

**MINUTES
TOWN OF SEBAGO
PLANNING BOARD MINUTES
7:00 PM
Tuesday, February 8, 2022
TOWN OFFICE BUILDING**

I. Call to Order

Paul White called the meeting to order at 6:59 p.m.

Present: Carolyn Calarese, Andrew Plummer, Tina Vanasse, Bev Vucson, Paul White, Code Enforcement Officer Brandon Woolley, Recorder, Desirae Lyle

Guest Present: Tony & Stephen Vacchiano, JP Connolly – DM Roma Consulting Engineers, Cliff Merrow, Mark Roy, Phil & Claudia Lowe, Phillip Hook, Bob & Marcy Laliberte, Mike Borsetti, Cathleen Griffin

II. Public Hearing – Site Plan Review Application – DM ROMA Consulting Engineers – Applicant -Tony Vacchiano – Map 9, Lot 18 – Land Lot – Proposed Commercial Self Storage Buildings

Bev Vucson asked to clarify her appearance of a conflict versus conflict of interest. Bev does not believe that she even has an appearance of a conflict. She has only known Mr. Vacchiano since November and has only spoken with him a small number of times. She asked that the Board to decide if she should recuse herself. There were no concerns from the Board or the applicant.

Phillip Hook asked what the total square footage is of the buildings. There will be over 5,000 square feet of building area. Mr. Hook also asked if the Board has classified this as a minor or major project. Paul White does not believe that the Board has decided this yet. Bev Vucson noted that this is a good question and the Board should determine this at the beginning of the process and is not sure that the Board is at that point yet.

Michael Borsetti asked if there are copies for viewing by the public. There is a file and Mr. Connolly showed Mr. Borsetti the maps that he is presenting to the Board.

Andrew Plummer asked to confirm if public notices were sent for this project. Desirae Lyle confirmed that they have been sent.

Paul White closed the public hearing at 7:05 p.m.

III. Correspondence

- a. Desirae Lyle made the Board aware of the Zoning Board of Appeals meeting next Thursday, February 17, 2022 at 6:00 p.m. at the Town Hall.

IV. Open to Public Questions

There were no questions at this time.

V. Review of Minutes (December 14, 2021 & January 11, 2022)

Andrew Plummer made a motion to approve the December 14, 2021 meeting minutes as presented. Tina Vanasse seconded the motion. Motion carried with four in favor, Bev Vucson abstained from voting as she was not present at the December 14, 2021 meeting.

Andrew Plummer made a motion to approve the January 11, 2022 meeting minutes as presented. Bev Vucson seconded the motion. Motion carried with all in favor.

VI. Old Business

a. Site Plan Review Application – DM ROMA Consulting Engineers – Applicant -Tony Vacchiano – Map 9, Lot 18 – Land Lot – Proposed Commercial Self Storage Buildings

Bev Vucson noted that this is her second meeting and she has poured over the manuals and asked to make sure that the Board members are all on the same page. She feels that the Board is still in the discovery phase and that the Board is not ready to vote to approve or deny this project. A copy of the contract has been received. The Department of Environmental Protection (DEP) stormwater plan will be submitted to DEP.

There are concerns about lighting affecting the neighborhood. There is one (1) house across the street. The Board had asked about motion sensor lighting. The facility will not be accessible 24/7, there will be wall packs on the buildings that will be bright enough for security cameras to pick up activity. Mr. Connolly noted that the nearest house is approximately eighty (80) feet away. Bev pointed out that the ordinances require a fifty (50) foot buffer, so they would be in compliance. Mr. Vacchiano is contemplating working hours of 6:00 a.m. to 9:00 p.m. with the hours to change depending on the time of year. Andrew Plummer asked if the chain link fence would surround the property. It will not. There were no other questions about lighting at this time.

Mr. Connolly described the stormwater runoff plan. There will be a deeded forested buffer that the water will be directed to. Mr. Connolly doesn't believe that any of the runoff will flow down to Sebago Lake as the land continues to incline after the property line before it declines toward the lake. The permits from DEP will be submitted and if it is complete the applicant could have approval within fifty-five (55) days. Carolyn Calarese asked if any of the drainage would change with snow storage. Mr. Connolly doesn't anticipate any changes.

Mr. Connolly addressed the landscaping plan that was discussed at the last meeting. The applicant doesn't plan to cut anything beyond what is needed for the driveway, buildings and outdoor storage area. The natural buffer will be maintained between the property and the road ways.

The Board reviewed the storage unit rental agreement to make sure that any clients are prohibited from storing hazardous materials. A copy of the agreement is in the Planning Board case file for this project.

