

NORTH BERWICK, ME 03906

MINUTES OF PLANNING BOARD DECEMBER 17, 2015

Present: Rick Reynolds, Barry Chase, Jon Morse, Anne Whitten, Matthew Qualls, Jim Marchese, CEO

Absent: Chairman Geoffrey Aleva, Mark Cahoon

Also Present: Dwayne Morin, Zachary Hanley

1. Called To Order:

Vice Chairman Rick Reynolds will be acting Chairman tonight. He called the meeting to order at 6:30 pm.

Acting Chairman Reynolds moved Anne Whitten and Matthew Qualls to full voting status.

2. Review Previous Minutes:

Jon Morse motioned to approve the minutes of December 17, 2015 as written. Barry Chase seconded the motion. VOTE: 5-0

3. Current Business:

3.1 Conditional Use Permit Application for John Geyster

Acting Chairman Reynolds stated that the first item on the Agenda was for a Conditional Use Permit Application for John Geyster, 28 Otter Cove Lane, Tax Map 12, Lot 1. The applicant is proposing the construction of an enclosed deck. Zachary Hanley, the carpenter on the project, stepped forward to represent the applicant. Jon Morse confirmed that it was actually not the construction of a new deck but the enclosure of an existing deck. Mr. Hanley said that they are using the existing footprint and just screening it in. Nothing is really changing except for the hip roof and the enclosed screen. Mr. Hanley said that the hip roof was going to be higher than the existing roof line because on the alcove on the other side of the building. They will use the existing footings of the existing decking. Acting Chairman Reynolds asked if the propane outlet was inside the structure. Mr. Hanley said that it was not. Anne Whitten asked how far the building was from the lake. Mr. Hanley stated that the corner of the porch to the corner of the dock is 24 feet. Jon Morse asked if this was a year round residence and Mr. Hanley stated that it was. Acting Chairman Reynolds asked if this was a conforming lot. Jim Marchese stated it was an existing non-conforming lot. He said that it is about 25 feet from the water's edge and it is

supposed to be 100 feet. Barry Chase asked if this property had already had the 30% variance and Jim said that he didn't think that it had.

Acting Chairman Reynolds asked Jim Marchese if he had any comments to make regarding this project. Mr. Marchese stated that the Board had to make a determination. Does the Board feel that it is indeed an expansion of the use of the property and meets Section 1.4.5.b or is it all existing living space and they are doing nothing more than reconfiguring the existing living space? Matthew Qualls asked how many years ago the original deck had been added. Mr. Hanley said it had been over 20 years. Jon Morse said that he doesn't feel that making it a screened porch will change the use of that porch. The rest of the Board agreed. Jim Marchese stated that he met with Michael Morse who is the Maine DEP Shoreland person and he believes that it is an expansion. Jim stated that the Board needs to look at the 30% expansion limitation and that this would be part of that. Barry Chase asked if Mr. Morse knew that we didn't have this expansion limitation and Mr. Marchese said he did not know if he was aware of it or not. Barry Chase said that a lot of towns had still not adopted this 30% expansion limitation yet.

Acting Chairman Reynolds asked if there was any public comment. Dwayne Morin stated that the 30% expansion rule would not apply in this case because we do not have this rule. He stated that it is an existing footprint. Our Ordinance states that as long as it is an existing footprint and that is existing living space. They are just enclosing the existing living space and not increasing the footprint of the building so he would not consider it an expansion. Barry Chase said that under Section 1.4.5.b.iii, it states that "...within 75 foot distance is 1,000 square feet, and the maximum height of any portion of a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 20 feet or the height of the existing structure, whichever is greater.". Mr. Chase said that as long as he is not going higher than the existing structure or 20 feet, than he is fine.

