

TOWN OF LYMAN

PLANNING BOARD MEETING MINUTES

August 7, 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 (PB).

REGULAR MEETING CALL TO ORDER: Vice Chairman Kelly Demers called the Meeting to order at 5:32 PM. Noting attendance at the meeting of Planning Board members: Kelly Demers, William Single, Cecile Dupuis, and Kevin Veilleux, Town Health Officer Eileen Kelly, Code Enforcement Officer Rebekah Thompson and Code Enforcement Assistant, Julie Lemieux. Members of the public in attendance were: Daniel Crook, Josh Nason, Greg Earley, Bob Jerrier. Bill Single will remain a full voting member.

NEW BUSINESS:

Bill Single asked that the board allow Josh Nason to ask the Planning Board for direction. Josh explained that he followed the ordinance putting 2% of the cost per inspections in escrow. Three inspections have taken place and there are more coming. The cost is already up over 9,000. Most inspections have been costing over 3,000. He was advised to put 6,400 in escrow. Now he is being asked for additional funding with no answers and no contracts from the town. He was told that his project ran over budget so he owes the difference. Kelly Demers stated that once the Planning Board signs off on the application, the town takes care of the rest. The Code Enforcement officer confirmed that the town was handling the issue.

Daniel Crook-Salem Capitol Group-301 Middle Road-Map 4 lot 43-4 reopening gas station/convenience store with additional catering. Mr. Crook is going to move his current establishment: commercial kitchen, office and storage in Wells to this new location. He is currently running a couple of food trucks. This facility will also be a gas station. There will be no significant changes to the facility. Cecile Dupuis asked for clarification of what equipment will be need that does that exist already in that building. There will definitely be interior seating as there was prior, three or four tables inside, a few high tops and a bench. He will use the existing signage. The gas station inspection is good until 2036, the tanks are above ground. Bill Single asked if diesel fuel will be sold. Only 2 types of fuel will be sold and these have not been decided yet. The board reviewed the checklist according to section 8- 8.3.8 of the LZO.

8.3.4 Fee as established by the Select Board. Approved by all.

8.3.5C Provide three sets of mailing labels of abutters within 500' of the property. Approved by all.

8.3.8

1. Site plan drawn to scale not smaller than 1-inch equals 40 feet: applicant will request a waiver to allow scale 1 to 50. Approved by all.
2. Name and address of applicant plus name of the proposed development. Approved by all.
3. Total floor area, ground coverage and location of each proposed building structure or addition. Not applicable, approved by all.
4. A perimeter survey of the parcel that was made and certified by a registered land surveyor licensed in Maine, relating to reference points. Plan must show true or magnetic North, a graphic scale, corners of the parcel, date of survey and total acreage. Approved by all.
5. All existing and proposed setback dimensions. Approved by all.
6. Size, location, direction and intensity of illumination of all major outdoor lighting, apparatus and signs. Applicant will use pre-existing lights and signs. Approved by all.
7. The type, size and location of all incineration devices. There will be no incineration devices. Not applicable. Approved by all.
8. The type, size and location of all machinery likely to generate appreciable noise at the lot line as well as estimated decibel level at property lines. Bill Single asked if the food trucks would be operating there, hence a generator could generate noise. No food trucks will operate at that location. Not applicable. Approved by all.
9. The location, type and size of all existing and proposed catch basins, storm drainage facilities, wetlands, streams and water courses as well as all utilities both above and below ground. Applicant requested waiver, there are no changes. Kevin Veilleux confirmed that catch basin location is not on the survey. Bill Single suggested that since this was an operational business with an approved plan in the past that the Planning Board should allow a waiver. The Planning Board agreed to confirm the catch basin location during the site walk. Approved by all.
10. All existing contours and proposed finished grade elevations of the portion of the site which will be altered and the system of drainage proposed to be constructed. Contour intervals shall be specified by the Planning board. Not applicable. Approved by all.
11. Location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking spaces, etc and a layout thereof together with dimensions. No changes to the landscape. The parking spaces layouts are not on the survey. Applicant will draw parking spaces and the Planning Board will verify.
12. All proposed landscaped area, size and type of plant material on the premises. Applicant will use current landscape. Approved by all.
13. All existing or proposed rights-of-ways, easements or other legal restrictions which may affect the premises in question. None documented. No changes. Approved by all.

