


Lebanon, Maine Planning Board

Planning Board & Public Hearing Meeting Minutes

Monday March 1, 2021

Members Present

Others Present



A. LePage – Chairman	Roxanne Bumford - Resident
S. O'Brien – Vice-Chair	Austin Fagan – Avery Property Holdings
D. Harriman	Nathaniel Sewell - Resident
B. Harris-Howard	Mark Stuart – SPR – In-Home Salon
	Corrina Cole - Selectwoman
	Glenn Griswold – BPL – Dolby Road
	Rachelle Conde – SPR
	Seth Russell – Legal Counsel Conde
	Alden Small – SUB - Minor
	Paul Delisle – BPL – 22 Ridgewood Dr
	Gail Henderson – SPR – Farm Stand
	Chip Harlow – PB Member Applicant
	Eddie B. – SPR – Garage/Office
	Dana Libby – SUB – Brook Hill Estates
	SUB – Dixon Overlook
	SUB – Azure Sky Acres
	Brian Jancosko – PB Member Applicant
	David Salvatore – Code Enforcement

Vice-Chair O'Brien made the motion to open the Public Hearing. D. Harriman seconded the motion. The vote was taken. The motion carried. The Public Hearing opened at 5:32 pm.

Vice-Chair O'Brien explained that the Public Hearing is scheduled from 5:30 pm – 6:00p pm. Due to the size of the agenda, the time allotted must be adhered to.

**Public Hearing – Austin Fagan – Representing Avery Property Holding, LLC - Ryan Sostak:
Site Plan Review for the expansion of an existing building and the construction of a new building.**

Austin Fagan presented the project for those in attendance. This project consists of expanding an existing building and constructing a new one. 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. There would be no additional stormwater runoff

This project is proposed in two phases. A gate and fence will be installed immediately to secure the property. The 134'x53' expansion would have a 12' apron in the front along with new light system, the light fades out by the time it reaches Route 202/Carl Broggi Highway and will have 24-hour surveillance.

Phase II - The proposed 106'x134' building will have the same lighting and surveillance system.

The parking area will be a gravel area which will not cause additional stormwater runoff. Waste will be hauled away.

Resident Roxanne Bumford asked the Board how they can approve the building without a license. Once they get a license, do they come back before the Town to approve the change of use? Hasn't the change of use already taken place?

Vice-Chair O'Brien explained that the Planning Board does not approve/review the type of business, but the change of use which includes changes to the property. On Page four (4) of the Site Plan Review Ordinance, section C. Applicability states the "The owner of a parcel of land shall obtain site plan approval prior to commencing any of the following activities on the parcel, obtaining a building or plumbing permit for the activities, or undertaking any alteration or improvement of the site including grubbing or grading: 1. The construction or placement of any new building or structure for a non-residential use, including accessory buildings and structures. 2. The expansion of an existing non-residential building or structure including accessory buildings that increase the total floor area."

Mrs. Bumford asked how they can build an addition and another building if they are already in violation with the marijuana. The fact that the Planning Board does not approve the type of business and have no authority over marijuana was reiterated. It was also mentioned that perhaps Mrs. Bumford would like to voice her concerns to the Selectboard.

Mr. Sewell wanted to confirm that they are before the Board for the approval of the building in speculation of obtaining a license/permit from the Town and the Planning Board has nothing to do with the Marijuana to which both Chairman LePage and Vice-Chairman confirmed. The Planning board has no authority in regard to anything to do with marijuana. Mr. Fagan also explained that he cannot speak to the marijuana either.

Code Enforcement Officer, Davis Salvatore asked if the issue of smell was addressed. Vice-Chair O'Brien stated that even though smell and noise are a portion of the Site Plan Review, the Planning Board is not reviewing and or approving the criteria for the Marijuana licensing process.

Chairman LePage asked Mr. Fagan if the plans which were submitted included the changes that the Board has requested. The gate had been moved back fifty-five (55) feet from the road, new lighting had been added, the following notes had been added:

Note 16:

All plant waste and compost material shall be discarded in a dumpster and hauled offsite. All existing plant waste currently being composted onsite must be removed from the site within four months from the date of this plan's approval.

Note 17:

Site plan approval shall be valid for a period of one (1) year from the date of the Planning Board vote. Prior to the expiration of the Site Plan approval, the applicant may request an extension of up to one year from the Planning Board for cause shown. Site Plan approval shall remain valid if a building permit has been issued for the project prior to the expiration date. Expiration of the building permit prior to completion of the project shall render the Site Plan approval null and void.

Note 18:

Phase I of the project will consist of construction of the proposed building addition including lighting and concrete aprons, base paving the parking area, installing the fence and gate along the properties frontage, and constructing the level spreader for the Phase I building.

Phase II of the project will consist of construction of the second proposed building including lighting and concrete aprons, finish paving the parking area, installing the proposed well, septic, and electrical utility connection, and constructing the level spreader for the Phase II building.

