



**Lebanon, Maine Planning Board  
Planning Board Public Hearing/ Regular Meeting -Minutes  
Monday, April 4, 2022**

Members Present

A. LePage – Chairman 

D. Wilson – Vice-Chair 

L. Bragg 

A. Bridges 

M. Walsworth - Alternate

Brian Huppe

Scott Strynar

Scott Couture

Al Shaver

David Conlin

Asher Anderson

Grace Charland

Shawn Tobey

Jennifer Roux

Others Present

Joanna Bates

Morgan Austin

Kevin Hovagimian

Paul Martin

Patrick Coughlin

Kyle Thrasher

Jodi Ameden

Cindy Pedro

Michael Pedro

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**Public Hearings:**

The motion to open the Public Hearing for Fielding's Oil was made by L. Bragg. The motion was seconded by A. Bridges. The vote was taken. The motion carried. 4-0 The Public Hearing opened at 6:00 pm.

**Fielding's Oil - SPR – Carl Broggi Highway**

Patrick Coughlin, from St. Germain presented the Fielding's Oil & Propane storage facility project. The closest fuel storage facility for the drivers in our area to fill their trucks is in Scarborough. Fuel will be delivered to the storage facility for smaller, local delivery trucks to fill up.

There have been some minor changes from the last time the project was brought before the Board. The previous layout of the site was not conducive to the oil trucks. The site allows vehicular traffic to flow either clockwise or counter clockwise. The main area will be fenced in.

Chairman LePage asked if the Fire Department would have access to the fire pond if needed, to which the answer was yes. Jodi Amadan offered that there are many safety measures in place which exceed the minimum requirements.

The question of how much noise will be created and or the amount of odor were addressed. The only noise will be when the trucks are loading. This will be during the daylight hours the majority of the time. The trucks are comparable to a school bus as far as noise. In regard to odor, there are sensors that detect if there is a leak. If there is an alarm it will contact an alarm company and they will notify the Fire Department. There are both automatic and manual emergency shutoffs in place.

The previous Department of Transportation permit needs to be renewed, the Department of Environmental Protection permit is automatically approved in two weeks, even if you do not receive the written confirmation at that time. Mr. Coughlin stated that there will be a cement dyke for the four (4) oil storage tanks.

There are oil tanks on site that will be sand blasted and painted to prevent corrosion. Approval is still needed for the oil aspect of this project.

An abutter asked if the right of way that the properties shared would be changed in any way. There are no plans to change drainage ditching unless it has to be done. Another question was will there be any impact on the ground water. Mr. Hovagimian recently purchased the property. There were not any concerns with the water when it was tested at that time. Soil samples were taken as a base in the event that there is a spill, however, this rare, and it would be caught by the concrete containment area. This will be inspected on a regular basis for cracks, etc. Both Mr. Fielding and Paul Martin gave Mr. Hovagimian contact information for the contractors as well as their own telephone numbers if he has any questions and or concerns once construction begins.

The motion to close the Public Hearing for Fielding's Oil was made by L. Bragg. The motion was seconded by Vice-Chairman Wilson. The vote was taken. The motion carried. 4-0 The Public Hearing was closed at 6:30 pm.

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### **Regular Meeting:**

L. Bragg made the motion to open the regular Planning Board meeting. The motion was seconded by A. Bridges. The vote was taken, the motion carried. 4-0 The meeting opened at 6:30 pm.

### **Fielding's Oil - SPR – Carl Broggi Highway**

Patrick Coughlin stated that Asher Anderson from John Turner Consulting will be working on the frequency of the inspections. Asher is to submit all inspection reports to the Code Enforcement Officer as well as the Planning Board. These inspections are to include the subgrade, concrete, gravel which started were prior to the review. A weekly SWPPP "Storm Water Pollution Prevention Plan" inspection report will be submitted weekly until completed. Mr. Coughlin stated a Permit by Rule with the State has been obtained showing that all requirements have been met.

