

**MINUTES  
TOWN OF SEBAGO  
PLANNING BOARD MINUTES  
7:00 PM  
Tuesday, June 8, 2021  
TOWN OFFICE BUILDING**

**I. Call to Order**

Paul White called the meeting to order at 6:58 p.m.

Present: Jim Jansz, Dick Perry, Andrew Plummer, Tina Vanasse, Paul White, Code Enforcement Officer Brandon Woolley, Recorder Desirae Lyle.

Guests: Paul, Rocco, Alexis & Landon Severino, Mark Franco - Attorney for the Severino's, Mary & John Noble, Phil & Claudia Lowe, Donald Gosselin, Elizabeth Westburg, Rocco Leo III, Elsa & Armella Brown, Tony Polito, Maureen & Gunnar Harriman, Carol Calarese, Jason Schoolcraft, Edie Harnden, Helen Twombly, Phil Strike, Michele Scott, Kurt & Linda Christensen, Nick Reynolds, Heather MacKay, Ryan Maloney, Tom Martin, Christine Barbour, Jenna Hoxie-Smith, Chris Wing, Jeff Cutting, Tim Economides, Tyler Clark, Mike DeBickero, Mike Bouffard, Greg Palmacci, Lorane Umberhind, Tim Matthews, Tom & Debbie Berube, Chris Gribbin, Larry & Kyle Cobb, Cynthia Taylor, Joseph & Janet Vance, David & Ann Puddister, Kevin Deschambeault, Woodbury & Katherine Saunders, Jess Linscott, Susan Thuotte, Elizabeth Madigan, Gail Mackenzie, Marie Graffam, Charles Hedemann, Dayna & Emma Astbury, Timothy Storie, Kathy Sanborn, Jim & Trisha Yates, Chelsea & Seth Champagne, Bill Larkin, Darleen Veil, Katie & Vaughan Enokian, Elaine & Dan Zimmermann, Wayne Conley, Jeff Brooks, Marie Brume, Della & Shannon Blais, Matt D., Michael M., Liam B., and two other guests.

**II. Public Hearing – Site Plan Review Application – Paul & Rocco Severino – SebagoSev Properties, Inc – 46 Sebago Road – Map 19, Lot 19 – Amending Existing Use**

Paul White opened the public hearing portion of the meeting at 7:00 p.m. He asked that there be no side bar conversations with so many people in attendance. Paul also noted that the Planning Board does not issue liquor licenses, the service of alcohol is not decided by the Planning Board.

Mary Noble asked when the next Selectmen's meeting is. Desirae Lyle responded that the next meeting is Tuesday, June 15, 2021 at 6:00 p.m. Ms. Noble asked why the residents on the streets that have deeded rights to the beach were not notified, and only the abutters were notified. Paul White responded that that is what the statute requires.

Claudia Lowe asked what the Board will be deciding tonight. Paul White explained that the Board will listen to testimony and then review the ordinances.

Mark Franco introduced himself as the attorney representing SKK (Sportsman's Kitchen & Keg). He would like to address any concerns the Board may have concerning the

application. He asked to be able to make rebuttal comments to any testimony stated at tonight's meeting. Mr. Franco offered some history about the Severino family. Mr. Franco mentioned that during the global pandemic last year the world moved towards outdoor dining, because the State had a prohibition on indoor dining. He went on to explain that the Planning Board needs to determine if this is an expansion of use and a new building, he would argue that it is not a building but a structure with four (4) posts and a roof, a building needs four (4) walls. They (the Severino's) approached the Town and obtained the permit to construct it and they obtained the necessary licenses. They opened it the week of July 4<sup>th</sup> and closed it the first week in October. Paul stopped serving alcohol at 9:00 p.m. on weekdays and 10:00 p.m. on weekends and that is his continuing intent for this structure. There are twelve (12) seats, three (3) on each of the three (3) sides leaving the fourth side open for employee access. No food is served there or ordered there. They don't serve mixed drinks, there's no loud music, there are two (2) small Bluetooth speakers. They have planned to build a fence, a rope fence around the structure. Regarding the traffic, it is a State owned road the Town has no control over where people park, Paul is more than willing to put up no parking signs. Mr. Franco offered to answer any questions that the Board may have regarding this application. Mr. Franco noted that the Board needs to listen to the public but ultimately, they need to follow the ordinance.

