

Lebanon, Maine Planning Board
Minutes – Continuation of Saturday 11/11/2017 Meeting
Friday November 17, 2017

Members Present

P. Philbrick - Chairman
D. Harriman – Vice Chairman
S. O'Brien
A. James
A. LePage
P. Peace - Alternate

Others Present

Dana Coull

Chairman Philbrick called for a motion to open the meeting. S. O'Brien made the motion to open the meeting. Vice-Chairman Harriman seconded the motion. The meeting was opened at 6:00 pm.

The Board reviewed the paperwork that has been submitted by Mr. DeLuca of 38 Dolby Road.

Chairman Philbrick stated that he would like to start with an email response received Michael Morse from the State of Maine Department of Environmental Protection which is dated with today's date (11/17/2017) and sent via e-mail at 11:26am. In the first paragraph states that the Planning Board is not responsible for approving an expansion within the Limited Residential District, that the Code Enforcement Officer is charged with this task.

Chairman Philbrick asked the Board if they prefer to table the expansion review and concentrate on the relocation which does fall under the responsibility of the Planning Board. The board moved to table the expansion and move onto the relocation issue.

The land survey map which was submitted with the application needs to agree with other documents with measurements. Since it does not, an accurate decision cannot be made. Chairman Philbrick asked the member to render their opinion on the subject. The consensus was that a new survey be conducted on site. The new survey should show where the 75 foot line is from the water, as well as the 100 foot line.

Chairman Philbrick agrees with the Department of Environmental Protection that the expansion of the property falls under the Code Enforcement Officer and asked for a motion. S. O'Brien made the motion to follow the Department of Environmental Protections recommendation and follow the expansion to the Code Enforcement Officer. A. James seconded the motion. The vote was taken. The vote carried.

The matter of the permit violation is not within the Planning Boards jurisdiction and was referred to the Interim Code Enforcement Officer and the Selectboard to address by an email from DEP.

At the previous meeting the Board approved the relocation of the footprint. The Department of Environmental Protection feels that it is not the most practical location and asked the board to reconsider the relocation.

Chairman Philbrick asked for a motion to rescind the previous vote on the relocation of the existing footprint at the 11/11/2017 meeting. S. O'Brien made the motion to reconsider the approval of existing relocation of the footprint on 11/11/2017. Vice-Chairman Harriman seconded the motion. The vote was taken and the vote carried.

The Board reviewed the plot plan again and reconsidered the placement of the back lines. S. O'Brien questioned if there should be another survey of the property. The Department of Environmental Protection stated that it should be done. This will either verify the current survey and the relocation that was originally approved, or it will show a discrepancy in which changes will need to be made.

Chairman Philbrick stated that per the Ordinance, the setback requirement is to be 50 feet from the road, then as far back from the waterline as possible. It is unsure from the various measurements if the road setback is accurate.

The Planning Board is charged with only deciding the best practical location of the existing footprint. Not the proposed footprint, not the additional area that has been disturbed. Only the original 712 sq. ft. footprint. Nothing else may be taken into consideration in the decision.

Chairman Philbrick feels that the relocation of the existing 712 sq. ft. footprint is in the most practical location. Farther from the water and centered to meet the side setbacks. The proposed relocation is only valid however with a detailed survey taken on site with this taken into consideration, Chairman Philbrick feels that the vote taken on 11/11/2017 still stands. S. O'Brien made the motion to amend the rescinded vote on 11/11/2017. A. James seconded the motion. The vote was taken. The vote carried.

The following motion to amend the previous motion was made by S. O'Brien:

The Planning Board will approve relocation of the existing structure in its current footprint while conforming to the current setbacks of 25 feet sideline and 50 feet frontline.

The existing structure cannot be located any closer to the water than the rear of the proposed building and the front of the existing building, which are one in the same as shown on the drawing prepared by Brian Knowles, Maine Professional Land Surveyor #2280 drawing 2016005-BL as presented to the Lebanon Planning Board on November 7, 2017.

The septic is to be located as the same location as shown on the drawing prepared by Brian Knowles, Maine Professional Land Surveyor #2280 drawing 2016005-BL as presented to the Lebanon Planning Board on November 7, 2017.

A. James seconded the motion. The vote was taken. The vote carried.

The matter of proposed storm water runoff from the road or the roof for example was discussed and the various vegetation that could slow the runoff down. Therefore an erosion control program must be submitted. Temporary stabilization shall be requested of the applicant, which will include additional silt fencing, hay bales and either and/or hay and mulch for all exposed areas. A revegetation plan shall also be submitted, however, will not be implemented until spring. The revegetation will be monitored by the Code Enforcement Officer.

S. O'Brien made the motion to adjourn. A. LePage seconded the motion. The vote was unanimous and the meeting adjourned at 9:05 pm.