

TOWN OF LYMAN
PLANNING BOARD PUBLIC HEARING MINUTES
June 5, 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.

Roll Call to determine the presence of a quorum taken followed by the recitation of the Pledge of Allegiance

PUBLIC HEARING CALL TO ORDER: Chairman Joseph Wagner called the Public Hearing to order at 5:30 pm, to review suggested changes to the Performance Guaranty requirements of the Lyman Subdivision regulations.

Attendance at the Public Hearing included Planning Board members: Donald Herson, William Single, Kevin Veilleux, Kelly Demers, Cecile Dupuis, Code Enforcement Officer Rebekah Thompson and Code Enforcement Assistant Julie Lemieux. Members of the public in attendance were: Heather Chase, Dina Jordan, Andy Jordan, Martha Fishback, Nicole Bateson, Josh Nason, Judy Morin, Steve Joyce, Jessica Stinson, Barbara Hull, Richard Hull, Maxwell Harper, Keri-Ann Johnson, and Joe Marden (not on sign in sheet).

The public hearing was recorded.

DISCUSSION:

Kevin Veilleux read the current version of the Subdivision Performance Guaranty regulation and the proposed revision that would add to the present check to be deposited in an escrow account the options of a letter-of-credit or a bond.

Josh Nason, Brook View subdivision, stated that under the current single option regulation for a performance guaranty requirement he is having trouble getting funds released in order to pay his subcontractors. Mr. Nason stated that the civil engineer selected by the town seems to misunderstand the arrangement as a bond has been unresponsive to his attempts to contact him. Mr. Nason stated that meetings with the Town Manager and Town Treasurer have not resulted in a resolution.

Joe Wagner alluded to and Don Herson read an email on the proposed change from Lyman resident Michelle Felicitti which inquired about the origin of the proposed wording and the specificity of the language. Conversation with Mr. Nason during the review of his Brock Road development initiated the Board's decision to review the Performance Guaranty in the Lyman Subdivision Standards. Kevin Veilleux conducted considerable research on the issue. It was found that model subdivision regulations from the Southern Maine Planning and Development Commission included three options [check, letter-of-credit and bond] as did the ordinances in numerous municipalities in southern Maine. Mr. Veilleux drafted language that included all three options. The Town Treasurer suggested adding "at the Town's discretion" to this language. Although regulations from Waterboro and Westbrook only refer to "the Town" it was suggested that "at the Town Treasurer's discretion" be inserted to specify and clarify where in the Town government would this authority reside.

With no further input or questions from the public or the Planning Board, Kelly Demers made a motion to close this segment of the Public Hearing at 5:45 pm. Cecile Dupuis seconded the motion, with all voting in favor.

The Planning Board opened the subsequent Public Hearing at 5:45 pm to discuss the application from J Jacques LLC – 1 South Waterboro Road – Map 13 Lot 012.

DISCUSSION:

Applicants Judy Morin and Steve Joyce presented their proposal to open the church for small religious congregations to gather and hold services and to use the hall for wellness-based care such as yoga and Pilates classes.

Heather Chase expressed concerns about traffic flow at the busy intersection of South Waterboro Road and Route 35 given the proximity of a school bus stop and a nearby day care facility.

Rick Hull spoke in support of the proposed uses of the building. Mr. Hull also mentioned concerns regarding parking and asked if a traffic review would be conducted.

Martha Fishback approved of the project stating that this is an excellent opportunity for the public to experience “alternate ways of healing”.

Chairman Wagner suggested having a conversation with the abutting private school/daycare about how they deal with traffic

Mr. Hernon asked about the expected maximum sizes of classes and the number of clients during the normal usage of the building. Mrs. Morin answered that she expected to have 15 people and an instructor for yoga classes and 3 to 4 people in the meeting rooms.

Cecile Dupuis asked about the number of parking spaces and Mr. Joyce answered at present 17 marked spaces and an additional 3 or four spaces could be used for parking in the small adjacent driveway.

Mr. Veilleux asked about the use of the adjacent Mason’s lodge parking lot for additional parking and Mr. Joyce responded that there was no intent to ask.

ADJOURNMENT:

With no further input or questions from the public or the Planning Board, Mr. Demers made a motion to close the Public Hearing at 5:54 pm. Mr. Hernon seconded the motion, with all voting in favor.