Jon Morse motioned to approve the Conditional Use Permit for John Geyster, 28 Otter Cover Lane, Tax Map 12, Lot 1 for the construction of a screened enclosure on an existing deck. Barry Chase seconded the motion. VOTE: 5-0

3.2 Review of ordinance amendments as recommended by the Board of Selectmen.

Jim Marchese stated that Dwayne Morin was present to discuss some of the proposed amendments. Dwayne stated that our attorney had reviewed our sign ordinance. He stated that because of the Supreme Court decision regarding the Reed case, our sign ordinance needed to be reviewed. He gave the Planning Board members a copy of the memo from the attorney regarding the decision and how it affects our ordinance. He stated that the Town of Gilbert, Arizona has differing rules and regulations for signs. There was a church that was putting up some church service signs and the Town of Gilbert told them that they had to remove the signs within 24 hours. However, they were allowing other organizations to have their signs up as long as 45 to 60 days. The church sued the Town of Gilbert and it went all the way to the Supreme Court. The Supreme Court has decided that free speech will trump everything else. They said

that if you give somebody the ability to do something you must give everybody the right to do that same thing without limitations. He stated that even though the Supreme Court states that towns can pass effective sign ordinances, it limits us to just size, location and duration. He said that they will be doing this change over the course of a 3 year period because of the complexity of the legal system.

Dwayne stated that there is one glaring area that they need to address which is in regards to the temporary signs. Dwayne referred to Page 3 of the memo from the attorney that shows the two things that we need to look at right away. The first one is Sections 5.2.6.b for numbers 15-18, 21-23 and all of Section 5.2.6.c. The other section is 6.5.2 Temporary Signs. The next page in the memo lists what our current Ordinance regulations are for signs. Permanent signs can be up to 50 sf in size, 15 feet from any lot line and 15 feet from traveled way, cannot be taller than 15 feet in height and need to be removed 3 months after advertised activity ceases. He stated that for right now our permanent sign ordinance is fine. There may be a few tweaks later on down the road based of legal decisions going on.

Dwayne stated that our temporary signs however, are a little more difficult. We state that temporary signs can be 16 sf, located behind sidewalk or 8 feet from travel way, cannot be taller than 15 feet in height and there is no duration period. However, we then have a series of 8 special exceptions and that is the problem. There can be no exceptions. There is now one rule and one rule only. We need to clean this section up. Dwayne referred the Planning Board members to look at the next 5 pages in his packet which showed our Sign Ordinance and where the changes needed to be made. He said that there is nothing to be changed in the first 10 sections of the Ordinance. He stated that sections 14, 15, 16, 17, 18, 19, 21, 22 and 23 have to be stricken from our Ordinance. We need to create one criteria for temporary signs. We cannot tell politicians that they can have this type of sign and tell somebody that is running a yard sale that they can have a different kind of sign. They have to be all the same. Dwayne stated that the rule of thumb is that if you have to read the sign to determine what the sign is and if you have different criteria because you have to read the sign, than that is unconstitutional. He said that we have typically treated signs to use. If you have a business, you get a sign because of your use. Use no longer has anything to do with it. Everything has to do with what the sign says. If you give a commercial facility the ability to put a sign up, you must give a guy at his home the same ability to put the sign up.

Dwayne stated that the Planning Board now has to make those decisions. He said that he has given them a head start. Section 14 is basically creating one standard for our temporary signs. There are some blanks within the text and this is what the Board members have to fill in. The first sentence, "A temporary sign, not exceeding _____ square feet..." is one of the blanks that the Board needs to determine what an appropriate number would be. Dwayne stated that our current Ordinance has them listing from 4 sf to 32 sf. Barry Chase asked what the difference was between a permanent sign and a temporary sign. Dwayne said that it was the duration that

made the difference. Dwayne stated that you can differentiate between a permanent and a temporary but within a permanent sign you cannot differentiate between categories and within a temporary sign you cannot differentiate between categories.

