

**Town of Lyman
Public Hearing
Bauneg Beg Land Development LLC
February 2, 2022**

Chairman Tetu called the meeting to order at 6:00 p.m. noting attendance of: Planning Board Members: Kelly Demers, Joe Wagner, Don Hernon, Rod Tetu, Cecile Dupuis, Paul Boucher. Code Enforcement Officer - Patti McKenna, Code Enforcement Assistant - Jonessa Ramos. Realtor - Michael Rogers, Engineer - Steve Blais. Residents: Dina Jordan, Andy Jordan, William Single, John Tibbetts. Rick Hull, Barbara Hull, Carol Baker Roux, Nigel and KJ Sampson, Bruce Woodward, Jean Dulong, David Dulong, Bill Nowicki, Nigel & Kerry Jo Sampson, Mike Gervais, Michelle Feliccitti, Marc Swett, Terry Sylvain, Linda Graham, Tom and Celeste Hatch, Ron Stearns, Steve Stearns, Amy Meurrens, Lee Schatz, Sandy and Barrett Johnson, Catherine Girard, Michael Rancourt, Jacqueline Rancourt, Irene Single, Brian Dulong, Jeffrey Demers, Jason Brooks, Ashley Whittaker Amber Swett, Robert St. Onge.

Note: The numbers next to a name indicate the time in the audio recording

John Tibbetts 11:27: **Attached paperwork.**

Michael Rancourt: **Attached paperwork.**

Rick Hull 26:21: Multifamily use is probably an appropriate use for this property but concerns: density and too I have a procedural question, one of the requirements of the notice of a public hearing like this for it to be valid is that the notice of the public hearing to the people within 500 ft. has to contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned and I know I didn't have one in my envelope or in Barbara's envelope. Who is the actual owner of the property? Does anybody else remember seeing a plan or a statement of proposed conditions? I do think that the developer needs to consider whether or not proper notices have been given and whether or not he wants to run the risk of someone objecting as I'm doing right now to the conduct of the meeting based on the fact that the notices were defective. Having said that, I have a lot of experience in Biddeford with contract zoning, I've done several of them. This is a crucial part of the process because you guys are going to make a recommendation to the Selectmen and impose conditions. At a minimum, a traffic study has to be done and I'll tell you at a minimum there needs to be improvements. I don't want to see a red light at the corner of South Street and Route 35 because when the Dayton Sand and Gravel trucks come to a stop and then at 5 in the morning start up again, it's going to disturb the peace and quiet. But that is an intersection that needs to be studied more thoroughly. Without conditions it will be a worse traffic nightmare than it already is. Additional stop signs that have been erected there have improved the people running the stop signs and the accidents are much less. But you're going to be dumping a certain number of people out onto route 35 and some portion of them are going to go towards the general store and some portion of them are going to go through Jackson's corner. You guys need to make that a condition of whatever recommendations you have. Also, I would say that the notices that are required and to be given, in the application, there has to be a statement setting forth the conditions and restrictions that the applicant proposes. I would like those to be reiterated again because I think that's what the developer is proposing. I think you guys need to amend and add to those based on the concerns that are being expressed here tonight. Thanks.

Dave Dulong: **Attached paperwork.**

Carrie Joe Samson: Asked why the town sold Cousin's School. [Cecile Dupuis and Rod Tetu asked John Tibbetts to elaborate.]

John Tibbetts: I was on the Selectboard at the time. There was a vote to renovate it into a Town Hall and it came at a time that we had escalating costs, and we worked with estimators and contractors, and we tried to get it to come into line. The Townspeople voted for us to have X number of dollars; we couldn't do it for that amount. We spent quite a bit of time negotiating to try, then we said, we can't do it for that, and we gave them the option of selling. So, the Townspeople voted to sell it, which we did. And then, like I said, 2021 the current owner, asked the Selectboard to put a straw poll with the town election, which we did. And all it said was, if you had a chance to buy Cousens School back, would you? And overwhelmingly the Townspeople said no.

Bob St. Onge: Regarding Cousens School, in his opinion was handled poorly. The town invested a lot of money, and the town lost a lot of money. Don't want to see it changed to something that will be a detriment to the town.

Brian Dulong: The majority voted twice to get rid of the school.

Amy Meurrens 36:59: A lot of concerns because you can walk through the woods to her place. #1 Is this going to be affordable housing? Is it going to be subsidized? Maine State Housing or early development? If it is low income and need any subsidies it will put a strain on our department here for our general assistance. #2 How is the water going to be handled especially the well? #3 If it is for the elderly, it's not a good place cause there's nothing there for these people to get to and from anywhere. There isn't a wave of buses that will pick people up to take them to where they need to go. Agreeing with the Rancourt's, what happens if we have to build a bigger school? We are going to consider ambulances, more than we have. Buses, because there is a shortage. More resources for the people that will live in that development.

Michelle Felicitti – Reached out to principal and stated that they have only room to make 2 more classrooms and then modulars. Any studies done? Texts daily about buses not running. Class sizes are already big. Numbers are a big thing, and they would need to know. 55+ community/grandkids. What if the kids need special services, the town will need resources? School has a hard time already coming up with these services.

Mike Gervais (Parishioner @ St. Stephens) 42:08: My basement has 2 sump pumps that run full time and year-round. Concern, what is the plan to do with the water. 300-400 gal a day average household. How is the water going to be dealt with? Kid tax thing, anything that is going to happen in the town it should be cost neutral to the town or benefit the town. Asks about public hearings that will follow.

Patti McKenna: If the town enters into a contract, then it has to go back to the Planning Board for the regular process of development, so there would be another public hearing

Mike Gervais: But it's not a guarantee?

Patti McKenna: If the town enters into a contract, there will be another public hearing, that is a guarantee. But if we don't enter into a contract, it's stopped, nothing happens.

Michael Rancourt 46:39: If they get their contract rezoning then the development process begins which is including having to change other ordinances like the subdivision ordinance and what not, at that point you have already granted the contract zone, you have already started the process of another developer saying I can come in here and get the same contract zone.

Mike Gervais: Can we have a definition of Contract Zoning?

Don Hernon 49:22: Reads the definition of 1.8.3 *Contract Zoning* A. Purpose Occasionally, competing, and incompatible land uses conflict; and traditional zoning methods and procedures such as variances, site plan review permits with conditions, and alterations to the zone boundaries are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in

both developed and undeveloped areas and, at the same time, recognize the effects of change. In consideration of a change in zoning classification for a particular property or group of properties, it may be determined that public necessity, convenience, or general welfare require that provisions be made to impose certain limitations or restrictions on the use or development of the property. Such conditions are deemed necessary to protect the best interests of the property owner, the surrounding property owners and the neighborhood, all other property owners and citizens of the town and to secure appropriate development consistent with the Town's Comprehensive Plan. A contract zoning request will not be allowed to circumvent required setbacks or the need for a variance to setback requirements.

Don Hernon 53:44: Don comments on development needs; that there have been 2 or 3 contract zones approved. Contracting zoning went in 2016. It's a mechanism to allow things authorized in other zones to be authorized in a particular zone, so it gives some flexibility. We can make a case that we shouldn't have any contract zoning but then the only issue with that is, if you go read the ordinance, it gives you land uses and if you want to have it totally restricted, then you are restricting a lot of development, I don't think that anybody is necessarily promoting development but this allows an initiative which will have to meet certain restrictions.

Michael Rancourt 54:04: Reads the comprehensive plan. The town adopted the concept of contract zoning in 2016, this is a tool for the town to contract with a property owner for a use that is not permitted within the zone that the property is located in. This was in keeping with the 2004's plan which suggested that the broadening use of conditional use application. While Lyman is primarily a residential community, more people wanting to earn their living on their property or in Lyman instead of commuting elsewhere, this helps add to the tax base and relieves the burden from the residential tax base, this plan encourages this trend to continue with an emphasis on keeping and protecting the rural atmosphere of the town.

John Tibbetts 55:29: Explains why contract zoning was important for Funky Bow is because the zoning line ran right down through the middle of his property, it was general purpose on one side and residential on the other side so that's why contract zoning worked for him.

Bob St. Onge 56:15 – 57:28: Contracting zoning sounds like an agreed upon operation, if you violate the contract, then your contract can be pulled, is that the way it is running in the community? Are we just granting a contract for a business in a residential zone that people have moved into this residential zone with the knowledge that they're not going to have businesses in their backyard? We go into an area where the zoning says it won't change but then we bring contract zoning, and the guy next door puts in a business. So, I'm asking, "Are the contracts up for review? Is this one going to be up for review?"

Rod Tetu: No as far as I know they're not.

John Tibbetts 57:33-58:14: As I understood contract zoning, the way we voted on it, is the contract lived and died with the original owner (Rod replies: That is correct) That brings up another point, if Bauneg Beg Development gets contract zoning and they sell these units, who holds the contract? How does that even fit with contract zoning? And the reason why it was so important to put that in there, say we did a contract zone and the business failed, made a mess and they wanted to sell it, contract was gone, there was a repercussion to Bob's point

Michelle Felicitti 8:19: One of the things I forgot to mention earlier was the another reason for the drop in attendance for school was people pulled their kids to homeschool with covid, the quarantining and having to bring the kid in and out for remote learning, a lot of kids couldn't handle that, a lot of work parents couldn't handle that and a large majority of the kids that were pulled were to be homeschooled because of covid for the past 2 years

Michael Rancourt 58:47-59:25: I do want to bring up one thing that talks to what Mr. St. Onge and Mr. Tibbetts said. An example, last year as I should say, Funky Bow did ask for a contract change for their contract zoning because they wanted to introduce a medical dispensary and also, they were doing other activities that weren't on their original contract. So, they sought out and got approved for an amendment to that contract, correct Patti?

Patti Mckenna: Yes

Michael Rancourt: So, it is possible to change a contract if you want to do different use for that property, so just consider that.

