


**Lebanon, Maine Planning Board
Planning Board Meeting Minutes
Tuesday, June 8, 2021**

Members Present


Others Present

 A. LePage - Chairman

S. O'Brien – Vice
Chairman

D. Harriman

R. Harlow

 B. Jancosko - Alternate

Steve Haight/Project Engineer

Mark Mahoney/Applicant

Bill Mahoney/Applicant

Paul Philbrick/Selectman

Dick Burrell/53-54 Dolby Rd

Bill Sawyer/48 Dolby Rd

Karen Chapman/35 Dolby Rd

Brandon Ott/180 New Bridge Rd

Josh Hatchell/166 New Bridge
Rd

Andrew Bellizia/37,43,45 Dolby
Rd

Don Scott/160 New Bridge Rd

Jackie Young/23 Spencer Ln

Bryan Chapman/35 Dolby Rd

Thom DiMambro/150 New Bridge Rd

Kostantine Karahalios/142 New Bridge Rd

Larry Breton/22 Dolby Rd

Bruce Boudreau/20 Dolby Rd

Bob Moore/10 Dolby Rd

Brandy Berger/180 New Bridge Rd

Malissa Hastings/166 New Bridge Rd

Wayne Sylvester/TPPA

Christine Bellizia/37,43,45 Dolby Rd

Steve Young/23 Spencer Ln

Sean/Dolby Rd

D. Harriman made the motion to open the meeting. The motion was seconded by R. Harlow. The vote was taken. The motion carried. The meeting opened at 6:02 pm.

** Abutters to the New Bridge Marina project were present at the meeting to voice their concerns and ask questions in regard to the project during Public Participation. **

Chairman LePage opened the meeting stating that this is not a Public Hearing. Mr. Haight, the representative and engineer for the New Bridge Marina project will present the revised information for the project to the Board without interruption. Once Mr. Haight has finished the presentation, Public Participation will be opened. Questions will be asked and answered in an orderly fashion.

Steve Haight: New Bridge Marina:

Mr. Haight presented the revised information which included item that the Planning Board had requested. The presentation included a revised plan, the application, a narrative of the Site Visit on April 5, 2021, and site plan.

Some of the items on the site plan that were included were existing woods roads, storage area(s) for boats during the off season. The current use for the property is as a Marina. The main entrance will be off of Dolby Road and all traffic flow within the Marina will be one way. There will not be any changes to Dolby Road and it will continue to be a two (2) way road for the property owners. There is one (1) new proposed access off of New Bridge Road which would serve as an exit only for the Marina. The expanded parking area should alleviate the issue with vehicles and trailers parking on the side of New Bridge Road which has been causing potentially dangerous traffic situations.

There is a proposed 3,000 square foot building which would be utilized for repairs. Any lighting that the building may have will not be facing the road toward residents' homes.

The Department of Environmental protection suggested a boat wash area. There will not be any additional impervious area with the exception of the building itself. The parking area will be gravel. A decorative four (4) foot fence will be erected by the ice-cream stand to deter vehicles parking alongside the building. Joe Noel will be creating the septic design once the test pits have been completed. There is a dumpster which will be on a pad and screened in. There will be a well for the new proposed structure. There will not be any work taking place within the Shoreland Zone.

A new sign is also being proposed and will be located on Dolby Road. There will not be any non-residential storage during the season but there will be trailers and boats (shrink wrapped) during the off season.

Changes that were incorporated from the previous Planning Board meeting include:

- Directional signage, no parking, one way
- Placement of the fence
- Area of the proposed leech field
- Dumpster placement

Chairman LePage made the comment that there appear to be more trees removed than what was noted on the plan. Mr. Haight stated that the project had previously mentioned that this could possibly be a phased project. Due to this, trees for the expected second expansion of the parking area were cut. At this time there is no need for fifty (50) to seventy-five (75) parking spaces. Chairman LePage made it known that additional changes must come before the Planning Board.

Vice-Chair O'Brien asked if there were to be port-a-potties on site. Mr. Haight stated that there will be some on site. They will be placed by the proposed garage area. If needed, they can move the location.

It was asked if there would be lighting on the ice-cream stand. Mr. Mahoney stated that they will be adding lighting to the ice-cream stand, there is currently overhead power lines.

Public Participation: *Opened at approximately 6:20 pm*

Kostantine Karahalios of 142 New Bridge Road voiced the concerns of the abutters in regard to the proposed project. The abutters are okay with the expansion of the parking area which will potentially alleviate safety issues due to vehicles and trailers parking on the sides of the road. The Boat wash is a non-issue for abutters for this reduces further contamination of the pond with invasive plant species.

