitted under this Agreement. In addition, through the mutual agreement of Landowners and Town, the Town may construct and maintain a connecting trail for public pedestrian use to be located between the aforementioned Mill Stream Trail and Mill Stream.

This permission is granted for a period of five years, and for successive five year periods, which shall commence automatically upon the expiration of the previous term. The Agreement shall renew on such date unless revoked in writing by a notice from the Landowners or Town at least ninety days prior to the expiration of any then current term.

The trail shall be constructed and maintained in an environmentally-sound manner. Construction and maintenance activities may include: placement of fill; clearing of trees and other vegetation; construction of water bars, stone steps, bog bridges, and erosion control measures; and painting marks on trees to identify the location of the trail. In addition, informational signs may be erected and benches may be constructed along the trail and within the scenic overlook area with approval of Landowners.

The Town of Readfield, acting through its Trails Committee and other committees and departments, agrees to:

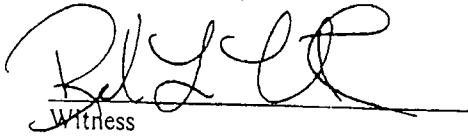
- maintain the trail on an annual basis or as needed to ensure that it is safe and suitable for public use and does not pose a threat to the environment; and
- oversee use of the trail and cooperate with the landowners to prevent and rectify any inappropriate use; and
- be responsible for placement of informational sign on adjacent Town Property to inform the public of rules related to the proper use of the trail.

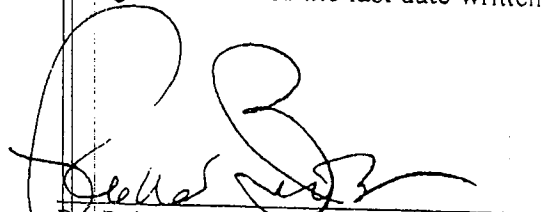
The Landowners may make reasonable rules and regulations for safe public use of the trail and to control, limit or prohibit, by postings or other means, any of the following uses: night use, camping, loud activities, motorized use, open fires, hunting, and trapping

The Landowners and the Town claim all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. Section 159-A, et seq. as amended and successor provision thereof (The Maine Recreational Use Statute), Title 14 M.R.S.A. Section 8101 et seq. as amended and successor provision thereof (The Maine Tort Claims Act) and under any other applicable provision of law and equity.

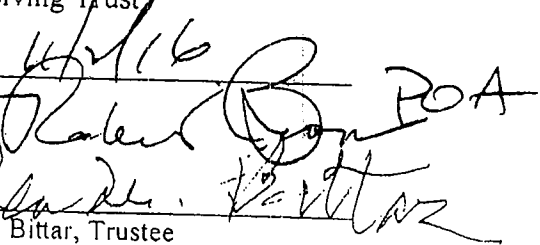
In witness hereof, the parties hereto have executed this Agreement as of the last date written below.

**LANDOWNERS**

  
Witness

  
By: Robert W. Bittar, Trustee  
Robert Bittar and Helen Bittar  
Revocable Living Trust

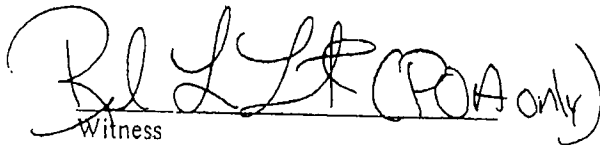
Date

11/16  
 POA

By: Helen M. Bittar, Trustee  
Robert Bittar and Helen Bittar  
Revocable Living Trust

Date

11/16

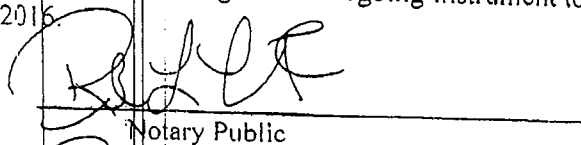
  
Witness

**LANDOWNERS ACKNOWLEDGEMENTS**

STATE OF MAINE  
COUNTY OF KENNEBEC, ss.

Personally appeared Robert W. Bittar and Helen M. Bittar, in their capacity as Trustees for the Robert Bittar and Hellen Bittar Revocable Living Trust and acknowledged the foregoing instrument to be their free act and deed this 2nd day of Nov, 2016.

Before me,

  
Notary Public

Robin L. Lint

Please type or print name of notary

My commission expires: 5-22-2017

TOWN OF READFIELD

Jessica A Shaws  
Witness

Eric Dyer  
By: Eric Dyer  
Its: Town Manager

7/7/2017  
Date

TOWN OF READFIELD ACKNOWLEDGEMENT

STATE OF MAINE  
COUNTY OF KENNEBEC, ss.

Personally appeared the above-named Eric Dyer of the Town of Readfield, Maine and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of the TOWN OF READFIELD this 7 day of JULY, 2017.

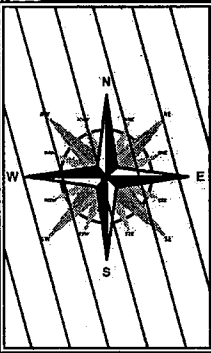
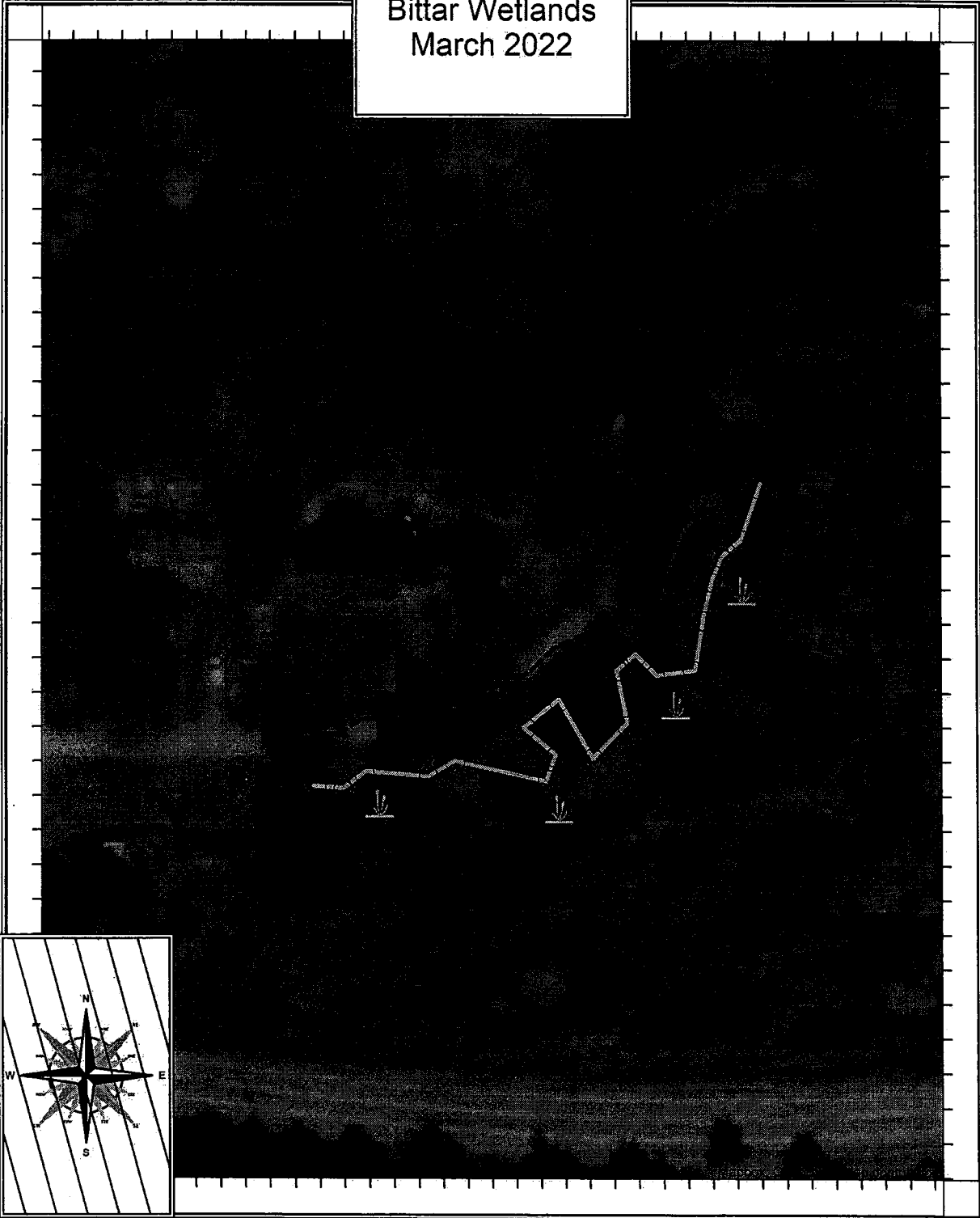
Before me,

Kristin Parks  
Notary Public

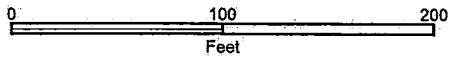
Kristin Parks  
Notary Public, Maine  
PO Box 335, Readfield, ME 04355  
Expires: 12/31/2022

Please type or print name of notary  
My commission expires:

Bittar Wetlands  
March 2022



SCALE 1:1000



25' Buffer



Wetland Line

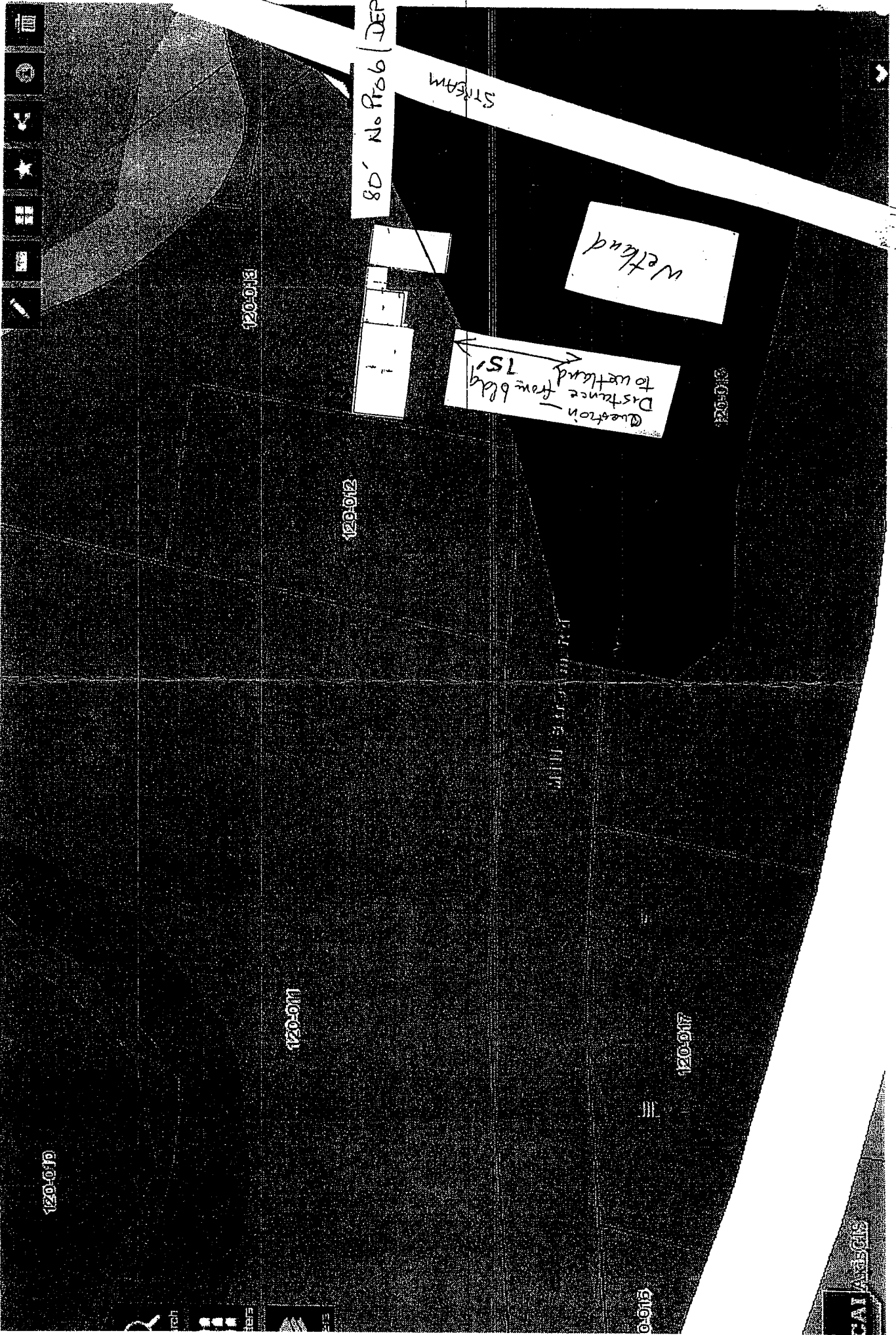


Wetlands

Joseph F. Stevenson, L.P.F.



Reedfield Wetlands Map







**Safe Space Meeting House**

*BUSINESS PLAN*

**Maine Non-Profit Corporation**

**Created on August 2020**

## **Executive Summary**

Product MISSION

### **Product**

What we do.

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+ other allies 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.

### **Target Audience**

SSMH target audience is focused upon the Readfield community with interests in equality, and in participation of facilities to promote the equality of peoples. That equality extends to the **LGBTQ+ community** whose members will share a need for a safe space **as well as religious, national and cultural minorities their relatives, friends and supporters. We welcome adults, specifically parents and grandparents** who wish to give their children or grandchildren the opportunity to meet in a safe community that is aesthetically pleasing, but also fosters Readfield history and creativity.

### **SSMH Future**

Community centers are not competitive. We believe that there is a place for high-quality, attractive, and affordable places for the people of Readfield to meet. Our goal is to build and provide a center for the Readfield religious and cultural minorities as well as LGBTQ+ and broader community who support Readfield Rural, Residential and family interests.

### **Development Projects**

- **Environmental projects at the stream and the dam to ensure the protection of the natural resources and wetlands**
- **Assist Conservation Committees and Trails committees as they continue to improve the area and community. Work with these groups in the constant process of obtaining funding.**

### **Business Preparation for Membership**

There are always the mundane matters of insurance, liability, maintenance of Helen's flower garden, propane supplies, Sprinkler System maintenance etc.

This past year alone, expenses for legal fees, sound proofing, installation of a state Fire Marshal approved sprinkler system cost in excess of \$100,000. We understand the actual SSMH opening process will require additional investment in capital.

There are those who question the financial resolve to support this project for the Readfield community. We are fortunate. We have a dedicated supportive membership eager to provide funding needed for the support of our mission, its facility and our community.

## **Company Description**

### **Mission**

#### **1. SSMH Local Town Support**

1. Local rural history at the Mill Stream historic area.
2. Safe Space Meeting House revenue stream, contributions and income will be used for, but not limited to, Explore opportunities and activities that engage LGBTQ+ allies. Among them, folk art, crafts, music, local history, cooking, as well as singularly rural skill building building, hunting, fishing
3. 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 town invitation of public use and recreation.

#### **2. Readfield Colonial Park 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. There has been theft of property and break in during the past year.

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 buildings to be occupied by SSMH. For this reason, it is necessary to

create a safe and sanitary adjacent space for children and others who are drawn to the SSMH- Readfield Colonial Park properties. 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 SSMH 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.

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 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 work with the Readfield Planning Board and other administrators. They will be requested to assist 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.** Our revenue stream will be required to support a listing on the National Registry as well as the open public use of SSMH land and facilities. **The town has created a Town Park on SSMH-Bittar land.** The Readfield public is invited. Members of the town public sit on town benches and at picnic tables. They observe the stream with their children and enjoy the surrounding beauty. Children walk on SSMH land, ride their bicycles there and use facilities. **It is one of the few destination places on the Readfield Town Trail System.** It is a place where the SSMH Resources may be available for water, health and sanitary services. Activities will be required to defray the expenses required to maintain the safe and sanitary public use of the town easement.

Activities will be constrained to areas of the building or property that fall outside of the Resource Protection District. Nevertheless, SSMH has revised its Mission statement to include work with the wetlands. SSMH has proposed activities to begin outreach models for work with

the wetlands. These activities will be based upon the **Maine Grange tradition**. Member Activities involving wetland would be authorized by and under the guidance, supervision, funding and permission of DEP Engineers as well as US Agriculture Department technical staff. Preliminary discussions with USAD officials indicate an interest in a collaborative project.

## **Market Research**

### **Industry**

Safe Space Meeting House is designed to be a part of the Readfield community social fabric. Currently, there is no community organization dedicated to the needs of Readfield minorities. Community interests of member minorities are have no focus within the social fabric. Community centers, while open in their interests and welcoming to all have not focused on the minority segment of the population. SSMH interests and activities are designed to appeal to traditional minority members within the social context of the respective nationality and special interest craft fairs, events, as well as other traditional functions.

Covid has introduced an additional gap in the ability to support the Readfield minority community. The Readfield community remains isolated and unconnected. There is to create a place in which Readfield community may meet. The increased expense in gasoline prices heightened and further isolated our population from each other. There are few places available through the year where member/ residents may meet and speak with each other informally.

### **SSMH Advantage**

SSMH has the following advantages compared to other organizations:

- targeted, basic, practical activities designed to appeal to a contemporary diverse audience.
- Safe, non-toxic setting, designed to invite a remote disconnected members and their supporters
- A facility that requires little improvement and designed to open immediately with few requirements for its continued operation.
- All components of this community center facility are constructed with the

craftsmanship and safety of all members including disabled. All facilities are ADA compliant and designed to invite all members and children. It is the only community center which is Fire Safe.

- It is a historic landmark and will act to invite the entire community to join in this mission.
- A facility that will be able to support an annual center for activity even into the winter months.
- High-quality, contemporary facility

## **Regulations**

**SSMH meets all federal and state regulations codes** regulating Construction, **ADA compliance** and **Fire safety** for kitchen use if required. The State permitted and inspected **Fire Sprinkler System** is designed and installed by a state approved licensed corporation

## **Services / Activities**

The SSMH revenue stream, contributions and income will be used for, but not limited to,

- explore opportunities and activities that engage LGBTQ+ allies. Among them, a social life, folk art, crafts, music, local history, cooking, as well as singularly rural skill building building, hunting, fishing,
- building and supporting local rural history at the Mill Stream historic area
- Activities will be constrained to areas of the building or property that fall outside of the Resource Protection District.
- SSMH has revised its Mission statement to include work with the **wetlands**. SSMH has proposed activities to begin outreach models for work with the wetlands. These activities will be based upon the **Maine Grange tradition**. Member Activities involving wetland would be authorized by and under the guidance, supervision, funding and permission of DEP Engineers as well as US Agriculture Department technical staff. Preliminary discussions with USAD officials indicate an interest in a collaborative project.

## **Income Structure**

SSMH is a non-profit corporation. SSMH will model its revenue structure much like the Union Meeting House. The Union Meeting House has been successful raising funds for its historic renovation. SSMH will continue to use this same approach to support its activities. 26 MSR is the oldest building in Readfield and in the surrounding towns. We feel that it would provide a center for those interested in historic restorations. Its income will be derived from donations / contributions of members who attend activities.

## **Services Appeal**

Activities and services will be designed to appeal to members. The ability to effectively serve the community will be the foundation of its ability to receive financial support. Activities may be designed for the community but they will reflect the current and changing needs of the Readfield Rural Residential as well as integration of the minority and LGBTQ+ community within the broader Readfield community.

## **Research and Development**



The company is planning to conduct the following research and development:

- Include a feedback mechanism on the website for ideas, suggestions, and improvements
- Provide comment cards for distribution at all events and fairs
- Review available market research to identify top activities for members of the target community.
- Work with and support other Readfield and outreach community centered organizations

## **Marketing**

### **Rural Residential Appeal**

To expand our interest and support within the Rural Residential community, SSMH will do the following:

1. Provide historic and holiday celebrations that celebrate this community.
2. Outreach activities using local papers and social media announcing activities of importance to the Readfield community target markets, especially in advance of the holidays and other times of importance to the community .

### **Communicate with the Community**

SSMH will communicate with its customers by:

1. Providing an email newsletter with company news, activity information, and activity schedule.
2. Using targeted Google and Facebook notices of community events.
3. Utilizing social media such as Twitter, YouTube, Facebook, LinkedIn, Pintrest and Tumblr.
4. Providing contact information on the company website.

### **Outreach to our target demographic**

Like most Readfield non-profits, volunteers will staff and support us during our initial stage of growth. As donations increase, SSMH will look to add an employee to assist with business management, activity monitoring, social media and online outreach. The target demographic for the company will be our minority community,

the parents and grandparents of children. The company will increase awareness to our targeted customers through online outreach.

SSMH has actively sought the support and affiliation of other groups who are interested in efforts to support and promote the interests of minority groups in Maine

### **Legal Structure**

Safe Space Meeting House is a Maine non-profit corporation

## **Board Members**

Leah Hayes — President

Dawn Vogel — Vice President business manager

Judy McAlwee — Secretary

**John Vogel — web master**

Bob Copy

Ex 14

## TRAIL EASEMENT DEED

ROBERT W. BITTAR AND HELEN M. BITTAR, IN THEIR CAPACITY AS TRUSTEES OF THE ROBERT BITTAR AND HELEN BITTAR REVOCABLE LIVING TRUST, with a mailing address of 309 Waugan Road, North Monmouth, ME 04265 ("Grantor"), owner of certain real property located on Mill Stream Road in Readfield, Maine, more particularly described in a deed dated May 18, 2015, and recorded in the Kennebec County Registry of Deeds in Book 12018, Page 291 (the "Property") for consideration paid, hereby grant to **THE INHABITANTS OF THE TOWN OF READFIELD**, a body corporate and politic, located in Kennebec County, Maine, with a mailing address of 8 Old Kents Hill Road, Readfield, ME 04355 ("Grantee"), an easement on the terms and conditions set forth below (the "Easement") for pedestrian recreational use over a strip of land ten feet (10') in width from the wall of the Mill Stream Dam along the south east boundary of Grantor's property to provide foot access from the Mill Stream Road to the Mill Stream Dam located on Grantee's adjacent property (the "Easement Area") being over and upon a portion of the Property in the location and configuration identified on Exhibit A.

### PURPOSE

It is the purpose of this Easement to provide significant public benefit by providing for perpetual non-motorized public recreational use of a trail located within the Easement Area.

### GRANT OF PUBLIC ACCESS

Grantor covenants and agrees on behalf of itself, its successors and assigns, and for the benefit of Grantee to take no action to prohibit or discourage quiet daytime non-motorized and non-destructive public use of the trail within the Easement Area, nor to charge or impose any fee or condition upon recreational activities. Grantor has the right to make reasonable rules and regulations (which are otherwise consistent with the terms and conditions hereof) for safe public use of the Easement Area and to control, limit or prohibit, by postings or other means, any of the following uses: camping, loud activities, open fires, hunting, and trapping.

### GRANTEE'S RIGHTS AND OBLIGATIONS

Grantor further grants to Grantee, its successors and assigns, the right, but not the obligation, to construct and maintain a trail with a maximum width of six feet (6') within the Easement Area. Grantee may assign such responsibility to a qualified organization upon notice to Grantor. Grantee shall have the right to prevent and rectify any inappropriate or excessive use of the easement trail.

Within the Easement Area, the Grantee shall have the right to conduct trail construction and maintenance activities in an environmentally-sound manner consistent with Best Management Practices, including clearing of trees and other vegetation, placement of fill, construction of water bars, stone steps, bog bridges, erosion control measures, and railings. In the area identified on Exhibit B, the trail shall be constructed as close to the wall of the Mill Stream Dam as possible (vegetation to be removed to make this possible).

OTHER TERMS AND CONDITIONS

Grantor and Grantee claim all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. § 59-A, as amended, and under any other applicable provisions of law and equity.

The foregoing shall be real covenants binding upon Grantor and Grantee, their successors and assigns, and shall run with and burden the Property and shall be for the benefit of the Town.

The foregoing is considered a Trail Easement within the scope of 33 M.R.S.A. § 1581 et seq.

The Town joins in this document for the purpose of accepting the rights and duties contained herein, pursuant to 33 M.R.S.A. § 1582(2).

WITNESS our hands and seals this 2nd day of Nov, 2016.

WITNESS:

[Signature]

[Signature]  
GRANTOR

By: Robert W. Bittar, Trustee  
Robert Bittar and Helen Bittar  
Revocable Living Trust

[Signature]

[Signature] POA

By: Helen M. Bittar, Trustee  
Robert Bittar and Helen Bittar  
Revocable Living Trust

STATE OF MAINE  
COUNTY OF KENNEBEC, SS.

Nov 2, 2016

Personally appeared the above-named **ROBERT W. BITTAR AND HELEN M. BITTAR, IN THEIR CAPACITY AS TRUSTEES OF THE ROBERT BITTAR AND HELEN BITTAR REVOCABLE LIVING TRUST**, who acknowledged the foregoing instrument to be their free act and deed.

Before me.

[Signature]

Notary Public/Attorney-at-Law  
Print Name: Robin L. Lint  
My Commission Expires: 5-22-2017

TOWN OF READFIELD

*Jessica A. Shaw*

Witness

*[Signature]*  
By: Eric Dyer  
Its: Town Manager

7/7/2017  
Date

TOWN OF READFIELD ACKNOWLEDGEMENT

STATE OF MAINE  
COUNTY OF KENNEBEC, ss.

Personally appeared the above-named Eric Dyer of the Town of Readfield, Maine and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of the TOWN OF READFIELD this 7 day of July 2017.