Jon Morse asked if anybody had complained about the sign issue and Dwayne said that nobody in North Berwick had complained. He said that it didn't matter because of the Supreme Court decision, our sign ordinance is now unconstitutional. He stated that there is a move around the country that every sign ordinance will be remedied. He stated that it is not a matter of us wanting to change the ordinance, but it is a matter of us having to change it. Jon Morse asked if they could just leave it alone until we had an issue with it. Dwayne said that they couldn't do that because they would be looking at a lot of legal fees. Barry Chase also stated that if our sign ordinance is unconstitutional, it is almost like not having one at all. Acting Chairman Reynolds asked what the time line was for changing this. Dwayne stated that the goal was to do the temporary signs this year. He said that there are still some things regarding permanent signs that the courts are still struggling with, so it is better to wait until next year. Dwayne said that there will be a very large change in sign laws in the State of Maine because some of their signs will be deemed unconstitutional. There will be changes at the Legislature so once they are done their law changes, it will affect us and we will have to do something to make sure that everything jives.

Dwayne read the proposed Section 14 as follows:

A temporary sign, not exceeding _____(____) square feet in surface area, including the surface area of all informational sides of such sign, is permitted in any zoning district provided such signs are not higher than fifteen (15) feet above ground grade, 8' from travel way or in the case of a road with a sidewalk, 5' behind sidewalk. Temporary signs shall not be placed in a manner as to obstruct clear and free vision nor interfere with pedestrian traffic on sidewalks. Temporary signs shall be removed at the earliest possible time after the end of the event but shall not be displayed for more than _____(____) days in total. Temporary signs shall be excluded from the 60 square feet signage limitation as stated in 5.2.6.b.4, however, the total temporary signage allowed per event shall be limited to 50 square feet including all information sides.

Dwayne stated that the second blank is the other thing that the Board needs to decide on. He said that one of the things that our ordinance says right now is that after the event, you have 14 days to take the sign down. The attorney said that they can no longer do it that way. We need to give a total duration. We can no longer say that after the event is done, the sign must be removed because the legal issue that will come into play is when the event ended. He said that political signs are easy but what if you are having a turkey sale or are selling your house. He said that they need to come up with a period of time that states "not to exceed". Dwayne said that there is going to be issues because we are creating a one size fits all. What we need to do is create something that will affect the least amount but will not answer all of the questions. Acting Chairman Reynolds stated that there will also be the policing issue.

Barry Chase asked if it would be possible to not specify a duration but instead put something like “remove at the earliest possible time”? Dwayne said that they could do that. However, he said that it will create an enforcement issue. The CEO could go to somebody and tell them to take their sign down because their garage sale ended 3 months ago and they could say “no”. Anne Whitten asked if they want it up there for the duration of the event, could the permit just state what the duration time would be. Dwayne stated that people would then need to get a permit for temporary signs which they do not do now. Dwayne stated that he will discuss the duration issue with the attorney.

Dwayne told the Board that they need to be careful as to how restrictive they make it. He said that if they make it too restrictive, it is just inviting lawsuits. Jon Morse stated that the current amounts for square footage of 4 sf to 32 sf is quite a large area to cover. Dwayne said that the 4 sf signs were for garage sales and the 32 sf signs were for a political candidate to put up a sheet of plywood. He stated that there was complete rationale as to the construction of the Ordinance at the time it was done. The problem is that the Supreme Court is saying that we cannot limit anybody’s ability.

Dwayne said that the Board of Selectmen will be reviewing this at their next meeting and the Planning Board can think about it and discuss at their next meeting.

Dwayne stated that the next thing item that he wanted to discuss with them was regarding the demolition permit. He said that he saw in the previous minutes that the Planning Board were concerned about the fee that would be charged for the permit. He stated that the Board of Selectmen were thinking of just a nominal fee of about \$5.00 or so. He said that the idea behind the demolition permit is not a money making scheme. It is just to keep our assessing records straight. He said that for the past couple of years, they have had people remove stuff from their house and then we taxed them on it. They come back and tell us that they removed it but because they never told the office they were taxed on it. It is also to make sure that people are cognizant about making sure they have no hazardous waste, make sure power is disconnected, and to notify Dig-safe before demolition. This is all included on the permit application that Jim Marchese put together. Barry Chase said that his main concern before was that there would be mandatory testing for asbestos because this can be costly. Dwayne said that they would not require this. He does not want to put the Town in a position where they are telling people what they need to do. We just want to make them aware of some of the things that they may need to know. Barry Chase asked if there would be a penalty if somebody did not obtain a permit. Dwayne said that the Selectmen had discussed this and their initial reaction was that there probably would not be a penalty. Barry Chase said that he had a problem with the fines that are stated on the permit. Dwayne said that it is not something that they would probably enforce unless it was abused by an applicant. Jim Marchese said that he could remove the sentence under the Acknowledgement that talks about penalty fines. The Board agreed with this.