APPROVED DATE: 6/26/24

Joseph Wagner, Chairman

Kelly Demers, Vice Chairman

Cecile Dupuis, Secretary

Donald Hernon

William Single

Kevin Veilleux

TOWN OF LYMAN
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REGULAR MEETING CALL TO ORDER: Chairman Joseph Wagner called the Meeting to order at 5:54 PM. Noting attendance at the meeting of Planning Board members: Donald Herson, William Single, Kevin Veilleux, Kelly Demers, Cecile Dupuis, Code Enforcement Officer Rebekah Thompson and Code Enforcement Assistant Julie Lemieux. Members of the public in attendance were: Heather Chase, Dina Jordan, Andy Jordan, Martha Fishback, Nicole Bateson, Josh Nason, Judy Morin, Steve Joyce, Jessica Stinson, Barbara Hull, Richard Hull, Maxwell Harper, Keri-Ann Johnson, and Joe Marden (not on sign in sheet).

NEW BUSINESS:

Subdivision Performance Guaranty

The Board reviewed the input from the public hearing on the proposed change to the Subdivision Standards regulation on the Performance Guaranty requirement, section 7.2.1. The Board agreed to insert “at the Town Treasurer’s discretion” to the proposed change to specify and clarify where in the Town government would this authority reside. Mrs. Dupuis moved to forward the revised proposed language to the Town Manager, requesting that it be reviewed by Town Counsel and the Select Board. Mr. Demers seconded. All voted in favor.

J Jacques LLC – 1 S Waterboro Rd – Map 13 Lot 012

From the previous review of the application, it was noted that information on parking and the septic system was needed. Information on parking [17 spaces] and size of parking spaces was provided. No available information on the septic system [circa 1970s] was available in town records.

It was noted that no surveyor’s seal was shown on the submitted plan. Applicant noted that the application form permits the submission of a to-scale drawing.

Overflow parking and hours of operation were discussed. Post workday, evening class times were expected. Mr. Herson suggested the applicant request the projected maximum number of hours of operation so that the applicant would not have to periodically re-appear before the Planning Board in the future for revisions. The applicant suggested a 7AM to 8PM time frame might be optimal. Evening church services are a possibility, It was suggested that unless adverse conditions or complaints surface in the future, that the times at which church events may be held be not limited by a set time frame. Mr. Wagner referred back to the 7AM to 8PM time frame. Input from the applicant and Mr. Hull suggested a longer evening operation window. Bill Single suggested a time frame of 11PM to 5AM for non-operation.

It was noted that an inspection by the Goodwins Mills Fire Department Chief would be a condition of approval.

The Planning Board considered the 16 Standards for Site Plan Review as specified in 8.3.6 of the Lyman Zoning Ordinance.

Note: Mr. Demers recused himself from voting on the proposal. Mr. Single had been previously appointed as a full voting member for this project.

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

Findings: Mr. Hernon proposed that the project may be classified under Professional Service and Church categories of the Lyman Zoning Ordinance, both permissible uses in the Residential zoning district where their property is located. Mrs. Dupuis moved the applicant meets Standard 1 under these classifications. Mr. Hernon seconded.

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: Although traffic remains a concern, it is specifically addressed in Standard 4. Mr. Hernon moved the applicant meets Standard 2. Mr. Single seconded.

Conclusion: Based on the above information and the information in the record the Boards finds the applicants meet 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 presented to show that the improvement and repurposing of the building would have an adverse effect on adjacent or nearby property values. Mr. Hernon moved the applicant meets Standard 3. Mrs. Dupuis seconded.

Conclusion: Based on the above information and the information in the record the Board finds the applicants meet 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: It was proposed as a condition of approval that the applicants seek any available traffic data on the South Waterboro Road/Route 35 intersection from the Maine Department of Transportation, the York County Sheriff's Department and the Goodwins Mills Fired Department. With this condition, Mr. Hernon moved the applicant meets Standard 4. Mr. Single seconded.

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

Yes 5 No 0 Abstain 0

Standard 5: Will not result in fire danger.

Findings: It was noted that a permit for occupancy would require inspections from the Goods Mills Fire Department, the Code enforcement Officer and the Electrical Inspector. Mrs. Dupuis moved that the applicant meets Standard 5. Mr. Hernon seconded.

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: The applicants propose no excavation. The project involves the renovation of existing structures. No flood hazards, flood damage, drainage problems, ground or surface water contamination, or soil erosion are foreseeable. Mr. Wagner moved that the applicant meets Standard 6. Mrs. Dupuis seconded.

Conclusion: Based on the above information and the information in the record the Board finds the applicants meet 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: As mentioned under Standard 4, as a condition of approval, the applicants are directed to seek any available traffic data on the South Waterboro Road/Route 35 intersection from the Maine Department of Transportation, the York County Sheriff's Department and the Goodwins Mills Fire Department. Mrs. Dupuis moved that the applicant meets Standard 7. Mr. Hernon seconded.

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: As a condition of approval, exterior lighting on the building and in the parking area must be shown on the site plan. With this condition Mr. Wagner moved that the applicant meets Standard 8. Mrs. Dupuis seconded.

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: No changes to existing landscaping is proposed. Mrs. Dupuis moved that the applicant meets Standard 9. Mr. Single seconded.

