

**Planning Board Meeting Minutes**  
**Town of Lyman**  
**November 2, 2016**

**Members Present:** Chairman Roderick Tetu, Vice Chairman Donald Hernon, Joseph Wagner, David Dulong, and Kelly J. Demers; CEO Patti McKenna

**Chairman called the meeting to order at 7:00 p.m.**

**START 7:02 PM JASON AND JAYME MINER (MAP 15 LOT 18):** Nate Poissant, contractor representing the Miners, met with the Board following the site walk. He said it was great to have the Board come to the site to see what's there and the location of the r/w and road. He had marked the setbacks and the deeded right of way. He wants to help the Miners make the best decision before making an investment. The Board began discussion on setbacks. The markers were set roughly seventeen feet from the rear of the house to the edge of the right of way. Mr. Hernon asked, for clarification, if the garage and the garage doors are to remain and Mr. Poissant said that is correct. Mr. Hernon said the only feasible thing to suggest to the applicant is that they rotate the house and move it back, taking into consideration clearance for the garage doors. Chair said if they move it 30 feet back and turn the structure, there will be plenty of room for the garage doors. Mr. Dulong said "We measured from eave to eave a distance of 31 feet on the existing building so if you spun the building 90 degrees and moved it back, you could still move it 34 feet from the water (to the side of the house) and be set back from the right of way" having a setback of 30 feet.

Mr. Hernon asked how that sets with his plans and Mr. Poissant said they prefer the 25-foot setback keeping the septic tank in mind as it's not practical to move the tank and incur the additional cost. By law, the tank needs to be placed a minimum of eight feet from the foundation. Chairman thinks the 30 feet is fair. CEO interrupted the discussion before motions are made, that the Board needs to hold a public hearing. Neighbors may have something to say about it too. Mr. Poissant asked if that still factors in room for parking without using the right of way. Mr. Dulong said there will be 14 feet from the right of way but it also depends on the size of the building and addition. Mr. Poissant said if they take the 30 plus 31 = 61' and we look at the 75' mark from the water or use the actual distance of 78' less 61' that leaves only 17 feet which is not enough room for parking and a landing with steps and feels it's unreasonable. Chairman said they have additional land across the road and Mr. Poissant said that is a separate lot and is also where the leach field is located. Chairman said "Our issue is with your house, not your parking." In needing clarification, Mr. Poissant, asked if he was suggesting that they park in the right of way or across the road because he feels that is unreasonable. He said, per code, they need a landing with steps and parking. If you backtrack 30 feet, that is unreasonable. There is only 17 feet and that is not enough room.

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He said it's not practical to be so close with a 0' setback from the right of way as what was mentioned before. Chairman said he thinks 30 feet is more than fair and that they could require 34 feet. Mr. Poissant answered, "if that's what you're requesting then I still think it's unreasonable and it should be a little less than that." Mr. Hernon asked about the other side of the building. Mr. Poissant said the well and a fire pit are there and said "At what point do you want to put an impervious surface and affecting the water runoff and having vehicles parked closer to the water? It's best to keep any parking away from the water." Mr. Demers said there's nothing that says the entrance needs to be on the right of way side. Mr. Poissant said that design-wise it is more aesthetically appealing to have a door on the road side. Mr. Dulong said the "front" of the house is on the lake side, however Mr. Poissant said the "front" meaning where people enter the house. Mr. Hernon said the front could be placed wherever someone wants to place it. The garage accommodates at least one car for parking.

Mr. Wagner suggested having the public hearing and hearing comments from others. Mr. Poissant said he's willing to split the difference with the Board to a 27 ½' setback to allow for a landing, steps and parking. Mr. Dulong said negotiation time comes later to which Mr. Poissant said he understands that however his point is having room to park vehicles, have steps and a landing. A question was asked as to where they park now. He said "in the driveway right now" to which the Board said is in the right of way. Mr. Poissant said what they are trying to do is determine what is practical and what is reasonable and he respects where they are coming from, but he thinks there needs to be a little more buffer and concession. Mr. Demers is suggesting "a new survey with all setbacks with 25' and 30' and what can fit in there so we can actually visually see what the setbacks affect." Larger maps are needed for the public hearing.

Mr. Poissant said their initial goal was not to tear down and change the whole design, but to rebuild using almost the same footprint with a new foundation and not to turn the house 90 degrees, and that they had to consider the 25' setback. The block foundation does not protect from frost and he feels if the owners were going to invest a lot of money in remodeling or rebuilding, not demolishing and building a grandiose structure but keeping it the same size, they would move it back to the 25-foot setback. The 20-foot wide deeded right of way narrows near the house, which is currently 29'9"x38'4". He said the homeowners shouldn't have the burden of changing the right of way. The porch sits six feet from the water. He said five feet makes a difference. Chairman thinks 30 feet is a generous concession, since they could push it to 34 feet. In reviewing the numbers again, the dimensions are 78' from the water to the deeded right of way, depth of house is 38'4" + 100" for the front porch and other 50" for the steps which comes to about 50 ½' for house and porch which leaves 27 1/2 feet to play with. One unknown is if the house and porch will stay the same size. Ideally they don't want to be so close to the water. "If

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the garage stays, we don't want to block the garage door so it's not accessible to a vehicle," said Mr. Herson. It currently sits 72' from the high-water mark to the inside edge.

