





Lebanon, Maine Planning Board
Regular, Meeting Minutes
Monday, October 3, 2022

Members Present

A. LePage, Chairman 
Mr. D. Wilson, Vice-Chairman 
A. Bridges 
L. Bragg 
S. Nugent, Alternate

Others Present

Rene Doiron, Lebanon Pines Golf Course
Jeffrey Travers, Mow to Snow Landscaping
Brian Wolfinger, Grassy Roads Garden
Elizabeth Readio
Jaysen Rogier
Rachel LaMere
Nicolas LeMere
Stephen Plante
Jennifer Lamb

A. Bridges made the motion to open the meeting. The motion was seconded by L. Bragg. The vote was taken. The motion carried. 4-0

Rene Doiron – 119 Center Road – R02-6-4 - Site Plan Review - Lebanon Pines Golf Course: Mr. Doiron submitted a completed application as well as a plan to the Planning Board. This is an existing golf course. He is proposing to erect a pavilion to take the place of a tent that is currently used for small gatherings. The pavilion will be located between the existing Pro Shop and the parking area and sit back fifty (50') feet from the road.

There will not be utilities of any kind added to the site, septic, well or electricity. It was determined at the previous workshop that this project falls under a minor Site Plan Review.

A Site Visit was scheduled for Thursday, October 6, 2022 at 5:30 pm. The motion that there not be a public hearing for Rene Doiron golf course was made by L. Bragg. The motion was seconded by A. Bridges. The vote was taken. The motion carried. 4-0

Mr. Doiron submitted check number 1714 in the amount of \$100.00 for the application fee.

Andrew Strosahl - Glenn Griswold – Mike Taatjes – Best Possible Location/Shoreland Zone – Sewell Shores Road - Map U21 Lot 15: Not in attendance

Paul Morrisette – Tom Cusano – 1716 Carl Broggi Highway – Site Plan Review – remove and replace existing structure on property - Map U01 Lot 68: Not in attendance

Jeffrey Travers – Site Plan Review – Mow to Snow Landscaping – Oak Hill Road – R05-16-3-B-1

Mr. Travers came before the Board for an initial workshop. Currently there are two (2) garages on the property. He is looking to add a roof to the smaller one and would like to add either a metal or some other type of building for his equipment to be worked on. There is an issue with the right of way to the property. He believes that he owns the road. Mr. Travers brought a plan and his deed to show the Board. Chairman LePage mentioned that if Mr. Travers plans to erect another building on the property, that he can bring that before the Board now as a part of this review so he would not have to come before the Board in the future.

Mr. Travers stated that he has 16+ acres. However, it is confusing. The guy who owned the property beforehand worked on hot rods. The plan from Corner Post Surveying is noted as proposed and was not recorded, but the deed reflecting the plan was. At this time, Mr. Travers property does not have any road frontage, therefore, until the matter of who owns the road has been determined, no further construction/placement of structures may take place.

It was explained to Mr. Travers that the Town cannot offer any guidance, advice or make any determinations in regard to who owns what. Mr. Travers also added that another neighbor stated that they own some of the property as well. Mr. Travers said that he will contact Dana from Corner Post, Do some research at the registry of deeds and that he has legal counsel.

Mr. Travers asked who pays the taxes on the right of way. It was explained that the Planning board does not know the answer and that he should call the Office.

A.J. Panessiti – Site Plan Review – Swamp Dog Manufacturing – 43 Emmons Lane – R11-13-C:
Not in attendance

Brian Wolfinger – Site Plan Review – Marijuana License Requirement 97 New Bridge Rd U17-41:

Mr. Wolfinger presented a plan to the Board which was part of the Grindle Subdivision Plan. Between the survey and the road, the plan covers three of the four lot lines of the property. The Planning Board reviewed the checklist of criteria at a previous meeting where several waivers were granted. The plan shows the existing buildings on site, pavement/parking, well, septic, sign location and the placement for a dumpster. A motion that this project be determined as a minor Site Review was made by L. Bragg. The motion was seconded by A. Bridges. The vote was taken. The motion carried. 4-0

A Site Visit has already taken place. Mr. Wolfinger will submit an application tomorrow, Tuesday, October 4, 2022 along with the \$100.00 application fee. A Public Hearing was scheduled for Monday, November 7, 2022 at 6:00 pm. The Land Use Clerk will contact Mr. Wolfinger with the publishing fee for the Public Hearing Notice once it has been received.

