

**TOWN OF LYMAN  
PLANNING BOARD MEETING MINUTES  
February 16, 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 public hearing to order at 6:45 PM immediately following a regular meeting. Noting attendance of, Donald Hernon, Joseph Wagner and Paul Boucher. Also attending, Patti McKenna, Code Enforcement Officer and Jonessa Ramos, Code Enforcement Officer Assistant. Steve Blais of Blais Civil Engineering and Michael Rogers, Real Estate Agent on behalf of Bauneg Beg Land Development LLC. Also, Sandra Bernier, Peter Nikiforakis and Dan Pushaw.

**PUBLIC HEARING MINUTES: Peter Nikiforakis – Map 7 Lot 86 – 1522 Alfred Rd. – Application for medical marijuana food processing.**

Rod Tetu: Mr. Nikiforakis, do you want to explain your project to everybody?

Peter N: So, I have the shop down the road, the headquarters medical cannabis and I'm going to be adding on a kitchen. The room is already there which I'm going to be making edibles, basic stuff like cookies, gummies, that type of thing. That is pretty much the basis of that. Does anybody have questions on that?

Don Hernon: Did you describe where it was, you said down the road

Peter N: Yeah, down the road at the headquarters, 1522 Alfred Road.

Rod Tetu: So, it's almost beside the Bernier's?

Don Hernon: The other side of Dollar General

Peter N: Yeah. Same driveway as the Hillview mini barn. So, it's attached. The building in between the shop and my landlord's garage, it would be the breezeway.

Joe Wagner: And previously you said there is going to be security measures there in terms of doors being secured

Peter N: Yes of course, we have windows barred. Doors are secured and cameras.

Don Hernon: You're putting in a kitchen, correct?

Peter N: Yes, we are putting in a stove, 3 bay sink, handwashing sink

Joe Wagner: Exhaust fan?

Peter N: As far as I know, you only need a fume hood for if you are producing grease laden vapors was what I was told or if you're using propane, like a commercial set up, which we aren't doing. Pretty basic, cookies, gummies, electric stovetop is all we need. We use hash rosin which is a non-solventless oil, so it's made with ice and water, and we don't do any extraction on site anyway, so, we are pretty safe.

Don Hernon: No chances of explosion there?

Peter N: Ice and water is as safe as it gets

Patti McKenna: But you're not extracting there anyways

Peter N: Exactly

Rod Tetu: Any more questions or comments for him? Thank you, Mr. Nikiforakis

**Ray & Sandra Bernier – Map 7 Lot 84 – 5 Alewife Rd – Application to fill a man-made pond**

Rod Tetu: Mrs. Bernier, do you want to come up and explain your project?

Sandra Bernier: We are asking for a permit to fill in a man-made pond which was put in not by us, by somebody illegally, I believe you have said in the 80's. It's a nuisance, we've had to post no trespassing. We had to talk to a few people who were heading towards the pond with very young children and asked them to leave the premises. Evidently, some people don't know how to read. It does say no trespassing, there are signs out there. So, basically, that's it. Granular fill to fill it. Questions? I didn't say the address 5 Alewife Road, right across from Jackson's Corner Store, behind Dollar General and across from Mobil gas station. So, we're kind of in the middle of everything.

Don Herson: You're filling a hole in the ground.

Rod Tetu: The pond you see right at the beginning of Route 35

Sandra Bernier: Yes

Don Herson: I think it's a good idea

Sandra Bernier: Yes, it's a nuisance.

Dan Pushaw: Will it affect the wetlands?

Sandra Bernier: No, it won't affect the wetlands.

Rod Tetu: No more questions? I'll make a motion to close the public hearing.

Joe Wagener: Second

Rod Tetu: All in favor.

**CALL TO ORDER:** Chairman Roderick Tetu called the regular meeting to order at 6:51 PM. Noting attendance of, Donald Herson, Joseph Wagner and Paul Boucher. Also attending, Patti McKenna, Code Enforcement Officer and Jonessa Ramos, Code Enforcement Officer Assistant. Steve Blais of Blais Civil Engineering and Michael Rogers, Real Estate Agent on behalf of Bauneg Beg Land Development LLC. Also, Sandra Bernier, Peter Nikiforakis and Dan Pushaw.

