



## Lamoine Board of Appeals Minutes of October 17, 2005

Chairman Chris Tadema-Wielandt called the meeting to order at 7:11 PM

Present were: Appeals Board members Reggie McDevitt, Nick Pappas, John Wuorinen, Chris Tadema-Wielandt, Griff Fenton, Jay Fowler; Secretary Stu Marckoon, Anthony & Josette Pettegrow, Paul Frederick, Dennis & Gerald Ford, Tim Gott and Nick Pappas Jr. (Cable TV Tech).

**Minutes** – some very minor changes were made to the latest version of the minutes of September 12, 2005 and September 20, 2005. Mr. Wuorinen moved to approve the minutes as corrected. Mr. Fowler 2<sup>nd</sup>. **Vote in favor was unanimous.**

### **Follow up on decision regarding Anthony & Josette Pettegrow/Seal Point Lobster Pound.**

Mr. Wuorinen reminded board members to try to avoid tapping on the table as it makes the telecast on the Cable TV system hard to hear.

Chairman Tadema-Wielandt asked if Mrs. Pettegrow had a copy of the letter from Mrs. Langlois. Mrs. Pettegrow said she did. Chairman Tadema-Wielandt asked if Mrs. Pettegrow would give an update on the progress of the matters raised in the letter.

Mrs. Pettegrow said they have letters to give to the Code Enforcement Officer and the Board. She said they had materials delivered to cover the generator and the refrigeration equipment. She said MCM Electric, the generator supplier, told her that the generator should not be enclosed, because enclosure would prevent the generator from getting enough air to work properly and it could be a fire hazard. She said the refrigeration supplier wrote a letter and said the refrigeration is not designed to be built in and needs a sufficient amount of air to work properly. She said if they try to enclose it they would have to put exhaust fans on one end and fans on the other which would probably make more noise. She said there is no solution at this time to enclose the refrigeration unit. She said it's designed to be in the elements. She said they agreed to the condition to cover the generator and refrigeration, but now find out it's a safety hazard. She said they've sent back the materials.

Mrs. Pettegrow said they've complied with item "c" in Mrs. Langlois' letter. She said they've conducted sound tests. She said the Appeals Board has a letter from the fire chief. She said the detailed landscape plan has been in the Appeals Board's possession since the hearings of 10/21/03. She said she's not sure what Ms. Langlois means by the paragraph after item "f" and asked Mr. Frederick for clarification.

Mr. Frederick said it referred to re-grassing some areas. Mrs. Pettegrow said the plan was fine with Mr. Frederick on a previous occasion. A short discussion between Mr. Frederick and Mrs. Pettegrow ensued. Mrs. Pettegrow asked where Mr. Frederick and Ms. Langlois stand. Mr. Frederick said he thinks his wife thought there would be a written description. Mrs. Pettegrow said the plan is the written plan and it shows landscaping notes in good detail. Mr. Frederick said he would make sure his wife sees that.

Mr. Wuorinen asked in regard to the enclosure, whether putting up a wall might direct noise upward instead of horizontally. He asked if a wall would help. Mrs. Pettegrow said CEO Dennis Ford is well versed on generators. Mr. Ford said a wall would have to be 8-feet from the generator, and he didn't believe there was a high enough noise reading to affect the change. He said the sound test reports show the generator is way below the decibel limits. He said it's within town ordinance and asked why they have to make it less. Chairman Tadema-Wielandt said that was a condition agreed to. Mr. Ford asked what decibel level it was supposed to come down to. Chairman said it was agreed to enclose the generator because when it comes on it wakes Mr. Alvarez up. Mr. Ford said the exercise time could be changed. Mrs. Pettegrow said it runs at 10:00 in the morning once a week for 15-minutes. She asked if it's a fire hazard, how do they handle it.

Mr. Wuorinen said the Pettegrow's could contact the neighbors and ask about fencing. Mr. Pettegrow asked if they do the fencing and it increases decibel levels, what would they do. Mr. Wuorinen said it's very unlikely.

