

**TOWN OF LYMAN
PLANNING BOARD MEETING MINUTES
March 30, 2022**

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

CALL TO ORDER: Chairman Roderick Tetu called the regular meeting to order at 7:00 P.M. Noting attendance of, Donald Hemon, Joseph Wagner, Kelly Demers, Cecile Dupuis and Paul Boucher. Also attending, Patti McKenna, Code Enforcement Officer.

APPOINTMENTS:

There were not appointments for this meeting.

MINUTES:

Rod Tetu made the motion to approve the February 16, 2022, Minutes. Joe Wagner seconded. The motion passed with all in favor.

NEW BUSINESS:

Mail: Maine Town and City

OLD BUSINESS:

Zoning amendments

The Board reviewed and voted on proposed zoning amendments as follows:

Shall an amendment to the Town of Lyman Zoning Ordinance Article 6, section 6.2 and section 6.3.1 Principal buildings and uses be enacted as follows:

: ~~deleted language struck through-~~ Added language underlined.

6.2.1 Residential

D. Maximum lot coverage for buildings 15%-20%.

Rod Tetu motioned to accept this change as written. Joe Wagner seconded. The motion passed with all in favor.

6.3.1 Principal Building and Uses

A. In the Residential District, one (1) principal building ~~or one principal use~~ along with one (1) ~~accessory building or use is allowed-~~ accessory structures per lot, with the size of lot ~~to be determined by~~ which meet the lot size, setback and lot coverage requirements of section 6.2.

Rod Tetu motioned to accept this change as written. Joe Wagner seconded. The motion passed with all in favor.

B. In the General Purpose District, ~~there shall be no more than one (1) building for each principal use, and no more than two (2) buildings for an accessory use as limited by lot~~

public way or area by natural objects, plantings, or a solid fence at least six (6) feet or taller in height, density and depth sufficient to accomplish complete screening of plants from ordinary view. Should the plants grow higher than the screening such they are visible from a public way or area, either the plants shall be cut to not extend higher than the screening or the individual who is authorized to cultivate the marijuana shall install additional screening sufficient to conceal the plants from public view within ten (10) days of notification of the violation by the Code Enforcement Officer.

8. Compliance with health and safety codes. The primary residence, outbuilding, garage, or other structure where marijuana is grown, cultivated, processed, and/or stored shall meet all applicable requirements of the adopted building code, electric, fire and other health safety and technical codes.
9. Ventilation and odor management. Any primary residence, outbuilding, garage, or other structure used for cultivation shall have proper ventilation to prevent mold damage and to prevent odors or particles from becoming a nuisance to surrounding properties or the public.
10. A complaint of odor shall be investigated by the code enforcement officer. If the code enforcement officer confirms there is odor crossing the property line to abutting properties, the code enforcement officer has authority to require remediation within five days of the confirmed odor complaint. The code enforcement officer has the authority to rescind the permit of a home production that does not comply with the enforcement order. A rescinded permit may only be renewed with approval by the Planning Board.

Joe Wagner motioned to accept this change as written. Paul Boucher seconded. The motion passed with all in favor.

11. Gases. The use of gas products for extraction processes, including but not limited to carbon dioxide, sulfur dioxide and butane, and ozone generators are prohibited.
12. ~~Dispensing of medical marijuana to medical marijuana patients shall not take place prior to 7:00 a.m. or later than 8:00 p.m. on any day.~~

Joe Wagner motioned to accept this change as written. Rod Tetu seconded. The motion passed with all in favor.

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

Section 10.22-B Medical Marijuana Production Facility are permitted subject to the following performance standards, in addition to the requirements of the State of Maine.

1. Medical Marijuana Cooperatives and Medical Marijuana Production Facilities are allowed in every zone.

They shall not be located: on parcels of land with a lot line located within 500 linear feet of any pre-existing public or private school facility, or any pre-existing and licensed day-care center or day-care home, public park, public playground, athletic field, juvenile or adult halfway house, correctional facility, other Marijuana production facilities, substance

~~coverage requirements.~~ One (1) principal building along with accessory structures per lot, which meet the lot size, setback and lot coverage requirements of section 6.2.

Joe Wagner motioned to accept this change as written. Don Hernon seconded. The motion passed with all in favor.

- C. The number of buildings and uses in the Commercial/Residential District will be determined by the maximum total lot coverage allowed ~~for the site requirements of~~ section 6.2

Rod Tetu motioned to accept this change as written. Joe Wagner seconded. The motion passed with all in favor.

Shall an amendment to the Town of Lyman Zoning Ordinance Article 1, section 1.8.30B and section 1.8.3.F Contract Zoning be enacted as follows: ~~deleted language struck through.~~ Added language underlined.