Bill Nowicki 59:39-1:02:06: I am currently in the process of building the largest planned unit development this state has ever seen, it's called Scarborough Downs. Have any of you driven through Scarborough Downs recently? What do you think? 36 town homes, 36 more apartments, and 36 more condos, 80 single family residences, that doesn't count Costco, Market Basket and everything else. I work in Scarborough, I don't want that in Lyman, that's why I live here (crowd clapping) I'm literally building houses that are 12 ft. apart, the view out of everyone's window is either an apartment building, your garage, or your neighbor. These people love it. They are buying these things faster than I can build them. I've got houses going under contract and closings every day. We are now closing a house a week. These things are averaging \$550,000 and I can't build them fast enough. This proposal and the contract zone that they are proposing is opening the flood gates, if you grant it to them, you're going to have to grant it to everybody. It is going to set a precedent that says, hey you granted it to them, why can't I get it? I wouldn't want that here and really don't want this here either and for the reasons that the multitude of people here have brought up

Barbara Hull 1:02:16: We lived here a long, long time and before we moved in, there were a number of subdivisions being built by John Downy and Steve Kasprzak. The planning board decided no more subdivisions, too small lot sizes and Murphy's Way is probably one of the few because your lot sizes are bigger. Lyman doesn't want that; we don't have any new subdivisions. The people of Lyman don't want this kind of housing, it's just a historical thing, I just think that's what the town of Lyman has always been about. You can barely build a new house out behind your own home if you have the acreage.

Catherine Gerard 1:03:28: I'm just wondering what is the setback on the back end of this proposal? From this lady's house on Hunter's Lane? It's in her backyard. I mean, come on!

Steven Blais Engineer: 40 ft.

Catherine Gerard: 40 ft?!! You are kidding me (crowd response, oh no, oh my god) Sorry I don't agree.

Brian Dulong 1:04:26: **Attached paperwork.** Also, I'd like to point out that Mr. Alves is buying another piece of property behind the school. There's 43 acres to that lot that he's buying a piece of, if this goes through, what's going to stop him from buying the rest of that 43 acres and littering it with all these houses?

Ronald Stearns 1:07:14 : I'm just concerned with again just the number of houses also something that doesn't show on the plan is a brook that runs down through there, it's an actual stream, there's living breathing fish in there and everything. I'm concerned about the wastewater. I know Mr. Rogers contacted me to see if I had any interest in selling a few acres of the backside of my property which abuts that brook and led me to believe that was going to be used for open space/ possibly septic stuff. He said that he wasn't a fan of the project, and I had no interest in selling him any property. Started out 2-3 acres on Saturday and on Monday he called and said, all we need is half an acre, and I still had no interest. My concern is just the viability of project as it stands with regards to water, wastewater and also all the other stuff that has been brought up here today. Mainly just that because I'm a neighbor.

Jeffrey Demers 1:09:12: So, I'd like to start off by just saying that I definitely agree with the following speakers. I'm in superior court with the town of Lyman and Dave Alves for the marijuana facility that is going in on Wadleigh Pond. (Rod replies: That has nothing to do with the marijuana facility. Uses gavel. Can we go on about what you have to say about this project), So I am now in a case with the same gentleman who is proposing this tonight. I agree with John Tibbetts, Michael Rancourt and Jacqueline Rancourt, Mr. Hall, Dave Dulong, Mike Gervais, Michelle Feliccitti, Bill Nowicki, Brian Dulong and Mr. Stearns. I definitely agree with all of their statements, they are great statements. Mr. Hull's statement of he didn't get noticed. I am just fumbled that we have a brand-new sign out there for

\$14,000 and we couldn't put this meeting on that sign. (Crowd clapping) We wonder why people like me who want to stand their ground who has lived here for 32 years kind of get a little ticked off. I'm in court today because you weren't given the right notices. Mr. Hull you don't need a notice, you're not a direct abutter, that's what I'm told. That's why my attorney sat here at \$300 an hour, we don't believe it, we think we're right, now it's in court. The issues I'm facing in Superior Court are the same exact issues that are coming forward tonight, same exact issues. This is going to grow. Somebody said it, this is going to open up and this is going to grow. Got to keep an eye on it, we got to pay attention, you got to watch these meetings. They don't get posted properly; they get posted at the last minute. You go on the website when you get home tonight, if you can make it in time, and you try to find this meeting, it's on there, I'm not saying it's not on there, have fun, if you're not computer literate, have fun finding a posting for this meeting. You would think that as important as Cousin's School was to everybody, even myself, as the Chair of the Select Board that ran through Cousin's School had Harriman Associates come in and do their due diligence that we had to do for the townspeople. Some people don't agree, I'm sorry but we didn't have enough money to do what Harriman Associates said that we needed to do to make that building safe for the people. Red Herring, I hear red herring tonight and the only red herring is this proposal, that's the only red herring. pay attention to this proposal tonight. I'm sorry I got a little loud in the beginning, that's not me. Been in government for 27 years, I know how government works, believe me. Let's pay attention people, this is our town, as soon as we give away our rights, we don't speak, developers come in and take over. If that's what we want, that's what we get. Thank you, appreciate it.

Andrew Jordan 1:13:45 - 1:15:13: I live 300 ft across the street that would be about 300 ft from the closest house there. I want to thank everyone for their concern, and I sincerely hope that the board is listening to these valid concerns because they are super important. This gentleman brought up the wastewater saturation, I deal with it. I could give anyone in this room a shovel and within 90 seconds you'd be hitting water. I know that this number of houses would be 90-180 toilets flushing each day, showers, car washes. Where's it going? The brook, EPA concerns, residential density, the dangerous precedent it sets very clear and the multiphase step 1, step 2, 18 turns into 36 to wrapping around completely. We don't live in Lyman anymore, we live in Billerica, or Hudson, NH, or Saco. We can kiss seeing the turkey, the quail, the woodcock, and the deer goodbye, they are gone. Thank you everyone

Dave Dulong: I have one more question, under what ordinance are you going to review this? Assuming he gets his contract and assuming he submits, what ordinance or standard will you be reviewing this?

Rod Tetu: I would assume it would be subdivision ordinance. Dave Dulong continues: This is not a subdivision. A subdivision is piece of land that is divided up into 3 or more pieces, that's not going to be divided, it's going to be one piece of land [Steve Blais Engineer interrupts]

Steve Blais Engineer: that's not true

Rod Tetu: You can answer him then

Steve Blais Engineer: State law is any land for sale, lease, not land even unit, anything for sale or lease more than 2 is a subdivision that's the state law. [Dave Dulong interrupts]

Dave Dulong: But you're not selling any land, I presume. Your only selling buildings

Steve Blais Engineer: Doesn't matter

Dave Dulong: Well, it would be a good thing to look at, I recommend that you talk to your attorney.

Steve Blais: I recommend you talk to yours

Bob St. Onge 1:16:29: Just some historical info, heard a lot about water, the Goodwins Mills Water Department used to be right here off this property (meaning town hall lot) water flows out and goes across some of these buildings, all of the original cisterns in there. People don't know, that's how this property got bought. Nobody in this town

wanted to buy this piece of property where his building sits until it was brought up at the town meeting that this sits on the largest aquifer, on the aquifer map which is quadrant 4 is sitting right underneath us here. We were at one point trying to preserve this aquifer in case we ever had to revitalize Goodwins Mills Water Department to push water around this town. These people that live on top of this thing it ends right at the Huff Road and goes all the way down Route 35 towards Jacksons Corner and up to South Waterboro Road until you hit my property then it all turns to ledge there's no more water. [Crowd laughing]

John Tibbetts 1:17:26: I'd like to revisit my point that a lot of towns around us have planned unit development ordinances specifically for dealing with this type of development. Waterboro project was mentioned, they have planned unit development ordinances. I think that the town will be well served taking the time to put these together, for the zoning review committee, house committee. Educate ourselves, let's look around and let's figure out where we are. Thank you.

Rick Hull 1:18:15: I do agree that this project would require further review under subdivision ordinances and under site plan review. But I will tell you that this is probably the most important meeting, and your job is the most important meeting in this whole thing because you get to set or recommend the conditions that the selectmen either accept and approve or reject and approve or reject entirely. We had reading from the ordinance a little earlier and I would like to reiterate that there is Section E which talks about Conditions and Restrictions *Reads "Conditions and Restrictions. Section E"*. So those are all things that need to be done at this stage and I believe that this is absolutely premature, you don't have enough information to determine what performance guarantees are required. There's got to be a traffic study and I know that those come in the normal course as part of the Planning Board but if you don't insist on them now and make it a condition of approval or denial, you're going to be too late. The developer can say, "I have a contract, there weren't any conditions on the contract with respect to this" and you are going to have a harder time imposing this. They are going to say, "We've expended a lot of money, nobody told us about this." So, you guys have a really serious job right now is to figure out what conditions need to be placed on this. Density, I think it's too dense. Thanks

John Tibbetts 1:20:53: I promise this is the last time. The gentleman's point, the pressure you guys are under figuring these things out. If you do your ordinances and you present them and then towns people vote on them and go by them, the pressure is gone. Do your planned unit development ordinances, take your time, put them together and you got your guidance right there. You don't have to make anything special; it's spelled out for you. Thank you.

Mike Rancourt 1:21:34: I promise this is my last time too. [Crowd laughs] Mr. Hull said something that I think is worth mentioning and I'm going to say it quickly, I'm going to put my protective armor on and run on high, but it is relevant, and I think it is worth people remembering. You said that when the PB makes a recommendation it goes to the Board of Selectmen, right? [Rod replies: Correct] But just remember that currently the owner of this development company, Mr. Alves is a current standing Board of Selectmen member of this town. Unless there are provisions for him to recuse himself from voting on this particular ordinance or proposals from this PB, which I hope will happen, just from an ethics point of view. If it doesn't, just understand, at least in my opinion, it's a conflict of interest. I just want to make sure that folks are aware of that and I'm sure Mr. Alves is aware of it but in past projects by him, he did not step down and that's a concern for me. As a member of this town and a taxpayer, that potential conflict of interest could exist. Again, I hate to say it, it's the truth, just understand that. Thank you.

Bob St. Onge: He has recused himself from this.

Jeff Demers 1:22:54 - 1:23:41: So, I apologize for the outburst, very emotional for me and my family what we're going through right now, it is very emotional for me. Also, its factual, we got to understand if we allow this in, as a sitting selectboard member Mr. Alves even if he recuses himself, the next one behind him is going to come in and say, "well you let a select board member do it". It's very big to remember that, for me it's very big. Yes, he owns the property, you can do what you want with your property. I totally agree with it, but you got to follow the rules. It's very important that we don't put the cart in front of the horse. We got to make sure we got everything intact and then let's bring this bull in, let's do it after we get everything intact. Right now, we got the cart way out front, and the horses are back here still drinking water. Thank you.

