

**Lebanon, Maine Planning Board
Planning Board Meeting Minutes
Monday January 4, 2021**

Members Present

A. LePage - Chairman

S. O'Brien - Vice-Chair

D. Harriman

J. Bradshaw

Others Present

Matthew Kennedy – SPR (Solar Projects)

Dana Libby – Revision Woodland Estates

Paul Delisle – BPL – 22 Ridgewood Drive

Mark Stuart

Rachelle Conde – SPR

Norman Conde

Seth Russell – Legal Counsel for Rachelle Conde

Glenn Griswold - Hersom

Austin Fagan

Ryan Sostak

Mark Patterson

Alden Small - SUB

Paul Delisle – BPL - 22 Ridgewood

John Corliss

D. Harriman made the motion to open the meeting. Vice-Chair O'Brien seconded the motion. The vote was taken. The motion carried. Meeting opened at 6:00 pm.

(Member B. Harris-Howard was not in attendance this evening)

Vice-Chair O'Brien recused herself from the review/discussion on the proposed Dixon Overlook subdivision.

Dana Libby - Corner Post Survey - SUB: Dana presented a sketch plan application for a 10 lot subdivision to be located on Dixon Road and Shapleigh Road. After the Board reviewed the sketch plan, it was noted that lot six will need an entrance off lot five due to the cemetery. Lots eight and nine will

have a shared driveway. There are no wetlands on the property and no issues with the soils. Letters from the Department of Environmental Protection and the Department of Wildlife and Inland Fisheries will be submitted with the preliminary application.

J. Bradshaw had concerns in regard to lots five through ten. There is no ditching on the side of the road, just a drop. Will there be ditching from lots eight through five and six through seven. Chairman LePage asked about the site distances. Mr. Libby may have to move. Chairman LePage would like to involve the Road Commissioner. It will be noted that the Town will have an easement if the roadside ditching is needed.

J. Bradshaw asked how the driveways will be placed, there is will be a steep incline. Mr. Libby stated that the driveways will be cut into the bank. **A waiver for the High Intensity Soil Survey was requested.** A Site Visit was scheduled for Friday, January 15, 2021 at 12:00 pm.

Dana Libby – Revision to Woodland Estates Subdivision: Mr. Libby presented a final plan for a revision to the previously approved and recorded Woodland Estates subdivision to be signed by the Board.

Richard Small – Minor Subdivision: Mr. Small is proposing to create two lots which will have road frontage and access from Lord Road. This is coming before the Board for Mr. Small has not owned the property for five years and has already created one lot. This will be reviewed as a minor subdivision. Mr. Small presented to the Board a sketch plan application for the Board to review. Vice-Chair O'Brien made the motion to accept the sketch plan. D. Harriman seconded the motion. The vote was taken. The motion carried. Mr. Small will bring a revised plot plan to the next Planning Board meeting, which is scheduled for Monday, February 1, 2021.

Deanne Indrisano – BPL - 50 Dolby Road: Mrs. Indrisano had previously submitted an application for the best possible location for a demolition and rebuild of a garage with a second floor for storage on her property located at 50 Dolby Road. (She was not in attendance due to Covid19).

The Board reviewed the application. The current structure is approximately 468 square feet. It falls between the 75 foot and 100-foot-high water mark. This will allow the second floor for storage; however, it cannot exceed 25 feet in height. The garage will actually be smaller than the existing garage. The existing garage measures at 20'x18' (360 square feet) the proposed garage measures at 20'x16'. (320 square feet) with the 30% expansion, would allow an additional 108 square feet making the total square footage allowance total 468 square feet. The Land Use Clerk will contact Mrs. Indrisano in regard to submitting a surveyed plan of the lot showing the 100-year flood line delineated into 25' sections. The plan will need to show the existing and proposed structures with measurements, a revegetation and erosion control plan.

Paul Delisle - BPL - 22 Ridgewood Drive:

The Board reviewed the Site Visit concerns with Mr. Delisle. Chairman LePage asked Mr. Delisle if there were any intentions to remove some or all of the trees along the water line. Mr. Delisle stated that there were no intentions of this. The Board feels that Mr. Delisle should acquire permission from the association prior to approval of the project can take place. The concern with acquiring permission from the association is due to the fact that the existing foundation is less than one foot from the abutting property line. Due to this, it is inevitable that the abutting property line will be crossed during construction. Mr. Delisle does not actually own the property at this time. He would like to have an approval with conditions of the project prior to purchase. Both J. Bradshaw and Vice-Chair O'Brien stated that a conditional approval within the Shoreland Zone will not be granted. Chairman LePage asked what the house plans would be for the existing foundation and for the proposed foundation. The Board discussed both options of using the existing foundation or removing the existing foundation. A non-conforming lot of record can be built upon providing that the current setbacks can be met. J. Bradshaw feels that moving the foundation will cause too much disturbance and the existing foundation should be

