

TOWN OF LYMAN
PLANNING BOARD MEETING MINUTES

May 19, 2021, transcribed from YouTube

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. These minutes were prepared by the Interim Planning Board Clerk since PB Clerk Ms. McKenna resigned.

CALL TO ORDER: Chairman Roderick Tetu called the meeting to order at 7:00 p.m., noting attendance of Donald Heron, Cecile Dupuis, Joseph Wagner, Paul Boucher, Michael Rancourt and Kelly Demers, and CEO/PB Clerk Patti McKenna. Laurie Boscoe recorded the meeting for YouTube. Also attending were: Selectman Bill Single, others in attendance were not seen on the YouTube recording.

APPOINTMENTS: Michael Saunders, retail medical marijuana at Funky Bow, 31 Ledgewood Lane, Map 11 Lot 90-C2: A complaint letter from Michael Saunders of Ledgewood Lane regarding accusation of bias from Planning Board member, Cecile Dupuis. Mr. Tetu asked Mrs. Dupuis if she'd like to step down for this project (marijuana shed at Funky Bow). She asked the Board to ask her if she's biased on this project, so Mr. Heron asked her if she was biased. Mrs. Dupuis said she is not and treats this project like any other project. Ms. McKenna said the PB Manual states that she can agree to step down or the Board can vote her off the project. Mr. Tetu asked if anyone else had any questions or comments. Mr. Heron asked Mr. Tetu if he should make a motion as to whether or not Mrs. Dupuis is biased.

Mr. Saunders asked if he could say something, and he was granted the request. He asked, "Did you guys hear her saying she doesn't believe Mr. Saunders will not check medical cards before selling to patients?" Mr. Wagner said he did not recollect that statement. Mr. Saunders asked if it took place after the meeting and Mr. Tetu said it did. Mr. Saunders said, "You don't think that's biased? She's accusing me of criminal action. Mr. Tetu said he didn't say it's not biased. He said he personally thinks Mrs. Dupuis should step down whether or not she feels she is biased on this project. Mrs. Dupuis said, "That's fine." Mr. Wagner moved that Mrs. Dupuis not recuse herself from this application, seconded by Mr. Heron, motion failed. Mr. Heron said he's served with Cecile (Mrs. Dupuis) for a long time and has never seen her be biased but to approach projects in a logical manner. He said, "We may not always be successful, but we try to follow the ordinance and treat all applicants fairly. This applicant may think that's not correct in this case and that's certainly his opinion. If Cecile wants to step down, she can, in my opinion.

Mr. Wagner said, "I have full confidence in Cecile's judgment." Mrs. Dupuis said "Since it's my choice, I want to make it very clear. I work for the Town of Lyman. All of the town of Lyman, not just for the applicant, but all of the townspeople. I try to be fair on both sides so I'm sorry if you construed that as me being biased. But I am being considerate of the people who came to discuss the application. But I will step down so that you won't have to worry about any biased decision on my part. I won't be voting on this project." Mr. Tetu moved that the Board place Kelly Demers in as a voting member for this project tonight, seconded by Mr. Heron, motion passed.

At the last meeting, a traffic study was requested which Mr. Saunders said it was provided. It was his understanding that an updated addendum to the contract zone for Funky Bow would be provided. The Board reviewed the drawing of the property showing buildings, bathroom, greenhouses, etc. Mr. Demers

questioned something about names being crossed off. The Select Board will review and send to the town attorney for review. CEO/PB Clerk Patti McKenna said that according to the ordinance, the Planning Board can approve the site plan and submit it to the Select Board. She read from the ordinance what the Board can decide on regarding contract zoning.

Mr. Hernon recommended a few corrections, typos, since it's a legal document for Funky Bow. An addition of retail sales and merchandise (new Section K is not in original contract). Mr. Saunders said it's his understanding it's in the site plan review but not in the contract and "you guys needed it in the contract."

