

Town of Limington
Planning Board Meeting
August 21, 2023

The meeting was called to order at 7:00 p.m. at the Limington Municipal Complex by Chair, Joyce Foley. Members present: Joyce Foley, Bob Gervais, Pete Langevin, Darryl Hubbard and Victoria Kundishora.

Staff present: Donna Sawyer, Planning Board Secretary

Staff Absent: Craig Galarneau, Code Enforcement Officer

Others present: Judy Wentworth, Mike Foley, Tammy Pike, David Pope, Kelly Blace, Chris Gillespie, Earle Bunting, Brian Leavitt, Jacqueline and Batty Mertz, Frank Foss, Gary Fullerton, Judy Fullerton, Annie and Robert Beagan, James Yates, Jason Boucher, Grace Davis Joe Disanza, Dwight Webber, Stephen Cady, Matt Petersen, Aaron Sleeper, Cathy Petersen and Paula Foley

Agenda

1. **Public Hearing for Blaze Orchard, LLC to operate Blaze Brewing Beer Garden**, Map R1, Lot 7, 187 Dole's Ridge Rd., - Applicant, Matt Haskell for Blaze Brewing
2. **Public Hearing for Shoreland Zoning to Build new cottage on a foundation**, 22 Cherokee Lane, Map U7, Lot 43 – applicant, Annette Beagan
3. **Conditional Use Permit for Leavitt Earthworks to add another use to his gravel extraction operation** – Map R 5, Lot 25-6, applicant, Brian Leavitt
4. **Public Hearing for Reptile & Rodent Business**, Map R14, Lot 29C, 564 Sokokis Ave, applicant, Camo Constrictors
5. Approve Meeting Minutes of August 7, 2023
6. Adjourn

Conditional Use Permit for Blaze Orchard, LLC to operate Blaze Brewing Beer Garden, Map R1, Lot 7D, 187 Dole's Ridge Rd., - Applicant, Matt Haskell for Blaze Brewing

Matt Haskell, the applicant, said he owns 5 restaurants, a couple of farms in central Maine and a brewery in Biddeford. He is leasing Doles Ridge Orchard from the Bunting family until the real estate closing. He is seeking approval to operate the orchard and obtain a license to get a commercial kitchen approved, (kitchen exists on site). He wants to build a timber frame pavilion 28.5' wide and 71' long. Eventually, he is looking to operate a year-round operation.

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Chair Foley opened the meeting up for public comments. Several neighbors came forward to speak. Their comments are summarized below:

Stephen Cady has purchased a building lot and has not built yet. A traffic study was done on Doles Ridge Road and it has 2,100 vehicles every day and he is concerned about traffic noise.

Chris Gillespie has great difficulty exiting his driveway as traffic speeds on the hill and multiple curves are on the road. He wants the speed lowered. Also, there is no striping on the road.

Barry Mertz expressed his concern for the 45 mph speed and said the traffic will be worse if this application is approved.

David Pope said he is usually the first one to arrive at traffic accidents and there has been one fatality. He concurs with the other neighbors regarding exiting their driveways.

Joe Disanza spoke about how the traffic has increased the last 40 years and felt that if this project is approved, the Town would have legal exposure.

Bud Foss, 206 Sokokis Avenue, spoke next. He is speaking on behalf of his mother who is an abutter, his brother who owns a Christmas Tree farm on New Dam Road and his sister lives on Tuffs Lane. His concern is that there has been a good neighbor policy and wants it to continue if this application is approved.

The applicant, Matt Haskell, came forward and asked if he had his attorney draft a letter to the Maine Department of Transportation, would the neighbors sign it. His attorney will forward it to the appropriate State officials. The neighbors indicated they would sign it.

Chair Foley closed the public hearing and said the Town of Limington has purchased equipment for striping and she will talk to the Public Works Director about striping Doles Ridge Road. She also said the town does not have local policing to enforce speed limits.