Mr. Coughlin stated that they may not have the permits in place for the oil storage. The tanks are on site, they are waiting for the Fire Marshall for approval. Hopefully this will be the fall of 2022/spring of 2023. Chairman LePage explained that the Site Plan approval is valid for one (1) year. This approval may be renewed twice for six (6) months. A letter from the Fire Chief will be submitted. Jodi Ameden added that the Fire Safety code stipulates that the minimum volume for a fire pond should be able to accommodate approximately 7,500 gallons for every ten (10) minutes. Realistically, there should be enough for approximately one (1) hour. A liner could be installed if concerned with dry weather which causes a lack of water. Mutual aid is an option also. Chairman LePage asked Asher and the Board if they had any questions. Neither Asher or the Board had any. Patrick distributed revised plans to be reviewed. The monitor line had been removed per the Fire Chief so it could be portable. There will be five (5) parking spaces for delivery trucks, most drivers take their trucks home once filled. Chairman LePage asked Asher if he notices anything that should be addressed. Asher stated that it looks good.

L. Bragg made the motion to accept the plan for Fielding's Oil and Propane per revision 2. Vice-Chairman Wilson seconded the motion. The vote was taken. The motion carried. 4-0 The plans were signed. One signed copy will be recorded at the Registry of Deeds and returned to the Board.

### **Grace Charland – Scott Strynar – Harvest Goddess/Pot of Gold - 1104 Carl Broggi Hwy – DONE**

Mr. Strynar presented a revised plan for the Planning Board. The applicant is hoping for the parking area to be completed sooner than later. Inspections of the drainage area and as built reports are to be submitted to both the Code Enforcement Officer and the Land Use Clerk. A note was added that temporary striping to be in place prior to the opening on sheet two (2), sheet six (6) included the bollard and chain details.

Several of the sheets were consolidated onto the site plan. Chairman LePage asked if there were any questions. A. Bridges made the motion to accept the 3/22/2022 revised site plan for the Harvest Goddess. The motion was seconded by L. Bragg. The vote was taken. The motion carried. 4-0 The plans were signed. A signed copy that has been recorded at the Registry of Deeds needs to be returned to the Planning Board.

**Cindy Pedro – SPR MLR – 87 Savannah Lane –**

Mrs. Pedro provided the Board with a rough plot plan. While going through the check list, the question of the road and additional traffic was asked. Mrs. Pedro stated that there will be three (3) employees which will be Mr. and Mrs. Pedro and their granddaughter, who will be the only additional source of traffic. This will be a delivery service only, so there no customers or members of the public will be on site. Mrs. Pedro submitted a letter from Fire Chief Flynn in regard to The proposed structure will be on a foundation and will not have a bathroom. There is an existing well on the property for the winery, therefore and additional well will not be created. Erosion control such as silt fencing and or stump grindings will need to be in place during the construction of the new structure. There will be a light by the door and no signs will be on the property. The final plan must be stamped by a licensed engineer in order for the Registry of Deeds to record it.

**Christopher Mooney – SPR 11 Moose Lane – Not in attendance**

**Al Shaver/Bay State – SPR MLR – 115 TM Wentworth Rd**

Mr. Shaver approached the Board in regard to a Site Plan Review as a Marijuana License Requirement. Chairman LePage noted that the Planning Board is reviewing the site only, not the type of business. This is a nine (9) +/- acre lot with an existing 7,500 square foot building. There is an existing septic system and well on site. Two (2) propane generators provide additional electricity. There will not be any changes made to the site. There are few employees and there will not be customers and/or members of the public visiting the site. L. Bragg made the motion that site plan for Bay State is a minor Site Plan Review. The motion was seconded by Vice-Chairman Wilson. The vote was taken. The motion carried. 4-0 The application fee is \$100.00. Chairman LePage added that the plans are engineered and stamped so there should not be an issue with getting them recorded at the registry of Deeds. The application was deemed complete. A site visit was scheduled for Friday, April 8, 2022 at 1:00 pm. A Public Hearing was scheduled for Monday, May 2, 2022 at 6:00 pm.

**Eric Bergendahl – Rescheduled for Monday, May 16**

**Shawn Tobey/Hoyle Tanner – Upper Cross Road/Solar Project**

Mr. Tobey presented the revised plans to the Planning Board. L. Bragg made the motion to accept the plan of Lebanon Maine Solar LLC located on Upper Cross Road. The motion was seconded by Vice-Chair Wilson. The vote was taken. The motion carried 4-0. The plans were signed. A signed copy that has been recorded at the Registry of Deeds needs to be returned to the Planning Board.

**Brian Huppe – KOA Campground – Flat Rock Bridge Road**

Mr. Huppe and Joanna Bates came before the Board for an informal workshop. Mr. Huppe provided the Board with a packet showing what structures are to be moved and where new structures would be placed. The campground is proposing to move safari tent type structures away from the river. This will correct current violations which were issued from Code Enforcement Officer David Salvatore and the Assistant Shoreland Zoning Coordinator for the State of Maine DEP, Jeffrey Kalinich. The structures will be moved with a crane. Code Enforcement Officer, David Salvatore stated that he had been out to the property on Friday and the area was staked out for the relocation of the structures.

