

**TOWN OF LYMAN
PLANNING BOARD MEETING MINUTES
March 2, 2022**

Note: These are summary minutes. A recording of the meeting is on file at the Lyman Town Hall and are posted on the Town's webpage. 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 PM. Noting attendance of, Donald Hemon, Joseph Wagner, Kelly Demers and Cecile Dupuis. Also attending, Patti McKenna, Code Enforcement Officer and Jonessa Ramos, Code Enforcement Officer Assistant.

The Board discussed Contract zoning legal process questions as it pertains to the Bauneg Beg application as follows.

Contract zoning legal process questions:

1. There is a conflict between state law and the town's ordinance regarding contract zone. (State Law title 30A MRSA 4352 (8) B) in our ordinance section 1.8.3 F we have four standards that the Board has to make a positive finding for their recommendation to the Board of Selectmen. #3 states: Is consistent with, but not limited to, the existing uses and permitted uses within any zoning district. The words "but not limited to" are not in the state law. Is this a conflict that invalidates our ordinance? Or does our requirement in section 1.7.1 apply? Where it states: Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or any other ordinance, regulation or statute, the more restrictive provision shall control, unless otherwise indicated.
2. Can the Board use contract zoning to increase residential density on a lot? The smallest lot size for a dwelling or septic system that our ordinance allows, is 20,000 square feet. Can contract zone be used to allow housing that would equal to less than 20,000 square feet per dwelling?
3. In section 3.5 of our ordinance, it states: non-conforming lots. No dwelling or septic system may be located on any lot less than 20,000 square feet in size. No variance shall be granted from this requirement. The lot in question is not a non-conforming lot. We aren't sure if this section applies to what the applicant is asking for.
4. PUDs are not mentioned in our zoning ordinance. It was discussed that this project is a PUD and because we don't list it in the ordinance, we cannot allow it. In section 5 of our ordinance under each zoning district it states: If a use is not listed then that use is prohibited in the district. Would this require the Board to make a negative finding on the use being consistent with but not limited to the existing and permitted uses within any zoning district?
5. This project is being applied for by a developer who intends to create a condo association to own the land and be responsible for maintenance. If the town enters into a contract with the developer, and in the future turns the ownership over to the association would that require the association to come back and get the contract transferred to them? In section 1.8.3 E condition #9 it says: Provisions for transfer of the contract to come before the Planning Board and Board of Selectmen to demonstrate technical and financial ability to fulfill the contract.

Don Hernon made the motion to request legal opinion. Joe Wagner seconded and all voted in favor. Joe Wagner made the motion to request legal opinion through MMA. Don Hernon seconded. The motion passed with all in favor.

MINUTES: Reviewed February 16, 2022 Minutes. Joe Wagner made the motion to approve the minutes as amended. Don Hernon seconded. The motion passed with all in favor.

NEW BUSINESS

Cecile Dupuis brought to the Board's attention that she received an email from MMA today asking town officials to participate in a public hearing on an upcoming bill regarding a proposed housing law.

OLD BUSINESS

Don Hernon provided updated copies of the by-laws to the Board for the record.

SET NEXT AGENDA:

Public Hearing - Wednesday March 16, 2022 @ 6:00 PM. Bauneg Beg Land Development LLC – Map 11 Lot 122 – 382 Goodwins Mills Rd – Application for contract. This will be placed on the agenda for the regular meeting after the public hearing.


ADJOURNMENT: Rod Tetu made the motion to adjourn at 8:11 PM. Kelly Demers seconded. The motion passed with all in favor.


APPROVED DATE: 3/16/2022



Roderick Tetu, Chairman


Don Hernon, Vice Chairman


Cecile Dupuis


Joseph Wagner


Paul Boucher


Kelly Demers