

**MINUTES
TOWN OF SEBAGO
PLANNING BOARD MINUTES
7:00 PM
Tuesday, April 13, 2021
TOWN OFFICE BUILDING**

I. Call to Order

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

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

Absent: Andrew Plummer, Tina Vanasse

Guests: Moshe Agam, Mirela Riven

II. Correspondence

None

III. Open to Public Questions

None

IV. Review of Minutes (March 9, 2021)

Dick Perry made a motion to approve the March 9, 2021 meeting minutes as presented. It was seconded by Jim Jansz. Motion carried with all in favor.

V. Old Business

a. CEO Updates

None

b. Goal Setting Items

None

VI. New Business

a. Site Plan Review Application – Moshe Agam – 808 Sebago, Rd – Map 29, Lot 10 – Proposed Use is Retail Sales

Moshe Agam explained that he would like to open a beachwear retail shop with a gift shop in the existing building at 808 Sebago Road. This business would be seasonal,

most likely May to September. Paul White noted that this has been various retail businesses in the past. Brandon Woolley noted that the property has some restricted use because of the lot size and lack of a septic system. There is a holding tank on the property, a two thousand (2,000) gallon tank was installed in 2001, and since then the property has always been restricted to either a small office space or retail space. Paul asked if Brandon thinks the proposed use is acceptable within the code. Brandon replied that this is an allowable use within the district. It's a small lot, Brandon supplied the Board with pictures. (NOTE: These pictures will be included in the evidence file for this property.) There is approximately two thousand (2,000) square feet for parking which meets the requirements for parking. Parking is determined by the total square footage of retail space, if you include all private areas, it's approximately twelve hundred (1,200) square feet and the Ordinance requires one (1) parking space for every two hundred (200) square feet. He has adequate space for parking. The septic system is in accordance with State rules and Town Ordinances. It's an allowable use in the district and it has a history of that type of use. Brandon does feel that the application is complete.

Jim Jansz expressed a concern that on the Site Plan Review application the current use and proposed use say the same thing. He questioned if the space is currently occupied. Brandon explained that the space is currently unoccupied and has been for a few years. There is currently no one operating a business there. Paul asked when the building was originally built. Brandon commented that the building had probably been built in the 40's, and has been a gas station, bike shop, small office building and retail space. When asked about the access to the turn onto Kimball Corner Road, Mr. Agam expressed that he will continue to allow the school bus to use his property as an easier turn onto Kimball Corner Road.

The Board discussed the need for a Site Walk and Public Hearing. The Board felt that they can drive by or stop anytime, there is not much that needs to be looked at. Jim Jansz asked if this property has been through the permit process before. Brandon noted that yes it has, he has the file, and it is quite comprehensive. He has the documentation that placed the restrictions on the property for just an office or retail space. It was deemed unsuitable for a residence because of the septic system. The restroom would only be for the staff, because of the size of the retail space no public restrooms are required.

Dick Perry noted that Brandon has answered all of the questions that he had. Mr. Agam mentioned that he may have some food available. Brandon asserted that he has discussed this with Mr. Agam, and they have talked about a self-contained catering unit, like a hot dog stand or a food truck. There will not be any preparation of food in the building, it would be catered. Mr. Agam might have picnic tables, for which there is ample room on the property.

The Board discussed having a Public Hearing. Paul White made a motion to hold a Public Hearing at the next Planning Board meeting. The motion was seconded by Dick Perry. Motion carried with all in favor.

Paul White made a motion that there does not need to be a Site Walk due to the size of the lot. There was no second. This motion failed.

Jim Jansz asked if delaying approval by having a Public Hearing delays Mr. Agam's plans of opening. There was some confusion in the steps needed for approval. Mr. Agam explained that he had travelled from Florida in March to be on the April agenda. Jim expressed that since there are no members of the public present, he would like to reverse his vote to hold a Public Hearing. Paul White noted that the Board needs to review Section 7, Site Plan Review. Paul asked if notification has been sent to the abutters. Brandon noted that the abutters have been identified. Recorder Desirae Lyle explained that historically abutters notices don't get mailed out until a Public Hearing is scheduled. The agenda was posted for meeting. Paul stated that a Public Hearing should be held to allow abutters a chance to express themselves. Brandon asked if any objections would make the Board change their mind about this project. Paul said no but they have a right to due process and to be notified. Mr. Agam asked why he came early in March to send his plan to everyone. Desirae Lyle clarified that Mr. Agam brought the application to her in March to be on the agenda for the April meeting, so that she could send the applications out to the Board. Paul explained that Mr. Agam would come back to the May 11, 2021 meeting, which would give abutters a chance to object if they wanted to. At the May meeting the Board would be able to vote. This meeting is to determine that the application is correct (complete). Then the Board determines if a Site Walk and Public Hearing is needed. Jim asked when Mr. Agam plans to open. He replied that he would like to be open in May. Jim noted that at the May 11, 2021 meeting, if Mr. Agam's project was approved he could open the next morning. Brandon noted that Mr. Agam could begin construction now.