Bob St. Onge 1:23:42: I hear what everybody is saying here this evening but I'm taking issue with making references to a Board of Selectmen member in regard to his role in life, just because you become a Board member, or a Selectmen doesn't mean that your life stops. If I'm a farmer and all of a sudden, we have agricultural issues and I'm sitting on the board, does that mean I have to recuse myself? This is foolishness and this has to be taken away from the personal agenda of some people and focus on what is actually at play here. Mr. Alves has recused himself from this particular project and I don't know about the others in the past, but this needs to stop, Mr. Chairman, when that does happen, you need to put the gavel down.

Bruce Wood 1:24:39: I just want to mention something about taxes, I'm not sure how much this would increase the value of the town but I was on the school board for many years and taxes are based on 50% enrollment and 50% of town evaluation, so if this increases the town evaluation by a million dollars the schools subsidy will go down because enrollment is going down as well so our taxes will go up just because of that. Just wanted to mention that.

Mike Gervais 1:25:22: So, I apologize for my ignorance. So, the way I understand this process, this is our last chance to talk on contract zoning. You're going to make a decision and then it's going to go to the selectmen for a vote and then it's going to pass or not pass.

Rod Tetu: It will go to the selectmen for a vote, it will pass or not pass, if it passes, it comes back to us for a site review. If it doesn't pass, it's done, I guess.

Mike Gervais: So, my next question, and I'm black and white, I apologize, the concept that there's no discussion around what the soil can absorb for poop water. It affects density, just in general, not just this facility, that the soil can only absorb so much and it just blows my mind that we're talking about everything else and it's like, yeah we can put that many houses and the water is going to go somewhere.

Rod Tetu: Right and all that would be addressed in the site review if it goes that far.

Steve Blais Engineer: We don't know for sure, that's the maximum.

Michael Rogers Realtor: There will be a soil scientist, an expert, who will evaluate the soils to see what it can hold, so until all that testing is done, it is all conjecture. This is a concept; it is subject to change. It's not so much this project, it's the Planning Board review in general. There hasn't been a mention of the ordinances or in a discussion about soil.

Steve Blais Engineer: With the soils, it's a lot of work. The process has to start somewhere. So, if we go through this process, say we get a contract zone, the burden of proof is on the development team. We have to prove that we meet the town's standards, the state's standards to a safe level. It's illegal to do anything different. So, we've already done some initial exploratory work. We're not going into this blind. But it takes a lot of work and it's too early in the process to spend all that money to do that work. We can't move forward, if the soils only yield, we can't have as many units. This is the most it will be. That is the maximum that you are looking at. Based on geometry. All the other things. Same with traffic. We are on a state road. The intersection is also a state road. The state says that with 100 trips in the peak hour, you need to do a traffic movement permit. It all depends on what those future uses are.

Mike Gervais: So where does the 45 come from?

Steve Blais Engineer: 45 units maximum is what we have now. 36 in the duplex form, 9 in the school. That's even if its residential, right? 45 units yield 45 trips? it's a little less according to the institute of traffic engineers. What I'm saying is, we are less than half of the threshold that DOT would require a traffic movement permit

Mike Gervais: That doesn't mean the town can't require one. The town can still require one.

Bob St. Onge: Are you basically at a one car per unit?

Steve Blais Engineer: Well 10 cars per unit for the day, 1 car falling in the peak hour. Whether it's the evening or the morning, that's where it starts getting pretty heavy. You got a traffic engineer. You still have to get all this stuff, you count cars. We are not necessarily opposed to doing a traffic study. When we come back to the Planning Board, I have a feeling that everybody is going to be asking about traffic. If we need a traffic study, we'll do a traffic study. A lot of these things are early in the process at this point. Because honestly, we don't know all the answers. We haven't hired the people to really study. There's a lot of blood, sweat and tears that's going to go into making sure this works. We just can't do that yet till we're at least we are across that threshold.

Michael Rogers Realtor: I want to address a few questions and I met with Mr. Stearns. He commented that we met with them, and he was very generous and very accommodating. We were looking at having extra land back here. Half an acre to two or three acres. We were looking for a different option or location for the septic system but then Ken Gardner said, "No, it has to go right here (pointing to the front of the lot) because of how it would flow through the soil." He said that there's a brook over here and it's a downward slope so we couldn't have septic back there. We were just looking for different options.

Steve Blais Engineer: That right now is a place that looks possible, we've tested a little bit of soil, like I say. But when it comes down to it, it needs to work.

Michael Rogers Realtor: In this location, this is a tentative. Again, it's all conceptual. It would be a pretreatment, and someone talked about the technologies that have changed. The systems today are so vastly superior from 20/30 years ago. They can require up to 75% less land. Just some other comments: the condo association would maintain everything. The town would not have to deal with plowing or with any maintenance of the property. Affordable housing, we have looked into it, this would be market grade housing. These are condos not apartments.

Steve Blais Engineer: Which individual owners can rent, I guess?

Michael Rogers Realtor: The association would then vote if they want to have whatever it is. Ownership owned you have to live there. That would be up to the association. We want to keep the school. The agreement would set out exactly what is in there. Meaning these are going to be 2-bedroom units. We want single story, and we want to keep the costs down by having single story and two bedrooms. There would be a full basement because us Mainers like to store stuff. So, it's cheap if it's in the basement. So, there would be approx. 1120-1200 sq. ft. each side. Yes, we are going to keep the school and the exterior is going to stay the same. Maybe the back will change for egress, but that beautiful brick would all stay in the front.

Steve Blais Engineer: We are working with an architect now to try and figure out how to meet current codes and not cover up all the architectural features of the historic building. It also takes some work, but we've done some preliminary looking into it

Michael Rogers Realtor 1:33:28: We have smart people who come on if we know that we have a contract zone. We'll work with the town, all the issues that you have here, all the issues that you will bring up and any other people. We'll have engineers come in and say hey we can do this, and we can do that.

Amy Meurrens 1:33:58: I thought this was affordable housing I thought that's what I read, was affordable housing. So, it's not affordable housing?

Steve Blais Engineer: That word can get uh....

Amy Meurrens: Well, no, it's either affordable housing or your selling condos. It's one or the other. I've worked doing this for 17 years for affordable housing, so....

Steve Blais Engineer: Subsidized affordable housing but you know, my house is affordable, I don't get a check from the government. I think in the ordinance, affordable safe housing is a goal, I don't think in that context it's talking about subsidized housing.

Michael Rogers Realtor: You raise a good point, what it comes down to is what is the intent in the ordinance affordable? We construe it as we are trying to keep the cost down, that's why we are making it 2 bedrooms instead of 3 or 4, that's why we are trying to make it under 1200 sq. ft, we are trying to make it one story. We want to keep those costs down. Costs are very high, and we want to keep those down.

Amy Meurrens: So, what would be a general cost of what, I'm just thinking of the elderly because you said 50% of it was for the elderly.

Michael Rogers Realtor: our research appears that organically 50% of it will be 55 and above, again that's why we are trying to keep the buildings small, trying to keep it 30 ft. apart and make it as affordable as possible for the mass of people.

Amy Meurrens: My second thing is as living so close to this; I want to know before the ball gets rolling about. I'm very concerned about my well, very concerned. I know I'm not the only one, I've spoken to my neighbors in that area. I mean we are on ledge, I had to have my well drilled 3 times, can you imagine all these units and more to come, who's going to be responsible for that?

Steve Blais Engineer: We have to prove that we have enough water, we'll be working with the state drinking water program, their eyes will be on us.

Amy Meurrens: So, what happens 5 years down the line when it starts getting dried up, what happens to the rest of us who all live near there. I'm not a rich woman, I can't just go and get a new person to come and do my well or even move for that fact. It's terrible that I'm considering moving because I love this town, I've been here 21 years and the minute this came out, everything started going and I'm really considering moving and that's very sad, it's very sad for me. I raised my children here and this to me, I like this small town of Lyman, I don't know about all of you. I love this small town [Crowd Clapping] People know each other we've all raised our kids together and this is just, I don't know, it's too much for me. I just want you to know that I'm opposed to this, and I hope to God that we can do something, if you could do little meetings that we can get people together. Like someone else said, I had no idea that this meeting was tonight, I found it on Lyman, "The Happening", go figure. So, I think if more people knew about this, we need more than this room to come here so, thank you.

Catherine Gerard 1:38:13: What is the price? What are they considering entry level for one of these condos?

Michael Rogers Realtor: The market is dynamic, it is changing, we don't have that because we haven't determined the cost. When Steven and his colleagues do the testing and that is a great question, how many units can be supported by the water, by the aquifer.

Catherine Girard: You got to have a ballpark figure, of cost, of how much you are going to sell one of these for? [Crowd talking among themselves]

Steve Blais Engineer: Understand they are not designed. The buildings are not designed.

Catherine Girard: You have an idea of what it costs per sq. footage for each one of these, okay? [Crowd talking among themselves]

Steve Blais Engineer: We don't know

Michael Rogers Realtor: There are too many unknown variables at this point, [Catherine Gerard interrupts: Sounds like a cop out to me] we don't know how many units, again, there's infrastructure cost to put the road in, so the

more units you have, it will help to defray the cost. There are infrastructure and there are unit costs for each condominium.

Andrew Jordan: 1:39:50: I told Joe that I live 300 ft diagonally across the street behind the Catholic Church. The water table is super high in the house I live in, I grew up in. My dad built it 1976. We do not have a basement because it was known then the water table was high. Houses around here were flooding in their basements. There is a spring right outside this door. There is an aquifer that was brought up earlier. I do not want my children to have e-coli and contaminated well water because the unmentionables are going to saturate the ground. It is known by many.

Michael Rogers Realtor: We are going to work with the state on that. That's where the state has rigid controls for water treatment and for aquifers, so they deal with this every day.

Steve Stearns 1:40:52: Lyman resident for a long time, grew up here, right in the village. My question is procedural. As Rick pointed out early on, proper notice in his opinion was not given, therefore is this meeting, not a meeting? How do we find out? Is there going to be another one of these because somebody made a mistake in noticing the meeting? I don't know the answer, I'm asking. That may delay a lot of questions that haven't come up tonight.

Bob St. Onge: That was going to be my question, Steve. Conditional use permits 500 ft. all the abutters have to be notified. We are hearing from people that supposedly about here that were never notified. So how is this process working under the contract zoning, we don't notify the abutters?