Donald Gosselin thanked the Board for their service to the Town. Mr. Gosselin then read aloud his statement for the Board. This statement will be included with the file for this project.

Liz Westburg read aloud a statement for the Board. A copy of her statement will be included with the file for this project.

Rocco Severino thanked everyone who showed up in favor and in opposition of the project. Mr. Severino mentioned that he has spoken to and met with Ms. Westburg and her family members many times prior to the Tiki Bar construction regarding her complaints. Mr. Severino noted that a dock attendant has been hired, Kyle, is at the dock during operating from Friday at 4:00 p.m. to Sunday afternoon, he helps parks the boats at the dock. Mr. Severino has posted signs at the restaurant in regards to the noise complaint. A handicap accessible port-o-potty was rented for the restaurant. Mr. Severino mentioned that in the four (4) years they have owned the property the police have been called on three (3) occasions, Ms. Westburg interjected that she had a record showing more than that. Paul White noted that the Board does not act as finders of fact between parties, the Board is here to determine if this is a suitable expansion of use. The Tiki Bar does have twelve (12) seats with unlimited standing room. He mentioned that Mr. Hart, a resident in Long Beach, suggested installing swim buoys last year, Mr. Severino fully supported that recommendation and offered to pay for them. Mr. Severino expressed his opinion that they are being treated unfairly by a small group of people who are unhappy that their little quiet place isn't so quiet anymore. Mr. Severino again thanked everyone for showing up to the meeting.

John Noble owns property on King Street. He mentioned that there has been a business in there for decades, Mr. Noble likes the Tiki Bar but has witnessed everything that Ms. Westburg stated. Mr. Noble agreed that Kyle does a great job lining up the boats, but he

can only do so much. Mr. Noble has witnessed close calls with the boats leaving the dock. He feels that it is a matter of time before something happens.

Rocco Leo is a Baldwin resident a motorcyclist and a patron. He feels that the motorcyclists that frequent SKK are respectful.

Paul Severino read aloud a statement. A copy of his statement will be included with the file for this project.

Alexa Severino explained her position at SKK. She is the front of the house manager and in charge of training staff.

Claudia Lowe read aloud a statement for the Board. A copy of her statement will be included with the file for the project.

Elsa Brown is a Baldwin resident and high school teacher, a SKK patron and spoke in favor of SKK.

Tony Polito, family friend and staff of SKK, spoke in favor of SKK's practices.

Maureen Harriman, Sebago resident, spoke in favor of SKK.

Helen Twombly, Sebago Health Officer, stated that the Severino's have addressed the concerns she had regarding the Tiki Bar.

Landon Severino is the bar manager at SKK. She stressed that it is a family restaurant.

Mary Noble reiterated her safety concerns regarding the beach and the dock accessed by SKK patrons.

There was some disruption and Paul White called for order.

Liz Westburg stated that she emailed the list from Cumberland County Sherriff's Department to the Board to be added to the record.

Paul Severino responded that there have been three (3) disturbance calls.

Paul White noted that the Planning Board is not in charge of granting liquor licenses.

Carol Calarese, Sebago resident and business owner, she owns a private beach across from the Town Beach. She spoke in favor of SKK.

Jason Schoolcraft, EMS Deputy Chief, confirmed that the EMS department has been called to SKK twice and neither time had anything to do with the business itself. The other time public safety was called to SKK was for an electrical issue. Jason suggested addressing the safety issue of patrons walking into by having SKK put up a fence.

