

TOWN OF LYMAN
PLANNING BOARD PUBLIC HEARING MINUTES
July 10, 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.

PUBLIC HEARING CALL TO ORDER: Vice Chairman Kelly Demers called the Public Hearing to order at 5:31 pm, to review the application of Keri-Ann Johnson, Encompass Joy LLC.

Attendance at the Public Hearing included Planning Board members: Kevin Veilleux, William Single, Code Enforcement Officer Rebekah Thompson and Code Enforcement Assistant Julie Lemieux. Members of the public in attendance were: Gail Rousseau, Keri-Ann Johnson, Mary Daniels, Cheryl & Daniel Dubois, Phil Daniels, Heidi Biber, Benjamin Darrah, and Diane Robbins-Mockas.

The public hearing was recorded.

DISCUSSION:

The Planning Board opened this Public Hearing at 5:31 pm to discuss the application from **Keri-Ann Johnson – Encompass Joy – 1301 Alfred Rd – Map 12 Lot 18-1**

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 Arundel will remain under the classification of, if not under the operation as, a restaurant.

Benjamin Darrah would like to have a fence buffer along his sideline to avoid people wandering onto his property.

Gail Rousseau is concerned about the traffic along that stretch of Rt 111, and in particular, the safety of getting in and out her driveway.

Diane Robbins-Mockas asks about hours of operation and if Lyman has a food truck ordinance.

Benjamin suggests some signs to keep people off his property.

Dan Dubois - no objections, suggests maybe State Police can add signs or have cruiser station in area to slow traffic.

Gail Rousseau issues caution about MDOT fixes.

Keri-Ann suggests a traffic light at nearby intersection.

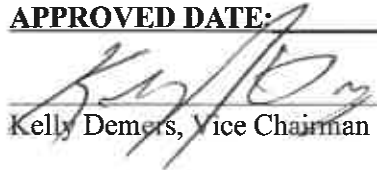
Gail reiterates that traffic lights are not always the solution.

ADJOURNMENT:

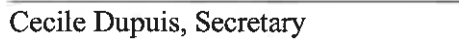
Kelly Demers asks for motion to close the Public Hearing. Kevin Veilleux makes a motion to close the public hearing, Bill Single seconds. Kelly Demers closes the public hearing at 5:50 PM.

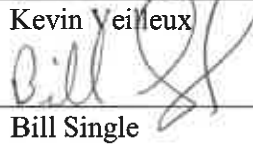
APPROVED DATE:

8/7/24


Kelly Demers, Vice Chairman


Kevin Veilleux


Cecile Dupuis, Secretary


Bill Single

TOWN OF LYMAN
PLANNING BOARD MEETING MINUTES

July 10, 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: Vice-Chairman Kelly Demers called the Meeting to order at 6:50 PM. Attendance at the meeting included Planning Board members: Kevin Veilleux, William Single, Code Enforcement Officer Rebekah Thompson and Code Enforcement Assistant Julie Lemieux. Members of the public in attendance were: Gail Rousseau, Keri-Ann Johnson, Mary Daniels, Cheryl & Daniel Dubois, Phil Daniels, Heidi Biber, Benjamin Darrah, and Diane Robbins-Mockas. Planning Board member Cecile Dupuis was absent.

Kevin Veilleux makes a motion to make Bill Single a full voting member of the Board for the meeting. Seconded by Kelly Demers. 2-0 in favor.

NEW BUSINESS:

Keri-Ann Johnson – Encompass Joy – 1301 Alfred Rd – Map 12 Lot 18-1

Quick discussion about traffic. Bill mentions MDOT does not want to add more stop lights along Rt 111. Also mentions parking should be towards rear of café for added safety.

Site Plan Checklist Review per Section 8.3.8

1. A site plan drawn to scale not smaller than one-inch equals forty feet. (1" = 40')
Bill motions to approve, Kevin second. Discussion: Concern with shared property line and with missing property pin. Property line should be confirmed to avoid future conflict.
Approved 3-0
2. Name and address of the applicant plus the name of the proposed development.
Kelly motion to approve, Bill second. Approved 3-0
3. Total floor area, ground coverage and location of each proposed building, structure, or addition.
Bill motion to approve, Kevin second. Approved 3-0
4. Perimeter survey of the parcel, 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.
Waiver requested to use previously approved Orsted plan.
Bill motion to approve waiver, Kevin second. Waiver Approved 3-0
5. All existing and proposed setback dimensions.
Bill motion to approve, Kevin second. Approved 3-0
6. The size, location, direction, and intensity of illumination of all major outdoor lighting apparatus and signs.

