

PLANNING BOARD MEETING MINUTES
1/22/15

Present – Fred Miner, Norm Blake, Bob Flint, Jo Pierce, David Strock

Minutes waived.

Propane – Dodge Oil:

First, was there a concern about the fire suppression system. In the period discussion it sounded like the nitrogen could run out.

Second, the discussion about the gate seemed concerning. The gate has to actually work to satisfy the condition requiring a gate.

Third, one issue that was raised but not discussed was the oil tanks on the property. Are these covered by the CUP and are they in good working order.

Fourth, the CEO should take the old CUPs and make sure that there is nothing else out of order on the property.

Fifth, seems like there is a need to protect the tanks from stray bullets. We should ask the applicant about the impact of a hunter's stray bullet.

Gun Range issues:

We decided to have the public hearing on 2/12 (attached version).

Maietta:

The Board voted to notify the selectmen that Vinny Maietta had not operated the pit for more than 2 years, as indicated by the fact no observed conduct and no required submissions of status report. They should notify Mr. Maietta of this fact and that (p. 34) the duration of use in 8.6 is that must be used in 2 year period of extinguishes.

The Board voted to have Jo send this informaiton to the Selectmen.

Motion to Adjourn – unanimous.

1/22

Distance/Noise Limits included in this draft.

1. **300 Feet:** Distance from shooting stations and targets to any property line.
2. **1000 Feet:** Noise levels from the shooting range shall not exceed 65 DBA at the shooting range property line if the property line is within 1000 feet from an occupied building.
3. **1/2 Mile:** All shooting stations, Targets, and firing lines shall be located at least one-half (1/2) mile (two thousand six hundred forty (2,640) feet) from any existing Occupied Dwelling.

THIS ORDINANCE TO BE INSERTED INTO ARTICLE 10: ? Performance Standards for Specific Activities and Land Uses

DEFINITIONS (add these to the definitions section of the land use ordinance.)

dBA: The sound pressure level, in decibels, as measured on a precision sound level meter on the A-weighted scale.

EPA Lead Management Guidelines: Shall mean, at any given time, the latest edition of the United States Environmental Protection Agency's Best Management Practices for Lead at Outdoor Shooting Ranges.

Firearm(s): A weapon, including but not limited to pistols, rifles, and shotguns, capable of firing a projectile using an explosive charge as a propellant.

Firing Range Committee: ~~Shall have the meaning as set forth in Article X.~~

NRA Range Source Book: Shall mean, at any given time, the latest edition of The Range Source Book, as published by the National Rifle Association.

Occupied Dwelling(s): Shall mean any residential Structure or business Structure which is legally occupied by one or more Persons.

Person(s): Any individual, corporation, association, club, firm, or partnership.

Shooting Range(s): An area designed and improved to encompass shooting stations or firing lines, Target areas, berms and baffles, and other related components.

Shooting Range Facility(ies): A public or private facility, safety fans or Shotfall Zones, Structures,

parking areas, and other associated improvements, designed for the purpose of providing a place for the discharge of various types of Firearms.

Shotfall Zone(s): An area within which the shot or pellets contained in a shotgun shell typically fall.

Structure(s): A walled and roofed building that is principally above ground or any other permanent, manmade facilities.

Surface Danger Zone: Any area that may reasonably expect projectile impact resulting from direct fire, including misdirected and accidental discharges, and ricochets from any Firearm, which takes into consideration all mitigation efforts as submitted by the applicant and determined by a certified engineer.

Target(s): Any object or area which is used as the intended recipient of the projectiles fired from a Firearm.

10.10 Shooting Ranges

A. PURPOSE : This Shooting Range Ordinance is to regulate the establishment and operation of outdoor Shooting Range Facilities pursuant to 12 M.R.S.A. § 13201 (1) and 25 M.R.S.A. § 2011 (3), as they may be amended, and 30-A M.R.S.A. § 3001 *et seq.* (Maine's Home Rule Law). Due to their potential noise impacts and safety concerns, Shooting Range Facilities merit careful review to minimize adverse effects on adjoining properties. This Ordinance does not otherwise apply to the general discharge of Firearms or the use of bows and arrows in accordance with all other applicable laws or regulations. This ordinance also does not apply to Target practice areas on private property, including shooting positions, shelters, or shot containment structures for family or family friends that are used on an ~~occasional~~, non-commercial basis.

Commercial

B. APPLICABILITY

Commercial

This Ordinance is applicable to all Shooting Range Facilities in the Baldwin.

C. PERMITTING, REGISTRATION, AND COMPLIANCE : New Shooting Range Facilities shall only be established and operated in accordance with a valid conditional use permit issued by the Baldwin Planning Board.

D. SHOT CONTAINMENT: Each Shooting Range Facility shall be designed to contain the bullets, shot, and ricochets of same discharged at or within the Shooting Range Facility.

E. NOISE MITIGATION : Each Shooting Range Facility shall be designed to minimize off-site noise impacts generated by the activities conducted on the Shooting Range Facility. Noise levels measured at the property line where the Shooting Range Facility is operated or, in the case of leased land, at the property line of any leased parcel, shall not exceed sixty-five (65) dBA when said property line is located within one thousand (1,000) feet of an Occupied Dwelling, subject to the limitations of 30-A M.R.S.A. 3011, as it may be amended.

F. MINIMUM DESIGN REQUIREMENTS: Where not otherwise specified within this Ordinance, Shooting Range Facilities shall meet or exceed the design standards specified by the NRA Range Source Book.

