

TOWN OF LYMAN
PLANNING BOARD MEETING MINUTES

July 21, 2021

Note: These are summary minutes. A recording of the meeting is on file at the Lyman Town Hall. Minutes are not verbatim and may be paraphrased for clarity. Minutes are drafts until approved by the Planning Board.

CALL TO ORDER: Chairman Roderick Tetu called the meeting to order at 7:00 p.m., noting attendance of Donald Herson, Joseph Wagner, Paul Boucher and Kelly Demers. Select Board Clerk Laurie Gonska recorded the meeting for YouTube. Minutes taken by Irene Single, Interim clerk. Others in attendance were Jason Vafiades, Stephen Dumont, Nick Gallant, Jonathan Mapes, Shaunte and Keith Sevigny, Mary Elizabeth and Brian Ingalls, and Davis Bartlett.

APPOINTMENTS:

7:00 PM START: Mr. Jason Vafiades, representing Jonathan Mapes and Soggy Dollar, LLC, Map 7 Lots 73, 74, 75, said they came before the Board four or five months ago for parking expansion at the intersection of Route 35 and Rt. 111 (Firkensnock Variety, now Harry's) looking to improve traffic flow and had received approval from ME DOT. In preparation for the new store, they decided to expand the fueling island and build a new store behind the existing store. Then they will take down the existing building. On the site design there will be no change in impervious area, may be a little smaller. The Board reviewed the site plan checklist as follows:

1. Applicant has met this.
2. Applicant has met this.
3. The site plan shows where the house will be moved to.
4. Applicant has met this.
5. Mr. Demers asked if the K-1 tank will be underground. Answer is Yes.
6. It is on the plan.
7. N/A
8. They have a generator pad. Asked what the decibel level will be to protect neighbors and applicant wasn't sure, but they will have an 80 kw generator that is quieter. Applicant will provide decibel level.
9. Provided on the plan.
10. Provided on the plan.
11. Provided on the plan.
12. Provided on the plan.
13. Provided on the plan.
14. Provided on the plan.
15. Will add to the plan.
16. Deeds are in the packet.
17. Provided on the plan.
18. Dumpster is adequate. They will continue serving food; will have a grease separator; have plans for disposal of grease, food, etc.

19. DOT is ok with it. Mr. Tetu moved that the DOT traffic study is not required, seconded by Mr. Hernon, all in favor.
20. None needed.

Mr. Tetu said there are two things that are required by the applicant:

1. The decibel level
2. Setback for the house

The site walk was set for Sunday, August 1 at 10:00 a.m. The applicant will be placed on the August 4 agenda at 7:00 p.m. From there they will set the public hearing. **Done at 7:18 pm**

7:18 pm START: Brian and Mary Ingalls, Brock Farm Estates, Old Kennebunk Road, Map 03, Lot 087-2. Mr. Davis Bartlett of Corner Post Surveying represented the Ingalls who are asking for a property division of Lot 2 on Old Kennebunk Road. Original lot size is 14.78 acres, and they are requesting a split into two lots; one at 7.76 acres and the other at 7.02 acres. The original subdivision was done jointly with the town of Alfred. Mr. Bartlett was unable to get on their Planning Board agenda on Monday night. There will be no change on the Alfred side of the lot. Lot 2A will be the new lot. Theirs is the only house on the road just before the gate. The applicant provided a soil evaluation. Mr. Tetu said a letter from Alfred will be required for approval. The lot is located off a town road and has emergency access to the last house. A site walk was set for Sunday, August 1 at 10:30 a.m. They will be placed on the meeting agenda on August 4 at 7:10 p.m. pending something from Alfred. **Done at 7:28 p.m.**

7:28 PM START: Keith and Shaunte Sevigny, Rustic Dreams, 20 Rabbit Run, Map 12 Lot 007: Mr. Sevigny said they never changed the use when they purchased from Wesley. They have been working with Patti McKenna (Code Enforcement Officer) and Marcel Desrosiers (Electrical Inspector). Currently their events are BYOB, but they are trying to steer away from that because it cannot be controlled. Mrs. Sevigny is trying to get a catering license. They hold events such as weddings, showers, proms. They upgraded the kitchen which has been approved. CEO McKenna had the septic system inspected. The Planning Board had done a site walk for the Barn previously. They rent the barn once a week for pre-scheduled events with food and liquor. Mr. Demers asked if they met the conditions of zoning ordinance section 8.3.6. Mr. Sevigny said the property is grandfathered as he hasn't changed the use.