Barry Chase motioned to approve Article 6.1.8 be added to our Ordinance and to approve the proposed Demolition Permit Application with the following sentence stricken from the permit:

“Failure to properly perform the work or dispose to demolition materials may subject you to penalties outlined in 30-A MRSA, Section 4452; namely, fines from \$100 to \$2500 for each day the violation continues, payment of Town Attorney fees, court costs, and correction of the violation, if the issue is resolved in court and the Town prevails in legal proceedings.”.

Matthew Qualls seconded the motion. VOTE: 5-0

Dwayne stated that a couple years ago, the Selectmen had talked about changing the Planning Board term limits from 5 years to 3 years. He said that when they were looking to see what the law was that had created the five year term, they thought it was in the Zoning Ordinance. However, he found out that it is not in the Zoning Ordinance but it is in their By-laws. He said that the problem is that the By-laws are illegal. He stated that the way the by-laws are structured, the Planning Board creates their own terms. However, only the Board of Selectmen can create the terms. He said that it goes back to a State law that says that any Planning Board that was created between 1957 and 1971 will have 5 year terms. He said that they are working with the attorney to figure out how to go about making those changes. He said that the by-laws are also very antiquated so they will need to amend the By-laws. One of the biggest things that needs to be changed is Article XI which states, “These by-laws may be amended by a two-thirds vote of the entire membership of the Planning Board.”. Dwayne said that it needs to be the majority of the Planning Board and then approved by the Board of Selectmen. Acting Chairman Reynolds asked if this was something that the town needed to vote on or if this was to be done internally. Dwayne said that this is one of the things that they are trying to figure out. He said that they have been searching the town votes from 1965 to the present looking for votes that created the Planning Board and they have found none. We know that the first Planning Board was created back in 1967. He stated that every other Board has 3 year terms so they want to make it consistent and make the Planning Board a 3 year term also.

Dwayne said that the Board of Selectmen had sent him here tonight specifically for this next issue. He stated that both he and the Selectmen were very disappointed about something that the Planning Board had voted on at their last meeting regarding drive-thru restaurants in the Commercial II zone. Dwayne said that the reason they have meetings between the Planning Board and the Board of Selectmen is so that they can talk about and decide on things that they are going to be doing so there is no conflict between the two Boards. He said that the two Boards met and discussed things for over an hour and a half and then two days later the Planning Board went ahead and did exactly what they had said they weren’t going to do. He stated that the Selectmen are not really appreciative of that.

Dwayne said that the reason that they discussed at the last meeting, was that it is in violation of our Comprehensive Plan to extend drive-thru restaurants into additional zones. He stated that he knows the Planning Board spoke a lot at their meeting about the word “restrict” that is used in the Ordinance and what it actually means. When you read any Comprehensive Plan in any town, you will never find the word “prohibit”. Using the word “prohibit” becomes a legal liability to the towns. He said that if the town was going to say that they are going to prohibit drive-thru restaurants within our community, then it would open up potential liabilities for the community.

So we use words like “restrict” or “limit” instead. Dwayne said that when they first started this discussion when putting together the Comprehensive Plan, the Town did not want to see any more drive-thru restaurants. They did citizen surveys, focus groups and had a booth at the 175th celebration to find out what people wanted. He read an excerpt from The Comprehensive Plan:

Two very clear distinctions are indicated from this survey. First, Farm and Forest should absolutely be protected from residential encroachment through limiting residential growth altogether. Second, drive-thru franchises need to be restricted.

