

**Lebanon, Maine Planning Board
Minutes – Public Hearing/Regular Meeting
Thursday July 7th, 2016
Public Hearing for “Woodland Estates”**

Members Present

P. Philbrick - Chairman
S. Bright – Vice-Chairman
C. Lunderville
D. Harriman
J. Griffin

Others Present

Dana Libby – Corner post Surveying, Inc.
representing owner
Mark Hampton - Soil Scientist
Mike Beaulieu - Lebanon Code Enforcement
Officer
David Marsters - resident
Anthony Richard – resident
Cheryl Petroni – resident
Debra Clare - resident

REGULAR MEETING:

Chairman Philbrick called for a motion to open the meeting. S. Bright made the motion, C. Lunderville seconded the motion. The vote was taken and it carried unanimously. Chairman Philbrick called the meeting to order @ 6:20 PM.

Chairman Philbrick called for a motion to allow new member to the Planning Board, D. Harriman to participate in on the Woodland Estate Subdivision discussion. The motion was made by S. Bright and seconded by C. Lunderville. Chairman Philbrick asked Dana Libby (Woodland Estates Representative) if he had any objections to allowing D. Harriman to participate in the discussion as a board member. Mr. Libby stated he had no objections. The vote was taken and carried unanimously.

Clerk J. Griffin distributed a copy of the Maine Municipal Association Planning Board Manual to all four members of the Planning Board.

Chairman Philbrick called for a motion to close the regular meeting at 6:30 pm in order to open the Public Hearing. The motion was made by S. Bright and seconded by C. Lunderville. The vote was taken and carried unanimously.

PUBLIC HEARING:

Dana Libby/Gay Ehler/ Woodland Estates:

Chairman Philbrick called for a motion to open the Public Hearing at 6:30pm. The motion was made by C. Lunderville and seconded by S. Bright. The vote carried unanimously.

7/25/2016 approved

Chairman Philbrick thanked the residents for attending the Public hearing and introduced the Planning Board. Chairman Philbrick then reviewed the procedures to be followed during the Public Hearing. Mr. Libby presented a revised preliminary plan for the Planning Board as well as the residents in attendance to view of the proposed subdivision: Woodland Estates, located on Poplar Hill Road (Lebanon Tax Map R14 portion of Lot 35). Mr. Libby explained the design and features to those in attendance. Chairman Philbrick then asked if there were any questions and or comments and opened the floor for public input.

There were many questions from the residents who were in attendance such as:

Q. Do all of the lots have the required road frontage?

A. Mr. Libby: Yes, each lot has the minimum 200 feet of road frontage or more.

Q. Are these lots being sold as packages by a developer or will they be sold individually as just land lots.

A. Mr. Libby: The lots will be sold individually as land lots.

Q. Who would be responsible for the road maintenance? Cutting and removal of brush, drainage issues, run-off twice a year, repairs, ditching, culverts, etc.?

A. Mr. Libby: There is a 30 foot easement alongside the road to enable the Town to maintain the ditches as well the cutting of brush. The land owners would be responsible for the culvert(s) if needed where their driveway and road meet. The land owners would also be responsible for the run off from their property.

Chairman Philbrick asked if there were any other questions, concerns or comments.

Q. Concern over more traffic and site distances entering and exiting the road.

A. Mr. Libby: A traffic study was conducted and it concluded that the impact of the 9 new lots would add an approximate addition of 84 trips per day. Site distance was calculated and was within the acceptable range.

Q. Can the plan shown to us tonight be changed now that we have seen it?

A. Mr. Libby: Once the plan has finished being reviewed and approved by the Planning Board, no changes can be made without coming before the Planning Board first.

Q. How was the perk test completed?

A. Mark Hampton – Soil Scientist: The test pits to review the soils were dug by a backhoe and he explained the process.

7/25/2016 approved

Q. Does the Town have any type of Growth Ordinance?

A. Planning Board: No – the ordinance expired years ago.

Q. What are the codes that the buyers have to follow, is there a guide that can be accessed.

A. The Code Enforcement Officer explained that you can find the State codes which need to be followed on the State website.

