

TOWN OF LYMAN

PUBLIC HEARING BOARD MEETING MINUTES

October 18, 2023

Note: These are summary minutes. A recording of the meeting is on file at the Lyman Town Hall and is 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.

PUBLIC HEARING CALL TO ORDER: Chairman Roderick Tetu called the Public Hearing to order at 6:01 pm, to review the proposed new State Vehicle Inspection Station by Dana Gagnon.

Attendance at the Public Hearing included Planning Board members: Joseph Wagner, Cecile Dupuis, Donald Herson, William Single and Kevin Veilleux, and Code Enforcement Assistant, Julie Lemieux. Members of the public in attendance were: Dana Gagnon, Jeffrey C. Tarbox, and Jeffrey A. Tarbox. Planning Board member Kelly Demers was absent.

The public hearing was recorded.

DISCUSSION:

The Planning Board held this Public Hearing to discuss Dana Gagnon opening a State Vehicle Inspection Station at 18 Stallion Lane, Map 11 Lot 13-2.

Jeffrey Tarbox – I have questions as to the zoning issued involved in opening a commercial business like this and also as to whether the intent is to become a fully operational repair and mechanical service garage.

Dana Gagnon – Right now it will be part time.

Jeffrey Tarbox – But is the intent not just to be an inspection station but to be a fully operational service and repair yard?

Dana Gagnon – Yes.

Rod Tetu – As far as zoning issues, it is allowed in that zone.

Joe Wagner – Proposed hours of operation?

Dana Gagnon – Probably 9 to 5, Monday to Friday.

Rod Tetu – You'll be storing no hazardous waste on site, like extra cans of gasoline or gallons and gallons of oil?

Dana Gagnon – Just oil until I have it picked up.

Rod Tetu – Do you expect to do that once a month? I'm just looking to see how much oil you're going to store.

Dana Gagnon – I don't really like to, at the most probably 55 gallons, outside and I had a pad poured for it.

Rod Tetu – Is there a roof over it?

Dana Gagnon – Not yet, no, but I can put a roof on.

Rod Tetu – If you're going to put that outside you really should be putting it in something, like an overlay so if the barrel leaks it can't leak out.

Joe Wagner – Signage, you intend to put a sign out by the road?

Dana Gagnon – Either up by the road or down at the end of the road.

Bill Single – You will want to look up what the regulations are for the size and where you can put it.

Dana Gagnon – Yup, I'll talk to Brenda (the Code Enforcement Officer) about it.

Jeffrey Tarbox – My only concern is it is primarily a residential area and what kind of precedence will you be opening down the road because that will affect property values and traffic patterns and all of the things that I've witnessed over the last 22 years. Already an increase in traffic, I know there's a number of houses being built further down the road, so those are my concerns.

Rod Tetu – Like I said, it is allowed in that zone.

Jeffrey Tarbox – I understand that, and I can still register my concerns, if we start to change so it's just going to be business after business it's obviously going to change the whole landscape of what has been primarily residential.

Cecile Dupuis - This is a home occupation because you reside there – it's a residence.

Dana Gagnon – Yes.

Don Hernon – I would also comment, the facility you're going to be working out of, which is basically a large garage, is not near the road. As I remember it's down there quite a way. How close are you to your abutters?

Dana Gagnon – 600 feet to Clarks Woods Road.

Don Hernon – How about on either side?

Dana Gagnon – Probably 800 feet to the gravel pit.

Don Hernon – How about to the nearest residence? Are you the nearest residence (noting Jeffrey Tarbox)?

Jeffrey Tarbox – I'm across the road, I think the nearest residence is further down the road. I'm more concerned as I said about the increased traffic patterns and precedence and all of those kinds of things.

Joe Wagner – How many vehicles do you expect to have maximum on your property at any given time?

Dana Gagnon – Ten at the most, but not coming in and out daily.


Don Hernon – I was impressed in the sense that it seemed like there was quite a bit of room on that lot that you have your building on.

ADJOURNMENT

Rod Tetu made the motion to close the Public Hearing at 6:09pm. Joe Wagner seconded the motion, and all voted in favor.