Heather MacKay is a Sebago resident; she shared a story that while she and her family were docking their boat, owners on Marathon Avenue were disrespectful and called her names that she would not repeat. It is not just the patron of SKK that are disrespectful.

Rocco Severino spoke about the beach access and the safety of children in the swim buoys.

Armella Brown is a Baldwin resident and stated that she has been to SKK many times until closing and the crowd she sees is families.

Alexa Severino mentioned that outdoor dining is still a fixture in Portland even though the restaurants are open to full capacity.

Paul White closed the Public Hearing at 8:20 p.m. and thanked everyone for their participation.

### **III. Correspondence**

Desirae Lyle advised the Board that Andrew Plummer and Dick Perry who were absent from the last meeting held on May 11, 2021, has reviewed the minutes from that meeting and listened to the recording or watched the video of the proceedings. They have completed the "Member's Affidavit Regarding Missed Planning Board Meetings" attesting to this fact and will therefore be allowed to participate in the approval process for tonight's agenda items. The original copy of these affidavits will be filed in the official Planning Board Meeting Minutes file. A copy will also be filed in the Planning Board files for the proposed project.

### **IV. Open to Public Questions**

Paul White asked if there were any general questions regarding the proceedings and processes of the meeting.

Paul Severino asked if any of the letters sent in regarding SKK would be read aloud during the meeting. Andrew Plummer noted that out of the numerous emails and letters sent on behalf of SKK two (2) are against. Paul White noted that the letters are entered into the record and anyone who wishes to read they may.

Desirae Lyle advised the Board that letters had been received from 22 individuals regarding the Sportsman's Kitchen and Keg, this number does not include Mr. Gosselin's, Ms. Westburg's and Mrs. Lowe's statements which they read aloud during the public hearing.

### **V. Review of Minutes (May 11, 2021)**

Dick Perry made a motion to approve the May 11, 2021, meeting minutes as presented. It was seconded by Andrew Plummer. Motion carried with all in favor.

### **VI. Old Business**

**a. Site Plan Review Application – Paul & Rocco Severino – SebagoSev Properties, Inc – 46 Sebago Road – Map 19, Lot 19 – Amending Existing Use**

Andrew Plummer asked about the liquor license. The license was approved at the May 18, 2021 Selectmen's meeting.

Paul White explained the Board would be going through the Site Plan Review process in chapter 7 of the Land Use Ordinance. Paul asked about the dock. It is owned by the Severino's. Tina Vanasse noted that the dock was approved by the Town forty (40) years ago with the understanding that residents could use the dock.

Brandon Woolley addressed the setbacks. Brandon offered measurements from other structures along Route 114. He noted that Jordan's Store is twenty three (23) feet from the centerline of the road. The Tiki Bar measures either twenty two (22) or twenty five (25) feet which is in keeping with the neighborhood character. The Severino's applied for an expansion of area of service through the State liquor bureau, it was approved September 3, 2021. This was extended to June 2021, and was approved with the liquor license at the Selectmen's meeting.

Jim Jansz noted that all of the questions he had have been answered. Tina Vanasse disagreed with the fact that SKK has adequate parking, on paper they may have enough, but they need more parking. She mentioned that the Selectmen are working to amend the Sebago parking ordinance. She also mentioned the situation with the Minervino's at the marina.

Dick Perry agreed that the town needs a good restaurant, but is uncomfortable walking his grandkids past the Tiki Bar. He is worried about traffic and parking as well.

Andrew Plummer mentioned that in the winter there are approximately one hundred and fifty (150) residents, this jumps to twelve hundred (1,200) residents during the summer. Many of the people parking on Route 114 have a camp and don't half enough room on their property.

Tina Vanasse is the closest neighbor to SKK, every time she has had an issue or complaint it has been addressed. She suggested having someone on crowd control.

Brandon Woolley noted in regard to the Severino's approaching the Selectmen for the liquor license first, there is a requirement in the ordinance that the applicant need to provide all necessary licenses when they apply of site plan review. Brandon clarified that the Board is not reviewing the dock or the parking, only the Tiki Bar.

