

**TOWN OF SKOWHEGAN
PLANNING BOARD
MEETING MINUTES**

April 2, 2019

7:00 P.M.

Council Room, Municipal Building

PRESENT:

Steve Conley, Chairman
Todd Smith, Vice Chairman
Stephen Gould, Secretary
Steve St. Pierre
Joel Greenwood, Planner
Dena Rich, Recording Secretary

ABSENT

Garrett Quinn
Harvey Austin

PUBLIC PRESENT:

Randall Gray, Code Enforcement Officer
Jason Gayne, Chamber of Commerce

1) QUORUM:

Planning Board Meeting called to order at 7:00 P.M. Quorum was present.

2) MINUTES OF THE March 19, 2019 PLANNING BOARD MEETING TO BE APPROVED:

Motion by Stephen Gould to approve the March 19, 2019 Planning Board meeting minutes, as written. Seconded by Steve St. Pierre. Motion passed 3-0.

3) SITE PLAN

None

4) ITEMS BY THE PUBLIC:

None

5) COMMUNICATIONS:

None

6) UNFINISHED BUSINESS:

A) Further discussion regarding the proposed Special Amusement Ordinance amendments.

Steve Conley explained that the Selectmen have sent back to them the Special Amusement Ordinance that they worked on with some recommended changes. Joel said that on page 6 section 11 subsection G it has been suggested to define entertainment and look at the 750 ft requirement. He said they had changed the distance to be more in line with other ordinances. Joel said to solve the problem they could change the word entertainment to exotic dancing. Stephen Gould asked if they want to leave it at 750 ft. Jason Gayne also asked if they could remove churches from the restrictions as well. Steve Conley said if they change it to exotic dancing instead of entertainment then that should cover if anything goes

in on the island. Jason said that would be fine. Todd Smith asked what would be considered a park in this definition also. Joel said he thought that there was a list of parks in the sex offender ordinance or the controlled substance ordinance. Joel asked if they should mirror the language in the other ordinances which would list the specific safe zones that are in the other ordinances. Steve Conley said they might not want to do that in case the town decides in the future to put in a new park or playground. He suggested leaving it as parks and playgrounds but adding a definition of a park. Joel said he will check to State statutes to see how they might define parks and tighten up the definitions. Jason Gayne also said the town manager told him that if sections a, b, d, e & f remain in the ordinance then they would not be able to hold the shows at T&B's. Therefore, he asked if they could also look at those sections. Steve Conley said in section A they could take away the platform requirement. He said they could designate a certain space between the dancers and patrons. Joel said they want to be careful not to create so many regulations that it negates the purpose of the show. Joel asked what they would like to do with section A. Steve Conley said they could change that to a clearly defined designated area. Joel asked if they were happy with the dancers having to be 10 ft from patrons during performances. In section D Todd asked what the issue was with this. Steve Conley said he doesn't understand what this section is protecting. Stephen Gould suggested taking out the soliciting part and leave the rest. There was continued discussion. It was decided to leave section D unchanged. Steve Conley said in section E they need to strike the toilet facilities since they can't just add a bathroom for a show instantly. He then suggested adding that if this a full- time primary business then separate toilet facilities are required. Steve St. Pierre said they could add in if a business has 6 or more shows per year then they would need the separate bathrooms. Randy agreed with that. Joel said the last section to look at is F. He said he isn't sure what this section is trying to protect. After a discussion it was decided to remove section F completely. Nobody saw the need for it.

Joel said they also need to look at the obscenities and adult entertainment ordinance. Joel said that as it is written it would not allow people to have adult toy parties. This is in section 5.1 A, B, & C. Steve Conley asked if we have had people that want to sell these devices. Randy said he has had a couple people come in looking to open a small store. Jason also said it would apply to any taxpayer that wants to have these parties in their own homes as well. There was a discussion on the difference between obscene devices and obscene materials. Joel said what he sees it comes down to is how obscene devices are defined. He said there is a broad definition of what is considered obscene and it is open to interpretation. He asked if they want to change this so these parties are allowed. Steve Conley said he understand that people are going to do what they want to do but he just doesn't want to see these types of materials being on display for the public to have to see. He also said he knows that a lot of these regulations that they have would not hold up in court because of Freedom of Speech. He said a lot of things that were considered obscene 50 years ago are definitely more mainstream now. Joel asked the definitions are broad as far as obscene materials. Steve Conley said that when he spoke with the town manager today, she hadn't asked them to change this but wanted to make sure they understood what would still not be allowed if this ordinance passed. Joel said it doesn't make logical sense in the ordinance right now but certain versions of things are allowed but others aren't. There was continued discussion about the definitions and meanings. Joel said it basically comes down to if the Planning Board is comfortable with it as it is which would prevent anyone from selling or promoting sex toy trades. He said the other option would be to amend the ordinance to allow it but making sure it doesn't cross the line into being obscene. Steve Conley said they can't really prevent someone from doing this completely but they are able to regulate how someone would do this type of business. Joel said then they would need to strike obscene device from the ordinance and either replace it with a broader definition of

obscene material or add a new term that would include everything else that isn't covered under the obscene material definition. There was further discussion on the definitions and what obscene would represent. Joel said that the Police Department are the ones that will need to make the judgement call since they are the ones to enforce these ordinances. Joel said he will have the Police Chief look at these as well.

Motion by Todd Smith to approve the proposed changes to the Special Amusement Ordinance. Seconded by Stephen Gould. Motion passed 3-0.

Motion by Stephen Gould to approve the proposed changes to the Obscenities and Adult Entertainment Ordinance. Seconded by Steve St. Pierre. Motion passed 3-0.

Joel will bring these amended ordinances to Christine and then they will go to the Selectmen.

7) NEW BUSINESS:

None

8) ITEMS BY:

a) SELECTMEN:

None

b) DEPARTMENT HEADS:

c) MEMBERS:

Steve St. Pierre asked if Joel has joined the Second Bridge Committee. Joel said he has and been sworn in already.

d) CHAIRMAN:

e) STAFF:

Joel said he has heard from KVCAP and we should be getting the updated plans soon for the Mary Street development.

9) ADJOURNMENT:

Motion by Todd Smith to adjourn at 7:38 p.m., Seconded by Steve St. Pierre.

Motion passed 3-0.

Minutes approved on May 21, 2019.

Chairman
