

**Lebanon, Maine Planning Board  
Planning Board Public Hearing & Meeting Minutes  
Monday October 5, 2020**

Members Present

A. LePage - Chairman

S. O'Brien - Vice-Chair

D. Harriman

B. Harris-Howard

J. Bradshaw

Others Present

Chris Byers – SPR – Public Hearing

BPL John Hutchins Representing Dowling

Tillman Estes – 106 Sewell Shores Road

Guy & Lyn Drapeau – BPL 126 Rocky Cove

Mel Warren SPR – Minors/Naturally Holistic

Tom Cusano SPR – Minors/Naturally Holistic

Davis Bartlett - Corner Post Surveying LLC:

BPL Representing Guy & Lyn Drapeau

BPL Representing Tillman Estes

SUB Representing William & Gay Ehler

Dan & June Freitas

Nathaniel Sewell

Xavier Deissler

Bruce Walker

Gary & Ruth Grenier

Dean Murdo

Stephanie Burke Hagenbuch

Chief Flynn

William Hanzel

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\*\*\*\* Due to Covid19 restrictions and the amount of attendees the Public Hearing was \*\*\*\*  
\*\*\*\* moved from inside of the Town Office to the outside. \*\*\*\*

The Public Hearing was opened by Chairman LePage.

Public Hearing Presented by Chris Buyers of Boyle Associates:

ME West Lebanon Road, Solar LLC  
Lebanon, CSG, LLC

### **Video of the Public Hearing can be found on the Town YouTube page**

Vice-Chair O'Brien made the motion to close the Public Hearing. J. Bradshaw seconded the motion. The vote was taken. The motion carried. Public Hearing was closed at 6:17 pm.

**Chief Flynn – Fire suppression/subdivisions** – Chief Flynn introduced himself to the Planning Board. The Board had invited him to attend the meeting to discuss questions that residents had in regard to fire suppression guidelines within the current Subdivision Regulations. Chairman LePage explained to Chief Flynn that the requirements for fire suppression have been in the Planning Board Subdivision Regulations for the past 15 years. In the past and quite recently, developers have questioned if fire suppression was a necessary requirement in a subdivision.

Chief Flynn stated that his main concern is fire safety and a major part of that concern is access to water. There are some dry hydrants in town, however, for the protection of the residents, he is a firm believer in fire retention ponds or cisterns in housing developments, especially for major developments.

J. Bradshaw asked the Chief if he felt there should be a certain number of homes within the proximity to require a fire pond? For example, to require a fire pond for a minor subdivision of three (3) homes makes no sense. But you can split a lot every five (5) years and fire suppression is not required. Chairman LePage added that different Towns have different requirement and that some developers were looking for clarification.

Vice-Chair O'Brien explained that she had done some research and the State of Maine allows each municipality to change fire suppression requirements. Upon further research Vice-Chair O'Brien researched the approximate time someone has to safely exit an older home that was burning, for example, a home built in the 1930's, someone has approximately 20 minutes. Today's building materials are not fire resistant and the approximate time someone has to exit a burning home safely has been reduced to approximately 3 minutes! This is why sprinklers are warranted, life safety. People think the purpose of sprinklers is to salvage the structures and or the contents, the purpose of sprinklers is to allow the homeowners extra time to exit the structure safely.

Vice-Chair O'Brien stated that she had purchased a home in a subdivision and has sprinklers. She feels that the requirement for sprinklers should be for everyone or no-one. You cannot expect a developer bare the burden of installing sprinklers when an individual lot abutting the property is not required to have them.

Chairman LePage reiterated that the Planning Board is here to enforce the regulations whether they agree with them or not. Chief Flynn utilizes the NFPA codes and will do some research. Chief Flynn will look into the State guidelines/requirements as well as touch base with other Towns to see what their guidelines are. Chief Flynn's concern is access to water sources that could be at times miles away.

