

**TOWN OF SEBAGO  
PLANNING BOARD MINUTES  
6:00 PM  
Tuesday, February 14, 2023  
TOWN OFFICE BUILDING**

**Workshop Meeting at 5:30 p.m.**

The Board held a workshop from 5:30 p.m. to 6:00 p.m.

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

Guests Present at the Workshop: Barry Jordan, Phil Lowe.

The Board discussed the February 8, 2023 public hearing.

**I. Call to Order**

Paul White called the meeting to order at 6:02 p.m.

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

Guest Present: Griffin Wood – Terradyn Consultants, LLC, Caitlin & Erik Mushial, Sally, Deb & Rick Nero, John Murray, Richard Merritt, Annette Thomas, Fire Chief Phil Strike, Barry Jordan, Phil Lowe, David Heath, Deborah Dolan

**II. Public Hearing #1 – Subdivision Plan Review – Forest Fern, LLC (Owners) – Terradyn Consultants, LLC (Applicant) – White’s Road – Map 15, Lot 7-1 – Proposed Subdivision**

Paul White opened the public hearing at 6:03 p.m.

Griffin Wood introduced himself and explained the project. Forest Fern, LLC., (Erik & Caitlyn Mushial) are proposing a five (5) lot subdivision on Peabody Pond. White’s Road trisects the parcel. The lot is entirely in the rural district except for the 250-foot section that is in limited residential/shoreland district. All five lots will have access from White’s Road, and will have wells and septic systems. The slope and wetland delineations are depicted on the maps. Three of the lots meet the minimum standard of three acres, the remainder meets the requirement for a cluster development. Four and a half acres are being retained across White’s Road, which is approximately twenty two percent of the site. Lot 1 is proposed as a back lot and will have access through a shared drive with lot 2. Lots 4 and 5 will also have a shared drive.

Fire Chief Phil Strike asked the Board to consider the structure, integrity and accessibility of the bridge. He suggested that the Board require a dry hydrant or a donation to the hydrant fund. Paul White confirmed that the bridge is on the Town owned portion of White’s Road. Brandon Woolley confirmed that he has a state inspection of the old bridge and explained that

the State has jurisdiction over all bridges. Andrew Plummer asked how many residences are currently past this property. Brandon confirmed that there are at least three year-round residences past this proposed development and \_\_\_ seasonal camps. Brandon confirmed that the Town plows to the east side of the bridge, and turns around at the end of Tiger Hill Road, further in on White's Road is private. Mrs. Mushial confirmed that there will be a homeowners association and the homeowners will be responsible for plowing that portion of White's Road.

Paul clarified that the original application has been accepted, this does not mean that the project has been approved.

Paul White closed the public hearing for Forest Fern, LLC at 6:42 p.m.

### **III. Public Hearing #2 – Site Plan Review – Richard Merritt (Goodwins Lodge) – 683 Sebago Road – Map 4, Lot 16B – Proposed Expansion of Existing Cluster Development**

Paul White opened this public hearing at 6:43 p.m.

Paul acknowledged that letters were received by the Board today from the Logan's and Neiforth's who about the project.

Mr. Merritt explained that he has purchased property that has been added to the original Goodwins Lodge lot. He submitted a listing of buildings with the square footage listed that will be included with his file. Brandon explained that the seasonal conversions were done in 1982. Then Mr. Merritt came before the Planning Board to combine cabins and ultimately reduce the number of cabins on the property. That proposal was originally denied. Mr. Merritt then took it to the Appeals Board who approved the proposal in 1993. Then in 2003 Mr. Merritt came back before the Planning Board with a proposal to covert the lodge into year-round apartments. Mr. Merritt provided an advertisement that showed the total number of bedrooms that were associated with Goodwins Lodge as being thirty-eight. There are currently fifteen bedrooms in the lodge and fifteen between the built cottages. If this proposal is approved the total number of bedrooms would be the same as it was when the conversions were approved. The difference from the original approval is that there is more land or square footage now. This will make the project less non-confirming than what it was. Mr. Merritt addressed the letters sent from his abutters, he argued that they came in last minute and shouldn't be addressed. Mr. Merritt proceeded to give some history on the dispute between himself and his neighbors. This dispute has been ongoing for more than thirty years.

