

Lebanon Maine Appeals Board

September 12, 2017

Site Visit – Alex Cavallaro – Whittum Way – Indian Lake Shores – Lebanon Maine

An attempt was made to start the video recording system at Town Office. Some problems have been identified in accessing the town's YouTube live stream station from the "Guest User" sign on.

Meeting opened at Lebanon Maine Town Office 11:00 am

Attendance:

Chair, Deborah Dorey Wilson

Don Leuchs

Bernard LaBreque

Roger Varney

No town officials or members of the public were present.

Board members received application packets for the appeal of Alex Cavallaro for the building of a shed at Whittum Way, Indian Lake Shores, Lebanon, Maine.

Discussion of the building permit application and why it has been denied.

Discussion of Shoreland Zoning designation of the property.

Discussion of possibility for local residents to arrive at the property with angry dispositions and how the Board will handle that as a group.

At 11:09 am, Town Office personnel, Kathy Patterson came to the boardroom door to say she had received a phone call from Mrs. Cavallaro stating that she is waiting at the property for the Board to arrive, wondering how much longer the Board will be before arrival. Chairman Wilson answered that the Board would be leaving the Town Office shortly.

At 11:12 am, Don Leuchs motioned to close the meeting and travel to Whittum Way to meet with the Cavallaros. Motion seconded by Bernie LaBreque. All in favor. Meeting closed.

Board traveled to Whittum Way, LaBreque and Varney in the LaBreque vehicle. Wilson and Leuchs in the Wilson vehicle.

At 11:28 am, Board arrived at Whittum Way, Cavallaro Property in Indian Lake Shores.

Attendance:

Board Members: As previously mentioned.

Town Officials: CEO Mike Beaulieu

Applicants: Summer and Alex Cavallaro

Meeting reopened at 11:30 am after introductions.

Site is located on a peninsula with water on both sides. Site is uneven and littered with tree roots. Due to no compass direction noted on the site plan, designations are direction 1, 2, 3 and 4 as added by Chairman Wilson to the site plan for ease of explanation.

Direction 1 = Community Beach

Direction 2 = Lake Front (proposed front of shed)

Direction 3 = Peninsula to point

Direction 4 = Secondary waterfront (proposed rear of shed)

Noticeable Plantings of several mid size (estimate 6 foot) maple trees along the edge of Direction 1. Planting of several small size (estimate 4 foot) maple trees along the waterfront at Direction 2-1. A new white fence has been placed between Applicant property and Community Beach area along the Direction 2 border. At Direction 1-4 there is a 10 foot wide gate to the dirt roadway known as Whittum Way. The peninsula property at Direction 3 is owned by the Applicant out to the point and is owned by the Applicant and is heavily wooded with large trees and natural brush.

Member LaBreque asked the applicant why the property had been cleared. Applicant answered that the trees had been dangerous but that under the direction of CEO Beaulieu and DEP representatives, he had complied with planting new trees.

No stakes or markings are seen with regards to proposed placement of 20'L X 10'W shed. Applicant is asked to demonstrate where the shed would be placed. Shed would be placed closer to Direction 4 on the site map.

Due to the natural curve of the waterfront, the shed would be placed 32 feet from the water at the Direction 3 end but only 13 feet from the water on the direction 1 end. From the Direction 2 side of the shed, the shed would be placed 42 feet from the waterfront on the Direction 3 end and 63 feet from the water on the Direction 1 end.

Board member Varney asks the Applicant what the shed would be used for. Applicant states that the shed will be used to store exercise equipment needed for his daughter who is stricken with Rheumatoid Arthritis and in need of exercise and therapy for stretching her muscles. Applicant states that the Lebanon schools allows for a physical therapist, 5 days a week, to come and stretch his daughter's muscles and speaks highly of the caring people at the school.

Board member Leuchs questions the Applicant's residence, and Applicant points across the water in Direction 4, stating his home is on the other side of the water, which is why the shed is necessary, for ease of not carrying all needed beach needs for his daughter back and forth on a daily basis.

Discussion turns to gated area of the fencing, with Applicant stating he wants to bring gravel in to even off the entry way to the property. Applicant shows on an area map that there is a 25 foot right of way that is marked around Indian Lake Shores perimeter, which he is utilizing as access to the property.

