**TOWN OF LYMAN**

**PLANNING BOARD MEETING MINUTES**

**May 5, 2021**

**CALL TO ORDER:** Chairman Roderick Tetu called the meeting to order at 6:50 p.m. immediately following the public hearing, noting attendance of Donald Hernon, Cecile Dupuis, Joseph Wagner, Paul Boucher, and Kelly Demers. Also attending for the town is Patti McKenna, Code Enforcement Officer/ Land Use Director.

**APPOINTMENTS:**

**7 Bhavani – application to rebuild convenience store and gas pumps at 1486 Alfred Road – Map 8 Lot 54.** Joe Marden from Site Lines was present to discuss the application. There were no issues found at the site walk. There were no questions from the Board for the applicant. Mr. Marden stated that as they discussed at the site walk, due to the cost of materials, the owner is looking to shrink the footprint of the building by 1,000 square feet. Mr. Tetu made the motion to deem the application complete. Mr. Boucher seconded. The motion passed with all in favor. The public hearing is scheduled for June 2 at 6:30 p.m. This will be placed on the agenda that evening after the public hearing.

**Michael Saunders – application for medical marijuana retail at 31Ledgewood Lane – tax map 11 Lot 90-C3.** The Board discusses the waiver requests. The waiver from 8.3.8.1 site plan with a scale of 1’=40’. The plan is 1” = 60’. This was the plan used for Funky Bow and the scale was accepted for that plan. They are just adding the use of medical marijuana retail sales in an existing shed. Mr. Hernon made the motion to grant the waiver of this criteria. Mr. Boucher seconded. The motion passed with all in favor.

The waiver for 8.3.8.5 existing and proposed setbacks is discussed. Mr. Demers believes this needs a new site plan. Mrs. Dupuis states this is old information on this plan. Mr. Hernon asks how close is this shed to the greenhouse? He is applying for a use on property in proximity to other uses. This is medical marijuana sales in proximity to the sale of alcohol. Don’t we have to have an accurate view of what the property looks like up to date? Things have changed on the site.

Mr. Wagner states that since we need to have the contract amended, can’t we consider each waiver one by one and condition each that it would be shown for the contract amendment.

The waiver for item 5 was not decided on at this time.

The waiver for #19 was discussed. Mrs. Dupuis feels that Funky Bow has set hours. This could warrant a traffic study. The uses have expanded since the taproom. They’ve added disc golf. Ms. McKenna reminded the Board that this Board and the Board of Selectmen both voted that the disc golf was included in outdoor recreation and part of the original contract. Mr. Hernon made the motion to require a formal traffic study as a condition of the revised contract. Mr. Wagner seconded. The Motion passed with a vote of 4 in favor and 1 opposed. Mr. Tetu voting in opposition.

Mrs. Dupuis asks what happens if the contract zone stops. This property resorts back to the Residential property.

The waiver for 8.3.8.17 was discussed. This is the requirement for an onsite soils investigation report with the proposed location for the subsurface wastewater disposal system. Mr. Tetu made the motion to grant the waiver. Mr. Wagner seconded. The motion carried with a vote of 4 in favor and 1 opposed with Mrs. Dupuis voting in opposition.

Mr. Hernon read the attorney opinion that was requested by the Board regarding whether this use required a change in the contract for Funky Bow. The attorney states that he believes the contract zone should be amended to add this use. The attorney also confirmed that the Board could review the site plan part of this application before the contract is amended and condition it contingent upon the Board of Selectmen approving the contract. This is spelled out in section 1.8.3.I of the zoning ordinance.

The Board decided not to continue with the 16 standards at this time.

**Orstead LLC – application for Meadery (Artisanal Food and/or beverage facility at 1301 Alfred Road – tax map 12 lot 18-1.** Rose Callan was present. The waiver for the perimeter survey was discussed. Mr. Hernon stated this is a legitimate request as there is no proposed change to the site and made the motion to grant the waiver. Mr. Wagner seconded. The motion passed with all in favor.

The request for a waiver from proposed and existing setbacks is determined not needed. As the setbacks are shows on the plan and the buildings are existing.

The request for a waiver from contours is discussed. There are no changes proposed for this site and the property is flat. Mr. Wagner made the motion to grant this waiver. Mr. Boucher seconded. The motion passed with all in favor.

The Board reviewed the 16 standards as follows:

**Standard 1: Will meet the definitions of the use, the Zoning District requirements and any other requirements set forth in the ordinance.**

The property is in the Commercial-Residential zoning district and this commercial facility is a permitted use in this zone with site plan approval. Mr. Tetu made the motion the applicant meets this standard. Mr. Wagner seconded. The motion passed with all in favor.