Public Hearing for Shoreland Zoning to Build new cottage on a foundation, 22 Cherokee Lane, Map U7, Lot 43 – applicant, Annette Beagan

James Yates, contractor/builder, said the owners want to remove the existing cottage and replace it with a new cottage. The structure that exists was built in 1937. The proposed new structure will have 4 feet added to the back of the cottage and will be moved back 4 more feet from the shoreline. Annie Beagan, owner, said that the cottage has been in the family since 1929 and she and her husband want a new building so that 4 more generations can enjoy it. Robert Beagan said that running water and a bathroom will be included in the new cottage.

There was no one from the public in attendance and Chair Foley closed the public hearing and told Mr. & Mrs. Beagan that the Board would make a decision on this application at the end of tonight's meeting.

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Chair Foley next moved to Leavitt Earthworks who has submitted a new application for another use at their gravel extraction site.

Conditional Use Permit for Leavitt Earthworks to add another use to his gravel extraction operation – Map R 5, Lot 25-6, Brian Leavitt

Brian Leavitt, Owner, of Leavitt Earthworks, stepped to the podium and said he is asking for a Conditional Use Permit to add another use to his current gravel extraction operation located at 524 Ossipee Trail. He was approached by a dumpster company that wants to store empty dumpsters on his property. Brian wants to lease a 100 ft. by 100 ft. square area within his pit. The dumpsters will not be seen from the road.

Chair Foley reminded Mr. Leavitt that he had not completed all of the Conditions placed on his September 20, 2021 approval. It involves paving the first 100' of the entrance road and another 200' will be paved with reclaimed asphalt.

Brian Leavitt said paving the roadway will take place in September.

Board members did not think a site walk was needed because they had walked the site when his 2021 application was before the Board. Chair Foley told Mr. Leavitt that his public hearing will take place on September 18th.

Darryl Hubbard made a motion to accept this application and Pete Langevin seconded the motion. All members in favor and motion passed.

Public Hearing for Reptile & Rodent Business, Map R14, Lot 29C, 564 Sokokis Ave, applicant, Camo Constrictors

Matthew Petersen said he is part owner of a Reptile and Rodent breeding business at 564 Sokokis Avenue. He breeds reptiles, ball pythons and rats. He does not have a storefront and sells his reptiles at shows in New England and to other breeders. He also goes to schools to show the reptiles.

Chair Foley invited anyone from the public to come forward to ask questions. Bud Foss asked Mr. Petersen how he contained the snakes at his facility? Petersen said they are caged in secure enclosures and, if they escape, they will not survive in Maine's cold environment.

Judy Weymouth stepped forward and said she loves snakes and supports Mr. Petersen's endeavor wholeheartedly.

Chair Foley closed the public hearing and asked the Board for questions. There were none.

Foley moved to page 56 in Limington's Zoning Ordinance and went through the Standards applicable to a Conditional Use Permit. She read the following:

6.G.1. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Planning Board shall approve the application unless it makes written findings that one or more of these criteria have not been met:

A. The use will conserve shore cover and visual, as well as actual, access to water bodies.

Not applicable

B. Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance.

There is access that already exists and it will not change.

C. The site design is in conformance with all municipal flood hazard protection regulations.

Not applicable

D. Adequate provision for the disposal of all wastewater and solid waste has been made.

All shavings and droppings will be composted offsite.

E. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.

Not applicable

F. A storm water drainage system meeting State standards shall be installed.

Not applicable

G. Adequate provisions to control soil erosion and sedimentation have been made.

Not applicable

H. There is an adequate water supply to meet the demands of the proposed use and for fire protection purposes.

Yes

I. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties, including public areas, from detrimental features of the development, such as noise, glare, fumes, dust, odor, adverse visual impact, and the like.

Not a new development. Odor control is handled with a carbon filter.

J. All performance standards in this Ordinance, applicable to the proposed use, will be met.

Yes, will meet

K. The use will not result in unsafe or unhealthful conditions.

Yes, will meet all conditions.

L. The use will not have an adverse impact on natural beauty, historic sites, or rare and irreplaceable natural areas.

Not applicable

Other conditions:

1. The owners must provide the Code Enforcement Officer with a copy of their permit from the State of Maine to raise and sell reptiles.
2. There will not be any sales of reptiles at the property.