Deborah Dolan asked about the definition of cluster housing and what zone this property is in. It is in the Village District. She agreed that the grandfathered approvals are fine, but there doesn't seem to be enough land to add more cabins to this property. Andrew asked to clarify the property to the right of the existing Goodwins Lodge, also owned by Mr. Merritt, will have two more two-bedroom units. Mr. Merritt replied that it has been permitted, but he hasn't had time to build the units yet. Brandon clarified that cluster housing is a misnomer, and there may be some confusion between what was discussed for the subdivision and what is proposed for

this project. This was originally approved as a cluster development, but is covered as rental cabins or cottages. You can exceed the density requirements for rental cabins as long as the subsurface rules are met, but they cannot be sold individually unless they met the square footage requirements. Mr. Merritt will need to sign an affidavit acknowledging that he will not sell any of the units.

Mr. Merritt has created a cul-de-sac to access the new units making sure that fire and rescue have plenty of access and turn around space. Andrew referenced one of the letters and the concern for the two new lots creating an overburden on the right-of-way. Mr. Merritt clarified that the two new lots have access to the beach through a right-of-way on Spring Lane further down Route 114.

Paul White closed the public hearing for Richard Merritt's project at 7:07 p.m.

#### **IV. Correspondence**

- a. Desirae Lyle informed the Board that the February 8, 2023 Public Hearing Notice was sent to all property owners on January 27, 2023.
- b. Ads were sent to The Bridgton News and Your Weekly Shopping Guide on January 19, 2023 for the February 8, 2023 public hearing and it was published twice. Tonight's public hearing advertisement was sent on January 27, 2023.
- c. Desirae Lyle provided a Cost Breakdown for February 8, 2023 Public Hearing Notices.
- d. Desirae Lyle informed the Board that letters were received today February 14, 2023 from Mr. & Mrs. Logan and Mr. Neiforth's regarding Mr. Merritt's project.

#### **V. Open to Public Questions**

There were no questions at this time.

#### **VI. Review of Minutes (January 10, 2023)**

Tina Vanasse made a motion to approve the January 10, 2023 meeting minutes as presented. Susan Thuotte seconded the motion. Motion carried with all in favor.

The Board took a small recess before starting the review of Old Business.

#### **VII. Old Business**

##### **a. Subdivision Plan Review – White's Road – Forest Fern, LLC (Owners) – Terradyn Consultants, LLC (Applicant) – Map 15, Lot 7-1 – Proposed Subdivision**

The Board discussed the concerns raised during the public hearing. First the width of the bridge or culvert on White's Road which was raised by the fire department. Mr. Lowe felt that any costs to improve the road should be borne by the applicant. Brandon noted that the State of Maine did the initial inspection of the culvert, he suggested having the State reassess the bridge. He suggested that the Board may want to request escrow funds to

cover the cost of the inspection. Paul White asked how the Board felt about the applicant bearing the cost of the inspection and fixing the bridge should it need it. Andrew Plummer reiterated that it is a Town road, if it was on their property or a private road, he could see them paying for it. Brandon noted that there are currently thirteen lots and five dwellings past the bridge. The bridge is currently safe for the existing dwellings, will adding five new dwellings suddenly make it unsafe. If it is a Town road and a Town bridge the Town would have the same responsibility to the existing dwellings as it would to the new dwellings. Three of the eight dwellings have been constructed in the last five years. Andrew asked when the stone bridge was removed and the culvert bridge put in. Brandon replied that that was done twenty years ago. Brandon has a copy of the inspection report that led to the bridge being replaced but does not have a post construction inspection report. Andrew believes that there is a way to measure the culvert and google what the load should be. Paul asked if the applicant is willing to produce that report. Mr. Wood replied that it is a Town road. Andrew is willing to go measure the culvert prior to the next meeting. Paul clarified that the Town should be responsible for the maintenance of the bridge, but any clearing to make the road more accessible to large equipment should be paid for by the applicant. The applicant has a deeded right-of-way over the road and that should allow them to maintain the right-of-way. Tina Vanasse expressed her concern that the road has been unsafe for the current dwellings.

The Board then discussed a donation towards the hydrant fund or adding a fire pond. A dry hydrant does not need to be on their property, but in the vicinity. Chief Strike commented that just the pipe needed for a dry hydrant is roughly \$3,200. It was noted that White's Road is private and the applicant's have no intention of asking the Town to accept it as a Town road or public easement. Tina asked if turnarounds or pull-offs should be added to the plans. There is an intersection/turnaround further down White's Road past the proposed development.

The Board reviewed the subdivision voting matrix as listed in the Land Use Ordinance Section 8 pages 1 to 3. A formal vote will need to be done at the next meeting. The Board discussed an escrow account. Andrew reiterated that the bridge is on a Town road the cost does not belong with the applicant. The applicant will be selling the lots, they will not be developing the lots themselves, therefore an escrow account may not be needed. The property was in tree growth and the Tree Growth Penalty will need to be paid to the Town. The applicant is willing to make a contribution to the dry hydrant fund. Chief Strike asked to comment that he just wants to make sure that all residents are receiving the same levels of emergency services as everyone else in Town.