Dwayne said that the Planning Board had stated that if they put it as a Conditional Use in the Commercial zone, we can restrict them. He said that they actually can’t because a Conditional Use is an allowed use. Once it says Conditional Use, the only thing they can do is put restrictions on it but you cannot restrict altogether. Dwayne said that they went through a lot of wordsmithing when they wrote the Comprehensive Plan. It was the 5th revision that was finally approved and was done over a 3 year process. He stated that the concern with including it with the Commercial II zone would be expansion and not restriction.

Dwayne said that when they created the Commercial II zone, some of the Planning Board members that were on the Board at the time had very lengthy discussions about having drive-thru restaurants in this zone. He said that the end result was that they were not going to do it because the Comprehensive Plan says that they are not supposed to do it. Dwayne told the Planning Board members that if they chose to put it through again, the Board of Selectmen were not going to approve moving it forward. Dwayne said that they have also discussed it with the Town Attorney.

Jon Morse said that the Planning Board has a right to their ideas which they feel would better the town. Dwayne agreed but said that they need to live within the rules and regulations that are established. Mr. Morse stated that they chose the word “restrict” because it means more that it is limiting so it is not as strong of a word. Dwayne stated that if you expand it into the Commercial II that is expansion. Expansion and limit are two totally different meanings.

Barry Chase said that it states to restrict in the Commercial zones. Dwayne said that it says “restrict” period. Dwayne said that it states, “Amend the Land Use Ordinance to restrict franchise drive-thru restaurants.”. He said that the policy states, “The village needs to contain its own unique historical New England character rather than like anywhere USA. Action: Amend the Land Use Ordinance to restrict franchise drive-thru restaurants.”. Dwayne stated that having diverse ideas and diverse opinions is a good thing. The issue was that an idea was discussed, decided not to put before the voters, and then just 2 days later the outcome is reversed. Jon Morse said that they did not vote at the Selectmen’s meeting. They were just listening to what the Selectmen were saying. Barry Chase agreed and said that they had not come to an agreement at the Selectmen’s meeting. Matthew Qualls said that they are still discussing it. He said that he went on-line and researched fast food restaurants being near schools. He stated that the Planning Board’s process wasn’t finished yet so that is why he did some research for further discussion on

the topic. Mr. Qualls stated that they had discussed separating the issue out and dealing with it by itself. He said that there was some intention that they wanted to talk about it some more and explore other ideas. Barry Chase said that they wanted to put it as a separate line item. He thought that if they brought it to the Town as a separate line item and the Town voted on it, then they can put it to bed permanently. Dwayne said that they did put it to bed when they passed the Comprehensive Plan. He said that it has been discussed many times for many, many years and have always come to the same result.

Barry Chase said that he didn't think that the Comprehensive Plans had any "teeth". Dwayne said that they do because they are the legal background for the Zoning Ordinance. Mr. Chase didn't think there was any legality regarding the Comprehensive Plan but Dwayne said there most definitely was. It is the legally bounding document that allows you to have a Zoning Ordinance. If the Comprehensive Plan is in conflict with your Zoning Ordinance, the Zoning Ordinance is illegal. He stated that the whole idea behind the Comprehensive Plan is that it is the legislative document that allows a Zoning Ordinance to actually exist.