Applicant has a map of the area of Indian Lake Shores open on the tailgate of CEO Beaulieu's truck and shows the Board the area of the entire peninsula area stating that the subdivision was created in the 1960s and therefore he believes is grandfathered for use. CEO Beaulieu states that the grandfathering ordinance allows for the Applicant to apply for use of this property since it was subdivided as a buildable lot back in the 60's prior to the Shoreland Zoning laws. Chairman Wilson questions whether this would only be true if the Applicant had purchased the lot prior to 1973-74 when Shoreland Zoning went into place. Wilson asks the Applicant when he purchased the property. No answer is given.

Applicant Summer Cavallaro states that the Board is taking too long with this meeting, stating that Applicant's took time off for the Board, Wilson reminds Mrs. Cavallaro that the Board is conducting the site visit for the Cavallaro's concern, pointing out that the Board is there for the Applicants, and not vice versa.

Chairman Wilson takes a moment to discuss with the Applicants, the Board's assurance that the upcoming hearing will not be a personality judgement. Wilson states that she has been told by Mike Morse at DEP that their agency has been receiving angry telephone calls regarding this project, but that the members of the Board of Appeals are not going to be hearing comments or accusations regarding personality disputes. Wilson discusses the recommendation that a member of law enforcement be present at the 9/18/17 Public Hearing on this project. Wilson states that she has had this conversation with the Select Board Chairman Chip Harlow. Harlow had instructed Wilson to ask the Applicant's feeling with regards to law enforcement presence to protect the integrity of the hearing, not to intimidate Alex Cavallaro or his wife. Cavallaro agrees that some form of authority may be a good idea as he and his wife have been tormented by local residents. It is agreed that Wilson will continue the conversation with the Selectmen with regards to authoritative presence at the 9/18/17 Public Hearing.

Discussion returns to plans for the proposed shed. Member Leuchs questions CEO Beaulieu on setback requirements from the waterfront. Beaulieu responds that the required setback is 25 feet, which he says is met in all areas with the exception of the shed at Direction 4-1 which is 13 feet from the shore.

Applicant Varney questions what will be done on site with regards to uneven footing and roots. Applicant answers that the area will be smoothed. He has been directed by DEP to replant vegetation. CEO Beaulieu states that native vegetation in this area was blueberry bushes. Applicant states that Blueberry bushes were not native here, but had been planted by former owners on this peninsula. Beaulieu states that DEP has instructed Applicants to replant vegetation. Wilson asks if there will be native plants and grasses added to prevent erosion, but Beaulieu states that DEP has only instructed the planting of Blueberry bushes and the creations of a meandering path. CEO Beaulieu questions the Board members as to whether they understand the meaning of "Meandering path". Board members understand. CEO Beaulieu states that there should be no direct line of sight between the shed and the shoreline.

Applicant Cavallaro discusses that he plans to bring electricity to the property, Wilson questions the need for electricity to a storage shed. Applicant states that electricity is needed for security as he plans to have security cameras mounted on the shed.

Member LaBrequé questions the Applicant's plans for human waste disposal on the property. Applicant Summer Cavallaro states that the Applicants may consider a port-a-potty on the property during the Summer months when the property would be more utilized. LaBrequé questions the use of chemicals in the discussed port-a-potty. Applicant Cavallaro states that he only needs to have discussion with the Board with regard to the gravel for the entryway and the permit for the shed. Wilson states that the Board's questions have been guided by statements from the DEP. Applicant is angry, but Wilson reminds him to stay calm.

At this time, Applicant Summer Cavallaro again states that the meeting is taking too long. Board members close the meeting at the Cavallaro property at 12:40 pm to return to the Lebanon Town Office, traveling in the same vehicles in which they arrived.

CEO Mike Beaulieu remained on the property with the Applicants as the Board of Appeals members departed.

Board members arrived at the Lebanon Town Office, opened the meeting with member LaBrequé questioning whether the meeting should now be closed or adjourned due to the upcoming Public Hearing on Monday 9/18/17 at 5:30 pm. Chairman Wilson stated that this was the end of the Public Meeting (aka Site Visit), and the Public Hearing would constitute a separate meeting, so adjournment for the day was needed. Member Leuchs motioned to adjourn the meeting. Seconded by member Varney.

Meeting adjourned at 1:04 pm.