**APPOINTMENTS:**

**Peter Nikiforakis – Map 7 Lot 86 – 1522 Alfred Rd. – Application for medical marijuana food processing.** The Board reviewed the site plan checklist. Rod Tetu made the motion that the request for waiver of section 10.22.B. be approved.

The 16 standards of Article 8 were reviewed.

**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. Medical marijuana processing is a permitted use with site plan review in this zone.

Rod Tetu made the motion that he met the standard and Joe Wagner seconded. 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.** There were no proposed changes to the site.

Don Hernon made the motion that he met the standard and Rod Tetu seconded. 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 evidence provided to the Planning Board to show any negative effect on nearby property values.

Don Hernon made the motion that he met the standard and Joe Wagner seconded. Motion passed with all in favor

**Standard 4: Will not create a hazard to pedestrian or vehicular traffic or significant traffic congestion.** The applicant will only have two workers. There is already plenty of parking and making this product here will not increase the number of customers.

Rod Tetu made the motion that he met the standard and Paul Bocher seconded. Motion passed with all in favor

**Standard 5: Will not result in fire danger.** Findings: The applicant claims the process used to make edibles does not produce grease laden vapors and doesn't require any special fire suppression. He is not extracting at this location. Don Hernon made the motion that he met the standard and Joe Wagner seconded. 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.** Findings: There were no proposed changes to the site.

Rod Tetu made the motion that he met the standard and Paul Boucher seconded. 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:** Findings: There were no proposed changes to the site.

Rod Tetu made the motion that he met the standard and Don Hernon seconded. 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.** Findings: There were no proposed changes to the site

Joe Wagner made the motion that he met the standard and Paul Boucher seconded. 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.** Findings: There were no proposed changes to the site.

Rod Tetu made the motion that he met the standard and Don Hernon seconded. 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.** Findings: There were no proposed changes to the site.

Joe Wagner made the motion that he met the standard and Paul Boucher seconded. 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.** Findings: The applicant provided data of the existing septic system and stated a new system will be installed.

Rod Tetu made the motion that he met the standard and Joe Wagner seconded. Motion passed with all in favor

**Standard 12: Makes provisions to control erosion and sedimentation.**

Findings: There were no proposed changes to the site.

Rod Tetu made the motion that he met the standard and Joe Wagner seconded. Motion passed with all in favor

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

Findings: There were no proposed changes to the site.

Don Hernon made the motion that he met the standard and Joe Wagner seconded. 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.** Findings: The Board will condition this approval to be subject to inspection by the Fire Chief.

Don Hernon made the motion that he met the standard and Paul Boucher seconded. 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.** Findings: This process will not include anything explosive. They do not propose to extract at this property.

Rod made the motion that he met the standard and Joe Wagner seconded. 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.** Findings: There were no proposed changes to the site.

Don Hernon made the motion that he met the standard and Joe Wagner seconded. Motion passed with all in favor

**Section 10.22.B – Peter Nikiforakis, Grown East LLC**

1. Medical Marijuana Cooperatives and medical Marijuana production Facilities are allowed in every zone. They shall not be located: on parcels of land with a lot line located within 500 linear feet of any pre-existing public or private school facility, or any pre-existing and licensed day-care center or day-care home, public park, public playground, athletic field, juvenile or adult halfway house, correctional facility, other Marijuana production facilities, substance abuse rehabilitation or treatment center or church. Applications for such public or private school, childcare providers, parks, playgrounds, or churches which are proposed within 500 feet of any existing medical marijuana production facility shall be required to sign a form, which may be obtained from the Code Enforcement Office, which indicates that they were aware than an existing medical marijuana production facility is located within 500 feet of their proposed site.

This use is an approved use in the zone with site plan approval.

*Planning Board agreed that it is covered because it is allowed in that zone. Don Hernon seconded.*

2. Medical Marijuana Cooperatives and Medical Marijuana Production Facilities are permitted in the Residential and General-Purpose districts on lots of 5 acres or more and any legal lot within the Commercial/Residential district. In all districts Planning Board approval is required through site plan review process in section 8 of this ordinance. Applicant is in commercial zone.

Planning Board agreed that it is covered because it is allowed in the commercial zone. Don Hernon seconded, all voted in favor.

3. Fire suppression will be required in conformance with the most current version of NFPA 1 Chapter 38 and the current State of Maine adopted version of NEC standards.