Before me,

*[Signature]*

Notary Public

**Kristin Parks**  
Notary Public, Maine  
PO Box 335, Readfield, ME 04365  
Expires: \_\_\_\_\_

Please type or print name of notary  
My commission expires:



ROLAND H COLE  
 PHILIP A THORNTON  
 BOOK 2800 PAGE 183  
 MAP 180  
 LOT 012

← SCENIC  
 OVERLOOK  
 AREA

TRAIL  
 LOCATION (APPROX)

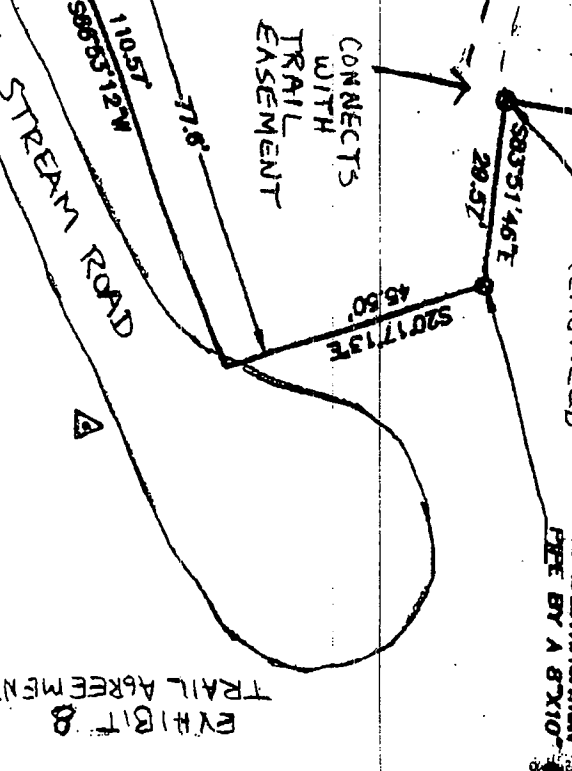
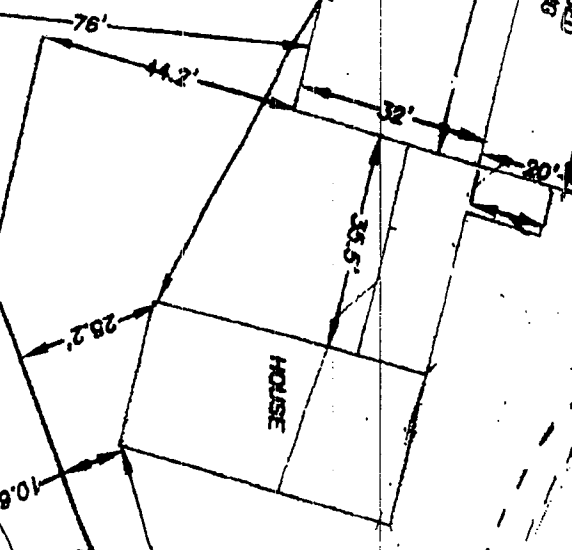
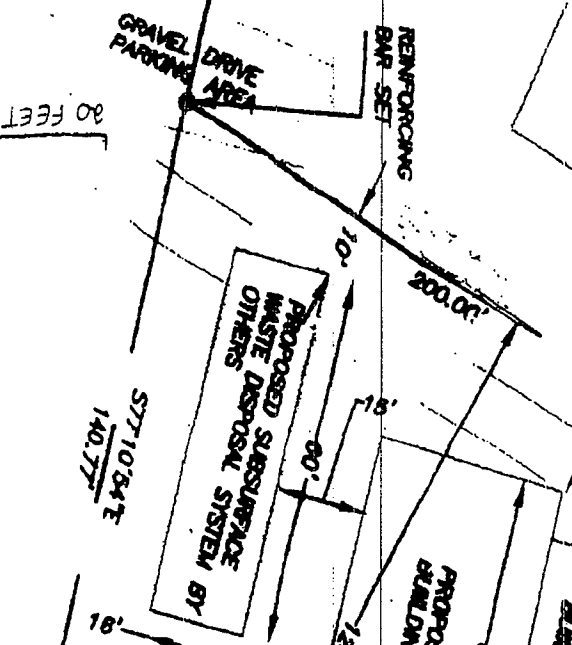
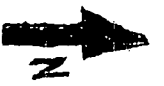
STEEP  
 BANK

MILL STREAM

TOWN OF  
 READFIELD

3/4" INCH DIAMETER FROM PIPE  
 EXISTING AT TOP OF EARTHEN  
 DAM NO IDENTIFICATION

3/4" INCH DIAMETER  
 AT BASE OF STONE  
 PILE BY A 8" X 10"



RIGHT OF  
 TRAIL AGREEMENT AREA



EXHIBIT B  
TRAIL EASEMENT AREA

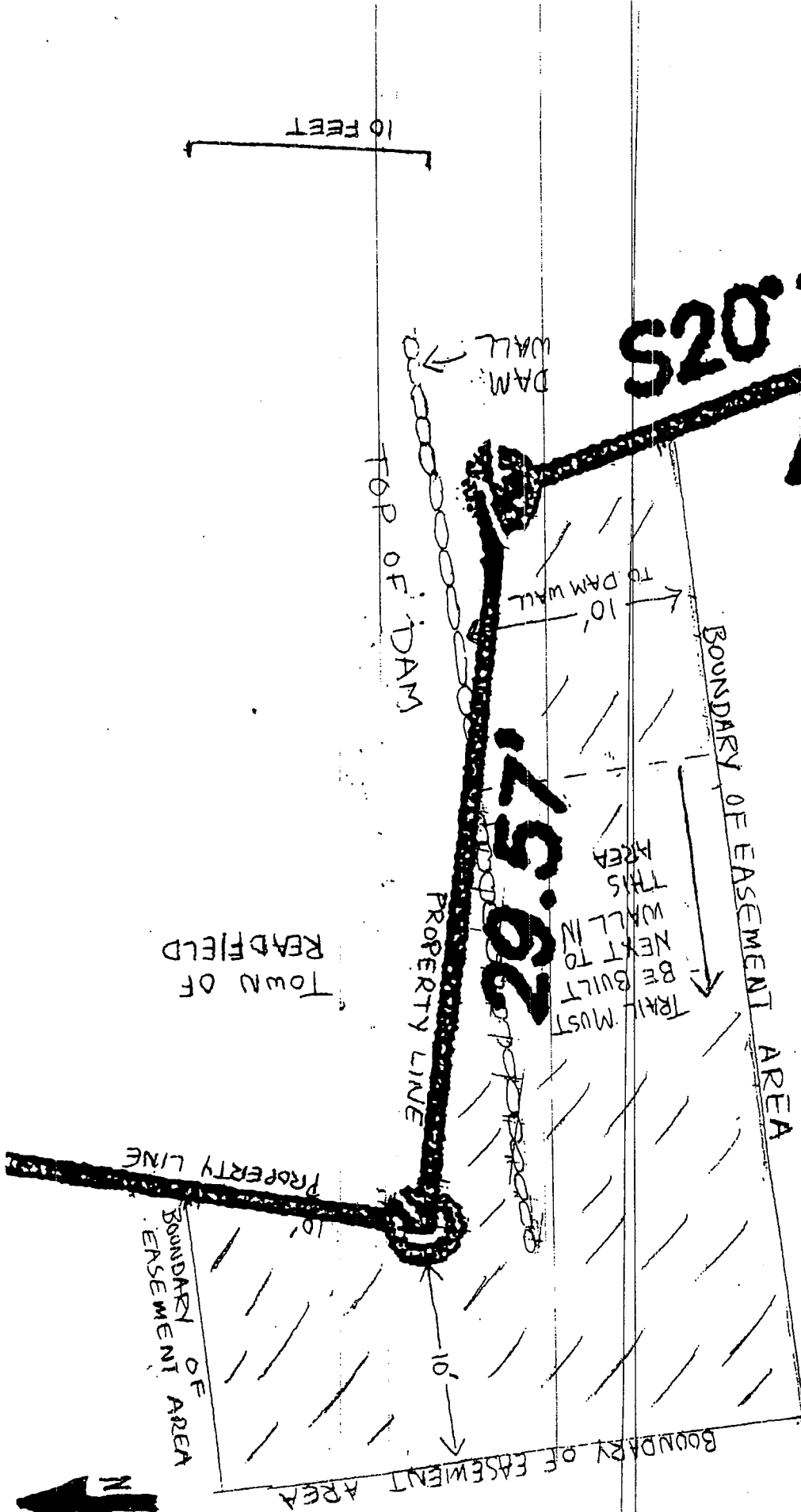
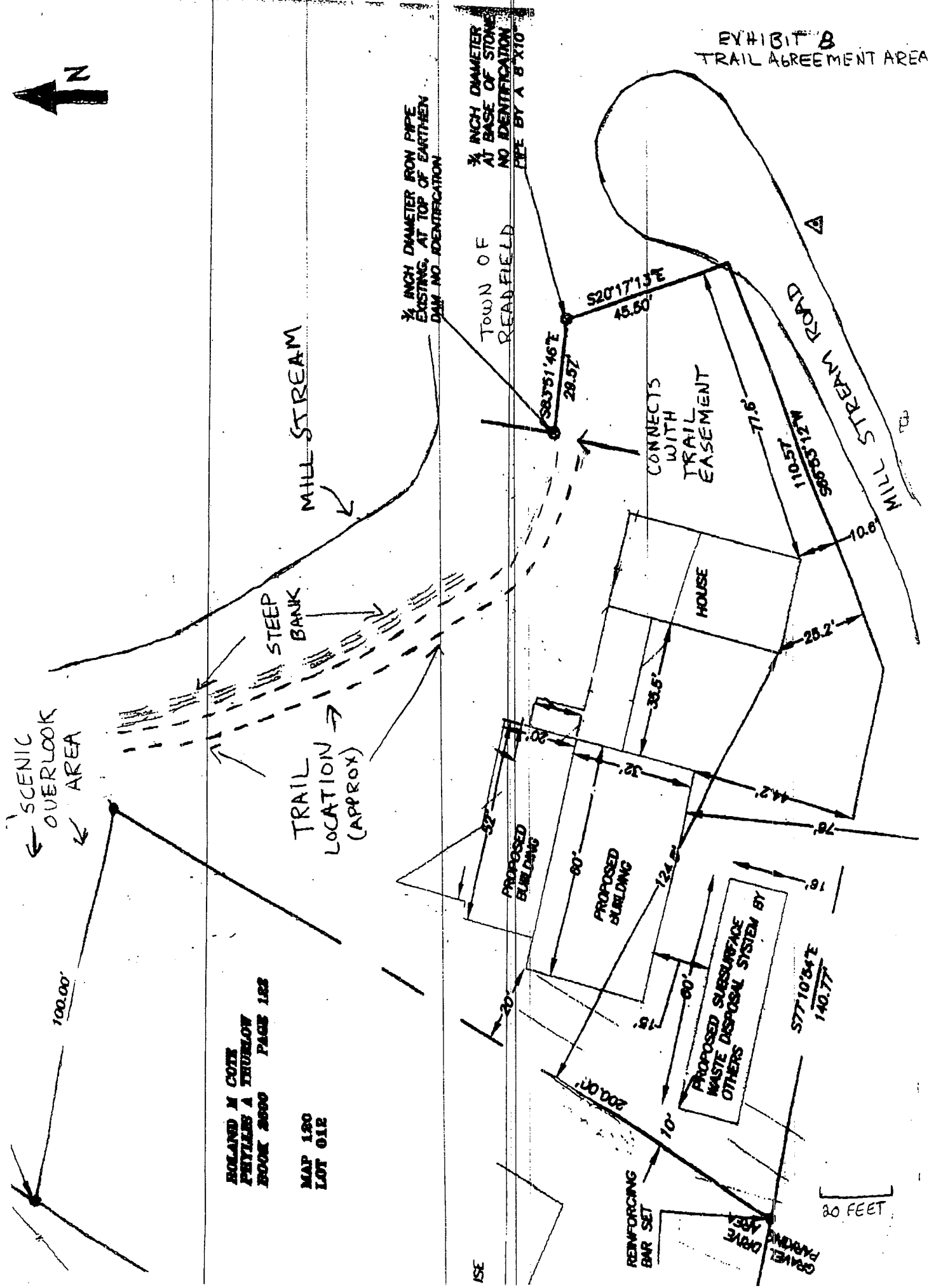






EXHIBIT B  
TRAIL AGREEMENT AREA

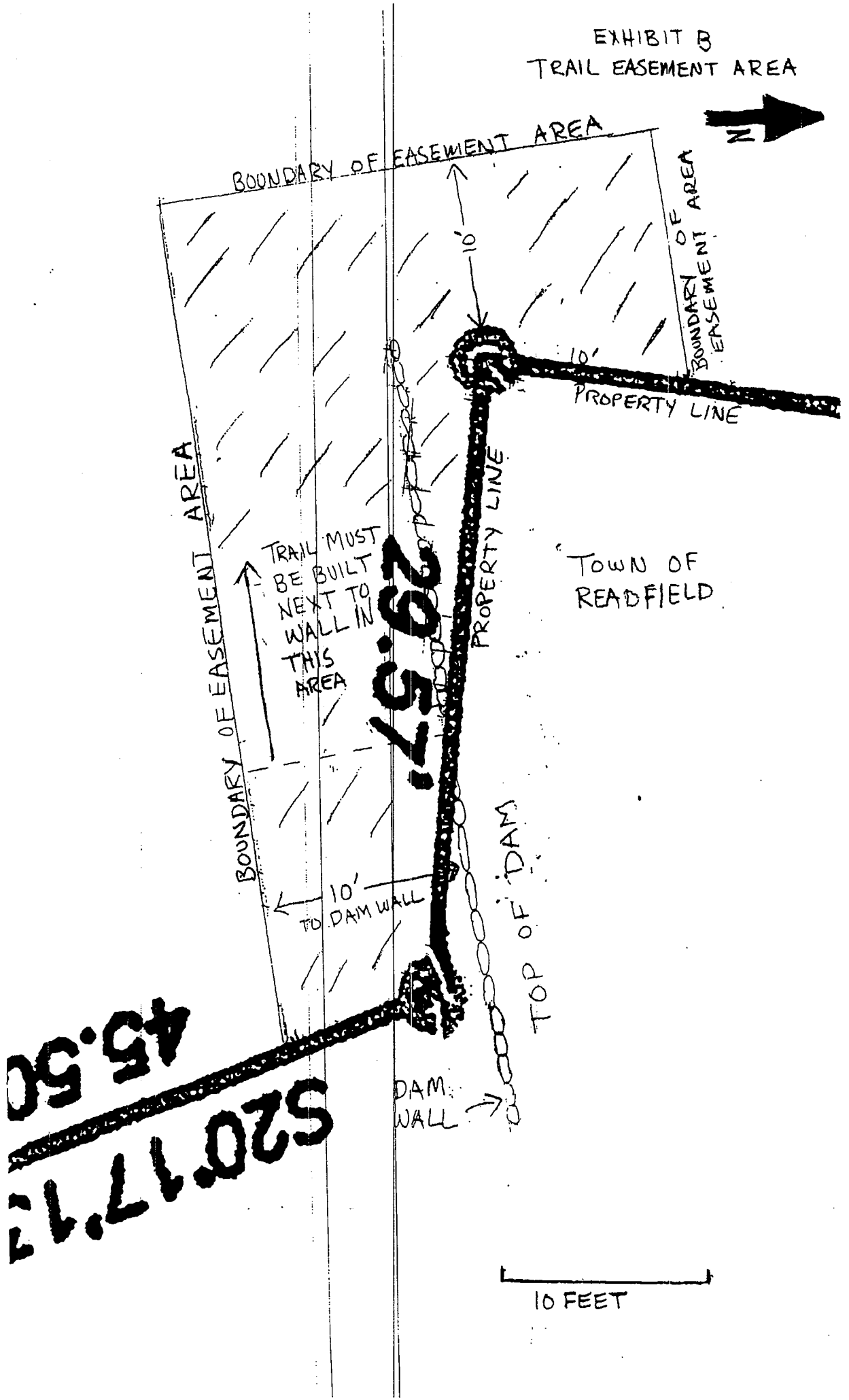


ROLAND M COHE  
FRYLES A THURLOW  
BOOK 2000 PAGE 183

MAP 130  
LOT 012

80 FEET

EXHIBIT B  
TRAIL EASEMENT AREA



BOUNDARY OF EASEMENT AREA

BOUNDARY OF EASEMENT AREA

BOUNDARY OF EASEMENT AREA

TRAIL MUST BE BUILT NEXT TO WALL IN THIS AREA

PROPERTY LINE

PROPERTY LINE

TOWN OF READFIELD

10' TO DAM WALL

TOP OF DAM

DAM WALL

10 FEET

52017.17  
45.50

2057.66

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

Subject: talk with Clif today

From: "Stefan Pakulski" <[readfield.tmgr@roadrunner.com](mailto:readfield.tmgr@roadrunner.com)>

Date: Thu, December 05, 2013 1:51 pm

To: <[rbittar@iqacc.com](mailto:rbittar@iqacc.com)>

Bob,

I met with Clif to go over your concerns. He's going through them and will respond to each specifically. We talked about the rights of any property owner to repair and secure property, and the regulations the community has voted to put in place and enforce legally – but not arbitrarily or punitively. Everyone deserves equal treatment and protection here under Town regulations and ordinances. You deserve and shall receive nothing but courteous, professional service from all Town employees as long as I work here, and hopefully ever after too.

There might have been some confusion about what is possible to do on your property without a permit. The work seems to be above the \$2000 value threshold that requires the permitting process for any project (repairs or new construction). But Clif says you should be able to repair your roof now, and I think you could talk with him about that (although the stop work order did say to stop all work). The steps you listed below to secure the building now sound appropriate to me, but I encourage you to talk more with Clif about the roof if it's not complete yet.

We acknowledged, as Paula Clark has too, that you could ask the Board of Appeals to consider rescinding the stop work order.

I know you don't think you're anywhere close to applying for a permit because you don't know yet what the details would be. Clif would be happy to work with you on developing an application, and helping to determine what would be possible and what would take a possible waiver of certain requirements or even a zoning change – and how to accomplish that. Our purpose here isn't to stand in the way of any projects, but to help applicants find ways to make their proposals work within the Town's framework, and hopefully to help applicants become better informed about the possibilities

and constraints before making important investment decisions.

It sounds like a good step to look at the residential home option on the property, but I still would recommend reviewing the ideas you've had for much more there with Clif to see what's possible and what could be done to address any constraints. I would be happy to help with this if you would like. You've talked with me about an exciting concept that could be a real asset to the community. I think that deserves a good review and testing in relation to the site conditions and land use ordinance – so that it could be much clearer what the Town might consider doing to help bring the concept to life. The application would only be open to the public after you submit it to the Planning Board. I believe anything up to that point would still be confidential and exploratory.

Please let me know if there's anything more you would like me to do about this.

Stefan Pakulski, Town Manager  
Town of Readfield  
8 Old Kent's Hill Road  
Readfield, ME 04355  
ph: 207-685-4939  
fax: 207-685-3420  
cell: 207-242-5437  
email: [readfield.tmgr@roadrunner.com](mailto:readfield.tmgr@roadrunner.com)

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, §401-§521 of the Maine Revised Statutes).

Please see the attached pages from the Special Town Meeting minutes of September 29, 2011 and note *Article 8: To see if the Town will vote to amend the Land Use Map adopted at the June 10, 2010 Town Meeting.*

The attached description and map show which lots were to be changed from Rural Residential to Rural. The Town Meeting voters passed this article and changed the zoning.

So it can be done. I don't know how this particular example got to the point it did, but I assume it was through a Planning Board review of the whole application, resulting in a recommendation that the Town should support the zoning change for the proposed purpose. You would likely have to go through a similar process.

Good luck!

Stefan Pakulski, Town Manager  
Town of Readfield  
8 Old Kents Hill Road  
Readfield, ME 04355  
ph: 207-685-4939  
fax: 207-685-3420  
cell: 207-242-5437  
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# Criteria 6-13

6. SSMH activities will not extend into the flood plain area except as monitored and supervised by DEP. SSMH will conform with Readfield Floodplain Management Ordinance. NA

7. Wetland: The proposed activity will have no ADVERSE impact on freshwater wetlands. We have proposed working with DEP on Wetland reclamation and use projects as a pilot project for SSMH members. DEP programs exist and we will actively explore these potential activities. NA

8. Groundwater. SSMH activities should have no impact on ground water. NA

9. Municipal Solid Waste:

- a. We anticipate minimal Solid waste which will be stored in an exterior container area. SSMH proposes no activities at this time which require any solid waste.
- b. during early stages of development there may be an occasion to bring trash to the Recycling Station.
- c. If solid waste were to be regularly generated which requires disposal, a private sanitation service will be responsible for its removal.

10. Water Supply. A well was drilled in 2017 which provides an adequate supply for the purpose desired. An assessment has been provided by an independent water engineer stating that the water supply is sufficient for the purposes of the Community Center.

11. Adjacent Land Uses:

- a. SSMH anticipates no activity which would have a detrimental effect on adjacent land uses and property. We do not anticipate any solid waste greater than that used by an average community activity facility. We anticipate no fumes or smoke, dust or odors.
- b. Sound has been an issue but it has been tested with the doors and windows open and closed. Building construction employed the best of sound insulation materials for both external and internal walls. A sound consultant tested and affirmed that sounds were at 5.7 Db (the sound of speech) outside the building during tests when inside sound was tested at 99 dB.

12. Slope of the land?

- a. We are on a relatively flat area that leads to the stream.
  - b. We intend no construction or digging into the soil of the land.
  - c. existing vegetation - is a land with trees and naturally forested area
- SSMH will be vigilant to avoid any pollution which would impact water or air. We anticipate no activity which generates sludge, phosphorous or other chemicals.

13. Water bodies.

- a. 26 Mill Stream Road borders a stream.
- b. the distance between the stream and the colonial building is 80'
- c. NA
- d. NA

Proposed SSMH activities which are proposed for members include those with DEP Engineers who will provide funding for a DEP Project. Any work on that wetland restoration project which will be guided by and monitored by DEP, DEP/RP and U.S/ Dept Agriculture Engineers.



**SITE PLAN  
REVIEW CRITERIA**

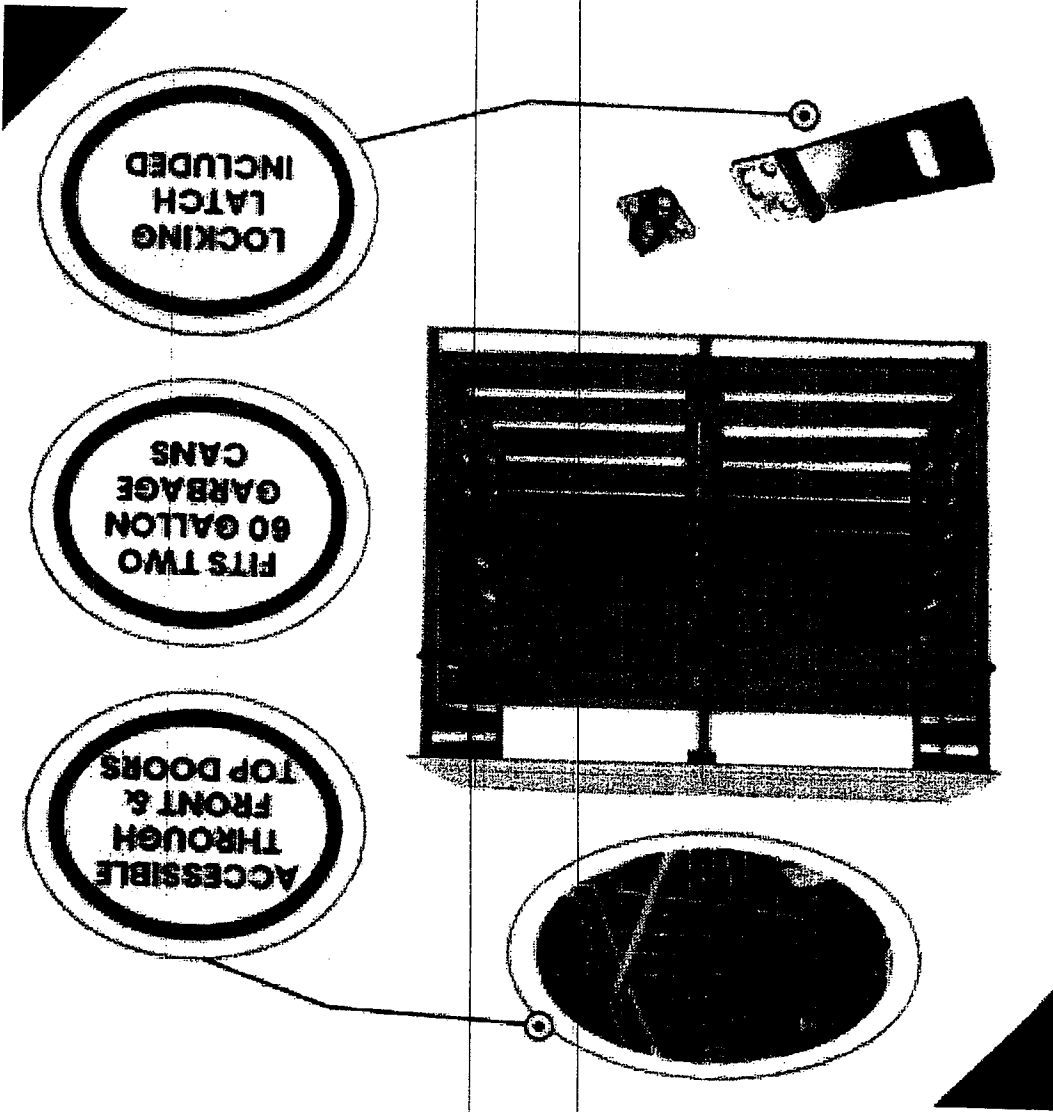
**6 – 13**

**EXHIBITS**

# SOLID WASTE STORAGE

Waste containers would be stored in a shed as indicated.

The shed would be placed in the area where the entrance ramp meets Mill Stream Road.



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.

Received

12/4/2021

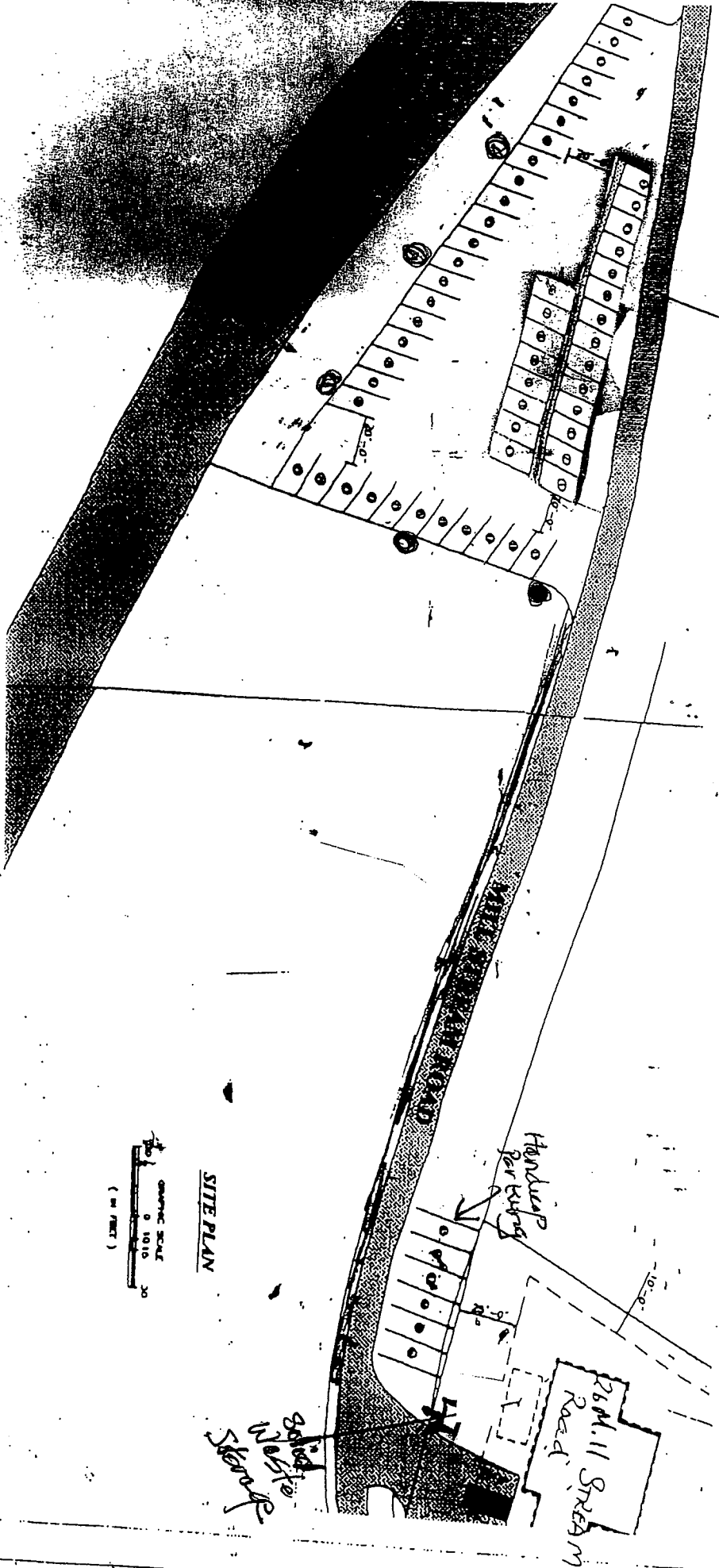
Lee Newk

Lee Newk

5 Pole  
Parking Lot  
Lighting

10mm PROJECT

PROPOSED PARKING AREA  
(TYPE: 10'x20' DECK PARKING SPACES)



SITE PLAN



Handicap  
Parking

26M.11 STREAM  
Road

5 Pole  
Proposed  
Parking

Received

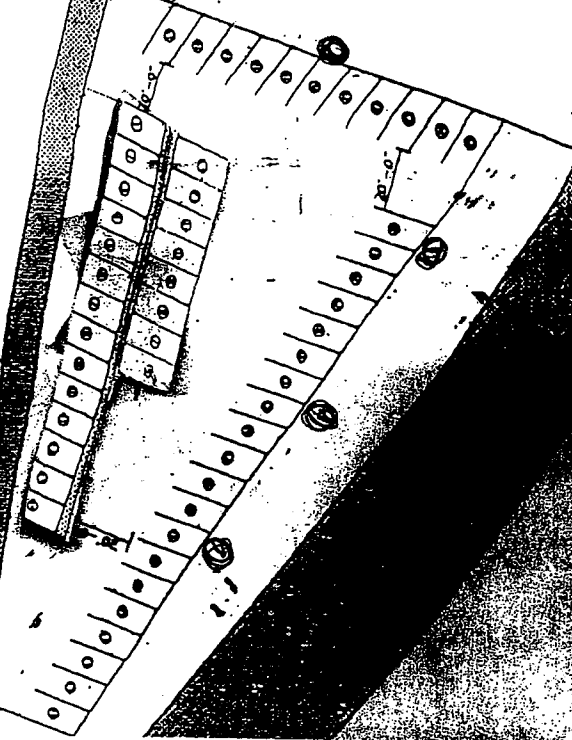
12/4/2021

see mark

see mark to Robert  
Parking Lot  
Lighting

100m PROPERTY

PROPOSED PARKING AREA  
(TYP. 10'x20' EACH PARKING SPACE)



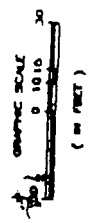
10'-0"

Handicap Permitted

26M.11 STREAM Road

See Mark to Robert

SITE PLAN



8/1/21

R. Bittar

1146 Main Street

Readfield Maine

Re: Community Center facility 26 Mill Stream Road, Readfield

Re: Test Results at Re: the

On August 1, 2021 I tested the sound pressure levels at 26 Mill Stream Road, with rock music played at normal concert level of 90dB while measurements were taken. All windows and doors were open including the central barn door.

Here are my findings:

	Average SPL in dB with Barn Music Windows open	Average SPL in dB without Barn Music
80 Old Kent's Hill Rd	43	41
62 Old Kents' Hill Road	43	42
52 Kents' Hill Road	43	41
25 Old Kents' Hill Road	46	41
27 Giles Rd	46	41
23 Giles Rd	46	44
Over the Bridge	53	53
dam parking lot	51	51
20 MSR Cote	60	50
26 MSR Property line (at end of driveway	66	55

The average SPL of all of my readings (with and without music) combined was 46dB.

The level of natural ambiance was measured before and after my testing. This was to confirm that the lower readings during this test were accurate in comparison to previous readings. It's important to note the variance in natural ambiance changes each day, each hour, and even each moment. Consequently the level of natural ambiance in my previous test was higher.

The information gathered indicates that there is little or no difference in dB when tested with or without Barn music on Giles and Old Kent's Hill Roads. It will be helpful in reducing noise bleed if Barn doors and windows adjacent 20 MSR property are closed while music is in progress. The addition of soundproofing to the northern wall would also help to reduce noise levels outside of the building.

Norman Marston

Sound Engineer

# **USDA Wetlands Programs and Partnerships**

## **RCA Issue Brief #8 January 1996**

Natural Resources Conservation Service (NRCS) is the lead agency for identifying wetlands on agricultural lands? And that farmers can now rely on a single wetlands determination by NRCS to satisfy the requirements of both Section 404 of the Clean Water Act and the Swampbuster provision of the Food Security Act?

...that voluntary, incentive-based Federal programs are available to help landowners protect and restore wetlands?

...that Swampbuster generally allows farmers to continue using the normal farming practices they have always used--so long as additional wetlands are not converted or wetland drainage increased?

