

**TOWN OF LYMAN  
PLANNING BOARD MINUTES  
Public Hearing and Regular Meeting  
July 20, 2022**

**Note: These are summary minutes. A recording of the meeting is on file at the Lyman Town Hall and are 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 FOR MERRY MORNING LLC**

**CALL TO ORDER:** Chairman Roderick Tetu called the public hearing to order at 6:45 pm, noting attendance of: Donald Hernon, Cecile Dupuis, Paul Boucher, Kelly Demers, Bill Single and Shannon Richards. Also attending: Pat Mahoney, Ed Mahoney, Barbara Hull, Rick Hull, Jason Beaulieu, Dina Jordan, Andy Jordan.

Shannon Richards, representing Merry Morning LLC, explained the project located at 382 Goodwins Mills Road, Tax Map 11 Lot 122 (former Cousens School property) to convert the building to work space for the owners and offices for other professional artists to rent.

Public input:

Ed Mahoney asked if there was a site plan showing what the rest of the property would be used for. Shannon stated that the plan is to keep the property as is at this time.

Pat Mahoney asked where the parking lot will be located.

Barbara Hull asked if the ball field was staying. Applicant said yes and there is no plan to remove it.

Rick Hull stated that this project appears to be staged. Current plan addresses stage one, 2 offices. Subsequent development of future offices should require the PB to reevaluate if any retail activity is included. Such use would require traffic study and other considerations before granting of a permit. Mr. Hernon quoted the ordinance where professional office use does allow limited sale of goods and merchandise.

Dave Roberge asked if the application is going through Contract Zoning. PB stated that professional office use is an authorized land use. Will there be any additions to the building? If more than 2 offices in use then the parking plan is inadequate. PB stated that the parking plan is adequate and in line with the ordinance requirement. Applicant stated that this will not be retail space.

Since no other comments were offered, the public hearing was closed.

**MEETING**

The regular meeting began immediately following the public hearing.

**APPOINTMENTS:**

**Merry Morning LLC– 382 Goodwins Mills Road, Tax Map 11 Lot 122 – Application for professional offices**

Planning Board member Mr. Demers responded to the concern about the need for a traffic study by reminding the audience that attendance to games at the ball park as well as commuter pick up and drop

off at the school have historically generated traffic. Other PB members mentioned traffic from the day care center, church and trucks from the oil company. No traffic study is required at this time. Mr. Wagner asked if the applicant had any idea of the frequency of events such as art shows. Mr. Hernon made a motion to add a condition to limit the number of events, open to the public, to 24 per year. Mr. Tetu, seconded. Vote was 5-0.

PB discussed if there should be a restriction on the number of offices allowed in the building. Mr. Hernon stated that there are no restrictions stated in the ordinance. Mrs. Dupuis asked if the septic system was adequate. Mr. Tetu stated that the septic was inspected by Mr. Frick. Applicant said that the system was shut down for now. They were waiting for an inspection and if not adequate then they would replace it.

The Board reviewed the 16 standards of the Zoning Ordinance, section 8.3.6, as follows:

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

The use Professional Offices is allowed in the Residential District. Mr. Tetu made the motion that the applicant meets Standard 1, Mr. Wagner seconded. Vote was 5-0.

**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.**

The plan shows lighting. There is no plan to change the outside lighting. Traffic issue was discussed and a decision was made to not require a traffic study. Mr. Hernon made the motion that the applicant meets standard 2. Mr. Boucher seconded. Vote was 5-0.

**Standard 3: Will not have a significant adverse effect on the adjacent or nearby property values.**

There was no evidence presented to show this business would have an adverse effect on property values. The property has been vacant for a long time. Any improvement should increase the property value. Mr. Tetu made the motion that the applicant meets Standard 3. Mr. Wagner seconded. The motion passed 5-0.

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

Mr. Tetu stated that the applicant will be using the same curb cut and driveway that is currently in place. Mrs. Dupuis said that the traffic could actually decrease compared to the traffic generated by the previous use, the school. Based on the above information and the information in the record Mrs. Dupuis made the motion that the applicant meets Standard 4. Mr. Tetu seconded. The motion passed 5-0.

