


**Lebanon, Maine Planning Board
Planning Board Regular Meeting Minutes
Monday, August 1, 2022**

Members Present

A. LePage – Chairman 

D. Wilson – Vice-Chair 

A. Bridges 

Others Present

Glenn Griswold

Mike Taatjes

Lisa Thompson

Darrell DeTour

Joe Stanley – Line Pro

John Hutchins – Line Pro

Vice-Chair Wilson made the motion to open the meeting. The motion was seconded by A. Bridges. The vote was taken, the motion carried. The meeting opened at 6:00 pm.

Pledge of Allegiance

Glenn Griswold – Mike Taatjes – Best Possible Location/Shoreland Zone – Map U21 Lot 15

Questions put forth to the Department of Environmental Protection as to whether this was lot U21-15 was a buildable lot or not due to the lot being contiguous. The Board apologized for missing that portion of the Ordinance. Mr. Griswold stated that the Town has been treating this as a separate lot before the Taatjes' purchased it. It was a part of a subdivision, however, there is not a registered plan which makes it difficult to obtain. Chairman LePage asked if when the lot was purchased if it was combined with the trust. Mr. Griswold stated that it was not and that it was still taxed a separate lot. The DEP was asked if even though the lots were "contiguous" since they are shown on the tax map that they are separate and taxed separately, and it did not matter. Mr. Griswold asked so if you bought it, it would be a non-conforming lot of record then? That was also put before the DEP. The Shoreland Zoning Ordinance was adopted by the Town in 1993. The DEP stated that if you could make conforming lot, there would not be an issue. But you cannot split off the lot for it "creates" a non-conforming lot. The timeline of the lots, when they were combined, dwellings on the lots and the years purchased took place. Lots need to be at least 20,000 sq ft and have 100' of shoreline. One lot has 15,000 sq ft and the other is approximately 10,000 sq ft the other only has 10,000 sq ft. Another 10,000 sq ft would be needed to split the lot. Chairman LePage stated that the letter from the State confirmed explained the Ordinance more clearly. Mr. Griswold stated that it was not fair that the Town is holding his client to this standard since the lot is considered a separate lot for taxes and on the tax map. Chairman LePage explained that the Board does not have the ability to make that ruling without legal advice. Mr. Griswold asked for a continuance so he has a chance to have lawyers look it over and see what can be done and see how it goes from there. The whole project was predicated on it being a separate lot that they could build on. Mr. Taatjes wanted to confirm that if you bought it from his uncle, you could view it as a non-conforming lot of record, so you are penalizing a family combining a lot so they cannot build on it. The State noted that even if it was sold

to someone else, it was still a contiguous lot and cannot be separated for it would create a non-conforming lot. Mr. Griswold stated that going back to that point it was something that we had looked at originally and talked about and it was a separate lot, so if we had not come before the Board and it was sold, there would be no problem. Mr. LePage stated that the board is not arguing, we cannot make that decision without legal advice. We will do what we can but we are stuck on this. This wasn't the first time we have reached out to the DEP, for assistance, we weren't looking for a reason, it all started with the question of the driveway. Mr. Griswold stated that the DEP had asked if the whole lot was in resource Protection. We usually tell applicants to have the property surveyed for that to be determined. Mr. Griswold stated that in his professional opinion, the entire lot is in Resource Protection where the Planning Board can approve. It was reiterated that the Board would need some legal advice. The Clerk asked if Mr. Griswold had the assessors contact information, he did not. She will send that information to him.

David Martin – Best Possible Location/Shoreland Zone – 34 Dolby Lane

Discussion took place of whether or not Mr. Martin needs to go through the Planning Board for his building permit. On the Land Use Table in the Shoreland Zoning Ordinance, it states that projects within the Limited Residential District can be approved by the Code Enforcement Officer. An email will be sent to Jeff Kalinich, Assistant Shoreland Zoning Coordinator for the State of Maine for guidance.

Joe Stanley – Lisa Thompson – Little River Road – Minor Subdivision - Map R01 Lot 20-A

Joe Stanley presented a minor four (4) lot subdivision. The property is located on Little River Road, listed on the Lebanon Tax Map as Map R01 Lot 20-A. The subdivision will consist of three new house lots, the fourth being the existing home and barn which Lisa Thompson, the current owner of the property will retain. All lots will have access off of Little River Road. Joel Noel surveyed and delineated the wetlands on the property which are shown on the plan. There is a cemetery on lot three (3) which has a ROW. There are no descendants known to be alive. The Hanscom Farm Subdivision does border the proposed subdivision. A Site Visit was scheduled for Tuesday, August 9, 2022 at 6:00 pm.

Jeremy Bradshaw – North Rochester Road inquiry – Not in attendance

Darrell DeTour – Revision of the existing “Pine Ridge Farm” subdivision

Mr. DeTour approached the Board in regard a revision to the existing, recorded “Pine Ridge” Subdivision. Mr. DeTour is requesting a boundary line adjustment with an abutter. The existing subdivision plan was pulled for Mr. DeTour to show the Board his intentions. Since this is a revision to a subdivision, an application will need to be submitted and a plan drawn of the proposed boundary line adjustment for the Board to review along with a notarized statement from the abutter that this is a mutual decision. He will return once the surveyor has completed the plan.

Ryan Santosuosso – Site Plan Review/Marijuana License Requirement - Not in attendance

Allyn Gee – Site Plan Review/Marijuana License Requirement - Rescheduled for August 15, 2022

A. Bridges made the motion to accept the Findings of Fact Conclusion of Law for Kenneth King of 35 Caroline's Way. The motion was seconded by Vice-Chairman Wilson. The vote was taken. The motion carried. 3-0

Vice-Chairman Wilson made the motion to accept the minutes from July 5, 2022. The motion was seconded by A. Bridges. The vote was taken. The motion carried. 3-0

An email will be sent to Lee Jay Feldman with Southern Maine Planning Department Commission in regard to the reasoning that subdivisions within a half mile radius must be noted on a proposed subdivision.

A. Bridges made the motion to adjourn. The motion was seconded by Vice-Chairman Wilson. The vote was taken. The motion carried. The meeting adjourned at 7:58 pm.

Note:

The Planning Board follows the Site Plan Review Ordinance criteria which was enacted on Tuesday, November 6, 2018. Additional requirements, restrictions and/or criteria in regard to other Town Ordinance, State laws and or licensing are the responsibility of the applicant to research, apply for and obtain. The Planning Board does not review or approve any of the criteria/requirements or issue licenses, permits, etc. associated with marijuana businesses/establishments of any kind.