

**TOWN OF LYMAN
PLANNING BOARD MEETING MINUTES**

September 7, 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.

MEETING CALL TO ORDER

Chair Rod Tetu called the meeting to order at 7:02 pm noting attendance of Planning Board members: Paul Boucher, Kelly Demers, Cecile Dupuis, Donald Hernon, William Single and Joseph Wagner.

The meeting was recorded.

No record of other meeting attendees is available, except as noted below.

DISCUSSION:

Preliminary review of Harper Residential Subdivision - Tax Map 3, Lot 87-3, and portion of Tax Map 3, Lot 87-2, Old Kennebunk Road, **Nine** residential lots

The applicant, Joseph Marden, was notified that this application would be on the PB agenda this evening but Mr. Marden is not at this meeting. PB member Don Hernon was informed by the Code Enforcement Officer, Brenda Charland that this application has been provided to Southern Maine Planning and Development Commission for review; no comments have been received as yet from SMPDC. The Board **voted** to table review of this application until the applicant is available for discussion.

Preliminary review of Vertex Towers LLC – Application for Telecommunications Tower – Tax Map 4, Lot 062, 99 Old Kennebunk Road

Brenden Gill represented Vertex Towers LLC, and was informed that EVO Site Services has been approved to construct a cell tower within two miles of the requested location for the Vertex Towers cell location. Mr. Gill requested that the Board compare the Vertex Towers proposed cell tower to the EVO Site Services to determine which tower could provide better coverage. Mr. Gill was informed that the Board does not compare towers and pointed him to LZO section xxx. Discussion ensued. The Board **voted** to seek an opinion from Town Counsel on this section of the LZO in that Mr. Gill is requesting review for a new cell tower that is within two miles of an already approved cell tower that has not been constructed as yet.

Discuss action needed regarding Superior Court Civil Action Docket No. AP-21-017 on appeal of Planning Board approval of Green Acres medical marijuana grow facility

The Board discussed the Superior Court's requested action (a new public hearing) with the applicant, David Alves, regarding the Green Acres medical marijuana grow facility, with proper notification of abutters regarding the new public hearing. Some PB members did not retain past information on this application. Parts of the letter from the Town Counsel concerning this application were read and discussed. A list of abutters and mailing labels will be required, and discussed the possibility that the Town tax records listing abutters may not be up to date. The Board discussed what application data should be reviewed, and decided to review Town files for the most current data, and discuss this application at the next PB meeting, scheduled for September 21, 2022.

Other Items

PB member Don Hernon provided status of LZO changes submitted to the Select Board for inclusion on the November 2022 warrant for consideration by Town voters. Despite previously approving wording for a proposed change to LZO Contract Zoning, the Select Board voted on September 6, 2022 to NOT include the contract zoning change on the November 2022 warrant. Selectperson David Alves stated his reasons for voting against including the contract zoning change on the warrant.

PB member Don Hernon will draft a letter from the Board to Town Counsel requesting guidance regarding the Vertex Towers LLC application to construct a new cell tower within two miles of an approved new construction cell tower that has not yet been completed.

The Board received a draft Protocol for Site Plan Review and Notice of Decision process for review. PB member Paul Boucher noted that, per Town Counsel guidance, abutters should be notified by certified mail at least 20 days in advance of the public hearing (rather than the 10 days specified in the LZO) to better assure that abutters have ample notice of the public hearing.

PB member Don Hernon notified board members that he has applied to the Select Board to be appointed to a PB liaison position on the Ordinance Review Committee.

The Board signed EVO Site Services LLC site plans.

PB members Paul Boucher and Kelly Demers stated they will not be available for the September 21, 2022 PB meeting.

SET AGENDA for PB Meeting on September 21, 2022

APPOINTMENTS

- Preliminary review of Harper Residential Subdivision, Tax Map 3, Lot 87-3, and portion of Tax Map 3, Lot 87-2, Old Kennebunk Road, **Nine** residential lots
- Preliminary review of Vertex Towers LLC – Application for Telecommunications Tower – Tax Map 4, Lot 062, 99 Old Kennebunk Road

ADJOURNMENT

The Board voted to adjourn at 8:17 pm.

APPROVED DATE: 09/14/2022

Roderick Tetu
Roderick Tetu, Chairman

Don Hernon
Don Hernon, Vice Chairman

Cecile Dupuis
Cecile Dupuis, Secretary

Joseph Wagner

Paul Boucher
Paul Boucher

Kelly Demers