





**Lebanon, Maine Planning Board
Regular Planning Board Meeting Minutes
Monday May 18, 2020**

Members Present

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

Others Present

Dana Libby – Tillman Estes Rep
Scott McLeod – Tillman Estes - Contractor
Tillman Estes
Asher Anderson – John Turner Consulting
Jess Brewington – KOA
Robert Henson – KOA
Mike O'Neil – KOA
Brien Newcomb - KOA

This meeting was held via ZOOM

Vice-Chair O'Brien made a motion to open the meeting. D. Harriman Seconded the motion. The vote was taken. The motion passed. The meeting opened at 6:03 pm.

Asher Anderson – John Turner Consultants firm: Asher wanted to touch base with the Planning Board in regard of stream-lining the communication between applicants, the Board and representatives from John Turner Consulting.

The KOA campground who contacted the firm directly to make arrangements for a review. Asher would like to see an actual process in place for requests and invoicing.

At this time, there is nothing in writing that Fielding's Oil has made arrangements to pay the invoice for services already rendered.

Vice-Chair O'Brien mentioned that the Subdivision application (found on page 8 of 9 –Required Signatures) does state that there may be additional costs may be required throughout the review, but it does not mention the creation of an escrow.

Vice-Chair O'Brien added that the Board wants to have the engineer review for the Town's best interest, but contact needs to be with the applicant or the review will not move forward without a contract for payment between John Turner Consultants and the applicant.

Vice-Chair O'Brien also added that Fielding's Oil has not been on the agenda, they are waiting for information that had been requested by Asher. Asher stated that he has not heard from Fielding's Oil but had just received additional contact information and will make contact again. If there is no response, then Asher will need a Letter from the Town to proceed.

Vice-Chair O'Brien said in the future, the applicant will contact the firm directly. Once a payment agreement/contract has been established between the applicant and the engineering

firm, the Board will let the engineering firm know what the Board would like to have reviewed, what they are looking for.

Asher explained that the bottom line is that they are contracted by the Town. Chairman LePage stated that basically the review fee is ultimately the Town's responsibility.

Vice-Chair O'Brien mentioned that perhaps a retainer can be submitted once an approximate fee has been determined with what has been requested to be reviewed in order to move forward. Is there a generic price list?

Asher replied that the estimate would be specific to the site to be reviewed for there are so many variables in reviewing projects depending on the scope of the project.

B. Harris-Howard voiced her concern with the relationships looking at it in a legal perspective, since the Town is making the request and the applicant is paying the fees.

Robert Henson from KOA campground stated that it is not a conflict of interest that it is not unusual for the Town to be the client and the applicant is to pay the fees. He also reiterated that in order to prevent any question, an estimated scope should be determined along with an estimate in order to set up a contract to proceed with the review.

Vice-Chair O'Brien added similar to the fees for the applicant to pay for Public Hearings etc., to cover the administrative cost of the Land Use Clerk.

Chairman LePage stated that the fees will have to be collected up front.

Vice-Chair would like to notify the Selectboard that the town may be responsible for the fees from John Turner Consulting due to Fielding's Oil not making contact with John Turner Consulting to make payment arrangements.

Asher went on to discuss the KOA campground project and that there were no red flags that stood out. He did not perform a full structural review. The plans are very detailed. A full structural review would be very costly.

Chairman LePage asked about the geotechnical information, according to the information provided it looks as though the information was based on the minimum requirements. Is this acceptable, will this actually determine if the soil/ground is considered stable?

Asher stated that due diligence has been met, but he does not have the engineering plans to review.

KOA Campground: Renovating Mini-golf course with an addition of a rope course above

Mike O'Neil updated the Board that all they are waiting for is the approval from the Planning Board in order to receive the building permit from the Code Enforcement Office. Vice-Chair O'Brien asked Asher if KOA has started the process. Asher stated that KOA has already made contact in regard to fees.

Mike O'Neil asked Asher if he is looking for boring samples. Asher stated that that was not necessary, he just needed additional information on the geotechnical aspects.

Chairman LePage wanted to know what the actual soil was like, not just the assumptions based on a "worst case scenario".

Mike O'Neil asked Asher if he would prefer that the KOA's engineer contact Asher directly, Asher stated that would be appreciated.

Mike O'Neil asked if the "Mini-golf" renovation project was all set to move forward. Asher feels that it is. Jessica Brewington asked how to go about getting the building permit. Will the permit include both the "mini-golf and the ropes course" or will they be two separate permits. It was stated that they would be two separate permits.

Chairman LePage asked if an erosion control plan would be necessary, Brian Newcomb said that it is in place.

D. Harriman made the motion to accept the renovation of the existing mini-golf course at the KOA campground. Vice-Chair O'Brien seconded the motion. The vote was taken. The motion carried.

A Finding of Fact and Conclusions of Law will be competed and sent via email as well as a hard copy. The Code Enforcement Officer will also have a copy of this to go with the building permit application.

Jessica Brewington will come to the Town Office tomorrow to pay for and pick up the building permit.

Tillman Estes – 106 Sewell Shores Road – Best Possible Location:

Dana Libby and Scott McLeod attended the Planning Board meeting in addition to Mr. Estes attending in regard to a best possible location for a proposed demolition of the existing dwelling and the construction of a new dwelling.

Dana Libby made a presentation for the proposed dwelling which would be approximately 2,236 square feet. The existing septic would be moved and there would be a stone drip edge around the entire building. The proposed new dwelling would not be any closer to the water than the existing dwelling.

Chairman LePage asked if the decks were included in the proposed square footage. Mr. Libby stated that the decks, stairs, etc. were included in the calculations. Vice-Chair O'Brien wanted to confirm that Deck D noted on the plan was staying and that Shed B was being removed. Vice-Chair O'Brien also mentioned that calculations are to be determined by the footprint. Mr. McLeod asked what happens to decks, etc. Vice-Chair O'Brien explained that the footprint consists of the principal structure and decks, etc. that are attached to the principal dwelling. This would not include the sheds and the dock.

Mr. McLeod offered that he has been building in Maine on the water which including all structures on the property towards the square footage calculation, "Why is Lebanon different?" An email will be sent to Jeffrey Kalinich, who works in the State of Maine-Shoreland Zoning division with questions that the Board has in regard to this project.

A site visit to view the property to see what structures would be staying and which structures would be removed, was scheduled for Monday, June 1, 2020 at 5:15 pm. This is to take place at 106 Sewell Shores Road.

More discussion on what structures were staying and which structures were being removed took place. Mr. Libby explained that the structures which are white on the plan are staying. Discussion on what is actually included in the determination of square footage was debated. It was reiterated that the State will be contacted for their input.

Other Business:

A. Culver resigned from the Board. Her resignation will be given to the Selectboard to accept.

The next Planning Board meeting is scheduled for June 1, 2020.

B. Harris-Howard made the motion to adjourn. D. Harriman seconded the motion. The vote was taken. The motion carried. The meeting adjourned at 8:17 pm.