Lyman has a special amusement ordinance which defines what is allowed. The original contract had an approved use as an auction house including weddings, events, parties. They have done 90% weddings. Mr. Tetu reviewed the town's file which includes an email from Ms. McKenna stating the State Fire Marshall's office is requesting a dancing permit. The previous owner, Wesley, was there a long time, however he snuck in a flea market which wasn't approved. The applicants tore down the flea market garage.

They have a commercial kitchen for catering and a liquor license from the York County liquor inspector. For now, BYOB is off the table because it cannot be controlled. They require a one-million-dollar liability insurance policy for each event.

Mr. Hernon stated the Board is trying to follow the ordinance procedures, however if they are grandfathered, they may not need the special amusement license. Mr. Tetu read a letter from the town's lawyer addressing the fact the previous owner had a contract dated 1995 with BYOB as a conditional use permit. However, there was no definitive answer. The question is, is the permit still good. Usually, the CUPs run

with the property. The difference is that it will no longer be BYOB. If the use is stopped after two years, the CUP expires. Mr. Hernon said the cleanest way to handle this is to follow the site review process. The applicants' base of operations is on-premises.

Since CEO Patti McKenna returned to work today, Mr. Wagner suggested the applicants get input from her to determine whether a new permit is required. He also said the ordinance states the special amusement permit allows for liquor distribution not to exceed five hours and there is a maximum number of 275 for attendees. Mr. Hernon moved that the Planning Board ask the applicant to consult with the CEO on the status of the existing permit and ask the CEO to inform the PB of the decision, seconded by Mr. Wagner, all in favor. **Done at 7:52 pm**

NEW BUSINESS

Mr. Hernon provided the Board with a draft proposed list of procedural requirements for their review and input. It will be discussed at the next meeting. He would also like to ask the Select Board to hire a PB Clerk separate from the CEO position to have someone keep tabs on paperwork so the Board would know where to look when they needed documentation. All Members of the Board attended the July 13 ZBA hearing.

OLD BUSINESS

By-Laws: Mr. Tetu signed the revised By-laws.

MINUTES

Mr. Tetu moved to accept the May 18, 2021, public hearing minutes as corrected, seconded by Mr. Wagner, all in favor. Mr. Tetu moved to accept the May 19, 2021, meeting minutes as corrected, seconded by Mr. Hernon, all in favor. Mr. Hernon moved to accept the June 2, 2021, public hearing minutes as corrected, seconded by Mr. Wagner, all in favor (these only required a signature as only a correction on a name was done). Mr. Tetu moved to accept the July 7, 2021, meeting minutes as written, seconded by Mr. Boucher, all in favor.

MAIL: Maine Town & City magazine; an application from David Dulong requesting to become an alternate member on the Board was reviewed

SET NEXT AGENDA

Site walk agenda for August 1, 2021

10:00 a.m. Soggy Dollar, LLC

10:30 a.m. Brock Farm Estates

Meeting agenda for August 4, 2021

7:00 pm Soggy Dollar, LLC

7:10 pm Brock Farm Estates

7:15 pm David Dulong

ADJOURNMENT

Mr. Tetu made the motion to adjourn at 8:08 p.m., Mr. Wagner seconded. The motion passed with all in favor.

APPROVED DATE _____

Chairman, Roderick Tetu

Don Herson, Vice Chairman

Cecile Dupuis

Joseph Wagner

Paul Boucher

Kelly Demers