Patti Mckenna: Bob I don't think they said I'm within 500 ft I didn't get a notification, I think what Rick said, was that the notification requires the conditions and restrictions and the map of the area, which I can say, did not go out. We will need to check with legal advice to see what we do, does that require us to have another public hearing with proper notice. Doing that, which I suspect will probably be the answer. If anybody is within 500 ft. and feels that they didn't get a notice, please let us know because that's not what I heard.

Rick Hull: We got notified by certified mail, we just didn't get the right notice.

Patti Mckenna: Yes

Michelle Felicitti: I know that you are talking about building them so they are one level, is their going to be a restriction where they can't build up. As only a unit are they allowed to go up down the road? My other question is, is the fire department going to be contacted to see if they can handle an influx of population like this in town. Once someone owns a unit, usually you can do things. Are there going to be restrictions where they cannot go up at that point?

Michael Rogers Realtor: Great question and that would be, in the contract zone agreement that these would be forever one story with no vertical movement.

Michelle Felicitti: But they can go outward?

Michael Rogers Realtor: There would be no change in footprint or height so there would be no change.

Dave Dulong: I just want to make a recommendation and Patti has already stated and Mr. Hull said that he didn't get the information. The ordinance does specifically say that there's supposed to be the restrictions and conditions and supposed to be with the notice. I'd suggest, that in order to make me happy at least and some of the others. That I think what should have been done, I think originally, when I read the ordinance. I figured it's not like a regular site review where you get the application and then you have a public hearing. You got to have conditions and restrictions because I think that the Planning Board should look at this and come up with proposed restrictions and conditions, then send out a notice to the abutters with those conditions and restrictions and post them online so

that we can all see them and then we can come back and if the conditions and restrictions that we think are reasonable maybe we will be fine with them.

Rod Tetu: Dave, I think that it's a good idea, but the problem is that this is a conceptual thing and things can change.

Dave Dulong: But the conditions and restrictions are not conceptual. The conditions and restrictions will be in the contract. The contract will be given to the Selectboard to approve and then it will come back and then it will be a done deal. That's why the ordinance says that you will inform the abutters of what the conditions and restrictions are with the notice.

Mike Rancourt 1:45:10: Question for the gentleman. You mentioned about the maintenance and upkeep of the property being part of the association. Is there an intent or a plan to include that verbiage in the deed for the condos such that the future owners of the condo would be required to be part of the condo association?

Michael Rogers Realtor: This goes into the state condos statute that will set forth all of the requirements, by laws, the condo association setting forth everything so that would be covered by the condo association.

Mike Rancourt: Right, but would that verbiage and language be part of the deed? So, in other words, if a condo gets sold or the whole facility gets sold, could then the whole condo association and what the condo association covers be up for renegotiation at that point? If it's in the deed and it states in the deed, first of all the requirement to be part of the condo association if you're going to buy this property or sell it or a new owner is going to buy it but also what that covers. So, in other words, there can be no future potential cost to the town because somebody sells it and says, well that was the old condo association, this is the new condo association.

Michael Rogers Realtor: So, the contract zone agreement would state in there. Again, this, we are getting further down the road here. That would all be covered with the planning board with the agreement and on the condo association, that is what is recorded, okay, and so anyone going in knows, oh this is a condo, I don't own the land the association owns the land

Dave Dulong 1:47:24: That goes right back into that it's not something that Planning Board handles during site plan review. It's something that the conditions and restrictions, that's exactly what the Planning Board needs to look at.

Steve Blais Engineer: We can't have a condo legally that has to be recorded. You create an entity, it gets recorded. There's a declaration... [gets interrupted by Dave Dulong]

Dave Dulong: So, you'll have no problem putting that in the conditions and restrictions, if that's your plan.

Steve Blais Engineer: We don't have all the details, I guess we could say we'll [gets interrupted by Dave Dulong again]

[Michael Rogers Realtor, Steve Blais Engineer and Dave Dulong talking over each other]

Rod Tetu: Dave, it's your son's turn to speak

Brian Dulong 1:48:15: This is being pushed as, Lyman needs this, and these houses are going to be offered to the Lyman residents first. Judging by, I watch the meetings on YouTube, I look at the bottom and see how many people are watching and not that many people are watching, and she found out about this on Lyman's happenings. They are given 30 days for the residents of Lyman before construction starts to get first dibs on these houses. How are the people going to know that this is happening? A lot of people don't know that we're in this building right now, that live in this town. How are they going to know that once the construction starts it's too late? They say, oh houses are being built over there what's going on over there? They can't get a house, it's too late.

Michael Rogers Realtor: It takes a while to put the road in, to put the wastewater treatment, the wells, all that has to go in first. So... [Brian Dulong interrupts]

Brian Dulong: But does that count as construction? So, they're putting a road in and say the day they start busting the ground, that's construction, correct?

Michael Rogers Realtor: I'm not an attorney so I...

Rod Tetu: I believe it is construction, but I don't want to be bound by saying that, but I believe it is.

Brian Dulong: So, the elderly that are looking for these homes, they have no idea this is even happening. There not even going to have a chance to get them.

Andrew Jordan 1:50:22: If there's someone here that is supportive of this project and feels like speaking, I'd love to hear it. I'm trying to be fair and honest, and everything is making me nauseous at this point, but life isn't pretty. But I'd love to hear from anyone that is gung-ho on this and really feels in their heart it's what we need. Thank you

Carrie Joe Sampson: I feel like you're trying to put people on the spot because it sounds like if you say we are for it, it might be a mob thing, but I think this sounds fantastic. The town sold something to somebody but doesn't want them to do anything with it. If you could all, instead of saying no, say what you are willing to accept, is it okay if there's going to be 4 houses or no houses, only senior living instead of just the no, no, no.

Brian Dulong interrupts: Well, there's 3-acre zoning right there.

Carrie Jo Sampson: I'm stating my piece.

Jeffrey Demers 1:51:22: I'm all for it, as long as the procedures are done correctly, get the procedures all done and then let the applicant come forward so they know what their mind? Don't let the applicant get the approval and then negotiate, no that's not the way it works, and that's my whole issue. Thank you

Jacqueline Rancourt: 1:51:43: I'm all for more housing, putting a house or two on that property for the ball field, but I'm not for the condos and huge numbers of people in one spot. That's not what I want for this town, that's what I think the rest of us here don't want for the town, but we do love to have housing we know that there's a crisis, we'd love to have neighbors here, but do it the way we have voted for and liked, not this. This is not what the Town of Lyman wants. [Crowd Clapping]

Michael Rancourt 1:52:23: One thing to address with what Brian Dulong said, in the comprehensive plan, it does say that this plan recommends and encourages more participation of local government, totally agree. However, one way to help encourage that is the rest of the sentence, by developing a newsletter to keep residents informed. I don't believe we have a Lyman newsletter. If we did, then I think it would be a way to get more people to participate, they would be aware. You bring up good points like Cousens School is just sitting there, the town didn't want it and they gave it back or whatever. There was another owner before the current owner purchased it that was going to use that school if I remember correctly to move their business over or part of their business across the street and use some of that space for businesses. But I think during the time it was changing hands there was a proposal that it could be used for a community space, a function hall or a multi-use facility or part of the school that can be used as a basketball court or something like that. There could be consideration for Cousens School to be used for community outreach or what not. Red Cross can come in and do blood drives, CPR training. Those are all great uses for that space too. It's all up to the owner but that's all the things that could be community building not necessarily just for housing. Thank you

Michael Rogers, Realtor: That's a great point, we would love to see communal use. For example, that basement, we would love to see it as a bean-o hall, Pilates, or something else that community can enjoy and in addition to the pickle ball/basketball. Having the development will help defray the cost of maintaining the building, it is expensive to

maintain and heat the building. By having some offices in there, it makes it easier for us to have the basement used for non-revenue generating uses, but it benefits the town.

Michael Rancourt: Sure, absolutely

Steve Blais Engineer 1:54:47: And they have to be sustainable, we're talking about how to keep the school. I haven't heard any other way. This is a way. In the field/pickleball/basketball whatever the school gets used for. We are looking to create something positive here and make it sustainable. You know there will be an association to maintain houses for the homeowner but there might be another association for the facility. The whole intention for that is, it needs to be able to live on its own and be maintained on its own. [Michael Rancourt interrupts]

Michael Rancourt: There could be a lot of uses for that, you could bring a family practitioner in there that could benefit not just the residents behind it but the residents and the elderly. Someone just pointed out, which is a great point, today you got to travel down the road to get to a bus line just to get to facilities that exist there today. I work for Maine Health, and I know Maine Health is trying to do a great job like other healthcare systems to provide spots in rural communities so you know you could have Maine Health Lyman edition, like they do all over the place, Mercy is doing the same and so is Martin's Point. You know, that's a great use for that.

Michael Rogers Realtor: We would love to have the any type of any medical crew come in and rent some of these rooms, it won't be expensive. We would love to have that. It increases foot traffic. It makes it more part of the community. Consider this project as a continuum. On one end, the utility for this property comes down to 2 house lots, 3 acres minimum, 6.1 acres. You get 2 lots. That means the ball field goes. That means the school gone. And you get 2 boring house lots and you lose the heritage, and you lose the identity of the village. So that's at one end. And the other end is the 36 units would help to defray the costs of the infrastructure from maintaining the ball field, maintaining the school, for alternative uses, some of the ones you talked about, that's what we are looking at and that's what we are trying to get is somewhere in between here. We don't know if it is 36, it could be 24. That's where the testing will determine how many units this can hold. We don't have that. It's conceptual now.

Michael Rancourt 1:55:22: One thing that I want to point out to you though, that discussion was just focused on school not necessarily on the development. I don't understand that you are linking the revenue that is generated by the condos to help support the school but in all honesty in reference to something that Mr. Tibbetts brought up earlier in the discussion, you know there was a proposal to have the town to buy that property and it was a lot of money spent for that analysis and not only for the rising costs but the cost to get that building into a useable format that would be usable by the town is what was also prohibitive. What I would be asking is, where would the second analysis be to say we were going to use that building for community, medical facility, multiuse space or whatever, what revenue would be needed to generate that, to sustain that? And then say, well here's my numbers, here's my data, it would take multi-unit dwelling, you know that is part of that same property to sustain that or no it wouldn't require that much but it would require X, what's X? Then people can turn around and chew on that to say, well how could the town do other things or other development opportunities available to sustain that and make Cousens school, keep it obviously, because I mean I'm not a long-time resident here but a lot of people there are. There's a lot of history behind that, nobody wants to see that building torn down, they would like to see it used. But honestly, it's going to cost a lot of money to get it to a usable format, that it can be occupied and then maintained. Nothing is cheap nowadays, right? So, thank you.