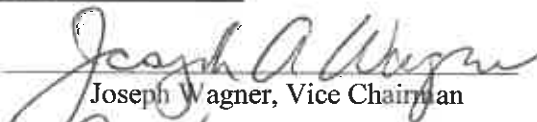
APPROVED DATE: 11/01/2023


Roderick Tetu, Chairman


Cecile Dupuis, Secretary


William Single


Kevin Veilleux


Joseph Wagner, Vice Chairman


Donald Hernon

absent
Kelly Demers

TOWN OF LYMAN
PLANNING BOARD MEETING MINUTES
October 18, 2023

Note: These are summary minutes. A recording of the meeting is on file at the Lyman Town Hall and is 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.

REGULAR MEETING CALL TO ORDER: Chairman Roderick Tetu called the Meeting to order at 6:09 PM. Noting attendance at the meeting of Planning Board members: Joseph Wagner, Cecile Dupuis, Donald Herson, William Single and Kevin Veilleux, and Code Enforcement Assistant, Julie Lemieux. Members of the public in attendance were: Dana Gagnon. Planning Board member Kelly Demers was absent.

Rod Tetu made the motion to have Bill Single step in as a full voting member for this meeting. Joe Wagner seconded the motion, with all voting in favor.

NEW BUSINESS:

Dana Gagnon – 18 Stallion Lane Map 11 Lot 13-2 – The Board reviewed concerns that were addressed during the Public Hearing, including: increased traffic on Clarks Woods Road, proper care and storage of chemicals on site, hours of operation, limitation on the number of vehicles, and signage.

The 16 Standards of Article 8 were reviewed:

Standard 1: Will meet the definitions of the use, the Zoning District requirements and any other requirements set forth in the ordinance.

Findings: The property is in the General Purpose zoning district, and the proposed business is an allowed use in that district.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 2: Will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibrations, fumes, odor, dust, light, glare, traffic, or other cause.

Findings: It will be a small business, on a large lot with minimum impact on abutting properties.

Conclusion: Based on the above information and the information in the record the Boards finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

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

Findings: There was no evidence provided to the Planning Board to show any negative effect on nearby property values. The applicant proposes business hours of no more than 8 am – 5 pm, Monday through Friday, 9am – 4 pm Saturday.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

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

Findings: There will be a minimum number of customers on site at a time.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 5: Will not result in fire danger.

Findings: The work on vehicles will be done inside a building which has a fire extinguisher. Approval of this application is subject to an inspection by the Goodwins Mills Fire Chief for adequate mitigation of potential flammable hazards.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 6: Will not result in flood hazards or flood damage, drainage problems, ground or surface water contamination or soil erosion.

Findings: Nothing is being changed on the property except for an addition of an office constructed on a concrete slab the driveway. Vehicle inspection and repair work will be done inside a building. There does not appear to be a danger of contamination to nearby Swan Pond Creek. The applicant proposes to have no more than 110 gallons of waste oil and no more than 110 gallons of waste antifreeze stored on site at a time. The waste oil and antifreeze will be stored in drums that rest on a concrete pad with a peripheral containment berm that has a cover.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 7: Will not create a safety hazard because of inadequate access to the site, or buildings for emergency vehicles:

Findings: The site and building have a driveway with adequate access for emergency vehicles and sufficient room for vehicle turnaround. Approval of this application is subject to an inspection by the Goodwins Mills Fire Chief for adequate emergency vehicle access.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 8: Has proposed exterior lighting which will not create hazards to motorists traveling on adjacent public streets, is adequate for the safety of occupants and users of the site and will not damage the value or diminish the usability of adjacent properties.

Findings: Applicant will be installing an outside light for the office attached to the business building. The site is sufficiently large that the proposed lighting will not impact adjacent roads or abutters.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 9: Makes provisions for buffers and on-site landscaping which provide adequate protection to neighboring properties from detrimental features of the development. The applicant shall provide a plan prepared by a Registered Landscape Architect, or other qualified professional approved by the Planning Board.