The Board's goal is to determine the setback. Mr. Herson said in taking the 50' it leaves about 32' with zero setback from the right of way. His suggestion is to have the public hearing and see what comes out of it. Mr. Poissant feels he has stated his case and is still hopeful for a compromise. In trying to avoid the "practical" word, Mr. Poissant is trying to be reasonable for his clients. Mr. Poissant said Option 2 is to keep the existing structure and foundation and affect the 50% expansion and come back before the Board, so what is the Board's understanding. The rules are the same. He knows he cannot do anything within 25' however if they decide on renovations at 50% or more what's expected from the Board. They said the rules are the same. He didn't understand. If they fully gutted interior and changed systems, if it ends up over the 50%, at what point does the Board get involved, what is the determination? CEO said it is determined by 50% of the market value, which is provided by the applicant and the town either accepts it or disputes it. It is not to their advantage to go over 50%. The Board can only look at the same criteria in the zoning for relocating or renovating over 50%. He feels there's a missing component between relocating or renovating/expansion. CEO read a paragraph on page 6 of the ordinance stating one additional criteria to look at. Mr. Demers said that the only one allowed to give a market value is an appraiser. CEO stated that the line the PB draws is what they'll have to work within the criteria and he will build beyond that line. The public hearing was set for November 16 at 6:45 pm. He'll be placed on the agenda at 7:00 pm **Completed at 7:40 pm**

**MINUTES:** Chairman moved to accept the October 19, 2016 PB meeting minutes as written, seconded by Mr. Wagner, all in favor. Mr. Herson moved to allow Mr. Demers as a full voting member for this meeting, seconded by Mr. Dulong, all in favor.

**MAIL:** Maine Townsman magazine

**NEW BUSINESS: NONE**

**OLD BUSINESS: NONE**

**OTHER BUSINESS:** The CEO said that the Comprehensive Plan Committee, in discussing the town hall and Cousens School, discussed what could be done with either of these buildings. They are both in the Residential zone which limits what people can do with these buildings. Maurice St. Clair, who is on the committee, said that in 2005 the Comp Plan recommended professional offices in the residential zone which we don't have. They requested we consider a zoning change at town meeting that we allow prof. offices in a residential zone with site review ie: doctors, dentists, etc. which is less intrusive of a use. Right now we allow restaurants and we have a whole strip on Goodwins Mills Road that could house prof. offices. Definition of a professional office in our zoning says someone with a degree, licensed such as doctor, lawyer, real estate broker (maybe oil burner technician). We should define it better. Cousens School is 10,000 square feet and Town Hall is a little over 3,000 square feet. It may be a better option than contract zoning but still place limits based on the size of the lot. There is a chiropractor on Route

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35 who is a home occupation and he lives there. Mr. Dulong said we should not allow the type of professional offices like near the hospital in Biddeford, not in residential zone. Prof service business are nail salons, hair salons, etc. but not limited to number of employees. More discussion followed and considering limits on size or creating Professional Office 1 and 2.

**OTHER:** If the referendum passes on marijuana in the State, we may have to adopt some regulations regarding marijuana shops.

**OTHER BUSINESS:** Mr. Hernon made more revisions to the Planning Board by-laws and looking for input by the Board. He clarified Secretary vs. Clerk in Article 3.4 Officers and Duties using charter wording. Mr. Dulong moved to accept, seconded by Chairman. Discussion followed: Mr. Wagner asked if any language should be in there that specifically delegates the recordkeeping from Secretary to Clerk or is it covered under supervision. Mr. Hernon said he included wording that stated the difference in their responsibilities. Mr. Hernon will clean up the wording and table it until the next meeting. Mr. Dulong moved to table his motion, seconded by Chairman, all in favor.

Set Meeting Agenda:

**AGENDA for November 2, 2016**

**7:00 pm Jason and Jayme Miner rep. by Nate Poissant**

**ADJOURNMENT:** Chairman moved to close the meeting at **7:58 pm**, seconded by Mr. Dulong, all in favor.

Respectfully submitted,

Irene C. Single, Clerk

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Roderick Tetu, Chairman

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Donald Hernon, Vice Chair

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Joseph Wagner

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David Dulong

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Cecile Dupuis

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Kelly J. Demers, 1<sup>st</sup> Alt.