Paul White noted that the Board needs to vote on if the project is a minor or major development, the square footage suggests that it is a major development; vote to begin substantive review; and determine if peer review and a bond is needed. As a major development the applicant will need to review Land Use Ordinance Section 7 (G) (4) and submit additional information. There will be no water on site, so a ground water impact analysis wouldn't be necessary. Paul White asked for a traffic analysis, and how many trips into/out of the property are anticipated daily.

Bev Vucson made a motion that this should be classified as a major development. Tina Vanasse seconded the motion. The motion carried with all in favor.

The Board went through Land Use Ordinance Section 7 (G) (4) to help determine if the items needed were applicable.

- a. **Topography** – A site plan has been submitted that addresses topography.
- b. **Storm water plan** – A copy of the plan will be submitted in preparation for the next meeting. b. 1. and b. 2. are depicted on the plans. b. 3. There are no proposed underground retention basins. b. 4. Mr. Connolly noted that the runoff is reduced due to the drainage pattern.
- c. **Ground water impact analysis** – There is no access to water on the site, therefore this is not needed.
- d. **Utility Plan** – There will be a utility pole at the beginning of the driveway and the rest will be underground to the buildings.
- e. **Landscaping Plan** – This has been submitted and discussed.
- f. **Signs** – There will be one (1) sign at the driveway entrance, and will comply with the sign ordinance, there will be lights on the ground facing the sign.
- g. **Erosion control plan** – Included on the plan.
- h. **Lighting Plan** – This has been discussed. Mr. Connolly will add what was discussed to the plan.
- i. **Traffic impact analysis** – Mr. Connolly will submit this with the documentation for the next meeting.
- j. **Water supply statement** – There will be no access to water on the site.
- k. **Streets and sidewalks** – There are no streets or sidewalks.
- l. **Construction design** – This has been submitted.
- m. **Public use areas** – There are none.
- n. **Covenants, deed restrictions** – The storage agreement has been submitted, and Mr. Connolly will provide the DEP deed restrictions to the Board.
- o. **Dedication and conveyance** – These are not applicable.
- p. **Homeowner's association** – This is not applicable.
- q. **Costs** – A bond was discussed to address restoration of the site if the project is not completed. Mr. Connolly will submit a cost estimate to the Board.

A Maine Department of Transportation driveway entrance permit will need to be submitted to the Board if it hasn't been already.

Mr. Connolly reviewed with the Board what will need to be submitted for the next meeting. The last item for discussion was peer review.

Andrew Plummer made a motion that peer review is not needed. Bev Vucson seconded the motion. Motion carried with all in favor.

Desirae Lyle confirmed that all fees are paid to date. Paul White noted that the Board will review Land Use Ordinance Section 7 (H) at the next meeting. There were no further questions at this time.

b. CEO Updates

Brandon Woolley asked that this be moved later in the meeting after New Business a.

VII. New Business

a. Site Plan Review Application – Cliff Merrow (Applicant) – Zeruah William Brown (Owner) – 804 Bridgton Road – Map 14, Lot 27C – Proposed Computer IT Business

Mr. Merrow explained that he will be traveling to commercial and residential locations to work on equipment. There will be no signs on the vehicle or at the property, no advertising will be done. This is a Home Occupation and requires Planning Board approval. He may bring items home with him to work on, but does not anticipate that the public will ever be on the premises. Any disposal of equipment will be taken to the Transfer Station.

The Board reviewed Land Use Ordinance Section 5 (A) (13) (c) (1-8) with the applicant. Paul White asked how Mr. Merrow cleans the equipment. Mr. Merrow noted that he only uses rubbing alcohol.

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

Andrew Plummer made a motion that a site walk is not needed. Bev Vucson seconded the motion. The motion carried with all in favor.

Andrew Plummer made a motion that a public hearing be scheduled for the March 8, 2022 meeting. Tina Vanasse seconded the motion. The motion carried with all in favor.

b. CEO Updates

Brandon Woolley stated that there was a comment made at the last Selectmen's meeting that identified three (3) Planning Board members and implied that they could be held personally responsible for the actions they made at the December Planning Board meeting. Brandon felt that this was uncalled for as only one (1) Planning Board member was present.

Andrew Plummer watched the video from the Selectmen's meeting. Phil Lowe made a comment that the Board members could be held liable for the decision made at the December Planning Board meeting. Mr. Lowe also commented that night that he had more information on the subject, but was unwilling to share it at that time. Andrew reached out to Carolyn to make her aware of what happened.

Carolyn Calarese also watched the video from the Selectmen's meeting. She spoke to Town Manager Michele Bukoveckas earlier today and that helped answer the questions that she had. Carolyn was taken aback at the public display, and that the Board members should have been contacted before being named publicly.