Discussion of creating an Ordinance in regard to fire suppression/life safety was also briefly touched upon in hopes coming to a conclusion to the question of do subdivisions need to be required to install sprinklers regardless if they are a minor or a major subdivision.

Vice-Chair O'Brien brought up the Fielding's Oil project and if the Chief was aware of the project and if so, what his thoughts were in regard to approving the project. Chief Flynn stated that he was comfortable with signing off on the project after he reviewed the information that he has been given. J.T. Harmon has gone over the project with him, explained pictures that were taken during tours of the facility as well as the plans that had been submitted.

Vice-Chair O'Brien asked if members of the department are currently trained to handle hazardous situations. Chief Flynn explained that all firefighters have many aspects that they are trained in order to become certified and hazardous situations is included in this training. Chief also added that Portsmouth International Airport at Pease has the specialty equipment which may be needed should such a situation arise.

Vice-Chair O'Brien asked Chief Flynn for his opinion in regard to the proposed "fire pond" when there is a dry year and not enough water. Chief Flynn responded that the "fire pond" could be lined and or cisterns which would hold the equivalent of 20,000-30,000 gallons could be monitored to ensure there was an adequate water supply and if not, then the company can have the water brought to ensure there would always be a sufficient water supply on site.

#### **Tom Cusano – Mel Warren – Site Plan Review – Minors Diner & Dairy Bar/Naturally Holistic Wellness Center-**

Mel Warren along with Thomas Cusano, who is the current owner of the property located at 1716 Carl Broggi Highway ("Minor's Diner & Dairy Bar") & 1718 Carl Broggi Highway, (Naturally Holistic Wellness Center) attended the October 5, 2020 Planning Board meeting. Ms. Warren currently operates both of these establishments.

At the June 1, 2020 Planning Board meeting they proposed building a wall in the back-seating area of the restaurant to create an additional room and entrance to relocate "Naturally Holistic Wellness Center". They approached the Board to determine if this would require a Site Plan Review. The Board voted and agreed that the project did not have to go through the Site Plan Review process.

At the October 5, 2020 Planning Board meeting, Ms. Warren and Mr. Cusano proposed to remove the wall that was recently built in order to expand the "Naturally Holistic Wellness Center" business." this additional space will also incorporate the counter area. There are no intentions of reopening the indoor dining area of "Minor's Diner & Dairy Bar" due to COVID19 and will be only offering take-out and delivery orders. The "Minors Diner & Dairy Bar" kitchen and the "Naturally Holistic Wellness Center" business will continue to be two separate businesses and the areas separated as such.

The Board agreed that removing the wall to create additional space for "Naturally Holistic Wellness Center" did not have to go through the Site Plan Review process, for it was an expansion of space for an existing business.

The motion that this does not require a Site Plan Review was made by J. Bradshaw. B. Harris-Howard seconded the motion. The vote was taken. The motion carried.

**Guy & Lyn Drapeau – BPL – 126 Rocky Cove Road** – The Planning Board visited 126 Rocky Cove Road. The 50 foot and 75 foot set backs were marked. The Drapeau's wanted to keep the structure where it was, but it did not meet the setback requirements in order to have a second floor on the structure. If they would like to have the second floor then the new structure would need to be located back to the 75-foot setback.

According to the best possible location proposal, the well will stay where it is. The gables will be turned toward the water. There are pros and cons to both proposals. There will not be as much disturbance if the structure stays in the same footprint on the lot. The current structure is 734 square feet. The new structure can be expanded to 1,000 square feet in its current location. The cantilever square footage was not added to the total of square footage. You can consider this square footage into account with the expansion. The impervious surface coverage is only 4 percent of the lot, it is basically the house.

Vice-Chair O'Brien asked if the 311 square foot deck should be included in the expansion as part of the 30%. If the new structure stays where it is (less than 75 feet back from the highwater mark, they may expand up to 1,000 square feet. If the new structure is moved to less than 100 feet back from the highwater mark, then it can be expanded up to 1,500 square feet.