Steve Blais Engineer: You just boiled it down to the essence of the problem. I mean, that is what we are trying to figure out, we have to start somewhere, you know? If there's big bad scary things we want to avoid and make it condition at this point, well okay. But the more we keep our options open to make it happen.

Michael Rancourt: We can save you some money, we can give you the analysis that the town did that showed how much it cost at least back then.

Steve Blais: It was a lot of money, it was a lot of money.

Michael Rancourt: It was a lot of money.

Steve Blais: Um, I'll stop there

Dave Dulong 1:59:26: I appreciate the fact that you're really concerned about the Cousens school and preserving it for us. So, I'd assume that it won't bother you one bit to make that a condition that you will preserve the school for the foreseeable future. You don't have a problem with that.

Michael Rogers Realtor: Well I guess it comes down to what does preserve mean to you [Dave Dulong interrupts]

Dave Dulong: I would let the Planning Board come up with the wording, but my idea is that the façade of the school, appearance of the school from the street, will not change.

Michael Rogers Realtor: I mentioned that I believe when I was standing right there, I said that we want to keep that beautiful brick building, we want to keep that front [Dave Dulong interrupts]

Dave Dulong: Then you don't have a problem putting that into the conditions. Would you put that in the conditions?

Bob St. Onge 2:00:17: If we are so concerned as townspeople over that school and the appearance of it, we probably shouldn't have sold it to begin with [Dave Dulong and Bob St. Onge talking over each other]

Rod Tetu: Dave we're not going to have an argument, I thought you were finished... [Dave Dulong interrupts]

Dave Dulong: No, I'm not finished, I asked a question, and I didn't get an answer yet.

Bob St. Onge: I apologize for cutting in.

Michael Rogers Realtor: I'm not the decision maker.

Dave Dulong: So, what you are saying is that you are not willing, the thing is

Michael Rogers Realtor: I didn't say that. Excuse me, did I say that I'm not willing to?

Rod Tetu: Okay guys.

Michael Rogers Realtor: I don't believe I said that

Rod Tetu: [uses gavel] Hey we're not going to be arguing

Dave Dulong: Are you willing to put that as a condition?

Steve Blais Engineer: It's a tough question because what does it mean to preserve? To make that building usable you are going to have to change something which isn't historic or whatever, are we preserving the walls, are we preserving the coping, are we preserving every brick, are we preserving, we don't know, God doesn't know. [People talking amongst themselves and Dave Dulong interrupts]

Dave Dulong: Is it or is it not the mainstay of your argument that this is a unique piece of property? Yes, it is because I read it. If that's the reason it's a unique piece of property, now I'm not saying that that makes it a unique piece of property, but you are, and I would think that you would be willing to say that you are going to preserve the historical appearance.

Steve Blais: To the best of our ability, to the maximum extent practicable. We are working with an architect, and he's got a headache already. So, what does that mean? It's not black and white like that unfortunately.

Dave Dulong: If it's not in the contract, you can tear the building down as soon as you start working.

Steve Blais: We won't tear the building down.

Rod Tetu: Okay guys we are going to move on from this one right now.

Dave Dulong: I have one more question and then I'll be quiet.

Rod Tetu: okay Dave

Dave Dulong: At the original hearing when you turned this project in, there was a lot of talk 55+ housing, a lot of people had the impression that this was going to be senior or 55+ housing. You have already said that you think that 50% is going to be over 55+ housing. Would you be agreeable to put that as a condition?

Michael Rogers Realtor: 50%? First of all, I'm not the decision maker so I cannot make that decision, alright?

Dave Dulong: We're not making any decisions here, I just asked if you were willing.

Rod Tetu: Patti?

Patti: Can I just ask out of respect for this meeting room that when a question is asked, the person that is answering can speak their answer before they are being interrupted

Bob St. Onge: I apologized

Dave Dulong: I apologized

Jeff Demers: I apologized

John Tibbetts: I've kept my word and been quiet

Dave Dulong: I'm waiting for the answer

Michael Rogers Realtor: I don't have an answer

Dave Dulong: That's what I thought, thank you

Jeff Demers: I'd like to thank you for letting people speak all of their times, thank you for that.

Rod Tetu: You're welcome.

Bob St. Onge: I have a question for Patti. Many years ago, I tried to do a similar project on the Huff Road, where the Huff Road ended and went down through the woods. I had the opportunity to buy where Pickard Pit was because the back land abuts my farm. When I got into the project and was going to build duplexes down the side of the Huff Road for senior housing, I was stopped by the federal government because we don't have our own post office. I came to the Board of Selectmen and said, can we do something here? We don't have a post office; federal government says you can't have senior housing. I want to know if that law is still kicking around, if it's still there, if there is still that detriment to senior housing?

Rod Tetu: I don't have an answer for you Bob

Patti Mckenna: I don't have an answer either

Bob St. Onge: Okay, that needs to be looked at before these gentlemen can make a promise and say, yeah 50% is going to go to senior housing and then you get the feds coming in and saying, you can't do that. We don't have a post office.

Patti Mckenna: But I can say that we have a community in Lyman and in Alfred that's 55 and older that I think we have 99 house lots there. So, I would think that we don't but that was before me and after you had your project.

Michael Rogers Realtor: For context, we had thought of making it all senior housing. Then we talked about what about how about first responders? How about teachers? How about other people that, hey why should we exclude them? The research indicates that around 50% minimum or greater would be 55 and above. We are already getting there; we are already past that. So, it's easier for us to leave it open to appeal to the greater masses of people. Those who wanted, we are all for you to come here to live here, Again, making it smaller to keep the cost down and that's our goal.

Rod: Anymore questions or comments?

Rick Hull 2:05:41: I have heard some discussions and let me say I have done a lot of work in front of planning boards and represent developers and I do not think they're evil. I appreciate the cost that is incurred in bringing a project to the planning board and getting it through. I see an essential difference between this process and the normal planning board process where somebody comes in with a plan of the uses permitted, it meets the minimum lot size, or it complies with cluster development ordinances or something like that. The developer comes to the planning board and often is asked questions has to go back and does a traffic study and does a bunch of things. This process is different because the applicant is asking to do something that isn't permitted in the zone and because it isn't permitted in the zone, I think there is an extra burden on the applicant to do all those things, so you guys know that the soils will support 28 units of housing, or it will only support 14 units of housing. Those are things that I think they need to do upfront if they want a contract zone because you guys have to impose conditions now, if you don't impose those conditions now, you may never be able to.

Michael Rogers Realtor 2:07:12: It is conceptual, we don't know how many units. Steven had said this is the maximum 36 units out back. What is the reality? We don't know. With more research, more cost, more time, we will have that. The issue though is that is very expensive to get that question answered. If we have the contract zone, now we know that if we need the standards from the state, from the town, if it needs that then we can get that. Then they say its only 24 units or 18 units, then we can make that determination, jeez this project doesn't make sense, we're going to lose money.

Steve Blais Engineer: We can't build a single one of those units without the planning board approval.

Michael Rogers Realtor: Correct.

Michelle Felicitti: Talking about selling it to people, Lyman residents first. On that note, is it going to be limited to just in state people purchasing units or this? Or could it be something that someone could just come in from Massachusetts and buy all the units and then rent them out. If someone owns a unit, they can do what they want, they could rent it out or sub lease.

Michael Rogers Realtor. The association will determine how they want to maintain that, in terms of owner occupied or having a tenant. That's not what we are going to do, that will be up to the ownership, the association. I'm also not a decision maker but we could? put a condition that, I think, we go for that, that we don't sell it to a Massachusetts developer that rents out the whole... [People talking over each other and Michelle Fillecetti interrupts]

Michelle Felicitti: Hopefully it doesn't happen that way but if this goes through...

Steve Blais Engineer: That's not our plan. Sorry, what I mean to say is, forget Massachusetts. Not one entity would buy the whole thing and run it like an apartment complex, I mean, there has got to be a condition we can come up with to prevent that. That's not our plan, I'll just say that, if that's a concern, we would entertain that for sure.

Mike Gervais 2:09:39: So procedural question, we are doing this contract zone, let's say it moves forward and the soil doesn't support it, have we opened up pandora's box to contract zoning and there's no stepping that back for other folks? Or how does that work once we say we have contract zoning, you have it, the soil doesn't support the units that you want to put in but now every other developer coming in is going to say, "Hey you gave it to them, you're going to give it to us." And that's a perception... [Michael Rogers Realtor interrupts]

Michael Rogers Realtor: Every project is different, so it's all evaluated by the terms [Mike Gervais interrupts]

Mike Gervais: I'd like to hear from a planning board, it's not a project kind of question...

Rod Tetu: Contract zoning doesn't have any limit on what you can ask for
Someone in the crowd: What does that mean?

Rod Tetu: It's what it says.

Don Hernon: It doesn't establish a precedent.

Rod Tetu: We don't set a precedent by granting one project, if you grant one project it doesn't mean that you have to grant it for the next one. It doesn't set a precedent.

Mike Gervais: So, if the conditions, if this gets approved, and the soil can't support it, I'll be surprised if it can, this contract is done, and we are back to square one.

Someone in the crowd: No, don't you look at less units?

Michael Rogers Realtor: I think what happens is, let's say, conjecture, it's 24 units. So, we **will** come back, we are going to be working with the planning board and we are going to obtain the data from Ken Gardner, it's only 24 units, and so our team is going to run the numbers. This works or it doesn't work. If it doesn't work, then it is dead. If it does work, then we go back to the town and I would believe that the contract zone would that be amended to say it's only 24, I don't know.

Rod Tetu: You can't put more building on a house or lot than what it would support.

Michael Rogers Realtor: Correct

Steve Blais Engineer: It can? say up to. Those are kind of the magic words in the contract draft.

Mike Gervais: I'm still trying to grasp the fact that we can approve contract zoning without knowing what the land can support. It's the black and white in me, I apologize.

