





Lebanon, Maine Planning Board
Regular, Meeting Minutes
Tuesday, November 15, 2022

This was rescheduled from Monday, November 7, 2022

Members Present

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

Others Present

Shelli Boucher
AJ Panessiti
Ed Panessiti
Rene Doiron
Brian Wolfinger
Bruce Marshall
Paul Morrisette
Chief Flynn
Jeff Travers
Joan Cook

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

Public Hearing, delayed until Brian Wolfinger arrives.

Town of Lebanon – Site Plan Review – Fire Station Proposal:

A proposal for a new fire station and/or altering the existing fire station located at 3 Upper Cross Road is in the beginning stages. Chief Flynn and Selectwoman Shelli Boucher came before the Board for direction and information in regard to the Site Plan Review process.

L. Bragg made the motion to pause the regular meeting for the Public Hearing. The motion was seconded by A. Bridges. The vote was taken, the motion carried. 4-0

L. Bragg made the motion to open the Public Hearing for Brian Wolfinger, Grassy Roads Garden. The motion was seconded by A. Bridges. The vote was taken, the motion carried. 4-0

Public Hearing:

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

Mr. Wolfinger arrive late for the Public Hearing. The motion to open the Public Hearing for the Grassy Roads Garden Public Hearing was made by L. Bragg. The motion was seconded by A. Bridges. The vote was taken. The motion carried. 4-0

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

Mr. Wolfinger presented his proposal for the change of use of a garage to a space for growing and selling plants at 97 New Bridge Road, Map U17 Lot 41. The driveway is user friendly for clients to enter and exit the property. No members of the Public were in attendance to ask questions.

The motion to close the Public Hearing for Grassy Roads Garden was made by L. Bragg. The motion was seconded by A. Bridges. The vote was taken. The motion carried. 4-0

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

Regular Meeting:

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

Mr. Wolfinger submitted an application for the Board to review. The Board had reviewed the submittal criteria during a previous meeting and waived the following;

- Full Boundary survey
- Existing Conditions survey
- Topography
- Stormwater Management Plan
- Erosion Control Plan

The existing structures, garage one (1) and garage (2) were shown on the plan along with the sign and the paved area. The placement of a dumpster should also be placed on the plan in the event that one may be needed in the future. There has not been a change in the flow of traffic

The parking area is shown as 77' x 60'. Both the well and septic are placed on the plan. If placing a dumpster on the property, it must be enclosed. If it is enclosed with a chain link fence, it will need to have privacy slats.

There will not be any changes to the existing conditions, no site work will be conducted.

Mr. Wolfinger needs to complete the application and bring a third copy of the plan for the Board to sign for he only had two (2) copies. Mr. Wolfinger will have these items for the next Planning Board meeting, Monday, December 5, 2022.

Rene Doiron – 119 Center Road – R02-6-4 - Site Plan Review - Lebanon Pines Golf Course:

Mr. Doiron presented the Board with revised plans to review. Site Plan Review Approval Standards were reviewed by the Board. Vice-Chairman Wilson made the motion to accept the Lebanon Pines Golf Course application as complete for the Pavilion. The motion was seconded by L. Bragg. The vote was taken. The motion carried. 4-0

The Board signed the plans. Mr. Doiron is to bring the plan to the Registry of Deeds to be recorded. The Code Enforcement Officer will be notified that the project has been approved.

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

Since the last meeting on October 3, 2022, Mr. Travers had contacted the title company in regard to the right of way to his property and whether or not he owned it. Mr. Travers has confirmed that Ms. Cook does own the fifty-foot (50') Right of way to Mr. Travers' property. The question of whether or not Mr. Travers could use the right of way to build a private road/driveway in order to create the two-hundred feet of road frontage needed for it to be a "buildable lot". Mr. Travers inquired about improving a road that was already on his property for road frontage for there are no other access points to the property in

addition to the right of way. It was stated that Mr. Travers can build a road on his property if he would like, but it would not be considered road frontage.

It was reiterated that the property is not land-locked. There is access to the property, however, it is not a buildable lot per the Lot Size Ordinance 2017. Mr. Travers is currently using the existing garage to store his landscaping business equipment, would like to build a home on the property in the future, and therefore needs the required two-hundred feet of road frontage. It was reiterated that at this time, no other structures may be placed on the property. Discussion of if it is possible for a private road to be created, would Ms. Cooks address change. Ms. Cooks driveway is off of the right of way, which would mean that her home would no longer be on Oak Hill Road. This cannot be answered by the Planning Board. The plan will need to be revised and at that time, the E-911 Addressing Coordinator would have to review to make that determination.