Mr. Karahalios explained that the major concern was the number of trees which were cut for the proposed project and proposed plans for the potential expansions in the future and the possibility of even more trees being cleared.

At this time, it looks as though the fifty (50) foot buffer shown on the proposed Site Plan had not been maintained.

Vice-Chair O'Brien explained that the possible clearing of the property in the future is irrelevant at this time. Mr. Karahalios mentioned that a Public Hearing was not scheduled and asked that if there is a proposed expansion that comes before the Planning Board in the future that the abutters be notified.

Chairman LePage replied that the majority of the Board determined that a Public Hearing was not necessary. This is an existing business with no change of use. There was a Site walk which was posted of which an abutter did attend.

The changes that were proposed were to be beneficial to the abutters, removing vehicles and trailers from the side of the road

Vice-Chair O'Brien stated that the Town website has meeting dates, agendas and meeting minutes.

Meetings are always open to the Public and live streamed as well. Vice-Chair O'Brien also stated that there is an option on the website, which you can choose to be alerted via email of emergency Town news, agendas etc., for all departments.

It is up to the discretion of the Planning Board whether or not a Public Hearing is deemed necessary. It depends upon the project. All information is available to the Public and may be requested at any time.

R. Harlow III added that even if a Public Hearing was held, the abutters upset with the number of trees that were cleared is not regulated by the Town, even if the owners were not expanding the marina. He also asked if anyone spoke with the Owners directly. Mr. Karahalios mentioned that he did speak with the Owners.

Mr. Haight reiterated that what is in front of the Board at this time is what was proposed by Kahuna Realty and anyone may contact the Owners directly with any of their concerns.

The question of the storage area and the possibility of a tall structure with stacks of boats was brought up. It was explained that there would not be a large storage building, there aren't any plans for a "racked" storage structure.

Bill Sawyer of 48 Dolby Road stated that Lower Dolby was built many years ago and he has a twenty-five (25) foot boat. The road has sharp turns that are difficult for his boat to make. Will these changes negatively impact the current road way?

Steve Haight replied there will be no changes to the orientation or width of Dolby or Hillside Roads. (Also known as Upper and Lower Dolby Roads). The area is going to be a one way. Residents will enter the roads the same as they always have. The Residents will have no need to use the entry to the Marina unless they were going to utilize the parking area.

Mr. Sawyer also voiced his concern in regard to the wash station. He mentioned that forty (40) years ago the Pond was rated as number ten (#10) in Maine and New Hampshire, now it doesn't make the list. Will the boat wash cause chemicals to run down into the pond?

Mark Mahoney, owner replied that the Department of Environmental Protection actually recommend the boat wash. Any run off that there may be will be on the Marina land. Any product that is to be used would be biodegradable. Another meeting with the D.E.P. will take place to discuss what is required, including if some sort of containment system needs to be installed. Historically, winterization was by the ice cream building. As you can see the proposed building and was moved back four-hundred and fifty (450) feet from the waterway.

Bruce Boudreau of 20 Dolby Road stated that the project is "absolutely fine by me" what he was concerned about is that there wasn't any notification. He has had projects through the State where people had to be notified. He built a house approximately five (5) years ago which there were two Public Hearings where there were certified notifications sent. He feels that if the abutters were notified, there would not be an issue because he could have spoken with Mark and Bill in regard to the trees. Vice-Chair O'Brien explained again that the Town does not have any jurisdiction in regard to the trees, if he had any questions, he would need to contact the State. Mr. Boudreau also mentioned that he had a site visit as well.

Chairman LePage explained that this was due to Mr. Boudreau's property was within the Shoreland Zoning and that is completely different. At that time, the Planning Board was only reviewing Subdivisions and Shoreland Zoning projects. The Planning Board was not reviewing Site Plan projects five (5) years ago. Shoreland Zoning is completely different. This project is not a change of use. More often than not, when the Planning Board holds a Public Hearing, there aren't any abutters for Public Participation in attendance.

Bob Moore of 10 Dolby Road wanted to clarify that the current traffic flow will remain the same for Upper Dolby and Lower Dolby Roads and will not be impacted by the project or blocked off. Steve Haight confirmed that the traffic pattern would not change. Mr. Moore stated that he had met with both Mark & Bill Mahoney and that was the only concern he had.

Brad of 180 New Bridge Road stated that he is glad to see there would be no parking off site and inquired about "NO PARKING" signs. Mr. Mahoney stated that they will be having people monitoring traffic this coming weekend and notifying visitors that there is not parking on the sides of the road. Mr. Haight added that he had spoken with the Road Commissioner and since New Bridge Road is a Town road, the "NO PARKING" signs will need to be ordered through the Town. R. Harlow III added that the Town has entered into a towing contract. The question of does "no parking" also apply to the ROW. It was explained that a private ROW, is not the Town's responsibility.