Barry Chase stated that on the top of Page 243, it reads, "Land Use in the Commercial and Residential areas". He said that all of these policies are for these two districts. Dwayne said that it does say to "restrict" which means to limit. Barry said that we have more than one Commercial zone. He said that in reading through some of the other things in the Comprehensive Plan, it says to encourage development along Route 4 and Route 9. This is the part that the Planning Board is looking at. Barry Chase asked Dwayne if it was a unanimous decision by the Selectmen regarding this issue and Dwayne said that it definitely was. Matthew Qualls said that he appreciates Dwayne letting them know how the Selectmen feel but he doesn't think that that should stop the Planning Board from proposing and discussing things with them. Dwayne said that this is what the Selectmen want. They want to have dialog. Dwayne said that the Selectmen's first meeting in December is usually with the Planning Board. The idea is to talk to each other and if you disagree with the Selectmen, this would be the time to let them know. It is meant to be a back and forth discussion on what is going on. Jon Morse stated that they couldn't have a back and forth discussion on something that they had not discussed yet. Dwayne said that they had already discussed it because they had moved it forward to be put on the ballot. Barry Chase felt like the Selectmen told them what was going to happen. Dwayne said that the Selectmen direct their activity because the Planning Board members are appointed by the Board of Selectmen. Jon Morse and Barry Chase feel like the Selectmen are not letting them do their job. Dwayne said that the Planning Board doing their job is different from having communication with the Board. He stated that their job encompasses more than just writing Zoning Ordinances. The Planning Board has many functions but the overwhelming riding view of our community is handled by the Board of Selectmen. They are the elected municipal officials so they can direct activity. He stated that they direct his activity and the activities of other Boards and employees. He said that if they didn't like that than they should get on the Board of Selectmen to make some of these changes. That is within their right but they do have the right to tell the Planning Board what to do.

Barry Chase asked Dwayne if the Board of Selectmen doesn't agree with what the Planning Board proposes, can they decide to not put it forward. Dwayne said "yes". Barry said that he can't remember if it was unanimous with the Planning Board on whether to bring it forth or not. Anne Whitten said that it was unanimous to bring it forth but it was also unanimous to bring it forth after she made the statement that "the reason I am agreeing to bringing it forth is because I know that they will vote it down". She said that she does not agree with the proposal and she knows how the people in the town have talked about it. Barry Chase said they have talked lots of time about encouraging development around that corner. Anne Whitten said that the Planning Board have but the townspeople have said "no". Dwayne said that encouraging development also means encouraging the right kind of development. Dwayne said that our downtown village area is not right for economic development and there are many reasons for that. Mostly it is because there is no through traffic and society has changed. Back to at least the 70's, people were not as mobile as they are today. With a mobile society, your economic development and businesses will typically congregate on large thoroughfares. The only reason that people go down Main Street is to go to Cumberland Farms. He said that as soon as they pulled the Post Office out of downtown to Route 9, it was the death of the downtown. He stated that the idea of the Comprehensive Plan was to move Commercial to Routes 4 and 9 but only certain kinds of commercial. He said that a house in a Commercial zone is actually a non-conforming use. He stated that they had switched that two years ago so people didn't have to come before the Board every time they wanted to build a house. A Commercial II zone is actually a mixture of Residential and Commercial uses. The mix has to be a limited mix of what can happen within that zone. Dwayne stated that he doesn't know why drive-thru restaurants are an issue but the town definitely did not want them. This is where the Board of Selectmen's position comes from. The town doesn't want them so why would we expand the opportunity to have them.

There was further discussion about the Planning Board members still thinking that they had not approved it but still wanted to discuss further after Selectmen's meeting. Dwayne said that it was his and the Board of Selectmen's understanding that the things that were discussed at the meeting was the stuff that they were presenting to the Selectmen. Matthew Qualls said that this was correct. But now, Dwayne said, they were stating that they needed more time. He asked if instead of making it the first meeting in December, should they meet either the last meeting in December or the first meeting in January. Acting Chairman Reynolds stated that they should probably start their process earlier. Dwayne also suggested possibly having multiple meetings between the Boards. Anne Whitten stated that this issue just came up when the citizen came in asking for the change to allow drive-thru banks and pharmacies. It is not something they considered before it came forward. Barry Chase said that when they started looking at it for the banks and pharmacies, they thought they should probably allow all drive-thrus. After the Selectmen's meeting, he understood that they did not like that idea so he thought that they could give them two options. We would have one question regarding the drive-thru for banks and pharmacies. We would have a completely different question regarding the drive-thru restaurants. He felt that this way the voters could decide on them separately. Jim Marchese stated that the Planning Board has been discussing this since October 22nd. Matthew Qualls said that he felt

they had discussed the bank and pharmacy issue but he didn't feel that they had talked a lot about the restaurants.