Reviewed waivers:

1. Site map-exhibit-dimensions: Discussion on elevations. Paul Lorrain, owner of Funky Bow, answered the question regarding excavation. Mr. Hernon said it wasn't required on the plan. Mr. Boucher said the Board shouldn't burden the applicant by adding that on the plan, Mr. Tetu agreed.
2. #5 Setback dimensions: There are no real changes. Mr. Tetu moved to grant the waiver as nothing has really changed as far as the setbacks, seconded by Mr. Wagner, all in favor.
3. #9 Catch basins: Nothing has changed so Mr. Hernon moved to waive this requirement, seconded by Mr. Tetu, motion passed with all in favor.
4. #10 Contours, grades, elevations: Nothing has changed as far as excavation, so Mr. Wagner moved to grant the waiver for #10, seconded by Mr. Hernon or Mr. Kelly, motion passed with all in favor.
5. #19 Traffic patterns: Board received a letter. Mr. Tetu said he doesn't think a traffic study is needed as he doesn't think the traffic will change. Mr. Boucher moved to waive #19, seconded by Mr. Demers, motion passed with all in favor.
6. Hours of operation will be from 7:30 am to 8:00 pm.

Sixteen Standards

1. Mr. Tetu said it will meet this standard. Mr. Hernon moved the approval is contingent on Select Board approval of the changes to existing contract, seconded by Mr. Wagner, motion passed with all in favor.
2. Mr. Tetu thinks there won't be much of an increase in traffic, so he moved the applicant meets #2, seconded by Mr. Demers, all in favor.
3. Mr. Tetu thinks it won't make any difference. Mr. Wagner moved to approve, Mr. Demers seconded, motion passed with all in favor.
4. Mr. Tetu moved they meet #4, seconded by Mr. Hernon, all in favor.
5. The Board received a letter from the Fire Chief. Mr. Tetu moved they meet #5, seconded by Mr. Wagner, motion passed with all in favor.
6. Applicant is not growing here. Mr. Boucher moved the applicant meets #6, seconded by Mr. Wagner, motion passed with all in favor.
7. The Board received the safety letter from the Fire Chief. Mr. Boucher moved the applicant meets #7, seconded by Mr. Tetu, motion passed with all in favor.
8. The structure cannot be seen from the street and there will be exterior security lights installed. Mr. Demers moved the applicant meets #8, seconded by Mr. Wagner, motion passed with all in favor.

9. Nothing has changed. Mr. Tetu moved applicant meets #9, seconded by Mr. Wagner, motion passed with all in favor.
10. Might increase traffic by two percent, if that. There is adequate parking. Mr. Demers moved the applicant meets #10, seconded by Mr. Wagner, motion passed with all in favor.
11. Bathrooms are in existing building. Mr. Tetu moved the applicant meets #11, seconded by Mr. Hernon, motion passed with all in favor.
12. No excavation needed. Nothing is changing. Mr. Boucher moved the applicant meets #12, seconded by Mr. Wagner, motion passed with all in favor.
13. Nothing is changing. It was done with the first application. Mr. Tetu moved the applicant meets #13, seconded by Mr. Demers or Mr. Wagner, motion passed with all in favor.
14. Covered by the Fire Dept letter. Mr. Tetu moved the applicant meets #14, seconded by Mr. Wagner, motion passed with all in favor.
15. No hazardous materials on site. Mr. Hernon moved the applicant meets #15, seconded by Mr. Wagner, motion passed with all in favor.
16. No Adverse impact. Mr. Hernon moved the applicant meets #16, seconded by Mr. Demers, motion passed with all in favor.

Conditions: Subject to Select Board approval.

Mr. Wagner moved that the application is contingent upon Selectmen's agreement to the addendum to the contract, seconded by Mr. Hernon. Mr. Demers added that typos are to be fixed and updated names are added to the plan, motion passed with all in favor.

Mr. Hernon moved that the PB make a recommendation to the Selectmen for approval of the contract zone amendment and also to include paragraph K, seconded by Mr. Wagner, motion passed with all in favor.

PB Clerk will type up with Notice of Decision within a week. Applicant will have to come back with amendments on the site plan. They can drop it off at town hall and the Board will sign it.

