

**TOWN OF LYMAN
PLANNING BOARD MEETING MINUTES**

June 15, 2022

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

CALL TO ORDER: Chairman Roderick Tetu called the meeting to order at 7:04 pm, noting attendance of: Paul Boucher, Kelly Demers, Cecile Dupuis, Donald Herson and Joseph Wagner. Also attending: Code Enforcement Officer Patti McKenna, and Code Enforcement Officer Assistant Jonessa Ramos.

The meeting was recorded.

DISCUSSION:

Evolution Site Services – Map 4 Lot 43-5 – 283 Middle Road, application for a wireless telecommunications tower. Christopher Ciolfi of EVO explained the project and answered the Board's questions. The Board reviewed the project using the Site Plan Checklist and deemed the application complete. Site Walk set for 6:00 pm, Wednesday July 6, 2022; Mr. Ciolfi plans to fly a balloon at the site during the site walk to provide visual representation of the cell tower's height.

Merry Morning LLC – Proposed professional offices at 382 Goodwins Mills Road Map, Tax Map 11 Lot 122 (former Cousens School property). Caleb Johnson and Shannon Richards of Merry Morning LLC explained the project and answered the Board's questions. The Board reviewed the project using the Site Plan Checklist and deemed the application complete. Site Walk set for 9:00 am, Saturday June 25, 2022, with a Public Hearing set for 6:45 pm, Wednesday July 20, 2022.

Proposed Zoning Changes – The Board reviewed proposed Lyman Zoning Ordinance (LZO) changes shown below and set a Public Hearing on these changes for 6:45 pm, Wednesday July 6, 2022:

1. Amend LZO section 6.3.1 Allowed principal and accessory structures.
2. Amend LZO section 1.8 to add language to the contract zoning amendment procedure.
3. Amend LZO section 10.22 to amend performance standards for medical marijuana.
4. To rezone a section of Huff Road from General Purpose to the Residential Zoning District.

Complete wording of the proposed zoning changes is attached to the minutes of this meeting for the record.

Approval of LZO Shoreland Zoning Replacement Structures – The Board voted to require that consideration of replacement structures in the Shoreland zone be approved by the Planning Board, rather than the Code Enforcement Officer.

SET AGENDA for PB Public Hearing/Meeting on July 6, 2022:

1. 6:45 pm - Site Walk EVO Towers & Site Services – 283 Middle Road – wireless telecommunications tower
2. Following site walk – **Public Hearing** on proposed zoning amendments
3. Following Public Hearing, **Meeting agenda:**
 - EVO Towers and Site Services

- Jason Beaulieu – Beaulieu Logging LLC – Map 7 lot 103 and lot 107 – 0 Alfred Road; application for wood recycling yard for brush, stumps and making mulch
- Minutes
- New Business
- Old Business – sign site plan for Cory Patterson

ADJOURNMENT

The Board voted to adjourn at 8:22 pm.

APPROVED DATE: 12/7/2022

Roderick Tetu
Roderick Tetu, Chairman

Don Hernon
Don Hernon, Vice Chairman

Cecile Dupuis
Cecile Dupuis, Secretary

Joseph Wagner
Joseph Wagner

Paul Boucher
Paul Boucher

Kelly Demers
Kelly Demers

PUBLIC HEARING NOTICE

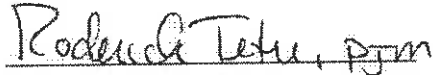
TOWN OF LYMAN PLANNING BOARD

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NOTICE OF SCHEDULED PUBLIC HEARING BY THE PLANNING BOARD

The LYMAN PLANNING BOARD will hold a PUBLIC HEARING on Wednesday, July 6 at 6:45 p.m. at Lyman Town Hall, 11 South Waterboro Road. This hearing is to present information and to allow for public comment regarding the four proposed zoning amendments: Amend section 6.3.1 Allowed principal and accessory structures; Amend section 1.8 to add language to the contract zoning amendment procedure; Amend section 10.22 to amend performance standards for medical marijuana; to rezone a section of Huff Rd. from General Purpose to the Residential zoning district. Copies of the proposed changes can be seen at the Town hall during normal business hours, and on the Planning Board link of the Town's webpage.



Roderick Tetu, Chairman

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

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

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 buildings per lot, with the size of lot ~~to be determined by meeting the lot size, setback and lot coverage requirements of~~ section 6.2.
- 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 coverage requirements-~~ One (1) principal building along with accessory buildings per lot, meeting the lot size and setback and lot coverage requirements of section 6.2.
- 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

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

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 on the Town as a whole which would not result if the property were developed under the existing zoning district designation

Shall an amendment to the Town of Lyman Zoning Ordinance Article 10, section 22 Performance standards 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

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.
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.
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 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:

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.

Section 10.22-C

Medical Marijuana Qualifying Patient and/ or Caregiver: A caregiver who is not required to be registered with the state. This caregiver is limited to serving no more than 2 qualifying patient household members or family members. These caregivers are not allowed to sell marijuana wholesale, organize as a business entity or operate a retail store. This is considered an accessory use to a legally permitted residential dwelling unit.

This does not require a use permit from the town. Any electric wiring requires a permit and must follow all Electric Code requirements and be inspected by the town's electrical inspector.

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.

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.

Shall an amendment to the Zoning Map be enacted as follows: change the zone from General Purpose to Residential from Chantel Lane to South Waterboro Road for a distance westerly of 1,000 feet from Huff Road.