

TOWN OF OLD ORCHARD BEACH
 ORDINANCE REVISION COMMITTEE MEETING MINUTES November 10, 2010

Call to Order at 7:00 pm	Call to Order
<p>Pledge of Allegiance Roll Call: George Kerr, Chair; Robert Scoville; William Daley; Steve Bryant; and Linda Mailhot, Vice Chair. Staff: Mike Nugent, Code Enforcement Officer; Tori Geaumont, Secretary</p>	<p><u>ROLL</u> <u>CALL</u></p>
<p><u>Item 1: Approval of Minutes</u> October 20, 2010 Vice Chair Mailhot noted that she did not second to accept the minutes from September, Mr. Scoville did. Vice Chair Mailhot moved to accept the minutes from October 20, 2010 with the amendment. Mr. Daley seconded. <i>Motion was passed unanimously.</i></p>	<p>Motion</p> <p>Vote</p>
<p><u>Item 2: Chapter 26- Environment, Article III Noise (Sound).</u> Chairman Kerr asked why the need for this. Were the four zones created after the current changes were made. Mr. Nugent explained that staff just found out that the table was created before the districts were created many years ago, and the committee just carried the table through with the changes that were made last spring. Chairman Kerr asked if the NC-1 district is in the vicinity of Hogan's Market. Mr. Nugent explained where each NC district was located within the town. These districts are all surrounded by residential districts, and the proposed change is just a mirror of those districts. Chairman Kerr pointed out that this was brought to staff's attention by a complaint. Mr. Nugent concurred and stated staff was unable to help the citizen because there was no standard in place. Vice Chair Mailhot asked if this noise was created by a vacuum cleaner, and felt an appropriate level should be found. Mr. Nugent explained that it was a commercial vacuum cleaner which was being used. Mr. Daley asked when the complaint was and when the vacuum cleaner was being used. Mr. Nugent explained the problem is that it is capable of being used all the time and throughout the night, and that is what prompted the complaint. Chairman Kerr concurred that the town needs to get a decibel reading. He then asked if this was the first complaint. Mr. Nugent stated it was. He did not even realize it was there. Chairman Kerr asked if it was the wish of the committee to have the decibel level read, and everyone agreed. He stated that he was concerned about restricting hours of operation. Seeing no questions he felt we should table this until the next meeting.</p>	<p><u>Item 2:</u> <u>Chapter 26-</u> <u>Environment,</u> <u>Article III</u> <u>Noise</u> <u>(Sound).</u></p>

<p><u>Item 4: Discussion of changes to recommend to the Town Council</u> Discussion of changes was done throughout the meeting.</p>	<p style="text-align: center;"><u>Item 4:</u> <u>Discussion of changes to recommend to the Town Council</u></p>
<p><u>Item 5: Discussion and formulate a plan of action for Chapter 78, Land Use/Zoning</u> Chairman Kerr stated he would like the committee to agree on a process to review Chapter 78. He felt it was prudent to have other committees, such as the Comprehensive Plan Committee, The Planning Board, Zoning Board of Appeals, etc. be involved in Chapter 78. Staff also must have some changes in mild in verbiage alone. He felt the more people involved would make it a town effort. Vice Chair Mailhot stated she agreed. Chairman Kerr commented regarding the Town Planner leaving and Mr. Nugent needing to be a key person in the interim. Mr. Nugent stated that in the meantime he will be in charge of this. He felt someone from Planning Board, Comprehensive Plan Committee, and Zoning Board of Appeals etc could represent each committee. We will send them the information and extend then a warm welcome. Chairman Kerr felt it was critical for everyone to agree on the changes. He felt the document needs to be simplified. Mr. Nugent stated that during the committees break over the summer, the Planning Board and Conservation Commission have worked on the Shoreland Zoning aspect because of state mandate. We will make sure the committee gets copies. The town council will be voting on that soon. The committee should look at this before the next public hearing. Chairman Kerr expressed his concern about this being a state mandate. Mr. Nugent stated that Southern Maine Regional Planning prepared the original draft and the town's attorney has also looked at it. Chairman Kerr felt it would be very helpful to get copies of this. Mr. Nugent assured him that this will be the focus point at our next meeting. The timeline is important. This was to be done in 2009, and the state has understood with the time frame, as many committees have had the same problem. But, the state does have the right to come in and force certain things on the town. Chairman Kerr confirmed the wish of the committee to start at the next meeting looking over the Shoreland Zoning proposal</p>	<p style="text-align: center;"><u>Item 5:</u> <u>Discussion and formulate a plan of action for Chapter 78, Land Use/Zoning</u></p>

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<p>and to invite other committees in terms of Chapter 78. After our meetings, we should send any recommendations to the entire committee of all boards. He asked for any further questions or comments. Seeing none, he moved to Good and Welfare.</p>	
<p><u>Item 6: Good & Welfare</u> Mr. Nugent informed the committee that the next council meeting, 11/16/2010, the council will be setting up the public hearing for Chapter 50. He will be at that meeting, but wished to have someone from the committee there as well. Chairman Kerr stated he would be attending. He then asked if December 1, 2010 was agreeable to everyone for the next scheduled meeting. All agreed. Vice Chair Mailhot moved to adjourn. Mr. Scoville seconded. <i>Motion passes unanimously.</i></p>	<p><u>Item 6: Good & Welfare</u></p> <p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p>
<p>MEETING ADJOURNED AT 7:12 P.M.</p>	<p><u>Adjournment</u></p>

I, Tori Geaumont, Secretary to the Ordinance Revision Committee of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of four (4) pages is a true copy of the original minutes of the Ordinance Revision Committee Meeting on November 10, 2010

Tori Geaumont