Mr. Frederick said they routinely enclose generators on the boats they build, and air flow is always a problem. He said there are ways to baffle them. Mr. Ford said a marine generator and an industrial generator are two different items. He explained the difference. Chairman Tadema-Wielandt asked if air flow is required only for cooling. Mr. Ford said yes. Mr. Fenton asked if they combined a fence with materials used on boats to reduce sound, would that be viable. Mr. Pettegrow said it would cost about \$8-million. A short discussion followed.

Mrs. Pettegrow said they haven't had much time to investigate a fence. She said found out in September they couldn't enclose the machinery. She said they have been pursuing the issue. Mr. Ford asked which sound is the troubling sound – the cooling air or the exhaust. Chairman Tadema-Wielandt said Mr. Alvarez wasn't there to speak to it, so he couldn't speak to it. He said he's not sure what difference it makes. He asked what Mr. Ford's experience was with that. Mr. Ford said they used to run exhaust into the ground. He said there are different muffler systems available for generators. He said if it's an air flow issue, that's a different beast. Chairman Tadema-Wielandt asked Mr. Ford what it is likely to be. Mr. Ford replied airflow, and explained why.

Mr. Wuorinen asked if it would be appropriate to ask what, short of full enclosure, could be done to minimize the sound. Mrs. Pettegrow said she would be willing to do that. Mr.

Wuorinen said the Board might be satisfied with that kind of approach. Mr. Ford said he has installed louvers on the front of gen-sets in the past, and explained how they work.

Mr. Wuorinen moved that ***the Pettegrows be instructed to go back to their suppliers and explore what techniques short of full enclosure might be used to minimize the sound.*** Mr. Fowler asked how tall the generators were. Mr. Pettegrew said about 5-feet. Mr. Fowler said he planted cedar trees at a trailer on Route 1 and that cut the noise tremendously. He said the Pettegrows could try that. Mr. Pappas said based on the motion, that could be a solution, so he will 2<sup>nd</sup> the motion.

Chairman Tadema-Wielandt asked Mr. Ford when he got the letters from the Pettegrows. Mr. Ford replied he received it tonight. Mr. Marckoon suggested to the Board that they set a date certain for the Pettegrows to reply. Chairman Tadema-Wielandt asked the Pettegrows how much time they wanted. Mr. Gott said if the board was happy with the cedar tree solution they could make a berm and plant them and be happy with that. He said what Mr. Fowler suggested would work. He said the trees need to be closer together. Mr. Wuorinen said that option is within the scope of the motion. Mr. Gott said trees would do more than a fence and with less maintenance. Mr. Fowler said a fence would echo the noise. Mr. Gott said a wall or a building might make it louder. Mr. Fowler said the trees need to be staggered. Chairman Tadema-Wielandt asked if the cedar option could work for both the refrigeration and the generator. Mrs. Pettegrew said it would be much nicer and much better than a vibrating fence. Mr. McDevitt said the motion on the floor needs to be settled.

Chairman Tadema-Wielandt said he was going to ask if the Board felt confident enough with Mr. Fowler's and Mr. Gott's expertise with the sound attenuation to amend the motion to provide for the cedar alternative. Mr. Wuorinen said his bias would be to get advice from installers and manufacturers with more extensive experience. He said the motion does not preclude this as a solution. He said he would like to solicit a date from the Pettegrows as to when they could respond, and then vote on the motion. .

Mr. Fenton said if the Pettegrows take both ideas into consideration and the trees turn out to be the answer, they could show that location on the plan and get back to the Board with the information. He said that should please the neighbors. Mr. McDevitt said Mr. Wuorinen's suggestion is fine, and this is taking the long route in going to the manufacturer which will cost money. He said Mr. Fowler has an excellent idea. He said he thinks the trees would work.