The Board forgot the Performance Standards on 10.22B

1. Caregiver must be at least 21 years of age. Mr. Tetu moved the applicant is at least 21 years of age, seconded by Mr. Demers, motion passed with all in favor.
2. Caregiver dwelling premises to be year-round: Not applicable as he's not living there. Mr. Tetu moved that this is not applicable, seconded by Mr. Wagner, motion passed with all in favor. Ms. McKenna said they were in the wrong section, so they restarted.
 1. Remains the same
 2. Medical marijuana is allowed in this zone on this size lot.
 3. Fire Suppression is not required.
 4. N/A
 5. Mr. Tetu moved they meet parking requirements, seconded by Mr. Wagner, motion passed with all in favor.
 6. Security: Mr. Tetu moved they meet this requirement with security cameras, seconded by Mr. Wagner, motion passed with all in favor.
 7. Hours of operation: from 7:00 a.m. to 8:00 p.m.
 8. No displays required.

9. No drive through.
10. Indoor activity only.
11. Transformers for amperage not applicable.
12. Annual safety fire inspection for growers only, so not applicable.
13. No extractions.

Mr. Tetu moved the applicant meets all standards on 10.22B, seconded by Mr. Hernon, motion passed with all in favor. **Done at 7: 45 p.m.**

A comment was made in point of order on a 2017 site plan for an autobody business to make sure standards are followed. (A lot of noise, so I didn't catch the conversation)

START 7:49 p.m. David Alves, Green Acres Marijuana Grow Facility, Map 10 Lot 5C, Revere Way: David Alves with Attorney Edward Titcomb, Surveyor Steve Everett, and Steve Blaise approached the Board with plans. Mr. Everett said that after last night's public hearing, he wanted to address concerns raised. Mr. Hernon said the Board had been chopped down by the ZBA for not following the ordinance on this project and he went back to review the decision from the ZBA that said the Board was deficient in allowing too many buildings, which he believed there were six (someone said seven), on original plan. Mr. Hernon said there were a couple other data requirements, most have been corrected, but the Board was called to task on that. The site plan total floor area was not to the right scale.

Other issues were the setback requirement, catch basins, existing contours, location of curbs, parking and final raw finished or waste material stored outside. Mr. Hernon said, "We were found to be deficient and hopefully we won't do that again." At last night's public hearing an individual provided a submission. He covered six topics which are taken seriously: storm drainage, references to water diverge, building footprint, utilities (water in and out), contours, curbs, sidewalks, etc., parking, erosion controls (not adequate), traffic. He reminded the Board that they could hire technical experts and charge the applicant as long as applicant agreed.

Mr. Everett explained the area of impervious surfaces. He changed it on the plan to a color that doesn't print up well. The area takes up 30,516 square feet due to taking all six buildings and bringing them closer, which changes the footprint. The electrical connection on the existing pole to transformer pad to underground connection. He said, "The transformer pad has to be located by CMP so that's kind of why we didn't show it before because that's their call. Down on the other building they will be serviced by overhead power as shown by an arrow. The other change was modified for noting the woods road. When I was out there looking at it I didn't think it was necessary to widen it, except maybe to remove a stump or two. It's an old logging road and there's exposed ledge." He changed the date and the spelling of rip rap. Mr. Hernon asked about the sedimentation pond. He suggested putting it on the legend as they did with wetlands, diversion ditch to basin. Might use for containment. Mr. Hernon suggested adding symbols on legend.

Mrs. Dupuis asked about the contours and spot grades. Mr. Everett described the dimensions of area in question, everything else will pretty much remain the same. Mr. Demers said there's a series of dash lines that are not listed on the legend. Someone made a comment it's on the list, but it's stated on the plan. Applicant could add it to the legend. The applicant should specify what the dash lines signify. Mrs. Dupuis asked, "Is this a new plan or a revision of an old plan?" Mr. Everett said it's a new plan based on comments made. Mrs. Dupuis wanted to make sure the Board was covered legally as the appeal stated a

30 or 45-day period at Select Board meeting. The lawyer said it was a new plan, new application, new application fee, new everything. Mrs. Dupuis asked, “Can we approve this new plan?”

CEO/PB Clerk Patti McKenna said “It has nothing to do with the old plan. Nothing to do with the Appeals Board, everything is new, and we can’t get in trouble for approving it. The person who had the complaint could appeal to the Supreme Court, but it would be concerning the old application, not this one.” Mr. Hernon said that as long as we follow the ordinance, we can go forward with this new application.