used providing that the association approves. Vice-Chair O'Brien asked Mr. Delisle what he would like to do. He would prefer to use the existing foundation. If Mr. Delisle would like to move forward with the review using the existing foundation, members of the association must be notified and a meeting held for Mr. Delisle to present his proposal. If the majority of the association approves to waive the sideline setback requirements, a notarized document signed by all the homeowners in the association must be submitted to the Planning Board. If Mr. Delisle is unable to acquire approval, then the Board will move forward with the project as a best possible location review. Mr. Delisle asked if he could something in writing stating that the project would be approved if the association votes in favor of allowing the existing foundation. Vice-Chair O'Brien stated the Mr. Delisle needs to have either one or the other prior to any approval.

Seth Russell/Rachelle Conde – SPR – 1654 Carl Broggi Hwy: Mrs. Conde with legal representation came before the Planning Board in regard to additional businesses that are operating from her property located at 1654 Carl Broggi Hwy. Mr. Russell explained to the Board that Mrs. Conde does operate several businesses out of her home. Some of these are strictly online and are operated from the kitchen table or sofa with a laptop. There is a homecare company where people, such as employees do at times visit the property and there are two assistants that work in the "Shack". Ms. Conde also stated that no more than two employees are allowed at one time

Mr. Russell and Mrs. Conde went through the different businesses for the Board.

- Ryan's Aging Care Services, LLC:
- The Shack 420, LLC: (Patients visit the property by appointment anywhere from one to five appointments a day.
- RCC, LLC: This is a business consultant company that is solely an online business.
- The Shack Cares: This is a patient advocate service. Employees go with patients to appointments. (This is a 24/7 business)
- Best Buds Farms – This is a company related to Polo. This is in other states as well as all over the world. It is listed at this address for book keeping reasons.

The question of septic issues and the need for a porta-potty was brought up. There are six people who live in the house and they only have one bathroom. This is not to be used by employees or clients. It was questioned as to why the driveway parking was an issue. Vice-Chair O'Brien reviewed as it was explained, there are six people who live in the house, four employees, two that work there on a consistent basis and two that may stop in to pick up paperwork, etc. and there could be up to five clients a day. With this information there is the possibility that there could be 15 cars on the property at one time. The following are several areas in the Site Plan Review Ordinance that pertain to the number of vehicles, parking, turn-around, etc.

The Site Plan Review Ordinance

G. Submission Requirements

2. List of submission items

(i) Traffic Access and Parking

H. Approval Standards

2. Adequacy of road System

3. Access into the Site

(b),(c)&(i)

4. Internal Vehicular Circulation

5. Parking Layout and Design

6. Pedestrian Circulation

Mr. Russell asked if the Board wants to have photos of the site and or a traffic impact report? The Board would like to set up a site visit. Vice-Chair O'Brien suggested that Mr. Russell to speak with the Road Commissioner. Chairman LePage added that the site also needs to be ADA compliant & have a

designated parking area. Mr. Russell stated that the cones outline the parking area. Vice-Chair O'Brien stated that a written plan needs to be submitted. Mr. Russell asked if this needs to go through a full review. Vice-Chair O'Brien said that this would be a minor review of traffic, water & sewer aspects. Mr. Russell asked if Mrs. Conde controls who comes to the property, would there be a need for the site visit. J. Bradshaw stated that a site visit may answer any questions and or bring about any concerns that the Board may have by seeing the site first hand. Chairman LePage stated that both a sketch of existing conditions and proposed conditions need to be submitted. Anything to do with signage would need to go through Mr. Salvatore, the Code Enforcement Officer. The visit ended with the following need to be completed:

- The clerk will email the Advertising Ordinance to Mr. Russell and the Board
- A sketch of the property both existing and proposed conditions, parking, access, pedestrian access, walkways etc. need to be submitted (this can be hand drawn)
- Confirmation that the existing septic system is adequate to serve the current house

Site Visit scheduled for Friday, January 1, 2021 at 11:15 am.

Glenn Griswold - Jeremy Bradshaw – Dorothy Hersom:

Planning Board member J. Bradshaw recused himself from the Board for he represents the land owner as their realtor. Mr. Griswold presented a revised plan to the Board along with copies of deeds and a subdivision application along with the history of the property and the reason for coming before the Board. On a previously recorded subdivision plan, there was a lot which was excluded from the plan. Changes are to go before the Planning Board for any previously approved recorded subdivision. Chairman LePage asked for a motion to accept the previously excluded lot as a part of the original subdivision plan. Vice-Chair O'Brien made the motion to accept the excluded lot as a part of the original subdivision. D. Harriman seconded the motion. The vote was taken. The motion carried. The Board signed the revised copy of the subdivision plan. Mr. Griswold will bring it to the registry of deeds to be recorded and will submit copies of the signed and recorded plan to the Board. The motion to waive the application fee was made by D. Harriman. S. O'Brien seconded the motion. The vote was taken. The motion carried. The fee was waived.