The applicant asked the Board for clarification regarding approval of the preliminary plan. Andrew commented that the Board accepted the application as complete in January 2023, the Board then has sixty days to act on the application (March 14, 2023). The Board will have an answer at the next meeting.

**b. Site Plan Review – Richard Merritt – Map 4, Lot 16B – Proposed Expansion of Existing Cluster Development**

Paul White explained that the concerns raised during the public hearing included the overburdening of the pond (Sebago Lake), and if the lots met the correct size requirements.

Brandon explained that the Board has some discretion regarding this proposal. The applicant is proposing rentals that will never be sold as individual houses. The applicant is proposing two, two-bedroom units. Brandon explained that the Appeals Board ruled in the 1990's that there is no provision that multi units need to be connected. The Planning Board has the discretion to increase or to exceed the normal dimensional requirements, but there is an agreement that the units are to stay under his management and he can't sell them, unless the units that he sells met the minimum dimensional requirements for a dwelling.

Mr. Merritt explained that the addition of these two units will bring the number of bedrooms back to the number that was approved in the 1970's. The deed for the property and access to the water dates back to 1925. No one owns the beach, but there are deeded right-of-ways to the beach. Mr. Merritt has a court order that splits the access to the beach in half with rights in common with Mr. Neiforth's who is the current owner. Mr. Neiforth has erected a fence that directly abuts the six-foot right-of-way to the beach, which would obstruct the view of people traveling to the beach and keeps people off of his property. The Board would like a copy of the court order. The proposed units will be cojoined with the original Goodwins Lodge lot. The two new lots that have been sold have access to the water through a lot further down the road on Spring Lane.

Desirae Lyle reported that all fees have been paid to date. The application has been received and the Board voted that it was complete at the January 10, 2023 meeting.

Andrew Plummer made a motion that this is a minor development. Carolyn Calarese seconded the motion. Motion carried with all in favor.

Andrew Plummer made a motion that no professional review is need for this project. Tina Vanasse seconded the motion. Motion carried with all in favor.

Paul White made a motion that Land Use Ordinance Section 7-D can be accepted as a whole. Carolyn Calarese seconded the motion. Motion carried with all in favor.

Tina Vanasse made a motion to accept Land Use Ordinance Section 7-E as a whole. Andrew Plummer seconded the motion. Motion carried with all in favor.

Andrew Plummer made a motion that the Board has reviewed Land Use Ordinance Section 7-F Site Inventory and Analysis. Carolyn Calarese seconded the motion. Motion carried with all in favor.

Andrew Plummer made a motion to accept Land Use Ordinance Section 7-G as a whole pending receipt of the court order regarding the beach access. Carolyn Calarese seconded the motion. Motion carried with all in favor.

Sue asked if the Board should address the letters submitted by the Logan's and Neiforth's in regards to impact on neighboring properties under Land Use Ordinance Section 7 (H) (6). The Board doesn't believe that this will add undue impact on the neighboring properties, since Mr. Merritt has had the same number of bedrooms approved in the past. Desirae again confirmed that fees have been paid to date.

Andrew Plummer made a motion to accept Land Use Ordinance Section 7-H as a whole. Tina Vanasse seconded the motion. Motion carried with all in favor.

The Board would like something from Mr. Merritt regarding how electricity will be conducted to the new units, and a copy of the Court Order and deed that reference the beach access. The Board will schedule Mr. Merritt for the March 14, 2023 meeting. Mr. Merritt asked how the next meeting will run and if the Board has to go through all of this information again. The Board will need to review the court order that Mr. Merritt is to provide and make a decision at that meeting.

**c. Review February 8, 2023 Public Hearing**

This was done during the workshop portion of this meeting.

**d. CEO Updates**

Brandon Woolley had no new information for the Board.

**e. Goal Setting Items**

**1. Scheduling Workshop (March 14, 2023)**

Andrew Plummer made a motion to hold a workshop on March 14, 2023 at 5:30 p.m. Susan Thuotte seconded the motion. Motion carried with all in favor.

**2. New State Law – LD 2003**

This was not discussed.

**3. Ordinances – All & Quarry**

This was discussed as New Business d.

**VIII. New Business - None**

**IX. Adjournment**

Andrew Plummer made a motion to adjourn at 8:09 p.m. Carolyn Calarese seconded the motion. Motion carried with all in favor.

**Respectfully Submitted,**



**Desirae Lyle**  
**Administrative Assistant/Deputy Clerk**  
**Approved at the March 14, 2023 Meeting**