The Board feels that this should be reviewed as a best possible location. A plan showing the highwater mark delineated in twenty-five-foot (25') sections should be submitted. Another proposal to add additional cabins throughout the campground was also presented. The cabins are pre-made when delivered and are on wheels. They will be placed on four (4) sonotubes footings.

The Board went through the applicability criteria for a Site Plan Review. L. Bragg made the motion that the KOA Campground is a major Site Plan Review and will be reviewed as such. Vice-Chairman Wilson seconded the motion. The vote was taken. The motion carried. 4-0 A Site Visit was scheduled for Monday, April 11, 2022 at 5:30 pm.

#### **Roux – Farm stand – Chick Road**

Mr. & Mrs. Roux met with the Board in a workshop capacity to determine if their proposal of adding a 12' x 20' structure for a farm stand to their property needed to go through a complete Site Plan Review. The applicant presented the proposal to the Planning Board and answered all of the Board's questions. There is an existing driveway and there will not be a parking area. The stand will consist of seasonal products which they will supply from their farm in Shapleigh. There will not be a septic system or well on site. The Board determined that the project was exempt under "Agricultural Activities" and did not have to go through the entire Site Plan Review process. The applicant must obtain the required building permits from the Code Enforcement Officer. Applicant is also responsible for any and all permits that may or may not be required by the State. The motion that the Roux farm stand does not have to go through the Site Plan Review was made by L. Bragg. The motion was seconded by Vice-Chairman Wilson. The vote was taken. The motion carried 4-0

#### **John Corliss – Minor SUB - Blue Rose Lane**

Mr. Corliss was not in attendance. He dropped off the revised plans for the Board to review.

L. Bragg made the motion to accept the plan for Corliss Properties Inc., dated 03/30/2022 The motion was seconded by Vice-Chair Wilson. The vote was taken. The motion carried. 4-0. The Plans were signed. Mr. Corliss will be contacted to sign the plans, bring one (1) copy to the Registry of Deeds to be recorded and return a copy of the signed and recorded plan to the Planning Board.

#### **Other Business:**

The motion to approve the Findings of Fact Conclusion of Law for DoZia, Borderline Property Management of 178 Creamery Hill Road was made by L. Bragg. The motion was seconded by A. Bridges. The vote was taken. The motion carried. 4-0

L. Bragg made the motion to accept the Findings of Fact Conclusion of Law for Nature's Gift located at 1384 Carl Broggi Highway. Vice-Chair Wilson seconded the motion. The vote was taken. The motion carried. 4-0

L. Bragg made the motion to accept the Findings of Fact Conclusion of Law for Mr. Rowley, located at 163 Natural High Road. Vice-Chairman Wilson seconded the motion. The vote was taken. The motion carried. 4-0

L. Bragg made the motion to accept the site visit minutes of Saturday, February 12, 2022. Vice-Chairman Wilson seconded the motion. The vote was taken. The motion carried. 4-0

L. Bragg made the motion to accept the site visit minutes of March 5, 2022. Vice-Chairman Wilson seconded the motion. The vote was taken. The motion carried. 4-0

L. Bragg made the motion to accept the site visit minutes of March 26, 2022. Vice-Chairman Wilson seconded the motion. The vote was taken. The motion carried. 4-0

The Board determined that the signing of the FFCL for North Country Cannabis ME LLC should be tabled with a vote of 4-0 The area which is now paved is greater than the area at the site visit and shown on the site plan. The Board questioned whether or not the applicant would need to come back before the Board or not. This matter will be looked into.

L Bragg made the motion to adjourn. The motion was seconded by Vice-Chairman Wilson. The vote was taken. The motion carried. 4-0 The meeting adjourned at 9:00 pm.

**Note:**

The Planning Board follows the Site Plan Review Ordinance criteria which was enacted on Tuesday, November 6, 2018. Additional requirements, restrictions and/or criteria in regard to other Town Ordinance, State laws and or licensing are the responsibility of the applicant to research, apply for and obtain. The Planning Board does not review or approve any of the criteria/requirements or issue licenses, permits, etc. associated with marijuana businesses/establishments of any kind.