

Note: Draft minutes are subject to corrections, additions, and deletions.

November 29, 2022

Posted: Town Offices, Town website  
5:00 p.m. Town Office, second floor conference room  
PRESENT: Amy Hansen, Selectwoman  
David Hobbs, Chief of Police  
James Sullivan, Town Manager  
Mallory LeDuc, Resident  
James Scully, Resident  
Al Fleury, Business Owner  
Steve Kierstead, Business Owner (For Andrew Hart)

Call to Order: 5:00 PM

Review of the previous meetings discussion and what the committee hoped to resolve tonight. All committee members received a copy of a letter written by Deb Connors Parlee, an L St. resident highlighting her experience and concerns with the ordinance.

The committee discussed Section 149-15 A. Noise Levels, specifically looking at the length of time a decibel measurement must exceed the stated levels. Currently the length is 30 seconds in duration. Chief Hobbs has indicated that this has been a significant issue with enforcement of the decibel levels. Few if any violations exceed stated limits for 30 seconds in duration. After discussion the committee agreed to recommend a change in this section from 30 seconds to 10 seconds, so the new sentence should read, “...and a violation of the standards of this section that exceeds 10 seconds in duration...”

The committee then discussed section 149-13 and the proper place to take the measurements from. Should it be the receiving property or the emanating property where the measurement is taken? Currently the ordinance requires measurement from the receiving property. The committee felt this was an appropriate place and recommended no change in this area. However, clarifying language was needed, the concern was that the wording of, “from abutters” could be interpreted as direct land abutters only. The committee agreed section 149-13 A. should be amended to remove the words “from abutters” so the sentence shall now read, “Should the entertainment activity give rise to complaints *from the public* or from...”

The committee then discussed the permits required, it was determined that the Town Manager’s staff would work to streamline the permit paperwork for applications and renewals of licenses.

The committee discussed the need for another way to resolve the issues between the businesses and the public being disturbed, other than involving the police department. All felt creating a more formal “mediation” process to work and resolve issues that arise between the parties. Committee member James Scully drafted language to present to the committee in this area. Section 149-18 currently has a process for the BOS to become involved. A recommendation is to add new language to allow mediation between the parties. The recommended language change is in **Bold** below:

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*§ 149-18. Suspension or revocation of license.*

*A. At any time after a license has been issued under this chapter to any person, it may be suspended or revoked and cancelled by the Board of Selectmen if the entertainment activity violates any of the public statutes or ordinances of the Town, or is conducted in a building which does not conform to the fire statutes, ordinances or regulations of the Fire Department or Building Code, and/or an unreasonable amount of complaints have been filed and/or the establishment or place is used for criminal purposes.*

*(1) Prior to the suspension or revocation and cancellation of any license, the Board shall notify the affected licensee of the pending suspension or revocation and the reason therefor **and the licensee shall have the opportunity to mediate with the complainant.** The Board shall also provide the affected licensee with a reasonable opportunity to be heard by the Board prior to the suspension or revocation.*

*(2) A license shall be revoked for any violation of federal or state or local law.*

*B. Licenses of a temporary character may be revoked and cancelled at any time by the Board of Selectmen without notice at its discretion.*

*C. Licenses revoked.*

*(1) Upon the successful appeal of a license that has been revoked, the license shall be restored with new or revised conditions or restrictions on the license, and the fee for the restoration of the license shall be calculated at \$1 per day up until the annual expiration date of license.*

*(2) A license that has been revoked shall not be subject to renewal or restoration, except that an application for a new license may be submitted and acted upon after the expiration of at least one year from the date of revocation.*

The committee then had discussions about the potential creation of zones, or areas where additional of different limitations on outdoor entertainment could be enacted. No resolution of these areas or zones was reached.

The committee decided to table further discussion on this issue until the next meeting on Tuesday December 6, 2022, at 5:00pm.

This meeting was adjourned at 6:00 pm.

Submitted,

James Sullivan

Town Manager

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