

TOWN OF LYMAN
PLANNING BOARD MEETING MINUTES
April 17, 2024

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 Joseph Wagner called the Meeting to order at 6:02 PM. Noting attendance at the meeting of Planning Board members: Donald Hernon, William Single, Cecile Dupuis and Kevin Veilleux, and Code Enforcement Assistant, Julie Lemieux. Planning Board member Kelly Demers was absent. Members of the public in attendance were: Jenn Tardif and Rodney Tardif.

Kevin Veilleux made a motion to appoint Bill Single as a full voting member for this meeting due to the absence of Kelly Demers. Cecile Dupuis seconded the motion, with all voting in favor.

NEW BUSINESS:

Marc Lapointe – 212 Wadleigh Pond Rd – Map 26 Lot 027 – Mr. Lapointe is looking to rebuild and add a deck to the house in the Shoreland. He did not attend the meeting, so discussion was tabled until a future meeting.

Jimmy Thyng – Clarks Woods Rd – Map 11 Lot 014 – Mr. Thyng is looking for information on what might be allowed to add two apartments over his new garage. He was unable to attend the meeting, so discussion was tabled until a future meeting. The Board also discussed having one of the interim CEOs reach out the Mr. Thyng to answer questions.

Rodney Tardif – off Duke Ln – Map 07 Lot 103-2A2 – The Board reviewed the criteria for granting the waiver on the composition of the private road Mr. Tardif requested based on Section 3/1 of the Street Acceptance, Design and Construction Standards Ordinance.

Waiver of Design Requirements:

The Street Ordinance Section 3.1, Waivers of Exempt Private Way Design Standards, provides criteria for the Staff Review Committee to waive or amend certain design standards of Table 2.3 of the Street Ordinance. As noted in Finding of Fact #13 in the Notice of Decision, the Lyman Staff Review Committee is not currently in operation, so the Board has reviewed the applicant's request for a waiver of Table 2.3 requirements, as follows:

Street Ordinance Section 3.0 Variances and Waivers:

3.1.1 The proposed waiver or amendment is not necessitated by the actions of the applicant or prior owners, or due to violations of applicable Town of Lyman Ordinances.

Findings: The Board discussed this requirement and noted that it did not appear that the applicant knowingly used Bank Run gravel vs MDOT Type D gravel in the construction of the private way in violation of Street Ordinance Table 2.3 Private Way Construction Standards. The construction of the private way has been accepted by the Lyman Road Commissioner.

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

Bill Single made a motion that the applicant meets requirement 3.1.1. Kevin Veilleux seconded the motion, with all voting in favor.

3.1.2 The proposed waiver or amendment will not compromise public health, safety, or welfare.

Findings: The private way will serve two houses and contain a turnaround for emergency vehicle use.

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

Don Hernon made a motion that the applicant meets requirement 3.1.2. Cecile Dupuis seconded the motion, with all voting in favor.

3.1.3 The proposed waiver or amendment will not adversely impact surface or groundwater quality, slope stability, or environmental quality.

Findings: The private way has been constructed to facilitate rainwater runoff and contains culverts to direct runoff flow. Its construction has been accepted by the Lyman Road Commissioner.

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

Bill Single made a motion that the applicant meets requirement 3.1.3. Kevin Veilleux seconded the motion, with all voting in favor.

3.1.4 The proposed waiver or amendment will not generate on or off-site traffic impediments or hazards, nor endanger the free access or safety of emergency responders and emergency response apparatus and equipment.

Findings: The private way will serve two houses and has a turnaround for emergency vehicle use.

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

Don Hernon made a motion that the applicant meets requirement 3.1.4. Cecile Dupuis seconded the motion, with all voting in favor.

3.1.5 The proposed waiver or amendment will not effectively nullify the intent and purpose of this Ordinance, the Land Use Ordinance, the Lyman Subdivision Regulations, the Lyman Comprehensive Plan, or State law. The waiver does not nullify any local ordinance, regulation or plan. To the Planning Board's knowledge, the waiver does not conflict with any State law.

Findings:

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

Cecile Dupuis made a motion that the applicant meets requirement 3.1.5. Kevin Veilleux seconded the motion, with all voting in favor.

Richard & Judith Huot – 75 Barkers Pond Rd – Map 14 Lot 20 – The Board signed the Notice of Decision.

YMCA Summer Camp – 39 Muscatawa Rd – Map 06 Lot 043 – The Board signed the Notice of Decision.

Subdivision Performance Guarantee - The Board discussed the different ways in which other municipalities allow for the Performance Guarantee: a letter of credit, a bond, or a bank check to be put in a

town escrow account. The Board is considering adding a letter of credit and/or a bond but would like to discuss with the Town Manager and Treasurer if either of those options would pose any issues for them.

On a Plain Brewery – 347 Hill Rd – Map 11 Lot 137A – Joe Wagner signed the letter drafted after the March 20, 2024, meeting which states that On a Plain Brewery’s plan to have contained outdoor seating does not conflict with the original Notice of Decision. This letter will be given to the Town Manager and shared with the Select Board.

Kyle Gassman – 66 Shore Rd – Map 16 Lot 008 – The Board received a letter from neighbors of Mr. Gassman. When Mr. Gassman attended a Planning Board Meeting in February, the Board stated that the dock in question does not touch the shoreline and therefore is not with the code enforcement officer jurisdiction, also it is not permanent so it’s not within the State Department of Environmental Protection jurisdiction. Aside from the dock there seem to be other issues here. The dock is in the water at the end of a right of way that is shared.

Don Herson made a motion that a copy of the letter be sent to the Town Manager requesting that she review it and if necessary, ask for guidance from the town attorney. Kevin Veilleux seconded the motion, with all voting in favor.

Don Herson read the letter he sent to the Town Manager and Select Board that states he will not be looking for reappointment to the Planning Board when his term ends on June 30, 2024.

MINUTES:

Planning Board Public Hearing Minutes of 3/20/24 were approved.

Planning Board Meeting Minutes of 3/20/24 were approved.

SET NEXT AGENDA:

Marc Lapointe - Review and sign NOD if ready

Rodney Tardif – Sign NOD

J. Jacques LLC – 1 S Waterboro Rd – Use of church



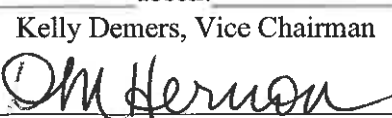

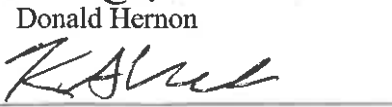
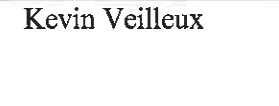
Jimmy Thyng – ADUs allowed over garage

Subdivision Performance Guarantee

ADJOURNMENT:

Don Herson made the motion to adjourn at 6:47 PM. Bill Single seconded. All voted in favor.

APPROVED DATE: 5/1/24

 Joseph Wagner, Chairman	absent
 Cecile Dupuis, Secretary	 Kelly Demers, Vice Chairman
 William Single	 Donald Herson
	 Kevin Veilleux