Brad also had a question in regard to the lighting on the maintenance building and the ice cream building. Mr. Mahoney explained that the lights will be motion censored on three (3) sides of the building. No lights will be aimed towards the street.

Christine Bellizia of 43 Dolby Road mentioned that the residents of the road built and maintain the road themselves. With the potential of additional runoff from the site due to the number of trees that have been removed, the question of who will be responsible for repairing the road was mentioned. S. Haight replied that the site itself will remain loose gravel as it is today. The site grades, swales and drainage will remain the same. Mrs. Bellizia asked for confirmation that it would be the owners of the Marina's responsibility to repair any damage to the road to which Mr. Haight confirmed.

Mrs. Bellizia also questioned the lighting and would the bright light be shining through the woods. It was reiterated that the lights will be on sensors and are not supposed to be on 24/7.

Neil Hastings of 166 New Bridge Road and Josh Hatchell asked where will the proposed parking exit onto New Bridge Road be located. The exit will be located approximately seven-hundred (700) feet from Dolby Road. It will be approximately where the existing garage is. It will not be located directly in front an abutters home to alleviate the issue of headlights shining into their homes. Tom of 150 New Bridge Road also had the same concern. He is happy with the idea of boats no longer turning around in his yard.

Andrew Bellizia of 43 Dolby Road inquired if there will traffic either by foot or vehicle coming from the property onto Dolby Road at any point. Mr. Haight replied that he cannot say that there wouldn't be, however there should not need a reason to. Mr. Mahoney added that the parking funnels traffic the shortest and most direct route to the boat wash. Mr. Bellizia stated that at this time there are five (5) homes on the south side of Dolby Road where there was a small buffer and is concerned with people parking in the area of Dolby Road. Mr. Haight reiterated that there would not be a reason for anyone to go to that area. Mr. Mahoney added that he would be more than happy to place "Private property" signs. Another concern that Mr. Bellizia had was the added traffic the expansion will bring. With the buffer no longer in place, this leaves homes exposed and that people could notice there are houses that are not occupied year-round. His home has been broken into in the past. R. Harlow III mentioned that with the buffer not in place it may deter someone from potentially breaking into the homes for it would allow someone to witness it.

Public Participation closed at 6:45 pm.

The motion to approve was made by Vice-Chair O'Brien. The motion was seconded by R. Harlow. The vote was taken. The motion carried unanimously in favor.

Mr. Haight stated that as common practice, approved site plans are not recorded at the Registry of Deeds. After discussing the Board decided that the option of recording the Findings of Fact Conclusion of Law document in lieu of the site plan was an acceptable alternative.

The motion to record the Findings of Fact and Conclusion of Law at the registry of deeds instead of the Site Plan was made by R. Harlow III. The motion was seconded by D. Harriman. The vote was taken. The motion carried.

Minutes:

The minutes of April 5, 2021, were reviewed. The motion to approve with correction was made by R. Harlow III. The motion was seconded by D. Harriman. The vote was taken. The motion carried.

The minutes of April 19, 2021, were reviewed. The motion to approve was made by R. Harlow, III. The motion was seconded by D. Harriman. The vote was taken. The motion carried.

The minutes of May 3, 2021, were reviewed. The motion to approve was made by R. Harlow. The motion was seconded by D. Harriman. The vote was taken. The motion carried.

Other Business:

Vice-Chair O'Brien informed the Board of the meeting that took place at the May 27, 2021, Selectboard meeting in regard to fire suppression and requesting that the proposed sprinkler "waiver" be sent to legal for review/input. The question of would a contractor be required to install sprinklers in a "Spec House" or would the option of the waiver be available needed to be answered prior to submitting to legal for review. Both cisterns and fire ponds are potentially being removed from the Subdivision Regulations, however, sprinkler systems would remain. Prior to obtaining a building permit, the applicant would need to choose whether or not they wish to have a sprinkler system installed or "waive" the requirement. This document would be recorded at the registry of deeds and a building permit may not be issued unless it accompanies the building permit application.

After much discussion the Board agreed that contractors would be required to install sprinkler systems in "Spec houses".

The motion that the Planning Board will require all contractors to install sprinkler systems as the required fire suppression method in "Spec houses" was made by R. Harlow III. The motion was seconded by D. Harriman. The vote was taken. The motion carried unanimously in favor.

Once the wording adjustments in the Subdivision Regulations and the Residential Sprinkler Form have been made and voted upon by the Planning Board, the revised documents will be submitted to the Selectboard to send to legal for review.

D. Harriman made the motion to adjourn. B. Jancosko seconded the motion. The vote was taken. The motion carried. The meeting adjourned at 7:50 pm.