

**Limington Planning Board Meeting  
Held**

May 16, 2022

The meeting was called to order at 7:00 p.m. at the Limington Municipal Complex by Chair, Joyce Foley. Planning Board members present: Joyce Foley, Bob Gervais, Debra Black and Pete Langevin

Members absent: Darryl Hubbard

Staff present: Donna Sawyer, Planning Board Secretary

Staff absent: Norm Hutchins, CEO

Others present: Margaret Fickett, Patrick Dunton, Pamala Stutch, Thomas and Bea Jones, Robert and Virginia Small, Robert and Heather Murphy, Denise and Ryan Eastman, Sarah Hager, Sandy Heinbach, Lawrence Noyes, Megan and Jeff Jones, Craig Geaumont and Cindy LaPoint

**Agenda Items:**

1. **Public Hearing for Bounty O’Blooms, 80 River Road, Map R14, Lot 64.2** – Sarah Hager, Applicant
2. **Event Center, 46 Sand Pond Road, Map R13, Lot 60.6** – Craig Geaumont, Applicant  
**Discussion by Planning Board and vote for approval/denial**
3. **Other – Joyce Foley**

**Public Hearing for Bounty O’Blooms, 80 River Road, Map R14 Lot 64.2 Sar**

Chair Foley opened the Public Hearing and asked Sarah Hager to come forward and speak about her application. Sarah Hager said she owns a small farm on River Road and she designs flower bouquets for weddings in Southern Maine and New Hampshire. She also does a CSA delivery for clients in Gorham, Maine, and she delivers to those customers in Gorham. She also does deliveries in a 25-mile radius in Limington.

There was no one in the audience who wished to speak, and Chair Foley closed the Public Hearing and then asked the Board for questions. She moved to page 56 in the Ordinance that Outlines the Standards that each application must meet. She read from the Standards as follows:

**Standards Applicable to Conditional Uses**

**6. G. 1. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria.**

**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.**

Applicant's location is on a town road.

**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.**

Applicant composts all plant waste. Meets the standard.

**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 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.**

Meets

**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.**

Will meet

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

Chair Foley moved to Article 11, Performance Standards – General Requirements, page 109 of the Ordinance.

She quickly reviewed some of the Standards and discussed one item below:

Chair Foley said the only **Standard** that pertains to Sarah Hager’s application is a sign and if the applicant wishes to erect a sign, she must get approval from the CEO.

Chair Foley made a motion to approve this application. Bob Gervais seconded the motion. All in favor and motion passed.

**Event Center, 46 Sand Pond Road, Map R13, Lot 60.6 – Craig Geaumont, Applicant  
Discussion by Planning Board and vote for approval/denial**

Chair Foley moved the discussion to the Event Center application as presented by Craig Geaumont. Foley said the Public Hearing was held on May 2, 2022, and the Board heard testimony from several abutters and other landowners. As well, the Board has received a report from Limington’s Fire Chief and Public Works Director. Foley said she had also been in contact with Maine Municipal Association and they provided information. Lastly, she met with Limington’s temporary Code Officer on Saturday, May 14<sup>th</sup>.

Chair Foley read Chief Braley’s report and Shawn Jordan’s Road Report. Both reports are attached to these minutes.

She moved to page 56 in the Ordinance that outlines the Standards that each application must meet. She read the Standards that following:

**Standards Applicable to Conditional Uses**

**6. G. 1. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the following criteria.**

**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.**

Chair Foley read from the Ordinance the definition of a private road which is a street servicing only residential properties and which has an average daily traffic of less than 200 vehicles a day.

She continued, East Sand Pond Road does not meet Town standards (this is 13' in places). The slope of the road near the top is a problem. Road does not accommodate 2 way traffic. The road would need to be brought up to Ordinance standards in order for the town to accept it.

A hammerhead would have to be built at the end of the road for emergency vehicles turn around (per CEO).

**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.**

Chair Foley said if the application is approved, there would be needed 1 women's. 1 men's and 1 handicapped port-a-potty in place as (per CEO Jesse Winters).

Chair Foley stated (per CEO) that a trash truck navigating the road is an issue. If approved, applicant must submit a plan for trash disposal to the Planning Board.

**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 adequate water supply to meet the demands of the proposed use and for fire protection purposes.**

Yes, there is adequate water supply.

**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.**

If approved, conditions would have to be addressed concerning lighting so no glare on abutters, noise, hours of operation, dust and any other conditions the Board feels appropriate.

Bob Gervais said the road is a concern, i.e. children running back and forth, a narrow road with a blind spot that has been discussed again and again. He wants safety of the road added to the list.

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

Not all performance standards in Ordinance are met due to the conditions on East Sand Pond Road.

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

Dust on the road is an issue and, if approved, a solution must be submitted by applicant

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

There is concern for dust from the road settling in Sand Pond and causing problems. It is up to the applicant to prove to Board this has been addressed. Applicant should ask for DEP opinion.