...that you can call 1-800-832-7828--the U.S. Environmental Protection Agency's (EPA) contractor-operated Wetlands Information Hotline--for information about wetlands?

...that State wetland partnerships have been formed in Arkansas, Oregon, Maryland, Massachusetts, and Ohio?

...that every May is American Wetlands Month, the result of a public-private partnership to raise the public's awareness of wetland values and to protect and restore wetlands?

...that the President's wetlands plan calls for reducing the burden of Federal wetlands regulations; minimizing Federal overlap; and encouraging greater participation by State, Tribal, and local governments in protecting wetlands?

## **Introduction**

Wetlands are vital to the health of our Nation's environment. They store floodwater, trap nutrients and sediment, help recharge ground water, provide habitat and food for wildlife, and add beauty to the landscape. Wetlands filter pollutants out of runoff to help make water cleaner. Wetlands help prevent floods, control erosion, and protect shorelines from being damaged by waves. Quality timber is produced in wetlands. Livestock graze on wetlands. Wetlands offer places for educational activities and scientific research.

America's wetlands are alive with nearly 5,000 species of plant life. One-third of all species of birds, 190 species of amphibians, and all of America's wild ducks and geese need wetlands to live. Threatened and endangered species such as the whooping crane, bald eagle, red wolf, fatmucket mussel, and swamp rose depend on wetlands. (For more information on wetlands, ask for the NRCS/RCA Issue Brief 4 "Wetlands Values and Trends," November 1995.)

## **Wetlands protection**

In 1972 Congress passed the first Clean Water Act, which established the Federal Government's role in protecting wetlands. This was followed by President Carter's Executive Order 11990, which restricted Government involvement in activities that could lead to the destruction of wetlands. Since the 1985

Food Security Act (FSA) and the 1990 Food, Agriculture, Conservation, and Trade Act (FACTA) have increased wetland protection efforts.

1985 Food Security Act (FSA)--The Swampbuster provision of this law applied to farmers who converted wetlands to cropland after December 23, 1985. With some exceptions, farmers who produced annually tilled crops--such as corn, soybeans, and wheat--on newly converted wetlands jeopardized their eligibility for certain U.S. Department of Agriculture (USDA) farm programs. The trigger for Swampbuster violations was the planting of an annual crop on a converted wetland.

#### **1990 Food, Agriculture, Conservation, and Trade Act**

This Act changed the trigger for Swampbuster violations to when wetlands are actually drained, dredged, filled, leveled, or otherwise altered to make possible the production of an agricultural commodity. The law allows producers to convert frequently cropped wetlands, but only if they mitigate the loss by restoring a converted wetland with equivalent wetland functions. The Act also established the Wetlands Reserve Program, which allows farmers to voluntarily sell easements to the Government for wetlands restoration purposes.

#### **The President's plan**

In addition to the statutory requirements, on August 24, 1993, the Clinton Administration released a plan providing for "a fair, flexible, and effective approach" to protecting wetlands, and reforming how the Federal Government regulates wetlands. Key points include:

- NRCS is the lead Federal agency responsible for identifying wetlands on agricultural lands under both the Clean Water Act and FSA.
- The U.S. Army Corps of Engineers established deadlines for decisions on wetlands permits under the Clean Water Act and is establishing an administrative appeals process so that landowners can seek speedy recourse without having to go to court.
- The Corps and EPA agreed to final regulations ensuring that approximately 53 million acres of prior-converted cropland will not be subject to wetland regulation.
- NRCS, the Corps, EPA, and the U.S. Fish and Wildlife Service (FWS) will use the same procedures to identify wetlands; they issued new guidelines for establishing mitigation banks to offset wetland losses. (A mitigation bank is a wetland area that has been restored, created, or enhanced, and that has been set aside to compensate for future conversions of wetlands.)

#### **Memorandum of Agreement Concerning Delineation of Wetlands (MOA)**

To carry out the President's reforms, in January 1994 EPA and the Departments of Agriculture, Army, and the Interior signed a joint agreement to use existing authorities to ensure that wetlands programs work better among the Federal agencies. It ensures that NRCS, FWS, EPA, and the Corps provide greater certainty and uniformity in decisions to customers requesting wetland delineations for Swampbuster and/or Section 404 of the Clean Water Act. The basic purpose of the MOA was to have EPA and the Corps accept NRCS wetlands determinations on agricultural lands as the final Government decision for Clean Water Act purposes.



The MOA strongly emphasizes interagency coordination at the field level. Agency personnel conducting wetland delineations must be properly trained and must use standard, agreed-upon methods called mapping conventions.

#### **Is current wetlands protection adequate?**

In a 1995 survey conducted by the Gallup organization to ascertain attitudes toward agricultural natural resource conservation, respondents were asked whether they thought that regulations protecting agricultural wetlands had gone "not far enough" or "too far" or were "about right." More than 4 of 10 respondents thought the laws protecting agricultural wetlands had not gone far enough, and a somewhat smaller percentage thought the laws were about right.

#### **Regulation**

The two most important Federal regulatory wetlands programs that directly affect farmers are the Section 404 permitting program and Swampbuster. Swampbuster discourages the conversion of wetlands for agricultural production by denying USDA farm program benefits to individuals who choose to convert wetlands. Section 404 of the Clean Water Act requires individuals to obtain a permit from the Corps before discharging dredged or fill material into waters of the United States, including most wetlands.

Most routine, ongoing farming activities do not require individual Section 404 permits. Many normal farming, silvicultural, and ranching activities that involve discharges of dredged or fill materials into waters of the United States are exempted from Section 404. General permits are issued to the public at large to authorize specific activities that have minimal environmental impacts, such as bank stabilization activities, construction of farm buildings, or wetland restoration activities. Some general permits require notification of the local Corps office, and most impose specific conditions.

#### **Voluntary programs**

USDA works with other government agencies and private groups to help restore and use wetlands in ways that balance environmental responsibility and profitability. Several Federal programs that benefit wetlands are available. Voluntary, incentive-based programs offer technical and/or financial assistance to help landowners make the most of valuable wetland resources.

#### **Ratings of laws protecting agricultural wetlands**

Source: "National Survey of Attitudes Towards Agricultural Natural Resource Conservation," The Gallup Organization. 1995. Nationally representative sample of 1,250 people. The question used in the survey was: "What about laws and regulations protecting agricultural wetlands? Do you think the laws have gone too far, not far enough, or are about right?"

#### **How much is enough?**

The Wildlife Management Institute recently established realistic goals for stabilizing and restoring wildlife populations, and estimated landscape changes necessary to meet those goals. A group of professional wildlife managers developed a report based on available science and best professional

judgment. The habitat enhancements and restorations projected to be necessary are relative to a baseline approximating current conditions. One exception: All grassland restoration objectives include grassland acres currently enrolled in the Conservation Reserve Program.

Nationwide, the report calls for 5.9 million acres of restored wetlands and 1.05 million acres of enhanced wetlands beyond baseline conditions. A variety of programmatic options could achieve the goals identified by the experts. Many existing USDA programs could be modified to provide more wildlife benefits at no additional expense and without disrupting the integrity of the programs.

## **Federal voluntary wetlands programs**

### ***Wetlands Reserve Program, USDA, Natural Resources Conservation Service***

Offers landowners easement payments and restoration cost share to restore and protect converted, farmed, or otherwise degraded wetlands.

### ***Conservation Reserve Program, USDA, Farm Service Agency***

Offers long-term rental payments and cost-share assistance to establish permanent vegetative cover on cropland that is highly erodible or contributing to a serious water quality problem. Environmentally sensitive acres are targeted for assistance.

### ***Stewardship Incentive Program/Forest Stewardship Program, USDA, Forest Service***

Helps landowners protect and enhance their forest lands and associated wetlands. Provides landowners with cost-share and technical assistance for riparian and wetland protection and improvement.

### ***Partners for Wildlife, USDI, Fish and Wildlife Service***

A stewardship program for the restoration and protection of wetlands and other wildlife habitat on privately owned lands.

### ***North American Waterfowl Management Plan, USDI, Fish and Wildlife Service***

An international strategy for reversing the decline of migratory waterfowl populations through wetlands protection, restoration, and enhancement. Habitat can be purchased, leased, or protected with conservation easements. Landowners are offered economic incentives for farming practices that benefit waterfowl.

### ***North American Wetlands Conservation Act, USDI, Fish and Wildlife Service***

An international wetlands conservation program to encourage partnerships among public agencies and other interests to protect, enhance, restore, and manage an appropriate distribution and diversity of wetland ecosystems and other habitats for migratory birds and other wildlife and fish in North America; to maintain current or improved distributions of migratory bird populations; and to sustain an abundance of waterfowl and other migratory birds consistent with the goals of the North American Waterfowl Management Plan. Grant funds are available on a one-to-one matching basis with non-Federal U.S. sources.

### ***Intermodal Surface Transportation Efficiency Act (ISTEA), USDOT, Federal Highway Administration***

ISTEA is committed to the design and building of transportation facilities that fit harmoniously into

communities and the natural environment. Wetland mitigation banking and other measures to offset impacts to wetland resources are eligible for ISTEA funding. These measures may occur in advance of construction and may include direct contributions to statewide regional wetland conservation and mitigation planning efforts.

### ***Legacy Resource Management Program, Department of Defense***

A program to promote, manage, research, conserve, and restore biological, geophysical, and historical resources on public lands, facilities, or property held by DOD. It involves other Federal and State agencies, private organizations, and volunteers. Demonstration projects and program development are accomplished at the installation level.

## **Partnerships**

Wetlands conservation is one of the most important and sensitive environmental issues in our country today. USDA supports partnerships with other government agencies, tribes, and private organizations to help landowners restore and conserve wetlands. Here are some examples of partnerships at work:

- In southeastern Missouri, six farmers worked with NRCS and the Butler County Soil and Water Conservation District (SWCD) to create a 38-acre wetland in exchange for converting several small, degraded wetlands in their fields to cropland. Under Swampbuster, farmers who receive USDA benefits cannot destroy wetlands unless they create new ones with similar values. The farmers were offered the option of moving their small wetlands to the 38-acre site, which was purchased by the Butler County SWCD. The larger wetland replaces several small, degraded monoculture wetlands and includes open water, emergent marsh, and well-developed stands of bottomland hardwoods. Farmers win because they can level and fill their entire fields and irrigate more efficiently. Society wins because wetland values are protected and enhanced while improving the efficiency of producing the Nation's food supply.



Wildflowers provide color in a new farmer-created wetland--the result of six Missouri farmers working with NRCS and the Butler County Soil and Water Conservation District. NRCS staffers Steve McMillin, left, district conservationist, Poplar Bluff, and Ron Darden, area conservationist, Cape Girardeau, tour the 38-acre site. Also involved in the wetland project were the Missouri Department of Conservation, Missouri Department of Natural Resources, EPA, FWS, and the Corps.

- In North Dakota, a coalition of State and Federal agencies has been cooperating in the development and implementation of the North Dakota State Water Bank Program. To date, about 175 acres of wetlands have been restored and more than 1,000 additional acres of wetlands are being protected. Nearly 2,500 additional acres of upland were placed in the program to provide wildlife habitat and wetlands protection. The program is administered by the North Dakota Department of Agriculture with assistance from the State Game and Fish

Department, State Water Commission, NRCS, and FWS. The agencies help develop Water Bank Program guidelines and help review, rank, and monitor program contracts.

- A farm family in east-central Illinois restored 10 wetlands totaling about 20 acres on their property, and they plan to conduct several more restoration projects. They are participating in a project through the University of Illinois to study the effectiveness of wetlands in filtering nitrate and other pollutants from water running out of tile drainage systems. They have opened a commercial hunting preserve on their property, demonstrating to other farmers that wetlands protection can offer both financial and ecological rewards.
- The Lake Lafayette Wetland Restoration Project in northern Mississippi is a good example of numerous partners working together. Lake Lafayette, a 2,000-acre forested wetland complex adjacent to Steele Bayou, has been partially drained, and most of the historic floodwaters have been diverted by major flood-control projects. Under the sponsorship of the Issaquena Soil and Water Conservation District, six landowners, NRCS, the Mississippi Partners for Waterfowl Program, Mississippi River Levee Board, and FWS' Partners for Wildlife Program are working together to build 5 miles of levees and install 21 water-control structures to allow the area to flood up to 3 feet deep during the winter, approximating historical flood flows.
- The National Wetlands Conservation Alliance is a partnership of industry, organizations, agencies, and concerned citizens helping landowners fulfill their critical role as our Nation's wetlands stewards. The Alliance helps coordinate and provides a focal point for efforts to advance voluntary wetlands restoration and conservation by private landowners. It strongly encourages and supports establishing State and local alliances. Existing wetland projects with Ducks Unlimited, Wildlife Habitat Council, government agencies, and private landowners demonstrate how and why valuable wetland habitats should be restored and protected. The Alliance brings together governmental agencies and non-governmental organizations to funnel assistance directly to landowners. More than 2.5 million landowners are reached annually through publications, workshops, and demonstration projects of participating partners in the Alliance.

## **What's next?**

Wetlands are vital and dynamic ecosystems. Preserving, enhancing, and restoring wetlands are important parts of USDA's commitment to ecosystem-based assistance. By expanding partnerships and continuously evaluating existing programs, the quality and quantity of our Nation's wetlands will not be ignored. NRCS will continue to work with landowners, conservation districts, State natural resource agencies, FWS, Corps, and EPA to help restore, enhance, and manage valuable wetlands. Everybody can protect valuable wetlands on their property, learn about the wetlands in their community, and take part in local restoration activities.

## **SSMH DAY TO DAY Calendar-**

SSMH

### **Acceptable Activities in Rural Residential Zone**

**as determined by Eric Dyer, Town Manager and his support staff, The CEO**

Eric Dyer's list is attached.

### **December 23 2020, Eric Dyer Town Mgr delivered SSMH a list of acceptable activities.**

### **SSMH Calendar based upon Eric Dyer's list of acceptable Comm. Ctr SSMH activities**

Eric Dyer's Dec. 23 letter to SSMH page 5 – the entire page devoted to SSMH acceptable community center member activities

The Day to Day Calendar below is derived directly from the Town Manager Dyer's Dec. 23 statement of acceptable activities.

Mr. Dyer's activity list suggests an impressive community service and outreach model.

As a community opposition leader, neighbor and head of Readfield administration his list of acceptable activities is an official town statement.

Mr. Dyer has explored this topic for years. His CEOs report directly concerning the activities which are acceptable.

Mr. Dyer's activity list suggests an impressive community service and outreach model.

It is too great to be included within the two day model which SSMH has presented. Nevertheless, it is an ambitious community effort,

which we feel Mr. Dyer expects that we may hope to fulfill in the future with sufficient town interest, support and funding.

### **ABBREVIATIONS USED TO DESCRIBE ERIC DYER'S SUGGESTED ACTIVITY GROUPS**

**JHOT** = "MEMBERS Just hang out and talk"

**MOD** = "Organized Casual Discussion" – for Members only

### **Member private celebrations/ reservations may alter the Day to Day Calendar**

Members may request use of the community center for personal family days. The following are an example of acceptable member requests.

Memorials for the departed, religious celebrations, events and holidays (Ramadan), birthdays, graduations, barmisfa, parties, etc.

## SSMH Constrain Activites to Day to Day for members and guests

### Requires funding for heat. Without Funding...we must CLOSE NOVEMBER – APRIL .

January	THURSDAY	FRIDAY	SATURDAY
Week 1	Farmable Wetlands Committee	Children performance group	JHO/T Members only- barn dance
Week 2	Wildlife Enhancement (SAFE)Committee	JHO/Tmembers only dance	JHO/T Members only music for members
Week 3	Wetlands Gardens Committee	MOD – sculpture class	JHO/T Members only dance
Week 4	Mill Stream Colonial History Comm	JHO/T Members sing Karaoke	JHO/T Members only music for members
<b>FEBruary</b>		<b>FRIDAY</b>	<b>SATURDAY</b>
Week 1	Farmable Wetlands Committee	children chorus	JHO/T Members only- barn contra dance
Week 2	Wildlife Enhancement Committee	JHO/T members Western dance	JHO/T Members play music by members
Week 3	Wetlands Gardens Committee	JHO/T members yoga	JHO/T Members only dance
Week 4	Mill Stream Colonial History Comm	Hang Out	JHO/T Members only music for members
<b>March</b>		<b>FRIDAY</b>	<b>SATURDAY</b>
Week 1	Farmable Wetlands Committee	JHO/T members sing Karaoke	JHO/T Members only music for members
Week 2	Wildlife Enhancement Committee	JHO/T members dance	JHO/T members play FIDDLE music
Week 3	Wetlands Gardens Committee	support sessions	JHO/T members only dance
Week 4	Mill Stream Colonial History Comm	MOD – Art / Sculpture class	JHO/T Members only music for members
<b>APRIL</b>		<b>FRIDAY</b>	<b>SATURDAY</b>
Week 1	Farmable Wetlands Committee	JHO/T members sing Karaoke	JHO/T members only- barn dance
Week 2	Wildlife Enhancement Committee	JHO/T members "small theater"s	JHO/T members play FIDDLE music
Week 3	Wetlands Gardens Committee	JHO/T members yoga	JHO/T members only dance
Week 4	Mill Stream Colonial History Comm	JHO/T members "Readings"	JHO/T Members only music for members

**MAY**

Week 1	Farmable Wetlands Committee	<b>FRIDAY</b>	LGBTQ support sessions	<b>SATURDAY</b>	JHO/T members only- barn dance
Week 2	Wildlife Enhancement (SAFE)Committee		JHO/T members "small theater"s		JHO/T members play FIDDLE music
Week 3	Wetlands Gardens Committee		members "Quiet Enjoyment"		JHO/T members only dance
Week 4	Mill Stream Colonial History Comm		JHO/T members sing "Readings"		JHO/T Members only music for other meml

**JUNE**

Week 1	Farmable Wetlands Committee	<b>FRIDAY</b>	JHO/T members sing Karaoke	<b>SATURDAY</b>	JHO/T members only- barn dance
Week 2	Wildlife Enhancement (SAFE)Committee		JHO/Tmembers only dance		JHO/T members play FIDDLE music
Week 3	Wetlands Gardens Committee		JHO/T members yoga		JHO/T members only " Performance Gr
Week 4	Mill Stream Colonial History Comm		JHO/T members "performance group"		JHO/T Members only music for other meml

**July**

Week 1	Farmable Wetlands Committee	<b>FRIDAY</b>	members "Quiet Enjoyment"	<b>SATURDAY</b>	JHO/T Members only- barn contra dance
Week 2	Wildlife Enhancement (SAFE)Committee		JHO/T members Western dance		JHO/T Members only music for members
Week 3	Wetlands Gardens Committee		MOD – pottery / sculpture		JHO/T Members only dance
Week 4	Mill Stream Colonial History Comm		JHO/T members sing Karaoke		JHO/T Members only music for members

**August**

Week 1	Farmable Wetlands Committee	<b>FRIDAY</b>	JHO/T members sing Karaoke	<b>SATURDAY</b>	JHO/T Members only music for members
Week 2	Wildlife Enhancement Committee		JHO/T members dance		JHO/T members play FIDDLE music
Week 3	Wetlands Gardens Committee		JHO/T members yoga		JHO/T members only dance
Week 4	Mill Stream Colonial History Comm		MOD – pottery, sculpture class		JHO/T Members only music for members

**September**

Week 1	Farmable Wetlands Committee	<b>FRIDAY</b>	JHO/T members sing Karaoke	<b>SATURDAY</b>	JHO/T members only- barn dance
Week 2	Wildlife Enhancement Committee		JHO/Tmembers only dance		JHO/T members play FIDDLE music

Sheet1

Week 3	Wetlands Gardens Committee	Children song writing	JHO/T members only dance
Week 4	Mill Stream Colonial History Comm	JHO/T members "Readings"	JHO/T Members only music for members
<b>October</b>			
Week 1	Farmable Wetlands Committee	JHO/T members sing Karaoke	JHO/T members only- barn dance
Week 2	Wildlife Enhancement Committee	JHO/T members "small theater"s	JHO/T members play FIDDLE music
Week 3	Wetlands Gardens Committee	JHO/T members only dance	JHO/T members only dance
Week 4	Mill Stream Colonial History Comm	JHO/T members sing "Readings"	JHO/T Members only music for members
<b>November</b>			
Week 1	Farmable Wetlands Committee	JHO/T members sing Karaoke	JHO/T members only- barn dance
Week 2	Wildlife Enhancement Committee	JHO/T members "small theater"s	JHO/T members play FIDDLE music
Week 3	Wetlands Gardens Committee	JHO/T members yoga	JHO/T members only " Performance Gr
Week 4	Mill Stream Colonial History Comm	JHO/T members "performance group"	JHO/T Members only music for other meml
<b>December</b>			
Week 1	Farmable Wetlands Committee	LGBTQ support sessions	JHO/T members only- barn dance
Week 2	Wildlife Enhancement (SAFE) Committee	JHO/T members "small theater"s	JHO/T members play FIDDLE music
Week 3	Wetlands Gardens Committee	members "Quiet Enjoyment"	JHO/T members only dance
Week 4	Mill Stream Colonial History Comm	JHO/T members only dance	JHO/T Members only music for members

**Requires funding for heat. Without Funding...we must CLOSE NOVEMBER – APRIL .**

December	no heat closed	no heat closed
January	no heat closed	no heat closed
FEBRUARY	no heat closed	no heat closed
March	no heat closed	no heat closed
April	no heat closed	no heat closed

**Requires funding for heat. Without Funding Member winter Holiday night cancelled**



# A Description of activities

## **MOD = Member Organized Discussions with each other**

- how to make a million dollars in the stock market
- how to live on \$7 / DAY
- best place in the world to live on \$12/day room and board
- change your job to 100K a year no education
- dental care for the price of an international vacation
- cooking for a healthy life
- become a great cook or good cook – skills secrets - lebanese, thai, italian, spanish/tex-mex OTHERS
- Lose 30 Pounds Club - Club to discuss diet a delicious cheap vegetarian diet
- Plumbing – secret of a modern plumber – NO SKILL NEEDED – Fix any pipe fast
- construction problems – EASY ways to build anything you need
- Electricity in your home - ADD AN OUTLET IN MINUTES LEGALLY AND SAFELY
- How to solve any outdoor garden issue – From Bugs to Trees
- How to use any tool....Pick One and Lets use it
- WOMEN ONLY - I'm 50/60/70 do I still have enough to attract another person? Help with a make-over.
- MEN AND WOMEN –How and Where do you find a new partner in Readfield??

**MEMBERS PERFORMANCE GROUP**

Members read selections from plays to each other

drama

musical

comedy

shakespeare

classics

DIALOG FROM classics

**MEMBERS DANCE WITH EACH OTHER**

salsa

swing

Contra

Western

line

turkish

twist

Jamaican

armenian

greek

arabic regular

arabic exotic

modern

R&B

Tango

Other?

**QUIET ENTERTAINMENT**

GAMES – trivial pursuit

Movie Night

Cultural Cooking Discussion/Demos/Share Recipes Etc.

Wellness Cooking Diet, Discussion/Demos/Share Recipes

**ERIC DYER'S LIST – FAMILY SUPPORT SERVICES**

**SCHOOL YEAR 10 students 3PM – 6 PM IF FUNDED**

Classes - school children learn to direct and write plays

Classes - younger children act, dance and sing.

afternoon quiet games – chess, reading, homework

**SUMMER VACATION 10 CHILDREN SESSIONS/ 2 hours**

fishing contests, hiking, painting etc

Classes - older school children direct and write plays

Classes children acting, dancing and singing.

**CRISIS CENTER for LGBTQ AND COMMUNITY**

Support to children and individuals

SSMH closed door meetings

bers

cup"  
bers

Sheet1

bers  
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# 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 at the heart of the abandoned colonial industrial center of Readfield. Safe Space Meeting House is a non-commercial, voluntary association for 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 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.

The Planning Board has identified a local issue which is of immediate to all homeowners and many residents of Readfield - what can be done with wetlands that will improve the agricultural use, beautify and wildlife, flora. There is little information available and few areas where work has progressed to address the wetland issue. USAID has provided insights. SSMH will address the wetland issue within the organization as a outreach model for information and involvement. Few agencies or organizations discuss solutions to this local issue.

26 Mill Stream Road is bounded by a stream and wetlands. Our members will to follow state and national goals for stream and wetland outreach and work. The work will be guided by information obtained from national, state and local agencies. SSMH will attempt to create a collaborative outreach process. The USDA provides initiatives and programs to address the wetland issue. Among them: Acres into Wildlife Enhancement (AFE), Farmable Wetlands Program, Wetland Gardens. These wetland projects ask rural/residential wetland owners to implement these beneficial advanced wetland techniques into their local areas. SSMH hopes to integrate models which may be reproduced by homeowners and farmers in the area. We have discussed this effort with the USDept Agriculture - Natural Resources Conservation Service staff in Maine. They will provide technical assistance with some initial guidance with this project. If it is effective they may be able to provide additional materials and funding for the outreach education project by our members. By using these USDA NRCS models, it may be possible for our members to create an effective, relevant program for community outreach and involvement.

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 skills wildlife habitat preservation, wetland development and public outreach.

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 the 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 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 and 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 with 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

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

3. 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, 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.

#### 3.04 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 shall affiliate information be shared with or sold to other organizations without the affiliate's consent. Affiliates have no voting rights and are not members of the corporation.

#### 3.03 Non-voting Non-equity Social Memberships

1. This corporation shall not have capital stock. Non-voting non-equity Social Memberships in the corporation shall be represented by membership certificates. Such certificates only represent the right to use and enjoy the benefits of the corporation's recreational facilities, upon the further payment of reasonable charges based upon use. They do not provide access to or attendance at meetings of the Board of Directors. They do not extend to any voting representation to decisions made by the Board of Directors or its committees.
2. The membership certificates shall be issued to each holder of a fully paid membership, numbered consecutively in accordance with the order of issue, and bear on its face the following statements.
  - a. The amount of membership fee shall be, as directed by the Board of Directors.
  - b. The membership certificate, No. \_\_\_\_\_, is issued and accepted in accordance with and subject to the conditions restrictions stipulated in By-Laws and amendments to the same of the SSMH.
  - c. Transfers of membership certificates shall be made only upon the books of the corporation, only to persons eligible to become members, and with the approval of the Board of Directors and only when the member transferring is free from indebtedness to the corporation.
  - d. No member of this corporation shall be entitled to hold more than one of the membership certificates of the corporation.
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4. Membership certificates shall be canceled upon the death of a member, or in case of membership in the corporation is terminated for any cause as provided in the By-Laws and such loss of membership by death or otherwise shall terminate all interest of such member and cancellation of the deceased's membership certificate. The surviving spouse or other immediate family member desiring to continue such family's membership may be granted, upon application to the Board of Directors and upon the issuance of a new membership certificate to such survivor, be transferred without additional membership fee.
5. Dues shall be established by the majority vote of the Board of Directors.
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2. The membership certificates shall be issued to each holder of a fully paid membership, numbered consecutively in accordance with the order of issue, and bear on its face the following statements.
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  - b. The membership certificate, No. \_\_\_\_\_, is issued and accepted in accordance with and subject to the conditions restrictions stipulated in By-Laws and amendments to the same of the SSMH.
  - c. Transfers of membership certificates shall be made only upon the books of the corporation, only to persons eligible to become members, and only with the approval of the Board of Directors and only when the member transferring is free from indebtedness to the corporation.
  - d. No member of this corporation shall be entitled to hold more than one of the membership certificates of the corporation.
3. All transfers of membership certificates shall be made upon the books of the corporation upon the surrender of the certificates covering the same by the holders thereof or by their legal representatives, but only with the approval of the Board of Directors and only to persons eligible to become members and only when the transferring member is free from indebtedness to the corporation. The corporation shall have the first option to purchase the membership certificates at its face value and no other sale will be made unless the corporation shall fail after thirty (30) days notice in writing so to purchase the membership certificate, under no circumstances will the corporation be obligated to purchase the membership certificate.
4. Membership certificates shall be canceled upon the death of a member, or in case of membership in the corporation is terminated for any cause as provided in the By-Laws and such loss of membership by death or otherwise shall terminate all interest of such member and cancellation of the deceased's membership certificate. The surviving spouse or other immediate family member desiring to continue such family's membership may be granted, upon application to the Board of Directors and upon the issuance of a new membership certificate to such survivor, be transferred without additional membership fee.
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9. At no time will the number of members permitted access to SSMH facilities exceed the limit established by the Maine State Fire Marshal.

10. Any member of this Club or persons entitled to the privileges and courtesies of the Club may be expelled by the Business manager for repeated violations of any of the By-Laws, rules or regulations or for any misconduct deemed sufficient, said member's name may be brought

## SSMH Remedy of Issues cited in the Nov. 2021 Planning Board Findings and Conclusions

### **A. Expected Maximum Occupancy**

A question of importance before and during SSMH PB hearings was the expected maximum occupancy of the building use. Information about this was delivered to the CEO. During the SSMH Planning Board hearings, members of the Planning Board inquired about the expected maximum occupancy for the planned uses. The applicant provides specific information concerning the **expected occupancy - SSMH total membership is 50.**

**SSMH BYLAWS: MEMBERSHIP ATTENDANCE LIMITATIONS:** Admission to SSMH facilities is limited only to members and their immediate family. Each member and the immediate family of that member may attend SSMH facilities at any time. The member's family other than immediate family, must accompany the member. Guests will not be permitted use of or access to SSMH facilities. The Business Manager shall be empowered to limit or change this privilege at any time they deem desirable for the best interests of the Club. At no time will the number of members permitted access to SSMH facilities exceed the limit established by the Maine State Fire Marshal.