**Standard 5: Will not result in fire danger.**

Mr. Tetu mentioned that the existing stumps could be a fire danger. Applicant stated that contracts are out for bid for removing these. Mr. Wagner asked about kilns and other heating equipment and whether the fire suppression system is in place. Applicant stated that there are already working sprinkler and security systems in place. Mr. Hernon asked about solvents and other volatile substances and how these would be handled. A condition is added that the stumps be removed within one year. Mr. Tetu motioned that the applicant meets Standard 5. Mr. Boucher seconded. The motion passed 5-0.

**Standard 6: Will not result in flood hazards or flood damage, drainage problems, ground or surface water contamination or soil erosion.**

The applicant agrees that there will not be a significant amount of waste water. Used solvents will be put in containers in a temperature-controlled space then returned to the paint stores for disposal. Mr. Boucher made the motion that the applicant meets standard 6 and Mr. Wagner seconded. The motion passed 5-0.

**Standard 7: Will not create a safety hazard because of inadequate access to the site, or buildings for emergency vehicles:**

The applicant proposes that there is adequate access to the site now. There will be no change.

Based on the above information and the information in the record Mr. Tetu made the motion that the applicant meets Standard 7. Mr. Hemon seconded. The motion passed 5-0.

**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.**

The applicant proposes that she will not be placing additional outdoor lighting. There are 4 floodlights, one on each corner. Mr. Tetu made the motion that the applicant meets Standard 8. Mr. Boucher seconded. The motion passed 5-0.

**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.**

Mr. Tetu states that this requirement is not applicable since the landscape is not changing. Based on the above information and the information in the record Mr. Hemon made the motion the applicant meets the requirement for Standard 9. Mr. Wagner seconded. The motion passed 5-0.

**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.**

The property is already designed for vehicular parking and pedestrian circulation. Mr. Wagner made the motion that the applicant meets the conditions for Standard 10. Mrs. Dupuis seconded. The motion passed 5-0.

**Standard 11: Makes adequate provisions for the disposal of wastewater and solid waste for the prevention of ground or surface water contaminations.**

The applicant submitted a report from Albert Frick that states that the system that exists for the disposal of wastewater and solid waste more than meets the requirement. Mr. Tetu made the motion that the applicant meets the requirement for Standard 11. Mr. Boucher seconded. The motion passed 5-0.

**Standard 12: Makes provisions to control erosion and sedimentation.**

The lot is flat; no significant site work is taking place. Mr. Tetu made the motion that the applicant meets Standard 12. Mr. Wagner seconded. The motion passed 5-0.

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

The applicant proposes no change to the site that would affect storm water. The Board did not find any storm water issues during the site walk. Mr. Tetu made the motion that the applicant meets Standard 13. Mr. Boucher seconded. The motion passed 5-0.

**Standard 14: Provides a water supply which meets the demands of the proposed use and meets the needs for fire protection purposes.**

The water has been shut off for 5 years. Since it is unknown what the water supply output is, the Board placed a condition that documentation will be supplied confirming that the water supply is adequate for fire protection. Based on the above information and the information in the record Mr. Hernon made the motion the applicant meets this standard with the condition stated above. Mr. Boucher seconded. The motion passed 5-0.

**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.**

The applicant agrees that there will be solvent stored on site but cannot determine the maximum amount considering other tenants in the building. Mr. Hernon made a motion that the applicant meets the requirement with the condition that there is an inspection and documented approval from the Fire Department. Based on the above information and the information in the record Mr. Boucher made the motion the applicant meets Standard 15. Mr. Hernon seconded. The motion passed 5-0.

**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.**

There is no evidence of significant wildlife habitat on this property. Mr. Hernon made the motion that the applicant meets Standard 16. Mrs. Dupuis seconded. The motion passed 5-0.

Mr. Boucher made the motion to wave the submission requirement of section 8.3.8.1 for the site plan scale of 1" equals 40'. The scale of the site plan submitted is 1" equals 80'. Mrs. Dupuis seconded. The motion passed with all in favor.

**Decision:**

Based on the above findings and conclusions, Mr. Tetu made the motion to approve the plan, Mr. Wagner seconded. All were in favor to grant the approval of the application for the Merry Morning LLC professional office use with the following conditions:

**Conditions of Approval:**

To further promote the purposes of the Lyman Zoning Ordinance, the Planning Board has voted to impose the following conditions on the approval of this application:

1. Approval is dependent upon, and limited to, the proposals and plans contained in this application; supporting documents, oral representations submitted and affirmed by the applicant, and any variation from the plans, proposals and supporting documents and representations are subject to review and approval by the Planning Board.
2. The applicant shall remove all the stumps on the property within one year.
3. The applicant shall limit the number of public events to 24 per year.
4. The applicant shall confirm and document that there is adequate water supply for the use and fire protection.
5. The applicants shall install a new septic system in accordance with the plans submitted and provide documentation of operability to the Lyman Code Enforcement Officer.