Bill motion to approve, Kevin second. Approved 3-0 (No changes to existing).

7. The type, size, and location of all incineration devices.

Waiver requested since no such devices

Bill motion to approve waiver, Kevin second. Waiver Approved 3-0

8. The type, size, and location of all machinery likely to generate appreciable noise at the lot lines, as well as estimated decibel level at property lines.

Bill motion to approve, Kevin second. Approved 3-0

9. The location, type, and size of all existing and proposed catch basins, storm drainage facilities, wetlands, streams, and watercourses as well as all utilities, both above and below ground.

Waiver requested since no changes to existing site features

Bill motion to approve waiver, Kevin second. Waiver Approved 3-0

10. All existing contours and proposed finished grade elevations of the portions 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.

Waiver requested since no changes to existing site features

Bill motion to approve waiver, Kevin second. Waiver Approved 3-0

11. The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space area, etc. and layout thereof, together with dimensions.

Bill motion to approve with stipulation that applicant add parking space layout to site plan and resubmit. Kevin second. Approved 3-0

12. All proposed landscaped areas, size and type of plant material upon the premises.

Bill motion to approve, Kevin second. Approved 3-0 (No changes, maybe some added plant pots.)

13. All existing or proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.

Waiver requested since no changes to existing site features

Bill motion to approve waiver, Kevin second. Waiver Approved 3-0

14. The property lines of all properties abutting the proposed development, including properties across a street, or across a waterbody, together with the tax map and lot numbers, and property owners' names and mailing addresses on file at the Town Office within 10 days of the filing of the application.

Bill motion to approve, Kevin second. Approved 3-0

15. An appropriate box on each page of the plans for the signature(s) of the Planning Board.

Kevin motion to approve. Bill second. Approved 3-0

16. Documentation of right, title, or interest in the proposed site.

Kevin motion to approve. Bill second. Approved 3-0

17. An on-site soils investigation report by a Maine State Licensed Site Evaluator. The report shall identify the type of soil, location of test pits and the proposed location and design for the subsurface disposal system.

Waiver requested since no changes to existing site features

Bill motion to approve waiver, Kevin second. Waiver Approved 3-0

18. The type of any raw, finished or waste materials to be stored inside or outside of roofed buildings, including their physical and chemical properties, if appropriate.

Waiver requested since no planned materials

Bill motion to approve waiver, Kevin second. Waiver Approved 3-0

19. Traffic data: the Planning Board may require that the application include a 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 (i.e. Route 111, 35 or 5). Should a traffic study be requested by the Planning Board, the following data shall be included:

- The estimated peak-hour traffic to be generated by the proposal.
- Existing traffic counts and volumes on surrounding roads.
- Traffic accident data covering the last three (3) years.
- The capacity of surrounding roads, municipal facilities, parking, and any other improvements, which may be necessary on such roads and facilities to accommodate anticipated traffic generation.
- The need for traffic signals and sign or other directional markers to regulate anticipated traffic.

Bill motion to approve with no study needed, Kevin second. Approved 3-0

(Note: applicant did provide MDOT 24 hour traffic counts for nearby Rt 111 intersection)

20. Any other information or data the Planning Board determines is necessary to demonstrate compliance with Town, State, and Federal regulations.

Bill motion to approve, Kevin second. Discussion: Kelly mentioned possibly making one driveway entrance only and one exit only. Also recommend contacting MDOT to extend turning lane striping to bank property next door. Approved 3-0

16 Review Standards per Section 8.3.6.B

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

Findings: The applicant proposes that Food Trucks, BBQ Facility, and Beer & Wine Garden are a permitted use in the Commercial/Residential zoning district where the property is located under the definition of **Artisanal Food and/or Beverage Facility and Restaurant-Fast Food** and that the primary structure to be utilized on-site is existing.

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 3 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: The applicant proposes that the food trucks, BBQ facility and beer & wine garden will not negatively affect the abutting properties and not result in an increase in traffic from previous use as a restaurant.