Bob St. Onge: Back in the 50's and 60's zoning requirements in the community, your comprehensive plan could not be put in place unless your zoning backed the plan. Then legislature changed the laws back in the 90's because we had a big fight in this town and all across the state on comprehensive planning. Comprehensive planning rules changed, state came to us and said, your zoning is worthless unless your comprehensive plan lays it all out. I was probably the most outspoken in the state with a friend of mine on comprehensive planning. Town of Lyman voted down their comprehensive plan because of state oversight and involvement. We created a comprehensive plan that was the Town of Lyman's, the nature conservancy and the environmental roof work didn't have a comment to say about how we chose to live in this town, now we have contract zoning. So, we've got a 3-acre zone, a 5-acre zone, a general-purpose zone, a business zone. There's supposed to be over one on route 111 but now contract zoning

comes into town, and we no longer have the 3-acre zone, we don't have the 5-acre zone, we don't have a business zone because anybody can come in and say, "I want this contract." So, what happened to the plan that the town laid on a piece of paper saying, here is the direction that we want to go in? [Crowd clapping] I have to say, "I'm all for something like this, if it's done the proper way.

Steve Blais Engineer: Our challenge is time. Time is money. This is an opportunity. I'm not arguing with that by any means, but zoning takes time, a lot of time.

Dave Dulong: I want to bring up one thing that I brought up before that maybe it didn't get through. Our comprehensive plan does say that we should have more increased density, but it should be one acre, not one third of an acre. [Crowd clapping]

Rod Tetu: Any more questions or comments?

Jeff? Goodwins Mills Road: Does the Planning Board have to present something to the selectmen?
Don Hernon: Yes

Rod Tetu: We would vote on it, if it's a valid project or not and then it would go to the selectmen and these people would have to make a presentation to the selectmen and if the selectmen say yes, it gets sent back to us for a site review, if they say no, it's dead.

Mike Gervais: Can the Selectman do whatever they want regardless of what the Planning Board says?

Rod Tetu: Again, the Selectmen will say, yes, it's a good project, or no we don't want it.

Mike Gervais: So, if you recommend a no...

Rod Tetu: It won't even go to the Selectmen. Am I wrong Patti?

Patti McKenna: Your recommendation goes to the Board of Selectmen, and they make a final decision.

Rod Tetu: I stand corrected.

Jeff Demers: So, if I understand correctly, no matter what it's going to the Selectmen, correct?

Mike Gervais: And the Selectmen will do what the feel is right.

Steve Stearns: Back to the notice thing, if you couldn't find the answer to the question, you might have to have another meeting is all I'm saying.

Jacqueline Rancourt: Are all the Selectmen here to hear all of our concerns and complaints?

Rod Tetu: I see a couple of them.

Jacqueline Rancourt: Are all of them here?

Rod Tetu: No, I don't believe so.

Jacqueline Rancourt: How can we be sure that they will hear all of this?

Don Hernon: Won't they have a public hearing, Patti?

Patti McKenna: I don't know if the Board of Selectmen have to hold a public hearing. But it is being recorded on YouTube, it is being recorded on an audio tape and we will have a written documentation of the minutes. I don't know if we know that they will review it.

Rod Tetu: I'd like to say that they would look on YouTube.

Jacqueline Rancourt: I just want to make sure, I'm not familiar with their process.

Rod Tetu: I can't guarantee that they will, but I'd like to think that they would.

Michelle Felicitti: Do you guys decide tonight? Or is it something you guys are going to talk about amongst yourselves after we are all gone?

Patti McKenna: I think we are going to get legal advice on the procedure.

Rod Tetu: I really do not think we should vote either because I don't think everything was sent out, I don't think it's right to make a vote, when it wasn't followed correctly.

Patti McKenna: It would be in a public meeting. You don't all have to leave for us to discuss it.

Michelle Felicitti: I just wasn't sure, maybe another night it will be about since there's just some things left kind of hanging.

Joe Wagner 2:18:30: I believe you're right as this question about the legal procedures, notifications, I think we need to seek guidance before we proceed. Mr. Stearns comments, Mr. Hull's comments, I think has great resonance, those who are within the 500 ft. should have been in there, some have mentioned of conditions and such. I think what we have received today, is a lot of information that we can put into that, in terms of proposed conditions. I'd like to get more information on planned unit development. To all of you, your comments are heard, and we are recording it.

Joe Wagner: Things to think about and to remember to make sure that we are representing you to the best of our ability.

Don Hernon 2:19:53: Could I just ask that if anyone wants to submit written material, please give it to the secretary because that is available for us to review afterwards. I made notes too like everyone else but memory fades. I could always rewatch on YouTube, but it's good to have written material because that's easier to look at. Appreciate that. Thank you.

Cecile Dupuis 2:20:18: Why isn't the public hearing a zoom opportunity because we signed the paper to allow it and the charter commission uses zoom and the selectboard meeting uses zoom. I have an issue with how information gets communicated to the town. Our planning board meetings are on the calendar, and you have to dive into the website that we have a meeting and all I saw on there was public hearing Bauneg Beg, one line and there was no other information. What is the issue with zoom? How come we don't have a zoom session tonight?

Don Hernon: I think you should read the, didn't we approve a policy for remote meetings? I thought, I have it here somewhere. If we participate by zoom, anyone can participate by zoom, but if we are all here, then we have a public hearing.

Cecile Dupuis: But if we are all here, then the residents do not have the opportunity to zoom in.

Don Hernon: We are not on zoom unless a member is on zoom.

Cecile Dupuis: I thought the public hearing was a different story.

Don Hernon: We have to take a look at it Cecile.

Mike Gervais: To her point, it would have been really nice to have the packet online as well because I emailed Patti because I didn't have time to come in here and she had somebody scan it in which was marginal legible. If that would have been online, I would have clicked it and I would have seen it, they shouldn't have to scan the written material to me. Whoever the presenter is should provide the town with an electronic copy of this stuff, and it all gets bundled up with the notice so you can go on the notice and hit the button and have all the information that you guys have that we can see.

Patti Mckenna: That is a good idea.

Rod Tetu: I do agree with you on that. Are there any more questions or comments? Okay, I'm going to make a motion to close the public hearing then.

Don Hernon: I'll second that

Rod Tetu: All in favor

Michael & Jacqueline Rancourt
21 Murphy's Way
Lyman, ME 04002

2/2/2022

Re: Request for contract rezoning on proposed development for Bauneg Beg Land Development, LLC.

Town Of Lyman Planning Board:


I wanted to express and detail my opposition to the above proposal to establish a Contract Rezoning. The effort to establish this modification I do not feel fits squarely within the views and documentation expressed within the Town of Lyman Comprehensive Plan last established in 2019. Within the Introduction of that plan it was stated a possibility for a facility to house the aged population of Lyman where those residents could age in place as well as establishing parameters to keep Lyman's youth within the town and look to allow apartments on smaller lots. The Comprehensive Plan also asks for "Safe and Affordable" housing for all Lyman residents. I do not feel that the development project proposed by Bauneg Beg and thus seeking the contract rezoning fills either of those needs and will begin another process that would be too late to reverse which is a rapid development of additional land owned or purchased by Bauneg Beg, LLC as well as other developers and Lyman landowners.

Nothing in the proposed development by Bauneg Beg Development mentions his project is intended to be a facility for the aged population of Lyman to age in place nor mentions a desire to make the proposed apartment units to be "safe and affordable". Neither the term safe nor the term affordable carries with it any provisions to accomplish either nor provides any comparative analysis to anything that would show how safe or affordable it would be. Given the recent COVID outbreak and the associated extreme and quick rise in real estate prices not to mention the severe lack of available housing inventory suggests that affordable housing does not exist right now and market forecasts suggest it will not reverse that trend for some time to come. Mr. Alves is a businessperson and is clearly not in the business to lose money but rather the opposite, which in itself is perfectly fine but again, high density housing going for market rates and no mention that it will be a "55 and Older" community housing project makes it pretty clear that this is just an attempt to build more income. His proposal neither includes any provision for commercial opportunities that would employ an amount townspeople.

Furthermore, if this rezoning is allowed it expresses not only that the Town will simply change zoning laws and existing ordinances to accommodate developers it will definitely foster the inevitable need for more Town infrastructure like Fire and Police which could also mean having to form a Police department. It will also flood the RSU57 school district with more students from Lyman, which will also increase the need to raise taxes. Where does it end and when does Lyman finally lose its small town and rural character that the Comprehensive Plan suggests is paramount to the wishes of the residents?

Sincerely,

Michael & Jacqueline Rancourt

The block contains two handwritten signatures in black ink. The top signature is a cursive signature that appears to read 'Michael Rancourt'. The bottom signature is another cursive signature that appears to read 'Jacqueline Rancourt'.

Public hearing: Bauneg Beg Feb 2, 2022

My name is:

David Dulong

I live at:

The ordinance requires:

E. Conditions and Restrictions

There are 10 referenced areas for conditions including: Conditions on the scale and density of development, Specifications for the design and layout of buildings, Performance guarantees, Preservation of historic sites, and the dedication or conveyance of property for public purposes, including but not limited to parks

Conditions are among the most important part of a contract for zoning changes. They protect the town and its' people from any ramifications which may result from the changes.

Bauneg Beg has proposed conditions and restrictions that it thinks are reasonable in exchange for granting their request for this contract zone. However, I believe that most of their proposed conditions are inherent under the ordinance and not really conditions to be considered as applicable under a contract.

Here are some conditions which, I believe, should be considered by the Planning Board.

1. Bauneg Beg has touted the historical significance of the Cousens school when trying to establish this parcel's "unusual nature or unique location". However, makes no mention in the conditions of preserving this feature for future generations.
2. Bauneg Beg has indicated that it would like 18 buildings consisting of 2-units each, each having 2-bedrooms. Nowhere in the conditions has a limit on the number and types of units been addressed.
3. If Bauneg Beg intends to limit some units to senior or over 55 housing, there is no mention of that.
4. There is no mention of restricting the further subdivision of this property or what the future disposition of it will be.
5. There is no mention of future maintenance of streets or utility systems. It should be specifically stated that the Town will not become responsible for them.
6. There is no mention of possible mitigation of increased traffic flow to be caused by this development.

In short, I hope our Planning Board will consider these conditions as well as any others that may be applicable.

I am providing a copy of my statement for the record.