Tina Vanasse was present at the Selectmen's meeting. Tina feels that Mr. Lowe owes the three (3) members of the Planning Board a public apology. A member of one (1) Board should not be criticizing a member of another Board publicly. Tina noted that she has researched this and the Board members could have been personally fined \$100.00 a piece for not performing their duties as Planning Board members. Tina commented that Mr. Lowe only gave a partial explanation which leaves it open for interpretation, and this isn't the first time he has done this. Tina would like a public apology from Mr. Lowe.

Phil Lowe asked to respond to the Board members. He then asked if the Board would like to continue this conversation in a public forum. His intent was for an Executive Session where both Boards could meet and discuss the issue. Tina Vanasse asked where Mr. Lowe found the information that led him to believe there was a threat to the Planning Board. Mr. Lowe directed the Board to the Maine Municipal Association (MMA) Planning Board Manual page 8. Mr. Lowe then asked again if the Board would like to continue this conversation in a public forum. Andrew, Tina and Carolyn agreed that it was started publicly and that they would discuss this publicly as well and they may attend the Selectmen's meeting next week. Tina confirmed that the town attorney has stated that there is no reason for the Planning Board to be concerned. Carolyn asked if Mr. Lowe violated a code of ethics. The Board read the MMA Manual page 6 Individual Liability for Negligence (this will be attached to the minutes). Brandon confirmed that this has been sent to the town attorney and the Board has no exposure. Tina asked what Mr. Lowe felt the Board did that was negligent. Carolyn asked if this was Mr. Lowe's opinion. Mr. Lowe stated that his manual reads differently, asked to see another page of the manual and mentioned that his manual is sixteen (16) years old. Tina asked if Mr. Lowe has heard of the term confirmation biases. She explained that two people see things differently and when going out to research they will pick the information that agrees with their view. Tina noted that Mr. Lowe has been on the Board, and that the Board has to view projects objectively, the Board chose to approve the project. There was a moratorium in place to stop the project from moving forward. Mr. Lowe argued that tax payer money is now being used to stop this project. Brandon interjected that they are getting off topic, and that multiple appeals have been filed and meetings have been scheduled, this is not the time or place to argue the case. Mr. Lowe reiterated that he asked originally to have this conversation in private and he asked again ten (10) minutes ago. Mr. Lowe noted that the Board members were mistaken on his intent and for that he apologized. Andrew would like a more personal apology to each Board member. Carolyn stated that she has been questioned and harassed in town, and for Mr. Lowe to call out the Board members in public has just exacerbated the issue. Carolyn has done her job, a volunteer job, it is not appreciated and they should be working together, not against each other. Paul mentioned that this might be better discussed at the Selectmen's meeting or at the appeals meetings.

c. Goal Setting Items

1. Discussion – Site Plan Review Application Revision

Bev Vucson expressed that she would like to take on the task of updating the Site Plan Review application. Desirae Lyle submitted a copy of the Town of Parsonsfield Site Plan Review application that she just updated in February. Bev noted that the Board is citizen volunteers. She explained that she would like for the applicant to know what will be need of them up front, and make the job easier for the Board to

review the information submitted. Andrew Plummer mentioned that listing the studies on the application may be helpful as well. Paul White noted that procedurally he would be willing to hold a site walk prior to voting on a complete application, but would prefer to vote that an application is complete prior to holding a public hearing. Bev will review the ordinances and confirm sequencing.

2. Discussion – Site Plan Review Checklist Formation

Bev Vucson would like to utilize the ordinances and compile a checklist of steps that the Board would go through for the minor and major application process. This would help keep track of where in the application process the Board is.

3. Discussion – Scheduling Work Shops

The drafts of the site plan review application and checklists that Bev Vucson will be working will be presented to the Board for discussion at a workshop.

Andrew Plummer made a motion that the Board hold a workshop preceding to their next meeting Tuesday, March 8, 2022 at 6:00 p.m. Carolyn Calarese seconded the motion. The motion carried with all in favor.

4. Discussion – Planning Board Annual Report

Desirae Lyle submitted a copy of this year's annual report that covers July 1, 2020 through June 30, 2021. The Board discussed producing a more detailed annual report for next year. This could include proposed ordinance changes.

VIII. Adjournment

Tina Vanasse made a motion to adjourn at 9:01 p.m. It was seconded by Bev Vucson. Motion carried with all in favor.

Respectfully Submitted,



Desirae Lyle
Administrative Assistant/Deputy Clerk
Approved at the March 8, 2022 Meeting