B. Areas rezoned under this provision shall be consistent with ~~but not limited to,~~ the existing and permitted (whether permitted with site plan approved conditional) uses within any zoning district.

Rod Tetu motioned to accept this change as written. Joe Wagner seconded. The motion passed with all in favor.

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.
5. Will have beneficial effects for the Town as a whole which would not otherwise result if the property were developed under the existing zoning district designation

Rod Tetu motioned to accept this change as written. Don Hernon seconded. The motion passed with all in favor.

Shall an amendment to the Town of Lyman Zoning Ordinance Article 10, section 22 Performance standards and Article 12 definitions for medical marijuana be enacted: (A copy of the proposed amendment is posted together with this warrant and hereby

incorporated into this Warrant by reference. Copies of the text of the proposed amendment are available from the Town Clerk's Office) ~~deleted language struck through.~~ Added language underlined.

Section 10.22 Performance Standards for Medical Marijuana

Purpose: The purpose of this section of the ordinance is to ensure that all cultivation, processing, storage, and distribution of medical marijuana does not have an adverse impact on the health, safety, and general welfare of the residents of the Town of Lyman, while still allowing for treatment and alleviation of a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

Exemptions: As an accessory use, Medical Marijuana Home Production shall be allowed in any qualifying patient's residence or any medical marijuana caregiver's primary year-round residence in every zone following the rules of Home Occupation and Section 10.22. Medical marijuana caregivers not required to register with the State and qualifying patients are not regulated under this section.

Section 10.22-A Medical Marijuana Home Production Facilities are permitted within the caregiver's primary year-round residence as a home occupation subject to the following performance standards, in addition to the requirements of the districts in which the caregiver use is located:

1. The caregiver shall be least twenty-one (21) years of age;
2. The caregiver resides in the dwelling unit as his/her primary year-round residence in conformance with the Maine Medical Use of Marijuana State Administrative Rules or as otherwise specified in Maine statutes and/ or administrative rules;
3. A caregiver who does not own his or her primary residence shall obtain notarized written permission from the property owner prior to cultivating marijuana and shall make the written permission available to the Town.
4. A home production facility is limited to caregivers with a license from the State of Maine for thirty (30) plants.
Rod Tetu motioned to accept this change as written. Joe Wagner seconded. The motion passed with all in favor.
5. Caregivers shall cultivate medical marijuana within an enclosed, locked building or within an outdoor area which is accessible only by the individual authorized to cultivate the marijuana in conformance with the Maine Medical Use of Marijuana State Administrative Rules or as otherwise specified in the Maine statutes and /or administrative rules.
6. ~~Medical Marijuana shall be distributed to medical marijuana patients within an enclosed building. Drive-thru, drive-up or window service is prohibited by delivery or at a dispensary and shall not be sold directly to patients at the home.~~
Medical Marijuana shall be distributed to medical marijuana patients within an enclosed building. Drive-thru, drive-up or window service is prohibited by delivery or at a dispensary and shall not be sold directly to patients at the home.
Rod Tetu motioned to accept this change as written. Joe Wagner seconded. The motion passed with all in favor.
7. No exterior evidence of cultivation, including signs, shall be visible from a public way or area. Marijuana plants shall be entirely screened from common visual observation from a

abuse rehabilitation or treatment center or church. Applications for such public or private schools, child care providers, parks, playgrounds, or churches which are proposed within 500 feet of any existing medical marijuana production facility shall be required to sign a form, which may be obtained from the Code Enforcement Office, which indicates that they are aware that an existing medical marijuana production facility is located within 500 feet of their proposed site.

2. Medical Marijuana Cooperatives and Medical Marijuana Production Facilities are permitted in the Residential and General-Purpose districts on lots of 5 acres or more and any legal lot within the Commercial/ Residential district. In all districts Planning Board approval is required through site plan review process in section 8 of this ordinance.
3. Fire suppression will be required in conformance with the most current version of NFPA 1 Chapter 38 and the current State of Maine adopted version of NEC standards.
4. All Marijuana Cooperatives and Production Facilities shall submit an Odor Control Plan with the site plan application.