Applicant won't be producing grease laden vapors. Don Hernon made the motion that applicant meets #3 with provision of fire extinguisher and approval from fire chief. Joe Wagner seconded, all voted in favor.

4. All Marijuana Cooperatives and Production Facilities shall submit an Odor Control Plan with the site plan application. Odor Control Plans shall consist of the following:

a. **Specific odor-emitting activity(ies)** – This section should describe the odor emitting activities or processes (e.g., cultivation) that take place at the facility, the source(s) (e.g., budding plants) of those odors, and the location(s) from which they are emitted (e.g., flowering room)

b. **Odor Mitigation Practices** \_ For each odor emitting source/process outlines in Section 1 of the odor control plan, specify the administrative and engineering control the facility will implement to control odors

c. The best control technology for marijuana cultivation facilities is carbon filtration.

d. The town may use contracted staff and peer review escrow fees to review an odor control plan in agreement with the applicant at the applicant's expense.

Joe Wagner made the motion that the applicant meets #4, Rod Tetu seconded, all voted in favor.

5. **Parking:** The property shall provide parking that meets the requirement of section 10.12 of this ordinance, and such additional parking as may be required by the Planning Board.

Rod Tetu made the motion that the applicant meets #5. Joe Wagner seconded, all voted in favor.

6. **Security:** All growing of medical marijuana within a production facility shall occur inside and only within a completely enclosed structure. A greenhouse is a structure. This does not apply to home growing of medical marijuana. The building shall be constructed with a security system with recordable video surveillance. Exterior lighting must be sufficient to deter nuisance activity and facilitate surveillance. The Planning Board may require a chain link fence or solid fence, six feet in height, surrounding the building(s) and parking area. All security measures shall be consistent with State requirements. Security cameras are also required around the perimeter of the structure. Applicant has security cameras. Rod Tetu made the motion that the applicant meets #6. Don Hernon seconded, all voted in favor.

7. **Operating hours of the property:**

a. Dispensing of medical marijuana products and materials shall not take place prior to 7:00 a.m. or later than 8:00 p.m. on any day

b. Deliveries shall not take place prior to 7:00 a.m. or later than 8:00 p.m. on any day

Rod Tetu made the motion that the applicant meets #7. Paul Boucher seconded, all voted in favor.

8. All signage and advertising for any facility responsible for the cultivation, manufacturing, sale or distribution of marijuana shall comply with all applicable provisions of the land use ordinance. Signs may not contain any visual depiction of marijuana or marijuana paraphernalia. Outdoor displays, window displays, or displays visible from the outside of the building intended to attract attention to or generate interest in the uses on the property shall be prohibited.

Rod Tetu made the motion that the applicant meets #8 because there is no signage. Don Hernon seconded, all voted in favor.

9. Drive through, drive up, or window services are prohibited.

Rod Tetu made the motion that the applicant meets #9 because there is no drive through. Joe Wagner seconded, all voted in favor.

10. All activities of dispensaries, cultivation facilities, processing facilities and marijuana establishments shall be conducted indoors.

Rod Tetu made the motion that the applicant meets #10. Paul Boucher seconded, all voted in favor.

11. If electric service increases beyond 200 amps and an upgraded transformer is required, that transformer may only service the buildings wired to receive the increased amperage.

Rod Tetu made the motion that the applicant meets #11. Joe Wagner seconded, all voted in favor.

12. Annual safety inspections by the Fire Department and Code Enforcement Office shall be conducted. A fee set by the Board of Selectmen will be associated with these inspections.

Rod Tetu made the motion that the applicant meets #12. Don Hernon seconded, all voted in favor.

13. Extraction of marijuana concentrates, such as but not limited to oil, butter, wax or shatter shall be permitted subject to compliance with NFPA (1) Chapter 38 standards and the current version of NEC (National Electric Code) standards.

Rod Tetu made the motion that the applicant meets #13 because there will be no extraction. Paul Boucher seconded, all voted in favor.

Rod Tetu made the motion to grant the applicant's request to put a kitchen in his building. Joe Wagner seconded, all voted in favor.

**Ray & Sandra Bernier – Map 7 Lot 84 – 5 Alewife Rd – Application to fill a man-made pond**

The Board reviewed the mineral extraction and earth moving application checklist and because she is extracting and not filling Rod Tetu made a motion to waive the mineral extraction requirements, Joe Wagner seconded. The motion passes with all in favor. The 16 standards of Article 8 were reviewed.