The Board reviewed the 16 Standards as follows:

1. Mr. Tetu moved applicant meets #1 as it’s allowed in that zone, seconded by Mr. Rancourt. Ms. Kenna said to make a note it has been reduced in the number of buildings and meets the definition of building. Motion passed with all in favor.
2. Applicant submitted a plan for odor containment, there’s not much traffic there. Mr. Hernon moved the applicant meets #2, seconded by Mr. Wagner, motion passed with all in favor.
3. Mr. Tetu didn’t see any paperwork that proved it will devalue properties in the area and he moved the applicant meets #3, seconded by Mr. Wagner, motion passed with all in favor.
4. There is not a lot of traffic, just people taking care of the plants. Mr. Wagner moved the applicant meets #4, seconded by Mr. Hernon. Discussion followed: Mrs. Dupuis stated there could be traffic issues due to the condition of the road since “you can’t let two cars go through without someone pulling over to the side, especially in winter.” Mr. Everett asked if she was talking about Revere Way, and she said “Wadleigh Pond.” She thinks Revere Way is being newly constructed and wide enough, but the issue was brought up at a public hearing. Ms. McKenna said, “Not on this application.” Four voted in favor, one abstention.
5. Fire Dept. letter received. Mr. Tetu moved the applicant meets #5, seconded by Mr. Wagner. Mrs. Dupuis said the letter is dated 11-18-2020 and pertained to the first application. There were three Fire Dept. letters with different versions. The first said there was not adequate water supply, then it was revised to say there were no concerns. Someone else requested a check in winter-time. Ms. McKenna called the Fire Chief today and asked him if previous letter was still valid. These are issues that were brought up at the last application and not at the public hearing last night and thinks these are out of order. Mrs. Dupuis asked if these were available for people at yesterday’s public hearing and Mr. Tetu said, “Yes it was.” Mr. Rancourt asked Ms. McKenna to get something in writing from the Fire Chief stating his previous letter is still valid. Mr. Tetu moved the applicant will meet #5 pending a new letter from the Fire Chief, seconded by Mr. Wagner, four voted in favor, one abstention.
6. There is plenty of erosion controls on plan. Elevation directed toward sedimentation basin and pond. Mr. Tetu moved the applicant meets #6, seconded by Mr. Wagner, motion passed with all in favor.
7. Mr. Tetu moved applicant will meet conditions of #7 with the new letter from the Fire Chief, seconded by Mr. Wagner, motion passed with all in favor.
8. Not much traffic there. Mr. Boucher moved applicant meets #8, seconded by Mr. Wagner, motion passed with all in favor.
9. Landscaping: Mr. Tetu said it’s not needed as the project is in the woods and moved the applicant meets #9, seconded by Mr. Wagner, motion passed with all in favor.

10. This project shows parking and goes into a public way and then a private way. Mr. Hernon moved applicant meets the requirements of #10, seconded by Mr. Wagner, motion passed with all in favor.
11. Mr. Wagner moved the applicant meets #11, seconded by Mr. Tetu, motion passed with all in favor.
12. Mr. Tetu moved the applicant meets #12, seconded by Mr. Hernon, motion passed with all in favor.
13. Mr. Tetu moved the applicant meets #13, seconded by Mr. Wagner, motion passed with all in favor.
14. Adequate water for buildings. Mr. Tetu moved the applicant meets #14 contingent on receiving letter, seconded by Mr. Wagner, four voted in favor, one abstention.
15. No hazardous materials on site. Mr. Tetu moved the applicant meets #15, seconded by Mr. Hernon, motion passed with all in favor.
16. Ms. McKenna said there's no protected species on the site of this project as determined by professionals who walked area. Attorney Titcomb has the report from DEP, which extensively reviewed area and found no concerns. Mr. Tetu moved the applicant meets #16, seconded by Mr. Wagner, motion passed with all in favor.