The applicant proposed in application materials that parking would primarily be achieved through off-site parking located in a parking lot located on Mill Stream Road between Rte. 17 and Mill Stream Road. The applicant states that the parking lot will serve 54 vehicles. Three additional handicap parking spaces are to be provided adjacent to the building at 26 Mill Stream Road.

### **“Civic Center, Convention Center”**

The Planning Board and Town Manager have introduced statements that create fear of the SSMH membership and community. These statements declare that SSMH intends to open a “Civic, Convention Center” and “Indoor Theater”. These centers have an occupancy of 10,000. They are prohibited in Readfield and in the Rural Residential District. These statements about SSMH are repeated over and over and printed in the PB statement of Fact. The PB references to a “Civic, Convention Center” and “Indoor Theater” create a prejudicial reputation of the SSMH desire to initiate prohibited activity and use. This is a clear suggestion for the Readfield public to identify SSMH activities and membership as a potential criminal threat. It builds a public hostility against anticipated SSMH membership criminal behavior and intent that will threaten peaceful Rural Residential neighborhood. The suggestion of criminality discriminates against the LGBTQ Readfield community we represent.

The on-site parking proposed by SSMH is limited to areas not within the Resource Protection Area. Only three parking places are reserved for ADA visitors. SSMH indicated it would not hold activities outdoors except in those areas approved by the DEP Resource Protection approved areas defined in the DEP 2017 Approval of uses for activities at 20 Mill Stream Road.

Activities will be constrained to areas of the building or property that fall outside of the Resource Protection District. Nevertheless, SSMH has revised its Mission statement to include work with the wetlands. SSMH has proposed activities to begin outreach models for work with the wetlands. These activities will be based upon the **Maine Grange tradition**. Member Activities involving wetland would be authorized by and under the guidance, supervision, funding and permission of DEP Engineers as well as US Agriculture Department technical staff. Preliminary discussions with USAD officials indicate an interest in a collaborative project.

### **SSMH Social Member Activities**

### **SSMH Social Member Activities**

SSMH day to day anticipated schedule of activities has been submitted. The proposed **SSMH member social activities are based upon those activities suggested by the Town Manager Dyer** in his Dec. 31 Letter to SSMH. While this list has not been approved by SSMH members it appears reasonable. TM. Dyer (as neighbor and town manager) described activities he felt are suitable within the context of a community center in the immediate area of his home. SSMH felt that this was an acceptable way to enrich the community and SSMH membership.

SSMH activities will be attended by SSMH follow the guidance of the LUO. SSMH members will be monitored by trained staff aware of the limitations against public access and strictures against an unspecified number of people. There will be trained staff to limit access to SSMH facilities to members.

SSMH will serve its members. It is the SSMH intent to not discriminate against community residents who desire SSMH membership. SSMH will remain open to the Readfield community as identified within our mission statement. SSMH will not discriminate. Regardless, of its membership, Laws and regulations which limit occupancy will be followed.

### **Day to Day Calendar of SSMH Activities**

A proposed day to day activities schedule has been assembled based on TM Dyer's suggested list of acceptable Community Center activities. It is attached.

### **Mill Stream Road closed to all traffic**

The Fiori family as well as SSMH have agreed that Mill Stream Road should be closed to all traffic except for emergency vehicles, Readfield Colonial Park vehicles, ADA parking, resident and management vehicles.

We would request that the town post No Parking signs on Mill Stream Road in order to limit all parking.

In this way SSMH will have reasonable certainty, that we will limit any adverse impact on Mill Stream Road, noise and any intensity of use. If the town is unwilling to post those signs Mr. Fiori and the landlord of 26 Mill Stream Road will post no parking signs on their land which will effectively remove on-street parking and protect the existing Mill Stream Road bed.

**Financial Burden on Town.** Mr. and Mrs. Fiori provided an easement which allows a sidewalk to be installed by the 26 MSR owner on Mill Stream Road. The sidewalk will provide safe pedestrian access from offsite parking to the barn building.

**SSMH Financial and Technical Capacity.** An SSMH facility manager will be employed to plan and provide control and oversight to ensure that no violations of the Ordinance occur. The SSMH facilities manager is experienced in Readfield facilities management. He will ensure that access to facilities are restricted to members.

A donation of 20,000 has been secured. This initial fund provides for the estimated cost to complete elements of this project. Additional pledged donations have been assured to provide for all resources needed for SSMH to build out the required parking areas. SSMH submitted bank balance of \$25,000 checking account. If the Planning Board requires additional funds to support SSMH financial capacity, an additional pledge of funds will be requested.

**Wetlands.** While there will be increased activity on the site, there is no evidence that it will have a direct effect on wetlands. The Board concludes that this criterion is met.

**Soundproofing.** SSMH states that it has installed 6" of soundproof insulation in its exterior wall as well as soundproof insulation in interior walls. Music by members and other events proposed by the applicants will undoubtedly create some internal noise. Nevertheless, sound test made by professionals indicate that sound will not influence abutting residences on Mill Stream Road or other adjacent properties. The Planning 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..." (Art. 7, Sec. 4(A)(4)). Toward that purpose, SSMH has included activities which include topics of agriculture and forestry. We adjusted some SSMH activities may include meetings and demonstrations by the DEP and USAD focused on sustaining the quality of Readfield wetlands. The goal of these activities is to promote the development of DEP and USAD wetland programs which may improve wetland use.

In past years, the property and building had been used as an abandoned drug user hangout. The applicant will work with abutters to regulate all events to those which would be compatible with the preservation of the rural character and natural resources of this historic Mill Stream Road.

SSMH has proposed a day to day activity schedule suggested by the Town Manager. It illustrates a possible schedule for the frequency of member events. That schedule is an expectation of anticipated SSMH activity. The schedule provides a scope of community center activity in keeping with the RR area. The Planning Board may suggest an adjustment in the community center activity schedule.

**Storm water.** SSMH has consulted an engineer who will provided plan for the off-site parking lot. A storm water management is being prepared by the engineer.

#### **Traffic.**

The SSMH parking lot is located at the entrance of Mill Stream Road. We anticipate that official Readfield No Parking signs and a relevant ordinance would eliminate all excessive use of the road. We feel this will be sufficient to control traffic and minimize all use of Mill Stream Road. If Readfield administration is unable to provide these signs, SSMH and the landlord will provide financing for the No Parking signs.

#### **Life and Fire Safety. A sidewalk will be installed**

A **lighting** Plan has been submitted.

A **solid Waste** plan has been submitted

#### **Parking Plan**

A copy of the parking plan has been submitted.

(Total 57 Parking Spaces) 54 spaces in the SSMH Mill Stream Parking Lot

Parking spaces for 3 cars at the barn entrance for handicap members.

Parking Spaces are 10' x 20'

Parking lanes are 20'

Parking lot dimensions are 200' x 100' x 200' x 50'

Parking Lot is inset 10' from Mill Stream Road ( that distance can be increased)

The center parking lot spaces will be divided in the same manner as the town ballfield

# Site Criteria 14-22

Proposed SSMH activities which are proposed for members include those with DEP Engineers who will provide funding for a DEP Project. Any work on that wetland restoration project which will be guided by and monitored by DEP, DEP/RP and U.S/ Dept Agriculture Engineers.

14. Wastewater – HHE200 was filed in 2017 for the new septic drainage wastewater disposal system. The system was sized to be adequate for community center use.

15. Storm water - The parking lot is approximately 2/5 of an acre. The proposed design employs a graded "Rain Garden". A Swale will be constructed along the property line between Parking Lot 120/18 and the adjacent Fiori property Map 120 lot 17. It will harness any rain water draining from Route 17 and the lot in a graded swale into the uncompacted berm which will be planted with Willow Trees and plants which will retain the water from continuing the flow beyond the property. Design attached.

16. Water Supply is sufficient for the uses of the community center. The water use will be limited to Kitchen cleaning, making coffee and other beverages. Water will also be used in the bathrooms for sewage drainage. The new drill well provides an abundance of water. The Board has received statement from the well driller confirming that there is an ample water supply for the proposed use.

17. Traffic

We anticipate additional traffic to the Mill Stream Giles Road intersection. However we have spoken with neighbors concerning plans to limit traffic on this road. SSMH has received information from the Fiori family concerning Mill Stream Road traffic. They agreed to post their own property on lot 17 and lot 12 as No Parking. Mr. Bittar will post his land on Lot 13 as handicap parking. Mill Stream Road will have almost all of its available street parking designated as prohibited. In this way parking for SSMH will be confined to the Parking Lot (Lot 18). There will be town parking at the dam but it will be limited to a few cars.

18. Legal Access - Legal access is available

19 Adjoining Municipality - NA

20. NA

21. Life and Fire Safety: The Fire Marshal report which is attached confirms that 26 MSR has conformed to a thorough design, structure and facility inspection has been determined to adhere to Maine State Fire/ADA/Safety Codes.

Building Egress issues were addressed in a separate communication as requested by Fire Chief Mank. The Fire Inspection Department Supervisor remembered the recent study of 26 MSR. He stated that the inspection determined that there is sufficient egress to conform to all state safety codes. His evaluation is attached.

The Planning Board has requested that the Landlord install a gravel sidewalk. The landlord has indicated a willingness to complete a gravel sidewalk as specified by Fire Chief Mank. The PB may reconsider this requirement since in 2018 Fire Chief stated and wrote his opinion that the Mill Stream

Road is adequate for Fire Department. He did suggest in 2018 that one side of Mill Stream Rd. be designated as No Parking.

## 22. Violations:

There are no land use violations associated with this property.

### The First Stop Work Order

The 2013 Stop Work Order was Investigated by Town Manager Stephan Pakulski. TM Pakulski's investigation determined that the notice to stop work was unwarranted. It was submitted on the very day cement was being poured for a concrete floor to stabilize steel columns. These columns were necessary to replace the few rotten wood posts supporting the building. Every spring there was standing water in the basement. There was real danger that old wooden rotted posts would be unable to support the building during the winter and the wet spring. The structure was so unstable it would have collapsed without support.

The Second Stop Work Order was a misunderstanding. A DEP well water inspector arrived to determine the proper placement of a new drilled well. He asked the purpose of the well. We indicated that in the future it would be used as a community center. He returned to his office and submitted a request for a commercial well to be approved. One year later the town CEO and Planning board received approval of a commercial well. The Planning Board requested that Mill Stream construction stop if I had begun any commercial operation. The Stop Work Order was issued, I arrived with a DEP notification that no request was made for the well to be used for commercial purposes. The Maine Water authority said that I was not required to file a permit for water use even if the building were to be used for a community center. I was given a certificate which certifies that.

Except for several months when I received a single family residency, made modifications to the building bought furniture and adjusted the place for a home, there has been no use of this building.

The Town Manager spoke with CEO Buuck concerning his responsibilities and role as CEO. We had meetings and conferences about this process. Mr. Buuck said that he would be helpful in the future. During TM Pakulski tenure and during the employment of TM Dyer there have been many CEOs. They have all been helpful. There have been no other "violations".

## 23. Road Construction NA



# SITE PLAN REVIEW CRITERIA

14 – 22

## EXHIBITS

**SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION**

Maine Dept. Health & Human Services  
 Div. of Environmental Health, 11 SHS  
 (207) 287-5672 Fax: (207) 287-4172

<b>PROPERTY LOCATION</b>		<b>&gt;&gt; CAUTION: LPI APPROVAL REQUIRED &lt;&lt;</b>	
City, Town, or Plantation	Readfield	Town/City	READFIELD
Street or Road	# 26 Mill Stream Rd	Permit #	2280
Subdivision, Lot #	Map 120 / Lot 13	Date Permit Issued	11/18/14
<b>OWNER/APPLICANT INFORMATION</b>		Fee: \$265.00	Double Fee Charged ( )
Name (last, first, MI)	Bitar, Robert	Local Plumbing Inspector Signature	_____
Mailing Address of Owner/Applicant	309 Waugan Road North Monmouth, ME 04265	L.P.I. #	941
Daytime Tel. #	933-4965	<input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> Applicant	
<b>OWNER OR APPLICANT STATEMENT</b>		<b>CAUTION: INSPECTION REQUIRED</b>	
I state and acknowledge that the information submitted is correct to the best of my knowledge and understanding and 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 Signature: _____ (2nd) date approved: _____	

PERMIT INFORMATION		
<b>TYPE OF APPLICATION</b>	<b>THIS APPLICATION REQUIRES</b>	<b>DISPOSAL SYSTEM COMPONENTS</b>
<input type="checkbox"/> 1. First Time System <input checked="" type="checkbox"/> 2. Replacement System Type replaced: <u>Unknown</u> Year installed: <u>PRE 1974</u> <input checked="" type="checkbox"/> 3. Expanded System <input type="checkbox"/> a. >50% Expansion <input type="checkbox"/> b. >25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	<input type="checkbox"/> 1. No Rule Variance <input type="checkbox"/> 2. First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 3. Replacement System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	<input type="checkbox"/> 1. Complete Non-engineered System <input type="checkbox"/> 2. Primitive System (graywater & alt. toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000 gpd or more) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input type="checkbox"/> 11. Pre-treatment, specify: _____ <input type="checkbox"/> 12. Miscellaneous Components
<b>SIZE OF PROPERTY</b>	<b>DISPOSAL SYSTEM TO SERVE</b>	<b>TYPE OF WATER SUPPLY</b>
2 ± <input type="checkbox"/> SQ. FT. <input checked="" type="checkbox"/> ACRES	<input type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: <u>7</u> <input type="checkbox"/> 2. Multiple Family Dwelling, No. of Units: _____ <input type="checkbox"/> 3. Other: _____ (specify) Vacant Current Use: <input type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input type="checkbox"/> Undeveloped	Drilled - Future <input checked="" type="checkbox"/> 1. Drilled Well <input checked="" type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other
<b>SHORELAND ZONING</b>	<b>DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)</b>	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

<b>TREATMENT TANK</b>	<b>DISPOSAL FIELD TYPE &amp; SIZE</b>	<b>GARBAGE DISPOSAL UNIT</b>	<b>DESIGN FLOW</b>
<input checked="" type="checkbox"/> 1. Concrete <input type="checkbox"/> a. Regular <input type="checkbox"/> b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other: _____ CAPACITY: <u>2000</u> GAL <u>20,000</u> Gallons	<input type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input checked="" type="checkbox"/> 3. Proprietary Device <input type="checkbox"/> a. cluster array <input type="checkbox"/> c. Linear <input type="checkbox"/> b. regular load <input type="checkbox"/> d. H-20 load <input type="checkbox"/> 4. Other: _____ SIZE: <u>420</u> sq. ft. <input type="checkbox"/> lin. ft.	<input checked="" type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 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	<u>630</u> gallons per day BASED ON: <input checked="" type="checkbox"/> 1. Table 4A (dwelling unit(s)) <input type="checkbox"/> 2. Table 4C (other facilities) SHOW CALCULATIONS for other facilities
<b>SOIL DATA &amp; DESIGN CLASS</b>	<b>DISPOSAL FIELD SIZING</b>	<b>EFFLUENT/EJECTOR PUMP</b>	<b>LATITUDE AND LONGITUDE</b>
PROFILE CONDITION: <u>3, C</u> at Observation Hole # <u>TP-2</u> Depth <u>18"</u> of Most Limiting Soil Factor	<input type="checkbox"/> 1. Medium—2.6 sq. ft. / gpd <input checked="" type="checkbox"/> 2. Medium—Large 3.3 sq. ft. / gpd <input type="checkbox"/> 3. Large—4.1 sq. ft. / gpd <input type="checkbox"/> 4. Extra Large—5.0 sq. ft. / gpd	<input type="checkbox"/> 1. Not Required <input checked="" type="checkbox"/> 2. May Be Required <input type="checkbox"/> 3. Required Specify only for engineered systems: DOSE: _____ gallons	<input type="checkbox"/> 3. Section 4G (meter readings) ATTACH WATER METER DATA at center of disposal area Lat. <u>44</u> d <u>23</u> m <u>318</u> m Lon. <u>69</u> d <u>58</u> m <u>423</u> m if g.p.s, state margin of error: <u>15'</u>

SITE EVALUATOR STATEMENT		
I certify that on <u>10/2/14</u> (date) I 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).		
Site Evaluator Signature: _____ Douglas A. Riley Site Evaluator Name Printed	SE #: <u>238</u> Telephone Number: <u>685-4333</u>	Date: <u>10/22/14</u> E-mail Address: <u>DARCOENGR@AOL.COM</u>

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Health & Human Services  
 Division of Environmental Health  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Readfield

Street, Road, Subdivision

26 Mill Stream Road

Owner's Name

Robert Bitar

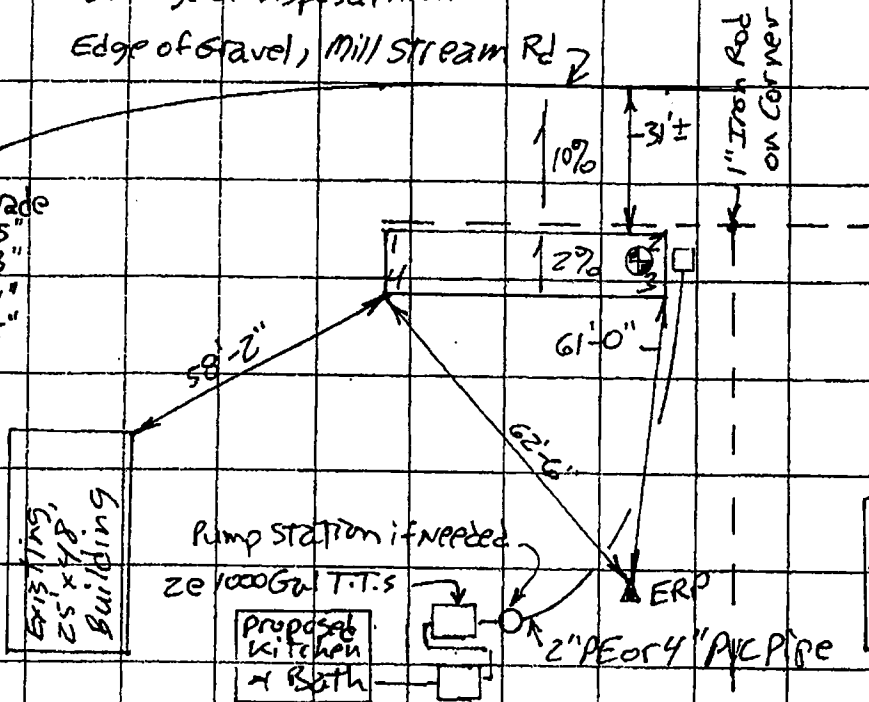
## SITE PLAN

Scale 1" = 40 ft. or as shown

Note: Future well to be at least 150ft from near edge of disposal area

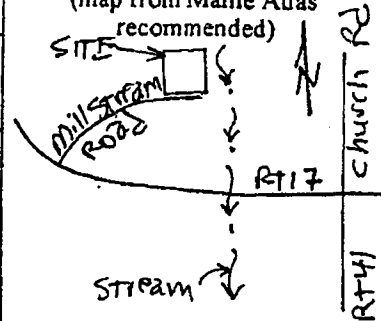
Edge of gravel, Mill Stream Rd

- ERP TO GRADE
- 1 = -75"
  - 2 = -73"
  - 3 = -64"
  - 4 = -85"



## SITE LOCATION PLAN

(map from Maine Atlas recommended)

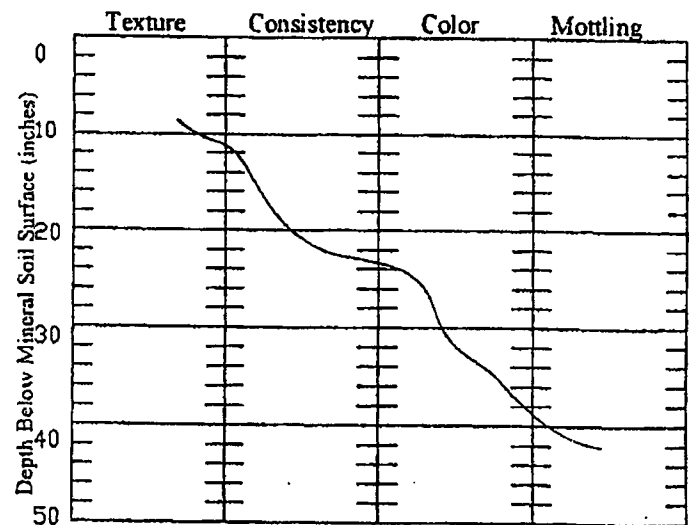


## SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole T.P.#2  Test Pit  Boring  
 \_\_\_ " Depth of Organic Horizon Above Mineral Soil

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

Depth Below Mineral Soil Surface (inches)	Texture	Consistency	Color	Mottling
0	Fine to medium sands		dk brn	
10	w/many sub angular rocks & boulders	frictile	very pale brown	
20			Light yellow	Brown @ 18"
30		Limit on "Pan"		
40				
50				



Soil Classification	Slope	Limiting Factor	<input checked="" type="checkbox"/> Ground Water
<u>C</u>	<u>24</u> %	<u>18</u> "	<input type="checkbox"/> Restrictive Layer
Profile Condition			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

Soil Classification	Slope	Limiting Factor	<input type="checkbox"/> Ground Water
Profile Condition	___ %	___"	<input type="checkbox"/> Restrictive Layer
			<input type="checkbox"/> Bedrock
			<input type="checkbox"/> Pit Depth

Doug A. Hley  
 Site Evaluator Signature

238  
 Site #

10/22/14  
 Date

# SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Health & Human Services  
 Division of Environmental Health  
 (207) 287-5672 Fax: (207) 287-3165

Town, City, Plantation

Street, Road, Subdivision

Owner's Name

Readfield

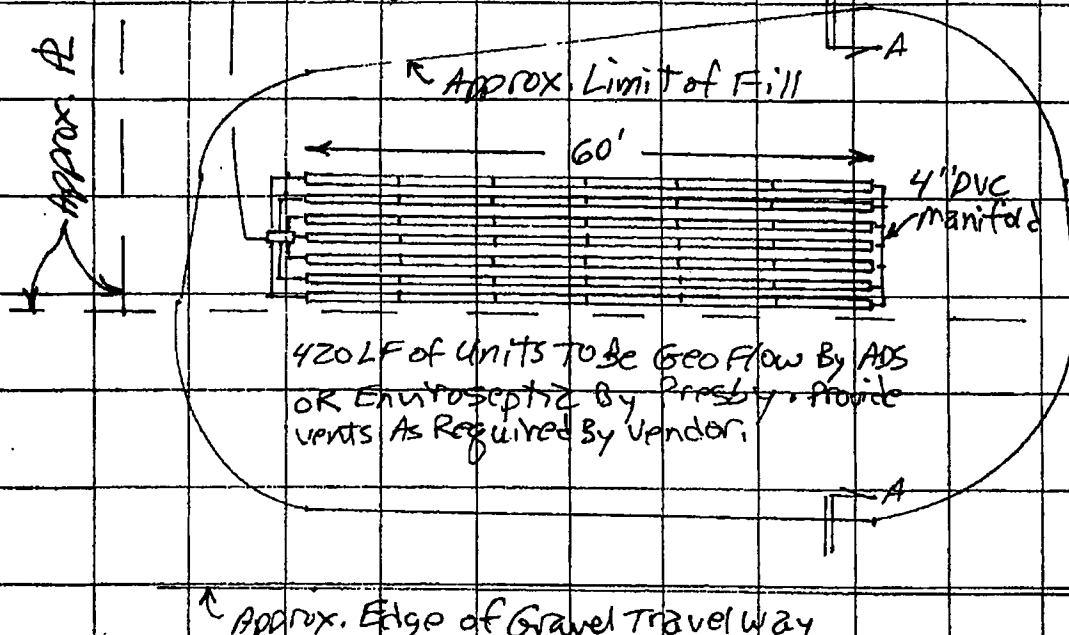
#26 Mill Stream Road

Robert Bitar

## SUBSURFACE WASTEWATER DISPOSAL PLAN

SCALE: 1" = 20 FT.

2" PE From P.S. or 4" PVC Gravity Line From Septic Tank. Protect From Freezing. Provide Barriers to Prevent Vehicles From Driving onto The Disposal Area.



Note: Permission From The Town has been granted to install a system fill extension into the road R.O.W.

420 LF of Units to be Geo Flow By ADS OR Enviroseptic By Presby. provide vents As Required By Vendor.

### FILL REQUIREMENTS

### CONSTRUCTION ELEVATIONS

### ELEVATION REFERENCE POINT

Depth of Fill (Upslope)	22"	Finished Grade Elevation	-42"
Depth of Fill (Downslope)	43"	Top of Distribution Pipe or Proprietary Device	-52"
		Bottom of Disposal Area	-64"

Location & Description: Nail in Brass Tag  
 Set 15" Above Grade in 6" Maple  
 Reference Elevation: 0"

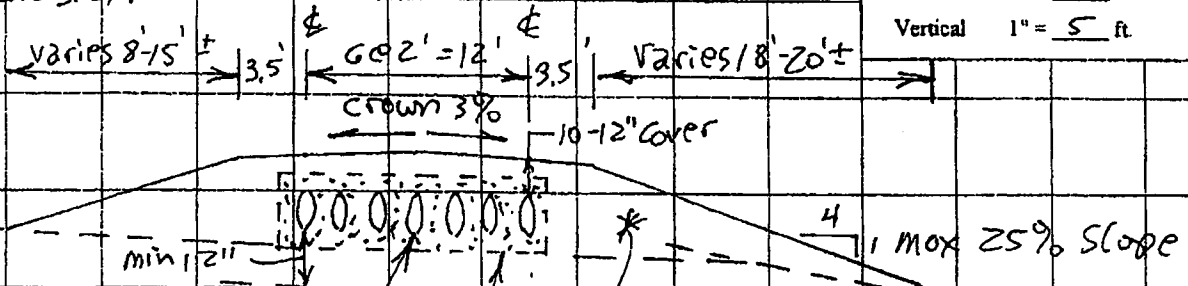
Loam, Seed & Mulch  
 All Disturbed Areas  
 To Prevent Erosion

### DISPOSAL AREA CROSS SECTION

Scale

Horizontal 1" = 10 ft.  
 Vertical 1" = 5 ft.

#### Section A-A



Limiting Factor S.H.W.T.

Install Units Level within 1" per 50 Feet

Provide Clean Sand Around Units per manufacturer's Requirements

Backfill to be Clean Coarse Sand to Gravelly Coarse Sand  
 Clean, Grab, & Scarify Under All Filled Areas

*Robert O. Blom*

238

10/22/14



King's Arrow Company, LLC

Joseph F. Stevenson, Owner

190 South Road

Fayette, ME 04349

[www.kingsarrowco.com](http://www.kingsarrowco.com)

Mr. Bob Bittar

1146 Main Street

Readfield, ME 04355

Dear Mr. Bittar,

I have reviewed your subsurface wastewater design for 26 Mill Stream Road in Readfield, Maine dated 9/23/2015. The current design is for a 4 bedroom home, but includes a grease interceptor and disposal area that is 13 x 60 feet comprised of 7 rows of Enviro-septic piping. The system is technically oversized for a 4 bedroom home and has a capacity of 2100 gallons per day (GPD). This letter is intended to identify potential use change and the type of use the current system will support.

If the 4 bedroom home were to be converted to a banquet hall, as outlined in the Maine Subsurface Wastewater Disposal Rules (hereinafter referred to as the Rules), the disposal field capacity would support the following:

Banquet Hall – 5 GPD/seat per meal

3 Employees – 12 GPD/employee

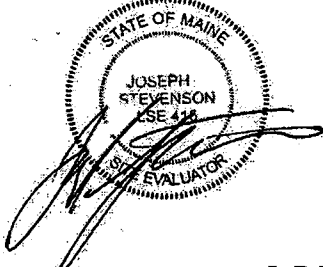
Using a WW strength factor of 1.6, and subtracting the employee flow from the Banquet Hall, the remaining flow is 2064 GPD.  $2064/1.6 = 1290$  GPD raw flow.

The tank capacity must be 150% of the design flow of 2100 GPD. This system currently has 2000 gallons of capacity. Due to this factor, the design capacity is limited to 810 GPD of raw flow, which equates to 162 seats available.

Please let me know if I can help further.

Respectfully,

King's Arrow Company, LLC



Joseph F. Stevenson, L.P.F., L.S.E

Owner

## Parking Lot and House/Mill Stream Road Lighting plan

The applicant presented no specific **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.

Solar Street light for Outdoor brings 3 Working Modes to Cope with Different Usage Scenarios

- **PIR sensor + light control:** The light will turn ON when people pass by in the darkness.
- **Light control:** The light will light up when the surrounding is getting dark.
- **PIR sensor + dimmable + light control:** The light will return to “slightly bright” mode after 30seconds that people pass the light

### Features :

- **Easy To Install.**
- **Motion Sensing Mode** (dims low light level until motion detected)
- **Remote Controlled** (to change settings)
- **Timer** (set to stay on for time intervals of 2hrs, 3hrs, 4hrs)
- **Auto Mode** turns on in the evening (stays on all night) and off in the morning.
- **Brighter than ever:** Endurance Lights is capable of illuminating up to 9000 Lumens at it's full power. Super bright solar light!
- **Weatherproof construction:** Snow & rain storm-resistant, rustproof, super-durable resin frame providing extreme durability and reliability, even in very humid weather climates and coastal areas. You will never have to worry about damage from rain or sun exposure.
- **Color temperature:** White light 6000-6500k
- **180 Super Bright LEDS**
- **5 Lighting Modes:** Motion detected, Always on, 2 hours timer, 4 hours timer and 6 hours timer.
- **Battery Size:** 12000 MAH
- **Solar Panel Specs:** 15W/6V
- **Light Dimensions:** 25.5x7.9inches

[https://rijop.com/products/90w-solar-street-light-9000-lumen?currency=USD&utm\\_medium=cpc&utm\\_source=google&utm\\_campaign=Google%20Shopping&gclid=Cj0KCOiAybaRBhDtARIsAIEG3kl7ItjbjIVO1Cgb6oZNwURp8pPduZ9SLgFlMWkx0znpY0P6shamwL0aAgU1EALw\\_wcB](https://rijop.com/products/90w-solar-street-light-9000-lumen?currency=USD&utm_medium=cpc&utm_source=google&utm_campaign=Google%20Shopping&gclid=Cj0KCOiAybaRBhDtARIsAIEG3kl7ItjbjIVO1Cgb6oZNwURp8pPduZ9SLgFlMWkx0znpY0P6shamwL0aAgU1EALw_wcB)

Light pole with led solar light fixtures would be installed as indicated on the maps in the front of the barn as well as located in the parking lot.