**Standard 2: Will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibrations, fumes, odor, dust, light, glare, traffic, or other cause.**

The Board agreed that because this is not for retail sales, and there are two employees, this will not increase traffic. This is in an existing building with no changes proposed to the site. Mr. Wagner made the motion the applicant meets this standard. Mr. Boucher seconded. The motion passed with all in favor.

**Standard 3: Will not have a significant adverse effect on the adjacent or nearby property values.**

There was no information provided to the Planning Board to show any effect on nearby property values. Mr. Tetu made the motion the applicant meets this standard. Mr. Wagner seconded. The motion passed with all in favor.

**Standard 4: Will not create a hazard to pedestrian or vehicular traffic or significant traffic congestion.**

The applicant proposes there will be no retail sales from this property, therefore no customers. Mr. Hernon made the motion the applicant meets this standard. Mr. Wagner seconded. The motion passed with all in favor.

**Standard 5: Will not result in fire danger.**

The Fire Chief submitted a letter stating that there are no abnormal fire danger concerns. Mr. Tetu made the motion the applicant meets this standard. Mr. Wagner seconded. The motion passed with all in favor.

 **Standard 6: Will not result in flood hazards or flood damage, drainage problems, ground or surface water contamination or soil erosion.** There are no changes proposed for this site. There are currently no drainage problems evident. Mr. Wagner made the motion the applicant meets this standard. Mr. Boucher seconded. The motion passed with all in favor.

**Standard 7: Will not create a safety hazard because of inadequate access to the site, or buildings for emergency vehicles:**

There is a letter from the Fire Chief stating that based on his review of the site plan there is no concern in regard to fire department access. Mr. Tetu made the motion the applicant meets this standard. Mr. Wagner seconded. The motion passed with all in favor.

**Standard 8: Has proposed exterior lighting which will not create hazards to motorists traveling on adjacent public streets, is adequate for the safety of occupants and users of the site and will not damage the value or diminish the usability of adjacent properties.**

There will be no additional lighting proposed. Mr. Boucher made the motion the applicant meets this standard. Mr. Hernon seconded. The motion passed with all in favor.

**Standard 9: Makes provisions for buffers and on-site landscaping which provide adequate protection to neighboring properties from detrimental features of the development. The applicant shall provide a plan prepared by a Registered Landscape Architect, or other qualified professional approved by the Planning Board.**

There are no proposed changes. Mr. Wagner made the motion the applicant meets this standard. Mrs. Dupuis seconded. The motion passed with all in favor.

**Standard 10: Makes provisions for vehicular parking, loading, unloading, as well as vehicular and pedestrian circulation on the site, and onto adjacent public streets which would neither create a hazard to safety nor impose significant burdens on public facilities.**

This is an existing business with existing entrances. There is room on the site for deliveries. There are two employees and parking provided. Mr. Hernon made the motion the applicant meets this standard. Mr. Wagner seconded. The motion passed with all in favor.

**Standard 11: Makes adequate provisions for the disposal of wastewater and solid waste for the prevention of ground or surface water contaminations.**

The new septic system application was provided. It has been installed. There is no other solid waste. They filter the yeast, and it goes in the trash or compost. Mrs. Dupuis made the motion the applicant meets this standard. Mr. Wagner seconded. The motion passed with all in favor.

**Standard 12: Makes provisions to control erosion and sedimentation.** There are no changes proposed for this site. Mr. Tetu made the motion the applicant meets this criteria. Mr. Wagner seconded. The motion passed with all in favor.

**Standard 13: Makes adequate provisions to handle storm water run-off and other drainage on the site.** There are no changes proposed for this site. There is no evidence of adverse stormwater damage. Mr. Wagner made the motion the applicant meets this standard. Mr. Boucher seconded. The motion passed with all in favor.

**Standard 14: Provides for a water supply which meets the demands of the proposed use and meets the needs for fire protection purposes.**

The Fire Chief submitted a letter stating the water supply produces no abnormal concerns. Mr. Tetu made the motion the applicant meets this standard. Mr. Wagner seconded. The motion passed with all in favor.

**Standard 15: Makes adequate provisions for the transportation, storage and disposal of hazardous substances and materials as defined by State and Federal Law; The storage of chemicals, explosives, or hazardous items as defined by the National Fire Protection Association Code 704, Class 3 or 4 materials are not permitted.**

The applicant doesn’t propose to store any explosives or combustibles. Mr. Wagner made the motion the applicant meets this standard. Mr. Boucher seconded. The motion passed with all in favor.

**Standard 16: Will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification of the plan.**

There are no scenic vistas or wildlife habitats. Mr. Hernon made the motion the applicant meets this standard. Mr. Wagner seconded. The motion passed with all in favor.

Mr. Wagner made the motion to approve the application. Mrs. Dupuis seconded the motion. The motion passed with all in favor.