Public hearing: Bauneg Beg Feb 2, 2022

My name is:

Brian Dulong

And I live at:

Bauneg Beg proposes a zoning change that would allow a unit density of 14,125 square feet per unit. Currently this property is in the residential zone which allows 3 acres per unit. The request is an increase in density of 9 times!

One of Mr. Alves other businesses requested a contract zone in Waterboro. The proposed development was very similar to this one, with 36 1- and 2-bedroom units. (He is proposing all 2-bedroom units for Lyman). He requested a density increase from 40,000 SF per unit (current ordinance) to 20,000 SF. Thus, requesting an increase in density of only double, as opposed to the 9-fold increase he is requesting here in Lyman. It is interesting to note that the unit density requested for this similar project in Waterboro was 20,000 SF per unit, while in Lyman he wants to reduce it to 14,125 SF per unit.

Bauneg Beg goes on to state that "Lyman's current Comprehensive Plan adopts a housing goal *"to encourage affordable and safe housing opportunities for Lyman residents."* The policies suggested by the plan to achieve this goal include: *Provide areas of higher density zoning to accommodate various forms of multi-unit housing.*"

Bauneg Beg omits to mention the section of the Comprehensive Plan under Land Use: Goals: *"Guide the location and the manner of development so that the Town's rural character(is) maintained."* And under Strategies which states: *"Consider establishment of a low density and medium density rural zone. Low-density lot sizes between 2-5 acres should be considered to protect rural areas. One-acre lot sizes should be considered near existing development in suitable areas"*. Nowhere in the Plan is it suggested that lot sizes of less than 1/3 of an acre should be considered.

I am providing you a copy of my statement for the record.

February 2, 2022

From: John Tibbetts
765 Clarks Woods Road
Lyman, Maine 04002

To: Town of Lyman Planning Board
Town of Lyman Code Enforcement Officer/Land Use Director

Bauneg Beg Land Development LLC is requesting Contract (Re)Zoning for a **Planned Unit Development** or **PUD** that may be mixed-use or residential, to be built in the Residential Zone, consisting of 18 duplexes and the renovated Cousens School.

I have several questions and concerns:

There are many Planned Unit Development models. In general, it is a means of land development which sets aside land use controls. It allows for a mixture of land uses including clustering and may require provision for open space. Bauneg Beg's Proposal doesn't define their plan. When units are sold, what property rights, if any, go with the unit? How is it to be managed once built and units sold? Will owners be allowed to rent out their units? Is it condos? Will there be a Home Owners' Association?

The proposal for the residential units is to require less than one-third of an acre of land per unit. ***This is far below the 3 acre minimum required by Town Ordinances in Residential Zones.***

The proposal for Cousens School is to convert it to a combination of professional and business office spaces. However, Bauneg Beg may change that use to create 9 more residential units if they choose. That would total 45 residential units.

Shouldn't the exact land use be affirmed before consideration? If the use for the school is undetermined, it should NOT be included in any proposed plan.

Bauneg Beg states that the proposed use will benefit the town by helping to meet one goal of the Comprehensive Plan, to encourage affordable safe housing opportunities for all Lyman residents.

What is Bauneg Beg's definition of affordable housing? Is Bauneg Beg planning to provide subsidized units to assure affordability?

Bauneg Beg states that the proposed PUD is consistent with Comprehensive Plan's goals, and the uses are permitted within any zoning district.

This is not factual. A Planned Unit Development (PUD) is not allowed in any district.

Bauneg Beg states that the proposed uses of this property are currently allowed within its current district and that the only change sought would allow for greater density of residential use consistent with the goals of the Comprehensive Plan.

This is also not factual. A Planned Unit Development is not allowed in the Residential District in Lyman. In fact there are NO Planned Unit Developments currently in Lyman and there are no ordinances for the construction of new PUDs.

My evidences for the proposal being unsuitable for Contract Zoning are:

Quoting from the Zoning Ordinance 1.8.3, titled Contract Zoning, paragraph B,

"Nothing in this section shall be interpreted to permit an amendment that is not consistent with the Comprehensive Plan."

Quoting from the 2019 Comprehensive Plan, page 2, paragraph 3,

"The Town adopted the concept of Contract Zoning in 2016. This is a tool for the Town to contract with a property owner for a use that is not permitted in the zone the property is located in, This was in keeping with the 2004 plan which suggested broadening the use of Conditional Use applications".

Quoting from the 2004 Comprehensive Plan, section titled Economy, Policy Proposals B,

"It is the policy of the Town to permit home occupations as a "Conditional Use". Standards for true "Home Occupations" should be enforced uniformly, and consideration should also be given to establishing a "Limited Business" category of usage in the zoning ordinance for small-scale commercial operations based in the home".

Quoting from the 2019 Comprehensive Plan, section titled Land Use, Strategies #4,

"Consider the establishment of a low-density and a medium-density rural zone. Low-density lot sizes between 2-5 acres should be considered to protect rural areas. One-acre lot sizes should be considered near existing development in suitable areas."

Quoting from the Zoning Ordinance 1.8.3, titled Contract Zoning, paragraph F,

Recommendation,

"Before forwarding a recommendation of a contract zoning amendment to the Board of Selectmen, the Planning Board shall make a finding on each of the four standards in this subsection. A favorable recommendation to the Board of Selectmen requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be negative. The Planning Board shall base its recommendation on whether the rezoning:

- 1. Is for land with an unusual nature or location; I say NO. The townspeople voted to sell the property in 2019. In 2021, the current owner offered to sell it back to the town, the townspeople voted overwhelmingly in a straw poll to not purchase it. Clearly Bauneg Beg's opinion that the building is a "treasured cultural asset" is not shared by the majority of townspeople. Even if you think it is a "treasured cultural asset", there is nothing in this plan that says the school building will be preserved.***
- 2. Is consistent with the Comprehensive Plan; I say NO. It is definitely NOT consistent with the Land Use Section.***
- 3. Is consistent with, but not limited to, the existing uses and permitted uses within any zoning district; I say NO. None of the zones in Lyman allow for the density called for in this proposal. Additionally, no PUDs are allowed in any district.***

4. That the conditions proposed are sufficient to meet the intent of this section." ***I say NO. I was one of the people who proposed and worked on the 2016 Contract Zoning Ordinance. The intent was to enact part of the 2004 Comprehensive Plan policy calling for allowing Home Occupations and limited, small-scale commercial operations based in the home, as conditional use opportunities.***

In my opinion, if the Planning Board positively recommends this project for Contract Zoning to the Select Board, they would violate the ordinance.

In summary, because this proposed Contract Zone will allow density that is almost 9 times greater than any zone currently allows, it would set a dangerous precedent for the Town's ability to control future growth. This project must not be approved without the checks and balances of Planned Unit Development Ordinances, Ordinance Review Committee, and Housing Committee which are called for in the Comprehensive Plan. A project of this size needs this oversight to even decide if the townspeople want this. Many Maine towns have adopted PUD Ordinances by the vote of their townspeople. In a quick Google search I found more than 35 towns with PUD Ordinances, including our neighbors Waterboro, Newfield, Shapleigh, Hollis, Acton and Arundel.

Although the 2019 Comprehensive Plan does call for the development of higher density affordable housing in the town, it also lists policies and assigns responsibility to those who need to apply the strategies to enact ordinances to accomplish those goals. To date, NO ordinances have been developed for Planned Unit Developments. These ordinances can be quite involved because the systems required are intricate and complex. The Town doesn't even have an Independent Engineering Review Ordinance, which, in my opinion, is something a project of this size definitely needs.

Instead of trying to make the project fit the incorrect ordinance, it is my strong opinion that Lyman needs to adopt proper Planned Unit Development (PUD) ordinances before approving any PUD development. Without PUD ordinances, we as a town are flying blind into an area about which we have limited knowledge and no experience. There are many engineering, health, state and federal regulations for both the developer and the town to adhere to. The process of creating a PUD Ordinance is very important as it assures the Planning Board that they are following the will and laws established by the vote of the people.

I strongly urge the Select Board to seat an Ordinance Review Committee and Housing Committee, as directed by the 2019 Comprehensive Plan, to work with the Planning Board, Code Enforcement Officer and Land Use Director, and Fire Chief, to get the process going to create PUD and Independent Engineering Review ordinances BEFORE any Planned Unit Development is built here in Lyman.

February 2, 2022 Presentation at Public Hearing for Bauneg Beg Land Development

I have studied Bauneg Beg's proposal and I'm presenting a written copy of my research and concerns to the Planning Board and the Code Enforcement Officer / Land Use Director. In the interest of not taking too much time in this public hearing, I've condensed it. It will be available on-line or emailed to anyone who requests it.

My biggest concern is that there are many **Planned Unit Development** models. In general, it is a means of land development which sets aside land use controls. It allows for a mixture of land uses including clustering and may require provision for open space. **The Town of Lyman currently has no ordinances for any type of Planned Unit Development.**

Because this development does not comply with ANY of our zoning ordinances, the developer is requesting Contract Zoning for this project. To me, the project does not comply with that ordinance either.

The Contract Zoning Ordinance requires the Planning Board to recommend the contract to the Board of Selectmen. The Planning Board must answer "yes" to **all four** standards listed. If the Planning Board answers "no" to any one of the standards, they shall give a negative recommendation to the Select Board. The four standards are:

1. Is it for land with an unusual nature or location? NO. The townspeople voted to sell Cousens School in 2019. In 2021, the townspeople voted overwhelmingly in a straw poll to not repurchase it from the current owner. The developer's opinion that the building is a "treasured cultural asset" is not shared by the majority of townspeople. Even if you think it is a "treasured cultural asset", there is nothing in this plan that says the school building will be preserved.
2. Is it consistent with the Comprehensive Plan? NO. It is not consistent with the Land Use Section which directs zoning of not less than 1-acre per unit.
3. Is it consistent with, but not limited to, the existing and permitted uses within any zoning district? NO. None of the zones in Lyman allow for the density called for in this proposal. Additionally, no PUDs are allowed in any district.
4. Are the conditions proposed sufficient to meet the intent of this section? NO. I was one of those who worked on the Contract Zoning Ordinance in 2016. My recollection of the intent was to enact part of the 2004 Comprehensive Plan. It was to allow Home Occupations and limited, small-scale commercial operations based in the home.

In my opinion, if the Planning Board positively recommends this project for Contract Zoning to the Select Board, they would violate the ordinance.