**Leah Hayes**

## **Mill Stream Lighting**

### **Entrance Sconces:**

- Three Sconces are installed on the front of the barn wall facing route 17. They are illuminated with LED bulbs, 850 lumens each. They are mounted 6' above ground level on the entrance walls of Mill Stream buildings. These sconces provide necessary lighting at building entrances for the safety of visitors who enter and exit the building.
- The Barn has two sconces located on the exterior wall at either end of the barn. These sconces are illuminated with fluorescent bulbs 850 lumens each. A sconce is installed at the front street entrance above the front kitchen entrance and another sconce located at the entrance in the vestibule opposite the front entrance.
- A sconce is installed on the wall of the entrance of Colonial building which faces the stream. It is illuminated with a fluorescent bulb 850 lumens.
- These lights cast no halo or light on neighboring buildings.

### **The Colonial Dam Park-26 MSR walkway Christmas lights**

- In 2018, a canopy of Christmas lights was installed in the trees along the Colonial Dam Park-26 MSR walkway / path that follows the stream. The Christmas lights were hung in trees along the length of the property and illuminates the path in the evening. They were installed on the path which was formed by the Town Conservation and Trails Committees. They are needed for the safety of town pedestrians who have been invited by the town select board and committees to use public trails at the 26MSR property. Those lights must be tested. New lights will be installed where necessary.
- The Christmas lights cast no halo or light on neighboring buildings.

### **Spot light**

- A spot light is placed on a wooden beam which lies at ground level in front/center of the barn entrance. It illuminates the face of the barn. It casts no halo. 1500 lumens..

### **Barn Pedestrian Lights**

- Two additional pole lights are planned for installation within 10 feet of Mill Stream Road and located in the area along the front wall of the Barn. These lights will be installed to copy the layout of the light poles installed at the Town



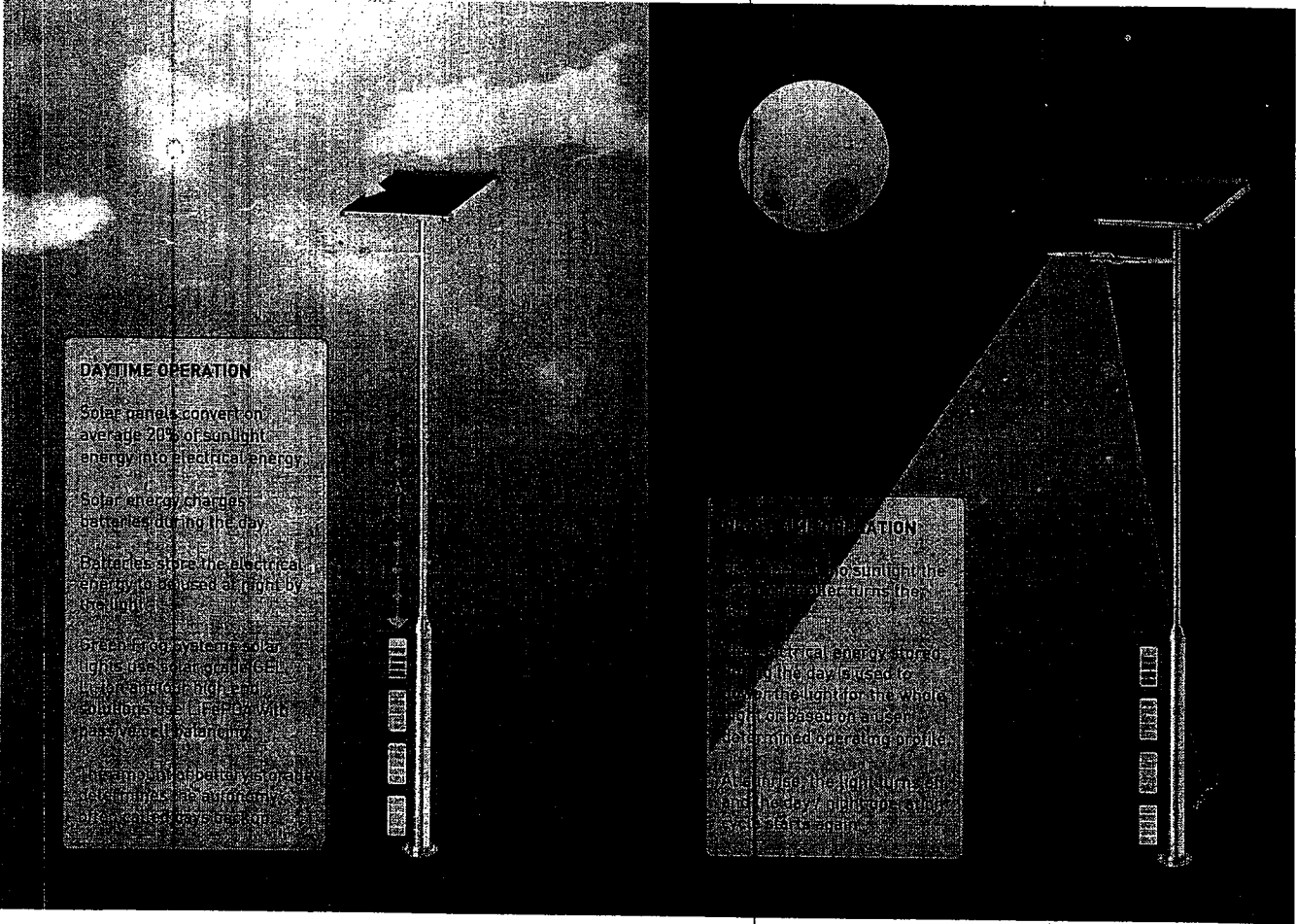
office. We anticipate that they will stand 6 – 8 feet high. The light fixtures will be “Zero Uplight” fixtures which do not allow light to be emitted above the lowest light emitting part of the fixture

#### **Parking Lot and Solar powered Lights:**

- Five additional pole lights are planned for installation within 10 feet of Route 17. We anticipate that they will stand 8 feet high. The light fixtures will be “Zero Uplight” fixtures which do not allow light to be emitted above the lowest light emitting part of the fixture
- The parking lot area has no power. We intend to purchase and test solar powered LED fixtures to illuminate the lot. They will be staggered to provide adequate light. Each light is estimated to cover an area of approximately 700'. Consequently we anticipate using 4 lights to illuminate the area in order to review the effectiveness of required visibility.

#### **Lighting Practices**

- All exterior lighting will be regulated with "shut off" controls such as sensors, timers, motion detectors. Controls will be installed to turn off all lights
- Light fixtures will be located no closer to the property line than three times the mounting height of the fixture, and below the height of the adjacent residence.
- SSMH will Limit light crossing property lines, i.e. “light trespass” . Limit spill light across the property lines. Light levels at the property line will not exceed 0.5 footcandles.
- The height of the parking lot lights will not exceed 10 feet.



**DAYTIME OPERATION**

Solar panels convert on average 20% of sunlight energy into electrical energy.

Solar energy charges batteries during the day.

Batteries store the electrical energy to be used at night by the lamp.

Photocell systems solar lights are used in the case of cloudy and rainy conditions as well as with high winter latitudes.

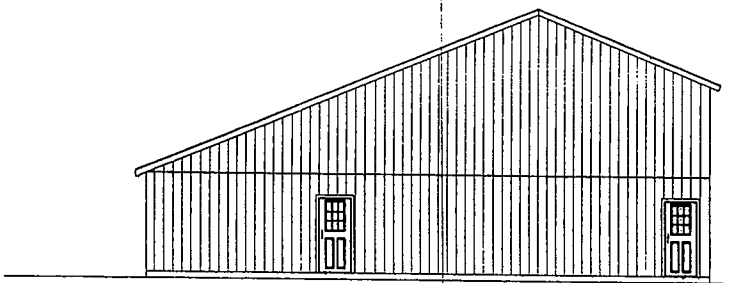
Photocell systems are used in remote areas where power lines are not available.

**NIGHTTIME OPERATION**

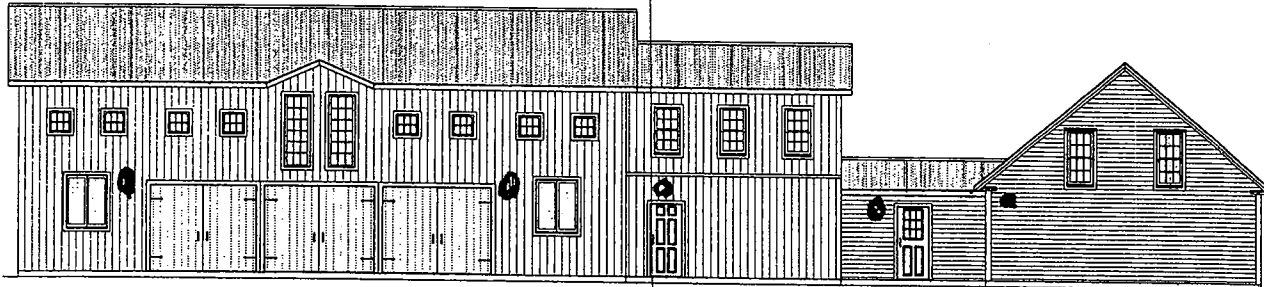
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LEFT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



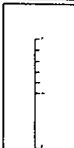
DRAFT



DAVID W. LANDMAN, P.A.  
16 COYOTE LANE  
WINDSOR, MA 01890  
CAREFREE@GMAIL.COM



READFIELD, MA



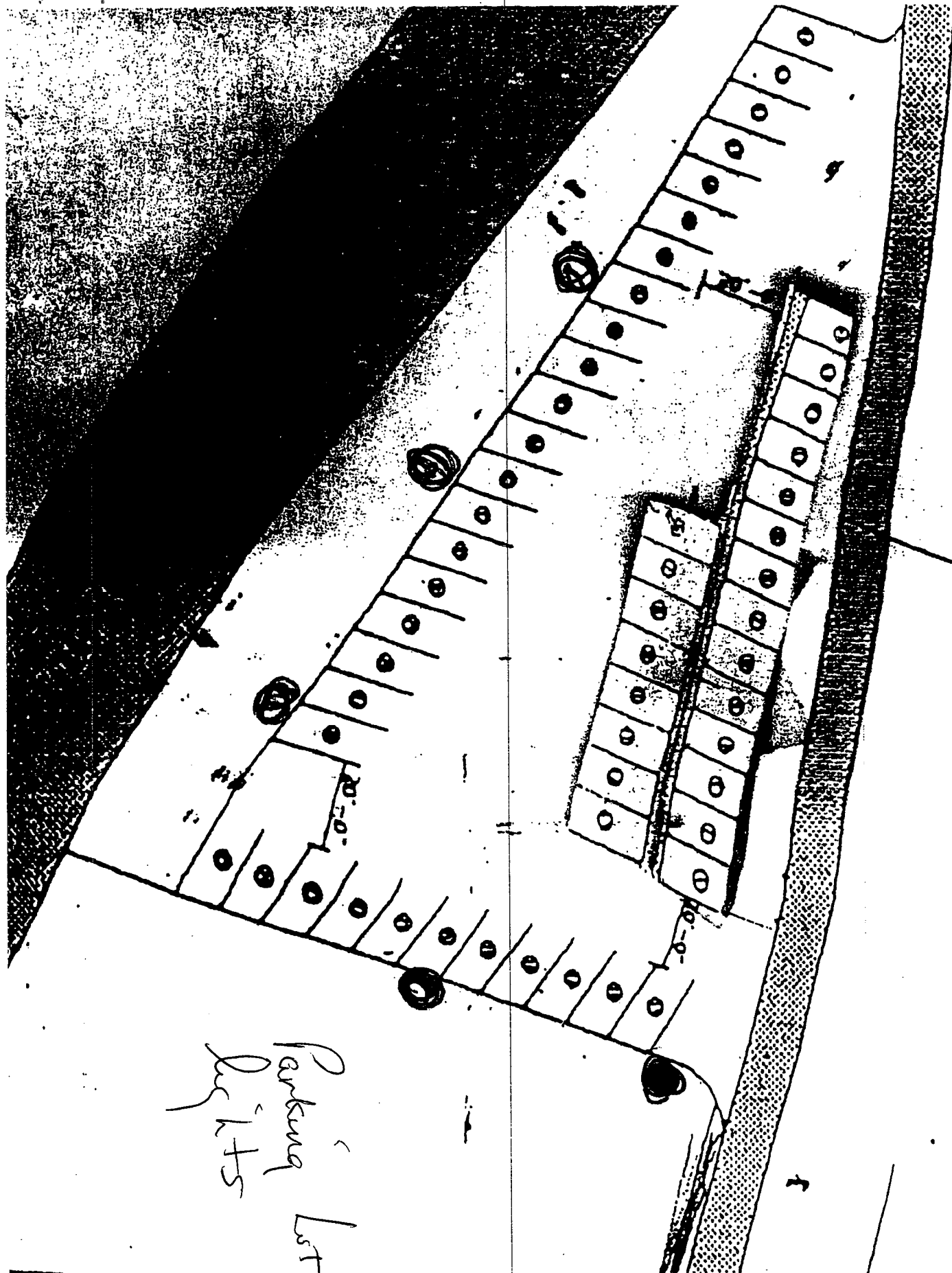
DATE: 03/11/17	BY: JLD
DATE: 10/26/17	BY: JLD
DATE: 10/26/17	BY: JLD
DATE: 10/26/17	BY: JLD
EXTERIOR ELEVATIONS	
A3	

Perimeter Lighting

— 10' WIDE PROPERTY

PROPOSED PARKING AREA  
(TYP. 10'x20' EACH PARKING SPACE)

Parking List  
Permits






Mon 15/11/2021 9:53 PM

rbittar iqacc.com

Mon 15/11/2021 12:58 PM

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Mon 15/11/2021 11:34 AM

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Regards,

Marc

***Marc A. Veilleux***

***Public Safety Inspector III, NFPA and ICC CFI-II, CFPE***

**Plans Review Supervisor**

**sOffice of State Fire Marshal45 Commerce Drive**

**Augusta, Maine 04333-0165**

**Office # 207-626-3880**

**Direct ext. # 207-626-3991**

**Cell # 207-592-0757**

**Fax #207 287-6251**

**Marc.Veilleux@maine.gov**

**<https://www.maine.gov/dps/fmo/home>**

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**From:** rbittar iqacc.com <rbittar@iqacc.com>  
**Sent:** Monday, November 15, 2021 10:19 AM  
**To:** Veilleux, Marc <Marc.Veilleux@maine.gov>  
**Cc:** Mank125@aol.com  
**Subject:** 26 Mill Stream Road

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rbittar iqacc.com

Mon 15/11/2021 10:18 AM

Like

## **Construction Permit 27319 No.**

26 MILL STREAM ROADBuilding:26 MILL STREAM RD, READFIELD, ME 04355-4154Location:

ROBERT BITTAROwner:ROBERT BITTAR309 WAUGAN RDNORTH MONMOUTH, ME 04265-6304 Owner

Permit Date:10/15/20 04/14/2021Expiration Date:

**Public Safety Inspector III, NFPA and ICC CFI-II, CFPE**



## Plans Review Supervisor

### *Office of State Fire Marshal*

*Office # 207-626-3880*

*Direct ext. # 207-626-3991*

*Cell # 207-592-0757*

[Marc.Veilleux@maine.gov](mailto:Marc.Veilleux@maine.gov)

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I hope you remember my building. Thank you for all the work you and your Plans Review Team did on my project.

The Sprinkler System approved by your Office is installed. It follows the engineering specifications approved by your department.

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We would very much appreciate official guidance concerning egress from the 26 Mill Stream Road building to the parking lot 130 feet away. Please send any relevant information.

Chief Lee Mank

207 458 9495 Cell

207 685 8187 Home

[Mank125@aol.com](mailto:Mank125@aol.com)

Readfield Fire Department

8 Old Kents Hill Road

Readfield, Me., 04355

Thank You,

Robert Bittar

1146 Main Street

Readfield, Me., 04355

561 397 4335 Cell

M  
fire marshal  
rbittar iqacc.com  
Thu 30/12/2021 7:49 AM  
26 Mill Stream Road  
rbittar iqacc.com  
Thu 30/12/2021 7:19 AM  
rbittar iqacc.com  
Thu 30/12/2021 7:17 AM  
rbittar iqacc.com

i  
o  
n

From: Readfield CEO <readfield.ceo@roadrunner.com>  
Sent: 11 June 2018 4:09 PM  
To: rbittar@iqacc.com <rbittar@iqacc.com>  
Cc: 'Paula M' <Paula.M.Clark@maine.gov>; jcomart@mejp.org <jcomart@mejp.org>;  
hyland4505@roadrunner.com <hyland4505@roadrunner.com>; 'Jay' <Jay.Hyland@maine.gov>;  
billbarbbuck@yahoo.com <billbarbbuck@yahoo.com>; Donald Witherill <dwith11@gmail.com>; 'Donald T'  
<Donald.T.Witherill@maine.gov>; a183north@twc.com <a183north@twc.com>; "James Schmidt"  
<thumper5@aol.com>; 'Cc: Eric Dyer' <readfield.tmgr@roadrunner.com>  
Subject: RE: Readfield Fire Chief Lee Open House

Bob, Thank you for the information about emergency access for Mill Stream Road. I also called Lee Mank, Town Fire Chief, about access and he was not concerned about width of the travelled way or the condition of the Town Road, because a plow vehicle turns around at the end of the road in the winter as well as during spring thaw. He does agree that parking should be only on one side of the road.

Respectfully,  
Gary Quintal, Readfield CEO

From: rbittar@iqacc.com [mailto:rbittar@iqacc.com]  
Sent: Friday, June 8, 2018 9:57 PM  
To: Readfield CEO  
Subject: Readfield Fire Chief Lee

I spoke with lee this afternoon.

He said:

His trucks will be able to travel through any road as long as they have a 10 foot clearance.

He felt that passage through the Mill stream road will most likely provide little problem. 4

I indicated that there was a concern that fire trucks would not be able to get to the Cote house at 28 Mill Stream road if care blocked the road to the house. I suggested that no parking signs could be placed on one side of the street leading up to the cote property. He felt that was a good idea.

The Bittar frontage at 26 Mill Stream Road has been cleared to the property line which provides approximately a 40 foot passage to the stream.

The Cote and Raima frontage on Mill stream Road has not been cleared. consequently the road frontage is forested. It be an advantage if the property at the beginning of Mill Stream Road up to the Cote property were posted with a no parking sign.

He said that he will make a site visit and would be reporting on the condition before wednesday.

He found little concern for this issue.

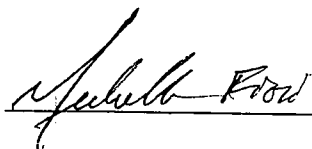
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*sOffice of State Fire Marshal45 Commerce Drive*

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*Cell # 207-592-0757*

*Fax #207 287-6251*

**Marc.Veilleux@maine.gov**

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**Sent:** Monday, November 15, 2021 10:19 AM

**To:** Veilleux, Marc <Marc.Veilleux@maine.gov>

**Cc:** Mank125@aol.com

**Subject:** 26 Mill Stream Road

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207 458 9495 Cell  
207 685 8187 Home

[Mank125@aol.com](mailto:Mank125@aol.com)

Readfield Fire Department  
8 Old Kents Hill Road  
Readfield, Me., 04355

Thank You,

Robert Bittar  
1146 Main Street  
Readfield, Me., 04355  
561 397 4335 Cell

M  
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rbittar iqacc.com  
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26 Mill Stream Road  
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Thu 30/12/2021 7:19 AM  
rbittar iqacc.com  
Thu 30/12/2021 7:17 AM  
rbittar iqacc.com

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# Readfield, ME

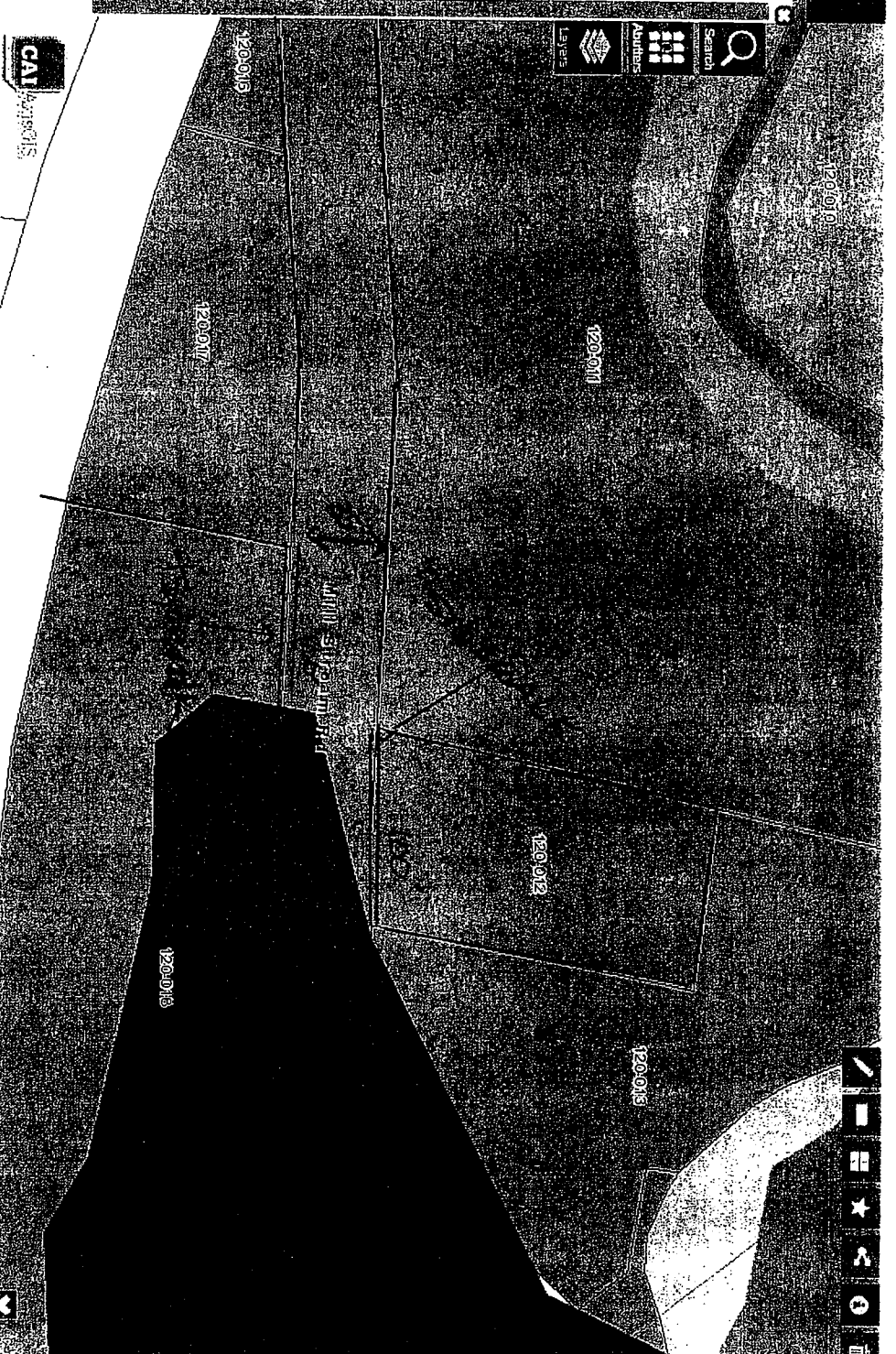
Contact

Quick Maps: **Property Map**

- Readfield, ME

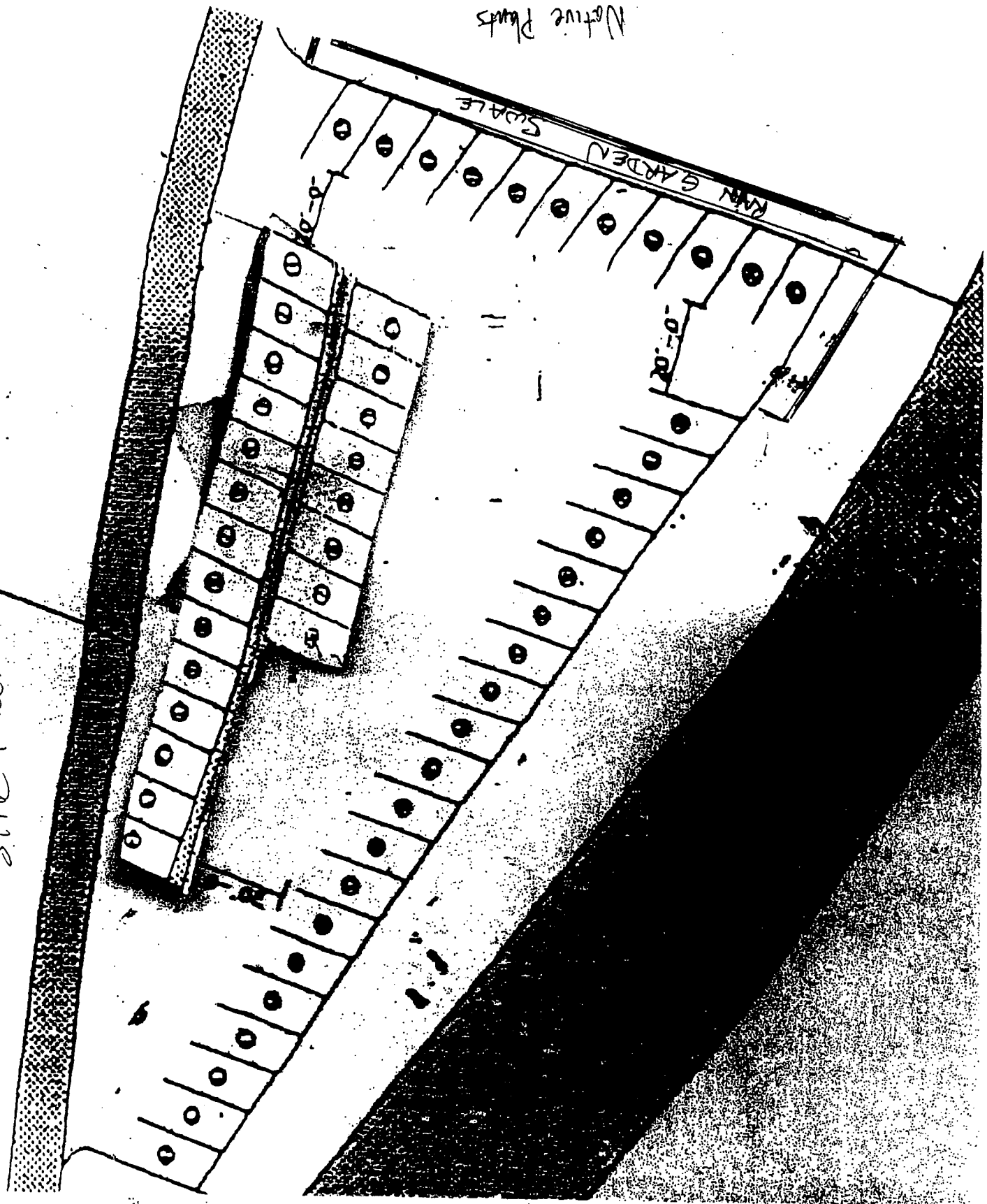
- + Property Map
- + Aquifer Map
- + E911 Address Point Map
- + FEMA Flood
- + Future Land Use Map
- + Land Cover Map
- + Road Management System
- + Public Facilities Map
- + Soil Map
- + Subdivision Map
- + Bedrock Map
- + Conserved Lands
- + Watershed Map
- + Topographic Map
- + Transportation
- + Wetland Map
- Zoning Map
- Zoning
  - Resource Protection
  - Shoreland Residential
  - Stream Protection
  - Rural Residential

*Road 10, 35*



LOT 120-017  
SITE Plan

PROPOSED PARKING AREA  
(TYP. 10'x20' EACH PARKING SPACE)



Formulator Design

Site Plans

STREAM

STREAM

100' 100' 100' 100'