The Board reviewed Land Use Ordinance Section 7, Subsection H: Criteria and Standards:

- 1. *BUFFERS, SCREENING, LANDSCAPING, NATURAL FEATURES* – Adequate provision has been made with regard to buffers, screening, landscaping, and the preservation and enhancement of significant natural features.**

The Board discussed requiring a fence. Mr. Severino is required by the State to rope off the Tiki Bar. Andrew mentioned that he would suggest the barrier be closer to the Tiki Bar so that if someone fell walking around the barrier, they would be falling on the grass not directly onto Route 114. Paul and Dick would like additional screening. Mr. Franco was asked to speak on this matter, he felt that the natural feature would be the lake. Mr. Severino is more than happy to move the fence closer to the Tiki Bar so that there is a bigger buffer of lawn between the Tiki Bar and Route 114.

Andrew Plummer made a motion to accept the proposed fence that is required by the State and have it closer to the Tiki Bar. It was seconded by Tina Vanasse. The motion carried with all in favor.

**2. *BURDEN ON MUNICIPAL SERVICES*** – *Adequate provision has been made to avoid any undue burden on municipal services.*

Paul White made a motion to accept that this is not a burden on municipal services. It was seconded by Andrew Plummer. The motion carried with all in favor.

**3. *CONGESTION, UNSAFE CONDITIONS*** – *Any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.*

Dick Perry has concerns but made a motion to that requirement have been met. It was seconded by Jim Jansz. The motion carried with all in favor.

**4. *GROUNDWATER PROTECTION*** – *The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2000) gallons per day or greater shall demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.*

Dick Perry made a motion that the requirements have been met. It was seconded by Andrew Plummer. The motion carried with all in favor.

**5. *HAZARDS/NUISANCES*** – *Adequate provision has been made to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property.*

Paul White made a motion that this requirement has been met. It was seconded by Andrew Plummer. The motion carried with all in favor.

**6. *IMPACT ON NEIGHBORING PROPERTIES*** – *Adequate provision has been made to prevent any undue adverse effect upon adjacent or nearby properties.*

Paul White made a motion that this is acceptable. It was seconded by Andrew Plummer. The motion carried with four in favor, Dick Perry abstained.



**7. OFF-STREET PARKING AND LOADING** – Adequate provision has been made for off street parking and loading.

Paul White made a motion that this meets the requirements. It was seconded by Dick Perry. The motion carried with all in favor.

**8. OPEN SPACE**

- a. Common open space areas shall be contiguous, where possible.
- b. Common open spaces as shown on any approved development plan shall contain a notation that common open space areas shall not be further developed for any other use.
- c. When reviewing the location and type of open space designated in an application, the Planning Board shall require:
  1. Individual lots, buildings, streets, and parking areas shall be designed and situated:
    - a. to minimize alterations of the natural site
    - b. to avoid the adverse effects of shadows, noise and traffic on the residents of the site
    - c. to relate to surrounding properties and to improve the view from and of buildings
  2. Diversity and originality in lot layout and individual building, street, parking and lot layout shall be encouraged.
  3. Open space shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
  4. Open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the site.

Andrew Plummer made a motion that this meets the requirements. It was seconded by Tina Vanasse. The motion carried with all in favor.

**9. OUTDOOR DISPLAY/STORAGE** – Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site.

Andrew Plummer made a motion that this meets the requirements. It was seconded by Tina Vanasse. The motion carried with all in favor.

- 10. PROPER OPERATION OF PROPOSED USE** – Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements.

Dick Perry made a motion that they have met the requirements. It was seconded by Jim Jansz. The motion carried with all in favor.

- 11. PUBLIC HEALTH, SAFETY, WELFARE** – Adequate provision has been made to prevent any significant adverse effect upon the public health, safety, or general welfare of the neighborhood or community.