Note 19:

If a building permit is not issued for Phase II of the project or the applicant does not request an extension of up to one year from the Planning Board prior to one (1) year from the approval date of this plan, the Site Plan will be null and void for Phase II of the project.

Note 20:

All aspects of the project shown on this Site Plan must comply with all of the standards found in the Town of Lebanon's Medical Marijuana Business Ordinance for as long as the intended use of the property is for Medical Marijuana Cultivation.

Mr. Sewell asked if the note is defaulting to the Town or to the Planning Board. Vice-Chair O'Brien reiterated that the Planning Board does not have anything to do with the marijuana aspect of this project only the expansion and the building. Chairman LePage added that they reviewed the project according to the rules of the Site Plan Ordinance. Mr. Sewell asked if there was to be a fact and finding document, to which he was informed that there would be. Vice-Chair O'Brien also added that the Site Plan Review does not approve of a particular business but to the site.

5:52 pm, Member B. Harris-Howard arrived.

Corinna Cole stated the ordinance only allows 20,000 square feet. Mr. Fagan stated that each individual building will be approximately 14,700 square feet, which together they will be over 20,000. Corinna Cole reiterated that the square footage is capped at 20,000 square feet. Mr. Fagan explained that he is not familiar with that Ordinance. Both Chairman LePage and Vice-Chair O'Brien reiterated that the Planning Board is not reviewing anything to do with marijuana. Vice-Chair O'Brien stated if the applicant chooses to overbuild, that had nothing to do with the Planning Board.

Mr. Stuart asked if a Maine DOT entrance permit had been applied for to which Mr. Fagan replied that there is already an existing permit in place.

Vice-Chair O'Brien made the motion to close the Public Hearing. The motion was seconded by D. Harriman. The vote was taken. The motion carried. The Public Hearing was closed at 6:00 pm.

Dana Libby – Corner Post Survey – Dixon Overlook: Mr. Libby asked if the Road Commissioner has offered any input at this time. Vice-Chair O'Brien informed Mr. Libby that the Road Commissioners input on this subdivision is being actively sought after.

Dana Libby - Corner Post Survey – Brook Hill Estates: Dana updated the Planning Board on the Brook Hill Estates project. The soil testing has been completed and the engineers are looking at the drainage concerns. The subdivision is now being presented as an 8-lot subdivision instead of a 9-lot subdivision. The site distance on lot 3 was discussed and if it could be moved closer to the corner. Lot 1 will be moved south to also meet site distance requirements, lot 4 is missing the site distance by 40 feet looking back at the 4 way stop intersection.

Vice-Chairman O'Brien asked who would verify that the site distances were correct. Vice-Chairman O'Brien suggested that Dana contact the Town engineer. Dana suggested a letter for each lot as they are sold be submitted to the Planning Board verifying that the site distances are met. D. Harriman made the motion to approve the preliminary plan. The motion was seconded by B. Harris-Howard. The vote was taken. The motion carried.

Dana Libby – Corner Post Survey – Azure Sky Acres: Mr. Libby presented a sketch plan for "Azure Sky Acres" a minor, 3 lot subdivision. This will be located on Upper Guinea Road. Great Brook runs through both sides within a flood zone. The 75' setback from wildlife habitat and the 100' set back from the brook are able to be met and are shown on the plan.

The first lot will be 2 acres which an existing barn will be removed and a new home built. The second lot will be 13 acres which the existing home and barn will stay and the 3rd lot which will be 2 acres will be a new house lot. Soil testing and wetland mapping have not been completed as of yet. A waiver has been requested for the High Intensity Soil Survey, Storm water Management and Hydrogeologic Survey.

Discussion of the existing road, site distance and drainage took place and there were no concerns were brought to light. A Site Visit was scheduled for Monday, April 5, 2021 at 4:45 pm. Vice-Chair O'Brien made the motion to accept the Sketch Plan application as complete. B. Harris-Howard seconded the motion. The vote was taken. The motion carried.

Richard Small – Minor Subdivision: Mr. Small presented the final plan to the Board which included the additional information that was requested. B. Harris-Howard made the motion to waive the requirement of showing any subdivisions within a half mile on the plan. D. Harrison seconded the motion. The vote was taken. The motion carried. Vice-Chairman O'Brien made the motion to accept the final plan. D. Harriman seconded the motion. The vote was taken. The motion carried.

Paul Delisle - BPL - 22 Ridgewood Drive: Mr. Griswold and Mr. Delisle presented the Planning Board with the final revised plan. The plan included the changes with the foundation, the impervious area, area of proposed well, reseeding and revegetation plan as well as erosion control measures. Additional disturbance to the property will be approximately 800 square feet and revegetation approximately 1,000 square feet. No trees are proposed to be removed. A deck with the dimensions of 4' x 32' and a garage was also included. The total impervious surface will be 1,576 feet.

Vice-Chairman O'Brien made the motion to accept the revised plan as final. D. Harriman seconded the motion. The vote was taken. The motion carried by a unanimous vote. Prior to starting construction, the applicant must meet with the Code Enforcement Officer to apply for and obtain all of the necessary permits.