Mr. Wuorinen asked Mrs. Pettegrew if the letters from her manufacturers cost anything. Mrs. Pettegrew said no. Mr. McDevitt said there is a time element involved. He said it would take 30-days for the manufacturer to answer, and by then the ground would be frozen. Mr. Fowler asked how big an enclosure would be required. Mr. Wuorinen said it's inappropriate for the board to be that specific.

Mr. Frederick said the tree solution might be the right one. He asked if in soliciting information about the trees, someone who knows what would be most effective be

consulted. He said the worst source for information would be the manufacturers. Mrs. Pettegrow asked who Mr. Frederick would suggest they go to. Mr. Frederick said an engineering firm, though that's needlessly expensive. He said he meant to say that any information from a manufacturer might be met with skepticism.

Mrs. Pettegrow said they can't make the property more non-conforming. She said a wall or fence around the generator and refrigeration unit and that must be set back from the equipment, would create more lot coverage according to the ordinance, which is one of the issues the neighbors had with the facility.

Mr. Ford asked what decibel reading the Board is aiming for. Chairman Tadema-Wielandt said the ordinance is specific. Mr. Ford said they're meeting that now. Mr. Fenton said there was a good faith agreement between the parties to minimize the sound. Mr. Ford said he didn't understand what the Board was after. Mr. Fenton said the motion says since they can't enclose the machinery that they make a good faith effort to try to minimize the noise by another means.

Mr. Fenton said the Board might endorse the concept to ask the Pettegrows short of a full enclosure to minimize the noise. Mr. Ford said they just presented an idea. Mr. Fenton said he agreed, but the Board needs to know specifics and would like to see what the professionals come up with. He said it assumes good faith action between the parties. A short discussion followed.

Mr. Fenton said he understands the motion to say the Pettegrows come back with ideas on how to ameliorate the noise. He said they could go to engineers. Chairman Tadema-Wielandt asked the secretary to read back the motion. Mr. Marckoon read as follows:

"Mr. Wuorinen moved to have the Pettegrows go back their suppliers to find out what short of a full enclosure, might minimize the sound".

Chairman Tadema-Wielandt said he would prefer the vegetation alternative. Mr. Gott said he could have Atlantic Landscape design something, and get something from the people the Pettegrows buy their equipment from in regard to the trees thinking it would reduce the noise by a certain percentage. He said he wanted to make sure they're on the same page. He said he's trying to cut down on the number of meetings, and this would be done on the next trip.

Mr. Wuorinen asked for a date. Mrs. Pettegrow said next month. Mr. Pettegrow said it was important to get done before it gets too cold. A discussion followed on a date.

Chairman Tadema-Wielandt asked if the Pettegrows could get something from CES giving an opinion on a natural barrier. He said he doesn't see much point in requiring an enclosure if it's counter productive. Mrs. Pettegrow said she could call and ask. Chairman Tadema-Wielandt said to have them look at a plan and determine whether it would be a waste of money or if it would work. Mrs. Pettegrow said that would not be a problem. Mr. Wuorinen said he would like to add to his motion that the date be October

26<sup>th</sup> at 7:00 PM. There was no objection. Chairman Tadema-Wielandt said it would be helpful to have the information prior to the meeting. **Vote in favor was 5—1 (McDevitt opposed).** Mr. McDevitt said his opposition is based on the Pettegrows going to the extreme when experienced contractors said the tree solution would work.

Chairman Tadema-Wielandt asked if there was anything further. Mr. McDevitt asked about the Rohner situation. Chairman Tadema-Wielandt said the Appeals Board denied relief and it had no authority to stop work. A short discussion followed on the availability of Mrs. Rohner's survey to the Board.

Mr. Ford requested that the Board keep him informed on decisions such as the Pettegrows if he's to be involved in any sort of follow-up. He said the letter from Ms. Langlois kind of blind-sided him.

There being no further business, Chairman Tadema-Wielandt declared the meeting adjourned at 8:00 PM

Respectfully submitted,

Stu Marckoon, Secretary