G. SETBACKS: The following setbacks shall apply.

1. All shooting stations and Targets on a Shooting Range Facility shall be located a minimum of three hundred (300) feet from any property line; and
2. The Surface Danger Zone shall be contained within the property boundary line.

H. WARNING SIGNS: Warning signs meeting or exceeding the standards set forth in the NRA Range Source Book shall be posted at one hundred-foot intervals along the entire perimeter of the Shooting Range and along the entire perimeter of the property lines in the same intervals.

I. DISTANCE FROM OCCUPIED DWELLING : All shooting stations, Targets, and firing lines shall be located at least one-half (1/2) mile (two thousand six hundred forty (2,640) feet) from any existing Occupied Dwelling.

J. ACCESS TO SHOOTING RANGE FACILITY: Access to the Shooting Range Facility and

Shooting Range shall be secured and controlled, with ingress and egress permitted only during those operating hours.

K. MAINTENANCE: Where not otherwise specified within this Ordinance, Shooting Range Facilities shall be operated and maintained in a manner that shall meet or exceed the standards specified in the latest edition of the NRA Range Source Book.

L. LEAD MANAGEMENT PRACTICES

Each Outdoor Shooting Range Facility shall provide a plan outlining its management practices relating to lead management. Said plan shall meet or exceed the standards set forth in the EPA Lead Management Guidelines.

M. HOURS OF OPERATION: Shooting Range Facilities shall be allowed to operate between 9:00 AM and 5:00 PM daily.

N. LIABILITY INSURANCE: The shooting range permit holder shall be required to carry a minimum of Three Million Dollars (\$3,000,000.00) per occurrence of liability insurance. Such insurance shall name the Town as an additional insured and shall save and hold the Town, its elected and appointed officials, and employees acting within the scope of their duties harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising in favor of a Person or group's members or employees or third parties on account of any property damage arising out of the acts or omissions of the permit holder, his/her group, club, or its agents or representatives. The Town shall be notified of any policy changes or lapses in coverage.

O. PERMIT APPLICATION: An application to establish and operate a Shooting Range Facility shall be submitted by the legal property owner(s) to the Baldwin Planning Board. Such permit shall be obtained prior to application for any grading, building or improvement permit from the Town (*but any permit holder may thereafter construct any Structure or other improvement deemed necessary for the purpose of issuing said permit*)

P. REQUIRED INFORMATION: The applicant shall provide sufficient information to demonstrate compliance with these provisions. These shall include but not be limited to the following:

1. **SITE PLAN:** A site plan for the entire Shooting Range Facility which shows the following applicable information drawn to an appropriate scale, shall accompany the permit application:

- a. Property lines for any parcel upon which the Shooting Range Facility is to be located, north arrow, plan scale, date, and ownership information for the site;
- b. Complete layout of each Shooting Range Facility, including, shooting stations or firing lines, Target areas, shot-fall zones or backstops, berms, and baffles, if any;
- c. Projected noise contours sufficient to demonstrate compliance as determined by an engineer;
- d. Existing and proposed Structures; Occupied Dwellings within one-half (1/2) mile (two thousand six hundred forty (2,640) feet)); roads, streets, or other access areas; buffer areas; and parking areas for the Shooting Range Facility; and
- e. Any other appropriate information related to the specific type of Shooting Range Facility, whether existing or proposed.

Q. ABANDONMENT AND DISCONTINUANCE

When a Shooting Range Facility is discontinued without the intent to reinstate the Shooting Range use, the property owner shall notify the Town of such intent. In any event, the discontinuance of the Shooting Range Facility or non-use of the Shooting Range Facility for a period in excess of one year shall create the presumption said Shooting Range Facility is abandoned, and any current, valid permits issued shall terminate.

R. BACKGROUND CHECK

Upon receipt of an application for a new Shooting Range Facility, the selectmen will commission a criminal records check on the owner and lessee, if any, of the property on which the Shooting Range Facility is to be located and on the individual designated by the owner to operate the Shooting Range Facility, if different from the owner. Upon completion of the criminal records check, the Police Department will forward its findings to the Selectmen.

S. MUNICIPAL HEARING

Following receipt of the Firing Range permit application, the planning board shall hold a public hearing to determine whether to issue a conditional use permit. A Firing Range permit shall be conditional for the first year after which the Planning Board will issue a final permit if no violations of this ordinance have occurred.

T. CHANGES OR EXPANSIONS

If any Shooting Range Facility is intended to be changed or expanded to include types of Shooting Ranges, operations, or activities not covered by an existing permit, a new permit for the entire facility shall be secured in accordance with all of the provisions of this Ordinance. Further, any permit issued hereunder does not relieve the permit holder of compliance with all other applicable Town ordinances.

U. ENFORCEMENT, REMEDIES, AND PENALTIES

1. ENFORCEMENT AND REMEDIES: The Town's Code Enforcement Officer shall be responsible for the enforcement of this Ordinance. Any violation of this Ordinance or of any condition or requirement adopted pursuant to these provisions may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings as allowed by state law. Any permit issued under this Ordinance may be suspended or revoked following a public hearing before the municipal officers following a review and recommendation by the Planning Board.

2. CIVIL PENALTIES

Any Person who violates any of the provisions of this Ordinance shall be subject to a civil penalty of not less than \$100.00 per violation plus costs of prosecution, including but not limited to attorney's fees. No penalty shall be assessed until the Person alleged to be in violation has been notified of the violation. Each day of a continuing violation shall constitute a separate violation and any such penalty shall be recovered for the use of the Town.