Public Participation:

Residents from Emmons Lane were in attendance in regard to an agenda item in which the proposed applicant was not in attendance. An abutter asked if this was the public hearing portion of the process. Chairman LePage stated that the Board does not have any information, the applicant has not had a workshop as of yet. He was on the agenda for this evening, but is not in attendance so the Board cannot answer any specific question which pertain to the project. We do have public participation where the Board can try to answer general questions in regard to the Site Plan Review process.

A resident asked the question if the Town takes into consideration when issuing permits for businesses if they are in a residential area. Are there differences in the permit process and or Ordinances for those businesses where customers come to the property versus a business which manufactures items and sells elsewhere such as online or at a store.

Chairman LePage explained that Lebanon does not have zoning. The only document that we have is the Site Plan Review Ordinance to review businesses. Prior to the Ordinance being passed in November of 2018, a business would not have to come before the Planning Board unless it fell under Subdivision or Shoreland Zoning. The Ordinance can be reviewed on the Town website.

The resident made the comment that it doesn't matter what type of business it is. Chairman LePage explained that the Planning Board only determines if the property can support a business by reviewing the criteria in the Ordinance.

The question of would a referendum need to be voted on in order to make changes? Brief discussion on comprehensive plans and zoning took place. The abutters stated that the business is already up and running and the noise from driving four wheelers up and down the road is terrible. They were told that even though the Town has a Noise Ordinance, they cannot enforce it for they do not have the equipment or a person qualified to use the equipment to determine the noise level. It was suggested perhaps the State Police could assist in that matter.

The question of whether or not a business can legally have customers utilizing the private road/right of way since everyone owns a part of the road. The Board explained that they cannot make that determination. The Board does review if the road is adequate to handle additional traffic flow pedestrian safety, emergency vehicle access, etc.

The question if there would be an impact study. It was explained that it depends on what the project is. If someone is building a garage or converting an existing garage into a home business, it is reviewed differently than say if a Wal-Mart came before the Planning Board.

The question, does the Town confirm if the applicant has applied for and or obtained any other permits and or licenses that may be required by the State. It was explained that the Planning Board does not have the authority to enforce Ordinances, that would be the Code Enforcement Officer.

The Code Enforcement Officer would need to inspect any new construction and obtain an occupancy permit prior to utilizing a new structure, however, if it is an existing structure with no changes, a permit from the Code Enforcement Officer is not needed.

Although not required to attend a site visit, the Planning Board will invite the Code Enforcement Officer.

A. Bridges made the motion, we would like to include in the FFCL for the Paul Howard Subdivision Boundary Line Adjustment, that it was our intention to waive the Public Hearing, which was requested by the applicant. Vice-Chairman Wilson seconded the motion. The vote was taken. The motion carried. 3-0

The motion to accept the minutes from the August 15, 2022 Planning Board minutes was made by A. Bridges. The motion was seconded by Vice-Chairman Wilson. The vote was taken. The motion carried. 3-0

The motion to accept the minutes from the September 19, 2022 Planning Board minutes 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 Roger Provencher of ACP Realty at 141 Creamery Hill Road. Vice-Chairman Wilson seconded the motion. The vote was taken. The motion carried. 4-0

The motion to adjourn was made by L. Bragg. The motion was seconded by A. Bridges. The vote was taken. The motion carried. 4-0 The meeting adjourned at 7:33 pm.