SOIL STORAGE TANKS  
DRAINAGE SYSTEM  
120-013

120-012

120-011

Mill Stream Rd

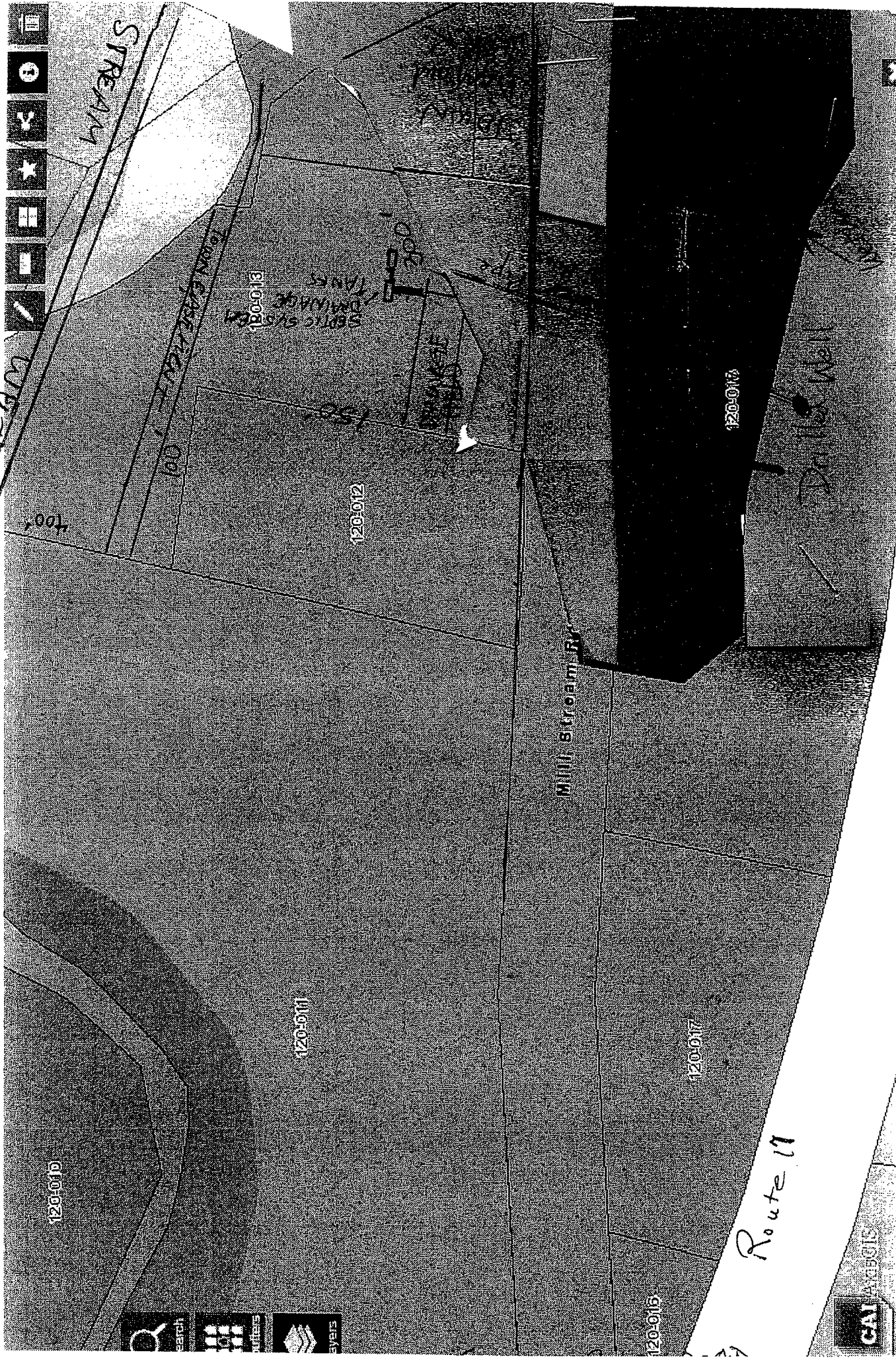
120-014

Route 17

120-017

120-015

CAI



Received  
12/4/2021  
Lee Monk  
Lee Monk

10000 PROPERTY

PROPOSED PARKING AREA  
(TYP. 10'x20' EACH PARKING SPACE)

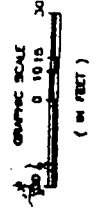
10'-0"

26M.11 STREAM  
Road

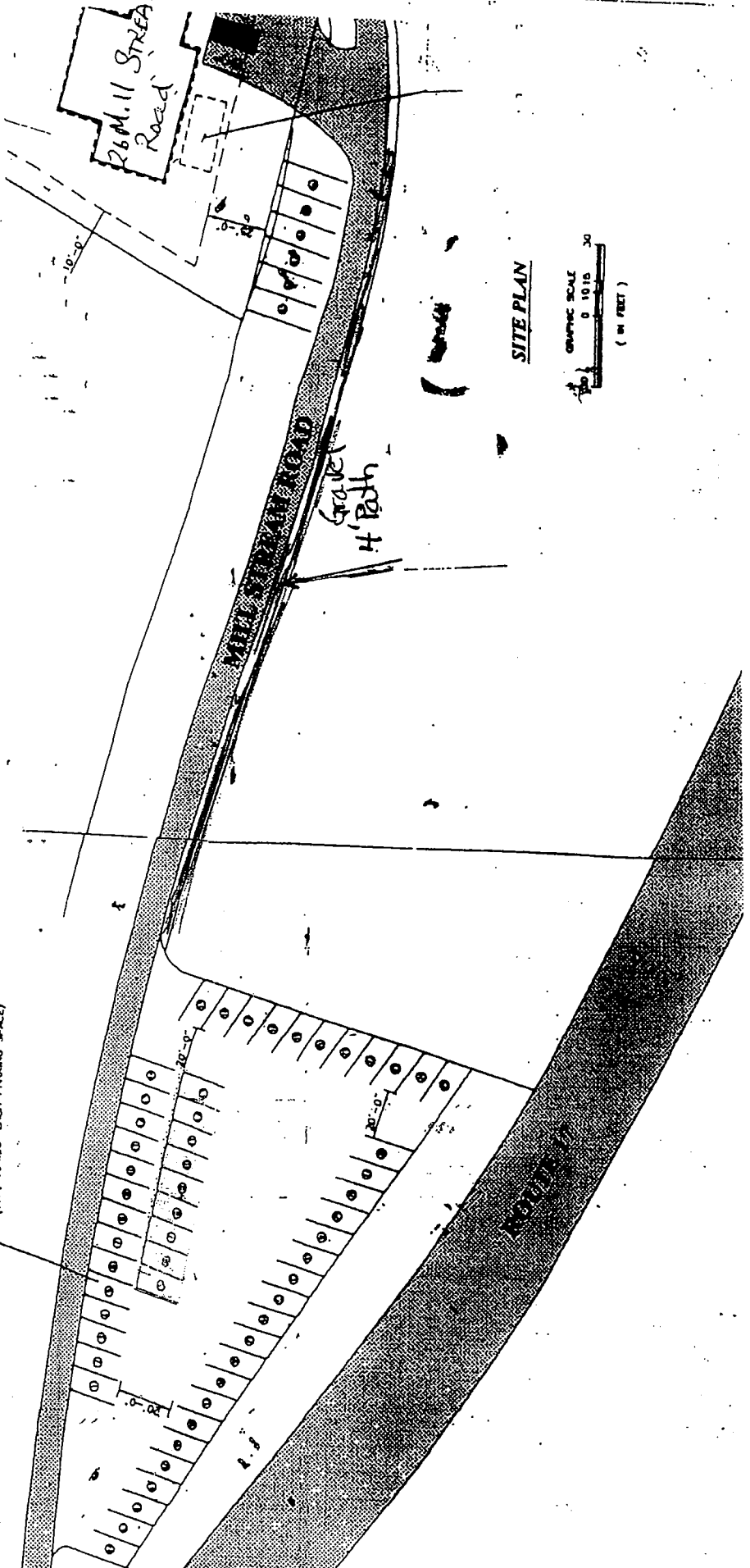
MILL ROAD

Gravel  
4' Path

SITE PLAN



ROAD




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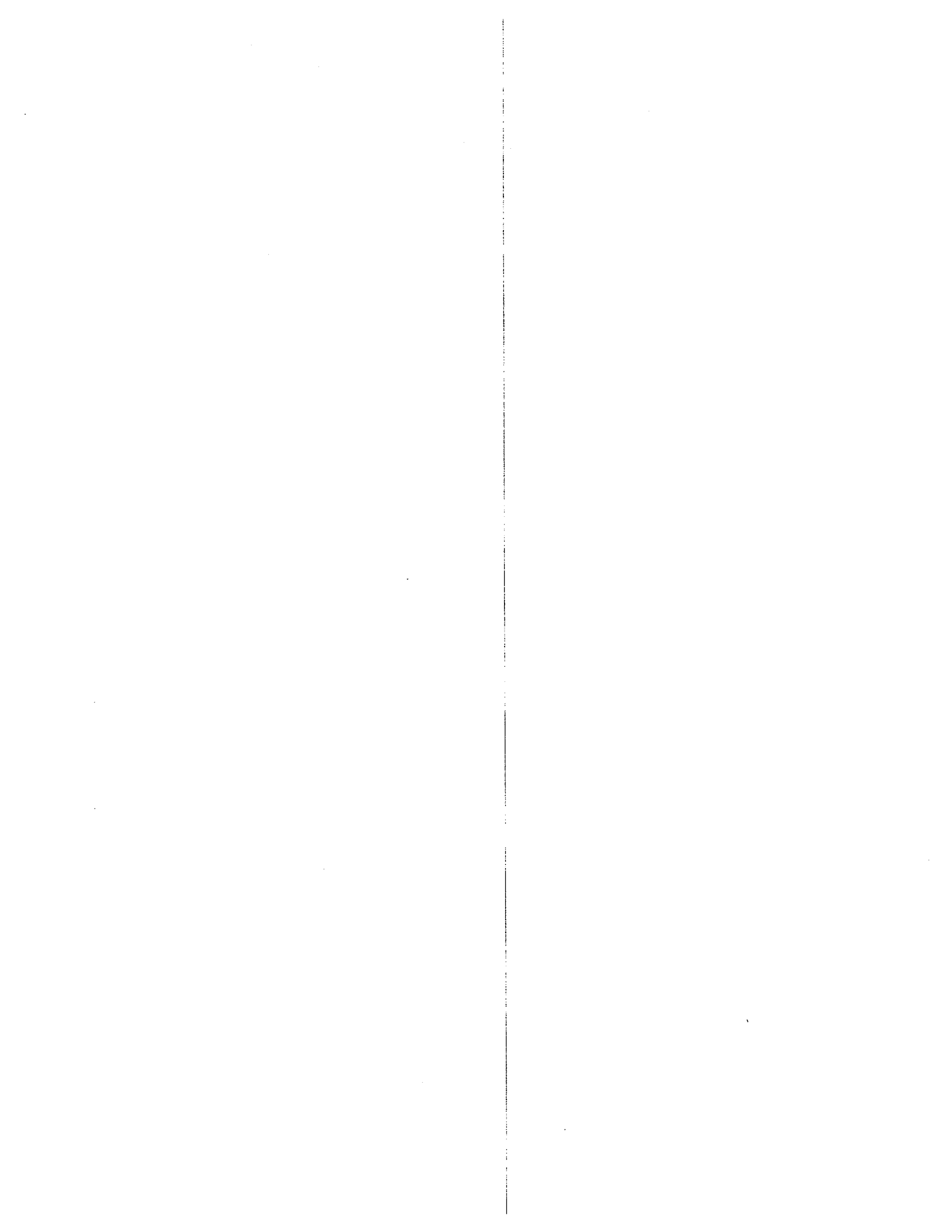
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*Marc A. Veilleux*

*Public Safety Inspector III, NFPA and ICC CFI-II, CFPE*

**Plans Review Supervisor**

Office of State Fire Marshal  
45 Commerce Drive

Augusta, Maine 04333-0165

Office # 207-626-3880

Direct ext. # 207-626-3991

Cell # 207-592-0757

Fax #207 287-6251

Marc.Veilleux@maine.gov

<https://www.maine.gov/dps/fmo/home>

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From: rbittar iqacc.com <rbittar@iqacc.com>

Sent: Monday, November 15, 2021 10:19 AM

To: Veilleux, Marc <Marc.Veilleux@maine.gov>

Cc: Mank125@aol.com

Subject: 26 Mill Stream Road

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rbittar iqacc.com

Mon 15/11/2021 10:18 AM

Like

## Construction Permit 27319 No.

26 MILL STREAM ROAD Building: 26 MILL STREAM RD, READFIELD, ME 04355-4154 Location:

ROBERT BITTAR Owner: ROBERT BITTAR 309 WAUGAN RD NORTH MONMOUTH, ME 04265-6304 Owner

Permit Date: 10/15/2020 04/14/2021 Expiration Date:

*Public Safety Inspector III, NFPA and ICC CFI-II, CFPE*

## Plans Review Supervisor

*Office of State Fire Marshal*

*Office # 207-626-3880*

*Direct ext. # 207-626-3991*

*Cell # 207-592-0757*

Marc.Veilleux@maine.gov

Dear Inspector Veilleux,

I am 80 years old and trying to open a community center as a memorial for my wife who died 2018.

I hope you remember my building. Thank you for all the work you and your Plans Review Team did on my project.

The Sprinkler System approved by your Office is installed. It follows the engineering specifications approved by your department.

The community center building is on Mill Stream Road – a short dead end road with only one other building - a mobile home. The center is 1000 feet from the Town Manager/Town Treasurer's home. The Town Manager supported the project until 2018 when a few influential neighbors objected. Three years have passed. The Readfield Planning Board stated that while most Readfield town requirements for the August 2020 Permit Application are satisfied.

There is one problem. The Planning Board is concerned for the egress safety of community center visitors. They must travel on the Dead End road from a parking lot 150 feet away from the center. Readfield Fire Chief Lee Mank submitted a "recommendation" that a 4' gravel path be installed. The initially suggested path would sit 10' deep into a neighbor's property. It was imagined that the path would provide community center visitors safe egress from Fire Vehicles on the dead end gravel road. On observation, the suggested path, 10' deep into my neighbor's property, appears to be unworkable. It requires building a path through a partially wooded area down a 7 foot decline and then up to grade again with Mill Stream Road.

Chief Mank altered his recommendation. He requests the gravel path adjacent to Mill Stream Road. The new suggested path is a direct clear flat 4' location that connects the community center with the parking lot.

Fire Chief Mank would like a Fire Marshal inspection of the property to provide state guidelines concerning egress from the 26 Mill Stream building in case of fire. Is your department able to provide

such information or an inspection? The Planning Board will not provide any occupancy permit until this egress matter is settled. Chief Mank asks for official guidelines. (While there are other minor issues, the Planning Board indicated that they will not provide a Permit for 26 Mill Stream Road until this "safe egress" issue is resolved.)

We would very much appreciate official guidance concerning egress from the 26 Mill Stream Road building to the parking lot 130 feet away. Please send any relevant information.

Chief Lee Mank

207 458 9495 Cell

207 685 8187 Home

[Mank125@aol.com](mailto:Mank125@aol.com)

Readfield Fire Department

8 Old Kents Hill Road

Readfield, Me., 04355

Thank You,

Robert Bittar

1146 Main Street

Readfield, Me., 04355

561 397 4335 Cell

M  
fire marshal  
rbittar iqacc.com  
Thu 30/12/2021 7:49 AM  
26 Mill Stream Road  
rbittar iqacc.com  
Thu 30/12/2021 7:19 AM  
rbittar iqacc.com  
Thu 30/12/2021 7:17 AM  
rbittar iqacc.com

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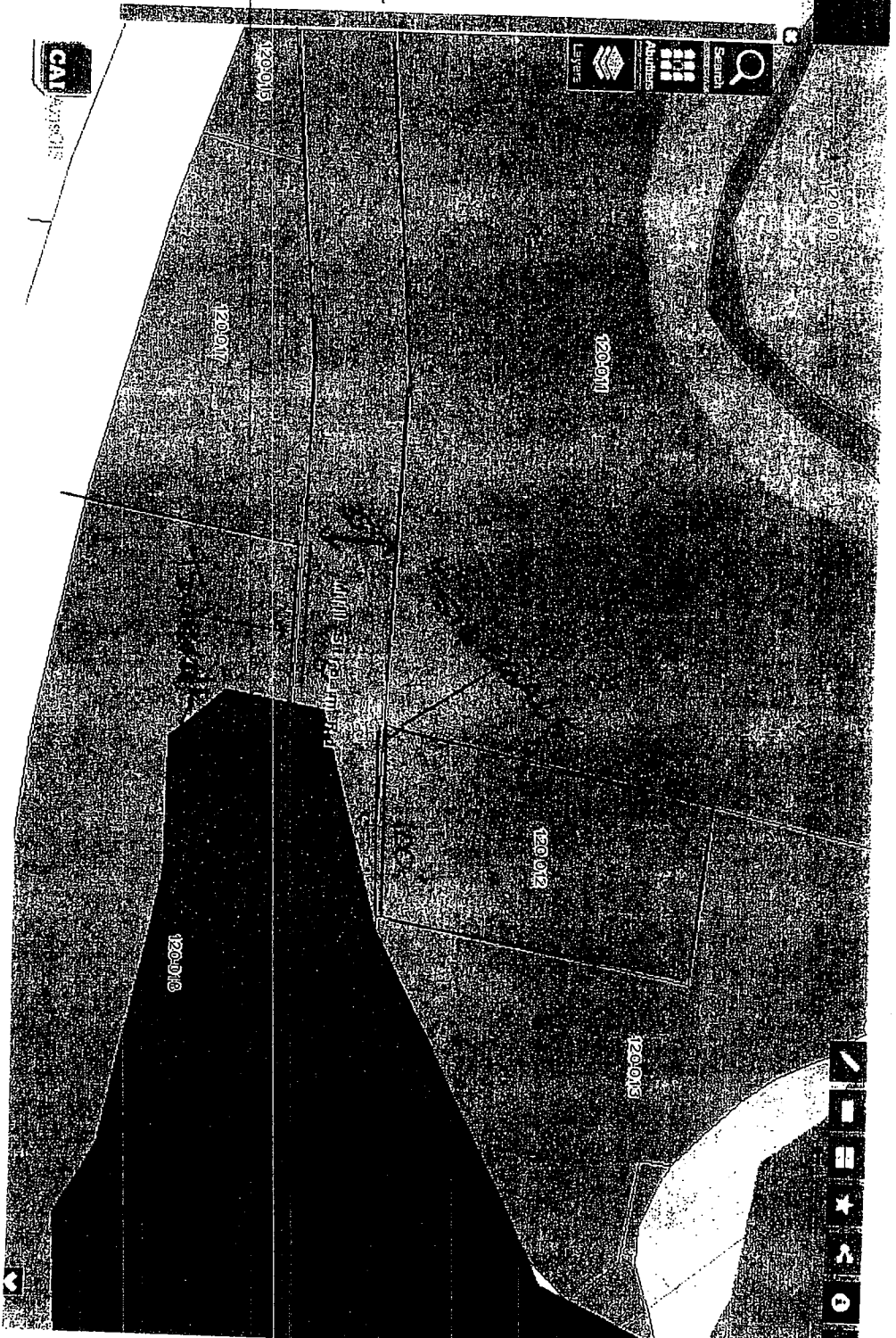
Quick Maps: Property Map

- Readfield, ME

- + Property Map
- + Aquifer Map
- + E911 Address Point Map
- + FEMA Flood
- + Future Land Use Map
- + Land Cover Map
- + Road Management System
- + Public Facilities Map
- + Soil Map
- + Subdivision Map
- + Bedrock Map
- + Conserved Lands
- + Watershed Map
- + Topographic Map
- + Transportation
- + Wetland Map
- Zoning Map
- Zoning

- Resource Protection
- Shoreland Residential
- Stream Protection
- Rural Residential

Road 10 Duth  
35'



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

Subject: talk with Clif today

From: "Stefan Pakulski" <[readfield.tmgr@roadrunner.com](mailto:readfield.tmgr@roadrunner.com)>

Date: Thu, December 05, 2013 1:51 pm

To: <[rbittar@iqacc.com](mailto:rbittar@iqacc.com)>

Bob,

I met with Clif to go over your concerns. He's going through them and will respond to each specifically. We talked about the rights of any property owner to repair and secure property, and the regulations the community has voted to put in place and enforce legally – but not arbitrarily or punitively. Everyone deserves equal treatment and protection here under Town regulations and ordinances. You deserve and shall receive nothing but courteous, professional service from all Town employees as long as I work here, and hopefully ever after too.

There might have been some confusion about what is possible to do on your property without a permit. The work seems to be above the \$2000 value threshold that requires the permitting process for any project (repairs or new construction). But Clif says you should be able to repair your roof now, and I think you could talk with him about that (although the stop work order did say to stop all work). The steps you listed below to secure the building now sound appropriate to me, but I encourage you to talk more with Clif about the roof if it's not complete yet.

We acknowledged, as Paula Clark has too, that you could ask the Board of Appeals to consider rescinding the stop work order.

I know you don't think you're anywhere close to applying for a permit because you don't know yet what the details would be. Clif would be happy to work with you on developing an application, and helping to determine what would be possible and what would take a possible waiver of certain requirements or even a zoning change – and how to accomplish that. Our purpose here isn't to stand in the way of any projects, but to help applicants find ways to make their proposals work within the Town's framework, and hopefully to help applicants become better informed about the possibilities

and constraints before making important investment decisions.

It sounds like a good step to look at the residential home option on the property, but I still would recommend reviewing the ideas you've had for much more there with Clif to see what's possible and what could be done to address any constraints. I would be happy to help with this if you would like. You've talked with me about an exciting concept that could be a real asset to the community. I think that deserves a good review and testing in relation to the site conditions and land use ordinance – so that it could be much clearer what the Town might consider doing to help bring the concept to life. The application would only be open to the public after you submit it to the Planning Board. I believe anything up to that point would still be confidential and exploratory.

Please let me know if there's anything more you would like me to do about this.

Stefan Pakulski, Town Manager  
Town of Readfield  
8 Old Kents Hill Road  
Readfield, ME 04355  
ph: 207-685-4939  
fax: 207-685-3420  
cell: 207-242-5437  
email: [readfield.tmgr@roadrunner.com](mailto:readfield.tmgr@roadrunner.com)

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Please see the attached pages from the Special Town Meeting minutes of September 29, 2011 and note *Article 8: To see if the Town will vote to amend the Land Use Map adopted at the June 10, 2010 Town Meeting.*

The attached description and map show which lots were to be changed from Rural Residential to Rural. The Town Meeting voters passed this article and changed the zoning.

So it can be done. I don't know how this particular example got to the point it did, but I assume it was through a Planning Board review of the whole application, resulting in a recommendation that the Town should support the zoning change for the proposed purpose. You would likely have to go through a similar process.

Good luck!

Stefan Pakulski, Town Manager  
Town of Readfield  
8 Old Kents Hill Road  
Readfield, ME 04355  
ph: 207-685-4939  
fax: 207-685-3420  
cell: 207-242-5437  
email: [readfield.tmgr@roadrunner.com](mailto:readfield.tmgr@roadrunner.com)

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Ex 12

Office of State Fire Marshal 45 Commerce Drive

Augusta, Maine 04333-0165

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Direct ext. # 207-626-3991

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**To:** Veilleux, Marc <Marc.Veilleux@maine.gov>  
**Cc:** Mank125@aol.com  
**Subject:** 26 Mill Stream Road

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ROBERT BITTAR Owner: ROBERT BITTAR 309 WAUGAN RD NORTH MONMOUTH, ME 04265-6304 Owner  
Permit Date: 10/15/20 04/14/2021 Expiration Date:

**Public Safety Inspector III, NFPA and ICC CFI-II, CFPE**

**Plans Review Supervisor**

***Office of State Fire Marshal***

***Office # 207-626-3880***

***Direct ext. # 207-626-3991***

***Cell # 207-592-0757***

**Marc.Veilleux@maine.gov**

Ex 12

**From:** Readfield CEO <readfield.ceo@roadrunner.com>  
**Sent:** 11 June 2018 4:09 PM  
**To:** rbittar@iqacc.com <rbittar@iqacc.com>  
**Cc:** 'Paula M' <Paula.M.Clark@maine.gov>; jcomart@mejp.org <jcomart@mejp.org>;  
 hyland4505@roadrunner.com <hyland4505@roadrunner.com>; 'Jay' <Jay.Hyland@maine.gov>;  
 billbarbbuck@yahoo.com <billbarbbuck@yahoo.com>; Donald Witherill <dwith11@gmail.com>; 'Donald T'  
 <Donald.T.Witherill@maine.gov>; a183north@twc.com <a183north@twc.com>; 'James Schmidt'  
 <thumper5@aol.com>; 'Cc: Eric Dyer' <readfield.tmgr@roadrunner.com>  
**Subject:** RE: Readfield Fire Chief Lee Open House

Bob, Thank you for the information about emergency access for Mill Stream Road. I also called Lee Mank, Town Fire Chief, about access and he was not concerned about width of the travelled way or the condition of the Town Road, because a plow vehicle turns around at the end of the road in the winter as well as during spring thaw. He does agree that parking should be only on one side of the road.

Respectfully,  
 Gary Quintal, Readfield CEO

**From:** rbittar@iqacc.com [mailto:rbittar@iqacc.com]  
**Sent:** Friday, June 8, 2018 9:57 PM  
**To:** Readfield CEO  
**Subject:** Readfield Fire Chief Lee

I spoke with lee this afternoon.

He said:

His trucks will be able to travel through any road as long as they have a 10 foot clearance.

He felt that passage through the Mill stream road will most likely provide little problem. 4

I indicated that there was a concern that fire trucks would not be able to get to the Cote house at 28 Mill Stream road if care blocked the road to the house. I suggested that no parking signs could be placed on one side of the street leading up to the cote property. He felt that was a good idea.

The Bittar frontage at 26 Mill Stream Road has been cleared to the property line which provides approximately a 40 foot passage to the stream.

The Cote and Raima frontage on Mill stream Road has not been cleared. consequently the road frontage is forested. It be an advantage if the property at the beginning of Mill Stream Road up to the Cote property were posted with a no parking sign.

He said that he will make a site visit and would be reporting on the condition before wednesday.

He found little concern for this issue.

15/11/2021 9:53 PM

marc.veilleux@maine.gov

15/11/2021 12:58 PM

Marc Veilleux, Thank you for your in depth and succinct guidance concerning the concerning egress on a practical basis on which to evaluate our next steps. Robert

You forwarded this message on Mon 15/11/2021 9:53 PM

You forwarded this message on Mon 15/11/2021 9:53 PM

Marc Veilleux, Marc <marc.veilleux@maine.gov>

15/11/2021 11:34 AM

Robert and Chief Mank,

The site plan and interior building was evaluated for ADA and Life Safety and approved as such on the submitted drawings. Egress from the building was determined to be appropriate and safe based on the Life Safety Requirements. Additionally, the components of the means of egress from the building provide a clear path of egress access in line with the intent of NFPA 1 and 101 as well as ADA in that the occupants must safely evacuate the building to a public way. The terminology of a public way includes a driveway or a well defined path. The possibility of apparatus arriving on the scene and approaching the structure while the building is occupied certainly presents an inherent danger however it is the responsibility of the arriving apparatus operator to ensure the safety and without incident avoiding occupants who have safely egressed the building. The primary concern is occupant safety and their safe egress from the building. Once they are out, our mission has been completed. Life safety first, and property protection comes second.

While NFPA 1 addresses Fire Department access, it does not address separate walking paths or clearances to ensure occupants clear of incoming or outgoing traffic to a parking lot located 130 feet away from the building. As shown on the site map provided during permitting, there is at least 3 parking spaces available adjacent to the building for fire purposes as well as a path extending beyond the main entrance which would allow occupants to safely exit the building and get away from the building.

Based on the information submitted at time of permitting, I see no safety issues that would be concerning. If any unpermitted construction has occurred that reflects the submitted drawings.

Regarding the parking area, this office would not conduct an inspection of the parking, roadways, or walking paths. Our mission is to provide a safe building and egress occupants to the exterior. Anything beyond getting occupants out of the building and away from the building would be a zoning, land use, and local ordinance issue that would have to be handled as a civil matter. If there are life safety issues within the building or egress access to the public way (in this case the maintained parking area at the main entrance of the building), then our office would assist the municipality with an inspection if required and requested in writing by the municipality.

Mon 15/11/2021 9:53 PM

marc.veilleux@maine.gov

Mon 15/11/2021 12:58 PM

M. Veilleux, Thank you for your in depth and succinct guidance concerning the concerning egress. It forms a practical basis on which to evaluate our next steps. Robert

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You forwarded this message on Mon 15/11/2021 9:53 PM

M. Veilleux, Marc <marc.veilleux@maine.gov>

Mon 15/11/2021 11:34 AM

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Based on the information submitted at time of permitting, I see no safety issues that would be concerning regarding the construction that reflects the submitted drawings.

Closing, this office would not conduct an inspection of the parking, roadways, or walking paths. Our mission is to provide a safe building and egress occupants to the exterior. Anything beyond getting occupants out and away from the building would be a zoning, land use, and local ordinance issue that would have to be handled as a civil matter. If there are life safety issues within the building or egress access to the public way (in this case the maintained parking area at the main entrance of the building), then our office would assist the municipality with an inspection if required and requested in writing by the municipality.

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Robert@maine.gov

Mon 15/11/2021 12:58 PM

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You forwarded this message on Mon 15/11/2021 9:53 PM

Veilleux, Marc <marc.veilleux@maine.gov>

Mon 15/11/2021 11:34 AM

Robert and Chief Mank,

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While NFPA 1 addresses Fire Department access, it does not address separate walking paths or sidewalks to keep occupants clear of incoming or outgoing traffic to a parking lot located 130 feet away from the building. And on the site map provided during permitting, there is at least 3 parking spaces available at the building for fire purposes as well as a path extending beyond the main entrance which would allow occupants to safely egress and get away from the building.

Based on the information submitted at time of permitting, I see no safety issues that would be concerning provided construction has occurred that reflects the submitted drawings.

Closing, this office would not conduct an inspection of the parking, roadways, or walking paths. Our mission goal is to provide a safe building and egress occupants to the exterior. Anything beyond getting occupants out and away from the building would be a zoning, land use, and local ordinance issue that would have to be taken up as a civil matter. If there are life safety issues within the building or egress access to the public way (in this case the maintained parking area at the main entrance of the building), then our office would assist the municipality with an inspection if required and requested in writing by the municipality.