**Maine Homestead Market – application for an 80 x 100 warehouse building at 1773 Alfred Rd. Map 7 Lot 104.** Mr. Wagner recused himself from this application. Mr. Tetu made the motion to vote in Mr. Demers as a full member for this application. Mr. Hernon seconded. The motion passed with all in favor. Krista Gagne was present. The requested waivers were discussed first. Mr. Hernon made the motion to grant the waiver for a perimeter survey. Mr. Boucher seconded. The motion passed with all in favor. The waiver for the scale is discussed. The scale of this plan is 1’ = 50’. Mr. Demers made the motion to grant the waiver. Mr. Boucher seconded. The motion passed with all in favor. The waiver for a traffic study is discussed. This application allows the applicant to buy more product at a time and to store it and doesn’t expect to increase the traffic flow. Mr. Boucher made the motion to grant the waiver. Mr. Tetu seconded. The motion passed with all in favor.

The 16 standards are reviewed and voted on as follows:

**Standard 1: Will meet the definitions of the use, the Zoning District requirements and any other requirements set forth in the ordinance.**

The property is in the Commercial-Residential zoning district and this commercial facility is a permitted use in this zone with site plan approval. Mr. Tetu made the motion the applicant meets this standard. Mr. Boucher seconded. The motion passed with all in favor.

**Standard 2: Will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibrations, fumes, odor, dust, light, glare, traffic, or other cause.**

The Board agreed that because this is for warehousing product, that this will not create an increase in traffic flow. Mr. Tetu made the motion the applicant meets this standard. Mr. Demers seconded. The motion passed with all in favor.

**Standard 3: Will not have a significant adverse effect on the adjacent or nearby property values.**

There was no information provided to the Planning Board to show any effect on nearby property values. Mr. Boucher made the motion the applicant meets this standard. Mr. Demers seconded. The motion passed with all in favor.

**Standard 4: Will not create a hazard to pedestrian or vehicular traffic or significant traffic congestion.**

The applicant proposes this will not change the retail business, and this property has good ingress and egress. Mr. Tetu made the motion the applicant meets this standard. Mr. Hernon seconded. The motion passed with all in favor.

**Standard 5: Will not result in fire danger.**

The Fire Chief submitted a letter stating that there are no abnormal fire danger concerns. Mr. Tetu made the motion the applicant meets this standard. Mr. Demers seconded. The motion passed with all in favor.

 **Standard 6: Will not result in flood hazards or flood damage, drainage problems, ground or surface water contamination or soil erosion.** The building is going where there is currently paved parking. Nothing else is changing. Mr. Tetu made the motion the applicant’ meets this standard. Mr. Boucher seconded. The motion passed with all in favor.

**Standard 7: Will not create a safety hazard because of inadequate access to the site, or buildings for emergency vehicles:** There is a letter from the Fire Chief stating that based on his review of the site plan there is no concern in regard to fire department access. Mr. Tetu made the motion the applicant meets this standard. Mr. Hernon seconded. The motion passed with all in favor.

 **Standard 8: Has proposed exterior lighting which will not create hazards to motorists traveling on adjacent public streets, is adequate for the safety of occupants and users of the site and will not damage the value or diminish the usability of adjacent properties.**

There will be one light added to the front of the building. The Board will condition the approval that the light shall be downward facing. Mr. Tetu made the motion the applicant meets this standard with the condition listed above. Mr. Demers seconded. The motion passed with all in favor.

**Standard 9: Makes provisions for buffers and on-site landscaping which provide adequate protection to neighboring properties from detrimental features of the development. The applicant shall provide a plan prepared by a Registered Landscape Architect, or other qualified professional approved by the Planning Board.**

There are no proposed changes. Mr. Boucher made the motion the applicant meets this standard. Mrs. Dupuis seconded. The motion passed with all in favor.

**Standard 10: Makes provisions for vehicular parking, loading, unloading, as well as vehicular and pedestrian circulation on the site, and onto adjacent public streets which would neither create a hazard to safety nor impose significant burdens on public facilities.**

This is an existing business with existing entrances. There is room on the site for deliveries. There are plenty of parking spaces and room for loading and unloading of product. Mr. Demers made the motion the applicant meets this standard. Mr. Boucher seconded. The motion passed with all in favor.

**Standard 11: Makes adequate provisions for the disposal of wastewater and solid waste for the prevention of ground or surface water contaminations.**

An email from the site evaluator who designed the recently installed septic system was provided, stating that the system can support the addition of a bathroom. Mrs. Dupuis made the motion the applicant meets this standard. Mr. Boucher seconded. The motion passed with all in favor.

