

PLANNING BOARD MEETING MINUTES

Minutes of the Augusta Planning Board meeting held on July 9, 2013.

Board members present: Delaine Nye, Justin Poirier, Alison Nichols, Corey Vose, Heather Veilleux, Linda Conti, Bill McKenna

Board members absent: Steve Dumont, Peter Pare

City staff present: Matt Nazar

Guests present: Laura Benedict, Lisa Wardwell, Alicia Barnes, David Michaud, Dot Michaud, Gerry Huber, Curt Huber, Dave Rollins, Cecil Munson, Brian King, Roger Carrier, Walter McKee

Corey Vose, Chair, called the meeting to order at 7:00 p.m.

Public Hearing: Conditional Use. Application of Laura Benedict on behalf of Red Barn, Inc. to exceed 60 dB of noise at the property line during outdoor concerts. Assessor's Map 49 Lot 13. Located at 455 Riverside Drive in the Planned Development (PD) District.

Matt Nazar:

This is the first application of this type that the Planning Board and City staff have processed since the noise ordinance was changed last year.

The applicant proposes one hour of music from 5-6 p.m. on certain dates this summer. Last summer the Red Barn held outdoor summer concerts. Code enforcement officer took sound measurements.

Neighborhood compatibility is the major criteria that applies. Received a letter from Peter and Kathy Tozier who are neighbors.

Linda Conti

Are they asking to exceed the sound level?

Matt Nazar

Yes – on the dates and times that are specified.

Alicia Barnes

Speaking on behalf of Laura Benedict

The ordinance was changed for the car dealerships

Ninety percent of the people that come to Red Barn concerts are families

The ambient sound levels of Riverside Drive is 60dB

Last year we didn't exceed 80 dB at the property line. The upper range was from Mr. Taylor - guitar and voice

If it rains, there will be no rain date

There's no way we can be within the 60 dB level – acoustic is louder than that

Alison Nichols:
Is amplification the problem?

Alicia Barnes
Acoustic goes over 60 dB
The concerts build community

Delaine Nye:
I wonder if the neighbor, King, built back from the road so it would be quiet
Vacuum cleaner is 70 dB
Chart says the upper 70's are annoyingly loud to some people
There doesn't appear to be an attempt to screen the neighbors from the noise
Have you tried to screen?

Alicia Barnes
We haven't tried to screen – we are pursuing the conditional use approval as a first step

No one wished to speak in favor.

Speaking against:

Walt McKee, agent for Brian King and Roger Carrier:
February 2012 ordinance went into effect
Multiple times in 2012 Red Barn exceeded the limit
Concerts were held even after cease and desist letter sent to Red Barn
Mr. King and Mr. Carrier bought property beside the Red Barn. They didn't decide to buy beside a concert venue.
They want to be able to enjoy their property and they can't
We object to granting a permit
60 dB limit is a fair limit
Laudable goal to build community
Concerts are not the business of the Red Barn

Heather Veilleux
How long have Mr. King and Mr. Carrier lived there?

Roger Carrier
15 years

Brian King
13 years

Brian King
About 3 years ago the Red Barn started having concerts
Every week it seemed to get a bit louder

Have to have all windows closed in house
I pay significant taxes.
If I tried to sell my house, no one would want to buy it with concerts happening there
Big burden on my peace and enjoyment of my property

Roger Carrier
My property abuts the south of the property
Concerts started about 3 years ago
When come home after working in summer, want to cool down. I have a pool in back.
Her genre of music might not be my kind of music
I have to shut the doors and close the windows if I don't want to hear it
I pay significant taxes.
If I started having concerts one hour every week for 8 weeks my neighbors would have a problem with that
One hour is too long as it's an annoying sound

Neither for nor against:

Corey Vose read a letter from Peter and Kathy Tozier: Do not discourage Red Barn from scheduling concerts

Alicia Barnes
There are other neighbors that exceed the 60 dB level. We don't complain about them but they complain about us.
I feel that we need to do this the right way
We would like to build a bigger community here

Corey Vose
Is the Red Barn open to doing things to limit the sound level?

Alicia Barnes
If the Board approves this, I think it should put a maximum on it.
I have a decibel reader on my cell phone that I can use to track sound levels.

Delaine Nye:
It doesn't make any sense to me to grant a permit to approve this

Matt Nazar:
Idea of a cell phone decibel meter is good for a ballpark understanding of sound levels.
Code enforcement officers use a professional decibel reader.
Feb 2, 2012 noise ordinance went into effect 30 days later.

Alison Nichols
If the ambient noise is 60 dB, is it possible to have a concert that doesn't exceed 60dB

Justin Poirier

I'm concerned that no effort has been made to try to contain the noise
If we put a noise limit, it would be up to the Red Barn to figure out how to accomplish that

Corey Vose

My suggestion is to table this and for Red Barn to come back with a proposal on maximum decibel level and things they can do to bring down the sound level

Heather Veilleux

Could we grant them a waiver to try different methods of mitigating the noise?