Currently the existing structure is 734 square feet 814 square feet including the cantilevers.

Vice-Chair O'Brien stated that Mr. & Mrs. Drapeau will need to bring back a revised plan which will need to have all updated information as well as an erosion control and revegetation plan. A letter of approval will need to be notarized and recorded at the registry of deeds.

Vice-Chair O'Brien made the motion to approve the relocation and expansion with updated information including the square footage with eaves and height. B. Harris-Howard second the motion. The vote was taken. The motion carried.

**John Hutchins – Roger & Linda Dowling – BPL 100 Rocky Cove Road**

Mr. Hutchins proposed a demolition and rebuild of a structure located at 100 Rocky Cove Road for Roger and Linda Dowling. Mr. Hutchins pointed out that the driveway runs through the lot and there is a deeded right of way. Currently there are two structures on the property as well as a shed. The current dwelling is on blocks. They are proposing to make this a year-round home. Mr. Hutchins went through the current square footage and the proposed square footage and the setbacks from the water. The closest corner to the water is only 6 feet 6 inches back from the water with the other corner is 12 feet back from the water. Vice-Chair O'Brien read aloud from the Shoreland Zoning Ordinance in regard to non-conforming lots and the required setbacks needed for structures. Mr. Hutchins explained that they will not be expanding the structure. Vice-Chair O'Brien would like verification from the Department of Environmental Protection for this structure is so close to the water.

**Chairman LePage asked the Board if they wish to continue the meeting since the time is already 8:30 pm. The Board agreed to continue.**

**Davis Bartlett – Tillman Estes – BPL Rev. to June 1, 2020 plan - 106 Sewell Shores Road**

Davis Bartlett and Mr. Estes submitted a revised plan to the Board. Mr. Estes has decided to keep the home where it is and add an attached 24'x 24' garage on the roadside of the home with storage above, an 8'x 5' porch and a 7.87' x 14.67' addition as well as converting an existing porch into a screen house.

This no longer is a best possible location, but an expansion only. Much discussion took place in regard to the changes and the square footage of the proposed expansion.

Chairman LePage stated that overall, this proposal has much less impact than the previous proposal. Chairman LePage asked the Board if they had any questions or concerns. Both D. Harris-Howard and D. Harriman were comfortable with the proposal/plan as is. Chairman LePage asked for a motion. Vice-Chair O'Brien did not feel comfortable making the motion. B. Harris Howard made the motion to accept the plan as written. D. Harriman seconded the motion. The vote was taken, the motion carried.

**Davis Bartlett – William Ehler – Pine Cone Estates Subdivision Sketch Plan**

J. Bradshaw recused himself from this project for he is representing the seller. Chairman LePage suggested that J. Bradshaw step away from the table so as not to be perceived to be a part of the Board in this project.

Mr. Bartlett presented the project to the Planning Board which would be a nine (9) lot subdivision to be located on both Poplar Hill Road and Dixon Road. These would be single family residential properties.

At this time, they are requesting the following three (3) waivers:

**Article VII**

7.2.d.10 Soil Survey

7.2.d.20 Hydrogeologic Survey

7.8.2.1 Stormwater Management Plan

Mr. Bartlett went on to say that the waivers are being requested for the project would not be impacting any wetlands.

A site visit was scheduled for October 19, 2020 at 5:30 pm. There will not be a workshop following the visit. It will be discussed at the next meeting, Monday, November 2, 2020.

Wetlands, lot corners, and driveway locations will be in place for the site visit. Vice-Chair O'Brien mentioned that she had a concern in regard to the driveway which was on the corner of Dixon Road and Poplar Hill Road.

**Minutes:** The minutes of 8/31/2020 & 9/21/2020 will be reviewed at the 11/2/2020 meeting.

J. Bradshaw made the motion to adjourn. D. Harriman seconded the motion. The vote was taken. The motion carried. The meeting adjourned at 9:10 pm.