

Planning Board Meeting Minutes
Town of Lyman
September 20, 2017

Members Present: Chairman Roderick Tetu, Joseph Wagner (7:08), Cecile Dupuis, Kelly J. Demers; CEO Patti McKenna (7:08)

Others in attendance: Leo Ruel

Chairman called the meeting to order at 7:05 pm

No applicants at this meeting.

MINUTES: Mr. Demers moved to accept the September 6, 2017 meeting minutes as written, seconded by Mrs. Dupuis, all in favor.

MAIL: Notice of Intent to File from Town of Lyman for permit-by-rule for composting Type 1A residuals and grass

NEW BUSINESS: None

OLD BUSINESS: Before the Board can proceed with creating a **marijuana** ordinance, they will wait for the November referendum to determine how to proceed. CEO Patti McKenna asked, “Should we drop the moratorium on medical marijuana?” Chairman moved to drop the moratorium on medical marijuana, seconded by Mr. Wagner, discussion followed. At the last meeting, the Board decided not to regulate medical marijuana except for the electrical component. Mr. Wagner asked if there can legally be a moratorium given the State regulates it. CEO said “We can’t prohibit it but we can regulate it. We didn’t see the need to duplicate what the State does.” Mr. Demers asked if the town can register them as a business.

CEO said the medical caregivers can have only five patients plus themselves for a total of six. Mrs. Dupuis asked if the Town can get a number from the State on how many there are in town already. CEO will ask. Hippa Laws protect the actual people. Mrs. Dupuis said she thought the town should know where they are in the event of police calls, however CEO said that in the four years since the law passed she has not received any complaints. Mr. Demers stated a case mentioned by Mr. Rancourt at the last meeting about three caregivers living in the same building in Lewiston causing the place to burn down. “Who do people go to first with complaints of the possibility of an illegal operation?” asked Mrs. Dupuis. CEO said that recreational marijuana law allows for anyone (over 21) to grow up to six plants and the State Police regulate this, not the CEO.

CEO feels the moratorium for medical marijuana should be lifted and Chairman said he doesn’t think the town should charge an impact fee. The electrical component should apply for all businesses as well as marijuana. At the end of the discussion **the Board voted unanimously in favor of lifting the medical marijuana** and pass this decision onto the Select Board who may decide to lift it now or wait until the 180 days are over which would be in January 2018 (moratorium placed on July 17,

2017). Mrs. Dupuis said there is a State hearing on September 26 in Augusta according to MMA's newsletter. Mr. Wagner said the committee working on legislation is considering a 20% State tax (towns to receive 5% of that) and they have until February 2018 to have legislation released but not sure if it's released for public comment or released as legislation. Chairman will attend a seminar at the State House on October 17. If at the November referendum, the townspeople vote against all five referendums, the Board will need to create a Prohibition ordinance, which the CEO said should be easy as the State has one drawn up already. If the voters accept any portion, then those portions will be regulated by ordinance.

OTHER: The Board will continue discussion on commercial design standards at the next meeting. Had reviewed the Waterboro one, but decided against using that format.

CEO said that when the **Shoreland Zoning Ordinance** was updated we forgot to add in the **definitions** from the State's chapter 1000. It will have to be approved by town meeting next June.

Mr. Wagner asked about the **composting** by the Town, if it will be for personal use or commercially sold. CEO did not know and asked what the notice said. The notice states "According to MDEP regulations, interested parties must be publicly notified, written comments invited, and if justified, an opportunity for public hearing given. A request for a public hearing, or that the Board of Environmental Protection assume jurisdiction of the application, must be received by DEP, in writing, no later than 10 days after the application is accepted by the department for processing." It does not state whether it's for commercial use. Mr. Wagner's concern was that it would interfere with others who are in the business and who may object to it. Mr. Ruel said he had attended the Select Board meeting while that was being discussed and it was mentioned that they would need a piece of equipment to turn it and they would allow table scraps and would place horse manure on top. The town will have to buy the equipment and pay for an operator. Currently people can go to Kennebunk to dump leaves. The question is "what's the benefit to the town and its inhabitants?" Chairman said, "We don't want nitrogen leaking into nearby wells and causing more issues" making a reference to the two well issues the town has had due to the salt shed.

Winery: Mr. Ruel asked about the potential winery that was discussed at the Select Board meeting. CEO said they have not yet made application and told the Board there is a buyer for the Pratt property on Day Road who wish to open a winery, similar to Funky Bow, and have a peach orchard and a tasting room, on a smaller scale, and want to live on the property. DOT has denied the application for a commercial curb cut on Rt. 111, however the Selectmen are supporting the buyer in appealing for that curb cut. The buyers will not come to the Board until they get approval for the curb cut. Mr. Ruel said there's a large culvert crossing under Rt. 111 that the State has worked on. The State is also considering turning lanes in that area toward Day Road and Kennebunk Pond Road which will affect the culvert and the decision on a curb cut. He said Infinity Credit Union received a curb cut because they paid for part of the cost of upgrading that section of road. DOT said the buyers can use the Day Road as their entrance since it comes out onto Rt. 111. Mr. Wagner said he thought there was an apron there on Rt. 111 already however CEO said there's a residential/farm entrance (used for haying) but DOT will not allow them to upgrade it to a commercial cut.

Set Meeting Agenda:

AGENDA for October 4, 2017

7:00 Workshop unless applicant comes in

Monthly Report to Select Board: None

ADJOURNMENT: Chairman moved to close the meeting at **7:35 pm**, seconded by Mr. Wagner, all in favor.

Respectfully submitted,

Irene C. Single, Clerk

Roderick Tetu, Chairman

Donald Herson, Vice Chair

Joseph Wagner

Cecile Dupuis, Secretary

Kelly J. Demers

Michael R. Rancourt, 1st Alternate