## Required Submittals

### 2. Abutters

Peter Fiori	20 Mill Stream Rd
William Harris	26 Old Kents Hill Road
xxx	52 Old Kents Hill Road
Town of Readfield	8 Old Kents Hill Road
	27 Old Kents Hill Road
Jerry Bley	17 Giles Rd
	8 Giles Rd

3. Directions from the Town Office - walk to Mill Stream Road
4. Map 120 Lot 13
5. SSMH will rent the property from the owner. Rental Agreement attached
6. NA
7. Map of property – attached
8. Site Plan Attached
9. Additional permits - None requested
10. The Planning Board submitted a permit denial Nov. 3 2021. The present application remedied all conditions cited in the November denial.
12. Application fee receipt attached.

### COPY TOWN FEE RECEIPTS

13. Stormwater plan attached

14. "No Parking" signs will be posted along Mill Stream Road by Mr. Mrs. Fiori and the landlord. Handicap parking has been permitted at 26 Mill Stream Road. SSMH Member parking will be confined to the Parking Lot at Map 120 Lot 18. SSMH facilities are restricted to members. Member vehicles to 26 Mill Steam Rd will be anticipated between 6 – 9PM Thursday, Friday, Saturday

15. Solid waste anticipated for members during attendance at SSMH 1 small garbage / night.

Three bags each week. If that increases in quantity, a commercial trash service will be responsible for its collection and disposal

16. Dimensional calculations of facility

Barn 1500 sf

Entrance/Kitchen 600 sf

Colonial building – 1000 sf

17. building elevations NA



Members of the Readfield Planning Board,

SSMH is prepared to provide a written notification of a resolve to correct any conditions at 26 Mill Stream Road which result in an adverse impact on an adjacent property created by;

public health, safety, erosion, sedimentation, water quality, fish/wildlife, vegetation, visual points of public access to water, natural beauty, floodplain management, archeological resources, historic resources, functionally water-dependent uses, changes in traffic (volume and type), parking, noise, litter, waste, fumes, odors, or other nuisances

- SSMH will if possible immediately cease, desist, remove the adverse effect
- If professional expertise is required, SSMH will correct or remove the adverse effect within 10 working days
- SSMH will if possible immediately cease and temporarily correct the adverse effect and If conditions require extensive funding to implement a permanent solution within a reasonable time.



Leah Hayes  
President

Paula Clark,

Ms. Clark,

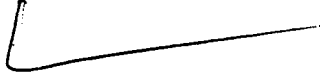
SSMH plans to resubmit its application to the Planning Board for a Community Center at 26 Mill Stream Rd. We reviewed the Planning Board Findings of Fact and identified outstanding points requiring remediation. Information and activities required in those Findings which are required by Board members are being prepared for submission. Because of my time constraints as I complete the accelerated RN program in the next few months, Mr. Bittar agreed to gather perform some of the research work required for resubmission. In a meeting this day with Mr. Bittar, Chip Stephens, CEO, indicated that it would be helpful to define the conditions surrounding Change of Use for a non-conforming property. Specifically, LUO required documentation:

Land Use Ordinance  
Section 5 Non-Conforming Uses  
D. Change of Use

“The Planning Board shall require written documentation from the applicant regarding the probable effects...likely to result from such a change of use.”

I have prepared the following document signed by me as President which may be sufficient to provide the required “documentation” to the Planning Board. I hope it is ok.

Thanks



Leah  
SSMH President

**SSMH Remedy of Issues cited in  
PLANNING BOARD FACT FINDING  
NOVEMBER 2021**

**1. Expected Maximum Occupancy**

A question of importance before and during SSMH PB hearings was the expected maximum occupancy of the building use. Information about this was delivered to the CEO. During the SSMH Planning Board hearings, members of the Planning Board inquired about the expected maximum occupancy for the planned uses. The applicant provides specific information concerning the **expected occupancy - SSMH total membership is 50.**

**SSMH BYLAWS: MEMBERSHIP ATTENDANCE LIMITATIONS:**

**7.** Any membership holder may designate benefits to his or her spouse/partner and children

**8.** Admission to SSMH facilities is limited only to a member and their immediate family - children, spouse or partner. Each member and the immediate family/partner may attend SSMH facilities at any time. Guests will not be permitted use of or access to SSMH facilities. The Business Manager shall be empowered to limit or change this privilege at any time they deem desirable for the best interests of the Club.

At no time will the number of members permitted access to SSMH facilities exceed the limit established by the Maine State Fire Marshal.

The applicant proposed in application materials that parking would primarily be achieved through off-site parking located in a parking lot located on Mill Stream Road between Rte. 17 and Mill Stream Road. The applicant states that the parking lot will serve 54 vehicles. Three additional handicap parking spaces are to be provided adjacent to the building at 26 Mill Stream Road.

**2. “Civic Center, Convention Center”**

**SSMH has never requested or spoken about a Civic Center or Convention Center. They have requested a Meeting House which will function as a Community Center within the definition of the Land Use Ordinance. We Neither propose or will ever develop a Civic Center. A Civic Center in antithetical to our interest and mission.**

The Planning Board and Town Manager have made statements concerning SSMH request to develop a Civic Center. These statement create fear of the membership and community. These statements declare that SSMH intends to open a “Civic, The Convention Center” and “Indoor Theater”. These centers have an occupancy of 10,000. They are prohibited in Readfield and in the Rural Residential District. These statements about SSMH are repeated and printed in the PB statement of Fact. The PB references to a “Civic, Convention Center” and “Indoor Theater” create a prejudicial reputation of the SSMH desire to initiate prohibited activity and use. This is a clear suggestion for the Readfield public to identify SSMH activities and membership as a potential criminal threat. It builds a

public hostility against anticipated SSMH membership criminal behavior and intent that will threaten peaceful Rural Residential neighborhood. The suggestion of criminality discriminates against the LGBTQ Readfield community we represent.

### **3. Resource Protection Area**

The Planning Board used the Readfield Wetland Map to define the Resource Protection Area. That map was developed by someone approximately 15 years ago. There is no provenance which attributes is development by a qualified licensed engineer. The map, creator, used the DEP FW aerial photograph maps taken by drone airplanes with cameras at 35 000 feet above earth. **The DEP states that its photo maps are inaccurate and particularly inaccurate to define small parcels of wetlands.** It suggests soil engineers should be employed to measure and test accurately the nature of the land.

#### **A new Wetland Delineation Map is Submitted**

3/25/22 Kings Arrow Survey Engineer, Mount Vernon Maine, Mr. Joseph Stevenson tested the land in the wetland area defined in the Readfield Wetland Map. He provided a recent map with accurate wetland determinations based on GPS coordinates based on DEP wetland standards. That map is included in this application. Engineer Stevens tested the soils and land and indicated the irregular wetlands and a 25' line to delineate the Wetland Resource Protection area.

The on-site parking proposed by SSMH is limited to areas not within the Resource Protection Area. Only three parking places are reserved for ADA visitors. SSMH indicated it would not hold activities outdoors except in those areas approved by the DEP Resource Protection approved areas defined in the DEP 2017 Approval of uses for activities at 20 Mill Stream Road.

Wetlands. While there will be increased activity on the site, there is no evidence that it will have a direct effect on wetlands. The Board concludes that this criterion is met.

### **4. Outdoor Activities**

#### **DEP In-Depth Study and Approved Recreational use of 26MSR**

**In 2017, The Town of Readfield requested a DEP in-depth study and approval of outdoor activities at 26 Mill Stream Rd., development of the Bittar property and use of that property to be incorporated into a Town public park.** The park was developed to include waterfront access and other recreational uses for the area. A copy of that DEP approval of recreational use of the 26 MSR report is attached. The DEP report found no violation Resource Protection guidelines or wetland and use by the conjoined 26 Mill Stream Rd and adjoining dam recreational area.

#### **Town Easement on 26 MSR Property**

**The Town requested an easement to the 26 Mill Stream Road property. That Easement included almost all walk-able parts of the 26 Mill Stream Road land.** The town also requested that the easement include a public recreational easement and vehicle maintenance and construction equipment. Town activities, personnel equipment is often at work within several feet of the Colonial Building thereby eliminating all privacy at the colonial home located on this property. That easement was provided to the town with no compensation.

SSMH has indicated it would not hold activities outdoors except in those areas approved by the DEP Resource Protection approved areas defined in the DEP 2017 Approval of uses for activities at 26 Mill Stream Road. Outdoor activities annual lectures, celebrations, walks and bus tours have been promoted on town newspapers and held at 26 Mill Stream Road since 2018. Groups and public lectures are led onto the trail and to one of the ONLY four American Chestnut Trees remaining in Maine and New England. The Conservation Committee and Readfield Historic Society advertise, encourage and permit bus tours of this area and the association has hosted a lunch at the site.

#### **5. Planning Board Requests SSMH Activities Reflective of Member Interests in the RR zone -DEP Wetland Rural-Residential Activities at 26 MSR**

SSMH Activities will be constrained to areas of the building or property that fall outside of the Resource Protection District. In keeping with the Planning Board recent request, SSMH has revised its Mission statement to include work with the wetlands. SSMH has proposed activities to begin membership outreach activities for work under DEP programs concerning wetlands. These SSMH member activities will be based upon the Maine Grange tradition. Member Activities involving residential and farm wetland would be authorized by and under the guidance, supervision, funding and permission of DEP Engineers as well as US Agriculture Department technical staff. Preliminary discussions with USAD officials indicate an interest in a collaborative project.

#### **6. SSMH Day to Day Anticipated Schedule of Member Activities and Management Plan**

SSMH day to day anticipated schedule of activities has been submitted. The proposed SSMH member social activities are based upon those activities suggested by the Town Manager Dyer in his Dec. 31 Letter to SSMH. While this list has not been approved by SSMH members it appears reasonable. TM. Dyer (as neighbor and town manager) described activities he felt are suitable within the context of a community center in the immediate area of his home. SSMH felt that this was an acceptable way to enrich the community and SSMH membership.

#### **SSMH Facility Manager**

An SSMH facility manager will be employed to plan and provide control and to ensure that no violations of the Ordinance occur. The SSMH facilities manager is experienced in Readfield facilities management. He will ensure that access to facilities are restricted to members.

SSMH activities will be attended by SSMH follow the guidance of the LUO. SSMH members will be monitored by trained staff aware of the limitations against public access and strictures against an unspecified number of people. There will be trained staff to limit access to SSMH facilities to members. We have identified one person who appears to be highly qualified for the position of Facilities and Event Management.

SSMH will serve its members. It is the SSMH intent to not discriminate against community residents who desire SSMH membership. SSMH will remain open to the Readfield community as identified within our mission statement. SSMH will not discriminate. Regardless, of its membership, Laws and regulations which limit occupancy will be followed.

## **7. Day to Day Calendar of SSMH Activities**

A proposed day to day activities schedule has been assembled based on TM Dyer's suggested list of acceptable Community Center activities. It is attached.

## **8. Traffic Concerns**

### **Mill Stream Road will closed to all traffic**

The Fiori family as well as SSMH have agreed that Mill Stream Road should be closed to all traffic except for emergency vehicles, Readfield Colonial Park vehicles, ADA parking, resident and management vehicles.

We would request that the town post No Parking signs on Mill Stream Road in order to limit all parking.

In this way SSMH will have reasonable certainty, that we will limit any adverse impact on Mill Stream Road, noise and any intensity of use. If the town is unwilling to post those signs Mr. Fiori and the landlord of 26 Mill Stream Road will post no parking signs on their land which will effectively remove on-street parking and protect the existing Mill Stream Road bed. Traffic would be confined to the upper entrance area of Mill Stream Road.

## **10. Sidewalk - Financial Burden on Town.**

Mr. and Mrs. Fiori provided an easement which allows a sidewalk to be installed by the 26 MSR owner on Mill Stream Road. The sidewalk will provide safe pedestrian access from offsite parking to the barn building. A Soil Engineer has provided a wetland delineation on the Property at 26 MSR. It indicates that Mill Stream Road is outside the area of wetlands. It would be advantageous to the Fiori Family if a sidewalk could be included in the Eastern side of Mill Stream Road and not be constructed directly against their home and parking. They request consideration of their request that the original Fire Dept Chief Lee Mank sidewalk approval which also attached be approved.

Mr. Bittar indicated that he is prepared to request and pay for the installation of the Mank Sidewalk as soon as it is approved by the town.

## **11. SSMH Financial and Technical Capacity.**

A donation of 20,000 has been secured. This initial fund provides for the estimated cost to complete elements of this project. Additional pledged donations have been assured to provide for all resources needed for SSMH to build out the required parking areas. SSMH submitted bank balance of \$25,000 checking account. If the Planning Board requires additional funds to support SSMH financial capacity, an additional pledge of funds will be requested.

## **12. Soundproofing.**

SSMH states that it has installed 6" of soundproof insulation in its exterior wall as well as soundproof insulation in interior walls. Music by members and other events proposed by the applicants will undoubtedly create some internal noise. Nevertheless, sound test made by professionals indicate that sound will not influence abutting residences on Mill Stream Road or other adjacent properties. The Planning 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..." (Art. 7, Sec. 4(A)(4)). Toward that purpose, SSMH has included activities which include topics of agriculture and forestry. We adjusted some SSMH activities may include meetings and demonstrations by the DEP and USAD focused on sustaining the quality of Readfield wetlands. The goal of these activities is to promote the development of DEP and USAD wetland programs which may improve wetland use.

In past years, the property and building had been used as an abandoned drug user hangout. The applicant will work with abutters to regulate all events to those which would be compatible with the preservation of the rural character and natural resources of this historic Mill Stream Road.

SSMH has proposed a day to day activity schedule suggested by the Town Manager. It illustrates a possible schedule for the frequency of member events. That schedule is an expectation of anticipated SSMH activity. The schedule provides a scope of community center activity in keeping with the RR area. The Planning Board may suggest an adjustment in the community center activity schedule.

## **13. Storm water.**

SSMH has consulted an engineer who will provide plan for the off-site parking lot. A storm water management is being prepared by the engineer.

## **15. Traffic.**

The SSMH parking lot is located at the entrance of Mill Stream Road. We anticipate that official Readfield No Parking signs and a relevant ordinance would eliminate all excessive use of the road. We feel this will be sufficient to control traffic and minimize all use of Mill Stream Road. If Readfield administration is unable to provide these signs, SSMH and the landlord will provide financing for the No Parking signs.

## **16. Life and Fire Safety.**

A **lighting** Plan has been submitted.

A **sidewalk will be installed**

A **solid Waste** plan has been submitted

## **17. Parking Plan**

A copy of the parking plan has been submitted.

(Total 57 Parking Spaces) 54 spaces in the SSMH Mill Stream Parking Lot  
Parking spaces for 3 cars at the barn entrance for handicap members.

Parking Spaces are 10' x 20'

Parking lanes are 20'

Parking lot dimensions are 200' x 100' x 200' x 50'

Parking Lot is inset 10' from Mill Stream Road (that distance can be increased)

The center parking lot spaces will be divided in the same manner as the town ball field.

SSMH request use of parking spaces on Mill Stream Road at the 26 MSR building as submitted. That parking would be designated as Handicap Parking area. This would expand the number of parking spaces for the handicap. It will also provide an easier way in which to park at the limited space now designated for handicap parking.

#### 18. Harassment of LGBTQ Membership

Historically, There has been little public regard for the imaging, branding of LGBTQ and minority integrity character, reputation and dignity.

SSMH members have spoken to us about their personal concern. They are accustomed and easily identify random and prevalent critical LGBTQ and minority – innuendo, verbal abuse, and direct or oblique negative references. They understand that the critical attitude of toward SSMH is based upon a negative association with them. They have spoken about their fears concerning safety and retaliation by members of the town and administration for association with SSMH. They appeared at hearings early but quickly understood that their presence will be remembered and make them vulnerable to attack and continued discrimination. LGBTQ AND MINORITY MEMBERS of SSMH NO LONGER ATTEND PLANNING BOARD MEETINGS. They fear consequence of public identification with LGBTQ and minority people who are characterized as criminal. They are concerned that it may incite vigilante/violent activity.

Recent PB speakers use clever concepts which create clever associations with SSMH (the threat of a Civic Center with criminal and uncontrolled public behavior). There is a suggestion that SSMH would create an organization of uncontrolled mobs. SSMH has said repeatedly that it would follow the pattern of activities permitted to the Union Meeting House (another local non-profit association). Few people attend its widely advertised and public meetings. Recent speakers suggest violent and uncivil activity by SSMH members. Speakers raise the specter of mobs and unruly minorities. They speak of random litter and trash, excessive noise, violation of law, traffic and violence from rape. SSMH members are peaceful and law abiding.

26 Mill Stream Rd has experienced instances of hate crimes beginning in 2018. Vandalism, thefts, break-ins and a police investigation confirmed feces on 26 Stream Rd. Walls and Doors. Other acts reflect continued to expressions of inequality and disregard for SSMH and its members.

**SSMH Requests that the and Planning Board Remove ALL references to 26 MSR property from Town websites which predates the SSMH application. Collateral references are an attempt to damage the equal opportunity of SSMH to secure a permit for the rental of this property. It gives the appearance of a town and committee authorized campaign to damage the reputation of SSMH and our members in order to justify a denied application.** The references to two stop work orders and other information is incomplete and inaccurate. The history and use 26 MSR property which precedes the August 2020 SSMH request to rent occupy 26 Mill Stream Road is not relevant to Planning Board consideration of our occupancy permit. These website references in the current dialog have no relevance to SSMH property use. They provide the presumption of SSMH criminality and the potential criminality of its members.

Mr. Bittar is the Landlord. He is responsible for the condition of the building structure and preparation for occupancy. He built the structure. He is the only person with complete knowledge of its condition. He is committed to improving the property for SSMH occupancy. He has no position in the SSMH organization. He is not a member. He will receive rent for the use of the property.



The Town Manager and CEO required SSMH to have Mr. Bittar to sign a Consent Order. Mr. Bittar is not guided by SSMH. We are separate entities. SSMH applies for occupancy of the property. SSMH is an independent non-profit corporate entity.

Jed Davis  
(Maine and New York)

Elizabeth Mitchell  
of Counsel

Aglaia Davis  
of Counsel  
(New Jersey and New York)

Jennifer M. Bryant

*Jim Mitchell and Jed Davis, P.A.*

*Lawyers*

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

*In memory of Philip Davis  
1908 - 1998*

*In memory of James E. Mitchell  
1941 - 2016*

3/5/22

Chip Stephens, CEO  
Town of Readfield Maine

RE: Safe Space Meeting House application

Dear Chip,

Please find my client's responses to your questions dated June 11 and their attached exhibits. Please let me know if there's anything else you need. Each exhibit is prefixed with the question number.

**1. Copy of Articles of Incorporation.**

1 Exhibit Attached.

**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.**

2 Exhibits Attached.

**3. A professional estimation of the feasibility and cost of soundproofing the barn to stop sound from going beyond property boundaries.**

Details of the 26MSR construction to effectively limit sound transference from 26MSR to neighboring properties

Wall 1: The North/North--East Barn wall

- 26MSR is built into an excavated portion of a gravel quarry hill. The gravel hill surrounds the Barn .

The North-NE wall faces the gravel hill which extends from a height of 10 feet, rising to approximately 20 feet.

**9. A description of all intended outside lighting include a lighting plan w/locations, poles, heights, lumens and light cast footprint.**

There are no lights on poles and no lights cast a footprint.

### Entrance Sconces:

Sconces, fluorescent bulbs 850 lumens each, are mounted 6' above ground level on the entrance walls of Mill Stream buildings. These sconces provide necessary lighting at building entrances for the safety of visitors who enter and exit the building.

The Barn has two sconces located on the exterior wall at either end of the barn facing Rt. 17.

A sconce is installed at the front street entrance and on the entrance in the vestibule opposite the front entrance.

A sconce is installed on the wall of the entrance of Colonial building which faces the stream.

These sconces cast no halo or light on neighboring buildings.

In 2018, a canopy of Christmas lights was installed in the trees along the 26 MSR walkway / path that follows the stream. The Christmas lights were hung in trees along the length of the property and illuminates the path in the evening. They were installed on the path which was formed by the Town Conservation and Trails Committees. They are needed for the safety of town pedestrians who have been invited by town committees to use public trails at the 26MSR property. Those lights must be tested. They appear damaged. New lights will be installed if necessary.

The Christmas lights cast no halo or light on neighboring buildings.

A spot light is placed on a wooden beam which lies at ground level in front/center of the barn entrance. It illuminates the face of the barn. It casts no halo. 1500 lumens.

No additional lights are planned.

- The N-NE Barn wall faces homes on Kent's Hill Road. The wall is designed as a sound wave "sandwich". It consists of 1/2" sheet rock, 6" Roxul and an exterior layer of 3/4" OSB and finally corrugated sheet metal roofing containing sound pockets. Insulation is designed to combine with other rigid surfaces. These components acts together as a 6" sound container to absorb sounds within the wall. The "sound sandwich wall" is an effective contemporary sound barrier design and is applied here to insulate Kent's hill Road houses from barn sounds.

- Beyond the gravel hill is a field of several acres of forested meadow. The hill and forested fields are natural sound barriers. These natural barriers further separate Kent's Hill Road from the Barn.

Wall 2: The Eastern Wall.

- The Woods and Stream separate Eastern Kent's Hill neighbors from barn sounds

- the woods and stream provide both –White Noise as soundproofing and a wooded forested barrier . The stream itself provides an ambient natural sound barrier.
- Sounds from the barn are absorbed within the walls of the attached buildings. Several layers of 6" interior and exterior walls buffer any sound within the buildings. 26 Mill Stream Road exterior and interior walls and ceilings are insulated with 6" of sound insulation.

Wall 3: 26 Mill Stream Road building wall facing Route 17 -

- Traffic flows constantly along this commercial route which operates 24/7. Sounds from the traffic creates an additional sound barrier.
- The combination of road traffic and approximately 1 1/2 acres of forested depth between RT 17 and the Barn provides for additional buffered White Noise which adds to the soundproofing of the building.

Wall 4: Northern Wall - 26 Mill Stream Road building facing neighbor Roland Cote

- Mr. Cote's mobile home sits within an excavated gravel pit. The Gravel Pit and Gravel HILL separate Mr. Cote's mobile home from sounds at the 26MSR Barn. The gravel hill surrounds Cote's mobile home. It is an effective barrier to sound from the barn into his property and mobile home.
- In 2017, Mr. Roland Cote (mobile home owner) requested that Bittar pay the cost of his personally selected, professional construction team to build a wall which would buffer his property from activity at 26MSR. Mr. Cote and his builder the designed the wall and his builder was employed to construct the buffer on the boundary of both properties. Mr. Cote determined that the addition of the wall would be sufficient to permit community center activity without any disturbance to him. The Cote fence/wall was constructed according to specifications of Mr. Cote and his professional construction team. 2018 Mr. Bittar paid Mr. Cote \$2400.00 for the construction of his contractor's wall.
- The northern wall of the barn faces Route17. It is neither insulated nor sound proofed. Insulation of both areas is planned. We are assured that the projected costs are within the immediate financial ability of the building owner. The landlord intends to revisit this issue.

A more effective sound proofing plan for the Cote Northern wall may be to increase the wall height and add sound insulation to the current Cote Wall.

- Additional landscaping as a sound buffer  
In 2017 Mr. and Mrs. Cote signed approval for landscaping to their property on 26 Mill Stream Road. It involved extensive landscaping of Mr. and Mrs. Cote Road Mill Stream Road property and the stream path on the Cote property. The agreement was based on Mr. and Mrs. Cote written agreement that they would consider a public easement to the stream property by Readfield citizens. Approximately 40 trees, 25 bushes and plants were purchased and installed by Mr. Bittar and workers on the cote property. Plants

were planted on the Cote side of the wooden wall which Bittar paid for to further landscape Cote property. At the conclusion of the tree planting, Mr. and Mrs. Cote withdrew their agreement to permit a public easement for town people to walk on a path near the stream.

No additional landscaping is planned. It may be considered in the future in concert with town participation and town committee involvement.

#### Sound Proofing of Uninsulated Walls

- wall facing RT 17 10 x 50 = 500 sf
- wall facing north 10 x 35 = 350 sf

Sound insulation is planned for these areas.

On June 21, 2021, Norman Marston tested dB levels at 26 Mill Stream Road by playing rock music at normal concert levels of 90dB. At that time, "a measurement of music sounds played at the 26 Mill Stream Barn as it was measured adjacent to the exterior of the abutter homes on Kent's Hill and Giles Roads" were 61 dB's or under including the dB levels at 20 MSR mobile home which is 50' away from 26MSR barn.

Mr. Marston "found that the level of natural ambiance outweighs the level of music".

3 Exhibits Attached.

#### 4. A measurement of the distance from the structure to all abutting and nearby residential structures.

2 Exhibits Attached.

- 26MSR is topographically isolated and geographically private. - (It is unseen, embedded in a quarried hill, separated by stream, forested acres and a major road)
- 26 MSR is a community island. It is 600 feet to 1,000 feet from immediate neighboring Kent's Hill Road and community residences (with the exception of the 20 MSR mobile home).
- LUO indicates community centers may be established and permitted in any location in the Rural Residential zone.

• 80 Old Kent's Hill Rd	1050 feet
• 62 Old Kent's' Hill Road	964 feet
• 52 Kent's' Hill Road	711 feet
• 25 Old Kent's' Hill Road	608 feet
• 27 Giles Rd	701 feet
• 23 Giles Rd	607 feet

#### 5. Operational information including the following: days of the week operation, hours of operation, year-round/seasonal operation.

Days of week: Once or twice per week, with days varying, possible Sundays for religious gatherings upon request by members.

Hours of Operation: 2p – 10p, depending on activities and zoning requirements.

Year-round/Seasonal: Year-round, but winter activities are expected to diminish.

**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.**

Not at this time. If this option is allowed by LUO, SSMH will request proper permits before this option is exercised.

**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.**

2 Exhibits Attached.

**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).**

SSMH was told by David Allen, Traffic Engineer for Maine DOT Midcoast Region, that the information that governs parking lots is written in state law and readily available to the public. Because the information is publicly available, he declined to issue a written statement.

SSMH is not aware of any local laws or ordinances that govern parking lots and traffic management outside of any local LUO requirements. The Mill Stream Road parking lot has a maximum capacity of 35 cars. This would not trigger an application for DOT Driveway Entrance Permit Region 2.

The Mill Stream parking lot was developed by an engineer and drawn by an architect. It conforms to all parking lot design standards even though it is not large enough to be required to meet those DOT design standards.

David Allen reviewed the elements of the Mill Stream parking lot drawing. In spite of the fact that it was too small to be required to conform to DOT design standards, Mr. Allen said that the major elements required in parking lots of a much larger size were included here.

A "Traffic Movement Permit" would be required if cars entering or leaving the parking lot ("trip generation") meets or exceeds 100 passenger car equivalents (PCEs) during the peak hour of the day. As Mr. Allen stated, that threshold can never be reached since the maximum capacity of the Mill Stream Parking Lot is 35. The nature of activity at the Mill Stream property would anticipate that patrons would stay for a few hours.

In spite of its exemption from DOT rules governing Maine Parking Lots, the Mill Stream Lot fulfills basic state requirements of larger parking lots. Those requirements include: sufficient entrance distance from RT 17, flat side slopes and sufficiently wide entrance and exit to accommodate DOT 45 feet standard.

Other than parking lot property standards, no rules of parking lot operation are required for the parking lot owner management for traffic entering and leaving the parking lot except during parking lot construction. At that time, DOT requires lot owner to "provide,

erect, maintain all necessary barricades, lights, warning signs and other devices to direct traffic safely while [parking lot construction] work is in progress.”

Pursuant to Title 29-A MRSA § 2068 , it is SSMH’s understanding that overflow parking is permitted along Rt. 17 because there are no DOT signs specifically prohibiting it. See Title 29-A MRSA § 2068 attached.

**18. Detailed description of all proposed uses each to include:**

- a. The anticipated frequency of the activity**  
Once or twice per week.
- b. The anticipated duration of each activity**  
Approximately 4 hours per event.
- c. The number of anticipated participants of each activity**  
Approximately 30 – 50 per event.

SSMH’s proposed uses will depend upon Members’ requests and LUO.

SSMH has not yet determined all proposed uses, but those uses will include musical, dance, personal fitness (yoga, reiki, meditation, etc), book recitations, informational seminars, etc.

Detailed descriptions and announcements of all events will be provided upon SSMH Activities Committee making final decisions about its events.

**19. Provide documentation that the well/water system has the capability of handling up to 200 people at any one time or a specified lower amount, consider but not limited to the facilities (toilets), septic related services, and other uses as watering, showering, cleaning.**

1 Exhibit Attached.

**20. Provide written documentation regarding possible effects on the public safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources and functionally water-dependent uses.**

SSMH anticipates no construction or water-dependent activities. Consequently we will not create conditions which would result in erosion, sedimentation, alteration of the vegetative cover, fish, wildlife habitat dislocation, disturbance to archeological and historic resources or require flood plain management as a consequence of SSMH activity etc.

1 Exhibit Attached.

Very truly yours,

Jed Davis, Esq,

Enclosures

Cc: Alex Twarog

## **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: "Bittar, Robert W. & Helen Revocable Living Trust" 1146 main st. readfield, me 04355; TENANT: Safe Space Meeting House 1925 Main Street Fayette Maine 04349  
Lease Term: Beginning July 1, 2022 Ending July 1, 2023 **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 July 1, 2021. 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.