Paul reiterated the process and stated that if the Board doesn't hold a Public Hearing and someone down the road says they weren't notified and a Public Hearing wasn't held, they would have grounds to object, but if the Board holds a Public Hearing and things move forward as it seems it will, no one can object to Mr. Agam opening. This prevents someone from coming at a later date and objecting. Mr. Agam was agreeable to holding off his opening date until the Public Hearing is held.

Paul White made a motion that a Public Hearing be scheduled for the next Planning Board meeting on Tuesday, May 11, 2021. The motion was seconded by Jim Jansz. Motion carried with all in favor.

Paul White asked if Brandon felt that any other information is needed for the application. Brandon does not feel that anything else is needed to move forward with this project. The Board discussed Land Use Ordinance Section 7 Subsection G-4 Additional Information for Major Developments.

- Topography: Paul expressed that topography doesn't seem to be an issue.
- Storm water plan: Paul asked if there is public drainage. Brandon explained that there is no public drainage or catch basins in the area.
- Ground water impact analysis: there is no subsurface system so no groundwater impact.
- Utility Plan: The building already has plumbing and electricity.
- Landscaping Plan: There isn't much room on the lot for more than a few shrubs.
- Signs: There will be a sign on the building with the name of the business 'Beach Fantasy.'
- Erosion Control Plan: There is no change to the setting (location).

- Lighting plan: Paul suggested Mr. Agam talk to Brandon about the brightness of the lighting.
- Traffic impact analysis: There have been other businesses there in the past, and there is plenty of spaces for customers to park. Brandon noted that the location meets the site distance for forty five (45) miles per hour, but the posted speed limit is twenty five (25) miles per hour.
- Water supply statement: Is appropriate for the needs of the business.
- Streets and sidewalks: Existing. Dick Perry mentioned that this location is less congested than other areas of town during the summer.
- Construction drawing: Not necessary, internal work only.
- Public use areas: There might be some picnic tables in the future.
- Covenants, deed restrictions: There are some restrictions on what he can't do, he can't use it as a residence. Mr. Agam thinks the hours will be 10:00 am to 8:00 pm maybe later.

Land Use Ordinance Section 7 Subsection H: Criteria and Standards

- Buffers, screening, landscaping, natural features: Not applicable
- Burden on municipal services: Not applicable
- Congestion, unsafe conditions: A few vehicles, people walking around.
- Hazards/nuisances: Mr. Agam confirmed he does not have any hazardous waste or materials that need to be taken care of on the property.
- Impact on neighboring properties: This will be addressed at the public hearing.
- Off street parking and loading: Brandon confirmed that there is adequate space for this.
- Open space: Not applicable.
- Outdoor display/storage: Not applicable
- Proper operation of proposed use: Will be determined through the Site Plan Review process
- Public health, safety, welfare: If Mr. Agam serves food, he will need permits from the State, and will need to clean up after people.
- Scenic areas/natural beauty: Not applicable.
- Shoreland vegetation/visual access: Not applicable.
- Soils: Not applicable.
- Traffic movement: Existing.
- Utilities: Existing
- Waste Disposal: Limited.

Jim Jansz asked where the sign will be located. Mr. Agam will be attaching it to the building.

Desirae Lyle confirmed that fees have been paid to date. Brandon Woolley confirmed that the application is complete, and he doesn't feel that anything else is needed for the next meeting.

Paul White made a motion to accept the application as complete. The motion was seconded by Dick Perry. Motion carried with all in favor.

Paul White made a motion that no Site Walk is needed. The motion was seconded by Jim Jansz. Motion carried with all in favor.

b. Site Plan Review Application – Loon Echo Land Trust, Inc – Map 11, Lot 40 – Proposed Parking Area

Brandon Woolley explained that there was some confusion on the location of the site. He has measured and the proposed parking area is four hundred and seventy two (472) feet from the Northwest River. Therefore, this project is outside the resource protection area and outside the FEMA (Federal Emergency Management Agency) floodplain, so this project does not require Planning Board approval.

Paul White would like to see more access to the river in the future and would be more than willing to help make this happen.

Brandon suggested that the resource protection maps originally created by LEA (Lakes Environmental Association) need to be amended.

VII. Adjournment

Jim Jansz made a motion to adjourn at 7:53 p.m. It was seconded by Dick Perry. Motion carried with all in favor.

Respectfully Submitted,



**Desirae Lyle
Administrative Assistant/Deputy Clerk**