Q. What steps are left in this process?

A. Planning Board: The review of the Preliminary Plan revisions

Preliminary approval

Final Plan review and approval

It was suggested to the residents that they contact Select Board secretary Sue Collins to request to be placed on Select Board meeting agenda to discuss the road issues that they have on the maintenance and speed road issues dealing with Poplar Hill Road. The maintenance and speed road issues are outside of the Planning Board review criteria for this subdivision.

Chairman Philbrick inquired if there was further public input. Residents in attendance stated that their questions were answered. Chairman Philbrick called for a motion to end public input and to close the Public Hearing. The motion was made by S. Bright at 7:00pm and it was seconded by C. Lunderville. The vote was taken and it carried unanimously. CEO was permitted to leave at this time.

REGULAR MEETING:

Chairman Philbrick called for a motion to re-open the regular meeting at 7:07pm. The motion was made by C. Lunderville and seconded by S. Bright. The vote was taken and carried unanimously.

Dana Libby/Gay Ehler/ Woodland Estates:

Chairman Philbrick questioned Mark Hampton what would happen if one of the land owners decided to move back/build higher up on the property then the rest of the subdivision, would that cause an issue with well water and or septic? Mark explained that this would not cause any issues for any of the surrounding homes. The wells will be encased in bedrock which would protect the water.

Mr. Libby requested, if there were no further questions for Mr. Hampton that he be allowed to leave the meeting. The board had no further questions and all agreed for him to be excused.

7/25/2016 approved

The Board reviewed the revisions to the preliminary plan by Mr. Libby which were requested at the June 2nd, 2016 meeting. Mr. Libby presented a written statement from a well company stating that there was an adequate water supply. However, it was referring to the School House Farm subdivision across the street. The Board requested a written statement from the well company that there was an adequate water supply referring to this project. Mr. Libby agreed to provide one.

Mr. Libby addressed, using the state statute Article 4401 as his guide line, his concern/question for the planning board had about the numbering and recording of the first lot sold from the original parcel of land in which the subdivision was taken from. Chairman Philbrick contacted Maine Municipal Association and Southern Maine Planning and Development Commission for legal advice on this question/concern. (MMA response letter may be found in the permanent file for this project.) The general consensus of the information reviewed is that the first lot sold is to be considered by the planning board as the first division of the original parcel, however, it is not part of the sub-division, therefore it should not be counted as one of the sub-division lots.

The Hydrogeologic Survey waiver request was accepted upon the same criteria as the School House Farm subdivision. Chairman Philbrick called for a motion to accept the Hydrogeologic Waiver. The motion was made by S. Bright and was seconded by C. Lunderville. The vote was taken and it carried unanimously.

Several items needed to be corrected, added and or revised by Mr. Libby:

Drainage easement to be added to address potential storm water run-off on Lot 53-1

Written statement from well company specifically addressing Woodland Estates Subdivision

Set back requirements for wells to be added to the plan

Chairman Philbrick distributed a review criteria sheet to each member of the board. They were asked to review the criteria on the handout to ensure that all the information needed for acceptance of this subdivision has been produced by the applicant. The Planning Board scheduled a Special Meeting for Monday, July 25th, 2016 at 6:00 pm to further review the preliminary plan to ensure that all criteria/revisions have been met prior to approval.

Chairman Philbrick asked if there were any more questions for Mr. Libby. There were no more questions and the board excused Mr. Libby.

Escrow Accounts:

The Board reviewed information concerning escrow accounts and how they have been dealt with in the past. Both Chairman Philbrick and Vice-Chairman Bright have agreed that the Select board should be involved in this process and Vice-Chairman Bright will contact Select Board secretary Sue Collins to make a request to be placed on a Selectmen meeting agenda.

7/25/2016 approved

Furthermore, Chairman Philbrick asked for a motion that from this date forward the Planning Board as a whole will vote on all escrow disbursement. The motion was made by S. Bright and seconded C. Lunderville. The vote was taken and it carried unanimously.

Chairman Philbrick asked the clerk to contact Fire Chief Meehan concerning fire suppression working in the Planning Board Regulation Guide.

Chairman Philbrick called for a motion to adjourn at 9:00 pm. The motion was made by S. Bright and seconded by C. Lunderville. The vote was taken and it carried unanimously.

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Minutes were reviewed

Chairman Philbrick called for a motion to accept minutes as presented

The motion was made by S. Bright and seconded by D. Harriman.

The vote was taken and carried unanimously.