In summary, this proposed Contract will allow density that is almost 9 times greater than any zone currently allows. It would set a dangerous precedent for the Town's ability to control future growth and could act as a magnet for any developer to come to Lyman to build these high-density housing units. In my opinion, this project must not be approved without the checks and balances of Planned Unit Development and Independent Engineering Ordinances, which are needed for a project of this size. Several towns around us already have these ordinances to protect the character of their towns, they include Hollis, Shapleigh, Arundel, Acton, Newfield and Waterboro.

Instead of trying to make the project fit the incorrect ordinance, it is my strong opinion that Lyman must enact proper ordinances before approving ANY PUD development. Without them, we as a town are flying blind into an area about which we have limited knowledge and no experience. The process of creating PUD Ordinances is very important as it assures the Planning Board that they are following the will and laws established by the vote of the people.

I strongly urge the Select Board to seat an Ordinance Review Committee and Housing Committee, as directed by the 2019 Comprehensive Plan, to work with the Planning Board, Code Enforcement Officer and Land Use Director, and Fire Chief, to get the process going to create PUD and Independent Engineering Review ordinances BEFORE any Planned Unit Development is built here in Lyman.

2004 Comprehensive Plan

ECONOMY

Broad Goals

1. *To provide for the economic growth of existing and new businesses, which serve the needs of Lyman residents.*
2. *To ensure that commercial/industrial development will not adversely impact natural resources or the local environment.*
3. *To consider commercial/industrial uses in specified zones, which would help broaden the local tax base and discourage such uses that would not be an economic asset to the community.*

Policy Proposals

- 1
 - a) It shall be the policy of the Town to consider new as well as existing business, commercial and industrial enterprises to serve the needs of local residents. Development shall be permitted only where there is an adequate supply of water and an approved public or private discharge system exists or can be installed. Considerations shall be also given to adequate road access in order to avoid creating traffic hazards, congestion, and all forms of pollution. The Town should establish specific commercial/industrial zones to benefit the Town.
 - b) It is the policy of the Town to permit home occupations as a conditional use. Standards for true "Home Occupations" should be enforced uniformly, and consideration should also be given to establishing a "Limited Business" category of usage in the zoning ordinance for small-scale commercial operations based in the home. An enterprise classified as "Limited Business" would operate according to established performance standards as a "Conditional Use".
- 2 Elected and appointed officials shall consider the cost of meeting increased demands for town services in relation to the increased tax revenues likely to be generated by commercial/industrial development. This does not preclude the town from investing to attract commercial growth.
- 3
 - a) Any review of proposed commercial/industrial development shall entail a review of its environmental impact. Uses, which unduly impose on the local environment, shall be prohibited.
 - b) Routes 111 and Rte 5 offer an ideal location for economic development. Zoning revisions for creation of a commercial zone in this area should be considered.

TOL - Zoning

Paragraph
B. Cont.

the Board of Selectmen finds it necessary or appropriate to impose, by agreement with the property owner, certain conditions or restrictions in order to ensure that the rezoning is consistent with the Town's Comprehensive Plan. Contract zoning shall be limited to property for which a rezoning is requested by the owner or other person with sufficient right, title and interest. Nothing in this section shall be interpreted to permit an amendment that is not consistent with the Comprehensive Plan. Areas rezoned under this provision shall be consistent with, but not limited to, the existing and permitted (whether permitted or with site plan approved conditional) uses within any zoning district. Contract zoning is permitted in all zones. By "contract zoning" this section means both contract and conditional zoning as enabled in 30A M.R.S.A. §4352 (8).

C. Application Contents

A request for contract rezoning shall include a written petition to the Planning Board requesting rezoning, including the following:

1. Evidence of right, title or interest in the property;
 2. A plot plan showing the boundaries of the parcel and its dimensions, as well as the existing and proposed buildings and structures;
 3. A plan showing the location of existing streets and driveways within five hundred (500) feet of the property;
 4. A detailed statement of the proposed use of the property and the precise zoning change requested and how the proposed use will benefit the town;
 5. A statement explaining how it is consistent with the Comprehensive Plan and permitted and existing uses within any zoning district;
 6. A description of the property's unusual nature or unique location;
 7. A statement setting forth the conditions or restrictions that the applicant proposes.
- The Planning Board may propose additional conditions or restrictions.

D. Hearing and Notice

1. The Planning Board shall conduct a public hearing before forwarding its recommendation to the Board of Selectmen under this provision.
2. Notice of the hearing shall be posted at the Town Hall, the library and the town web page at least fourteen (14) days before the public hearing.
3. Notice shall also be published twice in a newspaper of general circulation, the date of the first publication to be at least seven (7) days before the hearing.
4. Public hearing notices shall be mailed to the owner of the property to be rezoned and all abutters to that property. Property owners within five hundred (500) feet of the applicant's property shall be notified by certified mail of the public hearing. If the property is within the source water protection area, notice must also be sent to a public drinking water supplier. This notice shall be sent out at least seven (7) days prior to the public hearing. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.

TOL - Zoning

5. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board or Board of Selectmen.
6. The cost of publishing and mailing the notices shall be borne by the applicant(s).

E. Conditions and Restrictions

Conditions and restrictions imposed under this section shall relate only to the physical development and operation of the property and may include, by way of example, but are not limited to:

1. Limitations on the number and types of uses permitted;
2. Conditions on the scale and density of development, including height, lot coverage and other space bulk provisions;
3. Specifications for the design and layout of buildings and other improvements;
4. Schedule for commencement and completion of construction;
5. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
6. Preservation of open space and buffers, and protection of natural areas and historic sites;
7. Provision of municipal services required by the development;
8. Provisions for enforcement and remedies for breach of any condition or restriction, including the timing of the effective date of the change and its repeal should conditions not be met;
9. 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;
10. The dedication or conveyance of property for public purposes, including but not limited to, streets, easements, parks and utility systems.

F. Recommendation

Before forwarding a recommendation of a contract zoning amendment to the Board of Selectmen, the Planning Board shall make a finding on each of the four standards in this subsection. A favorable recommendation to the Board of Selectmen requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be negative. The Planning Board shall base its recommendation on whether the rezoning:

1. Is for land with an unusual nature or location;
2. Is consistent with the Comprehensive Plan;
3. Is consistent with, but not limited to, the existing uses and permitted uses within any zoning district; and
4. That the conditions proposed are sufficient to meet the intent of this section.

2019 Comprehensive Plan

The trend over the last ten years is for families to attempt to live in multi units on the same property. The town has adopted changes to allow one attached or detached accessory dwelling per single family lot with provisions that one of the dwellings is owner occupied. This committee discussed lowering lot size requirements to allow families to reside as a unit but in their own homes.

As new subdivisions are being developed this plan asks for subdivision projects and commercial projects to contribute to Lyman's infrastructure. It also asks that regulations require developers to provide water for rural fire fighting that meets National Fire Protection standards.

The town adopted the concept of contract zoning in 2016. This is a tool for the town to contract with a property owner for a use that is not permitted in the zone the property is located in. This was in keeping with the 2004 plan which suggested broadening the use of Conditional Use applications. While Lyman is primarily a residential community, more people are wanting to earn their living on their property or in Lyman instead of commuting elsewhere. This helps add to the tax base and relieves the burden somewhat from the residential tax base. This Plan encourages this trend to continue with emphasis on keeping and protecting the rural atmosphere of the town.

The town adopted a provision in the ordinance to provide for a service road in the commercial zoning district and then retracted that provision. Zoning should be amended to require businesses in the commercial zone to connect to each other off the main roads of Route 111 or Route 202/5.

The committee discussed the needs of our aging population and possibly the need for a facility where our residents can age in place. This would require a zoning amendment to increase the density of dwellings allowed per lot. The committee also discussed ways to keep our youth living in Lyman instead of moving away. This might also be accomplished by allowing apartments to be constructed on smaller lots.

As of the writing of this plan, the State Police provide law enforcement coverage for Lyman. There hasn't been a demand for additional police coverage.

There is a desire to reduce the cost of trash removal. The committee discussed ideas to encourage the town to investigate new and inventive ways to reduce solid waste.

There are over 3400 voters listed in Lyman. Less than 50 voters have attended some of our annual Town Meetings to determine a \$7 million budget where ultimately the tax rate is determined.

The Comprehensive Plan Committee encourages fellow citizens to participate in the governance of Lyman. Your votes, tax dollars and your participation will decide how Lyman evolves.

2019 Comprehensive Plan

LAND USE

Goals:	Guide the location and the manner of development so that the Town's rural character, open farmland and forests are maintained. Strive to promote the businesses, services and employment opportunities.
---------------	---

Policies:	Investigate establishing differing lot sizes in rural areas; smaller lot sizes near existing developed areas and larger lot sizes near farmland, natural resources, or large tracts of open space.
	Maintain zoning which protects prime agricultural and valuable forestland.
	The Ordinance Review Committee shall amend/rewrite Lyman Zoning to adhere and conform to the 2018 Town of Lyman Comprehensive Plan.

Strategies	Responsible Party
Review Zoning Ordinances and Zoning Maps to ensure broad land use goals are being achieved, and make changes to those boundaries or land requirements that would be in the long-term best interests of the Town.	Planning Board/ORC
Develop overlay district zoning rules that would include other small homes in addition to mobile homes.	Planning Board/ORC
Develop varying land use density patterns, which maintain the semi-rural character of the community by adopting lot requirements in specific areas of the residential zone that would allow for denser development.	Planning Board/ORC
Consider establishment of a low density and a medium density rural zone. Low-density lot sizes between 2-5 acres should be considered to protect rural areas. One-acre lot sizes should be considered near existing development in suitable areas.	Planning Board/ORC
Cluster development rules should be revised to allow non-buildable land to count as open space required for the development.	Planning Board
Create an Agriculture/Conservation Committee that would identify forested and agricultural land, and interview landowners to facilitate transfer of land parcels with recreational, agricultural, and conservation value into future management by an existing or new land trust.	Board of Selectmen
Establish ordinances that would preserve the historic character of the Goodwins Mills village area.	Planning Board/ORC
Revise zoning ordinances to provide for wider application of Site Plan Review, with appropriate performance standards for all non-residential uses. This approach would neither automatically deny nor automatically allow these land uses to be created in those zones. Instead, approval	Planning Board/ORC