**Standard 12: Makes provisions to control erosion and sedimentation.** There are no changes proposed for this site. The parking lot is already paved. Mr. Tetu made the motion the applicant meets this standard. Mr. Demers seconded. The motion passed with all in favor.

**Standard 13: Makes adequate provisions to handle storm water run-off and other drainage on the site.**

There are no changes proposed for this site. The area for runoff is being reduced. Mr. Demers made the motion the applicant meets this standard. Mr. Boucher seconded. The motion passed with all in favor.

**Standard 14: Provides for a water supply which meets the demands of the proposed use and meets the needs for fire protection purposes.**

The Fire Chief submitted a letter stating the water supply produces no abnormal concerns. Mr. Demers made the motion the applicant meets this standard. Mr. Hernon seconded. The motion passed with all in favor.

**Standard 15: Makes adequate provisions for the transportation, storage and disposal of hazardous substances and materials as defined by State and Federal Law; The storage of chemicals, explosives, or hazardous items as defined by the National Fire Protection Association Code 704, Class 3 or 4 materials are not permitted.**

The applicant doesn’t propose to store any hazardous materials or explosives. Mr. Tetu made the motion the applicant meets this standard. Mr. Boucher seconded. The motion passed with all in favor.

**Standard 16: Will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification of the plan.**

There are no scenic vistas or wildlife habitats. Mr. Hernon made the motion the applicant meets this standard. Mr. Demers seconded. The motion passed with all in favor.

Mr. Tetu made the motion to grant the application with one condition. The condition is that the exterior lights on the building be downward facing. Mr. Wagner seconded the motion. The motion passed with all in favor.

**Green Acres – application to have a marijuana grow facility at Revere Way Map 10 Lot 5C.** David Alves is present to discuss the application. Brian Dulong approaches the board stating that this application is not on the agenda. He showed Ms. McKenna the posting on the webpage from his phone. The posting he was looking at was the public hearing notice. Ms. McKenna stated to Mr. Dulong that he was looking at the public hearing notice. Mr. Dulong showed Ms. McKenna his phone to see if the agenda was posted on the webpage. It did not appear to be. Ms. McKenna stated that this application was put on the agenda and stated that she had requested it be posted on the webpage, but she didn’t have control of the webpage. She added that the agenda had been posted on the bulletin board.

Mr. Tetu reported that due to a procedural error on the Board’s part, the public hearing scheduled for May 4 had been cancelled. The Board did not vote to deem the application complete before it scheduled the public hearing.

The Board reviewed the checklist of required submissions at this time. The applicant submitted a full resubmission. It is noted for the record that the checklist was reviewed by the Planning Board, not by Ms. McKenna previously. All items were found to be submitted. The Board reviewed the submission requirements for section 10.22.B also. All items were found to be addressed. It is noted for the record that the applicant submitted the same odor control plan and contends that the previous peer review of that plan should be considered. These six sections of buildings are the same square footage as the previously detached buildings. Each section has its own odor control.

Mr. Tetu made the motion to deem the application complete. Mr. Wagner seconded the motion. Ms. McKenna stated that for the record the Board skipped the first two submission criteria. The fee and the mailing labels. The fee of $300 was paid as this is a new application.

Mr. Demers asked if the Board intended to do a site walk. Mr. Tetu stated the applicant is not comfortable with having people on his property and the Board already performed a site walk.

Tom Hatch asks to address the Board. He asked if there is anything the Board can think of that might hold up this project? Ms. McKenna reported that she had been questioned on how the Board could move forward with a revised plan when the appeal period for the zoning board decision had not lapsed yet. On April 19th, the attorney had been asked the question of how the planning board moves forward with this. The attorney stated that this has to come back to the Board as a new application and therefore would require a new public hearing. The other application that still has an appeal period is its own application. This is a new application.

Mrs. Dupuis asks what about the floater buildings, stating the locations are not shown. Mr. Alves states the exact locations are shown.

The public hearing is scheduled for Tuesday May 18th at 6 p.m. If the meeting room isn’t available on the 18th we will try for the 20th. If the hearing is on the 18th this application will be on the agenda to discuss for the regularly scheduled meeting on the 19th.

**MAIL**

**MINUTES**

Mr. Tetu made the motion to approve the April 21, 2021 minutes as written. Mr. Boucher seconded. The motion passed with all in favor.

**SET NEXT AGENDA**

Green Acres will be on the agenda if the public hearing is on the 18th.
Michael Saunders will be placed on the agenda in case he has additional submissions.

**OLD BUSINESS**

**ADJOURNMENT**

Mr. Tetu made the motion to adjourn at 8:50 p.m. Mr. Boucher seconded. The motion passed with all in favor.

APPROVED DATE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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Chairman, Roderick Tetu Don Hernon, Vice Chairman

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