**Jason Beaulieu – Beaulieu Logging LLC – Map 7 Lot 103 & 107 – 0 Alfred Road, Lyman – Application for wood recycling yard for brush, trees, stumps and making mulch**

The applicant explained that this operation will be making wood chips for playgrounds, residences, erosion control. Stumps will be dropped off (this operation exists in Biddeford also). 97 acres of a former gravel pit will be reclaimed. A permit is already secured from the DEP to remove all the existing material. Hills will be removed and replaced with treed buffers. DEP is also requiring a 500-foot perimeter setback where colored mulch cannot be stored. Stumps must be stored in a designated (by the DEP) three-acre area. Operation will be using no more than 7 acres of the parcel.

The Board reviewed the 19 data requirements as noted in section 8.3.8 16 of the Zoning Ordinance:

The following items are missing or require updates:

1. Scale not at 1"=40'
8. Location of the grinder not on the plan. DEP has designated the location. Include documentation of grinder's maximum decibel level.
9. Exact location of drainage. Plan has approximate location.
11. Size and location of parking spaces.
14. Name and address list of all property abutters and such noted on the plan or on a separate document.
16. Copy of deed
17. Soil investigation report
18. Type of any raw, finished or waste material and how and where stored
19. Include documentation of traffic study

Mr. Beaulieu is scheduled to attend the August 3, 2022 PB meeting at which time the PB will vote on the completeness of his application and will setup a site walk.

**NEW BUSINESS:**

Election of officers for fiscal year 2023: Mr. Demers suggested that the PB reelect Rod Tetu as Chairman, Don Hemon as Vice Chairman and Cecile Dupuis as Secretary. Mr. Wagner made the motion and Mr. Boucher seconded. All voted in favor.

The PB unanimously voted to accept the current 2022 Mission Statement as written to submit to the Select Board for year 2023.

The PB discussed the statement in the By-Laws where it specifies where notices are to be published. The wording "...in a newspaper of general circulation..." vaguely applies to any local general circulation. The Portland Herald is the currently closest fit to the definition. The PB agreed to keep the By-Laws as written for the fiscal year 2023.

Rod Tetu made a motion to vote Bill Single as an alternate member of the Planning Board. All were in favor.

**OLD BUSINESS**

Mr. Hernon suggested sending a survey letter via certified mail to all the property owners on Huff Rd to get their opinion about changing the Zoning from General Purpose to Residential. He will draft a letter for PB review. The results may warrant a public hearing.

The PB discussed changes to the Zoning Ordinance for Contract Zoning and Marijuana Rule changes to push to the Select Board for approval for the November election.

**SET NEXT AGENDA:**

Evolution Site Services – Map 4 Lot 43  
Beaulieu Logging LLC – Map 7 Lot 103 & 107


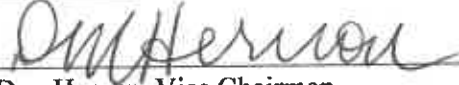
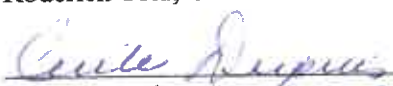
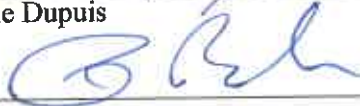
Preliminary request to review splitting a back lot from large parcel on Avalon Lane.

**ADJOURNMENT:**

Mr. Hernon made a motion to go into executive session to discuss a personnel matter. Mrs. Dupuis seconded. All were in favor. No vote or decisions were made at the executive session.

Mr. Tetu made the motion to adjourn at 8:15 PM. Mr. Boucher seconded and all voted in favor.

**APPROVED DATE:** 01/11/2023

 _____ Roderick Tetu, Chairman	 _____ Don Hernon, Vice Chairman
 _____ Cecile Dupuis	_____ Joseph Wagner
 _____ Paul Boucher	_____ Kelly Demers