Ryan Sostak:

Mr. Sostak presented his application and an updated plan in regard to his proposed project. This would be a 134'x53' addition to an existing structure. as well as new 134'x106' building. This would not impact the limited wetlands to the left of the property and nothing will affect natural resources. The proposed new building will have its own well and septic system. Chairman LePage was concerned with stormwater runoff by creating approximately 10,000 square feet in additional impervious surface. The parking area will be a gravel area which will not cause additional stormwater runoff.

The construction of an additional 134'x106' building is proposed to be constructed at a later time was mentioned Mr. Sostak was asked as to why he was presenting this project as a phased project. He explained that he would like to have things all set so that he does not have to come before the Board a second time. J. Bradshaw would like to see a time limit on the approval of the second phase, does not want the approval to be open ended.

Mr. Sostak was asked if the new structures would have the same use as the original structure. Stated that it would and that the existing building has three units. The question of parking and how many people would be on site was discussed. Currently they are proposing eleven parking spots which will be located on different parts of the property. On average there are between two and four people involved with each unit at one time, a subcontractor, trimmer(s), etc. Normally two people are in each unit daily.

The Board would like to see the parking area/spots delineated, perhaps by concrete bumpers, additional lighting. There was mention of controlling the odor. The Marijuana Ordinances passed on July 14, 2020 requires an odor mitigation plan.

Board would like to have some sort of verification that the existing septic and well are sufficient to handle the additional usage with 3 units with the possibility of 4 people in each unit at one time. Mr. Sostak was going by the numbers of people and bathrooms in the past, etc. to compare if they were the same to estimate if the system would be sufficient. Mr. Sostak may place a gate at the entrance, but it would not be right away. The Board was concerned as to if having the gate would cause cars to line up and interfere with traffic on Carl Broggi Highway. There needs to be an in and an out lane onto the property. The fire Department would need access to the gates in the event of an emergency.

The Board asked if Mr. Sostak would have a new sign. He is not planning on a new sign at the moment, he can change the lightbulb of the existing if needed. J. Bradshaw asked for the wetland delineation. It was not completed. Vice-Chair O'Brien wants to have the wetlands delineated so they know how far to the wetlands for erosion control during construction. Mr. Sostak stated they will be using silt fence for erosion control measures.

Question of if any permits from the Department of Environmental Protection for the filling of wetlands by the previous owner. Mr. Sostak did not know of any. Mr. Sostak representative offered that if it was before 1997, the Natural Resources Protection Act did not exist.

J. Bradshaw asked if there were a dumpsite on the property for the waste plant material. Mr. Sostak stated that if there were any odor, it would be from the plant waste material. He would prefer to till the waste into the ground instead of having it hauled away. Chairman LePage asked about having a dumpster. Mr. Sostak stated that they could do that. Chairman LePage asked for the location of the dumpster(s) shown on the plan and they would need to be enclosed. Vice-Chair O'Brien asked if they fertilizers during the process. Mr. Sostak replied that they only used fertilizers at the end. Vice-Chair O'Brien would like to have something in writing that it is safe to till the waste plant material into the soil.

A Site Visit was scheduled for Monday, February 1, 2021 at 4:30 pm. Mr. Sostak will have the property staked/flagged showing the proposed addition, proposed additional building, parking areas.

Other Business:

Matthew Kennedy – SPR - Solar projects/West Lebanon Road:

Mr. Kennedy presented the Planning Board with the revised mylar to sign for the McCrillis project. Findings of Fact Conclusion of Law documents were signed for both the Rebecca Carson Project and the McCrillis project. Mr. Kennedy is aware that recorded copies of the final plans for both projects will need to be submitted to the Planning Board. Once they have been recorded, he will mail the copies.

Woodland Estates Revision – Board signed plan. Recorded copies will be returned.

Matthew Hebert – 124 Rocky Cove Road – Board signed final plan. Recorded copies will be returned.

Public Participation

Mark Stuart – Minor Subdivision & SPR for In-home Salon

Mr. Stuart approached the Board with questions on two proposed projects. One, a minor subdivision, the other an in-home salon.

D. Harriman made the motion to adjourn. J. Bradshaw seconded the motion. The vote was taken. The motion carried. The meeting adjourned at 9:27 pm.