Findings: There are no detrimental features that affect neighboring properties.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 10: Makes provisions for vehicular parking, loading, unloading, as well as vehicular and pedestrian circulation on the site, and onto adjacent public streets which would neither create a hazard to safety nor impose significant burdens on public facilities.

Findings: The building is sufficiently far from Clarks Woods Road with room for parking, loading and unloading. No safety hazards or burdens on public facilities were observed during the Planning Board's site walk. The applicant proposes a maximum of 10 vehicles on site for servicing.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 11: Makes adequate provisions for the disposal of wastewater and solid waste for the prevention of ground or surface water contaminations.

Findings: The applicant proposes adequate methods to dispose of any wastewater and solid waste.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard with the condition by a vote of:

Yes 5 No 0 Abstain 0

Standard 12: Makes provisions to control erosion and sedimentation.

Findings: The applicant meets the requirements.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

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

Findings: The applicant meets the requirements.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 14: Provides for a water supply which meets the demands of the proposed use and meets the needs for fire protection purposes.

Findings: The current building has an adequate water supply. The applicant will provide a fire extinguisher for fire protection and will provide adequate storage for any flammable materials used in servicing vehicles. Approval of this application is subject to an inspection by the Goodwins Mills Fire Chief for adequate fire protection.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 15: Makes adequate provisions for the transportation, storage and disposal of hazardous substances and materials as defined by State and Federal Law; The storage of chemicals, explosives, or hazardous items as defined by the National Fire Protection Association Code 704, Class 3 or 4 materials are not permitted.

Findings: Adequate storage will be provided for any flammable materials used in servicing vehicles. Approval of this application is subject to an inspection by the Goodwins Mills Fire Chief for adequate storage of flammable materials.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Standard 16: Will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which could be avoided by reasonable modification of the plan.

Findings: The proposed business use will occur inside an existing building with no discernible impact on abutters, sightlines or wildlife habitat.

Conclusion: Based on the above information and the information in the record the Board finds the applicant meets this standard by a vote of:

Yes 5 No 0 Abstain 0

Based on the above findings and conclusions, on October 18, 2023, the Planning Board voted to approve your application to open and operate an automotive repair inspection station, under the

allowed permitted use of Automotive Sales and Service category in the General Purpose District of the Lyman Zoning Ordinance. With the following conditions:

1. Approval is dependent upon, and limited to, the proposals and plans contained in this application; supporting documents, oral representations submitted and affirmed by the applicant, and any variation from the plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. It is the applicant's responsibility to obtain all other state required permits associated with this use.
3. Approval is dependent upon the applicant meeting the following conditions:
 - a. Satisfactory initial inspection by the Goodwins Mills Fire Department and the Town of Lyman Electrical Inspector for fire protection, mitigation of fire hazards, storage of combustible materials and electrical hazards. Follow-up inspections must be conducted every 5 years. It is the responsibility of the applicant to schedule these inspections.
 - b. Business hours may not exceed 8 am – 5 pm, Monday through Friday, 9am – 4 pm Saturday.
 - c. A maximum of 10 vehicles are allowed on site for service at any time.
 - d. No more than 110 gallons of waste oil and 110 gallons of waste antifreeze may be stored on site at any time. The waste oil and antifreeze must be stored in drums that rest on a concrete pad with a peripheral containment berm that has a cover.
 - e. Sales of vehicles are not permitted onsite unless approval is obtained from the Planning Board.

MINUTES:

Planning Board Meeting Minutes of 10/4/23 were approved.

OLD BUSINESS:

Harper Residential Subdivision
MX207


SET NEXT AGENDA:

Merry Morning
Rustic Dreams

ADJOURNMENT:

Rod Tetu made the motion to adjourn at 7:16 PM. Bill Single seconded. All voted in favor.


APPROVED DATE: 11/01/2023



Roderick Tetu, Chairman




Cecile Dupuis, Secretary



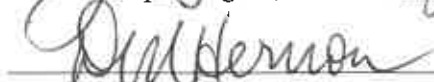
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