It is the responsibility of the applicant to provide acceptable solutions to above issues. If approved, need for a bond or surety to ensure all conditions are met prior to further approvals or permit issuances.

In reading the deed, it gives right-of-way to residents for utilities and New England Telephone.

Chair Foley quickly reviewed the Standards, Article 11, and specifically referred to 11.K.1.B. which states vehicles need space to turn around on the property and drive out, not back out onto the road.

Signs – If the applicant wants to erect a sign, he would need approval from the CEO.

11.S – Storage of materials. If approved, this item needs to be addressed.

11.W – Traffic Impacts, would need to be addressed.

11.X, Y and Z are not applicable.

Chair Foley asked if the members had any more concerns. There was no more discussion.

Planning Board Minutes  
May 16, 2022

Joyce Foley said she will make a motion. If there is no “second”, another motion can be made and a “second” to the motion. Discussion will then take place.  
Before making a motion Foley reviewed the Facts and they are:

- All applicable fees have been paid,
- Property is in the rural zone,
- The proposed use is an allowed use in this zone
- The property is not within the Shoreland Zone and there are no other overlays.
- East Sand Pond Road is an unpaved road which does not meet Town street standards and as such is maintained by the residents
- Any changes/improvements to East Sand Pond Road would have to be agreed upon by the applicant and the residents.
- East Sand Ponds Road would have to be brought up to current street standards as stated in our Zoning Ordinance to be accepted at a Town Meeting.
- Municipalities do not have control over private roads and do not plow or otherwise maintain them.

Chair Foley made a motion: I make a motion to deny this application for the following reasons:

“Our Ordinance’s definition of a private road is: “A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.”

Section 6.G. Standards Applicable to Conditional Uses – 6.G.1 in part states: “The Planning Board shall approve the application unless it makes written findings of fact that one or more of the following criteria have not been met.”

*Criteria in 6.G.1.B. states: “Traffic access to the site meets the standards contained in this Ordinance; and the traffic congestion has been addressed in accordance with performance standards in the Ordinance.”* This application does not meet this requirement. East Sand Pond Road at points is 13’ wide. There is a steep incline with a blind spot that is a serious safety issue. The road does not allow for two-way traffic. There is a definite concern for dust. There is no hammer head at the end of East Sand Pond Road to accommodate emergency vehicle turn around.

*6.G.1.k states “The use will not result in unsafe or unhealthful conditions.”* This applied for use, because of the dust created by increased traffic volume could/would cause an unhealthful condition for many residents. This dust also has the potential to negatively impact Sand Pond which is considered one of two pristine trout ponds in this area. The road, as constructed, is unsafe for a business use. See B above.

The deed to this property gives the right of way to residents, all utilities, CMP, N.E. Tel & Tel and does not include business uses.”

Bob Gervais seconded the motion. Chair Foley asked for discussion. Pete Langevin added his voice to the discussion by saying it was a private road in a residential area and if an emergency occurred, how long does it take for emergency vehicles to get to the pond to run water to the emergency, if a fire. It is a residential area with a private road. Chair Foley summarized by saying this is not a two way road and would be an impediment to traffic. The vote was unanimous.

### **Other**

#### Stone Brook Estates, Map R10, Lot 61

Chair Foley said that William Ham had submitted a new subdivision plan for his 4-lot subdivision, Stone Brook Estates, located on Ossipee Trail. A lot line changed and was the reason for a new plan. The members signed the document.

#### Revised Gravel Extraction Ordinance - Public Hearing

Chair Foley said that the Board needs to set a date for the Gravel Extraction revision as written by the Board. It was decided to have it on June 6, 2022

#### New Application

Chair Foley asked Donna about a new application (Marijuana growing Facility - Ray Marshall, applicant) that arrived today in the office. Donna distributed the application to the members.

#### Minutes of March 21, April 4, and 5/02/22 - Board needs to review

The members reviewed the 3 sets of minutes (see above) and there were small changes.

Minutes of March 21, 2022. Bob Gervais made a motion to approve the minutes and Pete Langevin seconded the motion. Majority of members present approved and motion carried.

Minutes of April 4, 2022 – One change: Chair Foley asked the Board of Selectmen to appoint someone to fill the vacancy on the Planning Board. Bob Gervais made a motion to approve the minutes with the changes as noted. Pete Langevin seconded the motion. A majority voted to approve and motion carried.

May 2, 2022 – The members reviewed a second draft of the minutes that took place before this meeting. The secretary supplied each member with the updated version. Bob Gervais asked for minor changes. Debra Black made a motion to approve the minutes with changes and Bob Gervais seconded the motion. A majority of members voted and the minutes were approved.

The secretary has made the changes, distributed the minutes, and had the minutes posted on the new website.

The meeting adjourned at 8:25 p.m. These minutes were taken and transcribed by Donna Sawyer, Secretary to the Planning Board.