

**TOWN OF NORTH HARMONY
PLANNING BOARD
Tuesday September 9, 2008**

**PLANNING BOARD: WALTER GEIST, RICHARD JOHNSON, RICHARD SENA,
PATRICK RICE, JOHN WARNER, STEVE SENSKE, JULIE LESCYNski**

OTHERS PRESENT: SALLY CARLSON, DON McCORD, BRAD LAWSON

At tonight's meeting new versions of the town survey were provided for the board. The board had a few suggestions to simplify some of the questions by including examples. Mr. McCord said after the final draft is completed he will e-mail the survey to Sally Carlson. She will then take the survey to Quik Copy and have it printed on colored paper. The board has not decided yet which option to use to compile the returned information. Mr. McCord agreed with Mr. Geist that the surveys should be returned in an "anonymous" fashion. Mr. Johnson suggested that the questions offering opinions have boxes to be checked. This will distinguish levels of agreement and disagreement.

Second on the agenda is Adult Entertainment. Mr. McCord explains to the board that there are many towns who share the same law concerning this topic in the surrounding area. Most of these laws are based on case law. Mr. McCord noted for the board that court law changes every year. He also explained that what was defined in the mid 1980s as being a specified sexual activity was not found on the front of magazines or network television. There are different kinds of adult entertainment. Under case law, studies have shown certain activities have a higher impact on communities. Magazines that are kept behind a counter or a book store that has some explicit reading material are examples of low impact. The benefit of this kind of material is that if bought it is taken with the purchaser and has a low impact on the community. An example of high impact on the community would be an escort agency or an adult movie theater. Certain things classified as adult entertainment are perfectly legal to ban.

Mr. McCord said that the challenge for the board right now is to find the correct zoning location for this type of activity and or business. Some types of adult entertainment have to be allowed. When placing a law such as this you have to know what you are going to allow and what you are not. He also said that the board needs to know what they are regulating.

Mr. McCord suggests the board restrict adult entertainment to a floating zone, which he thinks should also be someplace commercial. There needs to be equal opportunity for such places to exist. The Board wants to be very careful with this process to protect the interchange.

A secondary study shows some examples of setbacks for playgrounds, schools, residential structures and cemeteries for adult entertainment locations. The studies also show that a *Special Use Permit* is required. A licensing fee may be allowed, as well as an application fee to be met once a year. Mr. McCord said the goal is to make sure that the law is very specific so the community feels comfortable. He suggested the board look through the Ripley law as a secondary study. There are provisions in

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this law that allows the Zoning CEO, the police or local sheriff dept. to inspect the facility at any given time. Mr. McCord went through the terms of adult entertainment with the board. He suggested the town expand on this law. The town could inject some rules about age, hours of operation and signage.

The board plans to do their own secondary study. Mr. Lawson will report to the board the locations of libraries, schools and other public use areas. Mr. McCord also suggested that the board find out how many other adult entertainment facilities are located in the area. Mr. Rice asked if it is proven there are adequate facilities within a twenty mile radius could additional adult entertainment business be denied. Mr. McCord said that is possible.

Also discussed at the meeting was the topic of windmills. Mr. Sena said he wants to be consistent with any rulings in the future. Mr. Lawson suggested inviting Sustainable Energy to the October 14th meeting to explain residential units to the board. The board could then be better educated on how far back setbacks should be and any other precautionary steps that need to be taken. Also discussed was how many acres should be required for a wind tower installation, fall zones, etc. It was noted that there are numerous designs to contend with as the world "goes green".

The next meeting will be held at the Town Building on September 23rd at 7:00.

Planning Board Clerk,
Bonnie Coulter