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: Parking was addressed by the applicant. Traffic information as previously required under Standard 4 will be considered in determining any potential additional parking needs. Mr. Wagner moved that the applicant meets Standard 10. Mr. Veilleux seconded.

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 existing septic system was installed around 1972. The applicants state that water testing found no contaminants. As a condition of approval, the applicants are to acquire from a professional service data on the capacity and condition of the existing septic system. Mr. Wagner moved that the applicant meets Standard 10. Mr. Veilleux seconded.

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 4 No 1 Abstain 0

Standard 12: Makes provisions to control erosion and sedimentation.

Findings: No movement of soils nor any excavation is proposed for this project. Mr. Wagner moved that the applicant meets Standard 12. Mr. Veilleux seconded.

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 applicants propose no changes to the site that would affect stormwater. The Board did not find any storm water issues during the site walk. There is no record of previous drainage issues regarding this property. Mrs. Dupuis moved that the applicant meets Standard 13. Mr. Veilleux seconded.

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: Regarding water for fire protection purposes, as previously noted, an inspection by the Goodwins Mills Fire Department will be conducted and a copy of the findings will be provided to the Planning Board. A sprinkling system for this project is not required under the Lyman Zoning Ordinance. Mr. Hernon moved that the applicant meets Standard 14. Mr. Single seconded.

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: No hazardous materials will be stored on site. Mr. Wagner moved that the applicant meets Standard 15. Mrs. Dupuis seconded.

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: No scenic vistas nor wildlife habitation were noted at the Site Walk. Mr. Hernon moved that the applicant meets Standard 16. Mr. Wagner seconded.

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

Mr. Wagner moved that the applicant's proposal be approved with the conditions regarding the additional traffic and septic system information and the illustration of lighting on the Site Plan. Mr. Hernon seconded. All voted in favor.

Harper Residential Subdivision – Map 03 Lot 087-3 and a portion of 87-2

Max Harper explained the issues he has faced over recent years in pursuing the development of his property on Kennebunk Road – the Town’s discontinuation of the road, the uncertainty over the border between Lyman and Alfred and the question as to whether the roads in the proposed development must be paved.

The Board mentioned concerns regarding stormwater runoff if gravel roads were built. Interpretations of section 2.3 of the Lyman Street Acceptance, Design and Construction Standards Ordinance from the SMPDC were read. Inconsistencies were noted between the narrative of this section and its attendant chart.

Given the perceived intent of the ordinance and what is being proposed in this project, Mrs. Dupuis moved that paving not be required unless the lots increase to 11 or more; such an increase would require an amendment to the subdivision proposal. Mr. Hernon seconded. The Board approved the motion 4-1.

Keri-Ann Johnson – Encompass Joy – 1301 Alfred Rd – Map 12 Lot 18

Following up on an initial presentation, Mrs. Johnson explained that the residence at 1301 Alfred Road will remain a long-term rental. 1303 Alfred Road, previously approved for a meadery, will be a location for food truck with outside seating. Cement pads for the trucks are a possibility as is the provision of a portable lavatory. What was Ashley’s located in Alfred will remain under the classification of, if not under the operation as, a restaurant.

It was found that the application was incomplete. An appointment between the applicant and the CEO was set up to go over the 20 data requirements for applications. A Site Walk was set for Saturday June 29 at 10AM. A public hearing on the project was set for the July 10 Planning Board meeting set for 5:30 PM.

OLD BUSINESS:

The status of previous issues was reviewed. The Code Enforcement Administrative Assistant will check on the status of paperwork for a home occupation permit submitted by Jon Platts at 72 West Shore Road.

MINUTES:

Planning Board Meeting Minutes of 5/15/24 were reviewed. Mr. Demers moved to accept, Mrs. Dupuis seconded, all voted in favor.

OTHER:

The third quarter Planning Board report was reviewed. Mr. Hernon moved to accept, Mr. Veilleux seconded, all voted in favor.

Mr. Hernon stated, given his reservations about access to his personal email account and the absence of a town-provided email account, he is uncomfortable with the town acceptable use agreement and will no longer respond to Planning Board business via email.

SET NEXT AGENDA:

Ray Bernier – proposed storage shed rental

Salem Capital Group – re-open Lyman Variety

Makenzie Goudreau – in-home day care proposal

Keri-Ann Johnson – changes in use of Ashley’s restaurant location

ADJOURNMENT:

Kelly Demers made the motion to adjourn at 8:18 PM. Cecile Dupuis seconded. All voted in favor.

APPROVED DATE:

6/26/24

Joseph Wagner, Chairman

Kelly Demers, Vice Chairman

Cecile Dupuis, Secretary

Donald Hernon

William Single

Kevin Veilleux

