

LEBANON MAINE BOARD OF APPEALS
MEETING MINUTES
MONDAY, April 26, 2020

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Members Present

Deborah Wilson – Chair
Dede Bruce – Vice-Chair
Lyle Duell
Don Leuchs

Others Present

Dave Salvatore, CEO

Pledge of Allegiance

Chair welcomed board member Don Leuchs.

There is a quorum so the meeting is in compliance. Chair Wilson asked for a motion to open the meeting. Vice-Chair Bruce made a motion to open the meeting. Don seconded. All approved. Chair had no new business. Asked other members if they had any new business.

Board still has case of 26 Paradise Road on table. Large file. Emailed to members for review. Issue with appeal was home at 26 Paradise being too close to road making it not in compliance with front setbacks. Gil Berube, who initially filed appeal, has decided to withdraw it without any Board decision as requested documents have not been provided. During discovery and site work and our meetings regarding this appeal, some things came out that had not been brought into compliance. Mr. Berube was going to move road over, because he owned land on both sides of the road, to make 26 Paradise Road in compliance with front setbacks. Board asked him for wetlands delineation which had been done on 23 Paradise Road but hadn't been completed on 26 Paradise Road. DEP informing Board they should have that. None of that documentation passed in. Someone living in house at 26 Paradise Lane. Vice-Chair Bruce thought he had problems moving the road. Code Enforcement Officer had issued occupancy permit due to a mistake in measurement between road and side of the house. Mr. Berube informed CEO that house was in compliance after he took land from another parcel he owned and added it to deed at 26 Paradise Lane. No new deeds confirming that has been done have been submitted so house is still not in compliance. Paradise Road is off 202. House is only 10 feet from road.

CEO was asked to join meeting. Chair asked if Mr. Berube had met requirements. Mr. Berube's bank is one that brought issue up of house being too close to road. Mr. Berube

said it wasn't too close when he met with CEO and signed affidavit saying he was in compliance. Lyle said it was technically denied at previous meeting and Mr.

Berube was given 30 days to comply. If Mr. Berube didn't bring in documents requested variance requested would be denied. It is not past that 30 day timeline. Legally something should be done about this. CEO is okay with everything. State should know what is happening with variance being denied and possibly mortgage company. Don feels letter should be sent to Selectman regarding issues. Chair brought this issue up at Selectman meeting and they sent it back to Appeals Board. CEO asked if someone withdraws their variance application the board, doesn't end the issue? Chair said that not if all the issues identified haven't been addressed. DEP has put that in Board's hands. We have obligation to respond. Additional land doesn't fix problem. Distance of house from road is issue. Don asked if he moved the road and now he needs setback requirements? CEO says he can't answer that. When he went to property he was told everything was okay. Mr. Berube had to move road and take property from one deed and add it to another taking 8 feet from one piece of property adding it to another. Board has not seen deeds moving land. Board needs to see changes in road and see wetlands delineation. Board has seen nothing except for drawings. CEO thought he was going to get requested documentation. CEO feels problem has been taken care of. If road is moved that's fine but Board needs to see the deeds. What has been done is not the issue but deeds showing what has been done is issue. Whether Mr. Berube moved the road or added land to be in compliance is not issue. Deed showing what has been done has not been submitted. Those four folks that have bought houses/land on Paradise Road could encounter problems in the future selling their homes/property. Then this would be right back in front of the Appeals Board. Vice -Chair Dede made motion to deny motion to issue variance to Gil Berube 26 Paradise Lane. Lyle seconded asked for discussion around e-mails from attorney. Chair discussed communication back and forth between Mr. Berube's attorney and Appeals Board. Attorney requested appeal be withdrawn but provided no documentation to support what needed to be done to bring property into compliance has been done. Decision needs to be made this evening. Mr. Berube was invited to February and March meetings to resolve issue. It's the Appeal Board's job to make decision around variance requested and CEO's job to enforce. Don feels we need to explain our decision which will go into the fact and finding report. Homeowner could be stuck doing a survey. Lyle suggested adding name of homeowner to fact and finding letter and send it to them also. Chair is concerned that instead of providing documentation requested Mr. Berube is withdrawing appeal. Vice-Chair Dede made second motion to deny request for variance for Gil Berube at 26 Paradise Road because requested documentation has not been received and variance request has been withdrawn. Motion was made to send letter to homeowner. Motion seconded and all voted approving. Documentation will be sent within seven days to Selectman, home owners, Mr. Berube, DEP, Planning Board, Code Enforcement, DEP and Maine Fish and Wildlife. Anyone involved in this appeal wishing reconsideration from this decision has ten days to appeal. Decision can also be appealed to superior court. All parties interested have thirty days to file. No other old business. Dede made decision to close meeting. Motion was seconded and all voted in favor. Meeting was adjourned.