Dwayne stated that the overall majority of the Selectmen are in agreement regarding the banks and pharmacy proposal. He said that he has been hearing for years from people that they would like to have a pharmacy within our community. He said that pharmacies will not come in unless there is the ability to have a drive-thru. Some of the Selectmen said that they could probably get a small pharmacy in but Dwayne told them that small pharmacies are going out of business because they can't compete with the larger companies.

Dwayne said that he remembers when they were going through the approval of the drive-thru for the Dunkin Donuts. He said that they went through a lawsuit because of that drive-thru and spent 2 years in court. It was all because the people didn't want it.

Matthew Qualls spoke about the research that he found regarding fast food restaurants. He gave the members a copy of an article regarding research on whether or not fast food affects obesity. The study was done on 9th graders. He said that if a fast food restaurant was even up to 1/10 a mile from the school, it increased the chance for obesity by 5%. Once you get past a half mile or more, it didn't really impact the 9th graders. They contributed some of that to do with travel. At the same time, they did a study on pregnant women and compared the results. The children did not have the ability or impulse blockers so they would frequent the fast food restaurants and increase their chances of being obese. He said that they didn't do any studies on other criteria such as 12th graders or older kids so he doesn't know if they could make the choices to not eat like an adult might. He stated that they may want to think about having a fast food restaurant near the high school area. Barry Chase stated that he understands this problem but feels that it is really a parenting issue.

Barry Chase said that they should probably table it until the next meeting so Geoffrey Aleve can have some input because he was a pretty big proponent of it. Acting Chairman Reynolds asked how the rest of the Board felt. Barry Chase said that he would like to see it go to the town vote. He said that he understands the issue with the Comprehensive Plan but he would still like to see it go to a vote to see how people feel today because people change. However, he said that it really doesn't matter to him personally because he doesn't go to these places anyway. Matthew Qualls said that there should be a freedom of choice but if the Comprehensive Plan says that it is restricted we should follow it. He said that he was not aware of the history in the town regarding the drive-thru restaurant issue. Anne Whitten said that her vote would be "no" because she has heard it from the townspeople. She said that maybe when they have a Public Hearing, they could just ask people that are present how they would feel about it. Jon Morse said he agrees with Barry that he would like to have the town vote on it but since it is not going to go to vote, they should vote to not put it forward. Acting Chairman Reynolds agreed with rescinding the vote. He said that they had their own interpretation of the Comprehensive Plan but feels that they got a better interpretation tonight especially regarding the legalities.

Barry Chase said that maybe they could meet with the Selectmen again and discuss some of the things that they could do to develop in that area. Dwayne said that anything that they can do to work together is beneficial. The worse thing that can happen is for Boards to be in conflict because it is counterproductive. He said that it is okay to have a differing of opinions and ideas, but when Boards are clashing, there is no value. Barry said that last year, they felt a little blindsided when the Selectmen brought some issues to them at the last minute. Dwayne said that they are trying not to do that anymore. Barry said that he felt more “talked at” than “talked with” at the last meeting. Dwayne said that it is not like being called to the principal’s office. It is about sitting down and discussing issues. Barry said that they need to think about things that are going to be happening in the future. For example, if the amusement park comes to Sanford, that is going to bring a lot more traffic through town. He said that we can either be on board or left behind. They should think about bringing businesses in that will play off of that or we let them go to the Sanford line and they will get them. Dwayne agreed that they do need to look into these things.

Matthew Qualls motioned to rescind their vote to bring forth the proposal to add drive-thru restaurants in the Commercial II zone. Barry Chase seconded the motion. VOTE: 5-0

4. Other Business:

No other business at this time.

5. Adjournment:

Jon Morse motioned to adjourn the meeting at 9:01 pm. Barry Chase seconded the motion. VOTE: 5-0

James Marchese
Planning Coordinator

Respectively submitted,
Susan Niehoff, Stenographer

Chairman Geoffrey Aleva

Barry Chase

Rick Reynolds

Mark Cahoon

Jon Morse

Anne Whitten

Matthew Qualls