Odor Control Plans shall consist of the following:

- a. Specific odor- emitting activity(ies) – This section should describe the odor emitting activities or processes (e.g., cultivation) that take place at the facility, the source(s) (e.g., budding plants) of those odors, and the location(s) from which they are emitted (e.g., flowering room).
 - b. Odor Mitigation Practices – For each odor emitting source/ process outlined in Section 1 of the odor control plan, specify the administrative and engineering controls the facility will implement to control odors.
 - c. The best control technology for marijuana cultivation facilities is carbon filtration.
 - d. The town may use contracted staff and peer review escrow fees to review an odor control plan in agreement with the applicant at the applicant's expense.
5. Parking: The property shall provide parking that meets the requirements of section 10.12 of this ordinance, and such additional parking as may be required by the Planning Board.
 6. Security: All growing of medical marijuana within a production facility shall occur inside and only within a completely enclosed structure. A greenhouse is a structure. This does not apply to home growing of medical marijuana. The building shall be constructed with a security system with recordable video surveillance. Exterior lighting must be sufficient to deter nuisance activity and facilitate surveillance. The Planning Board may require a chain link fence or solid fence, six feet in height, surrounding the building (s) and parking area. All security measures shall be consistent with State requirements. Security cameras are also required around the perimeter of the structure
 7. Operating hours of the property:
 - a. Dispensing of medical marijuana products and materials shall not take place prior to 7:00 a.m. or later than 8:00 p.m. on any day.
 - b. Deliveries shall not take place prior to 7:00 a.m. or later than 8:00 p.m. on any day.
 8. There shall be no dispensing or sales of medical marijuana from a property which is located on a private road; unless the owner can provide documentation of participation in the road association to pay proportionately to the maintenance and upkeep of the road.

Otherwise, dispensing of product which is grown on a property located on a private road shall be done from a facility approved as a dispensary.

Rod Tetu motioned to accept this change as written. Joe Wagner seconded. The motion passed with all in favor.

9. Signs: All signage and advertising for any facility responsible for the cultivation, manufacturing, sale or distribution of marijuana shall comply with all applicable provisions of the land use ordinance. Signs may not contain any visual depiction of marijuana or marijuana paraphernalia. Outdoor displays, window displays, or displays visible from the outside of the building intended to attract attention to or generate interest in the uses on the property shall be prohibited.
10. Drive through, drive up, or window services are prohibited.
11. All activities of dispensaries, cultivation facilities, processing facilities and marijuana establishments shall be conducted indoors.
12. If electric service increases beyond 200 amps and an upgraded transformer is required, that transformer may only service the buildings wired to receive the increased amperage.
13. Annual safety inspections by the Fire Department and Code Enforcement Office shall be conducted. A fee set by the Board of Selectmen will be associated with these inspections.
14. Extraction of marijuana concentrates, such as but not limited to oil, butter, wax or shatter shall be permitted subject to compliance with NFPA (1) Chapter 38 standards and the current version of NEC (National Electric Code) standards.

Shall the town vote to amend Article 12 of the Lyman Zoning Ordinance to change the following definitions:

Medical Marijuana Home Production: Growing, cultivating, processing, and/or storing medical marijuana by a registered medical marijuana caregiver licensed by the State of Maine for 30 plants, at his/her primary residence as a home occupation use.

Rod Tetu motioned to accept this change as written. Paul Boucher seconded. The motion passed with all in favor.

Medical Marijuana Production Facility: A building used for cultivating, processing, testing, storing of medical marijuana; and / or distribution by a medical marijuana caregiver at a location which is not the caregiver's primary year-round residence or their qualifying patient's primary year-round residence; and / or a caregiver licensed by the State of Maine for a 500-foot canopy grow. ~~This~~ These shall be considered a commercial use.

Rod Tetu motioned to accept this change as written. Joe Wagner seconded. The motion passed with all in favor.

Rod Tetu motioned to send these changes to the Board of Selectmen for consideration to be put on the warrant for this June town meeting and to schedule a public hearing. Joe Wagner seconded. The motion passed with all in favor.

SET NEXT AGENDA:

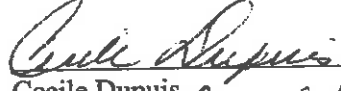
ADJOURNMENT:

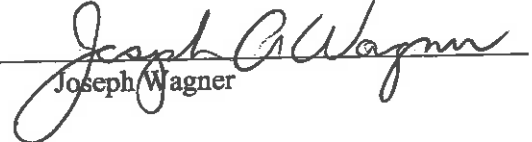
Rod Tetu made the motion to adjourn at 7.58 PM. Joe Wagner seconded. The motion passed with all in favor.

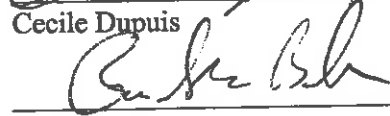
APPROVED DATE: 4-20-2022


Roderick Tetu, Chairman


Don Hennon, Vice Chairman


Cecile Dupuis


Joseph Wagner


Paul Boucher

Kelly Demers