Other Conditions to be met:

1. Medical marijuana is allowed in every district. Mr. Tetu read the medical marijuana product facility section of the ordinance that was discussed previously but not voted on.
5. Mr. Tetu moved that the applicant meets parking requirements, seconded by Mr. Wagner, motion passed with all in favor.
6. Applicant put a waiver request in for not having fences, not sure he needs one. Mr. Tetu moved that they not be required to have fencing, seconded by Mr. Hernon, motion passed with all in favor.
7. Moot point.
- 8-10. No vote needed.
11. Adding additional transformer
12. No vote needed
13. No extractions done there

Mr. Tetu moved that the applicant meets all sections of 10.22B, seconded by Mr. Wagner, motion passed with all in favor. Applicant asked for a waiver for paved parking as all roads leading to the site are gravel. He is trying to keep a natural look to the site. Mr. Wagner moved to grant the waiver, seconded by Mr. Boucher, motion passed with all in favor.

Mr. Tetu read the standard conditions for medical marijuana growth and said if approved by the Board, these standard conditions will be added to the Notice of Decision. Mrs. Dupuis asked if the Board needed to put a condition on that and how would it be enforced as the CEO is leaving and the town will have no replacement CEO. The answer is that the Selectmen needs to hire a CEO to replace the outgoing CEO.

Mr. Boucher moved that the Board add the conditions just read to the approval, seconded by Mr. Hernon, motion passed. Mr. Tetu moved to approve application as long as he gets the letter from the Fire Dept., seconded by Mr. Wagner, motion passed with all in favor. **Done at 8:41 p.m.**

8:42 p.m. David Alves with project for Cousens School lot on Route 35, Map Lot : Steve Blaise of Blaise Civil Engineers explained the proposal for the Cousens School project. Mr. Alves added eight acres to the existing property. He intends to keep the school building and the ballfield and will add gravel parking around the ball field, both entrances will be modified slightly. Mr. Alves intends to build five buildings, three stories, with twelve units in each for housing. The parking will include 1.75 spaces per dwelling units. They have a notation for storm water and the septic field will be in the middle, the State requires a reserve system. The closest structure to Route 35 is about 290 feet back. They will maintain as many trees as a buffer as possible. They will include a water retention pond. The water table is about fifteen feet deep. Mr. Blaise said that tonight they are looking for a recommendation for a contract zone. Mr. Hernon asked why they chose 8,000 sq. ft. per residential unit rather than 10,000 or something else and questioned the density. Mr. Alves said the number is 8,000 sq. ft. and that's what they're asking for. Mr. Blaise said it was because of what fits on the land and said, "Can we add another building? Maybe, but we want it to look good." The soil is sandy, and the land is flat. Surveyor Ken Gardner looked at the property for them. Although the units will not be for affordable housing, they are proposing twenty percent for 55+ year old people. The State will dictate the final calculation of the number of buildings once the septic and water are designed.

Mr. Hernon said they might want to consider a propane area, unless they plan on using heat pumps. One for each building; it would be more efficient. Steve Blaise said he knows there will be many more meetings, but they wanted to put it in front of the Board for suggestions. The Board asked if he would turn the diagram toward the camera and explain it to those watching on video.

The rear lot line is about forty feet behind the proposed buildings and a fifty foot right of way is behind that. Mr. Alves is looking for a recommendation from the Board. Ms. McKenna said the PB reviews the proposal and makes sure the applicant meets the four criteria in the ordinance and they submit it to the Select Board for review and approval. A public hearing will be held, recommendations made, then the Select Board reviews. Mr. Alves asked if the Board can use this as a template. Ms. McKenna said he can present it to both Boards and it needs site review.

Many people have called Mr. Alves asking what his plans were for the property and if apartments were part of it. The school will either be for professional offices or apartments. Mr. Rancourt asked, "Could it be a community building for the residents?" Mr. Alves said his first thoughts were for satellite dental or doctor's offices. Part of the ballfield (maybe ten feet) is on the church property next door and he's hoping to work with the church on that issue. **Done at 8:58 pm**

MAIL: None

MINUTES

The May 5, 2021 meeting minutes only half recorded therefore the second half is not available. The tape had stopped. Mr. Tetu moved to accept as written, seconded by Mr. Wagner, all in favor.

NEW BUSINESS

Ms. McKenna's last day of work will be next Thursday.

SET NEXT AGENDA

June 2, 2021, Will add anything on if something comes up.

OLD BUSINESS

None

ADJOURNMENT

Mr. Tetu made the motion to adjourn at 9:00 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

Michael Rancourt