Both Mr. Travers and Ms. Cook discussed possible scenarios with the Board while reviewing the existing plan. The Board cannot make the determination of how the right of way can be changed to a private road. The company that created the plan are familiar with the Town's Ordinances and State laws. It was suggested that Mr. Travers contact them for guidance.

It was explained that both the Subdivision Regulations and Site Plan Review Ordinance will be used in this process. The Subdivision Regulations has the criteria for building roads and the Site Plan Review Ordinance for the landscaping business. Mr. Travers asked if he could use the right of way for his road frontage for Ms. Cook technically gave him permission. It was explained that the right of way is not road frontage and that Ms. Cooks road frontage cannot be also utilized for his road frontage.

Mr. Travers stated that he will contact the company who created the plan and asked to be placed on the next agenda which is December 5, 2022.

A.J. Panessiti – Site Plan Review – Swamp Dog Manufacturing – 43 Emmons Lane – R11-13-C:

Both AJ. Panessiti and his father Ed came before the Board for an informal workshop. Mr. Panessiti has a small machine shop which he fabricates parts for UTV's and ATV's. Chairman LePage asked if the business was in operation, to which AJ replied that the business has been in operation, however they were unaware of the Site Plan Review process.

Both Mr. Panessiti and his father presented information and answered the Boards questions. There will not be any earth work on the property nor will there be any additional or the expansion of structures. This is not a retail business where customers are on site. All parts are either delivered or shipped via UPS. Mr. Panessiti has his father help out from time to time, however, there are no regular employees. Ed Panessiti Sr. had originally purchased the property for a vacation home. No one lives on the property. Mr. Panessiti lives with his father in New Hampshire.

Business hours are from 7:00 am – 5:00 pm, Monday through Friday. It was asked if there was any kind of noise associated with the business. There is very little noise which is contained in the garage, nothing that the neighbors would notice. It was also stated that there are no chemicals on site, no painting or parts "washing. He is fabricating parts; he has a lathe and a bending set up.

It was explained that a real plan created by an engineer or surveyor needs to be submitted along with an application. The Site Plan Review Ordinance lists the criteria which is needed. If there are items that may not pertain to this project, waivers will need to be requested. Once a plan and the application are submitted, a site visit will be scheduled. Mr. Panessiti Sr. asked for the information be emailed to him as well.

Paul Morrisette – Tom Cusano – 1716 Carl Broggi Highway – Site Plan Review – remove and replace existing structure on property - Map U01 Lot 68:

The applicant does not have any additional information at this time for the Board. They came to ask some questions in regard to the peer review request. Chairman LePage explained that the reason for the peer review, is that this project is more complex than what the Board has handled in the past. The applicant's representative agreed with the peer review and that it is beneficial for both sides.

The applicant has done research in regard to the shoreline protection. They have also been in contact with the State in regard to potential issues with the road access into and out of the site. They are looking to remove the existing building and place the new building to the side where another structure had been at one time.

The Clerk will contact the firm for an estimate and email the estimate to the applicant in order for the escrow to be established.

The motion to accept the minutes from the October 3, 2022 Planning Board minutes was made by A. Bridges. The motion was seconded by L. Bragg. The vote was taken. The motion carried. 4-0

The motion to accept the minutes from the October 6, 2022 Site Visit minutes was made by A. Bridges. The motion was seconded by L. Bragg. The vote was taken. The motion carried. 4-0

A. Bridges made the motion to accept the Findings of Fact Conclusion of Law for the Paul Howard Subdivision application for Gary Taylor with the addition that it was the Board's intentions to waive the Public Hearing. The motion was seconded by Vice-Chairman Wilson. The vote was taken. The motion carried. 3-0

The motion to accept the minutes of September 19, 2022 noting the change of wording from "within" to "outside" was made by A. Bridges. The motion was seconded by Vice-Chairman Wilson. The vote was taken. The motion carried. 4-0

The motion to accept the Findings of Fact Conclusions of Law for the Wilder Acres minor four (4) lot subdivision for Lisa Thompson was made by A. Bridges. The motion was seconded by Vice-Chairman Wilson. The vote was taken. The motion carried. 4-0

A. Bridges made the motion to give an extension due to extraordinary circumstances for the "ME West Lebanon Road Solar LLC" permit. The motion was seconded by L. Bragg. 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 8:35 pm.