Andrew Plummer made a motion that this requirement has been met. It was seconded by Jim Jansz. The motion carried with four in favor, Dick Perry abstained.

- 12. SCENIC AREAS/NATURAL BEAUTY** – Adequate provision has been made, including, but not limited to modification of the proposed design of the site, timing of construction, and limiting the extent of filling or excavation, to protect to the maximum extent possible, the scenic or natural beauty of the area including scenic areas designated in the Comprehensive Plan, aesthetics, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including deer wintering areas identified in the Comprehensive Plan, existing uses, air quality, water quality, or other natural resources within the town or in neighboring towns.

Andrew Plummer made a motion that this requirement has been met. It was seconded by Dick Perry. The motion carried with all in favor.

- 13. SHORELAND VEGETATION/VISUAL ACCESS** – Whenever a project is situated, in whole or in part, within two hundred fifty feet (250'), horizontal distance, of the normal high-water line of any great pond or river, or within two hundred fifty feet (250') horizontal distance, of the upland edge of a freshwater wetland, or within seventy five feet (75'), horizontal distance, of the normal high-water line of a stream, adequate provision has been made to conserve shoreland vegetation, visual points of access to waters as viewed from public facilities, and actual points of public access to waters.

Andrew Plummer made a motion that this requirement has been met. It was seconded by Jim Jansz. The motion carried with all in favor.

- 14. SOILS** – That the proposed project will be built on soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems, and/or any other adverse effects of inadequate drainage.



Paul White made a motion that this requirement has been met. It was seconded by Andrew Plummer. The motion carried with all in favor.

**15. SPECIAL FEATURES** – *Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.*

Mr. Severino has had an acoustic guitar on the property and has a Special Amusement Permit from the Town. He has Tv's on for games, and Bluetooth speakers.

Andrew Plummer made a motion that this requirement has been met. It was seconded by Jim Jansz. The motion carried with all in favor.

**16. TRAFFIC MOVEMENT** – *Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of, and within the proposed project. The Board shall consider traffic movement both on-site and off-site in making its determination under this criterion.*

Andrew Plummer made a motion that this requirement has been met. It was seconded by Dick Perry. The motion carried with all in favor.

**17. UTILITIES**

- a. *All utilities included in the site plan shall be reviewed as to their adequacy, safety and impact on surrounding properties. Storm drainage, sanitary waste disposal, solid waste collection and disposal, water supply, electricity and telephone services shall be reviewed.*
- b. *The following criteria shall be followed:*
  1. *Emphasis shall be placed on the protection of floodplains; reservation of stream corridors; establishment of drainage right-of-ways and the adequacy of the existing system; the need for improvements, both on-site and off-site, to adequately control the rate, volume and velocity of storm drainage; provide for treatment of effluent, and maintain an adequate supply of potable water at sufficient pressure.*
  2. *Whenever feasible, utility lines shall be installed underground.*
  3. *Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.*

Andrew Plummer made a motion that this requirement has been met. It was seconded by Jim Jansz. The motion carried with all in favor.

**18. WASTE DISPOSAL** – *The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes.*

- a. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.*
- b. All hazardous wastes shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.*

Tina Vanasse made a motion that this requirement has been met. It was seconded by Andrew Plummer. The motion carried with all in favor.

Desirae Lyle confirmed that all fees have been paid to date.

Dick Perry thanked those present for being patient during the course of the meeting.

Andrew Plummer made a motion to approve the project. The motion was seconded by Jim Jansz. Motion carried with all in favor.

The Board signed the Decision Form for this project.

**b. CEO Updates**

None

**c. Goal Setting Items**

**VII. New Business**

None

**VIII. Adjournment**

Tina Vanasse made a motion to adjourn at 9:50 p.m. It was seconded by Andrew Plummer. Motion carried with all in favor.

**Respectfully Submitted,**



**Desirae Lyle**  
**Administrative Assistant/Deputy Clerk**