

**01/08/07**

Town of Damariscotta  
Planning Board Meeting  
January 8, 2007  
Minutes

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1. Review minutes of December 4, 2006 meeting.
2. John Harris/Mark Andrews possible subdivision
3. Mark Hanley Subdivision for Back Meadow Rd
4. Other discussion:
  - a. Hours of operation-Ferraiolo Concrete

**ROLL CALL:**

Chairman of the Board, George Parker called the meeting to order at 7:33. There was a quorum present throughout. Members present were Jonathan Eaton, Wilder Hunt, Paul Stevens, George Parker and Fred Sewall.

The audience included:

- Scott Hilton, resident and abutter to Ferraiolo Concrete
- Robert and Rose Prior

**1. Minutes**

Parker suggested taking up the Ferraiolo Concrete hours of operations. At last meeting the Board decided to postpone making any decision until the wall had been completed, to see how that impacts the noise level. Parker noted that Town Manager, Greg Zinser would like to see the Board make a decision before the adjournment of tonight's meeting. Parker polled the members of the Board to get their feelings, pointing out that our ordinance does not reference hours of operation, basically limits excessive noises at unreasonable hours. Sewall feels this is a difficult position to put the Board in. The ordinance does not reference hours of operation, and if the Board makes a decision on that, it sets standard that may not be appropriate.

Zinser stated although the paperwork cannot be located, there appears to be some information that some Board members seem to remember in regards to a definition of reasonable hours. He is looking for Board to reconfirm or ratify the decision that sounds like was already made several years ago. Basically the Board needs to put the vote back out and essentially re-agree on what took place several years ago.

Sewall's recollection is that we probably asked what his hours are, and believes Billy Fraser said normally operates at 6 a.m. Doesn't remember any talk about what was unreasonable for starting time.

Parker remembered talk of about 5:30a.m.

Hunt wanted to be sure that Zinser was looking for the Board to give a number like 5:30, 6, or 7 a.m.

Zinser replied that after speaking with Council, records indicate some decision had been made earlier and would like to see the Board re-issue that decision. Without an ordinance stating hours of operation, this issue qualifies under the Nuisance Ordinance under Title 17 State Law, which is a criminal code violation. The Board would follow this matter up with a letter to Ferraiolo, and if Ferraiolo does not comply then it becomes a police enforcement matter. He feels there is enough information for the Board to go forward with this.

Eaton recalls that Bill Fraser (former owner of Fraser Concrete, now known as Ferraiolo) had stated the trucks would be on the road by 6:00 a.m. which would indicate that a start up time of earlier than 6:00 am or 6:30 am.

Parker asked Zinser if the Board could issue a starting time at 5:30 a.m. or a time earlier than the 6:00 a.m. & 6:30 a.m. referenced in the letters sent by CEO, Neil Campbell, if both parties can agree.

Zinser said they would need to stay within the confines of what was noted in the letters at this point. If you want to go earlier, you will need to go back and meet with Ferraiolo to discuss that. If that is the case, it would be put in writing.

Parker hoped to bring both parties together and come up with some type of agreement, but agrees it has gone on for the past couple of months and didn't blend to that. At last meeting a wall was to be erected in order to cut down on noise level, but not sure what the status of that is.

Scott Hilton (abutter) said the wall has cut down on the noise some, but also pointed out that there are several trucks over there and multiple trucks are very loud.

Hunt asked if both parties agreed on 5:30 a.m does the Board issue a letter referencing that decision has been made and 'this is it', or tonight, try and scratch our heads and come to a consensus.

Hilton felt 5:30 was a reasonable start time, and would agree with that. He also understands that there may be an occasion where they need to start earlier.

Parker asked if the Board would like to invite Ferraiolo back to the next meeting to see if all can agree on operating times.

Stevens felt this has been going on for a while, and we need to come to a definitive settlement.

Zinser stated the Board can make a decision and should make a decision.

Eaton reiterated his recollection of trucks being on the road at 6:00 a.m. thus making 5:30 a.m. a good start time. The decision was made for the good of the entire area in that vicinity. It was a good neighbor decision.

Hunt stated his recollection was the same as co-member Mr. Eaton.

Eaton expressed his wishes to have Ferraiolo being present at this meeting to represent.

Sewall said that if the Board is voting only on what they all recollect, then Billy Fraser would be the only one that should be there, Ferraiolo's attendance isn't necessary because they weren't a part of this 5 years ago.

Eaton agreed and felt that was a very good point.

Parker felt the Board could go forward and make a decision.

Eaton made motion to accept the recollection of previous meeting, to allow a start time of 5:30 a.m. thus allowing trucks to be on the road by 6:00 a.m. and 8:00 p.m. is a reasonable end time, end loading time at 8:00 p.m. Hunt seconded the motion. The Board voted 5-0 all in favor of 5:30 a.m. to 8:00 p.m. as operating hours.

Zinser thanked the Board and said he will write a letter and send it certified to Ferraiolo informing them of the decision.

#### **B. Mark Hanley Subdivision for Back Meadow Rd (Rose's Meadow)**

Parker was hoping Hanley would be at the meeting, but he has spoken with Hanley to make sure the area was going to be cleaned up by spring. There is a pile of loam that must be spread, would like to have a date of completion. The Board can impose a date before issuing final approval. Approve contingent upon written agreement from Hanley.

Robert Prior would like to be living in house by spring time, there is a road there already.

Parker noted that the Board has reviewed plans, felt there were no issues.

Hunt made motion to move for subdivision contingent upon spreading the loam and seeding must be done by certain date. Eaton seconded the motion. The Board voted 4-0 to approve the subdivision.

Rose Prior asked about the signing of the mylar.

Parker will call Rory Craib and have mylar dropped at office for Board members to sign. Felt they would need a new print to show the turn out.

*\*Paul Stevens excused himself from the meeting.*

**A. Jonathan Harris/Mark Andrew possible subdivision.**

Parker

Zinser briefly filled the Board members on the status of obtaining a part time/per diem planner for the Town. This will allow the Board members to be a decision making authority only. The planner would be going over the applications and submittals to assure the accuracy and ordinances have been followed, so the Planning Board would be the decision making entity only. Zinser feels interviewing process should be done by March 1<sup>st</sup>.

Parker asked if this person would become more of a full time planner.

Zinser replied that was not the initial case at this point. He would like to have the planner review and update all of our ordinances. He will be looking for technical assistance only, not planning assistance, technical only. Wants to be sure the Board understands that.

**II. Approve December 4, 2006 minutes.**

The Board was presented with and reviewed a draft copy of the minutes for the December 4, 2006 meeting. Fred Sewall made motion to accept minutes as presented. Wilder Hunt seconded the motion. The Board voted 4-0.

**Adjournment**

Sewall made motion to adjourn meeting at 8:31 p.m., Hunt seconded motion. The Board voted 4-0 in favor of adjournment.

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George Parker, Chairperson

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Jonathan Eaton

Respectfully Submitted,

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Cheryl M. Pinkham

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Wilder Hunt

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Pande Paul Stevens

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Fred Sewall

DAMARISCOTTA PLANNING BOARD