14. Property lines of all properties abutting the proposed development including properties across the street or across a water body together with the tax map and lot numbers, property owner names, mailing addresses on file at the town office within 10 days of the filing of the application. Cecile Dupuis asked if the abutters on the plan are current. The applicant agreed to update the plan with the current abutters. Approved by all.

15. An appropriate box on each page of the plans for the signatures of the Planning Board. Approved by all.

16. Documentation of right title interest in the proposed site. Approved by all.

17. Onsite soils investigation report by a Maine state licensed site evaluator. The report shall identify the type of soil, location of all test pits and the proposed location and design for subsurface disposal systems. Approved by all.

18. The type of any raw, finished or waste material to be stored inside or outside the roofed buildings including their physical chemical properties if appropriate. Applicant will have provisions for food, soap, sanitizer as well as cooking grease. Approved by all.

19. Traffic data: the planning board may require that the applicant include the traffic engineering study, should the project be considered one of substantial magnitude along any of the town's state highways where fast-moving traffic occurs. Since this application is for an already existing business that was already permitted for the same use, the planning board voted to not require a traffic study. Approved by all.

20. Any other information or data the planning board determines is necessary to demonstrate the compliance with town, state and federal regulations. Bill Single asked if there are state requirements to get inspections or permits? The applicant will renew his catering and liquor licenses and will acquire a nicotine license. Kevin Veilleux requested that approval be held off until the site walk. Approved by all.

A site walk is schedule for Sunday August 18, 11 AM. A public hearing is scheduled for September 4 at 5:30 PM.

Scott/Seth Drown-35 Duke Lane-Map 5 Lot 21. Earth moving activities.

Applicant wants to run an excavation business from his property. The 39-acre parcel has a 14 ft by 66 ft trailer, two storage trailers and a conex. The use will be a storage area for stone, and screened loam that will be taken back and forth. Audience member Greg Early asked that if Seth Drown is the property owner, why is he not here addressing the Planning Board. He also asked if the trailer has an occupancy permit. CEO confirmed that he does. The audience was advised that when the public hearing is set, the public can attend and have an opportunity to speak. Cecile Dupuis read the statement on the application that requires a letter from the owner giving authorization for one to act on the owner's behalf. The application is missing a letter of authorization. Advice was given to the Scott to review the zoning ordinance on mineral extraction/earth moving activities. Greg Earley expressed concern

about old equipment and the possibility of leaking hydraulic fluid, diesel fuel into the ground. The runoff is a concern to be addressed. The Planning Board is definitely going to need a full complete survey. The applicant/agent was advised to work with code enforcement to ensure that the application is complete.

SET NEXT AGENDA: 8/21/2024

Dan Crook-Salem Capitol Group-301 Middle Rd-Map 12 Lot 18-1 site walk review.

Seth Drown-35 Duke Lane-Map 5 Lot 21

Set agenda for 9/4/2024

Review minutes

Cecile Dupuis motioned to approve the agenda and Kevin Veilleux seconded. All were in favor.

CEO UPDATES:

CEO spoke with the town manager about the changes the Planning Board wanted to make to the application form and the suggestion is to keep it as it is because it mirrors the ordinance. A plan done by surveyor is great but we can't require it. We can however require perimeter survey and the only language she thought would be better to add is just on the second page, the explanations differentiating how the site plan is different than the perimeter survey.

Bill Single brought up the requirement to document who voted and how. Kelly Demers stated unless there is dissension or an opposition vote or an abstaining, it would be a unanimous vote by the members. The Board discussed video vs printed document for recording minutes, ordinances vs public opinion at hearings, the need for presenting completed applications to the Planning Board and applicant documented requests to waive certain requirements.

CEO will get a legal opinion from MMA as to whether meeting minutes need to be in writing even if video recording is available to the public.

MINUTES:

Planning Board Public Hearing minutes for 7/10/2024 were reviewed. Cecile motioned to accept; Bill seconded. Approved by all.

Planning Board Meeting minutes for 7/10/2024 were reviewed and adjusted. Cecile motioned to accept; Kevin seconded. Approved by all.

Planning Board Public Meeting minutes for 7/17/2024 were reviewed. Kevin motioned to accept; Bill seconded. Approved by all.

ADJOURNMENT:

7:09 PM: Kevin Veilleux motioned to adjourn; Cecile Dupuis seconded.

APPROVED DATE: 5-21-2024



Kelly Demers, Vice Chairman



Bill Single



Cecile Dupuis, Secretary



Kevin Veilleux

