

Nov 15, Planning Board Meeting

Present: Board Members; Eileen Skarka Chair, Dianne Darling Vice Chair, Sonja Sleeper Secretary.  
Absent Ervin Curtis and

CEO: William Butler

Selectman: Cheryl Waterman

Eileen Skarka, Chair opened meeting at 7pm

Previous meeting minutes were read by Sonja Sleeper, and motion to accept by Dianne Darling, minutes accepted with all members present being in favor. Eileen Skarka had one comment – no business name provided in minutes because no name for business had been determined yet at time of meeting.

#### New Business

Eileen invites William Butler, new CEO, to present the subject of the meeting but before he could start the lawyer for applicant, Wayne Crandall requested that meeting be recorded as a matter of record. William Butler advised that the meeting was being recorded.

Please note that these notes are a summary of that recording and may not be in order. To save paper and time the minutes written to summarize points, issues and concerns that were addressed and discussed during the nearly 2.5-hour meeting.

Best summary below:

Asked to speak first regarding the subject of the meeting, William Butler, CEO, began by stating he is new to the position in South Thomaston and as this was the first application for a building permit and he wanted to take care with the request. He went on to say that the application which began with a question and then a call and followed up by a site inspection was in a grey area in the ordinances. His concern was the nature of the business and the question for him was should a hair salon be considered commercial enterprise rather than a home occupation. He then added that he was told by John Snow, previous CEO, that the planning board wished to hear of all applications for permits in South Thomaston. We were given dates, the first call being on or about 24<sup>th</sup> of October, contacted by the applicant regarding some forms needing his signature for a state license. followed up immediately by the site visit and advice to the applicant, Amelia Balukas, to prepare and submit a special exemption application by Nov 5.

The CEO also stated that he did some research on the subject to see what was required by government agencies and contacted our plumbing inspector, Terry Brackett, for an opinion and to review the granted permit for plumbing work done in the home. At this time, it was determined applicant would need a new sewage disposal system. He then contacted the Planning Board Chair for advice on procedure once the application was submitted. Eileen Skarka did say he should send notice to the abutters, but it was determined during the meeting that this should have awaited the Planning Boards review of the application because it has not yet been determined that this was a matter for the Planning Board. CEO also had a meeting with the abutters on \_\_\_\_ prior to hearing to answer questions.

The chair then opens the meeting to public comment. There were fourteen in attendance including the Lawyers for the applicant and the abutters. Attendance sheet and all application materials and recording will be at the town hall.

Eileen, to clarify the nature of the meeting stated that this is not a public meeting but a meeting of the planning board and as such public comment or cross-examination by a lawyer is not normally allowed but since everyone present had something prepared, she would allow it. More discussion on meeting procedures and rules occur throughout the tape and any resolutions or conclusions were tabled for clarification in December, pending additional information.

Lawyer for the applicant, Wayne Crandall speaks first when meeting opened to comment followed by Paul Gibbons, Attorney for the abutters. After that Judith Tydings, Pam Meyer, Stephen Hart, Linda Hart, Applicant, a couple supporters, applicants husband and a couple whose names I was unable to hear clearly on the tape. Wayne Crandall asked us to mark application as Exhibit A and went on to describe the contents. Says client willing to make changes to the sewage system to accommodate the additional 100 gallons in flow as required by statute. Also stated that it is a home occupation because there are no employees, and applicant is resident in the home. Secretary on request read out the definition of Home Occupation. Arguing the point that the salon is not an accessory used, it sharing a common wall with the residence even though there was a separate entrance to salon. CEO had stated due to exterior door salon is an accessory use of the space. Further discussion on definition tabled.

Lawyer for the abutters, the Hart's and \_\_\_\_\_. Took the position that it was a matter of procedure and that the application should not be considered until complete. Of concern was the permit application was after the fact, and that no approved sewage plan signed off by a civil engineer was submitted meaning the current sewer system was inadequate. There followed board and CEO discussion on type of sewer permit, and the inflexibility of the rules regarding sewage disposal capacities including actual use by home occupation vs number of occupied bedrooms in the house. It was decided that applicant's current system was 70 gallons short of the required 300. Leading to concern about the permit being issued prior to approved plan and installation of new system. The question regarding when and if the permit could be issued prior to installation as new system could not be installed until spring. If permit granted before installation could applicant operate salon before sewer install? Also cites from town ordinances, pg. 4 soils and plumbing permit, no permit granted until soil analysis.

Gregg Thurston 118 Browns Road-not abutter but part of the road association, concerned about damage to road, it is private and maintained by homeowners. Suggests consideration of "private road Liability insurance. Does commend homeowner for idea and ambition but says it is a change in use under title 30A. Updated and inspected sewer and flow data should be required as a condition. He also comments that there are no winners in this situation.

Ruth Daria, spoke on behalf of the applicant. She runs her own business and is one of Amelia's clients. She says Amelia wishes to see just a few clients and spend most of her time raising her young family. Commenting that New and part-time residents are reluctant and do not trust long term residents to preserve their own heritage.

Pam Moyer - 54 Browns Road. Expressed concern with additional traffic increasing cost of road maintenance, devaluation of property due to a commercial enterprise nearby and the impact on well

waters. There was an interruption there was a business at 59 Browns Road from 1985 until 2013 and this did not impact the neighborhood. It was a seafood distribution business. (did not catch who spoke)

Judith Tydings – 49 Browns Road, abutter. Glad and surprised to get the notice. Her concern septic and was unhappy at the short amount of time for research between receipt of application and the meeting. Also expressed concern that the salon was ready to go and application after the fact. Expressing concern about corrections on the application, made at submission. Commented that the sewer code is almost 30 years old and wants assurance that the well water will remain safe. Stated that our comprehensive plans include the phrase Clean wells and aquifers protection paramount.

Stephen Hart, 36 Browns Road, abutter. Wanted to know if Ervin Curtis received copies of the paperwork. When told yes, he added that he hoped he would be at the December meeting because he also lives on a private road. Asked the meaning of the district R2, Eileen replied with a definition in the ordinance, Mr. Hart then said comprehensive plan said residential use also means to protect the rural agriculture and sweeping views.

Michelle -----, 59 Browns Road understands wish of applicant to stay home and start up a business but said applicant inconsiderate to burden neighbors with the possibility of toxic carcinogens in their drinking water because they are using a substandard system. Wants to know how town can be 100% sure that water is safe with a part time CEO how will the town monitor the business and keep an eye on its growth. An audience member shouted out have you the MSDS's for products used in a salon? CEO and other members of the board did assure resident that town inspects businesses on a regular basis and if anyone phones in with concerns.

Applicant begins to read a prepared statement but begins to cry so friend \_\_\_\_ reads for her. Very sorry to learn that her plans to earn extra money would cause so much trouble. It was cost of child care that makes working outside the home too expensive, about 20,000 a year and the fact that she wishes to raise her own children in the town she grew up in. New homeowner and had never owned a business. She learned as the project proceeded. It was confirmed by CEO that she had been in contact with the town for information but had had no response.

At this point meeting began to wind down no further speakers. Discussion among the board members and some questions were tabled until next meeting. Eileen expressing concern about the comprehensive plan issue, Sonja asking if board would rule on this matter to settle whether for CEO and permit or SE and board hearing. It was determined decision would be delayed until the 20 Dec meeting. And that a site visit would be scheduled as soon as possible. Diane made the motion to close the meeting.