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 3 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 adding food trucks, a BBQ facility and a beer & wine garden to a property previously used as restaurant would have an adverse effect on adjacent or nearby property values.

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 3 No 0 Abstain 0

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

Findings: The applicant proposes that food trucks, a BBQ facility, and beer & wine garden will not create a hazard to pedestrian or vehicle traffic or create significant traffic congestion. Outdoor seating will be as far away from road and parking as possible.

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 3 No 0 Abstain 0

Standard 5: Will not result in fire danger.

Findings: The applicant proposes that the food trucks, BBQ facility, and beer & wine garden will not result in a fire danger.

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 3 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 applicant proposes that no flood hazards, flood damage, drainage problems, ground or surface water contamination, or soil erosion will occur due to the proposed food trucks, BBQ facility, and beer & wine garden.

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 3 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 applicant proposes that there is adequate access to the site now and nothing is changing for ingress/egress.

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 3 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: The applicant proposes that additional outdoor lighting shown on the site plan is adequate for safety of pedestrians and seating occupants, will not interfere with motorists on Route 111, and will not damage the value or diminish the usability of adjacent 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 3 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: The applicant proposes this is not applicable due to the existing use.

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 3 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 applicant proposes that adequate parking and ingress/egress is shown on the site plan and that no hazards or burdens on public facilities are created by the proposed use.

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 3 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 to utilize an existing septic system and supplement with an on-site porta-potty, store and dispose of solid waste in a timely manner utilizing trash cans and a dumpster, and that no changes are proposed that would create ground or surface water contamination.

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 3 No 0 Abstain 0

Standard 12: Makes provisions to control erosion and sedimentation.

Findings: The applicant propose that the addition of two food truck pads, adding picnic tables and utilizing existing commercial building and parking areas will not result in additional measures necessary to control erosion and sedimentation.

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 3 No 0 Abstain 0

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

Findings: The applicant proposes no changes to the site that would affect storm water. The Board did not find any storm water issues during the site walk.

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 3 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 applicant proposes two self-contained food truck pads and utilizing an existing commercial structure containing an existing water supply for the BBQ facility and beer & wine garden.

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 3 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: The applicant proposes no storage of flammable or hazardous substances that may be used by occupants of the food trucks or commercial building other than those used for normal cooking procedures and those will be used and stowed in accordance with applicable NFPA codes.

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 3 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 applicant proposes that no site activities will affect occasional wildlife that may visit the site. The Board states that there is no evidence of significant wildlife habitat or scenic vistas.

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 3 No 0 Abstain 0

Decision:

Based on the above findings and conclusions, on July 10, 2024, the Planning Board voted to approve the application for **Artisanal Food and/or Beverage Facility and Restaurant-Fast Food** use on the site.

Approval Conditions

1. The applicants shall revise and re-submit the site plan showing the parking location area with parking spaces drawn to scale with dimensions as described in the Town of Lyman Zoning Ordinance, Section 10.12.

Board recommends that it is best interest of applicant get surveyor to mark property sideline with neighbor for clarity and possible placement of fence.

OTHER BUSINESS:

Dan Crooks still needs to make appointment with CEO.

Mackenzie Goudreau (daycare) – CEO handled as a home occupation.

MINUTES:

Planning Board Meeting Minutes of 6/26/24 were reviewed. Motion by Bill to accept. Seconded by Kevin. Approved by 3-0 vote.

SET NEXT AGENDA:

If nothing comes up, then will have workshop to discuss checklist discrepancies.

CEO UPDATES:

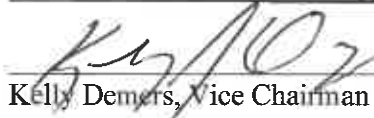
Kevin to do Encompass Joy LLC NOD, will email previous NOD to use as template.

With Cecile’s absence for next meeting, Kelly moves to have Bill be full member for 7/17/24 meeting.

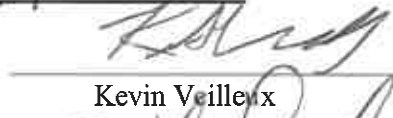
ADJOURNMENT:

Kelly Demers made the motion to adjourn at 6:51 PM. Kevin Veilleux seconded. All voted in favor.

APPROVED DATE: 8/7/24



Kelly Demers, Vice Chairman



Kevin Veilleux

Cecile Dupuis, Secretary



Bill Single