Alison Nichols:

It would be helpful to learn whether a concert at 60 dB would be audible with ambient noise.

Delaine Nye: I don't support tabling this.

Linda Conti: Are outdoor concerts approved in that zone?

Matt Nazar: As a primary use – I don't know – I don't have the table of uses in front of me

Corey Vose: I am not discounting the neighbors' concerns. I think one hour of music, once a week, for eight weeks is not significant.

Linda Conti: Motion to dismiss the application because they didn't meet the waiver requirements set forth in the noise ordinance. The dismissal is without prejudice for them to come back again meeting the requirements of the statute that require them to show that they've tried to do everything they can do to mitigate the noise and there's no possible way that it can be prevented. **SECONDED** by Alison Nichols.

Corey Vose: For clarity, versus tabling, you're saying file a new application that addresses the criteria.

Linda Conti: Yes.

Delaine Nye: I will vote against it because I feel that they have had the opportunity and haven't done it.

5 in favor, one against (Nye). **MOTION PASSED.**

Workshop: Land Use Ordinance Amendment. Restaurants without drive throughs in the Resource Development (RD) zoning district.

Matt Nazar: Approximately two years ago, the City Council made an ordinance change to the land use table regarding restaurants. A new line was created for restaurants without drive throughs. This use was allowed in the RD district only. Ordinance is a permissive ordinance. If it's not listed, it's not permitted. This created a problem for restaurants without drive throughs that are allowed in other districts in City. A public hearing will be needed to fix this.

Linda Conti: Couldn't it just be fixed without going through a public hearing process?

Matt Nazar: I'll ask corporation counsel. This hasn't resulted in restaurants not going in. Error hasn't caused any problems to date. It was an error in construction.

Public Hearing: Differentiate electronic gas station price signs from electronic message centers to allow gas stations to have such signs in such districts where electronic message centers are not allowed.

Matt Nazar:

Provided the Board with a memo with proposed language and a fair amount of reading material
Information on luminescence of signs

If go with a standard, recommend it be city-wide and something that is easy to administer and enforce

Delaine Nye:

Need objective method for dealing with brightness of signs

Bright signs are dangerous to drivers

Aging population is affected by bright lights and it makes us unsafe drivers

Support allowing LED price signs

Alison Nichols:

Need to address size that going to allow signs to be

Assume that they will need to meet the size of the signs allowed in the zones

Matt Nazar:

Yes, correct

Justin Poirier:

Circle K guy said that they only display lowest price gas and diesel

I don't want to see signs up there that display every fuel price

Corey Vose:

We could say that they could only display two prices

Matt Nazar:

Want to only allow LED price signs in certain districts?

Alison Nichols:

Like this idea: cannot install electronic price sign on a nonconforming sign

Delaine Nye:

I didn't see anything about the color in LED signs

Maybe we shouldn't allow red, green or amber colors, which are traffic light colors

Matt Nazar:

Historically, red color was the cheapest color to make

Little difference in color prices now

Don't know of any concerns / complaints regarding confusing red, green, yellow LED's with traffic signal lights

Gas price signs typically red for gasoline and green for diesel – businesses use it because it's recognized by consumers

Corey Vose: The brightness bothers me more than the colors

Alison Nichols:

Dark to light: eyes adjust to readily

Light to dark: eyes adjust to slowly

How limit brightness?

Corey Vose:

.3 footcandles in Verbana ordinance

Delaine Nye:

There are different distances given

Could the City of Augusta measure brightness?

Matt Nazar:

If the Board wants to limit the light level, recommend another public hearing.

Older signs, i.e. Charlie's Motor Mall, Civic Center, only limited adjustments can be made

Suggest limit items of information

MOTION by Alison Nichols: Approve the gas station price sign information as presented by staff, add two items: 5.1.17.8.7.6 shall read: an electronic message center sign cannot be installed on an existing sign that is nonconforming unless the entire sign is brought into compliance with all applicable provisions. 5.1.17.8.7.7 shall read: in zones where other electronic signs are not allowed the items of information shall be limited to two. SECONDED by Delaine. 6 in favor none opposed. MOTION PASSED.

Minutes

Linda Conti: June 11, 2013 minutes, Page 1, near bottom Mary Davidson should be Mary Dennison.

Alison Nichols: MOTION to pass the June 11, 2013 minutes as amended. SECONDED by Linda Conti.

Delaine Nye: MOTION to accept the June 25, 2013 minutes as drafted. SECONDED by Heather Veilleux. 5 in favor. 1 abstention. MOTION PASSED.

Adjourn

MOTION by Heather Veilleux to adjourn at 8:50 p.m. SECONDED by Justin Poirier. 5 in favor, 1 against (McKenna). MOTION PASSED.