



TOWN OF READFIELD – Town Manager

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Date: June 21, 2021
To: Readfield Select Board
From: Eric Dyer, Town Manager
Subject: Town Manager Report - Article 38, Public Discourse, and the Mill Stream Event Center

Article 38 proposed a slate of changes to the Land Use Ordinance. Similar changes have been proposed and approved nearly every year since the ordinance was first passed. These changes seek to clarify the ordinance language and prevent conflict and conflicting uses of property. The dozen or so changes proposed in article 38 were intended to correct wording that could too easily be misconstrued or misrepresented, or have unintended consequences.

We all want to see community centers in Readfield to serve our residents. We have several already but could always use more. There were several provisions of article 38 that would have made it easier for community centers to successfully open and operate in areas where they fit in well with surrounding uses. The current definition of a Community Center / Club is very narrow, limiting, and conflicts with broader zoning rules.

Article 38 plainly asked about changes to the Land Use Ordinance. Despite what many residents were told it was not a referendum on the proposed community center and associated parking facility on Mill Stream Rd. The vote did not have any impact on the proposed project there because that project was already being considered by the Planning Board under the existing Land Use Ordinance. The vote was not a mandate to the Select Board - it is not clear why the article was voted down, or what portions of the article or ordinance changes voters objected to. We do know that there was a tremendous amount of misinformation presented around the intent, impact, and scope of Article 38. It would be unprofessional for town boards, committees, or staff to actively try to influence the outcome of a vote and it would only worsen the situation to get into a public back and forth with an aggrieved property owner prior to a vote. It was a difficult choice to make but we all deserve better than that, despite the many divisive and misleading statements being peddled door to door and delivered to our mailboxes. With the vote now behind us a few clarifying statements are necessary.

Mr. Bittar has directly and repeatedly misled the public in a negative way. While we are limited in our response due to a commitment to civil discussion and the very high legal bar we face as elected and appointed officials, we can state that dishonest and disingenuous speech should have no place in our politics or government. Mr. Bittar's threatening emails to members of the Planning Board accusing them of criminal activity are offensive and without merit. His statements that the Town of Readfield is corrupt and oppressive are absurd and groundless and should be offensive to all of our

residents. His baseless attacks on Town staff and volunteers only serve to mislead and demoralize our community. Town Staff, volunteers, and the public deserve better. I encourage the Select Board to make a public statement condemning the many false and inflammatory statements that have been made, and asking for a change in tone going forward.

The truth of the matter is that Mr. Bittar has repeatedly sought to open an event center designed and intended to hold about 200 people in the middle of a residential neighborhood. He has repeatedly violated state and local laws over the past several years in an attempt to dictate the outcome he wants despite the full awareness that it is at odds with the legal use of his property. His property sits on top of an irreplaceable historic site and natural resource protection area and is next to sensitive public infrastructure. The nearest neighbor to his concert barn is 50 feet away, building to building, not 1,000 as repeatedly claimed. Here are some recent facts about this issue:

- In 2018 Mr. Bittar applied to the Planning Board for a Community Center and Club and was denied on valid grounds.
- In 2018 Mr. Bittar tried to change the zoning of his property but was denied because the change would be illegal. He sued the town and lost.
- In 2018 he lied to the Planning Board and Code Enforcement Officer about his intent to use the property as a single family home and then attempted to open a concert venue. His ability to use the property was revoked. He sued the Town and lost.
- He does not currently have the ability to use the property for anything other than a single family home. He does not have a legal community center or event center.
- The Emporium was not closed by the Town and the vote on Article 38 did not reopen it. Reopening is at his option, with proper state and local permits.
- Town staff and officials have always supported the right to a legal process that is based in fact but have never guaranteed an outcome for any project on Mill Stream Rd.

Given the public interest in this issue, several years of documents have been placed on the Town website under a “Mill Stream Rd. Land Use Information” page so the public can have full access to these facts and documents.

All property owners have a right to use their property legally and have a right to due process, but they are not simply entitled to the outcomes they want, no matter how idealistic. That includes building a 200 person concert and event center 50 feet from an abutter’s house. The rights and responsibilities of all property owners are established and protected by the Land Use Ordinance and Comprehensive Plan at the local level. These are the legally established documents the Planning Board, Appeals Board, and Select Board use in reviewing land use activities.

As a community we support the arts, cultural experiences, and diversity. We recognize beauty in old buildings and celebrate our history. But we also support the right to maintain the rural and residential character of our town and the sanctity of our homes. We need to agree that divisive politics and dishonesty have no place in our community. We need to adopt a civil tone as this issue moves forward. We can encourage that by discussing facts and considering the rights of all of our property owners, not just the loudest ones.

Eric Dyer, Readfield Town Manager