

**Lebanon, Maine Planning Board
Regular Meeting Minutes
Monday February 4, 2019**

Members Present

S. O'Brien - Chair
A. LePage – Vice-Chair
D. Harriman
B. Harris-Howard

Others Present

Paul Philbrick
Jamie Scott
Brett Scott
Dana Libby
Dana Coull

D. Harriman made the motion to open the meeting at 6:00 pm. B. Harris-Howard seconded the motion. The vote was taken. The vote carried.

Chair O'Brien addressed the Board in regard to a transaction that may be viewed as a possible conflict of interest. After the last meeting, Mr. Wolcott, a Realtor as well as a contractor, had a buyer for a property that Chair O'Brien, also a Realtor, had listed. Chair O'Brien feels that this would not affect any decisions that she would make in regard to the proposed Hayes Farm subdivision however it is the decision of the Board to determine whether they feel that Chair O'Brien should be removed from the application. Each member was asked, each member stated that they felt Chair O'Brien could review this application fairly. B. Harris-Howard made the motion that the Board felt there would be no conflict of interest with Chair. O'Brien continuing to review this application. A. LePage seconded the motion. The vote was taken. The motion carried. (A. LePage, D. Harriman, B. Harris-Howard all in favor)

Dana Libby - Wolcott– Hayes Farm – Mr. Libby presented a revised plan for the proposed Hayes Farm subdivision. Mr. Libby was sent a list of items that need to be added to the plan and submitted to the Board. (Please see attached) The applicant had requested a waiver for the High Intensity Soil Survey in which a representative from the Southern Maine Planning & Development Commission, Lee Jay Feldman after reviewing the application did not object to this waiver. D. Harriman made the motion to waive the High Intensity Soil Survey. B. Harris-Howard seconded the motion. The vote was taken. The motion carried.

The Board reviewed the revised plan and had requested additional revisions:

Poplar Hill Road to be corrected to Heath Road, a street light to be depicted on the plan at the intersection of Wolcott Drive and Heath Road, a Road Association for Wolcott Drive as well as reference to the subdivision covenants to be noted on the plan and included in the application.

An outline of all the costs associated with the infrastructure of the project will need to be submitted. Per the **Subdivision Regulations Guide Article 8 – Final Plan for Major Subdivisions** infrastructure includes: construction of streets, sidewalks, drainage, detention ponds, recreational areas, playgrounds, sewer lines, water lines, or other utility or use requiring underground construction. The Planning Board has also requested that the cost of driveways is included in this figure. Once an outline of costs has been submitted, the Board will then determine the amount of the infrastructure escrow.

Mr. Libby will have all of the documents and plans reflect the name change from Hill Side Meadows to Hayes Farm, which was decided August 13, 2018.

Site Plan Review- Brett Scott/Jamie Scott- A Site Plan Review application was submitted by Mr. Scott. He is proposing a storage container business which will consist of both 16' and 20' storage containers to be rented. The proposed location would be at the Family Fun Center which is located on route 202, Carl Broggi Highway. The applicant's father currently owns the Family Fun Center which consists of a mini-golf course, arcade, batting cages, ice-cream stand and a bocce ball "court".

The approval of the current use of this property came before the Planning Board at the end of the year 2013. This was a Shoreland Zoning review due to the property being located within the Shoreland Zoning Floodplain.

The applicant was asked if there was another area on the property that is not located in the floodplain where they could place the containers. The applicant stated there are other areas that could be utilized however they would prefer to have the containers out in the front of the property in the current parking area visible from Route 202, Carl Broggi Highway. Per the Shoreland Zoning Ordinance Table 1. LAND USES IN THE SHORELAND ZONE 15.C Commercial use is not permitted. The conversation of the current ice-cream/coffee "stand" in the same location that they would like to place the containers was discussed. The ice-cream/coffee "stand" was approved with the condition that it is a movable structure with a seasonal uses and only open when the Family Fun Center was open. The applicant stated that the containers will be movable as well. Chair O'Brien explained that within the Shoreland Zoning Ordinance, a structure is defined as follows:

Structure - anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

The Board will need to research this further prior to the next meeting. The Board scheduled a Site Review of the property for March 4, 2019 at 5:00 pm before the meeting at 6:00 pm.

David Walsh – 152 Sewell Shores Road – Mr. Walsh had requested additional time to complete the demolition and removal of two sheds that are currently on his property, which was approved in December/2018. The Board not taking into account that the ground would be frozen and then "mud Season" was originally given 60 days in which to complete this. The Board revised the Findings of Fact and Conclusions of Law to state that the applicant has until May 1, 2019 for completion. A permit for the demolition and removal of the two current sheds must be acquired from the Code Enforcement Officer as well as an after the fact permit for the new shed on the property.

Site Plan Review – Changes to the last page of the Site Plan Review Application were made to include the fees due at the time of application. D. Harriman made the motion to accept the changes made to the Site Plan Review Application. B. Harris-Howard seconded the motion. The vote was taken. The motion carried.

Collecting Fees/Escrow Process – Discussion took place in regard to the Subdivision Regulation Guide Fee Schedule which currently reads: *Infrastructure Escrow – The escrow account shall be 150% of the highest of three (3) estimates for infrastructure.*

- Should the current Infrastructure Escrow line on the Subdivision Regulations Fee Schedule be removed and one hundred percent (100%) of the infrastructure cost and an additional six percent (6%) added
- A separate section should be added for “phased subdivisions”

B. Harris-Howard made a motion to keep the infrastructure escrow to be one hundred and fifty percent (150%) of the cost which is listed on the current fee schedule and to revise the Subdivision Regulations Guide Article 8.4.A to reflect this change. A. LePage seconded the motion. The vote was taken. The motion carried.

D. Harriman made the motion to remove that minor subdivisions are not required to submit infrastructure costs or have an escrow account for infrastructure completion. A. LePage seconded the motion. The vote was taken. The motion carried.

Additional discussion on infrastructure, inspections, local engineers, driveway permits/approval of placement, and other related items took place. It was the consensus of the Board that the Subdivision Regulations should be reviewed and revised to ensure consistency with other Ordinances that the Board utilizes such as the Shoreland Zoning Ordinance and the Site Plan Review Ordinance.

A brief discussion on intake fee codes took place in order for application fees/final fees and escrow fees are clearly defined as to Subdivision, Site Plan Review or Shoreland Zoning. No decisions were made.

D. Harriman made a motion for the Planning Board to forward the ongoing Maple Estates matter to the Selectboard. Chair O’Brien seconded the motion. The vote was taken. The motion carried.

The Board discussed whether or not a Site Review was needed for the Site Plan Review application for the proposed storage container business. The board decided that a Site review was not needed per the Shoreland Zoning Ordinance Table 1. LAND USES IN THE SHORELAND ZONE 15.C under RP Resource Protection, that Commercial use is not permitted.

The meeting was adjourned at 9:10 pm

*2/4/19 Minutes were reviewed and approved
Motion made by D. Harriman. B. Harris-Howard 2nd the motion.
The vote was taken. The motion carried.*