**Standard 1: Will meet the definitions of the use, the Zoning District requirements and any other requirements set forth in the ordinance.** Findings: The property is in the Commercial/Residential zoning district.

Rod Tetu made the motion that the applicant met the standard and Paul Boucher seconded. 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.**

Findings: Filling the pond will have no adverse effect.

Rod Tetu made the motion that the applicant met the standard and Joe Wagner seconded. Motion passed with all in favor.

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

There was no evidence provided to the Planning Board to show any negative effect on nearby property values.

Don Hernon made the motion that the applicant met standard, and Paul Boucher seconded. Motion passed with all in favor.

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

Findings: Filling the pond will have no effect.

Rod Tetu made the motion that the applicant met the standard and Joe Wagner seconded. Motion passed with all in favor.

**Standard 5: Will not result in fire danger.** Findings: Filling the pond will not result in fire danger.

Don Hernon made the motion that the applicant met the standard and Rod Tetu seconded. 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.** Findings: This will not affect drainage problems. The applicant proposed to pitch the land to run-off to the rear of the property.

Joe Wagner made the motion that the applicant met the standard and Rod Tetu seconded. 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:** Findings: Filling the pond will have no effect.

Rod Tetu made the motion that the applicant met the standard and Don Hernon seconded. 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.** Findings: Filling the pond will have no effect.

Rod Tetu made the motion that the applicant met the standard and Paul Boucher seconded. 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.** Findings: The site will remain as it is currently. The Board determined a landscaping plan was not required.

Don Hernon made the motion that the applicant met the standard and Paul Boucher seconded. 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.** Findings: Filling the pond will have no effect.

Rod Tetu made the motion that the applicant met the standard and Joe Wagner seconded. 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.** Findings: Filling the pond will have no effect.

Rod Tetu made the motion that the applicant met the standard and Don Hernon seconded. Motion passed with all in favor.

**Standard 12: Makes provisions to control erosion and sedimentation.**

Findings: The applicant proposes to pitch the land to run off to the rear of the property.

Rod Tetu made the motion that the applicant met the standard and Joe Wagner seconded. Motion passed with all in favor.

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

Findings: The applicant proposes to pitch the land to run off the rear of the property.

Rod Tetu made the motion that the applicant met the standard and Don Hernon seconded. 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.** Findings: Filling the pond has no effect.

Don Hernon made the motion that the applicant met the standard and Rod Tetu seconded. 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.** Findings: None proposed.

Rod Tetu made the motion that the applicant met the standard and Paul Boucher seconded. 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.** Findings: There are no scenic vistas and no wildlife habitat therefore the applicant is not required to do anything.

Rod Tetu made the motion that the applicant met the standard and Joe Wagner seconded. Motion passed with all in favor.

Rod Tetu motioned to approve application to fill the pond with condition they acquire any required DEP or Army Corps permits. Joe Wagner seconded the motion. The motion passed with all in favor.

**Bauneg Beg Land Development LLC – Map 11 Lot 122 – 382 Goodwins Mills Rd – Application for contract.** Bauneg Beg submitted their revised contract zoning request and revised conditions and restrictions that will be submitted along with the public hearing notice. The Board reviewed the revised conditions and restrictions and decided that a public hearing needs to be scheduled. The public hearing is scheduled for Wednesday, March 16, 2022 at 6:00 PM.

**MINUTES:** Reviewed February 2, 2022 Minutes. Rod Tetu motion to approve, Paul Boucher seconded. The motion passes with all in favor. Reviewed January 19, 2022 Minutes. Rod Tetu motion to approve, Joe Wagner seconded. The motion passes with all in favor.

**NEW BUSINESS**

**OLD BUSINESS**

**SET NEXT AGENDA:** Continue to work on Zoning changes.

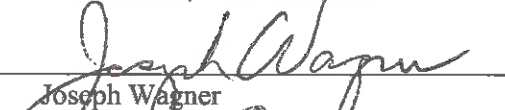
**ADJOURNMENT:** Paul Boucher made the motion to adjourn at 8:11 PM. Joe Wagner seconded. The motion passed with all in favor.

APPROVED DATE: 3/30/2022

  
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Roderick Tetu, Chairman

  
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Don Hernon, Vice Chairman

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Cecile Dupuis

  
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Joseph Wagner

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Paul Boucher

  
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Kelly Demers