Gail Henderson – SPR – Farm Stand: Mrs. Henderson approached the Board in regard to have a three-season farm stand on her property at the edge of the driveway. Chairman LePage asked if she currently advertises her farm. Currently the advertising that she has is via social media and the farmer's market. She is looking to be open possibly three (3) or four (4) days a week from perhaps 1:00 pm to 4:00 pm.

Vice-Chair O'Brien asked about parking. Mrs. Henderson stated that the area of the proposed parking would comfortably allow approximately ten (10) cars and that there may be at most possibly six (6) customers at one time. Mrs. Henderson was asked what she would be selling. She will be selling herbs salves, eggs, poultry perhaps a little produce but mostly herbs.

Vice-Chair O'Brien stated that agriculture activity is exempt from Site Plan Review. B. Harris-Howard made the motion that the project falls under agriculture. The motion was seconded by D. Harriman. The vote was taken. The motion carried. Vice-Chair O'Brien made the motion that this not have to go through the Site Plan Review process. D. Harriman seconded the motion. The vote was taken. The motion carried. Mrs. Henderson is required to go to the Code Enforcement Officer for building and sign permits.

Seth Russell/Rachelle Conde – SPR – 1654 Carl Broggi Hwy: Updated paperwork was submitted from the Department of Transportation, approving and grants permission to perform the necessary grading to construct, in accordance with the sketch or attached plan and they must comply with the Standard and or specific conditions. Vice-Chair O'Brien reiterated that the Planning Board does not at any point approve any type of business or approve the operation of any kind of business on the property. The Planning Board strictly reviews changes to the property per the Site Plan Review Ordinance which was enacted November 6, 2018. If approval for the type of business, permission to operate the type of business and or permits are needed from the Town, this would be the Code Enforcement Officer to handle, not the Planning Board. The Vice-Chair O'Brien made the motion to approve the final sketch which has the

delineates the parking spaces and car turnaround, shows the dumpster next to the porta-potty (which is to alleviate the burden on the septic system). The Board is giving Mrs. Conde until June 30, 2021 to install a fence around the dumpster and is satisfied with the approval from Department of Transportation driveway expansion. D. Harriman seconded the motion. The vote was taken. The motion carried. Mrs. Conde must apply for the necessary permit(s) from the Code Enforcement Officer for a sign(s). Mrs. Conde must return to the Planning Board if there are any other changes to the property in the future. Mrs. Conde is also required to obtain any and all other permits that may be required by State agencies.

Eddie Bruedle – Eddie B's Towing - SPR – Mr. Bruedle submitted an application and plot plan for a Minor Site Plan Review to the Board for Mr. Bruedle to add an office area to the garage in order to apply/receive a license for transfer plates through the State. The plot plan included all structures, parking, driving patterns, exits, lighting, etc. Vice-Chair O'Brien asked the Board if anyone had any questions, concerns or anything to add, to which no one did. Vice-Chair O'Brien made the motion to approve the Site Plan Review as complete. B. Harris-Howard seconded the motion. The vote was taken. The motion carried. Mr. Bruedle will pay the \$100.00 application fee in the morning.

Mark Stuart –SPR for In-home Salon: Mr. Stuart submitted updated information to the Board to review. took place in regard to the newly submitted information. Vice-Chair O'Brien asked about the river in the back of the house. Mr. Stuart stated that it was Little River. The House is 1,600 square feet and the garage is 672 square feet, Vice-Chair O'Brien stated that according to the Shoreland Zoning Ordinance, page 11 Land Use Chart, this project qualifies for a 30% expansion under a home occupation where at least one person who works at the location lives in the house. The Planning Board determined that the salon is a home occupation, not a commercial business.

Vice-Chair O'Brien made the motion to approve the expansion of the structure no more than 681 square feet and that the business be classified as a Home Occupation. The motion was seconded by D. Harriman. The vote was taken. The motion carried. Mr. Stuart must obtain the necessary permits from the Code Enforcement Officer (interior plumbing permit, building permits etc.). The Code Enforcement Officer will have to determine the required size of the bathroom as well. Mr. Stuart is also required to obtain any and all permits that may be required by State agencies.

Mr. Stuart asked the Board if a permit for a well is needed. He is looking into geothermal heating and what would be required. He had questions about building a pond. How far back it would have to be from the river. The Board requested that the Land Use Clerk contact the D.E.P.

D. Harriman made the motion to go into executive session at 8:00 pm, Pursuant to 1 M.R.S.A. §405(6)(A). Chairman LePage seconded the motion. The vote was taken. The motion carried.

Vice-Chairman O'Brien made the motion to exit executive session at 8:26 pm. D. Harriman seconded the motion. The vote was taken. The motion carried.

Vice-Chairman O'Brien made the motion to adjourn. B. Harris-Howard seconded the motion. The vote was taken. The motion carried. The meeting adjourned at 8:28 pm.