### **ARREARS:**

**Landlord understands that there may be difficulty in providing timely rent during the periods of their initial year. If the tenant is unable to pay the rent, the arrears will be accumulated and made payable at a 2% per month interest rate which is payable as the rent is gathered. The landlord will accommodate this first year period until the tenant develops their membership base and donations to support their effort is available. This clause may be renegotiated for future rental of the property if needed.**

2. Services: Tenant will supply: (a) 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: robert bittar TENANT: Leah hayes\_SSMH

### 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 lh 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: Leah hayes\_SSMH 3/20/22 TENANT DATE X \_\_\_\_\_

# 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.

The Planning Board has identified a local issue which is of immediate to all homeowners and many residents of Readfield – what can be done with wetlands that will improve the agricultural use, beautify and wildlife, flora. There is little information available and few areas where work has progressed to address the wetland issue. USAID has provided insights. SSMH will address the wetland issue within the organization as an outreach model for information and involvement. Few agencies or organizations discuss solutions to this local issue.

26 Mill Stream Road is bounded by a stream and wetlands. Our members will to follow state and national goals for stream and wetland outreach and work. The work will be guided by information obtained from national, state and local agencies. SSMH will attempt to create an collaborative outreach process. The USDA provides initiatives and programs to address the wetland issue. Among them: Acres into Wildlife Enhancement (AFE), Farmable Wetlands Program, Wetland Gardens. These wetland projects ask rural/residential wetland owners to implement these beneficial advanced wetland techniques into their local areas. SSMH hopes to integrate models which may be reproduced by homeowners and farmers in the area. We have discussed this effort with the USDept Agriculture - Natural Resources Conservation Service staff in Maine. They will provide technical assistance with some initial guidance with this project. If it is effective they may be able to provide additional materials and funding for the outreach education project by our members. By using these USDA NRCS models, it may be possible for our members to create an effective, relevant program for community outreach and involvement.

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 skills wildlife habitat preservation, wetland development and public outreach .

- 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 shall affiliate information be shared with or sold to other organizations without the affiliate's consent. Affiliates have no voting rights and are not members of the corporation.

#### **3.03 Non-voting Non-equity Social Memberships**

- 1.** This corporation shall not have capital stock. Non-voting -equity Social Memberships in the corporation shall be represented by membership certificates. Such certificates only represent the right to use and enjoy the benefits of the corporation's recreational facilities, upon the further payment of reasonable charges based upon use. They do not provide access to or attendance at meetings of the Board of Directors. They do not extend to any voting representation to decisions made by the Board of Directors or its committees.
- 2.** The membership certificates shall be issued to each holder of a fully paid membership, numbered consecutively in accordance with the order of issue, and bear on its face the following statements.
  - a.** The amount of membership fee shall be, as directed by the Board of Directors.
  - b.** The membership certificate, No. \_\_\_\_\_, is issued and accepted in accordance with and subject to the conditions restrictions stipulated in By-Laws and amendments to the same of the SSMH.
  - c.** Transfers of membership certificates shall be made only upon the books of the corporation, only to persons eligible to become members, only with the approval of the Board of Directors and only when the member transferring is free from indebtedness to the corporation.
  - d.** No member of this corporation shall be entitled to hold more than one of the membership certificates of the corporation.
- 3.** All transfers of membership certificates shall be made upon the books of the corporation upon the surrender of the certificates covering the same by the holders thereof or by their legal representatives, but only with the approval of the Board of Directors and only to persons eligible to become members and only when the transferring member is free from indebtedness to the corporation. The corporation shall have the first option to purchase the membership certificates at its face value and no other sale will be made unless the corporation shall fail after thirty (30) days notice in writing so to purchase the membership certificate, under no circumstances will the corporation be obligated to purchase the membership certificate.
- 4.** Membership certificates shall be canceled upon the death of a member, or in case of membership in the corporation is terminated for any cause as provided in the By-Laws and such loss of membership by death or otherwise shall terminate all interest of such member and cancellation of the deceased's membership certificate. The surviving spouse or other immediate family member desiring to continue such family's membership may be granted, upon application to the Board of Directors and upon the issuance of a new membership certificate to such survivor, be transferred without additional membership fee.
- 5.** Dues shall be established by the majority vote of the Board of Directors.
- 6.** Each member's eligible dependents which only include a spouse or partner and children up to age nineteen (19) (age twenty-three [23] if a full-time student in an accredited school or college) shall be entitled to all privileges and courtesies of the Club other than voting.

**7.** Any membership holder may designate benefits to his or her children and spouse or partner.

**8.** Admission to SSMH facilities is limited only to a member and their immediate family - children and spouse or partner. Each member and the immediate family/partner may attend SSMH facilities at any time. Guests will not be permitted use of or access to SSMH facilities. The Business Manager shall be empowered to limit or change this privilege at any time they deem desirable for the best interests of the Club.

At no time will the number of members permitted access to SSMH facilities exceed the limit established by the Maine State Fire Marshal.

**9.** Any member of this Club or persons entitled to the privileges and courtesies of the Club may be expelled by the Business manager for repeated violations of any of the By-Laws, rules or regulations or for any misconduct deemed sufficient, said member's name may be brought up for vote by any member of the Board of Directors. A member or person thus expelled shall not be eligible to subsequent membership or to any of the privileges and courtesies of the Club. In case of expulsion, all rights and payments made by said member or person expelled shall

be forfeited to the Club.

**10.** The Board of Directors shall have power to consider all special and exceptional membership applications and make such rules and orders governing each case according to the merits of the membership application.

### 3.02 Dues

Any dues for affiliates shall be determined by the board of directors or their appointee. If required, the Board of Directors may review these determinations.

## **Article 4 – Board of Directors**

### 4.01 Number of Directors

SSMH shall have a board of directors consisting of at least 3 . The board may increase or decrease the number of directors serving on the board, including for the purpose of staggering the terms of directors.

### 4.02 Powers

All corporate powers shall be exercised by or under the authority of the board and the affairs of the SSMH. Shall be managed under the direction of the board, except as otherwise provided by law.

### 4.03 Terms

- a. All directors shall be elected to serve a two-year term, however the term may be extended until a successor has been elected.
- b. Director terms may be staggered so that approximately half the number of directors will end their terms in any given year.
- c. Directors may serve terms in succession.
- d. The term of office shall be considered to begin and end December 31 of the second year in office, unless the term is extended until such time as a successor has been elected.

### 4.04 Qualification and election of directors.

In order to be eligible to serve as a director on the board of directors the individual must be 18 years of age and an affiliate with affiliate classifications created by the board of directors. Directors may be elected at any board meeting by the majority vote of the existing board of directors. The election of directors to replace those who have fulfilled their term of office shall take place in January of each year.

### 4.05 Vacancies

The board of directors may fill vacancies due to the expiration of a director's term of office, resignation, death or removal of a director or may appoint a new director to fill a previously unfilled board position subject to the maximum number of directors under these Bylaws.

Unexpected vacancies shall be filled by the board for the balance of the term of the director being replaced.

### 4.06 Removal of Directors

A director may be removed by two-thirds vote of the board of directors then in office, if :

- a. The director is absent and unexcused from two or more meetings of the board of directors. The board president is empowered to excuse directors from attendance for a reason deemed adequate by the board president. The president shall not have the power to excuse himself/herself from the board meeting. The board Vice President shall excuse the president OR
- b. For cause or no cause, if a vote on removal is made, the director is given electronic or written notification of the board's intention to discuss his//her case and is given the opportunity to be heard at a meeting of the board.

### 4.07 Board of Directors Meetings.

- a. Regular Meetings.

The board of directors shall have a minimum of two regular meetings each calendar year at times and places fixed by the board. Board meetings shall be held upon four days notice by first-class mail or telephone.

#### 4.08 Manner of Acting.

a. Quorum. A majority of the directors in office immediately before a meeting shall constitute a quorum for the transaction of business at that meeting. No business may be considered if there isn't a quorum present.

b. Majority Vote. Except as otherwise required by law or the articles of incorporation, the act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board.

c. Participation. Directors may participate in meetings through the use of any means of communication by which all directors participating may have available including in person, internet, video or telephone.

#### 4.09 Compensation for Board Service

Directors shall receive no compensation for carrying out their duties as directors. The board may adopt policies providing for reasonable reimbursement of directors for expenses incurred in conjunction with carrying out their board responsibilities, such as travel expenses to meetings.

#### 4.10 Compensation for professional services by directors

Directors may be paid for professional services provided to the corporation. Such remuneration shall be reasonable and fair to the corporation and must be reviewed and approved in accordance with the board Conflict of Interest policy and state law.

### Article 5 Committees

The board of directors may, by the resolution adopted by a majority of the directors then in office, designate one or more committees as well as the Business Manager to serve at the pleasure of the board. Any committee as well as Business Manager to the extent provided in the resolution of the board shall have all the authority of the board except that no committee or Business Manager may:

- a. Take any action on matters which also requires board members' approval or approval of a majority of all members.
- b. fill vacancies on the board of directors or any committee which has authority of the board.
- c. Amend, repeal or adopt new bylaws.
- d. Amend or repeal any resolution of the board of directors
- e. Approve any contract

### ARTICLE 6 Officers

#### 6.01 Board Officers

The officers of the corporation shall be a board president, vice president-secretary and treasurer, all of whom shall be chosen by and serve at the pleasure of the board of directors. Each board officer shall have the authority and shall perform the duties set forth in these Bylaws or by resolution of the board of by direction of an officer authorized by the board to prescribe the duties and authority of other officers. The board may also appoint additional vice-presidents and such other officers as it deems expedient for the proper conduct of the business of the corporation, each of whom shall have the authority and shall perform such duties as the board of directors may determine. One person may hold two or more board offices, but no board officer may act in more than one capacity where action of two or more officers is required.

#### 6.02 Term of Office

Each officer shall serve a two-year term of office. Term begins at the adjournment of the board meeting at which they are elected and ends on adjournment of the meeting which the successor is elected.

#### 6.03 Removal or resignation

The board of directors may remove an officer at any time with or without cause. Any officer may resign at any time by giving written notice to the corporation without prejudice to the rights, if any of the corporation under any contract to which the officer is a party. Any resignation shall take effect at the date of the receipt of the notice or at any later time specified in the notice, unless otherwise specified in the notice. The acceptance of the resignation shall not be necessary to make it effective.

#### 6.04 Board President

The board president shall be the chief volunteer officer of the corporation. The board president shall lead the board of directors in the performing its duties and responsibilities, including, if present, presiding at all meetings of the board of directors, and shall perform all other duties incident to the office or properly required by the board of directors.

#### 6.05 Vice President / Secretary

In the absence or disability of the board president, the ranking vice-president designated by the board of directors shall perform the duties of the board president. When so acting, the vice-president shall have all the powers of and be subject to all the restrictions upon the board president. The vice-president shall have such other powers and perform such other duties prescribed for them by the board of directors or the board president.

The secretary shall keep a book of minutes of all meetings. The minutes shall state the time, place of the meeting and other information needed to determine whether the actions taken were in accordance of the Bylaws.

#### 6.07 Treasurer

The treasurer shall have oversight of the financial condition and affairs of the corporation. He shall oversee and keep the board informed of the financial condition of the corporation by auditing, financial review and financial results. He oversees budget preparation and ensures that appropriate financial reports including account of major transactions and financial condition of the corporation are made available to the board. He receives reports from the Business Manager or their designee.

### **Article 7 Contracts, Checks, Loans**

#### 7.01 Contracts and other writings

All contracts, deeds, leases, mortgages, grants and other agreements of the corporation shall be executed on its behalf by the treasurer or other persons to whom the corporation has delegated authority to execute such documents in accordance with policies approved by the board.

#### 7.02 Checks, Drafts

All checks, drafts and other orders for payment of money notes of other evidence of indebtedness in the name of the corporation shall be signed by board president of the corporation or in a manner determined by resolution of the board. All funds of the corporation not otherwise employed shall be deposited to the credit of the corporation in a bank designated by the board.

#### 7.04 Loans

No loans shall be contracted on behalf of the corporation and no evidence of indebtedness shall be issued in its name unless authorized by resolution of the board. Such authority may be general or confined to specific instances.

#### 7.05 Indemnification

The corporation shall indemnify a director or former director who was wholly successful on the merits or otherwise, in the defense of any proceeding to which he or she was a party because he or she is or was a director of the corporation against reasonable expenses incurred by him or her in connection with the proceedings.

The corporation shall indemnify a director or former director made party to a proceeding because he or she is or was a director of the corporation, against liability incurred in the proceeding, if the determination to indemnify him or her has been made in the manner prescribed by the law and payment has been authorized in the manner prescribed by law.

### **Article 8 Miscellaneous**

#### 8.01 Books and Records

The corporation shall keep correct and complete of books and records of account and shall keep minutes of the proceedings of all meetings and its board of directors and a record of all actions taken by the board of directors.

#### 8.02 Fiscal Year

Begins on January 1 of each year and ends on December 31.

### 8.03 Periodic Reviews

To ensure the corporation operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

**(a)** Whether compensation arrangements and benefits are reasonable, based on competent survey information and the result of arm's length bargaining.

**(b)** Whether partnerships, joint ventures, and arrangements with management corporations conform to the corporation's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in impermissible private benefit or in an excess benefit transaction.

### 8.04 Nondiscrimination policy

Officers, directors, committee members, employees, and persons served by this corporation shall be selected entirely on a nondiscriminatory basis with respect to age, sex, race, religion, national origin and sexual orientation. It is the policy of this corporation not to discriminate on the basis of sex, race, religion, national origin and sexual orientation age physical disability veteran's status, political service or affiliation.

### 8.05 Political and Legislative Activity Prohibited by all state or federal laws

It is agreed that all Officers, directors, committee members, employees will not engage in political or legislative activity. The Board of Directors and their agents have the authority to restrict speech or other forms of communications which are designated to be offensive to the members or their guests.

## Article 9 Bylaws

These Bylaws may be amended repeal or restated by majority of the board of directors at a meeting provided. Any amendment to the Articles of Incorporation requires two-thirds 2/3 of the board of directors.

No amendment shall be made to the Bylaws which would cause the corporation to cease to qualify as an exempt corporation under Section 501 © (3) of the IRS code of 1986.

## Article 10 Conflict of Interest

The board shall follow the conflict of interest policy to protect the corporation's interest when it is contemplating any transaction or arrangement which may benefit any director, officer, employee, affiliate or member of a committee with board-delegated powers.

The purpose of the conflict of interest policy is to protect the corporation's tax-exempt interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the corporation or might result in a possible excess benefit transaction. The policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Each member of the board of directors and the staff of the corporation must prefer the interests of the corporation over the director's/staff's interest or the interests of others. In addition, directors and staff of the corporation shall avoid acts of self-dealing which may adversely affect the tax-exempt status of the corporation or cause there to arise any sanction or penalty by a governmental authority.

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

## COMPENSATION

A voting member of the governing board who receives compensation, directly or indirectly, from the corporation for services is precluded from voting on matters pertaining to that member's compensation.

A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the corporation for services is precluded from voting on matters pertaining to that member's compensation.

Certificate of Adoption of the Bylaws by the Board of Directors

Date August 1, 2020



Board of Directors

President	Alexandra Twarog
Secretary	Taylor Quezada
Treasurer	Leah Hayes
Vice President	Nicole Dube
Director	Christine Tisdale

Ex 3

## The Readfield Comprehensive Plan

The Board repudiated its responsibilities defined on page 6 of the Readfield Comprehensive Plan. "Establish a process for municipal officers to learn about preservation of historic and archaeological resources." And on Page 20 "Other Revisions to Land Use Ordinance"

- "1. include sensitive archaeological areas identified by the Maine Historic Preservation Commission in Rural Resource or Resource Protection zones (policy 1.5)*
- 2. require consideration of significant historic and archaeological resources in the review of new developments.*
- 3. In situations, where historic or archaeological resources may be impacted require that the MHPC and Readfield Historical Society be given an opportunity to review and comment on the development early in the permitting process.*
- 4. Consider the development of historic preservation standards to protect the integrity of historic properties."*

And in Comprehensive Plan "Goals and Policies" page 30 – 31 RCP states that the town "establish a mechanism whereby municipal officials (eg. Code Enforcement Officer, Planning Board, Zoning Board of Appeals) receive training on preservation of historic and archaeological resources." RCP advises that the town "consider the development of Historic Preservation Ordinance or land use standard to protect historically significant properties. "...It advises that Readfield review (Portland

**Landmarks for model language that may be modified to fit Readfield)."**

The Planning Board violated the Comp Plan suggestion to protect historical sites through rezoning. Mill Stream Road is the only Readfield area consisting of colonial sites which remain unprotected. Rezoning is necessary in order to establish a designated status for this isolated historic area. RCP suggests that the Planning Board assist in the process identify and list historic properties. 26 Mill Stream is a historic site. As such it may be listed in the **National Register of Historical Places. NRHP listing requires that "the building must be income producing, depreciable and a "certified" historic structure". RCP page 30.** An income producing property was clearly identified as a potential requirement to support a historic structure. The Planning Board rejected its responsibility defined by the RCP. It denied protection to a primary historic Readfield site. In doing so, the Planning Board continued a process of arbitrary decisions concerning the Plaintiff's Property

**Basic Goal of the Comprehensive Plan argues against this.**

- Mill Stream Road is located in the center of town. It is clearly visible from the primary town road.
- **Mill Stream Road is an isolated dead-end gravel road approximately 1000 feet in length. It is physically separated from the Readfield residential area.** It sits between state road Route 17, a major commercial vehicular artery, and approximately a ¼ mile vacant wetland, stream and woodland. It is **unconnected** to Old Kents Hill Road

and the neighboring residential area. It is not as Defendant states “adjacent to” residential properties.

- The Village zone is adjacent to the residential area and Mill Stream Road. Rural designation rezoning would create no further impact than neighbors residential proximity to the existing Village Zone.
- Defendant repeats the Planning Board assertion Rural rezoning would permit a “wide range of” “non-residential uses). Nevertheless, no lot on Mill Stream Road would be eligible for these uses. Mill Stream Road contains undersized lots . Their stream frontage and/or primarily wetlands make them absolutely unusable for almost any purpose. The exception is one lot which may be qualify for a residential permit. **Any argument citing broad variety of invasive uses is fictional.**
- The Town Comprehensive Plan was declarative. It supports changes in the LUO zoning protect historic sites. It directed town administration and departments to direct and implement a land use change to identify and historic sites when required. Zoning considerations were not violated. Courts have declared that even spot zoning may be permitted by a town if it is appropriate within the context of the community requirements. And, this was not spot zoning.

Fw: [FWD: zoning change example]

rbittar iqacc.com <rbittar@iqacc.com>

Wed 29/12/2021 8:47 AM

To: rbittar iqacc.com <rbittar@iqacc.com>

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**From:** rbittar@iqacc.com <rbittar@iqacc.com>

**Sent:** 03 July 2017 2:36 PM

**To:** Eric Dyer <readfield.tmgr@roadrunner.com>

**Subject:** RE: [FWD: zoning change example]

Eric,

Thank you for looking through the email.

Stefan and you indicate that my request must be presented to the Select Board. Toward this goal you suggest that I may need a "completed petition". I am unfamiliar with the town petition format etc. Is there a petition that I may use as a point of reference? It seems to me necessary to begin the Planning Board application with the information that would be included in a petition. In that way there would be continuity with the information and format of any request to the select board.

Therefore, following your suggestion, I thought it may be wise to prepare a project application for the Planning Board in the near future.

Do you have a copy of a successfully completed petition?

Thanks again

bob

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

Subject: RE: [FWD: zoning change example]

From: "Eric Dyer" <readfield.tmgr@roadrunner.com>

Date: Mon, July 03, 2017 11:43 am

To: <rbittar@iqacc.com>

Hi Bob,

Stefan laid out a good roadmap based on past precedent. By following this route you will be better situated to participate in any future regular or special town meetings, if necessary. In order to be placed on a town meeting warrant you will need either a completed petition or the affirmative vote of the majority of the Select Board. The Select Board and public seem to respond best to a linear process where due diligence has been performed at each step along the way. I suggest as Stefan did that you begin the process by submitting a complete project application to the Planning Board.

Be well,

Eric

**From:** [rbittar@iqacc.com](mailto:rbittar@iqacc.com) [mailto:[rbittar@iqacc.com](mailto:rbittar@iqacc.com)]

**Sent:** Thursday, June 29, 2017 8:49 PM

**To:** Town Manager

**Subject:** [FWD: zoning change example]

Hi Eric,

Below is a copy of the helpful guidance Stefan provided to me. As we discussed in the months following this note, I indicated that I would be following his suggestion. With this information, we are hoping that we may again begin the work required to add my venture-town resource to the efforts this coming summer.

Hopefully very soon we will be able to have a presentable site for town people to visit.

Please let me know if there is any additional information which may be needed in order to begin this process.

thanks for speaking with me.

robert

-----\_Original\_Message\_-----

Subject: zoning\_change\_example

From: "Stefan Pakulski" <[readfield.tmgr@roadrunner.com](mailto:readfield.tmgr@roadrunner.com)>

Date: Thu, October 31, 2013 10:32 am

To: <[rbittar@iqacc.com](mailto:rbittar@iqacc.com)>

Hi Bob,

Please see the attached pages from the Special Town Meeting minutes of September 29, 2011 and note *Article 8: To see if the Town will vote to amend the Land Use Map adopted at the June 10, 2010 Town Meeting.*

The attached description and map show which lots were to be changed from Rural Residential to Rural. The Town Meeting voters passed this article and changed the zoning.

So it can be done. I don't know how this particular example got to the point it did, but I assume it was through a Planning Board review of the whole application, resulting in a recommendation that the Town should support the zoning change for the proposed purpose. You would likely have to go through a similar process.

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

Subject: zoning change example

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Good luck!

Stefan Pakulski, Town Manager  
Town of Readfield  
8 Old Kents Hill Road  
Readfield, ME 04355  
ph: 207-685-4939  
fax: 207-685-3420  
cell: 207-242-5437  
email: [readfield.tmgr@roadrunner.com](mailto:readfield.tmgr@roadrunner.com)

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, §401-§521 of the Maine Revised Statutes).

Good luck!

Stefan Pakulski, Town Manager  
Town of Readfield  
8 Old Kents Hill Road  
Readfield, ME 04355  
ph: 207-685-4939  
fax: 207-685-3420  
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**Fw: [FWD: zoning change example]**

rbittar iqacc.com <rbittar@iqacc.com>

Wed 29/12/2021 8:42 AM

To: rbittar iqacc.com <rbittar@iqacc.com>

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**From:** Eric Dyer <readfield.tmgr@roadrunner.com>

**Sent:** 03 July 2017 11:43 AM

**To:** rbittar@iqacc.com <rbittar@iqacc.com>

**Subject:** RE: [FWD: zoning change example]

Hi Bob,

Stefan laid out a good roadmap based on past precedent. By following this route you will be better situated to participate in any future regular or special town meetings, if necessary. In order to be placed on a town meeting warrant you will need either a completed petition or the affirmative vote of the majority of the Select Board. The Select Board and public seem to respond best to a linear process where due diligence has been performed at each step along the way. I suggest as Stefan did that you begin the process by submitting a complete project application to the Planning Board.

Be well,

Eric

---

**From:** rbittar@iqacc.com [mailto:rbittar@iqacc.com]

**Sent:** Thursday, June 29, 2017 8:49 PM

**To:** Town Manager

**Subject:** [FWD: zoning change example]

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thanks for speaking with me.

robert

CONSENT AGREEMENT

By and between  
Robert Bittar  
And  
The Town of Readfield

WHEREAS Robert Bittar ("Owner") is the current owner of record of certain real estate located at 26 Mill Stream Road in the Town of Readfield, Kennebec County, State of Maine, and identified as Map 120, Lot 13 on the Town's tax maps current as of the date of this Agreement ("the Property");

WHEREAS in November of 2014, the Town of Readfield Planning Board approved Owner's application for remodeling and expansion of a non-conforming single-family residence on the Property with the express condition that no other use to be made of the Property;

WHEREAS on July 18, 2017, Owner signed a consent agreement with the Town of Readfield Code Enforcement Officer ("CEO") stating that the Property would only be used as a single-family dwelling;

WHEREAS, the Town of Readfield CEO granted Owner a Certificate of Occupancy for single-family residential use of the Property on July 19, 2018;

WHEREAS, in the summer of 2018, Owner advertised and held several music events at the Property, which resulted in the Town issuing a Notice of Violation on August 16, 2018, and a notice of revocation of the Certificate of Occupancy on September 20, 2018;

WHEREAS, Owner requested to the Planning Board and by way of a citizens' petition to the Board of Selectmen that the Property be rezoned to accommodate his desired use of the Property as a concert venue, but the Town did not move those requests forward due to nonconformance of the request with the Comprehensive Plan;

WHEREAS, Owner filed an appeal of the Town's decision not to place the zoning change to vote, and such appeal remains pending in the Maine Supreme Judicial Court under Docket No. KEN-20-108;

WHEREAS, Owner wishes to receive a new Certificate of Occupancy to allow the Property to be rented as a single-family residence; and

WHEREAS, the parties wish to set forth the terms and conditions upon which Owner may be issued a certificate of occupancy and allowed to make residential use of the Property for himself or his tenants;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby agree as follows:

1. Within fourteen (14) days of execution of this Consent Agreement, Owner shall cause the appeal pending in the Maine Supreme Judicial Court to be dismissed by mutual consent of the parties.
  2. Upon execution of this Consent Agreement, Owner shall pay the Town of Readfield \$5,000 toward its legal expenses related to this matter.
  3. In order to obtain a Certificate of Occupancy for single-family residential use of the Property, Owner shall complete the below work to ensure that the premises are safely habitable pursuant to relevant codes, and to remove all indicia of or capability of noncommercial use of the Property:
    - A. Smoke alarms shall be installed in every habitable space, being all rooms except kitchens and bathrooms, and within fifteen (15) feet outside of sleeping rooms.
    - B. Smoke alarms shall be installed in rooms with sloped ceilings per NFPA 72 Figure A.29.8.3.1 near peak of roof, in the area less than thirty-six (36) inches horizontally from peak and four (4) inches vertically below apex. Smoke detector may be either hardwired with battery backup or sealed lithium battery ten-year models.
    - C. One carbon monoxide (CO) alarm shall be installed within in a central location within fifteen (15) feet outside each sleeping area and on every level of the home. Combination smoke/CO alarms are approved.
    - D. Handrails shall be installed on the stairwell to the mezzanine/loft area, guards with less than 4 inch spacing.
    - E. Top and bottom spaces on the mezzanine railing must be reduced to four inches.
    - F. Bathtub installation shall be completed with a faucet, wall sheathing at the base and sides, and bathtub mounting flanges secured to the wall framing. Refer to manufacturer's installation instructions.
    - G. Interior sheathing shall be installed on the knee walls surrounding the bathtub.
    - H. Operability of the fire suppression system must be determined and inspection and maintenance agreement(s) must be verified.
    - I. Compliant railings shall be installed on the deck/platform at the south exit door with compliant railings at minimum thirty-six (36) inch height and guards with less than four (4) inch spacing on both sides of the steps.
    - J. The commercial kitchen is not suitable or safe for residential use and the presence of children. The commercial kitchen stove and dishwasher shall be removed and replaced with residential grade models.
    - K. Exit signage shall be removed.
- The above work shall be confirmed and approved by the Town of Readfield Code Enforcement Officer upon personal inspection of the Property.
4. Owner agrees that the Property shall not be used for any other purpose except the normal living activities of a single housekeeping unit, including eating, sleeping and other typical

residential uses. There shall be no gatherings of over 20 people at the Property without prior written approval by the Board of Selectmen, which shall ensure that the gathering is not a commercial or assembly use. Parking for those attending any gathering at the Property shall be made within the parking lot on the Property; on street or off-site parking shall not be used.

- 5. If Owner or his tenant(s)/invitee(s) are found to be advertising, attempting to make or making any non-residential use of the Property, the Town of Readfield Code Enforcement Officer shall have the authority to immediately revoke the Certificate of Occupancy with no advance notice and no hearing, and in such case all use of the Property, including any residential use, shall be immediately ceased.
- 6. Owner shall be required to attach this Consent Agreement to any lease of the Property and shall expressly require any tenants of the Property to comply with all terms set forth herein.
- 7. Owner shall not in any advertisement for lease or sale of the Property describe the Property as suitable for any other use except single-family residential use, and shall provide a copy of this Consent Agreement to any prospective tenant or purchaser.
- 8. Should Owner or his tenants wish to make any nonresidential use of the Property that is permitted in the zone by the then-current Land Use Ordinance, such use may be allowed so long as Owner complies with all applicable permitting and use standards in place at the time. Owner shall give the Board of Selectmen two weeks' written notice before making any application for a nonresidential use of the Property.
- 9. Any violation of this Consent Agreement, and any related violation of Town of Readfield ordinances, may be prosecuted by the Town in accordance with 30-A M.R.S. Section 4452 and shall be subject to the per-day penalties, legal fees and costs as set forth therein.

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

In consideration of the foregoing Consent Agreement, which is intended to resolve any disputes Owner has with the Town of Readfield, Owner further agrees to the following:

- 10. Owner hereby releases any and all claims, at law or in equity, against the Town of Readfield and its officers and employees arising from the Town's actions related to the Property, including but not limited to inspections, enforcement actions, issuance of notices of violation, revocation of the Certificate of Occupancy and refusal of Owner's requests to rezone or allow performances and events at the Property.
- 11. Immediately upon execution of this Agreement, Owner shall cease publication or circulation of any disparaging statements regarding the Town or its employees and officials related to the matters set forth in Section 10. Violation of this provision shall not be deemed a violation of the foregoing Consent Agreement but shall be enforceable by the Town or any affected Town official or employee through injunctive action, with Owner to pay all related attorney fees and court costs.

TOWN OF READFIELD

BY: \_\_\_\_\_  
Eric Dyer, its Town Manager  
Duly authorized by vote of the Town of  
Readfield Board of Selectmen

OWNER

BY: \_\_\_\_\_  
Robert Bittar