Chair Foley asked for a motion to approve this application. Victoria made a motion to approve this application with the two conditions as stated above. Darryl Hubbard seconded the motion and all were in favor.

Public Hearing for Shoreland Zoning to Build new cottage on a foundation, 22 Cherokee Lane, Map U7, Lot 43 – applicant, Annette Beagan

Foley moved to page 56 in Limington’s Zoning Ordinance and went through the Standards applicable to a Conditional Use Permit. She read the following:

6. G. 1. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria. The Planning Board shall approve the application unless it makes written findings that one or more of these criteria have not been met:

A. The use will conserve shore cover and visual, as well as actual, access to water bodies.

The new cottage will be built four (4) more feet back from the lake highwater mark.

B. Traffic access to the site meets the standards contained in this Ordinance; and traffic congestion has been addressed in accordance with performance standards in this Ordinance.

Not applicable.

C. The site design is in conformance with all municipal flood hazard protection regulations.

The design follows the municipal flood hazard protection regulations.

D. Adequate provision for the disposal of all waste water and solid waste has been made.

Solid waste will be disposed of according to established regulations. A new subsurface wastewater disposal system will be installed and the outhouse will be removed.

E. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.

Not applicable

F. A storm water drainage system meeting State standards shall be installed.

Not applicable

G. Adequate provisions to control soil erosion and sedimentation have been made.

Yes, meets requirements. A silt barrier and a berm of mulch will be used during construction.

H. There is an adequate water supply to meet the demands of the proposed use and for fire protection purposes.

Yes, a drilled well is being installed.

I. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties, including public areas, from detrimental features of the development, such as noise, glare, fumes, dust, odor, adverse visual impact, and the like.

Some trees will be removed to build the cottage. Trees are marked and the Code Enforcement Officer will be doing an onsite inspection to confirm what trees can be removed before construction begins.

J. All performance standards in this Ordinance, applicable to the proposed use, will be met.

Yes, will meet

K. The use will not result in unsafe or unhealthful conditions.

Yes will meet all conditions.

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L. The use will not have an adverse impact on natural beauty, historic sites, or rare and irreplaceable natural areas.

Not applicable

Darryl Hubbard brought up the DEP Permit by Rule and asked if the builder, Yates Construction, had obtained a permit. Mr. Yates will contact the State and will provide the information, if needed, to the Code Enforcement Officer prior to the start of construction.

Conditions of approval

The contractor will obtain a Permit by Rule from the DEP if it is needed and give a copy to the Code Enforcement Officer before construction begins.

Darryl Hubbard made a motion to approve the construction of a new cottage at 22 Cherokee Lane, Map U7, Lot 43. Bob Gervais seconded the motion. All in favor and motion carried

Discussion of Blaze Orchard, LLC to operate Blaze Brewing Beer Garden

Chair Foley asked for discussion from the Board members before moving to the approval. Obviously, the road and traffic are real concerns, as presented by the neighbors. The applicant has expressed that he will work with the Town and State to try to appease neighbors.

Chair Foley will contact the Public Works Director to see if Doles Ridge Road can be striped. In addition, members felt that an effort be made by the Planning Board and the Select Board to contact the State to see if something could be done about the speed on the road. Discussion went back and forth among the members. It was the consensus that the Board would take some proactive action. Foley and Victoria would compose a letter from the Board regarding the Doles Ridge Road neighbors' traffic concerns, ask the Selectboard to do the same and work with the neighbors. Perhaps the neighbors on Doles Ridge Road could go to a Selectboard meeting to air their concerns publicly.

Finally, Chair Foley made a motion to table this application until the meeting on Sept 18th because a parking plan, location of the pavilion, lighting and egress and ingress at the site need to be provided to the Planning Board. Bob Gervais seconded the motion. All in favor and motion carried.

Meeting Minutes for August 7, 2023

There were changes and the Secretary will make them as requested. Victoria Kundishora made a motion to approve the minutes with corrections and Bob Gervais seconded. All in favor and motion carried.

The meeting adjourned at 8:45 p.m. These minutes were taken and transcribed by Donna Sawyer, Secretary to the Board.
